Medford, Oreg. I have on earlier occasions discussed these intrepid snow and mud tamers, but this is the first occasion I have had to see color pictures of the vehicles at work.

Snow, crevasse, ice were no deterrents.

The Fuchs expedition ended—

Says Life—

as the triumphant finish is celebrated with flags as two fuel-laden sleds, drawn by a snow cat and flying Royal Navy flags, slide into Scott Base.

A Bill To Grant Certain Tax Exemptions to Those Homeowners Who Modernize Their Homes

EXTENSION OF REMARKS
OF
HON. RUSSELL V. MACK
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Monday, July 28, 1958

Mr. MACK of Washington. Mr. Speaker, as one travels the 3,200 miles across the continent from ocean to ocean, as I do twice a year, he beholds everywhere along the way in almost every city, town, and village and in the rural areas too, old, rundown, and delapidated homes that desperately are in need of repair and modernization. The Library of Congress tells me there are 6 million or more such homes in the United States.

Were these homes to be modernized, the entire Nation would undergo a facelifting. The landscape would become brighter and cleaner. Substandard living quarters would largely disappear. Multitudes of families would have brighter and healthier quarters in which to live. The general health and happiness of communities would be improved. The modernization of these homes, or a sizable number of them, also would provide hundreds of thousands additional jobs for building tradesmen of all kinds: carpenters, painters, plumbers, electricians, brickmasons, and so forth. The program would create an enormous outlet for building materials of all kinds: lumber, plywood, lath, shingles, brick, and so forth.

I introduced in this Congress on June 19, 1958, a bill, H. R. 13044, which if enacted into law will result in the modernization, I think, of at least a million of these rundown homes a year and at small or no loss in tax revenues to the Federal Government.

Here is what the Mack bill—H. R. 13044—if enacted will do.

Under present law a citizen is allowed a certain amount of income tax deduction on money the family spends for medical and hospital care each year. My bill allows similar income tax deductions for money spent by the family in modernizing its owner-occupied home.

Here is how the bill would work: If a homeowner's family has a gross annual income of $5,000, the homeowner gets no income tax credit for the first 3 percent—$150—spent on home repairs. If he spends $1,000 he receives a tax credit of $850; if he spends $2,000 he gets a tax credit of $1,850 and if he spends $2,300 or more he receives the maximum credit of $2,000.

There is a minimum of 6 million homes in the Nation in need of modernization. The average cost of these modernization jobs, it is estimated, will be about $3,000. If the Mack bill—H. R. 13044—generates the modernization of 1 million homes, it will create $3 billion of new and additional home repair work. If every one of these million homeowners were to receive the maximum tax exemption credit of $2,000, this would mean a total tax credit to homeowners of $2 billion.

The average citizen's tax rate is about 25 percent. Therefore, homeowners who took advantage of the $2 billion in tax credits by modernizing their homes would receive total net tax reductions of about $500 million.

On first study this would seem to cost the Federal Government a loss of $500 millions in tax revenues. As a matter of fact it would reduce tax revenues only a tiny fraction of this $500 million for the following reasons:

First. The home modernization program would generate hundreds of thousands of additional jobs and increase the earnings for building tradesmen. Those who get the additional work will have larger earnings and will pay more income taxes to the Government.

Second. Businessmen and corporations dealing in building materials and supplies will enjoy higher earnings and pay more taxes.

Third. The realty values of homes modernized will be increased and these homes will be taxed more for support of local government; State, county, city, and school districts.

Fourth. The modernization program by lessening unemployment will relieve the drain on unemployment reserves.

Fifth. The increased employment and sales generated by this program will increase the prosperity of all industry and business and thereby result in more tax money flowing into the Federal Treasury from every source.

I intend to reintroduce this bill—the Mack bill, H. R. 13044—in January of next year.

I urge that home building contractors, members of the building trades unions, and dealers in and producers of building materials of all kinds give careful study to my proposal. If they believe the idea sound and desirable, I urge that they discuss the Mack bill—H. R. 13044—with their associates and through their associations and unions pass resolutions urging enactment of the Mack bill by the 86th Congress which will convene in January. I, as Congressman, will use such resolutions to promote support by Congressmen of my bill. Such resolutions, or letters, I assure you, will be most helpful in obtaining enactment of this bill, and I am sure will help add materially to the prosperity of the Nation as well as providing the American people with a vast number of better homes.

SENATE

TUESDAY, JULY 29, 1958

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

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

Our Father, God, we thank Thee for the sweet refreshment of sleep, restoring the frayed edges of care, and for the fresh vigor to meet the new day.

Across all its toiling hours, O Thou Great Companion of our pilgrim way, keep our hearts with Thee, as once more those who here speak and act for the Nation face vexing national and global problems which tax their utmost to solve.

While they heed the judgments of those who share with them the responsibilities of statecraft, teach them to test all things by their own conscience and by the teachings and Spirit of the One who alone is our Master.

Strengthen our every weakness; calm our anxieties; control our ill tempers. Save us from fear and cynicism; and in these times that try men's souls, make us worthy of these demanding times, that cry aloud for wisdom and character.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Monday, July 28, 1958, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting nominations was communicated to the Senate by Mr. Miller, one of his secretaries.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour, for the transaction of routine business. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

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

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting sundry nominations, which was referred to the Committee on Armed Services.

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

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

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

Henry Cabot Lodge, of Massachusetts, to be a representative to the 13th session of the General Assembly of the United Nations;

MICHAEL J. MANSFIELD, United States Senator from the State of Montana, to be a representative to the 13th session of the General Assembly of the United Nations;

BOURKE B. HICKENLOOPER, United States Senator from the State of Iowa, to be a representative to the 13th session of the General Assembly of the United Nations;

Herman Phleger, of California, to be a representative to the 13th session of the General Assembly of the United Nations;

George McGregor Harrison, of Ohio, to be a representative to the 13th session of the General Assembly of the United Nations;

James J. Wadsworth, of New York, to be an alternate representative to the 13th session of the General Assembly of the United Nations;

Miss Marian Anderson, of Connecticut, to be an alternate representative to the 13th session of the General Assembly of the United Nations;

Watson W. Wise, of Texas, to be an alternate representative to the 13th session of the General Assembly of the United Nations;

Mrs. Oswald B. Lord, of New York, to be an alternate representative to the 13th session of the General Assembly of the United Nations; and

Irving Salomon, of California, to be an alternate representative to the 13th session of the General Assembly of the United Nations.

By Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service:

Ninety-seven postmaster nominations.

The VICE PRESIDENT. If there be no further reports of committees, the nomination on the calendar will be stated.

CIRCUIT COURTS, TERRITORY OF HAWAII

The Chief Clerk read the nomination of Harry R. Hewitt, of Hawaii, to be fifth judge of the first circuit, circuit courts, Territory of Hawaii.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

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

LT. GEN. CLAIRE L. CHENNAULT

Mr. JOHNSON of Texas. Mr. President, I think that all of us read with a sense of deep loss of the death of Gen. Claire Chennault. He was one of the most colorful and at the same time one of the most dedicated of Americans. He used his indomitable courage and his tremendous determination to fight the enemies of America, and he was one of our most effective soldiers.

We Texans are proud of General Chennault as a native of our State. But he belonged to all America; and the hearts of Americans everywhere are with his loved ones in this trying hour.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation "Executive Mansion and Grounds" for the fiscal year 1959, had been apportioned on a basis which indicates the necessity for a supplemental or deficiency appropriation; to the Committee on Appropriations.

AMENDMENT OF ACT RELATING TO FEES PAID TO CERTAIN PERSONS MAKING DELIVERY OF SPECIAL-DELIVERY MAIL

A letter from the Postmaster General, transmitting a draft of proposed legislation to amend section 3 of the act of March 2, 1931 (46 Stat. 1469), to increase the fees to be paid as compensation to certain persons making delivery of special-delivery mail (with an accompanying paper); to the Committee on Post Office and Civil Service.

PETITION

The VICE PRESIDENT laid before the Senate the petition of Meyer C. Rosenfeld, of Los Angeles, Calif., praying for the enactment of legislation to grant statehood for Hawaii; which was ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GOLDWATER, from the Committee on Interior and Insular Affairs, without amendment:

S. 4167. A bill to authorize the lease of Papago tribal land to the National Science Foundation and for other purposes (Rept. No. 2011).

By Mr. HUMPHREY, from the Committee on Government Operations, without amendment:

S. 4010. A bill to provide for the receipt and disbursement of funds, and for continuation of accounts when there is a vacancy in the office of the disbursing officer for the Government Printing Office, and for other purposes (Rept. No. 2035);

S. 4059. A bill to amend Reorganization Plan No. 1 of 1958 in order to change the name of the office established under such plan (Rept. No. 2012);

H. R. 8859. An act to quiet title and possession with respect to certain real property in the county of Humboldt, State of California (Rept. No. 2036);

H. R. 11933. An act to provide for the conveyance of interests of the United States in and to uranium, thorium, and other materials in certain tracts of land situated in Jackson County, Miss. (Rept. No. 2037); and

H. R. 12938. An act to provide for the conveyance of an interest of the United States in and to fissionable materials in a tract of land in Leon County, Fla. (Rept. No. 2038).

By Mr. HUMPHREY, from the Committee on Government Operations, with an amendment:

H. R. 5949. An act to provide for the conveyance of certain real property of the United States located at the Veterans' Administration hospital near Amarillo, Tex., to Potter County, Tex. (Rept. No. 2039).

By Mr. JACKSON, from the Committee on Government Operations, without amendment:

S. 4014. A bill to require that a certain tract of land in Walla Walla, Wash., be disposed of on an individual lot basis (Rept. No. 2033); and

H. R. 11694. An act to provide for the conveyance of certain real property of the United States situated in Clallam County, Wash., to the Department of Natural Resources, State of Washington (Rept. No. 2034).

By Mr. KEFAUVER, from the Committee on Armed Services, with an amendment:

H. R. 8522. An act to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes (Rept. No. 2030).

By Mr. O'MAHONEY, from the Committee on the Judiciary, with amendments:

H. J. Res. 424. Joint resolution to improve the administration of justice by authorizing the Judicial Conference of the United States to establish institutes and joint councils on sentencing, to provide additional methods of sentencing, and for other purposes (Rept. No. 2013).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 2216. A bill for the relief of John C. Walsh (Rept. No. 2014);

H. R. 1283. An act for the relief of Charles T. Crowder (Rept. No. 2015);

H. R. 1317. An act for the relief of Ralph N. Meeks (Rept. No. 2016);

H. R. 1435. An act for the relief of John I. Strong (Rept. No. 2017);

H. R. 1602. An act for the relief of Lillian Cummings (Rept. No. 2018);

H. R. 4768. An act to quiet title and possession with respect to certain real property in the county of San Jacinto, Tex., and authorizing named parties to bring suit for title and possession of same (Rept. No. 2019);

H. R. 6595. An act for the relief of Markus H. Teitel (Rept. No. 2020);

H. R. 7293. An act for the relief of Capt. Carl F. Dykeman (Rept. No. 2021);

H. R. 8231. An act for the relief of certain employees of the Department of the Navy at the United States Naval Gun Factory, Washington D. C. (Rept. No. 2022);

H. R. 8833. An act for the relief of S. A. Romine (Rept. No. 2023);

H. R. 10094. An act for the relief of the Western Union Telegraph Co. (Rept. No. 2024);

H. R. 10220. An act for the relief of William E. Nash (Rept. No. 2025);

H. R. 10416. An act for the relief of J. Henry Ennen and others (Rept. No. 2026);

H. R. 11203. An act for the relief of the State House, Inc. (Rept. No. 2027); and

H. R. 12063. An act for the relief of Gerald Early (Rept. No. 2028).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 540. A bill for the relief of the Board of National Mission of the Presbyterian Church in the United States of America (Rept. No. 2029).

By Mr. CHAVEZ, from the Committee on Public Works, with amendments:

S. 4021. A bill to establish the United States Study Commission on the Savannah, Altamaha, St. Marys, Apalachicola-Chattahoochee, and Alabama-Coosa River Basins, and intervening areas (Rept. No. 2031).

By Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service, with amendments:

S. 3460. A bill to govern the salaries and personnel practices for teachers, certain

school officers, and other employees of the dependents schools of the Department of Defense in foreign countries, and for other purposes (Rept. No. 2032).

By Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce, with amendments:

S. 3185. A bill to promote the conservation of migratory fish and game by requiring certain approval by the Secretary of the Interior of licenses issued under the Federal Power Act (Rept. No. 2040).

BILLS INTRODUCED

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

By Mr. BIBLE (by request):

S. 4195. A bill to amend the act entitled "An act to regulate the placing of children in family homes, and for other purposes," approved April 22, 1944, as amended; to the Committee on the District of Columbia.

By Mr. MAGNUSON (by request):

S. 4196. A bill to amend the Intercoastal Shipping Act, 1933 (47 Stat. 1425), as amended, to authorize incorporation of contract terms by reference in short-form documents; to the Committee on Interstate and Foreign Commerce.

By Mr. MAGNUSON:

S. 4197. A bill to amend the Tariff Act of 1930, as amended, so as to exempt from customs duties and internal revenue taxes supplies for certain vessels and aircraft engaged in trade between the mainland of the United States and the State of Alaska; to the Committee on Finance.

By Mr. LONG (for himself and Mr. ELLENDER):

S. 4198. A bill to provide for the disposal of federally owned property of the Hanson Co. and Houma Canals, Louisiana, and for other purposes; to the Committee on Public Works.

AMENDMENT OF TARIFF ACT OF 1930, RELATING TO IMPORTATION OF CERTAIN ARTICLES FOR RELIGIOUS PURPOSES—AMENDMENT

Mr. POTTER submitted an amendment, intended to be proposed by him to the bill (H. R. 9509) to amend paragraph 1774 of the Tariff Act of 1930 with respect to the importation of certain articles for religious purposes, which was referred to the Committee on Finance, and ordered to be printed.

SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR ENDING JUNE 30, 1959—AMENDMENT

Mr. BEALL submitted an amendment, intended to be proposed by him, to the bill (H. R. 13450) making supplemental appropriations for the fiscal year ending June 30, 1959, and for other purposes, which was referred to the Committee on Appropriations, and ordered to be printed.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. CASE of New Jersey:

Statement by him on the bill providing scholarships, fellowships, and other educational assistance; and editorial entitled "School Aid: Index of Concern," published in the Christian Science Monitor of July 26, 1958.

By Mr. PROXMIRE:

Letter by him to Mr. Win Freund, city editor, Wausau (Wis.) Record-Herald, relative to news item regarding use of United States Air Force planes.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, for the information of the Senate, as soon as the morning hour is concluded, I shall suggest the absence of a quorum. I hope there will be time for a quorum call before the 11:30 appearance of the Premier of Italy.

Thereafter, we expect to dispose of the unfinished business, Calendar No. 1831, Senate bill 4100, to provide for the increased use of agricultural products for industrial purposes.

Then we expect to have the Senate proceed to the consideration of Calendar No. 1759, House bill 8308, the humane slaughter bill.

Then, if possible, we wish to obtain an agreement in regard to the resolutions on the United Nations, submitted by the Senator from Alabama [Mr. SPARKMAN], and reported from the Foreign Relations Committee.

When we dispose of those measures, we expect to have the Senate take up the Department of Defense appropriation bill. There will be a brief explanatory statement, but no votes on that bill are expected to be held today. We expect to have the Senate convene at an early hour tomorrow, and hope that it will be possible for the Senate to take final action on that bill tomorrow.

The supplemental appropriation bill and the mutual security appropriation bill are still before the Appropriations Committee. It is rather difficult for the committee to take final action on those bills until the Senate has acted on the Department of Defense appropriation bill because the committee's members desire to be in the Chamber during the consideration of the defense measure.

Pending in the committees is a long list of bills and other measures on which we hope to have the Senate take final action before this session concludes its deliberations.

A substantial number of bills which both Houses of Congress have passed are in conference, and it will be necessary for the Senate to act upon the conference reports on them. Included among them are the reciprocal-trade bill and other important measures.

Mr. President, this has been one of the most productive and one of the most constructive sessions of Congress in the 27 years I have been in Washington. It has been productive and constructive because there has been a minimum of partisanship. I doubt that there are three bills the Senate has passed this session for the passage of which the Republicans could not claim as much credit as the Democrats. We have worked together as pro-Americans, instead of pro-Republicans or pro-Democrats.

Mr. President, there are many who desire to look into a crystal ball and speculate on what the Congress will do. I am not one of those. I do not know when the session will end. I simply know, first, that I think Congress will remain in session as long as it needs to, in order to do the job required of it. Much remains to be done; and I expect the Congress to be here for some time, perhaps considerably past the August 7 or August 9 deadline about which we have read in the newspapers, because Congress will not end its session until it does what it needs to do.

As regards the type of concurrent resolution which the two Houses will adopt at the close of the session, my voice is only one in this body; but, so far as I am concerned, I have never believed that the Congress has to peep over the shoulder of the President to determine when the Congress should reassemble. When we reach the point that we cannot trust the President to recall Congress when it needs to be recalled, in this day of rapid communication and transportation, the country will be in bad shape.

Therefore, Mr. President, so far as I am concerned, and speaking only for myself, I have no desire to vest in myself or in any other leader or supposed leader the authority now vested in the President; and I am prepared to vote for a concurrent resolution to have the Congress adjourn sine die.

Mr. LONG. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. LONG. In the case of the important bills on which the Senator from Texas hopes to have the Senate act at this session, I hope he will use his best efforts to see to it that the Senate has an opportunity to consider the bill relating to social security, which I understand will be considered in the next day or two by the House of Representatives. It seems to me it is a very significant piece of proposed legislation, and I certainly hope the session will not end before it is considered.

Mr. JOHNSON of Texas. I join the Senator from Louisiana in that hope; and I will join him in the attempt to get the bill before the Senate.

Mr. FULBRIGHT. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. FULBRIGHT. Does the Senator from Texas have any plan in regard to having the Senate consider, before the adjournment, Calendar No. 1980, Senate Resolution 330, which would authorize a study of United States relations with the other American republics?

Mr. JOHNSON of Texas. I plan to discuss it with the minority leader, and to have it brought before the Senate at the earliest possible date. I hope the Senate will approve the resolution, because its approval is essential to the national welfare.

Mr. FULBRIGHT. I thank the Senator from Texas. I hope he will make a decision soon.

Mr. JOHNSON of Texas. I have already made a decision. I will bring the resolution before the Senate at the earliest possible date, which I hope will be soon. I expect to confer with the minority leader about it, because in that way we can save time.

But I have expressed myself publicly, both before and after the resolution was reported, as being in favor of its adoption; and I shall do all I can to have it brought before the Senate and adopted by the Senate.

Mr. FULBRIGHT. Can the Senator from Texas inform me whether the minority leader is opposed to the resolution, and whether there will be any difficulty about it?

Mr. JOHNSON of Texas. I shall talk to the minority leader, as I do, in the usual, routine manner. The minority leader is a man of great frankness and candor, and I am sure his position will be well known.

Mr. STENNIS. Mr. President, I commend the Senator from Texas for his statement on an adjournment resolution, and his decisiveness in not leaving the matter in midair as to whether or not it would be a sine die adjournment. I would look upon talk of a split adjournment as idle chatter, in a way, except that there are precedents for it. I know it was done while President Truman was in office.

Certainly, we should not do violence to the Constitution. As I see it, the Constitution is explicit and plain in its terms as to who shall have power to reconvene the Congress. Facts could arise, of course, that would permit a recess for a definite time, but to try to split the authority and to have Congress determine its own right to recall itself in a special session I think is to ignore the Constitution. I do not see how we can ask that the constitutional powers Congress has shall be respected without at the same time respecting powers otherwise granted.

I commend the majority leader for not joining in a movement to perpetuate and compound the errors of previous years. I believe there will be overwhelming support in the Senate of the statement made by the majority leader.

Mr. JOHNSON of Texas. Mr. President, I always appreciate being associated with the distinguished Senator from Mississippi. He is one of our ablest Members. I have just been reading the latest views, supposedly, of the leadership, and about what kind of resolution we are to adopt, and about adjourning in the morning or in the afternoon of August 9 or August 7. I have talked to the reputed leaders of both bodies. They do not know what the newswriters are talking about. I do not know where the predictions come from. They always refer to the assumed leadership. I assume that means any Member of Congress. So far as the Senator from Texas is concerned, he can express only one man's opinion. I do not expect Congress to adjourn at as early a date as has been suggested. I shall not join in or sponsor any movement which will express a lack of confidence in the competence of the President to determine whether Congress should be called back into session, if it should be called back.

COMMITMENTS OF UNITED STATES TO AID MIDDLE EAST NATIONS

Mr. JAVITS. Mr. President, I think the Senate should note the action of the Secretary of State yesterday in entering into agreements with the Baghdad Pact Powers for individual commitments to each of them in respect of security of the so-called northern tier.

All of us regard the events in the Middle East with the gravest concern, but one thing stands out above all others, that the United States at long last is adopting a posture of decisiveness and definiteness in its foreign policy in that particular area.

A great deal more needs to be done, for example, for the economic development of the area, in respect of resettlement of the Arab Palestine refugees, and other aspects of that problem. But those of us who commend the action of the President in seeking to preserve the independence of Lebanon by honoring our commitments to send troops into that area must also show approbation of the present move to strengthen the Baghdad Pact, which the United States sould have joined before matters became so complex as they are today. Today we are at least seeking to buttress the member nations by individual agreements with Pakistan, Turkey, and Iran.

I desire to express my own support and approval of that policy, which I consider to be in the finest interest of the United States and of the whole free world. I do not think we ought to play the Russians' game or be intimidated by them when they accuse us of playing power bloc politics. The idea of collective security, such as that in the Baghdad Pact, NATO, and other pacts, is the essence of American foreign policy. I think the Government is entitled to our support when it pursues that kind of foreign policy with decisiveness, vigor, and a willingness to take risks, which are the only kinds of risks that will preserve freedom in our time.

FURTHERANCE OF JUSTICE AWARD PRESENTED TO FBI DIRECTOR J. EDGAR HOOVER

Mr. RUSSELL. Mr. President, the name of John Edgar Hoover is known in every American household. Many honors have come to him through the years for his vigilance and determination in combating crime.

The National Association of County and Prosecuting Attorneys, at its annual meeting held in Atlantic City, has made to Mr. Hoover its first annual furtherance of justice award.

I ask unanimous consent that there may be printed in the body of the RECORD a brief statement outlining the action that was taken, and setting forth the reasons for this award to Mr. Hoover.

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

FURTHERANCE OF JUSTICE AWARD PRESENTED TO FBI DIRECTOR J. EDGAR HOOVER

The National Association of County and Prosecuting Attorneys, composed of prosecutors throughout the United States, on July 21, 1958, presented to Mr. John Edgar Hoover, Director of the FBI, its first annual furtherance of justice award. This award was given to Mr. Hoover for his outstanding leadership in law enforcement and is to be annually presented to the American who has done the most for the cause of justice during the previous year.

In presenting this award, Mr. Frank E. Moss, president of the association, stated, "Mr. Hoover symbolizes the ultimate in justice, enlightened police and investigative techniques, and American courage in the interest of right. By each of our oaths, we members of the National Association of County and Prosecuting Attorneys are bound to uphold and encourage the kind of citizenship which Mr. Hoover has held out to the world for so many years. It is fitting, therefore, that this association formally give homage to Mr. Hoover, pledge to him our continued confidence and unwavering cooperation, and wish him many more active years at his post."

INCREASED USE OF AGRICULTURAL PRODUCTS FOR INDUSTRIAL PURPOSES

The Senate resumed the consideration of the bill (S. 4100) to provide for the increased use of agricultural products for industrial purposes.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, at the conclusion of which we shall proceed to vote on the pending bill.

The PRESIDING OFFICER (Mr. IVES in the chair). Is there objection? The Chair hears none, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Texas. Under the unanimous-consent agreement the Senate will now proceed to vote on the passage of S. 4100, a bill to provide for the increased use of agricultural products for industrial purposes, will it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSON of Texas. Mr. President, I ask the staff of the majority and the minority immediately to notify Senators by telephone that the order was entered yesterday and that we expect to vote. We hope we can obtain the presence of Senators at the earliest possible moment, because there is a distinguished visitor we expect to receive at the conclusion of the yea-and-nay vote.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that there may be printed in the RECORD a statement I have prepared on the bill on which the vote is about to be taken.

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

STATEMENT BY SENATOR SYMINGTON

The United States is in the unique position of producing an abundant supply of food and fiber.

This is a blessing, but it also has brought on serious economic problems to those who are responsible for our abundant agricultural productive capacity—the farm families of our Nation.

Through the years, many efforts have been made to find a solution whereby the productive capacity of American agriculture would not serve as an economic weight around the necks of those involved in farming.

S. 4100, to provide for the increased use of agricultural products for industrial purposes, represents a sound approach to the situation of farm production in excess of needs at reasonable price levels.

In its report to the Congress, the Commission on Increased Industrial Use of Agricultural Products concluded that it was possible to develop profitable industrial markets capable of absorbing excess farm production. The Commission gave four requirements for accomplishing this: (1) a realization of the potential, together with a sense of urgency; (2) a greatly expanded program of basic and applied research; (3) a program of fellowships, scholarships, and grants to encourage and develop scientific talent in this area; and (4) the means for bridging the gap between laboratory results and actual use of agricultural commodities in industry.

The bill we are now considering is the result of long hearings and careful consideration by the Senate Agriculture Committee and, to a considerable degree, meets the requirements set forth by the Commission. As with most legislation, it is probably not perfect in every respect, but it represents a sound compromise among the various recommendations placed before the committee.

The bill is not solely for the benefit of agriculture. The products of the research to be undertaken will benefit us all, and should contribute to a higher standard of living and a better way of life in the future.

I urge favorable action on the bill.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that there may be printed in the RECORD a statement I have prepared on the bill on which the vote is about to be taken.

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

STATEMENT BY SENATOR FULBRIGHT

Having the good fortune to represent a State in which agricultural production is of paramount economic significance, I strongly support S. 4100, the bill reported by the Senate Agriculture Committee for the purpose of increasing usage of the products of agriculture which are in surplus. The farmers of my State are major producers of cotton and rice, both of which have been in surplus supply for the past several years.

Because of this fact, during my years of service in the Congress I have often attempted to bring to the attention of the Nation the many benefits and desirable results that inevitably flow from scientific research programs. I cosponsored with other of my colleagues a bill, S. 2306, during the first session of the 85th Congress, to provide for increased use of agricultural products for industrial purposes. Many of the features of this proposal were incorporated into S. 4100, the bill reported by the Agriculture Committee under the able chairmanship of Senator ELLENDER. This bill is an attempt to deal with agricultural surpluses from an angle that differs from many of the generally discussed solutions or alleviations for this continuous problem. I say continuous because it seems plain to me that surpluses of certain crops is not an accidental or temporary condition, but one that will be with us every normal year until, somehow, something effective and lasting can be done to make sensible and economical use of the ever-rising ability of our farmers to produce.

Storage in warehouses at public expense is not a solution. Curtailment of production, which may be expedient at times, is contrary to the American way of getting results. The export market holds little hope. Increase in population provides some 3 million additional stomachs to be filled each year, but improved seeds and breeds, better fertilizers, more intelligent use of the land, increased production per man and per machine will continue to stay far ahead of our needs for foods and feeds, in normal years of peace.

So, what can be done? This bill suggests to me an encouraging approach to this old problem. In essence, the bill recognizes that agriculture must go modern not only in production, as it already has done, but in its efforts to increase utilization. It must participate as an equal with all other activities in the great research revolution that is now an essential element in economic survival. This revolution is moving more swiftly and more sensationally than did its predecessor, the industrial revolution, of a hundred years ago. No major industry today would dare be without its scientists who are forever exploring the vast area of unknown facts.

Research has been described as the covered wagon of the 20th century. The frontier of science is the new American frontier which, unlike the physical frontiers that sustained our country's expansion for so many generations, never will be used up. Man never will know all that may be known. The area beyond the limits of what he has learned always will lure him onward toward new knowledge. We never can have a surplus of facts.

A good start was made toward agricultural utilization research in the Agricultural Adjustment Act of 1938, which authorized four regional research laboratories under the Department of Agriculture. These laboratories were located at New Orleans, La.; Peoria, Ill.; Albany, Calif., and Wyndmoor, Pa. This forward-looking act declared one purpose of these establishments was "to conduct research into and to develop new scientific, chemical, and technical uses and new and extended markets and outlets for farm commodities and products and byproducts thereof," and it provided further that primary attention be devoted "to those farm commodities in which there are regular or seasonal surpluses."

The Democratic Congress that passed that act, and the Democratic President who signed it foresaw, at least to some extent, the part that research was to have in the rapid development of American industry and of American agriculture. But great emergencies prevented the full fruition of the start that was indicated by the establishment of these laboratories. World War II interrupted all normal efforts, and the laboratories shifted quickly from utilization research into driving—and successful—efforts to increase production, to find substitutes, to develop processing methods that would serve the purposes of war. Farm surpluses that preceded the war became blessings, not burdens.

World War II ended. That is, it came to the end of its violent, battlefield phase, and the four regional research laboratories prepared to return to their original missions in the field of utilization research. But not for long. The Korean war came, and again they shifted emphasis from the needs of peace to the needs of war.

So, at least half the time these research establishments have been in existence they have been devoting time and skill to defense activities.

Yet these laboratories, now know as Regional Utilization Research and Development Divisions of the Agricultural Research Service, have accomplished much good. They perfected the practicable method of producing penicillin in quantity and quickly, and they have played an essential part in establishing the frozen concentrated fruit juice industry. These accomplishments alone more than justify all the money invested in them.

The experience of our Government in its much too limited support of these agricultural laboratories is verified by the experience of industry. Scientific research pays off. That is one of today's uncomplicated and clearest facts.

A striking example of the money value of research in agriculture is found in the well known story of hybrid corn. This corn resulted from pure or basic research efforts, the total cost of which cannot have been more than a few hundred thousand dollars, if that much. Hybrid corn out-yields open pollinated corn by 30 percent. It adds a billion dollars a year to farm income. If this grain, alone, had been the only result of all the scientific effort put into improving agriculture, the expenditure for that effort would have paid off hundreds of times over.

Near the end of World War II, and only a few months before he died, President Roosevelt, foreseeing the peacetime potentialities of research, wrote a remarkable letter to Dr. Vannevar Bush, who then was Director of the Office of Scientific Research and Development. A part of the letter follows:

THE WHITE HOUSE,
Washington, D. C., November 17, 1944.

DEAR DR. BUSH: The Office of Scientific Research and Development, of which you are the Director, represents a unique experiment of teamwork and cooperation in coordinating scientific knowledge to the solution of technical problems paramount in war. Its work has been conducted in the utmost secrecy and carried on without public recognition of any kind; but its tangible results can be found in the communiques coming in from battlefronts all over the world. Some day the full story of its achievements can be told.

There is, however, no reason why the lessons to be found in this experiment cannot be profitably employed in times of peace. The information, the techniques, and the research experience developed by the Office of Scientific Research and Development and by the thousands of scientists in the universities and in private industry, should be used in the days of peace ahead for the improvement of the national health, the creation of new enterprises bringing new jobs, and the betterment of the national standard of living. * * *

New frontiers of the mind are before us, and if they are pioneered with the same vision, boldness, and drive with which we have waged this war we can create a fuller and more fruitful employment and a fuller and more fruitful life.

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

Dr. Bush responded to the President's letter in a report which he called Science, the Endless Frontier from which I have selected a few elliptical quotations.

"New products, new industries, and more jobs require continuous additions to knowledge of the laws of nature, and the application of that knowledge to practical purposes. * * * This essential new knowledge can be obtained only through basic scientific research. * * *

"The responsibility for the creation of new scientific knowledge—and for most of its application—rests on that small body of men and women who understand the fundamental laws of nature and are skilled in the techniques of scientific research. We shall have rapid or slow advance on any scientific frontier depending on the number of highly qualified and trained scientists exploring it. * * *

"The Government should accept new responsibilities for promoting the flow of new scientific knowledge and the development of scientific talent in our youth. These responsibilities are the proper concern of the Government, for they vitally affect our health, our jobs, and our national security.

It is in keeping also with basic United States policy that the Government should foster the opening of new frontiers and this is the modern way to do it. * * * Advances in science when put to practical use mean more jobs, higher wages, shorter hours, more abundant crops, more leisure for recreation, for study, for learning how to live without the deadening drudgery which has been the burden of the common man for ages past."

Some will say, as some already are saying, that a program of utilization research for farm products will result in competition for existing crops or industrial materials, and of course that probably is true. But shall we stand back from progress because we fear competition? Has competition ever damaged this country's welfare as a whole? Competition is one of the greatest forces for improvement. It is necessary not only for progress, but for the free enterprise system itself. The best interests of Americans are served by finding the best materials for each purpose. We should never conclude that anything is as good as it can be.

In conclusion, may I add that passage of S. 4100 is in my opinion the first step toward a long-range solution to the most vexing problem of agricultural surpluses. I hope the years to come will bring evidence of the wisdom of the Senate in passing this bill.

Mr. COOPER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by me on Senate bill 4100.

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

STATEMENT BY SENATOR COOPER

As a cosponsor of one of the bills considered by the Committee on Agriculture and Forestry, designed to encourage the industrial use of agricultural products and to develop new uses for farm products, I was glad to support the committee bill, S. 4100. I hope that it will be adopted by the Congress and will become law.

I know that S. 4100 is designed to carry out the objectives recommended by the President's Commission on Increased Industrial Use of Agricultural Products, established by Public Law 540 of the 84th Congress. Dr. Frank J. Welch, then dean of the College of Agriculture of the University of Kentucky, and now named by the President as a Commissioner of the Tennessee Valley Authority, was one of the members of this outstanding Commission. I think all will agree that this Commission performed an invaluable service to the Nation and to farmers in submitting to the Congress and the country a report which points the way to finding new uses for farm products, to improving and expanding present commercial uses of farm products, and to developing new crops for our farmers.

I should like to reiterate what I have said to the farmers of my own State on a number of occasions, as well as to the Senate as recently as during last week's debate on the extension of the reciprocal trade program. That is, that—

"The positive and affirmative answer to the American farm problem, to the cost-price squeeze, and to parity incomes for farmers, is to expand markets both at home and abroad—to get more of our production into the good use for which it is intended."

I see two solid possibilities for the expansion of farm markets at home—new uses for farm products, and a growing population and consumer market. In discussing the opportunity for expanded use of farm products before Kentucky farmers gathered from all over the State at the annual Farm and Home Week meeting in Lexington, Ky., last January 28, I called attention to the methods of research used in this country to develop new weapons. I said at that time that we ought to pursue a program of similar size and scope for food and fiber—for, in the long run, they will be more valuable weapons.

I hope the Congress will provide funds for a broad attack on this front by the Department of Agriculture—through increasing its own research, by contracting on an increased scale with our great State universities and experiment stations, and even further by contracting with commercial laboratories and private business for utilization research—and also for actual demonstrations and pilot operations showing how to make better and wider use of farm products.

I note that the bill before us does not contain a specific authorization to carry out its provisions. The Commission on Industrial Uses of Agricultural Products recommended increasing by at least threefold the amount available to the Department for utilization research—to approximately $50 million annually. Bills considered by the committee would have authorized $100 million or more annually for this work.

I wish to call attention to the fact that section 6 of the bill provides that the Agricultural Research and Industrial Administration may request that Government-owned facilities useful in the program authorized by the act be transferred to that agency. For example, I am familiar with the alcohol-butadiene plant at Louisville, Ky., known as Plancor 1207, which many have said might provide a very useful facility for research into the increased industrial use of agricultural products—and which the Chairman of the President's Committee on the Use of Surplus Agricultural Products last year informed the Senate Banking and Currency Committee might be used to produce alcohol from surplus crops such as corn. This could mean a great deal to agriculture in our section, and could give employment as well. If S. 4100 is enacted into law, I know the new agency will consider this possibility, and I hope that operation of the Louisville alcohol-butadiene plant might offer an opportunity for the work envisioned by the bill.

It seems to me that this approach of the bill is one that offers great hope for farmers and for the increased welfare and development of our country. I hope the measure is enacted into law, and that the Congress will then supply the new Agricultural Research and Industrial Administration in the Department of Agriculture with funds commensurate with the enormous opportunity for developing new products and better products—not only for our people as a whole, but as a means of expanding the contribution which can be made by farmers to the life of the country and of removing the weight of surplus production from farmers' markets.

The PRESIDING OFFICER. The bill (S. 4100) having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Pennsylvania [Mr. CLARK], the Senator from Tennessee [Mr. GORE], the Senator from Missouri [Mr. HENNINGS], the Senator from Florida [Mr. HOLLAND], the Senator from Oregon [Mr. MORSE], the Senator from Florida [Mr. SMATHERS], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

The Senator from Delaware [Mr. FREAR] and the Senator from Oklahoma [Mr. MONRONEY] are absent by leave of the Senate attending the 49th Congress of the Interparliamentary Union at Rio de Janeiro, Brazil.

The Senator from Arkansas [Mr. MCCLELLAN] is absent because of a death in his family.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. CLARK], the Senator from Delaware [Mr. FREAR], the Senator from Tennessee [Mr. GORE], the Senator from Missouri [Mr. HENNINGS], the Senator from Florida [Mr. HOLLAND], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], the Senator from Florida [Mr. SMATHERS], and the Senator from Texas [Mr. YARBOROUGH] would each vote "yea."

Mr. KNOWLAND. I announce that the Senator from South Dakota [Mr. CASE] and the Senator from West Virginia [Mr. HOBLITZELL] are absent because of official business, having been appointed by the Vice President to attend the 49th Congress of the Interparliamentary Union in Rio de Janeiro.

The Senator from Illinois [Mr. DIRKSEN] is absent because of a death in his family.

The Senator from Maine [Mr. PAYNE] and the Senator from Michigan [Mr. POTTER] are necessarily absent.

If present and voting, the Senator from South Dakota [Mr. CASE], the Senator from Illinois [Mr. DIRKSEN], the Senator from West Virginia [Mr. HOBLITZELL], the Senator from Maine [Mr. PAYNE], and the Senator from Michigan [Mr. POTTER] would each vote "yea."

The result was announced—yeas 81, nays, 0, as follows:

YEAS—81

Aiken	Fulbright	Martin, Pa.
Allott	Goldwater	McNamara
Anderson	Green	Morton
Barrett	Hayden	Mundt
Beall	Hickenlooper	Murray
Bennett	Hill	Neuberger
Bible	Hruska	O'Mahoney
Bricker	Humphrey	Pastore
Bridges	Ives	Proxmire
Bush	Jackson	Purtell
Butler	Javits	Revercomb
Byrd	Jenner	Robertson
Capehart	Johnson, Tex.	Russell
Carlson	Johnston, S. C.	Saltonstall
Carroll	Jordan	Schoeppel
Case, N. J.	Kefauver	Smith, Maine
Chavez	Kennedy	Smith, N. J.
Church	Kerr	Sparkman
Cooper	Knowland	Stennis
Cotton	Kuchel	Symington
Curtis	Langer	Talmadge
Douglas	Lausche	Thurmond
Dworshak	Long	Thye
Eastland	Magnuson	Watkins
Ellender	Malone	Wiley
Ervin	Mansfield	Williams
Flanders	Martin, Iowa	Young

NOT VOTING—15

Case, S. Dak.	Hennings	Morse
Clark	Hoblitzell	Payne
Dirksen	Holland	Potter
Frear	McClellan	Smathers
Gore	Monroney	Yarborough

So the bill (S. 4100) was passed.

The bill as passed is as follows:

Be it enacted, etc.—

DECLARATIONS AND FINDINGS

SECTION 1. That the Congress of the United States hereby makes the following declarations and findings concerning the development of new and improved uses for farm products, new crops to replace those now in surplus, and the disposal of surplus commodities owned by the Government:

(a) Farms in the United States have a capacity to produce more farm products than can now be marketed at prices that will return sufficient incomes to farmers to maintain an efficient and progressive agricultural industry.

(b) A prosperous agriculture will contribute immensely to national welfare by

efficient production of needed food, feed, and fiber by provision of raw materials for the transportation and processing industries, by purchases of production supplies, and by its contribution to maintenance of a balanced and high-level national economy.

(c) National defense and security interests of the United States require protection of agricultural resources against deterioration and the maintenance of high productive capacity in order to meet possible emergency needs of the United States and other friendly nations.

(d) Basic research in agricultural products and their uses is essential in any long-range program of benefit to agriculture.

(e) Research programs to develop new and improved uses for farm products and new farm products have potentialities for providing outlets for a larger volume of farm production and greater stability of the prices of farm commodities.

(f) Public and private research agencies, including the Departments of Agriculture and Commerce, the land-grant colleges, other universities and research institutions, as well as private firms, can and should be utilized for an all-out attack on development of new and improved uses, and new and extended markets and outlets for farm products and byproducts. Research, pilot plant, development and trial commercialization work and corollary economic and related studies should be devoted to the expansion of industrial uses for agricultural commodities in surplus, and to any food and feed uses and replacement crops that can make substantial contributions toward the solution of the surplus problem. Facilities should be established as needed to permit adequate experimentation and testing, and production and market development, of promising new uses and new products.

(g) Development of new and improved industrial and other uses of farm products and new farm products and new and extended markets and outlets for farm products and byproducts will enlarge income opportunities for farmers. It also will reduce Government costs for acquisition, storage, and ultimate disposition of commodities now in surplus.

(h) Disposition of a portion of the surplus stocks of the Commodity Credit Corporation through industrial channels for new or byproduct uses, so that the carryover of any commodity beyond the needs of the Nation can be reduced, will have a stabilizing effect on the market prices for farm commodities.

AGRICULTURAL RESEARCH AND INDUSTRIAL ADMINISTRATION

SEC. 2. There is created and established in the Department of Agriculture an agency of the United States to be known as the Agricultural Research and Industrial Administration, all of the powers of which shall be exercised by an Administrator, under the general direction and supervision of the Secretary of Agriculture, who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of 6 years and who shall receive basic compensation at the rate of $20,000 per annum. The duties of this agency shall be to coordinate and expedite efforts to develop, through research, new industrial uses, and increased use under existing processes, of agricultural products; to develop new replacement crops; and to reduce the stocks of commodities owned by the Commodity Credit Corporation.

SALARIES

SEC. 3. The positions of three Deputy Administrators of the agency shall be in grade GS–18 of the General Schedule established by the Classification Act of 1949, as amended. Such positions shall be in addition to the number of positions authorized to be placed in such grade by section 505 (b) of such act. The agency is authorized to fix the compensation, notwithstanding other provisions of law, for not more than 10 positions which require the services of especially qualified scientific or professional personnel: *Provided*, That the rates of basic compensation for positions established pursuant to this provision shall not exceed the maximum payable under the act of August 1, 1947 (61 Stat. 715), as amended and supplemented. The agency may appoint and fix the compensation of any technically qualified person, firm, or organization by contract or otherwise on a temporary basis and for a term not to exceed 6 months in any fiscal year to perform research, technical, or other special services, without regard to the civil-service laws or the Classification Act of 1949, as amended.

POWERS AND DUTIES

SEC. 4. The agency shall have power and authority, within the limits of the funds made available to it, to coordinate and expedite activities toward research, pilot plant development, trial commercialization and industrial uses, with Federal and State governments, educational institutions, private research organizations, trade associations, individuals, and industrial corporations in expanding the industrial utilization of the products of farm and forest and the development of new crops. In the discharge of these duties, the agency is empowered to:

(a) Make use of the facilities of the Department of Agriculture and other Federal departments and agencies, land-grant institutions, and experiment stations. The agency shall utilize existing facilities owned or controlled by the Federal Government to the greatest extent practicable, including pilot plants, regional laboratories, and other facilities and equipment, and is authorized to utilize authority now available to the Secretary of Agriculture under existing law;

(b) To make grants, for periods not to exceed 5 years' duration, to State agricultural experiment stations, colleges, universities, and other research institutions and individuals;

(c) Contract with foreign individuals, organizations, institutions of learning, or private corporations where payment can be made in foreign currency accumulated under Public Law 480, 83d Congress. The agency is hereby authorized to utilize such foreign currencies notwithstanding other provisions of law requiring reimbursement;

(d) To make contracts or cooperative arrangements in the manner provided by sections 10 (a) and 205 of the act of August 14, 1946 (7 U. S. C. 427i, 1624), including contracts and agreements providing for the commercialization, market acceptance, and the economic feasibility of industrial utilization in the competitive market for agricultural products and processes with respect thereto;

(e) Extend suitable incentives to farmers or to industry to hasten the establishment of a new crop or of a new industrial use, where such appear likely to lead to durable additional markets;

(f) Direct the Commodity Credit Corporation to make delivery of any of its stocks of commodities to agencies of the Government, persons, or corporations designated by the agency where such stocks are to be used for (A) research, (B) pilot plant operation, (C) trial commercialization, (D) export of manufactured products, or (E) new or byproduct uses. The Commodity Credit Corporation, with respect to commodities thus requisitioned by the agency, shall pay necessary handling and delivery charges to the destination directed by the agency. Such sums of money as the agency shall receive, if any, on such transfers of commodities, shall be turned over to the Commodity Credit Corporation;

(g) To make contracts or leases for the private operation of any property or facilities transferred from another Government agency pursuant to this act or other legislative authority:

(h) To make loans or grants to those with whom contacts or other arrangements are entered into, for the purpose of providing assistance in the acquisition or expansion of facilities and equipment for research or development activities;

(i) Provide in all contracts for the disposition of inventions produced thereunder in a manner calculated to protect the public interest and the equities of the individual or organization with which the contract or other arrangement is executed: *Provided, however*, That nothing herein shall be construed to authorize the agency to enter into any contractual or other arrangement inconsistent with any provision of law affecting the issuance or use of patents;

(j) To grant exclusive licenses with or without payment of royalty for a fixed period of not to exceed five years for the use of patents under the control of the Department of Agriculture;

(k) To pay incentive awards to private citizens for suitable and acceptable suggestions to implement the program established by this act, such payments to be made in accordance with previously published rules stating the amounts of, criteria for determining, and subjects of, such awards; and

(l) To test production procedures on a commercial basis, maintain and operate manufacturing facilities where necessary to prove the commercial feasibility of volume production and to build, purchase, or lease plant facilities, or necessary equipment suitable for manufacturing needs.

SCHOLARSHIPS

SEC. 5. The agency may provide graduate scholarships and fellowships and for this purpose may make grants to individuals: *Provided*, That such individuals agree to pursue courses in an accredited college or university in the United States leading to a degree or degrees in a science or field of study having application in agricultural research: *Provided further*, That the initial grants in any one year may be made to individuals to attend any one institution in a number not exceeding 1 percent of the student body.

TRANSFER OF GOVERNMENT PLANTS

SEC. 6. Notwithstanding any other provision of law, any Government agency holding any Government-owned facility useful in the program authorized by this act is authorized to transfer such facility to the agency, for use in the program, if requested to do so by the agency, provided such transfer has the approval of the Director of the Bureau of the Budget. The agency is authorized to exercise, with respect to the facilities transferred, all of the authority vested in the agencies transferring such facilities. At the time of such transfer, funds, and personnel related to the operation or administration of such facilities, shall, with the approval of the Director of the Bureau of the Budget, also be transferred to the agency.

DEFINITION OF "AGRICULTURAL PRODUCTS"

SEC. 7. The terms "agricultural products" and "farm and forest products" as used in this act shall have the same meaning as the term "agricultural products" in section 207 of the act of August 14, 1946 (7 U. S. C. 1626).

ANNUAL REPORT

SEC 8. The Administrator shall present annually to the Congress not later than the 20th day of January in each year a full report of his activities under this act.

SAVINGS PROVISION

SEC. 9. The authorities under this act are in addition to and not in substitution for authorities otherwise available under existing law.

APPROPRIATIONS

SEC. 10. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this act.

VISIT TO THE SENATE BY THE HONORABLE AMINTORE FANFANI, PREMIER AND FOREIGN MINISTER OF ITALY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Chair now be authorized to declare a recess of the Senate and that he appoint a committee to escort our distinguished visitor, the Premier of Italy, into the Senate Chamber.

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

The Chair appoints, as the members of the committee, the Senator from Texas [Mr. JOHNSON], the Senator from California [Mr. KNOWLAND], the Senator from Rhode Island [Mr. GREEN], the Senator from Wisconsin [Mr. WILEY], the Senator from Arkansas [Mr. FULBRIGHT], and the Senator from New Jersey [Mr. SMITH].

Thereupon, at 11 o'clock and 40 minutes p. m., the Senate took a recess, subject to the call of the Chair.

The VICE PRESIDENT. The committee heretofore appointed to escort the distinguished visitor to the chamber will now proceed to the performance of their duty.

The Honorable Amintore Fanfani, Prime Minister of Italy, escorted by the committee appointed by the Vice President, consisting of Mr. JOHNSON of Texas, Mr. KNOWLAND, Mr. GREEN, Mr. WILEY, Mr. FULBRIGHT, and Mr. SMITH of New Jersey, entered the Senate Chamber, accompanied by the Honorable Manlio Brosio, the Ambassador of Italy to the United States.

The VICE PRESIDENT. Members of the Senate and our guests in the galleries, it is my high honor to present to the Senate a leader of a great people and one of the outstanding statesmen of the Free World, the Premier of Italy.

[Applause, Senators and occupants of the galleries rising.]

ADDRESS BY THE HONORABLE AMINTORE FANFANI, PREMIER AND FOREIGN MINISTER OF ITALY

Thereupon, from his place on the rostrum, the Premier of Italy delivered the following address:

Signor Presidente, onorevoli Senatori, con profonda emozione ho varcato la soglia dell'aula in cui siede ed opera la vostra Assemblea. Alta in essa risplende la luce della grande tradizione di libertà del popolo americano. Commossa si ripercuote ancora tra queste pareti la eco della parola di due grandi italiani.

Nel corso dell'ultimo decennio due volte autorevolissime voci qui dentro esposero le nostre ansie, i nostri problemi, i nostri propositi.

Il 24 settembre 1951 Alcide De Gasperi, quale Capo del Governo italiano, vi chiedeva di assisterci, tenendo presente che la Nazione italiana lavora sodo ed al disopra di ogni altra cosa ha bisogno di lavoro.

Il 29 febbraio 1956 Giovanni Gronchi, quale Presidente della nostra Repubblica, vi testimoniava che l'Italia chiudeva con largo attivo il primo decennio dopo la liberazione; esortava il Congresso a dire ai cittadini americani che l'aiuto dato all'Italia non era stato una spesa improduttiva.

Queste preziose testimonianze ed esortazioni non possono essere che confermate.

Da quando furono pronunziate qui a Washington due anni or sono l'Italia ha compiuto altri progressi in ogni campo. Ha consolidato la propria economia. Ha meglio equilibrato il proprio bilancio statale. Ha migliorato le condizioni di vita delle sue popolazioni. Di conseguenza, dopo dieci anni di logorante azione di governo, sono cresciuti nelle recenti elezioni i consensi al Partito di Alcide De Gasperi; mentre per la prima volta del 1946 è diminuito il numero dei deputati comunisti. Tutta la Nazione ha acquistato più ferma fiducia nel proprio avvenire.

A questa più ferma fiducia si deve la maggiore cura con cui il nostro popolo segue le vicende della vita internazionale, ansiosa di recare al placarsi del loro tumultuoso rincorrersi il contributo delle proprie idee e della propria azione.

Nessuno deve vedere in questo affacciarsi dell'Italia all'orizzonte della grande vita internazionale, sintomi di rinata irrequietezza o di dubbiosa solidarietà.

Se mai, riprova che la solidale azione compiuta da tutti gli alleati, ed in primo luogo generosamente dagli Stati Uniti d'America, per la rinascita e per la ricostruzione dell'Italia ha avuto il pieno successo. Tanto è vero che, liberatici dalle ansie più acute dei nostri più gravi problemi interni, possiamo ed intendiamo ripagare gli aiuti degli alleati, aiutandoli a nostra volta a risolvere i problemi che assillano il mondo e preoccupano la comunità atlantica di cui siamo parte.

L'averci aiutato a stabilizzare la vita della nostra democrazia, ci ha posto ormai in condizione di potere aiutare a stabilizzare la vita della grande famiglia dei popoli liberi, integrata dai popoli che sospirano una più sicura libertà.

E questo aiuto l'Italia intende dare, nei limiti delle sue forze, nel quadro delle sue alleanze, nella certezza di contribuire ad allontanare da altre zone del mondo quel pericolo della sovversione o della dominazione comunista che è stato allontanato della nostra terra.

Si è tanto parlato di piani e di programmi italiani per consolidare la pace del mondo, oggi minacciata specialmente dalle inquietudini e dalle aspirazioni dei popoli del Medio Oriente.

Non spetta ad un popolo che non ha tutti i mezzi per sostenerli formulare e proporre piani, nel senso stretto della parola.

È dovere di un popolo che vive vicino alle zone del pericolo, e di esse ha una millenaria conoscenza, ed alle popolazioni che le abitano può parlare senza sospetto per non aver più da tempo possedimenti da difendere o da estendere: è dovere di un tal popolo—dicevo—mettere al corrente i propri alleati delle proprie ansie, delle proprie esperienze, dei propri suggerimenti. Riguardino essi gli aspetti contingenti o quelli permanenti della situazione; considerino le modalità della sostituzione di altre garanzie alla temporanea garanzia richiesta agli amici dai popoli minacciati; vertano sull'ordinata pacifica evoluzione politica o sulla necessaria assistenza economica all'insieme dei territori: di una cosa si può star certi, quella che essi avranno soltanto l'intenzione di stimolare ed aiutare a risolvere i gravi problemi ormai sul tappeto. E dando idee e suggerimenti, ci impegnamo a concorrere con azione ed opere perchè l'area della libertà e della prosperità sia pacificamente allargata nel Mediterraneo e nel Medio Oriente.

La comunanza di alti valori ideali, i solidali impegni assunti con gli alleati, l'identico pericolo che minaccia il nostro libero modo di vita: ecco le più ferme garanzie che l'Italia è saldamente schierata dalla parte della libertà, ed opera ed intende operare per la pace nella sicurezza.

C'è in noi italiani la convinzione che questa opera solidale, organicamente articolata con l'azione comune, accrescerà la concretezza e l'efficacia dello sforzo alleato, attirando ad esso nuove simpatie dei popoli tentati da solidarietà verso altre comunità, solo apparentemente curanti della pace e del progresso, perchè nemiche della libertà.

C'è in noi italiani anche la certezza che così operando renderemo più intima e più cordiale la già intima e cordiale collaborazione della nostra Patria con gli Stati Uniti d'America.

Onorevole Presidente, onorevoli Senatori,

Gli incontri che ho l'onore di avere in questi giorni a Washington daranno altri risultati positivi per l'amicizia tragli Stati Uniti ed Italia e per gli sviluppi prossimi dell'azione dei popoli liberi del l'Occidente. Siatene certi.

Il franco scambio di idee rinvigorirà la nostra reciproca collaborazione. Ed essa rimarrà ancorra la pietra angolare della costruzione di civiltà cui ci siamo dedicati, al servizio dei nostri popoli, per la pace del mondo nel rispetto della giustizia che Dio reclama dagli uomini.

The address of the Prime Minister of Italy was interpreted by Mr. Edward Fenimore, as follows:

Mr. President, distinguished Senators, with deep feeling I have crossed the threshold of the Hall in which your assembly sits and works. Highly resplendent here is the light of the great tradition of freedom of the American people. The echo of the deeply moved voice of two great Italians still resounds among these walls.

Twice already in the last 10 years 2 very authoritative voices have expressed our anxieties, our problems, our purposes.

On September 24, 1951, Alcide de Gasperi, as head of the Italian Government, was asking your assistance, keeping in mind that the Italian nation is working hard and needs working opportunities above all.

On February 29, 1956, Giovanni Gronchi, as President of our Republic, witnessing to the fact that the balance of the first 10 years after the liberation

had been a favorable one, and he asked the Congress to tell the American people that the help given Italy had not been wasted.

These precious testimonials and exhortations can only be confirmed now.

Since the time when those words were pronounced here in Washington 2 years ago, Italy has made further progress in all fields. She has consolidated her economy. She has better balanced her state budget. She has bettered the living conditions of her people. Consequently, after 10 years of hard government action, in recent elections the support given to Alcide de Gasperi's party has grown, while for the first time since 1946 the number of Communist deputies has decreased.

The whole Nation has acquired a firmer confidence in her future.

This greater confidence has resulted in the greater attention with which our people follow the development of international life, anxious to bring, by their ideas and their action, a pacifying contribution to their tumultuous course.

In this appearance of Italy on the horizon of great international life, no one should see symptoms of restlessness or of slightly lessened solidarity.

If anything, there is further proof that the common action of all the allies, and in the first place the generous solidarity of the United States of America for the rebirth and reconstruction of Italy, have scored a full success. So much so that, now that we have overcome the most acute anxieties of our gravest internal problems, we intend to reciprocate, as we now can do, the allies' aid. Cooperating in our turn to solve the problems besetting the world and the Atlantic community of which we are a part. [Applause.]

Your assistance in stabilizing the life of our democracy has placed us in a position to contribute to the stabilization of life in the great family of the free people, integrated by the nations who are aiming at a more secure freedom.

This cooperation Italy intends to give, within the limits of her power, within the framework of her alliances, with the certainty that we contribute to averting from other areas of the world that danger of Communist subversion which has been averted in our land. [Applause.]

There has been much talk of Italian plans and programs to consolidate peace in the world, especially threatened today by the restlessness and the aspirations of the people of the Middle East.

It is not up to a country which does not possess all the means to uphold them, to formulate and propose plans, in the strict sense of the word.

We are a people living close to the danger area, possessing a knowledge of it that goes back into the millenia, and we are in a position to talk to the populations which inhabit them without arousing suspicion because, since long, we have no possessions to defend or to extend. It is the duty of such a people to make their allies aware of their anxieties, their experience, their own suggestions. Whether these concern the contingent aspects of the situation or the permanent ones; whether they consider the manner by which the temporary guaranties required of the friends of the threatened people can be substituted by other guaranties; whether they concern the orderly peaceful political evolution or the necessary economic assistance to those territories as a whole: of one thing we can be certain, namely, that such suggestions will only be aimed at stimulating and contributing to the solution of problems that are already on the table. And by our ideas and suggestions, we pledge ourselves to contribute our action and our endeavors to the peaceful widening of the area of freedom and prosperity in the Mediterranean and the Middle East. [Applause.]

The high ideal values we have in common, the close pledges we have given with our allies, the identical danger threatening our way of life: these are the safest guaranties that Italy is firmly on the side of freedom, and that it works and intends to work for peace in security.

We Italians are convinced that this common work, organically articulated in common action, will increase the concreteness and effectiveness of the allied effort, drawing toward it new friendly feelings of people now being tempted by the solidarity toward other communities that love peace and progress only in appearance, for they are the enemies of freedom.

We Italians are also certain that by such actions we shall make more intimate and cordial the already intimate and cordial collaboration of our country with the United States of America.

Mr. President, Honorable Senators, the meetings in which I have the honor of participating now in Washington will produce other positive results in terms of the friendship between the United States and Italy, and for the future development of action of the free peoples of the West. You can rely on that.

The frank exchange of opinion will reinvigorate our mutual collaboration. And this will continue to be the cornerstone of that edifice of civilization to which we are dedicated, in the service of our peoples, for peace in the world in the observance of that justice which God requires of men.

[Applause, Senators and occupants of the galleries rising.]

The VICE PRESIDENT. As is our custom, we shall now have the opportunity to meet the Premier and Foreign Minister in the well of the Senate.

The Premier and Foreign Minister of Italy was escorted to a position on the floor of the Senate in front of the Vice President's desk, and was there greeted by Members of the Senate, who were introduced to him by Mr. JOHNSON of Texas and Mr. KNOWLAND.

Following the informal reception, the Premier and Foreign Minister and the Italian Ambassador to the United States were escorted from the Chamber.

RESUMPTION OF LEGISLATIVE SESSION

At 12 o'clock and 11 minutes p. m., the Senate reassembled when called to order by the Presiding Officer (Mr. THURMOND in the chair).

The PRESIDING OFFICER. Further morning business is in order.

JENNER-BUTLER BILL—RESOLUTION OF DEPARTMENT OF PENNSYLVANIA, AMERICAN LEGION

Mr. MARTIN of Pennsylvania. Mr. President, the American Legion, throughout its existence, has been vigilant and vigorous in the protection of our country against the spread of communism.

In this vital effort, the department of Pennsylvania of the legion has been outstanding in opposition to every subversive movement which would give aid and comfort to the enemies of our form of government.

At its annual convention last Saturday in Philadelphia, the department of Pennsylvania adopted a resolution in support of the Jenner-Butler bill, S. 2646, and calling for prompt action by the Senate. I ask unanimous consent that the resolution be printed at this point in the RECORD as a part of my remarks.

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

RESOLUTION No. 42

Whereas the Supreme Court of the United States by recent decisions, has weakened or nullified certain laws adopted by the Congress of the United States and by the legislatures of certain of the sovereign States of the United States, and has weakened or nullified various rights and powers constitutionally belonging to the United States and to the sovereign States of the United States; and

Whereas under these laws, and by the exercise of these rights and powers, the United States and the sovereign States thereof were able to initiate and pursue various actions indispensable to dealing effectively with subversion and sedition against the United States; and

Whereas the Jenner-Butler bill (S. 2646), introduced into the United States Senate and referred to the Senate Judiciary Committee, would redress certain of the effects of these decisions by:

1. Restoring the full authority of the Smith Act, which makes a crime of teaching and advocating the overthrow by force of the Government of the United States, whether or not there be any instigation of action to that end, and

2. Restoring the full authority of the laws dealing with subversion and sedition of the 42 States that had adopted such laws, thus permitting these respective sovereign States to initiate and pursue various actions against subversion and sedition within their own respective jurisdictions unless such initiation and action is expressly prohibited by the Congress,

3. Preventing the Supreme Court from reviewing the regulations and actions of the sovereign States governing admission to the bar in their respective jurisdictions,

4. Restoring to the investigative committee of the Congress the determining of whether or not a question asked of a witness is relevant, competent and material and denying to a witness the privilege of such determining; and

Whereas the Senate Judiciary Committee, pursuant to an impressive 10 to 5 vote, favorably reported the Butler-Jenner bill for presentation to the Senate for action; and

Whereas the provisions of the Jenner-Butler bill are of profound and vital import to

the United States, to the sovereign States thereof, and to the whole American people in their efforts to deal effectively with subversion and sedition against the United States, and certainly of sufficient import as amply to justify its presentation to the Senate for action immediately following the favorable report of the Senate Judiciary Committee for such action; and

Whereas the Jenner-Butler bill has not been presented to the Senate for action, despite the Senate Judiciary Committee's favorable report for such presentation, and despite the profound and vital import of its provisions to the United States, to the sovereign states thereof, and to the whole American people; and

Whereas the delay that has already occurred in presenting this bill to the Senate for action leads to the conclusion that it is purposely being withheld from such presentation; and

Whereas the delay that has already occurred in presenting this bill to the Senate for action, leads to the conclusion that it is purposely being withheld from such presentation; and

Whereas any delay in presenting this bill to the Senate permits the continuance of the weakening and nullification of the laws, rights and powers which its adoption would redress: Now, therefore, be it

Resolved, That the American Legion, Department of Pennsylvania, in regular convention assembled, July 24–26, 1958, Philadelphia, Pa., that the said department call upon the Senate of the United States of America to demand the immediate presentation of the Jenner-Butler bill to the Senate for action.

RETIREMENT OF SENATOR MARTIN, OF PENNSYLVANIA

Mr. WILLIAMS. Mr. President, last Sunday there appeared in the Philadelphia Sunday Bulletin an article written by Mr. Robert Roth, entitled "Senator MARTIN's Retirement."

In this article Mr. Roth reviews the outstanding contribution Senator MARTIN has made to his country in his 60 years of service as a soldier and statesman.

I join Senator MARTIN's host of friends in extending to him very best wishes, and I underscore the last words of Mr. Roth's article, "Well done; good and faithful servant."

I ask unanimous consent to have the article printed in the body of the RECORD.

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

[From the Philadelphia Sunday Bulletin of Sunday, July 27, 1958]

SENATOR MARTIN'S RETIREMENT—NEARING 79, HE SERVED NATION AND STATE 60 YEARS

(By Robert Roth)

WASHINGTON.—In a few weeks, when Congress adjourns, Senator EDWARD MARTIN will retire to private life after 60 years in the service of his country, his State, and his party. This is by the way of saying goodbye.

ED MARTIN has not been one of the best known or best publicized of Senators, but his departure from the Chamber in which he has served for 12 years will leave a vacancy not easily to be filled and he will be missed by his fellow Senators, by his constituents, and by the newspaper men who have worked with him over the years.

There are many reasons for this. MARTIN is an effective legislator. With an industry beyond the capacity of men much younger, he is assiduous in his attention to committee duties, in casting his vote on rollcalls, and in taking care of the myriad chores that constituents heap upon a Senator.

He is a member of the inner core of Senators, that small group, known as "The Club," that transcends party lines and exercises an important effect on the way the Senate does its business. He is known as a man whose word can be relied on. He is always a gentleman, never loses his temper, never indulges in theatrics, is always courteous to the point of courtliness. He has as many friends as any man in the Senate.

REPUBLICAN OF TAFT SCHOOL

There are those who tend to dismiss MARTIN as a negative and therefore unimportant factor in the National Legislature. It has been said by his enemies—he has some—that he has not had a new idea in three generations.

It is true that he tends to be ultra-conservative in his political thinking, that he is a Republican of the Taft rather than of the Eisenhower school, that his regard for the old-fashioned virtues of thrift and self-reliance have made him distrustful of New Deal reforms. It is true also that no important piece of legislation bears his name as author.

Despite this, MARTIN's usefulness as a Senator has been great. As ranking Republican on the Senate Finance and Public Works Committees, he has had an important influence in recent years on tax policy and on public works developments.

As much as any one man, he is responsible for the gigantic public roads program, largest in history, which was launched when he was chairman of the Public Works Committee. Without him the Delaware River dredging project still might be only a faint hope instead of an accomplishment well along to completion.

LOOKED OUT FOR PENNSYLVANIA

MARTIN has the knack of getting Senators of both parties to go along with him on projects that are important to his State. Pennsylvania projects have fared as well in the Public Works Committee with MARTIN as ranking minority member as they did when he was chairman.

The fact that MARTIN can get Democratic cooperation when he needs it does not mean he is non-partisan. He is, on the contrary, a fiercely loyal party man and in the last six years has faithfully supported the Eisenhower administration most of the time, even when this meant casting his votes for measures that ran counter to his own deeply held convictions.

An example of the way MARTIN works was provided during the past week, when a bill to extend the Reciprocal Trade Agreements Act was in its final stages. MARTIN was never a believer in free trade, but he was prepared to support this bill, giving the President increased authority to reduce tariffs, because the President had said it was vital to the national security.

HOW HE HANDLED OPPOSITION

However, Senator ROBERT KERR, Democrat, Oklahoma, offered an amendment which would have stripped the bill of virtually everything the President wanted in it and added almost everything the President did not want there. KERR wanted that amendment to come to the Senate floor for a vote and it could not get there without the consent of the Senate Finance Committee. MARTIN cast the deciding vote in committee for a favorable report on the KERR amendment.

When it came to the floor MARTIN voted against it, and it was defeated, overwhelmingly, as MARTIN knew it would be. But meanwhile he had given KERR the chance KERR wanted, and had placed KERR in his debt. It is because of such tactics that the word is passed every now and then in the Senate cloakrooms that a bill should be passed because "ED MARTIN wants it."

Service in the Senate is only a part of ED MARTIN'S career. He served in the Army of the United States in every rank from buck private to major general—in the Spanish-American War, in the Philippines, on the Mexican border and in the First and Second World Wars.

In politics, too, he served in all ranks, beginning as secretary of the Greene County Republican Committee and working up to State chairman and finally to Governor. Between times he practiced law and interested himself in a variety of business enterprises in the banking, transportation and oil production fields.

ANNOUNCED 'RETIREMENT' IN 1952

Now he is nearing 79 and preparing to enjoy a long-deferred rest. He is not retiring because he fears defeat or because this is a bad year for Republicans to run. He announced soon after his reelection 6 years ago that he would not seek office again.

His departure from Washington will be regretted by many who have come to depend on him as a friend and rely on him as an ally. He can look back on a longer, more varied and more useful career than is given to most men.

If this were a sermon instead of a newspaper column, its text might well be part of Matthew 25:23—"Well done; good and faithful servant * * *."

ADDRESS BY SENATOR BUTLER ON RETIREMENT OF SENATOR JENNER

Mr. BUTLER. Mr. President, last night we on this side of the aisle had a dinner at the Burning Tree Country Club to honor the six Republican Senators who are retiring at the close of this session. It was my happy honor and privilege to make some brief remarks about my esteemed friend and colleague, the Senator from Indiana [Mr. JENNER], and to present him with a memento of his many friends and colleagues in the Senate. So that BILL's many friends may share the occasion with him, I ask unanimous consent that the remarks I made on that occasion be printed in the body of the RECORD at this point.

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

It has often been said that a public servant owes his constituents not only his time and energy, but also his informed judgment. That BILL JENNER has lived and worked by this credo of good government all of us are agreed.

His standards of informed judgment are a model for those who will follow in the Senate of the United States.

BILL JENNER has withstood severe and unjustified attack, and has emerged, to the view of many, as a true patriot and political realist who has consistently supported the principles of his party and the humanitarian objectives of his administration. He has followed in the likeness of Mr. Republican himself—our late and beloved colleague, Bob Taft. And yet, his critics would have the world believe that he is a callous dissenter. If that be, then he has been a great and constructive dissenter in the tradition of La Follette, one of the five great Senators of the past.

Progress and achievement come from the distillation of agreement and dissent, as we here can testify. To take a divergent or frequently unpopular stand, both of which are essential to this process, requires a measure of fortitude, and on this score, our friend, BILL JENNER, has always had the courage of his convictions.

But, with it, he could never be callous or indifferent for he is a man who cherishes friends and friendship. Nor could he ever be a victim of self-exaggeration or self-aggrandizement for he is quick to recognize the greatness of others.

That reminds me of a situation involving an immodest Senator of Abraham Lincoln's time. An assistant to President Lincoln came to him one day quite disturbed and said: "Mr. President, Senator X in a speech in the Senate has just denied faith in the Holy Scriptures."

"Well," Lincoln replied, "That's not too surprising when you consider that he didn't write them."

Unlike Senator X, Senator JENNER will not be remembered by us who have shared his friendship, anxieties and hopes as an indifferent or selfish Member of the Senate. Rather, he will be remembered as a man who is kindly toward persons and gentle toward institutions—a stanch, thorough, and effective representative of the people of Indiana and America, steadfast in his beliefs and principles.

In these days of varying and variable political colorations, I fear that the true character of many public servants is either little known or badly distorted. BILL JENNER is no exception. His affable personality, his many worthwhile achievements, and his impact upon the history of our age, however, have not gone unrecognized or unnoticed by us, his colleagues, and our devotion to him and his ideals will never diminish or falter.

BILL, we shall miss you—God bless you—and the best of everything for the future for you, and your family. For your colleagues, it is a pleasure to present to you this small token of our pleasant association together and of our lasting friendship. We hope that it will always serve to recall your service here in the Nation's Capital.

ISRAEL AND THE ARABS—IV

Mr. FLANDERS. Mr. President, today I propose to discuss the fourth "Whereas" of the concurrent resolution which I presented on Friday, the 18th of this month. The fourth whereas reads:

> Whereas the unrest in the Arab world is caused primarily by the forcible occupation of Arab land by the Government of Israel;

It is a common place in negotiations in the civil area, whether in business matters, labor disputes, or legislation, that each party to a negotiation should have as clearly in mind as possible the thoughts and purposes that are in the minds of those with whom he is negotiating. To enter into a discussion with an erroneous idea of the purposes of the party of the second part is to insure failure. Failure has been insured in our negotiations with the governments of the Middle East.

Our initial error was in the assumption that the Arab world could be brought to our own conviction that the most important single question before the world is that of controlling the expansion of communism. Since this assumption so far as concerns the Arab world is false, our diplomacy fails.

The policy which we have most vigorously pursued was unfortunately given the name of our President, with the purpose of using an attractive title to sell it to the people of this country and of the other nations of the world. The Eisenhower doctrine offers the support of our armed strength to any government which is threatened militarily by the Soviet Government. There are so many things wrong with the assumption underlying this doctrine that it is hard to know where to begin criticism.

Let us begin with the fundamental error which was that the Arab world is as deeply concerned as we are with defending itself against communism. That is not the case. The Arab world feels that it has a much nearer and more obvious threat overhanging it than anything provided by the subtle political and economic aggression which is in the program of Soviet Russia. The obvious overhanging threat of danger in the Middle East is presented by the growing strength and expansion of the new nation of Israel.

Provided first, in theory, as a refuge for Jews displaced by terror and persecution, it long ago completed this justifiable function. But even in this justifiable area there were involved unjustifiable procedures. The Balfour declaration which promised the Jews a national home in Palestine was, I am sure, never conceived by the author of that declaration as establishing an arbitrary eminent domain over Arab lands, or a military and economic base which would arouse suspicion of intended expansion.

The first great evidence of misjudgment was that the Arabs became in their turn refugees and displaced persons, fleeing from lands which had been theirs for centuries. These now live in misery on the borders of Israel, are supported at a low level of subsistence by contributions from the outside, and protest, by their continued existence, the injustice of the expropriations to which they have been subjected.

This is what the Arabs have experienced. This is what the whole Arab world knows and sees. This is their main concern; and if Russia with its successful political acumen, so much greater than ours, can present itself as a champion of justice against injustice, then Soviet influence becomes the effective political force in the whole Mideast area. Until we recognize that the fear of an expanding Israel is the vital concern of the Arab nations, we will continue to lose our influence, and Western Europe's future of freedom and prosperity will be increasingly jeopardized. This is the present situation.

Mr. President, since I dictated the words I have just read, the pro-Western premier of Iraq, Nuri es Said, has been assassinated along with King Faisal, and the government of that country seized by a nationalist regime of uncertain purposes. Furthermore, there has appeared in Life magazine for July 28 a posthumously published statement by the murdered premier from which I read the following extracts:

> Support for United States policy in the Middle East is declining so seriously that it is becoming a political liability for an Arab leader to cooperate with it.

I invite the attention of this body to the serious nature of the liability, which resulted in the assassination of the pro-Western premier and of the King of Iraq.

I continue to read the extract from the statement by the murdered premier.

> The explanation goes back to President Eisenhower's speech January 5, 1957, asking Congress to act against communism in the Middle East. "This program," he said, "will not solve all the problems of the Middle East. * * * There are the problems of Palestine and relations between Israel and Arab States, and the future of Arab refugees. * * * The United Nations is actively concerning itself with all these matters, and we are supporting the U. N." But neither United States nor U. N. took any significant further action. This was shortsighted. The problems put aside by Mr. Eisenhower are those which made it possible for communism to gain a foothold there. Until they are removed more explosions are inevitable.
>
> Americans, I am told, have had a bellyful of Arab intransigence about Israel. To speak bluntly, responsible Arab leaders have had a bellyful of American blindness to this problem. Americans seem incapable of comprehending the profoundly bitter, even pathological, attitude of Arabs toward the Jews of Israel. This is perhaps an ugly thing, but it is basic to the seeming Arab compulsion to flirt with suicide.
>
> It is now clear the United States is reverting to a familiar state of mind: that Israel is an embarrassing, second priority problem, as compared with the clear and present danger of communism, and may therefore be put aside. To Arab masses the reverse is true: Israel is the clear and present danger, communism secondary. This is a fallacy. The evidence indicates Communist tyranny is probably a lot worse than Israeli tyranny, but it is impossible to sell this concept to Arabs.
>
> For the West's enemies this is a windfall. They need new bogeymen and nothing works better than to invoke the specter of Israel. In Jordon, King Hussein managed to avert disaster through skill and courage, and United States backing. But his position is dangerous, and in Jordan two-thirds of the people are desperate Palestinians who react like tigers to Israel. If Hussein's leadership fails indefinitely to bring a Palestine settlement, it may be impossible for him to survive.

Mr. President, the writer of these words was killed for his Western sympathies. How long will this country, how long will the Congress, allow the administration to push us over the brink of abject surrender or war, in a Middle East in which we might have supported an area of freedom and friendship?

LIMITATION OF APPELLATE JURISDICTION OF THE SUPREME COURT

Mr. BUTLER. Mr. President, from Mr. R. Harland Shaw, of Chicago, chairman of the Conference of American Small Business Organizations, Illinois division, I have received a copy of a "Memorandum in Support of S. 2646 as Reported to the Senate by the Committee on the Judiciary." In essence, this is a well-considered and documented reply to a report issued May 8 by the board of managers of the Chicago Bar Association, opposing S. 2646.

I have also received from Mr. Alfred J. Schweppe, of Seattle, one of the great constitutional lawyers of this country, a copy of a letter he wrote to Mr. Shaw, commenting favorably upon the memorandum to which I have just referred.

Because of the great interest which the bill, S. 2646, has aroused throughout the country, as well as among my colleagues in this body, I ask unanimous consent that both the memorandum and

Mr. Schweppe's letter may be printed in the body of the RECORD at this point as a part of my remarks.

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

MEMORANDUM IN SUPPORT OF S. 2646 AS REPORTED TO THE SENATE BY THE COMMITTEE ON THE JUDICIARY

To the Members of the Congress:

On May 8, 1958, the board of managers of the Chicago Bar Association issued a report opposing the Jenner bill (S. 2646) as amended and reported to the Senate by the Judiciary Committee, copies of which, according to the press, were sent to all Members of the Congress.

The undersigned respectfully disagree with said report of the board of managers of the Chicago Bar Association, and offer rebuttal.

In general, the differences of opinion lie in two opposed concepts—one as to the nature of human society, and the other as to the nature of American law as applied by the courts to our society.

The undersigned take the position (first) that all things human involve such risk and imperfection that, as between the risks of judicial tyranny and those of legislative tyranny, we prefer the latter. Legislative tyranny, if it ever actually exists, is remediable at the polls. Judicial tyranny is not remediable at the polls, and indeed is hardly remediable at all, short of the slow and tortuous processes of public agitation and mortality in office, until and unless the legislature acts.

The undersigned take the position (second) that judicial law should be as defined by Dean Emeritus Roscoe Pound in the Brooklyn Barrister for December 1957 (p. 73), "a judgment according to law, not the will of the tribunal." This is in sharp distinction to the view attributed in the press to Mr. Chief Justice Warren last year, that we should correlate "law with history, economics, and all of the social sciences available in the solution of human problems." This view seemed to imply that the courts should do all this. The undersigned believe that it is the business of the legislature to attempt this correlation, not that of the courts. Obviously as far as the courts are concerned we are, therefore, much more concerned with statutory than with constitutional construction, but with both as far as the Chicago Bar Association's report is concerned.

From these two basic differences of viewpoint flow the following rebuttal arguments. The quoted sentences are direct quotations from the Chicago Bar Association's report, with page and line numbers, and our answer follow as comment in each instance:

Page 1, lines 7, 13, 19, and 20:

"The bill (S. 2646) [as amended and reported] * * * provided for the following:

* * * * * *

"3. A Federal act cannot occupy a legislative field to the exclusion of the State law, unless it expressly so provides."

Comment: This statement is not correct. Section 3 of the reported bill applies only to State antisubversive statutes. The applicable language of the section refers to certain chapters of title 18, United States Code, to the Subversive Activities Control Act of 1950, the Communist Control Act of 1954, "or * * * any other act of the Congress heretofore or hereafter enacted which prescribes any criminal penalty for any act of subversion or sedition against the Government of the United States or any State of the United States." This is not what the quoted passage of the bar association's report describes.

Page 2, lines 5–10: "Judicial review of the constitutionality of legislative decisions is a basic principle of the Constitution of the United States. It gives breath and blood to the American philosophy that the Government is a government of laws and not of men. The limitations placed upon the appellate jurisdiction of the Supreme Court both in the original bill and in the bill as amended, violate this principle."

Comment: "A government of laws and not of men" is exactly what the undersigned seek, and is exactly what (in their opinion) the Supreme Court has taken away from us. The above quotation appears to blur and ignore the following paragraph from the Constitution of the United States, article III, section 2: "In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make." It may well be that many citizens, including the members of the Chicago Bar Association, wish that "judicial review of the constitutionality of legislative decisions" were not circumscribed by the constitutional power of Congress; but in fact it is. The statement contained in the report of the Chicago bar is, therefore, in our view, incomplete and misrepresentative of the Constitution. The limitation upon judicial review contained in S. 2646 does not violate any constitutional principle, but instead fulfills a clear and express provision of the Constitution. Objection to it may involve a difference of opinion over what one wishes the American society were, but not over what the Constitution says it is.

Furthermore, the practical effect of "the bill as amended" is not to deal with review of legislation at all, but (sec. 1) with review of conclusions of State courts regarding admission to the bar. The bar association's reference here to "constitutionality of legislative decisions" appears quite strained.

As Woodrow Wilson pointed out in his lectures in 1908, and as Judge Learned Hand pointed out in his lectures at Harvard this year, the concept of reviewability of legislative acts was not written into the Constitution, but was a judicial concept, imported into the Constitution by the decisions of the Supreme Court itself. "Wisdom is justified of her children," and not all of the children of the Supreme Court's wisdom have commended themselves.

Page 2, lines 13–15: "The independence of the Supreme Court is jeopardized if its jurisdiction can be curtailed because of the current unpopularity of certain of its decisions."

Comment: In the opinion of the undersigned, the use by the Supreme Court of its independence for the purpose of rewriting legislation (as minority Justices have repeatedly pointed out) is a judicial miscarriage going far deeper than the issue of unpopularity. To charge Congress with seeking to undo bad decisions merely on account of their unpopularity is something like charging a man who claims to have been robbed with casting aspersions on the character of the robber. The complaint, to begin with, was robbery. The unpopularity is incidental.

Page 2, lines 16–18: "The independence of the judiciary is vital in order to preserve the constitutional and democratic form of government under which we live."

Comment: "Independence of the judiciary," as Dean Pound points out, means also independence from its own prejudices. A departure from this rule inevitably invites correction. The "constitutional * * * form of government under which we live" is found in the Constitution. That is where the passage occurs which confers upon the Congress the specific power to determine appellate jurisdiction. The members of the Chicago Bar Association are free to wish that this passage were not in the Constitution, or to oppose its being invoked, but it is, in fact, a part of our "constitutional and democratic form of government." Quite to the contrary of the bar association argument, a failure by Congress to enact the substance of S. 2646 would be, in the eyes of many, a failure to "preserve the constitutional and democratic form of government under which we live." It is not without note that a dictatorship of almost any type has an executive and a judiciary, but none has a free legislature. The legislature is the distinguishing mark of a constitutional democracy. And it is precisely that which, in the opinion of many, the courts have impaired at both State and National levels.

Furthermore, independence of the judiciary connotes only independence of action with respect to matters over which the judiciary properly has jurisdiction. The advocates of Supreme Court supremacy are, in effect, saying that a court has a vested interest in jurisdiction over any particular case, or in any given area, which it may sua voluntate assert.

Page 2, lines 19–21: "Persons involved in litigation of the type that this bill covers are just as much entitled to review by the Supreme Court as other litigants."

Comment: No person is entitled to Supreme Court review. Cases are reviewed by certiorari as an exercise of the Supreme Court's judgment about the cases it will take. Where the Supreme Court denies certiorari, the lower court becomes, in effect, the court of last resort, as happens in most cases. A limitation of the appellate jurisdiction of the Supreme Court therefore withdraws no entitlement of an individual but merely limits one of the numerous discretions of the Court.

Quite conceivably many persons may not want review by the Supreme Court of various cases. On the record, they may prefer to exhaust their remedies below that august level. The phrase "entitled to" subtly suggests an inherent right which everyone ought to want. The fact is, rather, that the powers of certiorari and review as exercised by the Supreme Court of the United States have become, in the eyes of numerous citizens, a threat to our constitutional form of government. This is a view to which they are "just as much entitled" as the putative loser in litigation.

Page 2, lines 22–24: "Curbing the Supreme Court's appellate jurisdiction in certain fields may be contagious and may spread to other areas whenever decisions in those areas become politically unpopular."

Comment: Perhaps the country needs a return to Mr. Justice Holmes' concept of "48 separate laboratories." Perhaps the "contagion" should spread. But the contrary is at least equally likely, that a rare corrective action would be found quite efficacious. The fact that Congressional authority under article III to regulate and make exceptions to the Supreme Court's jurisdiction has not been used in late years is not evidence that it should not be used, but is excellent evidence that it will not be used except in cases of the greatest provocation.

Page 2, line 25 through page 3, line 2: "The Bill of Rights and the 14th amendment to the Constitution are impaired when the protection of the Supreme Court is withdrawn in selected legislative areas since that Court is the ultimate guardian of constitutional liberties of individuals against arbitary governmental action."

Comment: For quite some time, in the opinion of the undersigned, it is the Congress that has been forced to become "the ultimate guardian of constitutional liberties." The Court has been the tyrant. A bill like the Butler-Jenner bill is the ultimate recourse of a badly damaged legislature. It is difficult to perceive the Court's guardianship of individual liberties in such cases as *Apex* (310 U. S. 469), *Hutcheson* (312 U. S. 219), *Hunt* (385 U. S. 821), and *Brotherhood of Carpenters* (330 U. S. 395), to mention only a few. In fact, a catalog of the

"liberties of individuals" theretofore regarded as assured by the Constitution, which have been circumscribed by the United States Supreme Court in the last 20 years, would appear likely to run to more pages than the present memorandum. Mr. Justice Holmes' comment in the *Baldwin* case (281 U. S. 586) is apropos: "I have not yet adequately expressed the more than anxiety that I feel at the ever-increasing scope given to the 14th amendment in cutting down what I believe to be the constitutional rights of the States. As the decisions now stand, I see hardly any limit but the sky to the invalidating of those rights if they happen to strike a majority of this Court as for any reason undesirable. I cannot believe that the amendment was intended to give us carte blanche to embody our economic or moral beliefs in its prohibitions. Yet I can think of no narrower reason that seems to me to justify the present and earlier decisions to which I have referred."

Page 3, lines 7–9: "Four of the five provisions have nothing whatever to do with the jurisdiction of the Supreme Court; and nothing to do with each other; they should have been introduced as separate bills."

Comment: This seems to us like straining at a gnat and swallowing a camel. It is like arguing that a man who has been badly injured by a hit-and-run car must drag himself to a telephone booth and put in separate calls for a bonesetter, an epidermologist, an internist, a roentgenologist, etc., instead of just calling for the ambulance. The patient may suffer a permanent injury while waiting for separate remedies. The mangled powers and duties of the Federal and State Legislatures and State courts do indeed resemble the man who has been run over by an automobile, if not by a Sherman tank. Every possible remedy is an urgent need, and the vehicle of relief is much less important than the remedy itself.

Page 3, lines 10–18: "The provisions removing from judicial review in a criminal trial for contempt of Congress the matter of the pertinency of a question under inquiry determines this justiciable element of the crime by legislative decree; it is of dubious constitutionality under the due process clause of the fifth amendment to the Constitution of the United States. It also would make the Congressional body conducting the inquiry judge and jury in its own cause. *Sinclair* v. *United States* (279 U. S. 263), holds that the question of pertinency is a question of law to be determined by the courts."

Comment: The constitutional argument introduced here is, to the undersigned, completely spurious. Section 2 of S. 2646 does not remove from judicial review, in a criminal trial for contempt, the determination of pertinency as a "justiciable element." In this sense, pertinency is a jurisdictional matter, for decision as a matter of law, and necessarily by the court. The pertinency which the section would have the committee determine is pertinency as a matter of legislative need for the information sought, and legislative determination that the question asked is reasonably calculated to produce desired information. The question of whether the committee is acting outside its jurisdiction remains for the courts to determine; and review by the Supreme Court on certiorari is not barred.

Apart from this, considering the imperfection of all human affairs, a great many people would rather take their chances that a Congressional body—all of whose members are completely subject to scrutiny and defeat at the polls—would act as "judge and jury in its own cause," than sustain the present risk that the Supreme Court of the United States may do so and in fact has done so. The undersigned are of the opinion that the implications attending the exertion of this power by the Congress are likely to be far less malignant than the implications attending the exercise of the same powers by an unreviewable Supreme Court.

It may be remarked here that article I, section 1 of the Constitution says: "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." The remedy proposed by S. 2646 is no more than the reaffirmation of this, as the Saturday Evening Post pointed out editorially on June 7, 1958. The concept is part and parcel of the separation of powers ordained by our Constitution; and the phrase "dubious constitutionality" used by the bar association should emphatically be addressed to the impairment of this separation by decisions of the courts, rather than to the proposed modest and limited remedy of S. 2646.

Page 3, lines 19–23: "The provision enabling summary suspension of individuals by the head of any department or agency of the Government would deprive them of procedural safeguards against arbitrary governmental action in direct contravention of the purposes of the civil-service laws, as expressed in sections 652 and 863, title 5, United States Code Annotated."

Comment: This provision is not in the bill, and in fact it never was. We are advised that it was an amendment offered by Senator BUTLER in committee but defeated there. The dragging in and flailing of this dead horse (so admitted on p. 2, lines 3 and 4 of the bar association report) must certainly involve some oversight on the part of the drafting lawyers.

Even aside from this, who is more competent to amend civil-service laws and to express their purposes than the legislative body in which they originated?

Page 3, line 24 through page 4, line 4: "The provision amending the Smith Act is of doubtful constitutionality under the first amendment. This amendment guarantees freedom of speech as to abstract doctrine. It is only when action, presently or in the future, is urged or incited, that a substantive evil arises which can be punished under the law. Advocating or teaching the overthrow or destruction of the Government cannot, therefore, be made a crime without regard to the immediate probable effect of such action."

Comment: This is an obvious non sequitur. If the urging or inciting of action, presently or in the future is a substantive evil, it is such without regard to the immediate probable effect. The timeliness or timing of any particular urging or incitement cannot be a sine qua non of the evil.

Apart from these semantic issues, there are far more profound questions involved at this point—philosophic, practical, and legal.

For the legal aspects, we refer to the appended opinion letter from Alfred J. Schweppe, special counsel in this matter.

The essence of the philosophic question is whether or not man and his society are perfectible. If they are not, then any change whatsoever in the structure of society will merely face new imperfections, and those sworn to uphold the Constitution of a society are obliged to use the sanctions of that society to confine its changes to constitutional channels. They are compelled in general to agree with strict constructionists of the Constitution.

If, on the contrary, man and his society are perfectible, then of course the American Constitution should be supplanted forthwith; for it is based upon a conviction of man's permanent imperfection.

But without regard to the philosophic, it is the opinion of the undersigned that in any practical sense the first amendment cannot give to anyone the right to threaten the country with clear and present danger. The content of the phrase "clear and present danger" is susceptible of legislative definition, and that is all that the provision amending the Smith Act seeks to effect. Its constitutional infirmity, if any, will be tested in the courts. The Supreme Court itself has subtly changed its mind in construing this act, by a devious line of reasoning which contravened *Dennis* (341 U. S. 494), by *Yates* (354 U. S. 298), without directly overruling Dennis. Certainly Congress can restate what it thinks.

The general doctrine of clear and present danger firmly embraces the principle that the greater the danger, the more remote may be the justifiable legislative countermeasures. In the opinion of the undersigned, communism is the greatest as well as the most insidious threat that this free Nation has ever faced.

The ultimate emergence of a definition of constitutionality in this field of clear and present danger is the end product of both legislative and judicial scrutiny. The contribution of section 4 of S. 2646, to the legislative scrutiny of this fateful area, is moderate but essential.

Respectfully submitted,

R. HARLAND SHAW, *Chairman.*
JOHN TORDELLA, *Secretary.*
Board of Managers, Illinois Division, Conference of American Small Business Organizations.

Dated, July 22, 1958.

MCMICKEN, RUPP & SCHWEPPE,
Seattle, Wash., July 22, 1958.

Mr. R. HARLAND SHAW,
Chairman, Illinois Division, Conference of American Small Business Organizations, 407 South Dearborn Street, Chicago, Ill.

DEAR HARLAND: You have submitted for comment a memorandum of your organization in support of S. 2646 (the Jenner bill) as reported to the Senate with amendments by Senator Butler on behalf of the Committee on the Judiciary. Your report is devoted largely to disagreement with a report of the board of managers of the Chicago Bar Association which you analyze and challenge in some detail.

The viewpoint expressed in your report is a wholly tenable one and deserving of serious consideration by Congress.

In considering this entire problem, it is necessary to weigh some first principles.

1. In order to satisfy the concept of due process of law, it is not necessary that the Supreme Court ever hear on appeal any case. Constitutional due process is satisfied by one fairly conducted judicial hearing; any appeal beyond a trial court is a matter of grace and not of right. *Dohany* v. *Rogers* (281 U. S. 362, 369). The whole certiorari jurisdiction of the Supreme Court is predicated upon the concept that a hearing in the Supreme Court is not necessary, because there has already been action, usually by two courts below, which satisfies not only due process as of right, but one appeal as of grace.

2. There is ample precedent for Congress to take steps to limit the Supreme Court's jurisdiction. In 1794 the Third Congress promptly proposed the 11th amendment to set aside the Court's decision in *Chisholm* v. *Georgia* (2 Dall. 419 (1793)) involving original jurisdiction. The amendment was quickly adopted. Other cases are *Ex parte McArdle* (7 Wall. 506 (1869)); *Stephan* v. *United States* (319 U. S. 423, 425 (1943)); *Lockerty* v. *Phillips* (319 U. S. 182, 187 (1943)); and see cases cited in *Matsuo* v. *Dulles* (133 F. Supp. 711, 714).

3. It is, under the Constitution, entirely a matter of Congressional judgment how the Supreme Court's appellate jurisdiction shall be limited.

Personally I did not favor the original Jenner bill, because, in my opinion, it went much further than necessary in stripping the Supreme Court of jurisdiction. I believe many of the Court's opinions which are deemed erroneous or unpalatable can be corrected by Congress without taking away

jurisdiction. That approach, it seems to me, should always be first exhausted. Whenever, in the opinion of Congress, the Supreme Court has misconstrued an act of Congress, it is the duty of that body, in which is constitutionally vested all legislative power, to correct it.

I shall illustrate this viewpoint by comment on some of the cases.

As to the Watkins case dealing with the pertinency of questions in Congressional investigations, it should be observed, first, that notwithstanding the Chief Justice's free-wheeling opinion, the decision itself was narrowly placed on the ground of delegation by Congress of its powers to the judiciary by title 2 United States Code, section 192. Congress, of course, prior to such delegation, had the power itself to punish for contempt without any delegation to the judiciary. Congress still has such power and can reassert or recapture it if it should so choose. But even if Congress continues delegation of contempt proceedings to the courts, Congress has power to make rules of procedure for its own government, and to determine who shall decide the question of relevancy at the Congressional level. The question of pertinence and relevancy is largely a matter of discretion of the hearing tribunal or its presiding officer, which, under settled rules, would only be reversed in case of a clear abuse of discretion. *Nardone* v. *U. S.* (308 U. S. 338, 342). Section 2 of the Butler amendment is, therefore, helpful procedurally and can well be adopted without interfering with any applicable principles of judicial review.

As to the Nelson case, State sovereignty to protect itself against subversion should be restored by Congress, since the Supreme Court has destroyed it by a misinterpretation of Congressional intent.

As to the *Yates* case (354 U. S. 298), and the Smith Act, the strained construction of the word "organization" is certainly susceptible of Congressional correction and cries loudly for it. Moreover, Congress should flatly endeavor to wipe out Mr. Justice Harlan's admittedly "difficult to grasp" distinction between advocacy to action and advocacy to overthrow as an abstract doctrine. The distinction is unrealistic, renders enforcement illusory, and makes an escape hatch for every defendant who finds himself within the purview of the statute. Dennis held that conspiring knowingly to teach and advocate the overthrow of the Government "as speedily as circumstances would permit" was an indictable offense. Suitable Congressional language showing that any such teaching or advocacy, in the absence of proof to the contrary, is presumed to be a call for action "as speedily as the circumstances permit" ought to be upheld by a majority of the Court. *Tot* v. *U. S.* (319 U. S. 463); *Heiner* v. *Donnan* (285 U. S. 312). Congress is entitled to create such a rebuttable presumption if it chooses.

In the case of *Koenigsberg* (353 U. S. 252), the deprivation of jurisdiction approach is justifiable. From *Bradwell* v. *State* (16 Wall. 130 (1872)) and *In re Lockwood* (154 U. S. 116 (1894)) down to most recent times (see *Emmett* v. *Smitt* (149 F. 2d 869 (C. A. 6 1945)) and *Sharp* v. *Lucky* (148 Supp. 8 (1957)) reversed on appeal (252 F. 2d 910 (1958)) on the authority of *Schware* (353 U. S. 232), companion case to Koenigsberg), it was thought that admission to the bar was exclusively a State prerogative and raised no Federal question. The cases cited by Mr. Justice Black in Schware were cases of disbarment, not admission. See the distinction made in *Bosque* v. *U. S.* (209 U. S. 91 (1907)). Depriving the Supreme Court of jurisdiction of cases involving admission to the bar would merely be restoring the law to its former state. Indeed, the Court ought to be grateful to have this newly assumed jurisdiction removed.

The old Court prior to 1937 was much criticised for invalidating acts of Congress. The post-1937 Court has adopted for itself a general philosophy of not voiding acts of Congress, but rather of voiding dozens of prior court decisions, and of appropriating for itself more and more judicial power at the expense of the other two departments of Government, especially Congress, in which is vested the plenary power to pass all laws necessary and proper to carry this Constitution into effect.

Not only has the Court assumed in Watkins an unprecedented supervision over hearings conducted by a coordinate department of Government, namely, Congress, but it has, in my opinion, without constitutional warrant, deleted the words "in any criminal case" and extended the protection of the fifth amendment to Congressional hearings, to which they were never intended by the Founding Fathers to apply. This point, it seems to me, has been unanswerably demonstrated by Mr. R. Carter Pittman in his article The Fifth Amendment: Yesterday, Today and Tomorrow in the June 1956 issue of the American Bar Association Journal, page 509 et seq.

Mr. Pittman says significantly in footnote 37 on page 594:

"What has happened to the fifth amendment is the building of bad judicial precedent on bad judicial precedent far away from the words and the intent of the Founders. The writer suggests the pertinence of the classic statement that 'a frequent recurrence to fundamental principles is essential to the perpetuity of free government.'

"However, the present Supreme Court, in the light of its general orientation, may perhaps be expected to hold that the Court has so often amended the fifth amendment and so often decided against its true intent that it cannot now return to first principles and to the clear and simple language of the Founding Fathers."

* * * * *

"It can hardly be gainsaid that rewriting and amending the Constitution in one's own image, rather than seeking the intent of the framers of its provisions, and requiring lawful resort to the established amendment procedure, seems to be the order of the day.

"Certainly the fifth amendment has not escaped."

In any event, the present Court's respect for Congressional legislation should be tested to the hilt, but deprivation of jurisdiction should be sparingly used—as I see it, only in respect of Koenigsberg. That appears to be Senator BUTLER'S approach, in which I concur, though I might possibly prefer other language in some of the corrective sections.

Sincerely yours,

ALFRED J. SCHWEPPE.

NEED FOR INCREASED SOCIAL SECURITY BENEFITS

Mr. PROXMIRE. Mr. President, since July 18 I have been rising daily on the floor of the Senate to speak in favor of increased social-security benefits for the aged citizens of our Nation. The desperate need of our elder citizens must not go unheeded for another year.

Owing largely to the expansion of coverage in 1950, the number of beneficiaries of old-age and survivors' insurance has increased over the past few years. But this increase in the number of persons receiving payments should not blind us to the grave truth that payments to retired and disabled beneficiaries are grossly and cruelly insufficient to meet even the most basic human needs.

Mr. President, $41 a week is not enough for the food, clothing, and shelter an elderly couple needs. But that is the highest possible benefit under our social-security law. And some retired couples get as little as only one-fourth that much—as little as $41.30 a month.

I have a letter from a gentleman in Evansville, in my State of Wisconsin. He writes that he gets a monthly check for $49.90 and his wife gets one for $25. He cannot supplement this income because he is 76 years old and nearly blind. I have another letter from an elderly man in Rosendale, Wis. His monthly benefits are $75.90. Since his monthly bill for room and board is $70 he has only $5.90 a month for all his personal expenses.

Mr. President, I ask unanimous consent to have these letters printed in the RECORD at this point following my remarks.

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

Mr. PROXMIRE: I get a check for $49.90 and my wife gets $25, which is our only income. I will be 76 years old in September. I could and would be glad to do some work to help out, but I have had operations on both eyes for cataracts and am totally blind in one eye and nearly blind in the other one.

Wishing you every success.

Senator WILLIAM PROXMIRE.

MY DEAR SENATOR: I am greatly pleased with the stand you have taken for the increasing of social security as stated in the Fond du Lac Commonwealth newspaper. I was receiving social security of $75.90, supplemented by $34.50 per month, but the welfare department discontinued their check of $34.50 and I am receiving now only the social-security check of $75.90. I am paying $70 for board and room per month, leaving me a balance of $5.90, which leaves me short every month for some of my personal expenses—haircut, shaving blades, and some clothing for weekday wear, such as work shirts, sox, and work pants, church tithe, and work gloves. I am very much in need of the things stated, and would be greatly pleased if you will make a secure stand for the broadening of the social-security law for there are many people who are suffering for the want of the things I have stated, and I hope you will continue to work for broadening of social security. Thanking you for the good work you have done.

LIBERALIZATION OF "EXTRA EARNINGS" PROVISION OF SOCIAL SECURITY ACT

Mr. WILEY. Mr. President, during the first session of this Congress I introduced a bill, S. 1688, to increase the allowable extra earnings for folks on social security from $1,200 to $1,800 annually. The proposed legislation would amend section 203 of the Social Security Act. Basically, it would enable social security beneficiaries to increase their outside earnings without suffering deductions from regular benefits. Liberalizing this particular provision of the program, I believe, makes good sense. As we know, the increased costs of living create particularly difficult problems for the more than 11 million folks existing on modest—often meager—benefits under social security.

We know, of course, that it is extremely difficult for individuals over 62 or 65 to find jobs. Where such jobs are available, however, I believe we ought not to unfairly restrict their earning power. Instead, these folks are entitled to an opportunity to maintain a greater degree of economic independence, as well as improved standards of living. Thus, I believe the enactment of my bill, S. 1688, would serve a real need, not only for the 260,000 folks on social security in Wisconsin, but for their fellow "golden agers" throughout the country.

Recently, I was pleased to receive a letter from Mr. George J. Burger, Vice President of the National Federation of Independent Business, on this legislation. The Federation, representing an extremely important voice in our economy, has taken a poll of its members on the merits of S. 1688. I am happy to report that a great majority of the more than 100,000 members of the Federation, including independent business and professional men, were in favor of my proposal.

According to the poll, 81 percent were for the bill; 17 percent were against it; and 2 percent did not vote.

As we know, the omnibus social security bill, H. R. 13549, is now pending before the House of Representatives. Because it is growing late in the session, I hope that expeditious action will be taken on this bill.

While the House bill somewhat liberalizes the extra earnings provision—allowing outside monthly income of $100 instead of the previous $80—it regrettably has failed to increase the overall annual amount of $1,200 which an individual may earn.

I hope, therefore, that when this legislation gets to the Senate, it can be properly amended.

I respectfully call the attention of our colleagues on the Senate Finance Committee to this matter and urge that when it has an opportunity to consider H. R. 13549, the objectives of S. 1688 be incorporated into the measure to make it a more effective piece of legislation.

To again emphasize the strong support voiced by the National Federation of Independent Business for my bill, I request unanimous consent to have the letter from Mr. George Burger printed at this point in the RECORD.

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

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
JULY 25, 1958.

HON. ALEXANDER WILEY,
Senate Office Building,
Washington, D. C.

MY DEAR SENATOR: You will note in the current Mandate, the official publication of the federation, we have completed the poll on the above bill, and our nationwide membership receiving the poll numbering in excess of 100,000, all independent and professional men, all voting members.

Note the results of the poll which, coming from the grassroots, should be of considerable interest to you:

81 percent for the proposition
17 percent against
2 percent no vote

Sincerely,

GEORGE J. BURGER,
Vice President.

DETERMINATION OF OUR FOREIGN POLICY

Mr. FULBRIGHT. Mr. President, this morning there appeared in the Washington Post a very thoughtful and penetrating editorial and an article by Walter Lippmann. I commend to my colleagues both the editorial and the article, and request that they be printed at this point in the RECORD, as a part of my remarks.

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

[From the Washington Post of July 29, 1958]

SOUR FRUIT

Mr. Khrushchev at least can take a hint. He has concluded, for reasons not very hard to comprehend, that Messrs. Eisenhower and Dulles really don't want to meet him in New York. This response was wholly predictable in view of the surly tone of President Eisenhower's last note. But what has the country gained?

Already much of the world is convinced that the United States is deliberately scuttling a chance to reduce the danger of war. The administration's performance, lamentably, adds to the suspicion some quarters that the United States and Britain really do have aggressive designs on the Near East—a suspicion whetted by the reported unpopularity of the expeditions in Lebanon and Jordan.

This risk might be worth running if some clear and positive alternative were to emerge. But there is nothing to indicate that the administration has anything more in mind than an attempt to justify and cling to the past. It is difficult to disagree with the observation of the London Daily Mirror about Mr. Dulles' "unerring genius for obstinately getting hold of the wrong end of the stick and refusing to let the damn thing go."

It is not at all necessary to accept the accusations and distortions of Mr. Khrushchev's reply. Certainly Mr. Khrushchev overstates what President Eisenhower had agreed to. Despite his lofty talk of noninterference, he glosses over entirely the plots of the United Arab Republic against Lebanon and Jordan. In his eagerness to bury the moribund Baghdad Pact he refers to the withdrawal of Iraq before there has been any formal action to this effect. If the United States and Britain actually were plotting with Jordan and Turkey for armed intervention in Iraq at this late date, as he alleges with no proof whatever, they would be more foolish than even their most caustic critics assume.

Nevertheless, the negative position of the United States has invited Mr. Khrushchev's pose as the paragon of peaceful intentions. His suggestion that Geneva be substituted for New York as the place of meeting, in a play to French Premier de Gaulle, does not really help Messrs. Eisenhower and Dulles. Actually there would be substantial advantages to a meeting in New York of a special subcommittee of the United Nations Security Council with the addition of India—and why this country has been so indifferent to the participation of Prime Minister Nehru, who is by no means in the Soviet pocket and who could be an ameliorating influence, is hard to understand. The point ought not to be overlooked, either, that in agreeing to work through the U. N. and the Security Council which Soviet vetoes so often have rendered ineffective, Mr. Khrushchev has made something of a concession.

No doubt any meeting would be saturated with propaganda. But there are some attainable objectives, nonetheless, which the Western powers could seek to advance. One would be to enlist the Soviet Union directly in a guaranty of the territorial integrity of countries of the Near East; another would be to devise checks against radio incitement and other elements of indirect aggression. To seek this would amount, to be sure, to recognition of the Soviet interest in the area; but to refuse to recognize this interest is plain self-delusion. The Soviet influence is there, largely because of our own ineptitude. There is the further consideration that, if a meeting of the General Assembly should become desirable to sanction an expanded U. N. force and facilitate American withdrawal from Lebanon, the response would be likely to be much more sympathetic if this country had tried honestly to reach an understanding with the Soviet Union.

Plainly a reorientation of American policy must come, and this means a definition of interests in the Near East, an assessment of practical possibilities and frank talk about both. The administration has only itself to thank for the situation in which it seemingly must wheedle Mr. Khrushchev to come to New York. But graceful acceptance of a little humiliation now might prevent the much greater humiliation of seeing this country stand virtually alone with its leadership repudiated.

[From the Washington Post of July 29, 1958]

MENDING OUR FENCES

(By Walter Lippmann)

Just what went wrong as between London, Paris, and Washington is not quite clear. But something did go wrong, in that we find ourselves committed to a spectacular summit meeting in New York, which we do not want, and unable to support General De Gaulle's proposal for a quiet meeting in Europe later on, which is what we ought to want. As a New York meeting now appears to be unavoidable, the question is how to manage the encounter between Eisenhower and Khrushchev with the least damage.

A way must be found to avoid a public debate. For the President has neither the training and knowledge nor the vitality for such an ordeal. Beyond that, it is highly desirable, indeed necessary, to mend our fences in the Middle East so that when the meeting takes place we shall not be the defendants in a public trial.

This can be done if two things, now in the works, can be achieved before the summit meeting. One would be an agreement in Lebanon which leads us to withdraw the Marines or at least to fix a definite date for their withdrawal. The other would be to extend diplomatic recognition to the new Iraqi Government, as Dr. Adenauer and others are advising us to do. These two actions together would refute completely the charge that we are engaged in a military adventure in the Middle East, and we would no longer be on the defensive.

There is no use pretending, however, that there will be any glory or profit in this. It will be recognized by all the world as a forced retreat from an untenable position in Lebanon and in Iraq. The question then will be whether the three western governments can produce proposals which open up the prospects of better days in the Middle East. It has been proved first at Suez and now again in Lebanon and Jordan that the western governments have not the power, even if they had the resolution, to restore the supremacy which Britain possessed before the Second World War. What has still to be proved is whether the western governments have the imagination and the brains to play a leading part in the liquidation of the old privileges and in the construction of a new order.

When we say that the New York summit meeting is to be held without adequate preparation, we generally mean that there has been no adequate diplomatic negotiation with the Russians. This is true. But there is a much more critical sense in which the meeting is unprepared. It is that we ourselves are unprepared. We do not have as yet more than the dim intimations of what

might be the shape of a new Middle Eastern order. If we had it, we could face Khrushchev with buoyant confidence.

In my view, the paramount issue in the Middle East is not oil, which the Arabs must sell to the West. It is not Israel, which is on the sidelines in the present crisis. It is not the revolutionary force of Nasserism. The paramount issue is Russia's determination not to have United States military power stationed on her southern flank.

We can never, I think, understand the inwardness of the Middle Eastern crisis unless we recognize that what we consider the military containment of the Soviet Union, Moscow is bound to regard as a military menace to the Soviet Union. Our forces are in Turkey, of which the equivalent would be that the Red forces were in Mexico. We have the NATO alliance and the Baghdad Pact, of which the equivalent would be an anti-American Soviet military alliance consisting of Mexico, Cuba, and Central America.

What we are seeing is a campaign by the Soviet Union to disrupt the containing alliance on her frontiers, and with the explosion in Iraq, this campaign has had a great success. It has not only knocked out the only Arab state in the alliance, but it has isolated Turkey. The Russian support of Nasserism has been the main strategical device in this campaign. The immediate objective of a campaign is to deny to the West, and particularly to the United States, the strategic control of the Middle East.

It is important to understand your adversary, and if this analysis is the primary truth about Soviet policy, there are important conclusions to be drawn from it. The first is that a settlement cannot be achieved with Nasser alone. An accommodation with him is most desirable. But appeasement of Nasser is quite unnecessary. The basic settlement must be reached with Moscow, and the subject of the settlement must be the strategic control on the Middle East.

There are three conceivable possibilities. One would be to restore the Middle East as a sphere of influence for Britain, France, and the United States of America, with Russia excluded. This cannot be done. It is too late. We are not strong enough to do it. A second would be to let the Middle East become a Russian sphere of influence. This would be an unnecessarily abject surrender. We are not so weak that we must accept it.

The third possibility would be to neutralize the Middle East as between the two great military alliances, and to build upon this overall neutralization, specific agreements about the oil business, about the security of Iran, Lebanon, and Israel.

This will not be easy, and it requires a higher order of statesmanship than we are now accustomed to. But it is not impossible. For it does not run contrary to the vital interests of any of the nations concerned.

Mr. FULBRIGHT. Mr. President, for several years we have been drifting toward abject humiliation and disaster in our foreign relations. We are supposed to be a self-governing democracy. Theoretically, we have the power to determine our own destiny. I do not believe the American people need to be humiliated before the world. Surely some way can be found to develop a foreign policy which will serve the interests of the people of this country.

Mr. President, I also ask unanimous consent to have printed in the RECORD, as part of my remarks, following the editorial and article to which I have already referred, an article entitled "Eisenhower-Khrushchev Letters Translated," written by James Reston, and published on July 27 in the New York Times. The article presents an interpretation of the recent letters between the President and Khrushchev.

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

EISENHOWER-KHRUSHCHEV LETTERS TRANSLATED

(By James Reston)

WASHINGTON, July 26.—At the request of a lady reader in Kennebunk, Maine, who says she has read the entire Eisenhower-Khrushchev correspondence in the New York Times and still doesn't understand, the Society for the Exposure of Political Nonsense held an emergency meeting here this week and ran the official letters through its big electronic truth detector, Uniquack.

This remarkable machine, which can translate, decontaminate, and summarize wordy official documents into clear, truthful American, produced the following clarification of what Mr. Eisenhower and Mr. Khrushchev really said:

"DEAR MR. PRESIDENT: I am very annoyed with you for sending your Marines into Lebanon. You deceived me. You led me to believe during the Suez war, when you sided with me against the colonial imperialists from Britain and France, that you would not use force in the Middle East even in your own interests.

"Since then my friend Nasser has been tidying things up in that area precisely to my liking. I really do wish you would go away and stop interfering with my plans.

"Respectfully yours,

"NIKITA S. KHRUSHCHEV."

"DEAR MR. KHRUSHCHEV: I have your letter of July 19. I can understand your surprise at suddenly finding the American marines involved in Lebanon. I was a little surprised myself. We had definitely decided not to get involved in that mess, but the revolution in Iraq took us by surprise and we had to do something.

"Sincerely,

"DWIGHT D. EISENHOWER.

"P. S.—By the way, how are things going for you in Hungary these days?"

"DEAR MR. PRESIDENT: Thank you for your frank letter. I sympathize with your problem. It must be extremely annoying for you not to be told by Allen Dulles, of your Intelligence Agency, what trouble Foster Dulles, of your State Department is getting you into.

"Nevertheless, we must deal with the serious situation in the Middle East. Our proposal is perfectly simple. We want you and the British to get out of there and leave us to deal with the Arabs for a while. Isn't that reasonable?

"At least, let us get together and talk about it. I'm dying to see the United States.

"Respectfully yours,

"NIKITA S. KHRUSHCHEV.

"P. S.—I'll meet you anywhere that is convenient: Burning Tree, the Augusta National, Pine Valley, Pebble Beach, anywhere."

"DEAR MR. KHRUSHCHEV: Foster and I don't really like your suggestion.

"Therefore, we don't want to talk to you. Your charges should properly be discussed at the United Nations and, of course, if you will read the charter of that organization you will see that anybody can represent a country there, even you.

"Sincerely,

"DWIGHT D. EISENHOWER.

"P. S.—When are you going to get out of Germany and Eastern Europe?"

"DEAR MR. PRESIDENT: Thank you for your cordial personal invitation to discuss your aggression at the United Nations. I accept. Let's meet there tomorrow morning at 7:45 or sooner. I'm bringing along Nehru, Nasser, and a few other friends. Please get us connecting suites at the Waldorf Towers—those big ones like Herbert Hoover's and General MacArthur's.

"Respectfully yours,

"NIKITA S. KHRUSHCHEV.

"P. S.—How about some tickets for My Fair Lady?"

"DEAR MR. KHRUSHCHEV: You misunderstood me, I didn't invite you to the United Nations; I merely said I couldn't stop you. I've told you for 7 months that we didn't want a summit meeting unless it was carefully prepared and looked profitable. It's obvious these conditions have not been met. Let me summarize: We do not want you. We do not trust you. We do not like you. But we cannot stop you if you have no pride.

"Sincerely,

"DWIGHT D. EISENHOWER.

"P. S.—We don't like Gromyko, either."

"DEAR MR. PRESIDENT: The Soviet Union has not pride, only interests. See you soon.

"NIKITA S. KHRUSHCHEV.

"P. S.—Never mind the tickets. I have arranged a special performance of My Fair Lady the first Sunday we arrive."

Mr. KENNEDY. Mr. President, is morning business closed?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 488. An act for the relief of Eva A. Winder;

S. 616. An act for the relief of Blanca G. Hidalgo;

S. 1879. An act for the relief of Casey Jimenez;

S. 1987. An act for the relief of Richard K. Lim and Margaret K. Lim;

S. 2691. An act for the relief of Hiroko Ozaki;

S. 2860. An act for the relief of Miss Susana Clara Magalona;

S. 2933. An act to extend the life of the Alaska International Rail and Highway Commission and to increase its authorization;

S. 3053. An act to authorize the Secretary of the Army to convey certain real property at Demopolis lock and dam project, Alabama, to the heirs of the former owner;

S. 3136. An act for the relief of Fouda (Fred) Kassis; and

S. 4165. An act to amend the Atomic Energy Act of 1954, as amended.

The message also announced that the House had agreed to the following concurrent resolutions of the Senate:

S. Con. Res. 83. Concurrent resolution for the relief of certain aliens; and

S. Con. Res. 92. Concurrent resolution withdrawing suspension of deportation in the case of Jesus Angel-Moreno.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 2677. An act for the relief of former S. Sgt. Edward R. Stouffer; and

H. R. 7177. An act for the relief of Edward J. Bolger.

The message also announced that the House had severally agreed to the

amendments of the Senate to the following bills of the House:

H. R. 7140. An act to amend title 10, United State Code, to authorize a registrar at the United States Military Academy, and for other purposes;

H. R. 7941. An act for the relief of Mrs. Harry B. Kesler; and

H. R. 11378. An act to amend Public Laws 815 and 874, 81st Congress, to make permanent the programs providing financial assistance in the construction and operation of schools in areas affected by Federal activities, insofar as such programs relate to children of persons who reside and work on Federal property, to extend such programs until June 30, 1961, insofar as such programs relate to other children, and to make certain other changes in such laws.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 2966) for the relief of Harry F. Lindall; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LANE, Mr. MONTOYA, and Mr. POFF were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a joint resolution (H. J. Res. 672) amending a joint resolution making temporary appropriations for the fiscal year 1959, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 7734. An act to exempt certain teachers in the Canal Zone public schools from prohibitions against the holding of dual offices and the receipt of double salaries;

H. R. 8252. An act to amend section 3237 of title 18 of the United States Code to define the place at which certain offenses against the income tax laws take place;

H. R. 8282. An act for the relief of James E. Driscoll;

H. R. 8444. An act for the relief of Lloyd Lucero;

H. R. 8645. An act to amend section 9, subsection (a), of the Reclamation Project Act of 1939, and for other related purposes;

H. R. 8875. An act for the relief of Mr. and Mrs. George Holden;

H. R. 9181. An act for the relief of Herbert H. Howell;

H. R. 9222. An act for the relief of Dr. Edgar Scott;

H. R. 9397. An act for the relief of William T. Manning Co., Inc., of Fall River, Mass.;

H. R. 9885. An act for the relief of Frank A. Gyescek;

H. R. 11305. An act to authorize the appropriation of funds to finance the 1961 meeting of the Permanent International Association of Navigation Congresses;

H. R. 11549. An act to provide for the preparation of a proposed revision of the Canal Zone Code together with appropriate ancillary material; and

H. R. 13209. An act to provide for adjustments in the lands or interests therein acquired for the Albeni Falls Reservoir project, Idaho, by the reconveyance of certain lands or interests therein to the former owners thereof.

The message notified the Senate that Mr. THOMPSON of Texas, and Mr. SIMPSON of Illinois had been appointed managers on the part of the House at the conference of the two Houses on the bill (H. R. 376) to amend the Commodity Exchange Act to prohibit trading in onion futures in commodity exchanges, vice Mr. POAGE and Mr. HOEVEN, excused.

HUMANE METHODS OF SLAUGHTER OF LIVESTOCK

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1759, H. R. 8308.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 8308) to establish the use of humane methods of slaughter of livestock as a policy of the United States, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 8308) to establish the use of humane methods of slaughter of livestock as a policy of the United States, and for other purposes, which had been reported from the Committee on Agriculture and Forestry, with an amendment, to strike out all after the enacting clause and insert:

That the Congress finds that the use of inhumane methods in the slaughtering of livestock and the handling of livestock in connection with slaughter is contrary to the public interest in that it causes needless suffering, has an adverse effect upon public acceptance of the products of livestock, and is detrimental to the interests of producers. It is, therefore, declared to be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter be carried out by humane methods. As used in this act the term "livestock" shall be deemed to include poultry.

SEC. 2. To aid in effectuating such policy the Secretary of Agriculture is authorized and directed (a) to conduct, assist, and foster research for the development and determination of methods of slaughter of livestock and of handling livestock in connection with slaughter which are humane in the light of current scientific knowledge and practicable with reference to the necessary speed and scope of slaughtering operations, (b) to promote and encourage the use of humane methods of slaughter of livestock and handling of livestock in connection with slaughter by disseminating the results of the scientific research provided for in subparagraph (a) of this section and by working with slaughterers, humane associations, and other interested persons to accomplish such purposes, (c) to report to the Congress on January 1, 1959, and annually thereafter concerning actions taken pursuant to this act, and (d) to report to the Congress changes, if any, and the extent thereof, in the methods of slaughter adopted by the slaughtering industry, together with such recommendations on the need for legislative action as the Secretary may determine are warranted in the light of scientific research and developments in the industry. Within 2 years after the enactment of this act the Secretary shall submit to Congress a complete legislative proposal setting out those methods of slaughter found to be humane and requiring their adoption by slaughterers.

SEC. 3. The Secretary is authorized to establish an advisory committee to assist in effectuating the provisions of section 2. The functions of the committee shall be to consult with the Secretary and other officials of the Department of Agriculture and to make recommendations to the Department relative to the responsibilities and functions vested in the Secretary under section 2. The committee shall be appointed by the Secretary and shall include in its membership members from the following fields of interest: Humane treatment of animals, the production of livestock, the slaughter of livestock including ritualistic slaughter, animal husbandry, and veterinary medicine. The chairman of the committee shall be an official of the Department of Agriculture designated by the Secretary. Committee members other than the chairman shall not be deemed to be employees of the United States and shall not be entitled to compensation, but the Secretary is authorized to allow reasonable travel expenses and subsistence expenses in connection with their attendance at regular or special meetings for the purposes of the act. The committee shall meet at least once each year at the call of the Secretary or the chairman.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. MORSE. Mr. President, I object.

The PRESIDING OFFICER. The clerk will continue the call of the roll.

Mr. JOHNSON of Texas (after conferring with Mr. MORSE). Mr. President, I again ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The question is on agreeing to the committee amendment in the nature of a substitute, which is open to amendment.

Mr. ELLENDER. Mr. President, we have before us the so-called humane slaughter bill. The Committee on Agriculture and Forestry has considered such legislation during the past two sessions of Congress.

During the last session, the committee reported a more or less study bill. The Senate passed that bill and sent it to the House for action, where it died from inaction. This year, the House took up the matter and passed a bill which, in turn, was considered by the Senate Committee on Agriculture and Forestry.

I have been in the Senate for 22 years, and I know of no bill which has provoked more letter writing and telegraphic communications than the so-called humane slaughter bill which passed the House. I am quite satisfied that if those who wrote the flood of letters and telegrams knew all the implications of the issue, what the House bill contained and what the Senate bill means, they would not be so vociferous about and so anxious for passage of the House bill alone.

In my judgment, the House bill is more or less a make-believe one. It does not require the humane slaughter of meat animals in the majority of slaughterhouses scattered throughout the United

States. The bill has no penalties attached to it. It has no teeth in it. It is a mere shadow of a bill. For that reason, the Senate committee saw fit to hold extensive hearings, in the hope that we could report to the Senate a measure which might better meet the objectives of those who desire to foster truly humane slaughter practices.

The great difficulty with legislation of this kind—and the evidence will so show—is that no Federal agency has made any study as to what methods of slaughter are actually humane. Yet the bill passed by the House undertakes to set forth what methods of slaughter are humane. Of course, the argument is made that some countries, principally in Europe, have utilized the House bill's methods for many years. That is correct. But the question remains: are those methods really humane?

The answer is readily apparent, after reading the hearings held by our committee. No one knows whether they are or not. As a matter of fact there is much evidence to the effect that the methods prescribed in the bill are not consistent with real humane slaughtering. At best the methods prescribed in the House bill should be studied by experts before being written into law. I would certainly be the first to advocate and foster compulsory humane slaughter legislation if the methods required had been found to be humane.

Therefore, in an effort to determine which methods are humane, the Committee on Agriculture and Forestry, after hearing much evidence, reported to the Senate the pending bill requiring that humane slaughter methods be intensively studied by the Secretary of Agriculture and that the Secretary report his findings to us within 2 years.

Let me be frank with Senators. The committee bill is no subterfuge. It means what it says. It directs the Secretary to study and specify humane slaughter methods, and to report to the committee which methods are found to be humane within 2 years. In the meantime, the Secretary is directed to obtain voluntary compliance by packers with those methods.

I can assure Senators that at the expiration of 2 years, if there has not been voluntary compliance with methods recommended by the Secretary, I personally will lead the fight in the Senate for a humane slaughter bill with teeth in it, not a wishy-washy subterfuge such as that passed by the House under the guise of humane slaughter legislation. The bill as passed by the House contains no criminal penalties.

If we are to pass a bill to enforce humane slaughtering, it should apply to all slaughterhouses which are engaged in interstate commerce, and it should contain penalties.

The House bill, on the other hand, undertakes to arbitrarily define what methods of slaughter are humane and then states that if slaughterhouses do not follow those methods, the only penalty they suffer is that they cannot sell meat to a Government agency. Is that not a limp deterrent? They cannot sell meat to a Government agency. What will that mean? It will mean that of the 3,400 slaughterhouses in the country, only some 240 would be affected under the House bill.

What the Committee on Agriculture and Forestry sought to do was to require a real study of humane slaughter methods and to require that the results of such a study be made available in 2 years. At the end of that time, or even earlier, if the necessary studies had been made, Congress would be in a position to enact sensible and meaningful legislation—legislation setting forth methods found to be definitely humane—legislation with teeth in it—legislation which would apply to all slaughterhouses engaged in interstate commerce.

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

Mr. ELLENDER. I yield.

Mr. MORSE. Mr. President, I am sure the Senator from Louisiana has received some messages on a delicate point which has to do with the position of the Orthodox Jewish rabbis. Some of them seem to be under the impression that the adoption of the pending bill, or a similar bill, will in some way interfere with the religious practices of the Orthodox Jewish faith. Can the Senator from Louisiana enlighten me in regard to that matter?

Mr. ELLENDER. There is no question that the testimony——

Mr. JOHNSON of Texas. Mr. President, will the Senator speak louder?

Mr. ELLENDER. There is no question that testimony before the committee is replete with statements from various associations of rabbis that they feel the House bill will, to a large extent, interfere with their religious rites.

We heard rabbis representing various organizations throughout the country at a full-day hearing of the committee. They were unalterably opposed to the pending bill.

It is true that there are some segments of the Jewish faith which are in favor of the bill. However, a reading of the testimony will show that they have been more or less forced into that position, having been told, "Unless you are for the House bill, you will get something much worse." This fact was brought out very clearly during the testimony.

Mr. MORSE. Is there any testimony in the RECORD from any Orthodox Jewish group which indicates that they can adjust their religious rites to the provisions of the bill?

Mr. ELLENDER. They all answer "No" to that question. That is the gist of the testimony.

Mr. HUMPHREY. Mr. President, I hope the Senator from Oregon will ask me the same questions when I make my presentation.

Mr. MORSE. I intend to.

Mr. HUMPHREY. The matter has been gone into extensively. There are two provisions in the bill passed by the House which would protect the religious right of any person with respect to slaughtering in connection with any ritualistic practice.

Mr. ELLENDER. The Senator was present when I conducted the hearings. He conducted hearings on the same subject 2 years before that.

Mr. HUMPHREY. That is correct.

Mr. ELLENDER. It may be that the evidence at that time was a little different from what was submitted this year, but I am here to say that if the record is examined, it will be seen that most of the witnesses who appeared in opposition to the bill were unanimous in their views——

Mr. HUMPHREY. In their opinion.

Mr. ELLENDER. In their opinion—that is correct—that it would not protect their faith. These men were rabbis. Their opinion is certainly the opinion of experts.

Mr. HUMPHREY. I wish to confirm that what the Senator has said is absolutely correct; that the testimony which was presented was that the opinion was that the bill might lead to some form of practice or some form of regulation which was contrary to certain religious practices.

But also, upon careful examination, there is no evidence that there is any word within the bill which would lead to such an assumption except that decades ago, in the 18th century, in such countries as, for example, those in Central Europe, where there were vicious forms of anti-Semitism, some persons who were anti-Semites proposed humane slaughter, and deductions were drawn from that.

I have the greatest sympathy and feeling for those who testified. I have spent 3 years listening to such testimony. I do not wish to speak on the time of the Senator from Louisiana now, but on my own time I shall speak further about this. I shall address myself to this particular point, because it was the subject of considerable concern in the other House, and there is correspondence which is quite revealing.

Mr. NEUBERGER. Mr. President will the Senator yield?

Mr. ELLENDER. I yield.

Mr. NEUBERGER. Simply because the issue has been raised, at this point I think there should now be placed in the RECORD one paragraph from a letter dated June 20, 1958, sent to the distinguished junior Senator from Minnesota [Mr. HUMPHREY], who is the principal sponsor of the bill, by a man whom I regard as the most eminent member of the Jewish faith in this Nation. He is our former colleague, Herbert H. Lehman, of New York. Besides being a distinguished former Member of the Senate, he was also governor of the most populous State in the Union and had an illustrious career in many other varied fields, besides.

One paragraph of the letter from former Senator Lehman, written only a month ago, prior to the time he and Mrs. Lehman undertook a journey to Europe, reads as follows:

> However, I want you to know, should the question come up in the course of debate or other consideration of this legislation, that in my judgment, for what it is worth, your bill, with adequate protection for Jewish ritual slaughter—with the Anfuso amendment as it could, and should, be modified—not only represents no real threat to the sensibilities of my faith, but is, indeed, consistent with the objections of humaneness which are honored in the Jewish faith and tradition as well as in others.

Mr. ELLENDER. Let me be frank in stating that the testimony on this point is replete with statements to the contrary. The vast majority of the witnesses who testified—and the Senator from Minnesota was present—took the position that the reason why the Anfuso provision was put into the bill—and some members of the Jewish faith testified favorably to the House bill—was that its phraseology was such as to allow some alternatives. So I know their worries. They felt that unless the House bill is passed, another bill with more stringent restrictions would be enacted. In other words, they felt that the House bill would be the lesser of two evils.

Mr. HUMPHREY. I do not think anyone has been closer to the proposed legislation than has the junior Senator from Minnesota. It has caused me much heartache. I can honestly say that no one ever made an attempt to force anybody into anything. In fact, as I shall point out in my own time, the amendments which relate to ritualistic slaughter were written by persons who have some concern about the matter.

Of all the things I would never want to do in my life—I can say this on my honor—never would I want, in any way, to offend anyone's religious practice or deny the utmost religious freedom. I would rather we should never legislate on any item than that we would ever do such a thing. I would not put my name to any bill if I thought it would ever do such a a thing. I may be in error, but, as the Lord is my judge, I would never do such a thing, because religious freedom is the most precious of all our rights.

Mr. ELLENDER. In my remarks I did not mean to leave the impression that I thought the Senator was intimidated. I was speaking about the persons who appeared before the committee as witnesses on this question. There is testimony to that effect; it is in the record.

It has been stated that Mr. Leo Pfeffer, associate general counsel of the American Jewish Congress, was strongly for the measure. As a matter of fact, he was not for either side. His letter to that effect is in the record. Yet that letter was used, at first, by the distinguished Senator from Minnesota, as I remember, in making the point that the American Jewish Congress favored the bill. I shall read the letter into the RECORD. It shows that the American Jewish Congress took neither side. I cite that letter because there was testimony to the effect that there was some compulsion exerted to make some segments of the Jewish faith accept what was written into the House bill.

Mr. HUMPHREY. Is it not true, however, that Mr. Pfeffer actually drew the language of the amendment in the bill, which is designed, I say most respectfully, to protect religious freedom?

Mr. ELLENDER. I do not recall.

Mr. HUMPHREY. I shall quote for the RECORD a statement that he did. I swear that he did draw such language at the request of Senators on the committee.

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

Mr. ELLENDER. I yield.

Mr. SYMINGTON. As I understand the bill now, it corrects objections which the Orthodox Jewry have to the bill. I was worried because in my State many fine members of the Orthodox Jewish faith felt the bill did not take care of the actual slaughtering of animals in accordance with their ritual. That was corrected.

There was apprehension that the bill did not correct the matter of the preparation of animals for slaughter. That was corrected.

There was also apprehension that it would be considered inhumane to perform shehitah. A provision was put in the bill stating specifically that shehitah was humane.

Finally, a letter was written on May 13, 1958, I believe, by the——

Mr. ELLENDER. A letter from Mr. Pfeffer?

Mr. SYMINGTON. No; a letter of, I believe, May 13, from Mr. Farrington, counsel for the Department of Agriculture. In this letter he stated that he did not think the bill would properly protect the Orthodox Jewish ritual.

I join with my distinguished colleague from Minnesota in emphasizing that under no circumstances would I want to do anything which would affect any religious ritual or practice.

Mr. ELLENDER. Mr. President, since I mentioned the letter from Mr. Pfeffer, associate general counsel of the American Jewish Congress, who the Senator from Minnesota said wrote this provision, I ask unanimous consent that this letter of May 14, 1958, be printed at this point in the RECORD.

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

MAY 14, 1958.

COTYS MOUSER,
Secretary, Senate Agriculture Committee, Senate Office Building, Washington, D. C.

DEAR MR. MOUSER: I am happy to reply to your request that I clarify the present position of the American Jewish Congress in respect to the humane slaughtering bill now being considered by your committee. The objective of achieving humane slaughtering practices, however worthy the goal, is beyond the purview and scope of the program of the American Jewish Congress. For that reason the American Jewish Congress has never taken any position regarding humane slaughtering legislation as such. Our interest in the present bill and predecessors arises from our concern with the protection of the right of Jewish religious slaughter known as shehitah in accordance with our policy. Therefore, while we do not endorse humane-slaughtering legislation, we do not by the same token oppose such legislation if it is clear that it does not restrict or handicap slaughtering in accordance with the requirements or practices of the Jewish religion, or the handling and preparation necessary for such ritual slaughtering. This has been and remains the position of the American Jewish Congress.

AMERICAN JEWISH CONGRESS.
LEO PFEFFER.

Mr. ELLENDER. Mr. President, I remember now that Mr. Pfeffer is the man who prepared the so-called Anfuso amendment. As I recall, I suggested that he reduce his views to writing, because various witnesses testified that some members of the Jewish faith were more or less led into supporting the House version with the so-called Anfuso amendment, lest a worse bill be written.

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

Mr. ELLENDER. I yield.

Mr. MORSE. I desire the attention of the Senator from Minnesota. I have raised this question, because, as the Senator from Minnesota knows, I think that when we have such delicate and difficult issues involved in a bill, they should be brought out on the floor for full public disclosure and discussion. As the Senator from Minnesota knows, I am a cosponsor of his bill.

Mr. HUMPHREY. I certainly do.

Mr. MORSE. So far as I know, the bill does not, in fact, infringe upon the religious freedom of the Orthodox Jews. I wanted to make a record today, however, so that those who think to the contrary may make their case. I desire the Senator from Minnesota to know that there was not the slightest intention on the part of the senior Senator from Oregon in any way to question his convictions with respect to religious freedom.

Now I should like to have the attention of my colleague, the distinguished junior Senator from Oregon [Mr. NEUBERGER], for a moment. He read into the RECORD a paragraph from a letter written by former Senator Lehman, which will have great weight in the debate in the Senate. I ask my colleague if he knows whether former Senator Lehman is a member of the Orthodox group of the Jewish faith or is a member of the Reform or Conservative group.

Mr. NEUBERGER. While I am not authorized to speak concerning former Senator Lehman's religious views, it is my understanding that he is a member of what is called the Liberal or Reform group.

Mr. MORSE. I think he is a good witness, in any event. But the objection seems to be coming from the Orthodox group. I think we ought to make it perfectly certain that we have adequate evidence from the Orthodox group itself with respect to the effect of the bill itself on the Orthodox group. That is why I raised the question.

Mr. CARROLL. Mr. President——

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Does the Senator from Louisiana yield to the Senator from Colorado?

Mr. ELLENDER. I yield.

Mr. CARROLL. I should like to ask the junior Senator from Oregon [Mr. NEUBERGER] whether the Anfuso amendment, as referred to in the letter from the distinguished former Senator from New York, Mr. Lehman, is included in the bill which has been passed by the House.

Mr. NEUBERGER. The Anfuso amendment is included in the bill as it came to us from the House of Representatives, after it was passed by the House.

Inasmuch as I have been asked about it, let me say that in my opinion—for whatever it may be worth—I believe the Anfuso amendment adequately protects the religious and ritual slaughter methods which have been referred to during the debate.

Mr. CARROLL. I read now from page 2, section 2, paragraph (b) of House bill

8308, as passed by the House of Representatives:

(b) by slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

Is that the amendment?

Mr. HUMPHREY. That is the official approval of kosher slaughter as humane, contained in the House bill which I support.

Mr. CARROLL. Does the distinguished Senator from Minnesota intend to submit such an amendment or any other amendment?

Mr. HUMPHREY. I do not intend to submit an amendment. Suggestions have been made in regard to an amendment which would relate to this particular subsection. I believe any further amendment to be unnecessary. I believe it is only necessary to clarify the point, which we shall do in the course of the debate, in connection with establishing the legislative history. But if such an amendment were submitted, of course it would have to be considered on its merits.

I, myself, have no intention of offering such an amendment.

Mr. CARROLL. The distinguished Senator from Minnesota has been most helpful to me on this matter. I agree with the Senator from Louisiana that I have received more mail on this issue than on almost any other; and some of the great intellectual leaders in Colorado have written to me about it. I, in turn, have conferred with the office of the junior Senator from Minnesota [Mr. HUMPHREY] because I consider him to be one of the experts in this field.

So I wish to associate myself with the remarks of the distinguished junior Senator from Minnesota [Mr. HUMPHREY]. I know he stands for religious freedom. I realize the serious problems with which he has been confronted in this connection, and I shall be very much interested in the debate as it proceeds today.

I thank the Senator from Louisiana for yielding to me.

Mr. ELLENDER. Mr. President, I wish to say in perfect frankness to the Senate that, during the hearings, I asked some of the rabbis who represented the Jewish Orthodox Church whether or not it was possible to include in the bill language which would be satisfactory to them. Their answer was "No."

Mr. President, what concerns me more than anything else about this problem of humane slaughter is the fact that some elements are making to the people of the country representations that the House bill requires humane slaughter methods in all slaughterhouses. That is the impression being left.

What the Senate committee desires—as it desired 2 years ago—is to have a study made of humane slaughter methods in order to determine which methods are, indeed, humane. I, for one, do not want to go off halfcocked, so to speak.

Two years ago the House of Representatives rejected that proposal and would not even hold hearings on our bill. If the House had done so, we would not be in the quandary we find ourselves today—we would be in a position to enact constructive legislation instead of, I fear, putting emotion first and commonsense second. The House, it now develops, has proceeded to draft its own bill, which is before the Senate at this time.

I personally conducted the committee hearings on the issue.

Mr. President, I still firmly believe that the best method by which the Congress can proceed is to have the Department of Agriculture make a study of humane slaughtering methods, with a view toward providing us definite information as to which methods are humane, so we can be sure we are not legislating in the dark on premises which time may prove to be false.

All of us favor humane slaughtering methods. But the evidence from the Department, as well as the evidence from other sources, is that, up to now, no methods which properly can be called humane have been applied to all animals.

For instance, there has been under consideration the method called the direct blow—in other words, one blow on the head of an animal. The evidence shows that that method may be successfully and humanely applied to cattle, but not to sheep or to hogs.

Then there is the asphyxiation method. The evidence shows that if a little too much of the asphyxiating gas is used the animal's flesh may be contaminated. Furthermore, according to some of the witnesses, if the asphyxiation method is to work properly, all the animals treated at one time must be of the same size and weight, so that the same amount of gas will be inhaled by each of them.

On the other hand, if a larger animal is included in a pen with smaller ones, and if gas then is applied, more gas will be required to asphyxiate the larger animal, and the additional amount of gas may contaminate the flesh of the smaller animals.

So at the present time the Department of Agriculture is at a loss to make a determination as to what methods are best.

Our bill, which is in the nature of a substitute for the bill passed by the House of Representatives, provides for a study of these methods, looking toward the enactment of mandatory humane slaughter legislation, based on recommended methods, within 2 years. I assure the Senate that, when the Department of Agriculture completes the studies called for in the Senate bill—and I know it will make them—I personally will lead the fight to pass a bill with teeth in it, to make it a crime for anyone engaged in interstate commerce to use inhumane methods of slaughtering.

As the bill passed by the House of Representatives now stands, I would not call it a humane slaughtering bill. I say this because it would not apply to more than 240 of the 3,400 slaughterhouses scattered throughout the Nation. What is more, the bill does not provide for any criminal penalties. I repeat that the only penalty provided by the House bill is that those who do not use the methods prescribed by the bill cannot sell their products to the Government.

Mr. JAVITS. Mr. President, will the Senator from Louisiana yield to me?

Mr. ELLENDER. I yield.

Mr. JAVITS. I did not participate in the debate a little while ago with respect to shehitah because I believe that the principal issue the Senator from Louisiana is discussing now relates to the merits or demerits of the committee measure versus the amendment—which has been printed—submitted by the Senator from Minnesota.

I deeply believe that all the arguments which have been made in regard to that issue relate to other matters—for instance, the desirability or lack of desirability of the particular type of regulation provide for in the bill as passed by the House of Representatives. I shall address myself to that subject when I believe it to be germane to the debate.

Let me ask whether any consideration was given by the committee to this possible compromise: To have the study succeeded by a filing, by the Secretary of Agriculture, of a set of regulations which would be subject to Congressional veto, as in the case of a reorganization plan.

Similarly, let me ask whether consideration has been given to still a third possibility—more or less in between the Poage bill and the committee study plan—which would make the advocates of the humane slaughter measure believe that some affirmative regulation would be established at some time. After all, their chief objections—as the Senator from Louisiana knows much better than I do—are directed to a study which would not result in the enactment of effective legislation.

Mr. ELLENDER. No; we did not consider a filing of regulations by the Secretary of Agriculture. No proposal was made along the lines suggested by my distinguished friend. However, I want to give assurance to all Senators that we have written a provision into the substitute bill, in no uncertain terms, that legislation will be forthcoming in 2 years. This is not a do-nothing bill.

I desire to pay tribute to the Humane Society. The fact that they have been bringing this matter before Congress in the past 2 or 3 years is causing many slaughtering houses throughout the country to take note that, sooner or later, Congress will act.

I have no doubt in my own mind that if the Department of Agriculture can make a study of humane slaughtering and propose a program, the Department will have no difficulty in getting voluntary compliance on the part of the slaughtering houses before the 2-year period expires.

But if the slaughtering houses do not voluntary comply, then Congress can and should act, and pass a bill which would have teeth in it.

I repeat that what the House has passed amounts to nothing. It is not a humane slaughter bill at all, because it is not enforceable except as to those slaughterhouses that sell to the Government.

Mr. JAVITS. May I ask the Senator one more question?

Mr. ELLENDER. Yes.

Mr. JAVITS. It is a fact, is it not, if the Senate does not pass the identical bill passed by the House, the matter will then go to conference and at that time will be subject to negotiation?

Mr. ELLENDER. That is a fact. So far as I am concerned, I am willing to lean over backwards and do anything I can to have an effective humane slaughter bill passed at an early date.

But I am not going to yield to pure emotion and forget the responsibility I owe to my country and the people of my State to legislate in a responsible and realistic manner.

As a matter of fact, the record will show that during the last Congress it was our suggestion that a study be made of this subject, so that we could in time prepare a mandatory bill. Considerable testimony has been given about certain methods which are satisfactory in Europe, and which are also satisfactory in a few slaughterhouses in our own country. But we have yet to hear of any specific methods of humane slaughtering which can be established and made applicable to all animals and be used by the various slaughtering houses throughout the country.

Mr. President, as I pointed out before, the substitute bill now before the Senate provides for research to develop humane methods. If this bill is passed, I offer to present to the Appropriations Committee, before the Congress adjourns, a proposal to obtain money to start the study immediately.

The bill also provides for promotion of the use of humane methods. In the meantime, the Department of Agriculture, as it develops humane methods, can promote the use of such methods. I feel confident if that course is followed, we can have within 2 years humane slaughtering on a voluntary basis, in many slaughterhouses throughout the country. If these methods are not adopted voluntarily, then Congress should, and I feel sure will, act.

I wish to make another point. As I said before, there is no question that if a study is made by the Department, within 2 years it will be able to ascertain specific methods of humane slaughter. Then would be the time for the Congress to enact legislation which would be effective and would subject slaughtering houses engaged in interstate commerce to the provisions of any measure enacted by Congress.

In the proposed study, the Secretary of Agriculture would have the assistance of an advisory committee, drawn from groups interested in the humane slaughter movement, which would include the fields of humane treatment of animals, livestock production, ritualistic and other slaughtering methods, animal husbandry, and veterinary medicine. Veterinarians have been involved for this reason: We have had testimony presented that if any methods are to be imposed without study, it is entirely possible that veterinarians will have great difficulty in obtaining serum for hog cholera. The cost could perhaps be doubled or tripled, because the methods of obtaining serum might be affected by the use of asphyxiating gas. That question has been before the committee. It is true that in order to obtain the serum animals could be slaughtered in slaughterhouses that do not engage in interstate commerce, but the evidence shows that the cost of making the serum might be doubled or tripled. If a study is made, it is entirely possible that even with the use of gas on animals, the blood could be used to make the serum. We do not know that at this time. That is why we need more study.

This is just one example of the many difficulties inherent in the House bill. The record clearly shows that further study into this field is absolutely necessary. In essence, we are attempting to deal with unknown quantities.

It is impossible to say how many other serious problems of this type might arise if we rush into the field of humane slaughter methods without being fully aware of all the possible consequences.

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

Mr. ELLENDER. I yield.

Mr. HUMPHREY. I recall that there was testimony from, I believe, the Anchor Serum Co., which is one of the largest serum companies in the United States, and a company with which my family has done business for 25 years, relating to the problem of hog cholera serum as it may be affected by certain types of so-called slaughtering practices.

The statement of the distinguished Senator from Louisiana, in pointing out what he considers to be a weakness of the bill as passed by the other body, and the weakness of the amendment I have pending at the desk, is to the effect that the proposal applies only to a few slaughtering houses, and that there are more than 3,000 to which it would not apply. Enough cholera serum could be obtained from the 3,000 slaughtering houses to which the bill does not apply. The Senator from Louisiana cannot have it both ways. If the bill does not go far enough in terms of coverage, then it cannot go so far as to thwart the production of hog cholera serum.

I might add that today there are other large slaughtering houses which utilize humane slaughtering practices. Those houses seem to have been doing quite well, both in terms of research in the field of biologicals and serums and in the field of meat products.

Mr. ELLENDER. Mr. President, I intimated to my good friend from Minnesota that it would be entirely possible for slaughtering houses doing intrastate business to furnish sufficient blood for the production of hog cholera serum.

Mr. HUMPHREY. And even those doing interstate business.

Mr. ELLENDER. I made that thought clear, I believe.

Mr. HUMPHREY. Yes.

Mr. ELLENDER. It is also entirely possible that after a study is made by the Department of Agriculture, it might be found that the blood of an animal would not be affected adversely by the use of gas. I believe all those things ought to be studied. The Department of Agriculture stands ready and willing to make the study. The Department would have done so during the last session if the House had acted on the bill the Senate passed last year.

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

Mr. ELLENDER. I yield.

Mr. HUMPHREY. As the Senator knows better than anyone else in this Chamber, there has been in the Department of Agriculture for more than a quarter century a division which deals with serum control. There is a very substantial division in the Department of Agriculture engaged in research in the field of serums, viruses, biologicals, antibiotics, and so forth. There has been nothing to interfere with the Department of Agriculture making such a study long ago.

As I shall show in the debate, humane slaughtering practices are today already utilized by some of the largest slaughtering houses. It is amazing to me that at the very late hour of the last week of the testimony on the bill, the serum companies and the Department of Agriculture should suddenly discover that there may be some problem about serum, although they did not discover it 2 years ago when the hearings were held. Dr. Clarkson, of the Department of Agriculture, was asked again and again whether humane slaughtering practices might be injurious to the research efforts of the Department. I have the record of the testimony.

Furthermore, I want the record to note that I wrote to the Anchor Serum Co. I am familiar with the operations of that company. The business with which my family is associated has sold millions of cubic centimeters of hog cholera serum over a period of 40 years. I wrote to the company to the effect that I considered their efforts not to be very meritorious, because if they were really concerned they should have been concerned before the last 3 days of the hearings, since the bill has been before the Congress for 3 years.

Mr. ELLENDER. Mr. President, the Senator knows that at the time the committee held hearings on the bill it was more or less of a study bill. We had that in mind when we reported the bill. I think the committee was in agreement, including, as I remember, even my good friend from Minnesota.

Mr. HUMPHREY. The original bill was a mandatory bill, and the serum companies did not testify.

Mr. ELLENDER. I believe it was a study bill.

Mr. HUMPHREY. It was a mandatory bill. That is why the Department objected to it.

Mr. ELLENDER. Of course at that time we had not known methods of slaughter which we proved definitely humane. That is the objection now, so far as the Department is concerned.

Mr. HUMPHREY. The Hormel Co. in Austin, Minn., one of the largest meatpacking companies, thinks it has known methods. By the way, the profit percentage of that company is better than the profit percentage of some of the companies which do not think they have known methods. The company has a pretty good operation, as a matter of fact.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a full explanation of the Senate version of the bill.

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

EXPLANATION OF H. R. 8308

This bill is designed to bring about the use of humane methods in all livestock and poultry slaughter operations in the United States. With the committee amendment to its text, it provides for:

First, research to develop humane methods;

Second, promotion of the use of such methods; and

Third, submission to Congress within 2 years of a complete legislative proposal requiring adoption by slaughterers of such methods. It would be administered by the Secretary of Agriculture, who would have the assistance of an advisory committee drawn from groups interested in the humane movement, livestock production, ritualistic, and other slaughter operations, animal husbandry, and veterinary medicine.

The committee held hearings on this matter both this year and in 1956, when S. 1636 was reported out and passed by the Senate, but not by the House. All witnesses have favored the adoption of improvements in the humane handling and slaughtering of food animals. There were, however, differences of opinion as to whether it was feasible and desirable to specify acceptable methods at this time and make their use compulsory to a limited extent.

As passed by the House, the bill would have prohibited purchases by the United States after December 31, 1959, of livestock products produced or processed by slaughterers using other than humane methods. The hearings brought out a number of problems with respect to this proposal, the primary problem being a lack of scientific information as to what methods are actually humane. The committee amendment is intended to provide for the research necessary to provide such information so that within 2 years the Secretary should be able to advise slaughterers as to what methods are humane and it should be possible to enact effective legislation to require the adoption of those methods by any slaughterers who have not already adopted them within that period.

The bill would require additional Federal expenditure, estimated at $250,000 per year for the first 2 years. Expenditures thereafter would depend largely on the action Congress might take on the legislative proposal required to be submitted to it at that time.

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

Mr. ELLENDER. I yield to the Senator from Ohio.

Mr. LAUSCHE. Am I correct in my understanding that the bill as reported by the committee provides the Secretary of Agriculture with authority to conduct, within a period of 2 years, a study of humane methods of slaughter?

Mr. ELLENDER. The Senator is correct.

Mr. LAUSCHE. The bill would direct the Secretary to do certain things. At the end of 2 years the Secretary would be required to submit what is supposed to be a proposal which would bring into effect humane slaughter of animals. That is, I believe, what is provided in the committee bill.

Will either the Senator from Louisiana or the Senator from Minnesota tell me what the amendment of the Senator from Minnesota provides?

Mr. ELLENDER. In fact, there is no amendment from the Senator from Minnesota before the Senate as yet. The question before us is on agreeing to the amendment the committee submitted to the bill, to strike out the House language. In my judgment, the House language should be stricken.

Mr. LAUSCHE. What does the language of the bill as passed by the House provide?

Mr. ELLENDER. The House version attempts to define humane slaughtering. For instance, if the Senator will turn to section 2, on page 2, beginning at line 4, he will find this provision:

No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane. Either of the following two methods of slaughtering and handling are hereby found to be humane:

We have no direct evidence from the Department as to this matter. The Department has none. That is what the record shows.

I shall later read from a letter written by Secretary Benson, dated today, which suggests that the Senate version of the bill providing for a study should be passed.

Mr. LAUSCHE. Was the action of the committee based on the idea that there was not adequate information concerning humane methods of slaughter? Is that the reason why the committee suggested that the study be made?

Mr. ELLENDER. The Senator is correct.

Mr. LAUSCHE. The blow method may kill cattle?

Mr. ELLENDER. But not sheep.

Mr. LAUSCHE. But not sheep.

Mr. ELLENDER. It may stun cattle, but not hogs.

Mr. LAUSCHE. If the asphyxiation method is used, the quantity of gas needed to kill a large animal might have a contaminating effect upon the edibility of smaller animals.

Mr. ELLENDER. That problem is posed by such a method. I do not know what the Hormel method is. It is possible the Hormel Co. may put all pigs of the same size and weight in a tunnel and apply gas. However, when we consider the larger concerns which buy hogs on the market, I do not suppose that process could be followed. It would be very expensive to have to weigh each hog and put the same size hogs in the same tunnel before applying the gas. Such subjects must be studied by the Department. A number of Department of Agriculture scientists testified before the committee to lay bare the facts. No study has ever been made on this subject. However, it is felt a study can be made and that at the end of 2 years the Department will be in a position to come before us to recommend methods for the slaughter of animals which would be humane and which would be workable.

Mr. LAUSCHE. If I may ask a question on another subject, the orthodox branch of the Jewish faith has been in contact with me rather substantially expressing disapproval of the House version of the bill. Will the Senator from Louisiana repeat the conclusions he reached from the testimony which was given concerning the adequacy of the protection afforded to the orthodox branch of the Jewish faith?

Mr. ELLENDER. The orthodox branch of the Jewish religion takes the position that the bill does not protect them at all. I want to be perfectly frank in saying to the Senator that, according to my information, they do not know of any language which could be added to the bill which would give them protection.

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

Mr. ELLENDER. I yield.

Mr. HUMPHREY. I hope the distinguished Senator from Ohio will read the language in section 6 of the bill as passed by the House of Representatives. That is the language of the amendment which the Senator from Minnesota would offer if the parliamentary situation permitted.

As the Senator from Louisiana said, we shall have to vote on the language proposed by the Senate committee first. If the committee amendment is not agreed to, we will then consider the language of the bill as passed by the House, the original bill. This is the language:

Nothing in this act shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group to slaughter and prepare for the slaughter of livestock in conformity with the practices and requirements of his religion.

I must say that that is as exclusive a proviso as it is possible to draft.

Mr. LAUSCHE. I heard the statement of the Senator from Minnesota that their fear is founded upon the experience of the past, that interference with slaughter, although intended to make them exempt, eventually was used as an oppression of their religion.

Mr. HUMPHREY. The point is—and I can well understand it—that in certain areas of Europe where there was evidence of a practice of vicious antisemitism, some of the strong anti-Semites were also the proponents of humane slaughtering legislation in their respective assemblies or monarchial councils—because many of the countries did not have democratic forms of government. That was just another way to attack the Jewish religion. But those provisions did not contain such a protection as there is in this bill. There was no proviso in the legislation with respect to kosher slaughtering.

Studies were made in the British Parliament—and they are a matter of record, as I shall show later—and testimony of leading experts as to what were humane methods of slaughter was presented to the British House of Commons. Such methods were prescribed by the British House of Commons. So it is not as though we were venturing into territory which has never been explored. Wherever British law applies, there is the same kind of protection of religious freedom. Previously I was speaking of the 1870's and 1880's.

Mr. NEUBERGER. Mr. President, will the Senator yield for one comment on the question asked by the distinguished Senator from Ohio?

Mr. ELLENDER. I yield.

Mr. NEUBERGER. I wish to make further comment to support what was said by the Senator from Minnesota. Some of the nations of the world which have the utmost respect for and fidelity to the great institution of religious freedom also have humane slaughtering laws. For example, Great Britain, where all of us will agree there is great respect for the rights of the individual with regard to freedom of worship, freedom of speech, and other institutions, has had a humane slaughtering law since 1933, or for more than 20 years.

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

Mr. ELLENDER. I yield.

Mr. LAUSCHE. Does the Senator from Louisiana have an explanation for the motives which prompted the House to make subject to humane slaughtering only such animals as are sold to the Government, and not those which are sold to the general public?

Mr. ELLENDER. That is the penalty attached to the House bill.

Mr. LAUSCHE. What caused the House to divide the two classes?

Mr. ELLENDER. I do not know. I asked Mr. POAGE of Texas, who is the author of the House bill, the direct question. I said, "I believe in humane slaughtering as much as you do, Mr. POAGE. If we should attach penalties to this bill, would you be for it?"

The answer was "no."

Mr. LAUSCHE. The only sanction which is provided is that if humane methods are not used, as defined in the House bill, the slaughterers shall be prohibited from selling to the Federal Government.

Mr. ELLENDER. The Senator is correct.

Mr. LAUSCHE. What about the right to sell to the public?

Mr. ELLENDER. There is no inhibition in that connection.

Mr. LAUSCHE. How many slaughterers sell mainly to the public?

Mr. ELLENDER. All of them—some three-thousand-four-hundred-odd.

Mr. LAUSCHE. Where did the Senator get his figure indicating that 3,000 slaughterhouses would be exempt from the bill?

Mr. ELLENDER. From the testimony before the Senate Committee on Agriculture and Forestry. As I recall, only about 242 slaughterhouses sell to the Government.

I also wish to make the point that the evidence showed that those 242 slaughterhouses prepare for the markets about 91 or 92 percent of all the meat sold in the United States.

Mr. LAUSCHE. Does the Senator from Minnesota have an explanation as to why the two classes were separated?

Mr. HUMPHREY. I have. In my presentation, which I hope the Senator will be present to hear, I shall show that 2 years ago, when the junior Senator from Minnesota introduced a humane slaughtering bill which would have provided for a 5-year time lag from the date the bill was passed until it became mandatory, during which 5 years the Department of Agriculture would prepare the way for the application of humane slaughtering practices, and which would have given the Secretary a proviso under which he could exempt certain firms if it seemed that there was economic hardship, the Department of Agriculture objected to it. It refused to accept the bill. It said it did not need it. Furthermore, representatives of the Department said that they were against the mandatory provisions.

So, in the 85th Congress, when the bills were reintroduced, I reintroduced the very same bill which I had introduced in the 84th Congress. The same thing was done in the House, but it was determined in committee that this seemed to be going too far. Again the Department of Agriculture said, "We do not need mandatory legislation. Do not provide any penalties." There were fines and heavy penalties in the Humphrey bill.

A compromise was arrived at, on the basis that the Federal Government has the right to prescribe standards for goods and commodities it purchases. The Federal Government requires higher standards for the automobile tires it buys for postal trucks than are applicable to the tires which the Senator might buy for a farm truck. But if one is to do business with the Federal Government, he must comply with the standards it prescribes. All the bill provides is that when the Federal Government buys meat products, it will buy only products processed in a certain way. The Federal Government buys biologicals, and a great many types of equipment, all of which must meet certain standards. If Senators do not believe it, let them take a look at the veterans' hospitals, as compared with the ordinary community hospital. Some of the veterans' hospitals will last a thousand years.

Mr. ELLENDER. A similar situation arose in connection with butter. The butter interests forced the Army and Navy to buy nothing but butter, and exclude oleomargarine. I know that the Federal Government can do such things. The point I am making is that if inhumane slaughtering is to be stopped, we should enact a bill which will be effective enough to stop it.

I wish to make this point with my good friend from Ohio: The Department is asked to do something with respect to which it has no facts. That is what Secretary Benson says, and that is what the evidence shows. Section 2 (a) of the House version of the bill provides as follows:

> (a) in the case of cattle, calves, horses, mules, sheep, swine, and other livestock, all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical, or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or

Those are the prescribed methods, and the Department of Agriculture says, "We do not know whether those methods are humane or not. We have never tried them."

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

Mr. ELLENDER. I yield.

Mr. HUMPHREY. Is the Senator aware of the fact that Dr. Clarkson testified in May 1956 that the Department of Agriculture had all the authority it needed to make studies, and that the Department of Agriculture was making studies? Is the Senator aware of the fact that Dr. Clarkson testified as to the humane practices of certain packing plants? Is the Senator aware of the fact that on page 4 of the bill as passed by the House—which is the proposal supported by the Senator from Minnesota—under subsections (a) and (b) of section 4, continuation of study is not only authorized but directed?

Moreover, the Secretary may designate other forms of humane slaughter. The authority is permissive. He is given all the authority he needs. The reason for the proviso the Senator from Louisiana has read, in section 2, is that it is commonly agreed that the method of slaughtering which is prescribed in subsection (a) and subsection (b) of section 2 is a humane method. That is agreed.

Mr. ELLENDER. The evidence is very conflicting on that point.

Mr. HUMPHREY. The evidence is conflicting as to what may be the results of some of the practices.

Mr. ELLENDER. The Senator knows that a single blow may stun a calf but not a steer. That is in the evidence. Yet the same method is used.

Mr. HUMPHREY. The Secretary is permitted, as section 4 provides, to make such designation. I will read the language.

Mr. ELLENDER. Oh, yes; but he must do it after research.

Mr. HUMPHREY. I ask the Senator to wait a moment.

Mr. ELLENDER. He must do it after research.

Mr. HUMPHREY. Section 4 authorizes the Secretary "on or before June 30, 1958, and at such times thereafter as he deems advisable, to designate methods of slaughter and of handling in connection with slaughter which, with respect to each species of livestock, conform to the policy stated herein. If he deems it more effective, the Secretary may make any such designation by designating methods which are not in conformity with such policy."

The Secretary can do whatever his researchers and technicians prescribe as being accepted methods. The bill is very complete.

Mr. ELLENDER. That shows that the bill which has been reported by the Senate committee is the one that should be passed. It strikes me we should not enact such provisions which would direct the Secretary of Agriculture to select specific methods of slaughtering when he has had no opportunity to have studies made on the various methods.

I repeat what I said a while ago, that the good ladies who have been conducting a campaign throughout the country to bring about humane slaughtering are doing a great deal of good. They will be represented on the commission which is provided for in the Senate bill. The studies can be made within 2 years. I know that much good will result. We have the assurance that the methods will be studied. I have no doubt in my

mind that within 2 years we will have effective methods of humane slaughtering which will be applicable and acceptable to all segments of the meat industry. We will be able to make these methods apply to everyone in the meatpacking industry, and we will be able to provide penalties in the act for noncompliance. That is what all of us want.

I am sure that many Senators have received letters from persons in favor of humane slaughtering, which say that they have found bacon for instance, to be distasteful after reading statements issued by the humane societies.

I wish to say to my good friends, who are advocating humane methods, that the House bill will not cure that situation. All citizens, all Senators, all Members of the House will still be eating the same kind of bacon they are eating now if the House bill is enacted.

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

Mr. ELLENDER. I yield.

Mr. SYMINGTON. The distinguished chairman has served on the committee for many years. Could he tell the Senate how long a humane slaughter bill has been before the committee?

Mr. ELLENDER. It has been before the committee ever since 1956. The Senate passed a humane slaughter study bill without opposition in 1956, and sent it to the House. However, the House pigeonholed the bill.

Mr. SYMINGTON. The Department of Agriculture is against a humane slaughter bill, is it?

Mr. HUMPHREY. It is in favor of humane slaughter practices, but against the bill.

Mr. SYMINGTON. There is the problem. I believe it is the prerogative of Congress to decide whether there should be a humane slaughter bill, not the people currently in the Department of Agriculture.

Mr. ELLENDER. I am as much in favor of a humane slaughter bill as is anyone else, but I am in favor of an effective bill. That is what I am striving for. If the bill which was passed in 1956 had been adopted by the House, we probably would be in a position to pass an effective humane slaughter bill today.

I believe the Senator from Minnesota was chairman of a subcommittee which held hearings on such a bill, and I believe the subcommittee was appointed for that purpose. I must confess that I did not hear the testimony. However, I conducted hearings during the present Congress on the pending bill. I am personally of the opinion that we will be much better off if an effective study bill is passed. This will lead to effective methods of humane slaughter as outlined by the Department of Agriculture and will be much preferable to passage of an ineffective bill.

Mr. SYMINGTON. I am sure the Senator is in favor of a humane slaughter bill just as much as I am. Knowing the Senator, I am sure he would always be for such a measure. It seems to me the problem now is, when are we going to get a bill? We are not sure we will get it after a study has been made. What worries me the worst is the religious aspect of the bill.

Mr. McNAMARA. I should like to ask the Senator from Minnesota a question, if I may.

Mr. ELLENDER. I yield for that purpose.

Mr. McNAMARA. I was quite impressed by the amendment the Senator proposes to offer in connection with slaughtering in compliance with religious ritualistic practices. I should like to ask the Senator a question on that point.

Would the Senator's amendment exempt such ritualistic slaughtering from any inspections by the Federal Government? Would such slaughtering be totally exempt?

Mr. HUMPHREY. That is correct. It would be totally unaffected. Furthermore, no Federal purchases are made of kosher meat. The testimony reveals that fact.

Mr. McNAMARA. The Federal Government would not be able to purchase the meat because it had not been federally inspected.

Mr. HUMPHREY. Testimony shows the Government does not purchase kosher meat.

Mr. McNAMARA. Such slaughtering is totally exempt?

Mr. HUMPHREY. That is correct.

Mr. McNAMARA. Does the Senator from Louisiana agree with that statement?

Mr. HUMPHREY. The testimony before the committee is that there are no Federal purchases of kosher meat made. The end product of ritualistic slaughter would not be purchased by the Federal Government. My amendment provides, in the language of the House bill:

> Nothing in this act shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group to slaughter and prepare for the slaughter of livestock in conformity with the practices and requirements of his religion.

That provides complete exemption so far as religious practices are concerned. According to the testimony there have been no purchases by the Federal Government of kosher products.

Mr. McNAMARA. However, the language does not spell out the prohibition of inspections or inspectors going into a plant. Is it to be assumed, and is it to be a part of the legislative history, that inspectors would have no business going into such plants?

Mr. HUMPHREY. Such plants are exempt, and therefore are not subject to inspection under the regulations which are prescribed relating to slaughter.

Mr. McNAMARA. The question in my mind is: Should we spell it out in the bill?

Mr. HUMPHREY. I do not think so, since there is listed, first, the humane slaughtering practice, which, as the language reads, is "in accordance with the ritual requirements of the Jewish faith or any other religious faith."

That is in the bill in two places, first where it is listed affirmatively as a humane practice; and second, where religious practices are exempt.

So I think there is no need for intrusion by the Federal Government as there has been, I may say, in the past.

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

Mr. ELLENDER. I yield.

Mr. YOUNG. I should like to ask the Senator from Minnesota: Is the kosher practice of slaughtering any more humane than the method pursued in the packing plants of the United States?

Mr. HUMPHREY. Yes; I think definitely, it is. I think there is a body of testimony which is incontrovertibly to the effect that it is. In fact, substantial medical surveys and studies have been made, which indicate that it is.

Mr. YOUNG. Is the Senator from Minnesota familiar with the kosher method of slaughtering?

Mr. HUMPHREY. Very much so.

Mr. YOUNG. In which the animal is hung by a back leg, and with a shoulder resting on the ground, while the throat is slit, without any effort being made to render the animal unconscious?

Mr. HUMPHREY. I am not a physician or a veterinarian; but testimony by doctors and veterinarians before the subcommittee, when it was my privilege to serve as the subcommittee chairman, was that the result of a study which had been made clearly established the ritualistic practice as being one which met the requirements of humane slaughter.

Mr. YOUNG. I am not condemning the practice; but I think anyone who has visited a kosher packing plant must know that what I am saying is true: That the animal is hung by a back leg, with its shoulder on the ground, while its throat is slit. That is not much different from any other method.

Mr. HUMPHREY. Oh, there is a considerable difference.

Mr. YOUNG. I do not think we should impose this requirement on the Jewish people. We are placing them in a position of being singled out for ridicule or undeserved criticism.

Mr. HUMPHREY. There was no need for raising the question except that opposition to the bill from outside Congress determined to do so. Frankly, there is no intention on the part of the bill or of anyone who sponsored the bill to interfere with the ritualistic or religious practices of any group. The bill does not apply to any particular religion.

Certain economic sources outside the Government of the United States, which have decided to resist the proposal, have undertaken to recruit what I consider to be a good deal of emotional support, which is unfortunate—very unfortunate.

Mr. YOUNG. I think most of the emotional support for the bill has been created by persons who have no knowledge of how animals are slaughtered in packing plants.

Mr. HUMPHREY. I am very familiar with packing plants. Minnesota has about as many as does any other State in the Union. We have some good ones. I have visited them. I am thoroughly familiar with them and have been from the time I was 16 years of age until this particular hour. So I am not a novice in this subject.

Mr. YOUNG. I do not have reference to the Senator from Minnesota.

Mr. HUMPHREY. No; but I wanted to make the record quite clear. I have also seen a humane-slaughtering packing plant, about which I shall speak later. The difference between it and other types of packing plants is quite phenomenal.

One of the finest packing plants in the United States is in Minnesota and is operated by Hormel. This is not a small plant; it is a large one. It is comprised of several plants. It does very fine work.

I expect to show that the present practice of slaughtering is one reason why the packing industry has financial troubles. The packing industry is one of the most antiquated, outmoded industries in the United States. When it starts to modernize, it will make money, be able to pay its employees higher wages, and produce better quality food.

Mr. YOUNG. I think the Senator is familiar with the way in which turkeys are slaughtered. A turkey is hung up by a leg, and a knife is stuck into the brain of the turkey and the jugular veins cut. A turkey is much more sensitive than a hog. Why does not the bill apply to turkeys?

Mr. HUMPHREY. It can, under section 4, if the Secretary of Agriculture so designates.

Mr. YOUNG. Why does not the bill spell that out?

Mr. HUMPHREY. No; we do not go that far. This is a peculiar situation. The proponents of what I call an effective bill are accused, on the one hand, of going too far, and, on the other hand, of not going far enough. The bill is a mild and modest beginning in the field of humane slaughter.

Mr. YOUNG. Why is the Senator opposed to a study, as the committee bill provides?

Mr. HUMPHREY. Because the Government has the right to impose standards; and when the Department of Agriculture was asked to support such a bill 2 years ago, which I shall read page by page, we allowed them 5 years, but they said, no, they had all the authority they needed. Dr. Clarkson said, in effect, "We have been studying this question for 26 years. We do not need any more study."

Mr. YOUNG. If the bill were passed today and became law within 2 months, we would not be able to supply American meat to our Armed Forces in Lebanon or in many other places. Even the Hormel plant in Minnesota would not meet the requirements for meat.

Mr. HUMPHREY. Why not?

Mr. YOUNG. It simply could not meet the requirements.

Mr. HUMPHREY. It surely could.

Mr. ELLENDER. Mr. President, at this time I should like to conclude my statement by pointing out again the problems which will be involved if the Senate should adopt the House bill.

Some of the basic problems inherent in the House bill, for which none of the witnesses was able to afford a solution, were as follows:

First. The House bill provided for the designation of humane methods by the Secretary of Agriculture. The Department of Agriculture advised the committee—and this is in the testimony—that it had insufficient scientific information to make such a determination at this time.

Second. The House bill attempted to specify two methods which should be considered humane; but it is not possible to point to any known methods of handling and slaughter and to state with assurance that they come within the House provisions.

Thus, the first method requires that "all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical, or other means that is rapid and effective."

No method of rendering all animals insensible with a single blow or gunshot is known; although the knocking hammer, which many witnesses regarded as inhumane, and the captive-bolt pistol and humane animal stunner, which many witnesses regarded as humane, will all, to varying degrees, render many animals insensible with a single blow.

Electrical stunning may make meat inspection difficult, and there has been little experimentation with it in this country. The testimony is replete to that effect. There is considerable question whether electrical or chemical means could be used on the various species or on animals of varying weights in an effective, humane manner. All of this was pointed out before in detail.

Chemical asphyxiation is now in use by the Hormel Packing Co., for hogs of fairly uniform weight. It is not used for other animals.

Finally, the phrase "other means that are rapid and effective" is too broad and indefinite a term to form the basis for a criminal penalty. Certainly, it would appear to cover the knocking hammer, which many witnesses believe would be prohibited by the proposed legislation, so far as Government suppliers are concerned.

Mr. President, it appears that the intent of this legislation is ideal, but the lack of scientific knowledge is so complete that the House bill has been written in the vaguest of terms. Let us see what it provides: First, the supplier must certify to the Government that another person, the slaughterer, does not in any of its plants handle or slaughter any animal inhumanely. Further, he must certify that no affiliate of such slaughterer handles or slaughters any animal inhumanely in any of its plants. How can the supplier possibly know the truth of what he is asked to certify? How could even the slaughterer, himself, have such information? At the very moment the certificate is being executed, an affiliate, possibly even in a foreign land, may be mistreating some animal that is trying to avoid the blow from the knocking hammer or the captive-bolt pistol. Second, even if the supplier could know what is happening in every plant of every affiliate of the slaughterer, how can he know that what is happening is humane? Well the bill says that the Secretary will tell him. But the Secretary says he does not know. So how can such a certificate be executed? Third, the House, too, was advised that the Secretary did not know, so they attempted to remedy that defect. They said in section 2 (a) that any method by which all animals are rendered insensible by a single blow is humane. But all witnesses agree that no method will render all animals insensible with a single blow. So the person who executes this certificate is faced with the question as to what Congress did mean, since it must have had some intention in the matter. The entire bill is vague and necessarily so, because the answers simply are not known. Many other instances could be given, but these examples typify the provisions of which the bill consists. This is why the committee provided for further study.

The other method of slaughtering specified by the House bill as being humane was that which meets the requirements of any religious faith. The debate on this matter in the House, the letters from the Department of Agriculture dated April 15, and May 13, and the testimony of witness after witness at the hearings all indicate that this provision did not succeed in meeting the problem to which it was directed.

Third. Apparently the only method of slaughtering hogs which met the approval of many of the witnesses was that by carbon dioxide asphyxiation. This method appears to have many advantages, and appears to meet the standards of many persons as to humaneness. However, there are also many questions as to its use which have not yet been answered. Its installation is costly and may be impossible in many plants.

Fourth. The House bill covers only Government suppliers of meat and does not apply to poultry. When humane methods are established, they should be generally applicable to all meat products.

Fifth. By limiting Government purchases to packers using only humane methods, the bill as passed by the House would eliminate bidders, raise procurement costs, and in some cases result in failures of supply for troop feeding and other purposes, particularly overseas.

Sixth. Surplus removal programs, such as those conducted under section 32, would be seriously impaired.

Seventh. The bill as passed by the House could interfere with the production of adequate and safe supplies of serums and vaccines necessary to the treatment of diseases in animals and human beings.

Mr. President, as I have stated, today I have received from the Secretary of Agriculture, Mr. Benson, the following letter:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., July 29, 1958.

Hon. ALLEN J. ELLENDER,
United States Senate.

DEAR SENATOR ELLENDER: I am writing to urge your support of H. R. 8308, an act "to establish the use of humane methods of slaughter of livestock as a policy of the United States, and for other purposes," as reported by the Senate Committee on Agriculture and Forestry (Rept. No. 1734) on June 18, 1958.

That is the bill I have been discussing. I read further from the letter:

The strongest personal convictions favor adoption of the best and surest way to bring real and lasting improvement in this field. To do this requires the evaluation of methods with scientific knowledge to assure that the measures adopted are humane. When this is done, the industry and the State and local jurisdictions, who will undoubtedly follow

the Federal lead, can move forward with confidence that each step taken is a real improvement.

The Senate committee bill provides for just such an approach. The Department is given 2 years within which it must submit to the Congress a complete legislative proposal setting out those methods of slaughter found to be humane and requiring their adoption by slaughterers. This would provide the Congress with a fully objective proposal substantiated by fact and scientific judgment on which constructive compulsory legislation could be based. Surely the record of divergence of views that has attended the consideration of this legislation commends this orderly approach adopted by the committee.

On the other hand, the bill as it passed the House and which is contained in the amendment now proposed by Senator HUMPHREY, would place upon the Department the burden of making immediate determinations without adequate factual background in order that industry may have time to comply by December 31, 1959. Even then industry could comply or not according to whether the individual concern considered sales to the Federal Government to be profitable. We believe the result would be a hodgepodge of actions taken on insecure factual background with doubtful improvement in the humanity of slaughter practices and an almost certain costly interference with the Federal procurement of meat and meat products.

A similar letter is being sent to Senator JOHNSON the majority leader, and to Senator KNOWLAND the minority leader.

Sincerely yours,

E. T. BENSON,
Secretary.

Mr. President, I have nothing further to say. I hope the Senate will approve the committee amendments.

Mr. HUMPHREY. Mr. President, first of all, I wish to thank the Senator from Louisiana [Mr. ELLENDER] for his customary courtesy in yielding to me and other Senators during his presentation of the bill reported by the Committee on Agriculture and Forestry. I really believe that that informal debate, which was permitted by courtesy of the Senator from Louisiana, has been helpful, and at least establishes the understanding of the respective Senators concerning the bill reported by the Senate committee, as compared to the bill which has been passed by the House of Representatives.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the bill as passed by the House of Representatives. The language of that bill is incorporated in the amendment which I—on behalf of myself and other Senators—placed before the Senate a few days ago. So I wish to have that language printed at this point in the RECORD, so all Senators can see the difference between the language of the bill as passed by the House and the language adopted by the Senate Committee on Agriculture and Forestry.

There being no objection, the bill (H. R. 8308), as passed by the House of Representatives on February 4, 1958, was ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the Congress finds that the use of humane methods in the slaughter of livestock prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and economies in slaughtering operations; and produces other benefits for producers, processors, and consumers which tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce. It is, therefore, declared to be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

SEC. 2. No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane. Either of the following two methods of slaughtering and handling are hereby found to be humane:

(a) In the case of cattle, calves, horses, mules, sheep, swine, and other livestock, all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical, or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or

(b) By slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

SEC. 3. The public policy declared herein shall be taken into consideration by all agencies of the Federal Government in connection with all procurement and price-support programs and operations, and after December 31, 1959, no agency or instrumentality of the United States shall contract for or procure any livestock products produced or processed by any slaughterer or processor which in any of its plants or in any plants of any slaughterer or processor with which it is affiliated slaughters or handles in connection with slaughter livestock by any methods other than methods designated and approved by the Secretary of Agriculture (hereinafter referred to as the Secretary) pursuant to section 4 hereof: *Provided*, That during the period of any national emergency declared by the President or the Congress, the limitations on procurement required by this section may be modified by the President to the extent determined by him to be necessary to meet essential procurement needs during such emergency. For the purposes of this section a slaughterer or processor shall be deemed to be affiliated with another slaughterer or processor if it controls, is controlled by, or is under common control with, such other slaughterer or processor. After December 31, 1959, each supplier from which any livestock products are procured by any agency of the Federal Government shall be required by such agency to make such statement of eligibility under this section to supply such livestock products as, if false, will subject the maker thereof to prosecution, title 18, United States Code, section 287.

SEC. 4. In furtherance of the policy expressed herein the Secretary is authorized and directed—

(a) To conduct, assist, and foster research, investigation, and experimentation to develop and determine methods of slaughter and the handling of livestock in connection with slaughter which are practicable with reference to the speed and scope of slaughtering operations and humane with reference to other existing methods and then current scientific knowledge;

(b) On or before June 30, 1958, and at such times thereafter as he deems advisable, to designate methods of slaughter and of handling in connection with slaughter which, with respect to each species of livestock, conform to the policy stated herein. If he deems it more effective, the Secretary may make any such designation by designating methods which are not in conformity with such policy. Designations by the Secretary subsequent to July 1, 1959, shall become effective for purposes of section 3 hereof 180 days after the publication in the Federal Register;

(c) To provide suitable means of identifying the carcasses of animals inspected and passed under the Meat Inspection Act (21 U. S. C. 71 and the following) that have been slaughtered in accordance with the public policy declared herein.

SEC. 5. To assist in implementing the provisions of section 4, the Secretary is authorized to establish an advisory committee. The functions of the Advisory Committee shall be to consult with the Secretary and other appropriate officials of the Department of Agriculture and to make recommendations relative to (a) the research authorized in section 4; (b) obtaining the cooperation of the public, producers, farm organizations, industry groups, humane associations, and Federal and State agencies in the furtherance of such research and the adoption of improved methods; and (c) the designations required by section 4. The Committee shall be composed of 12 members, of whom 1 shall be an officer or employee of the Department of Agriculture designated by the Secretary (who shall serve as chairman); 2 shall be representatives of national organizations of slaughterers; 1 shall be a representative of the trade-union movement engaged in packinghouse work; 1 shall be a representative of the general public; 2 shall be representatives of livestock growers; 1 shall be a representative of the poultry industry; 2 shall be representatives of national organizations of the humane movement; 1 shall be a representative of a national professional veterinary organization; and 1 shall be a person familiar with the requirements of religious faiths with respect to slaughter. The Department of Agriculture shall assist the Committee with such research personnel and facilities as the Department can make available. Committee members other than the chairman shall not be deemed to be employees of the United States and are not entitled to compensation, but the Secretary is authorized to allow their travel expenses and subsistence expenses in connection with their attendance at regular or special meetings of the Committee. The Committee shall meet at least once each year and at the call of the Secretary and shall from time to time submit to the Secretary such reports and recommendations with respect to new or improved methods as it believes should be taken into consideration by him in making the designations required by section 4 and the Secretary shall make all such reports available to the public.

SEC. 6. Nothing in this act shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group to slaughter and prepare for the slaughter of livestock in conformity with the practices and requirements of his religion.

Amend the title so as to read: "A bill to promote and encourage humane slaughtering of livestock and poultry."

Mr. HUMPHREY. Furthermore, Mr. President, I wish it to be clearly understood that the text of the bill reported by the Senate Committee on Agriculture and Forestry was not approved by all the members of the committee; instead, in the committee there was a split vote, as has been evidenced by the debate in the Senate today. In fact, in the committee the vote was rather close. I am not exactly sure, but, as I recall, 5 members of the committee favored the bill as passed by the House of Representatives, and the other members of the committee—8 or 9; I have forgotten whether the full committee was present—supported the language which has been reported by the Senate committee.

Mr. YOUNG. Mr. President will the Senator from Minnesota yield to me?

The PRESIDING OFFICER (Mr. CHURCH in the chair). Does the Senator from Minnesota yield to the Senator from North Dakota?

Mr. HUMPHREY. I yield to my good friend, the Senator from North Dakota.

Mr. YOUNG. Mr. President, I appreciate the courtesy of the Senator from Minnesota, a good friend of mine, too, in yielding to me.

As one of those who voted, in the committee, for the substitute bill, I wish to commend the Senator from Minnesota for his objective of attaining humane slaughtering.

My reason for voting in the committee for the study bill is that I believe something of that sort is necessary before legislation of this kind is enacted. That belief on my part is an honest one. I sincerely believe that something desirable can be accomplished by means of more humane slaughtering methods; but I do not think we can achieve that objective by legislation of the kind proposed by the House bill. That is why in the committee I voted for the substitute.

Mr. HUMPHREY. Mr. President, let me say to my good friend, the Senator from North Dakota—and there is no finer friend of the objectives of the bill, and there is no finer friend of agriculture generally, than the Senator from North Dakota; and I will say that again and again and again, so as to make clear that this matter is a bipartisan one.

Mr. YOUNG. I thank the Senator from Minnesota.

Mr. HUMPHREY. I want the Senator from North Dakota to understand that even the bill as passed by the House of Representatives provides for two effective dates. The first date—which must be modified by the Senate, because that date already has passed—was June 30, 1958, the time after which the Secretary would have been permitted to promulgate rules and regulations.

The second date—which I believe to be rather significant—is December 31, 1959. That is the date by which each supplier of livestock products procured by any agency of the Federal Government shall be required by such agency to make such a statement of eligibility.

In other words, provision was made for a period of a year and one-half before the proposed statute would become effective; and that proposal was contained in both the bill as passed by the House of Representatives, and the original form of the bill reported by the Senate Committee on Agriculture and Forestry. In other words, the House version of the bill, if passed this week, and sent to the President for his signature, and if signed by the President on August 1, would not become effective immediately on August 1. Instead, there would be a period of time—and at the appropriate time, if our effort to have the Senate reject the language reported by the Senate committee is successful, I shall submit amendments to provide for additional time—before the bill would become effective, in terms of the authority of the Secretary to promulgate rules and regulations. I would suggest that that date be March 1, 1959, because the Secretary must have time in which to prepare such rules and regulations.

Furthermore, the bill as passed by the House of Representatives provided for a time gap, which would be required, as a matter of sheer common sense, in order to permit the respective slaughterhouses to adjust their facilities to the requirements of the proposed legislation. Certainly, a sufficient period of time should be provided for.

So I call attention to this point, because it has been argued that, "Under the provisions of the study bill, there will be study over a period of 2 years." However, I respectfully suggest that if the action bill—in other words, the bill which provides for some Federal standards—is enacted, there will be a period of at least 1 year, and perhaps longer, because the period provided in the bill as passed by the House was a year and one-half; and the time between the date when the Secretary issues the rules and regulations and the date of full compliance will be a period for more study, and a period during which there will be no mandatory provision.

It is during that period of time that I believe there will be an opportunity to fulfill some of the legitimate desires of some of our colleagues who have felt there was need for more study.

This point has not been emphasized before, so I believe it only fair that it be emphasized now, because I believe the bill as passed by the other body—namely, the measure which I hope will be passed by the Senate—includes what we call enforcement provisions, namely, provisions on the basis of Federal standards applicable to the purchase of goods by Federal agencies. In that connection, those enforcement provisions are to be applied only after a certain period of time, as follows:

First, the Secretary is to promulgate rules and regulations, as of a certain date.

Second, at a later date the suppliers are to certify their eligibility under those rules and regulations.

Therefore, there is no rush in terms of trying to push business firms beyond their ability and financial capacity to make necessary adjustments in production facilities to comply with the bill.

I noted, during the discussion, one or two points which I feel should be given a further word of comment. I said earlier, in colloquy with the Senator from Louisiana, that it was a rather strange situation when, on the one hand, those of us who have proposed humane slaughtering practices legislation have been criticized—and I may say constructively criticized—because some persons thought we were going too fast and too far with mandatory legislation. Two years ago one of the chief criticisms against the humane slaughtering practices bill which I introduced was that it contained provision for penalties, as the testimony will show. I have before me the testimony which was taken before our subcommittee in sessions on May 9 and 10, 1956. I note for the RECORD that at those sessions testimony started at 10 o'clock in the morning and continued on until midnight for 2 days—in fact, 14 hours a day.

At that time we were criticized because we were trying to invoke or impose penalties. Now the argument is made that the proposed legislation supported by the junior Senator from Minnesota and others, the measure as adopted by the House, really does not provide for any penalties. The only penalty, if one can call it such, is that if a slaughterhouse wishes to sell to the Federal Government, it will have to comply with certain standards imposed by the bill.

I submit one cannot have it both ways. As I answered the question of, I believe, the distinguished Senator from Ohio [Mr. LAUSCHE], the House bill which came to the Senate, and which was identical with the bill introduced by the junior Senator from Minnesota, is a moderate, modest compromise, with provision for voluntary study and very extensive mandatory provisions. The bill of 1956 went much further than did the proposal adopted by the House in 1958.

Another point made is that a study bill is required because the Department of Agriculture really needs more time to determine what are humane methods of slaughter. I would call the attention of the Senate to page 5 of the hearings of May 9, 1956, on the bill before the subcommittee then functioning, S. 1636, the testimony of the Deputy Administrator of the Agricultural Research Service, Dr. M. R. Clarkson, along with Dr. A. R. Miller, Chief of the Meat Inspection Branch of the Agricultural Research Service, United States Department of Agriculture.

Dr. Clarkson notes in this testimony that:

> The act would take effect 5 years after the date of enactment. The Secretary would be empowered to exempt any person from compliance for a further reasonable time only upon the recommendation of the advisory committee and upon a showing of good cause.

The same bill provided for exemptions because of religious practices. Then Mr. Clarkson said:

> There is widespread interest in this legislation. It is important, therefore, that the Department's position be clear. We emphatically favor humane slaughter by any method that is found to be practicable and workable. The Department's position is strongly in favor of the objective of this bill. But we registered opposition to the bill on the grounds that mandatory Federal legislation is not the answer to this problem.
>
> This is a field in which education and cooperation will bring more satisfactory results through the stimulus of individual initiative and imagination which is so often hampered by the weight of controls imposed from Washington.

Then Dr. Clarkson goes on to point out the amount of research which has been under way. He indicates further on in his testimony, in answer to questions, that for some 26 years there has been research in the matter of handling of livestock. I quote from page 12 of the testimony. Dr. Clarkson said:

> Mr. Chairman, I might say that I certainly agree with you that methods that are both humane and practical and economic will be put into effect.

If they are economically advantageous, then it needs only to be pointed out.

That really is part of our thesis, that this process of education and experimentation and looking into new devices is a constant one. We know from our relationships—and if you will pardon a personal reference, I have been associated with our meat inspection and animal-disease-control activities of the Department for some 26 years—I have seen a very decided improvement in the attitudes of all who are handling livestock from the farmer on to the last handler, and I think that is a result of a higher educational level in our people generally and a better realization of these problems.

Then Dr. Clarkson in his testimony proceeds to underscore the necessity of further experimentation, education, and innovation to attain the objectives of humane slaughter.

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

Mr. HUMPHREY. I yield.

Mr. LANGER. I have been busy in the Judiciary Committee all morning, and therefore I miss a part of the distinguished Senator's speech. Can the Senator from Minnesota tell me how many slaughterhouses will be affected?

Mr. HUMPHREY. The number would be approximately 300 of the major slaughterhouses. I believe the chairman gave a more exact figure—242, to my recollection.

Mr. LANGER. The Senator from North Dakota has been getting telegrams and telephone calls stating that the approximate cost to a packer will be $200,000.

Mr. HUMPHREY. That is not true.

Mr. LANGER. Can the distinguished Senator tell me what it would cost?

Mr. HUMPHREY. I am going to present documentary evidence from the testimony as to the cost involved. For example, the Hormel packing plants have developed certain humane slaughtering practices, and the mechanism for those practices——

Mr. LANGER. That plant is located at Austin, Minn.

Mr. HUMPHREY. Yes. For instance, the carbon dioxide unit for humanely handling 60 hogs an hour costs about $6,500. According to the testimony, Hormel itself spent $200,000 on the development of its first installation, and therefore it has been asserted that the use of carbon dioxide is impractical for small packers. The figure given represented the cost of the research that went into the method. I assure the Senator that since that time many packers have adopted the same practices and have found that, instead of costing them money, those practices have improved their profit statements and their general economic conditions.

Mr. LANGER. Will the Senator yield for a further question?

Mr. HUMPHREY. Yes.

Mr. LANGER. I should like to understand the Senator's objection to a 2-year study.

Mr. HUMPHREY. The provisions the junior Senator from Minnesota supports still provide for a study.

Mr. LANGER. A 2-year study?

Mr. HUMPHREY. No; it provides for a continuing study, not only for 2 years, but all the way down the line.

Furthermore, the bill we are supporting provides that it shall not go into effect for a year and a half after the promulgation of the orders or regulations of the Secretary of Agriculture.

The 2-year study which is being proposed by the committee is a 2-year study of delay, with no assurance at all there will be any action.

I wish to repeat that the Department of Agriculture assured me 2 years ago it was going to make such a study as this, and the testimony will so reveal. Two years ago the Department said it was not only going to make the study, but that it had been making one. We are asking that the study be continued, but we are also asking that during the time the study continues, the Federal Government shall impose certain standards and say to packers who wish to sell to the Federal Government, certain standards will be maintained. The bill as it passed the House provides:

After December 31, 1959, each supplier from which any livestock products are procured by any agency of the Federal Government shall be required by such agency to make such statement of eligibility under this section to supply such livestock products as, if false, will subject the maker thereof to prosecution, title 18, United States Code, section 287.

Mr. LANGER. The House had extended hearings on the bill, did it not?

Mr. HUMPHREY. Yes. The House subcommittee actually went into the field, and to the packing plants. The subcommittee went to the countryside, as well as holding hearings in Washington.

Mr. LANGER. I am grateful to the distinguished Senator for his comments.

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

Mr. HUMPHREY. I yield.

Mr. HICKENLOOPER. The Senator he said that there seems to be some testimony in the RECORD before the committee that packers which had installed some of the methods the Senator proposes found them to be more efficient and actually more profitable.

Mr. HUMPHREY. That is true.

Mr. HICKENLOOPER. I recall there was a claim made to that effect by certain lobbying groups, and perhaps some evidence presented by some packer.

Mr. HUMPHREY. The Hormel Co. itself testified. I have the testimony of the Hormel Co. I do not think such a company would lie.

Mr. HICKENLOOPER. No. That is a very reputable group. The Hormel Packing Co. is not exactly unique, but it is more of a specialized operation.

Mr. HUMPHREY. The company has done quite well. What is so specialized about the company, may I ask the Senator?

Mr. HICKENLOOPER. Its products.

Mr. HUMPHREY. The only thing special is that they are extra good. The company slaughters beef cattle and slaughters hogs. The company makes all kinds of cold meats and sausage. I have been through the plants.

Mr. HICKENLOOPER. The packing industry has never been one which threw profits down the drain.

Mr. HUMPHREY. I would not say that for sure, I will say to the Senator.

Mr. HICKENLOOPER. So far as I know the packing companies have never followed any policy which was wasteful, so far as they were aware. Therefore, if these methods were more efficient and would save money, thereby making more money for the packing industry, I submit that every packer in the United States would long since have been using them.

Mr. HUMPHREY. We would think so, but I submit that at the time the Federal meat inspection law was under consideration the packers fought the enactment of such a law as though it would be equal to the plague, even though the Federal meat inspection has been desirable, profitable, and helpful. We would think at times the packers would have been able to see further down the line, but it was not until there was an exposé of the "jungle," as the Senator may recall, that we got Federal meat inspection.

I must also say that we would have thought, as to poultry inspection, for a period of time the producers would have found that to be profitable. They finally did, but at first there was resistance. Now we have a compulsory Federal poultry inspection law on the books.

Mr. HICKENLOOPER. Of course, inspection in the interest of public health is totally different from what is provided in the bill under consideration, with respect to the so-called humane slaughter of animals.

There is one thing which bothers me. I think perhaps every Member of this body, without exception, is interested in securing, if possible, a really humane method of slaughter.

Mr. HUMPHREY. Yes.

Mr. HICKENLOOPER. We had testimony, which convinced the committee, at least, that the methods which have been suggested and which are now proposed to be written into law as standards actually provide no assurance of being any more humane than the methods now being used. We are asked to prescribe certain criteria, which may change in a year or two. A packing plant may have to convert at great expense—and it will be a substantial expense if there is a conversion—and then may find in 2 or 3 years some other method has been devised or developed which is considered to be much more humane, so that the law will again be amended and the factory operation must once more be changed.

I believe that as rapidly as a general and proved method of humane slaughter is developed the packing plants will convert on their own initiative. The plants do not need a law to cause them to follow practices which are humane.

I have not been convinced by the hearings that the bill does prescribe a really humane method of slaughter.

I invite attention to the fact that there is in the bill another element which is also of importance. The attempt is made to provide by law that a method of killing adopted by a religious group is in fact humane because the law says it is. I am not passing upon that question, and I certainly do not want to interfere with the deep religious convictions and beliefs of any group. However, it

is an incongruity in the law when we arbitrarily say that for certain classes a particular method may be used, because we say it is humane, and other methods need not be employed. As I have said, I do not want to interfere with the deep religious beliefs of any group, but I think such a provision is not consistent in a law.

I believe a study should be made of this matter, as is provided in the bill as it came from the committee. The committee amendment would direct that the subject be studied. As a result it may be possible to ascertain a practical, really workable, and really humane method of slaughter. At least the direction is provided in the bill, and I think it should be given a chance to operate.

Mr. HUMPHREY. I thank the Senator from Iowa. He expresses a point of view which is held by many. There are honest differences of opinion about the proposed legislation. I surely am not trying to chastise anyone for holding a point of view different from mine, or even to criticize anyone in that regard.

I add, however, there was more activity in the field of the adoption of humane slaughter practices after the hearings were held 2 years ago than there had been in the preceding decade. The reason was that there was a possibility of legislation being enacted. There has been considerable progress in the past 2 years. There was very little progress, with the exception of the actions of a few packing plants, which I will mention in my statement, in the years prior to that.

What is more, it is difficult to understand how the Department of Agriculture could be so interested in humane slaughtering methods—and I feel it is interested—without taking more action. Apparently, the Department did not take too kindly to the suggestion of even a formalized directive by the Congress of the United States for further study in the field of humane slaughter methods. The bill I introduced 2 years ago provided for a 5-year time lag. In fact, I suggested we could extend that provision to 7 years, so as to permit 7 years of study.

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

Mr. HUMPHREY. I will yield in a moment.

However, under the bill, after the 7 years had expired something would have gone into effect, or after the 5 years had expired there would have been rules and regulations which would have gone into effect. The Department said, "No." The Department said, "We have all the authority we need for studies."

I say that the Department has had plenty of time to study the subject. The slaughtering of cattle has been going on for years. Methods, which have been found to be workable and practicable, are being used successfully by packers and by slaughtering houses, which methods have been put into practice in other countries.

As a matter of fact, there are many countries in the world today, such as the Scandinavian countries and Great Britain, which have humane slaughtering methods such as prescribed in the bill I propose.

By the way, those countries know something about the preparation of food, and sometimes even compete with American processors.

I am now happy to yield to the Senator from Louisiana.

Mr. LONG. Actually there is really nothing in the Constitution or the laws to prohibit the Congress from enacting laws applicable to a general class of people, and exempting certain persons when they find something conflicting with their own moral scruples or sense of justice.

Mr. HUMPHREY. That is correct.

Mr. LONG. The Selective Service Act is a good example. If any person believes that his religion will not permit him to fight or to kill, he can be exempted from selective service. That has been done in the past. Some people feel that their own consciences and religious teachings require them to slaughter animals in a certain way. An exception could be made in the case of such persons. There is certainly precedent for doing something along that line, if that is the judgment of Congress.

Mr. HUMPHREY. That is correct.

Mr. LONG. As a matter of fact, many things are morally wrong or reprehensible which are not outlawed by an act of Congress. It is up to us to decide what we want to outlaw, and how we want to do it.

Mr. HUMPHREY. The Senator's observation is very helpful and to the point. We have it in our power, as a Congress, to grant exemptions, as a matter of public policy, in many instances.

I should like to add to the RECORD a copy of a letter I received, dated May 25, 1956, from Dr. M. R. Clarkson, Deputy Administrator of the Department of Agriculture Research Service.

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

DEPARTMENT OF AGRICULTURE,
AGRICULTURAL RESEARCH SERVICE,
Washington, D. C., May 25, 1956.

Hon. HUBERT HUMPHREY,
United States Senate.

DEAR SENATOR HUMPHREY: During the course of the hearing on S. 1636 to require the use of humane methods in the slaughter of livestock and poultry in interstate and foreign commerce, you asked that the Department consider and report back to the subcommittee on the feasibility of two suggestions: (1) that the Department undertake a program of research in this field, and (2) that an advisory committee be established under the leadership of the Department with periodic reports to the Congress.

The Department has authority to conduct research or to assist, foster, and encourage research in the handling, transport, and slaughter of livestock and poultry to develop improved methods, including those which are more humane. This authority has been used to encourage development and use of humane methods by industry in cooperation with humane associations.

In all Department research involving livestock and poultry, humane handling is an important consideration. This involves all aspects of the handling of animals on the farm, in the channels of transportation, in the auction markets, and the great central yards, as well as at the slaughtering plants. The comfort of animals has an important relationship to the economic values in the industry, and therefore must be carefully considered in any research and development program.

Most research projects aimed specifically at the improvement of humane handling of animals have been undertaken by industry with the assistance of colleges and universities and humane associations. The Department has considered its contribution to be most effective in working with such group. It is only occasionally that research projects directed specifically to these purposes are undertaken. Work was done under authority of the Research and Marketing Act to examine the feasibility of the use of carbon dioxide to immobilize turkeys before slaughter. A copy of the Department's bulletin recently issued on this subject is enclosed.

The Department continues its encouragement to industry and the humane associations. In the matter of the tests and evaluation of the modification of the captive bolt pistol, which was discussed at the hearing, the Department is keeping informed through the observations of persons familiar with these operations and who are assisting with their comments and suggestions. In similar manner the Department's representatives keep in close touch with improvements being developed by producer groups, transportation associations, meat packer organizations, and the humane associations. Much of the effort of these groups has been channeled through Livestock Conservation, Inc.

With respect to the establishment of an advisory committee, the Department recognizes the need for some orderly procedure for correlating the efforts of all groups and interests. It is believed that this can be accomplished most effectively through an intensification of the work of the producer, transportation, and processor groups with the humane associations with increased participation of Department representatives. The Department is giving emphasis to this work. We are confident that Livestock Conservation, Inc., and the other affected groups welcome the Department's participation.

The suggested informal approach to this matter has the advantage of bringing together all who are concerned with the humane handling of livestock and poultry, not only at the time of slaughter but also during all operations of the livestock and meat industries. There is a growing awareness of farmers, transportation people, and slaughterers of the need and the public demand for the most humane handling of livestock and poultry possible to be achieved. This has been a steady growth. It is apparent to all who are familiar with these industries over a period of years. Most of the progress has been made in a multitude of small and undramatic, but nonetheless significant changes, which have gradually taken place. Most significant of all is the change for the better in the attitude of those who handle the animals. The educational program sponsored by Livestock Conservation, Inc., and supported by other livestock industry groups has contributed much toward this result.

The Department has appreciated the opportunity to present its views to your committee on this subject. If the committee would like additional information which may be available to us, we shall of course be very glad to respond to your request.

Sincerely yours,

M. R. CLARKSON,
Deputy Administrator.

Mr. HUMPHREY. I note this one paragraph:

The Department has authority to conduct research or to assist, foster, and encourage research in the handling, transport, and slaughter of livestock and poultry to develop improved methods, including those which are more humane. This authority has been used to encourage development and use of humane methods by industry in cooperation with humane associations.

The letter is rather long, but that paragraph states that everything the Senate committee proposes to do by the language of the Senate committee amendment is already public law. The Department already has the authority. The Department already has not only the authority, but the mandate, under the Agricultural Research Service. The question is, What does the Department propose to do about it?

Are we finally to take some action to impose some justifiable and moderate standards, or are we to wait and wait and wait?

As has been indicated, somewhat more than 3 years ago I introduced in the Senate the first humane slaughtering bill. I understand that it was the first ever presented to the Congress. I was predisposed to support humane slaughtering legislation on many grounds. I support it on moral grounds, as I know every other Member of Congress does. However, I had to satisfy myself that the legislation would be technically and economically practicable. I do not mind admitting that I gave a great deal of thought to the fact that a large number of people in Minnesota are livestock producers; and another large group in Minnesota are packinghouse workers. So I dug pretty far into the facts.

Furthermore, one of the State's largest industries is the processing of meat products.

I dug into the facts in late 1954 and early 1955. I satisfied myself that there was need for humane slaughter legislation. I thought it was not only morally right and practicable, but that it was economically desirable.

Since that time I have presided over one subcommittee hearing on this particular subject, and I have participated as a committee member in a series of public hearings conducted by the full committee under the chairmanship of the distinguished Senator from Louisiana [Mr. ELLENDER]. I have further investigated the facts on this issue in many other ways. I am seeking to have enacted House bill 8308, in the form in which it was passed by the House of Representatives, rather than as modified and amended by the Senate committee, because I am still strongly of the opinion that effective humane slaughter legislation, with moderate standards, such as those set forth in the bill passed by the House, ought to be sent to the President by the Congress for his signature.

I point out that the bill which came to us from the other body was the result of hearings before the Senate committee 2 years ago, and the result of further testimony and hearings before a subcommittee and the full committee in the other House, before the bill was submitted for a final vote in the House of Representatives.

We have been studying this proposed legislation for more than 3 years, and as a result of study during that 3-year period of time I have reason to believe that considerable progress has been made in the packinghouse industry itself, in the adoption of humane slaughtering processes.

I wish to compliment the packinghouses which have moved ahead on their own initiative. They are entitled to the commendation and thanks of the American people.

I would be less than fair if I did not say that determined efforts have been made by the Department of Agriculture, the slaughtering houses, the packinghouses, and humane societies and associations looking toward the adoption of humane slaughtering methods and practices.

I am sure that relatively few Senators have had the opportunity to read thoroughly the transcripts of hearings which have been conducted by the committees of the Senate and the House. Very few Senators, I suppose, have had occasion to become personally familiar with the techniques by which animals are slaughtered in packing plants, or to analyze the economics of the operation.

I may be able to be helpful, therefore, by summarizing the arguments for humane slaughtering legislation, and by pointing out what I believe to be the fallacies of arguments against such legislation.

This proposed legislation has been carefully studied. Every Member of the Senate has received hundreds of letters, both from supporters and opponents.

The principal arguments for the enactment of humane slaughtering legislation are these:

First, every year more than 100 million animals now are being subjected to an extreme cruelty that is discordant with our national moral code. I do not believe anyone denies that. Those who talk about humane slaughtering methods endorse the objective, endorse the essential need for the application of such methods. Therefore, it is about time, it seems to me, that we did something about our endorsement.

Second. Slaughtering methods now commonly used cause an immense economic waste, the burden of which is borne chiefly by the livestock producers and by the consumers.

In other words, the producer and the consumer are taken for a ride on the antiquated old rack of inhumane slaughtering practices. The consumer and the livestock producer are paying for the failure of the packinghouse industry in America to modernize.

Third. Practical methods of killing animals humanely are available and are economically feasible for even the smallest packers. In fact, they are being used by packinghouses. They are available, and they are economically feasible even for the smallest packers. I mention this because the argument has been made, and will continue to be made, to this effect: "Oh, yes; humane slaughtering practices are feasible. They can be installed, but only the big packers can use them. The small packers cannot use them, because the small packers cannot afford to do so."

Testimony before committees in both Houses of Congress proves that assertion to be untrue. The evidence is that the big packers surely can afford it, but many of them do not adopt such methods; and the small packers can afford it, because many of them have adopted such methods.

The record shows that many of the small packers put into operation humane slaughtering practices before the major packers did so. They did it because of a sense of moral code on the one hand, and second, because of economic necessity. One of the ways whereby the small packers have been able to compete against the giants in the packinghouse field has been the utilization of humane methods of slaughtering, which are economically desirable and profitable.

Fourth. A long history makes it clear that the packing industry cannot end the cruelty and the economic waste without the help of legislation.

I say that because once legislation goes into effect it becomes rather universal and it is not a matter of one company spending money while another company does not spend the necessary money. The proposed legislation we are supporting today says to the packers: "If you are going to do business with the Federal Government, you must apply certain methods to the preparation of the food you will sell to the Federal Government. If you are going to sell meet products to the Federal Government, you must abide by certain standards."

The Federal Government has legislated standards time after time as to its purchases. There is not an item the Federal Government purchases which is not subject to certain standards prescribed by the Federal Government. Sometimes Congress has established those standards.

To my way of thinking, if the points I have made are valid, the Senate ought today to enact the legislation that has come to us from the House. What Senator will rise to say that cruelty and economic waste should be continued, if there is a practical way to achieve reform? And I am going to prove to you that every statement that I have made is hard fact.

I have asserted that a great cruelty exists. It is hard to find words that can evoke reality behind that simple statement. Here in the Senate we have got used to big numbers and when I say that more than 100 million animals are subjected to unnecessary cruelty every year, I am afraid that I may sound merely statistical. But we are morally compelled, here in this hour, to try to imagine—to try to feel in our own nerves—the totality of the suffering of 100 million tortured animals. The issue before us today is pain, agony, and cruelty—and what a moral man must do about it in view of his own conscience.

The revered Albert Schweitzer has said that "no one may shut his eyes and think that the pain which is therefore invisible to him is nonexistent. No one may escape his own responsibility." So it is today in this Chamber.

A University of Minnesota team of scientists has conducted an exhaustive study of injuries inflicted on hogs by the shackle and hoist methods now in general use. The scientific team had the full cooperation, I am proud to say, of a

large Minnesota packer. The study was conducted under ordinary packing plant conditions.

These scientists discovered that in almost every animal, some 60 million animals a year, the shackle and the wheel are rupturing joint capsules, tearing ligaments and tissues, and sometimes actually yanking leg bones out of their sockets. The results of this study were published in the July 1957 issue of the American Journal of Veterinary Research.

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

Mr. HUMPHREY. I yield.

Mr. YOUNG. If we were to correct by the passage of the pending bill all of what we might call cruelty to animals, we would be accomplishing something. However, there are some things which appear to be inhumane about which we cannot do anything.

Mr. HUMPHREY. That may be true.

Mr. YOUNG. For example, the dehorning of cattle is a very painful thing. It is a bloody thing. The rendering of male cattle into steers is a painful process. How can we get down to the farm level and correct those situations? I know the Senator would never advocate doing that.

Mr. HUMPHREY. I thoroughly agree with the Senator. I do not believe we can eliminate all instances of pain and stress. I shall not base my case on that particular aspect of the program, because the Senator from North Dakota is eminently correct, that there are things which must be done and are being done in the field of animal industry which surely would be termed by any human being as being anything but humane. I believe that is what the Senator is saying. However, merely because we do not eliminate all inhumaneness is no reason why we should not try to minimize some of it.

Mr. YOUNG. I am in favor of the objective. I believe the Senator is in too big a hurry.

Mr. HUMPHREY. Because of his diligent attendance at the hearings and his willingness to stay in the Chamber, I feel that before the debate is over the Senator from North Dakota will be one of the stanchest advocates of the proposal of the Senator from Minnesota. I have faith in him, and I know it will happen.

I will not give a detailed description of the variety of tortures which are routinely inflicted in our packing plants on cattle, horses, sheep, calves, and lambs.

Ordinarily, an attempt is made to knock cattle to the floor with a sledge hammer. Because the men who do the knocking are not always expert and because cattle often move at the instant that the hammer swings, the animals often are terribly injured and maimed before they are hammered into unconsciousness. Witnesses have told our committees of seeing steers struck as many as 20 times before they become insensible. The hammer knocks off horns, mashes noses, breaks jaws, pounds out eyes.

It is notable that in none of the three public hearings on this subject conducted by Congressional committees has any packer denied the existence of the cruelty that I am now describing. We have heard expert and official spokesmen for all of the national associations of packers and we have heard many individual packers. Not one of them has ever disputed the facts as I am giving them.

The cruelty exists. It is a very great and terrible cruelty. It is horrible in kind and in scale.

All of our major religions brand cruelty to animals as a sin. The ancient lawmakers of the Hebrews understood thousands of years ago that cruelty to animals was an offense against God. One of the most eminent of American rabbis reminded us, in committee hearing, that Talmudic literature says of Moses that only after he proved his kindness to animals did God accept him as His divine messenger to the Jewish people. Likewise, the Christian religion in its very essence condemns cruelty, to beast as well as to man.

It is to be noted that the legislation that I am urging is strongly supported by many churches. The General Board of Social and Economic Relations of the Methodist Church, representing 10 million Americans, has said to us, in a formal resolution:

> This board opposes a widespread situation in this country where millions of meat animals for American tables are slaughtered every year under conditions of unthinkable brutality.
>
> We strongly urge increasing use of humane slaughtering methods which have long been in use in Britain, Holland, Switzerland, in all the Scandinavian countries, and also in New Zealand and the Fiji Islands, and we commend the several American packing plants which have employed such methods, the use of anesthetics, the captive-bolt pistol.
>
> We protest the delay in dealing with such a situation and call upon the Congress to enact at once the legislation necessary to correct the present situation and to insure humane slaughtering methods in the packing plants of the United States. Such bills as Senate bill No. 1497 and House bill No. 8308, are samples of the legislation required.

House bill 8308 is the pending bill, and S. 1497 is the companion bill.

The Methodists are not alone in this vigorous request that Congress act. The great Southern Baptist Convention, speaking through the executive of its Christian Life Commission and through its president, is as ardent in support of humane slaughter legislation as are the Methodists.

The record is full of calls for action by many other religious groups and by religious leaders, Jewish and Christian alike, Protestant and Catholic alike. And the moral issue is what concerns the General Federation of Women's Clubs, an association of 15,000 organizations with more than 11 million members. This biggest organization of women in America has said through the action of its national convention:

> All thoughtful persons recognize that cruelty is an evil that should be eradicated from our society, not merely for the sake of animals but for our own good. We know that cruelty, whether to animals or to men, causes in the perpetrator a moral and cultural erosion that is harmful to the whole of society. Cruelty to animals in our slaughterhouses has thus far been permitted only because, it is argued, cruelty is cheaper than decency. The immorality of the argument is obvious.

To that I say: Amen.

Yes; the immorality of the argument is obvious.

But the argument that cruelty is cheaper than decency is more than immoral; it is a phony argument that will not stand 5 minutes of examination.

I have said that slaughter methods now commonly used cause an immense economic waste, the burden of which falls principally on farmers and consumers. I now offer my proof.

Let me refer again to the study of hog-killing methods made by the University of Minnesota scientists, the study which I earlier described.

I take the liberty of referring to the University of Minnesota's splendid School of Agriculture. The University of Minnesota is one of the great land-grant universities. I believe in its competence and its ability to make an objective examination and study. That study was undertaken because packers have long been puzzled and economically burdened by the frequent appearance, in hams, of what is called a cherry bruise. This bruise is a bloody spot in the ham, sometimes on the surface, sometimes hidden in the meat—so that a housewife who buys the ham finds part of the meat revoltingly unappetizing and inedible.

It ought to interest every Senator from a farm State to note that for 50 years or more the packers have been blaming these cherry bruises on farmers and transportation companies. The University of Minnesota report says that in all instances packing plant workers and executives associated the appearance of the condition with injury to the animal during transit from the farm to the packing plant.

Those who know the ways of livestock markets will understand what has been happening. On the theory that these bruises were incurred before the hogs got to the packing plant, buyers for the packers have naturally been discounting, in prices bid for hogs, the losses involved in the damaged hams. It is the farmers and the feedlot operators who have been paying for the cruelties inflicted on animals by the packers.

The amount of money involved is enormous. The Minnesota research team discovered that in a single plant the loss from meat damaged by the shackle-and-hoist method was exceeding $90,000 a year.

That loss did not occur during shipment from the producer to the plant; it occurred in the plant after the animals had been received by the packer. Actually, the loss probably was much higher than the conservative scientists reported. The published figures take no account of meat that is thrown away in disgust by housewives who are sold hams with hidden bloodspots. As the research group itself said, "When consumer acceptance is considered, these hidden hemorrhages may prove to be more economically significant than the hemorrhages found prior to selling the product." And the report further comments that "the percentage of claims for defec-

tive hams due to this condition has not been ascertained."

I ask Senators to note that this Minnesota study dealt only with hogs. The packers have never seen fit to arrange for any similar study of damage done to meat when the shackle and hoist are used on cattle, calves, sheep, and lambs. But commonsense tells us that if the weight of a 250-pound hog so terribly tears joints and tissues, even greater damage and economic loss result when a half-ton steer or 1,500-pound bull is hoisted.

The cruelties of conventional slaughter methods damage meat in many other ways—and none of us is so economically illiterate as to imagine that losses of this kind are borne only by packing industry stockholders.

Mr. E. Y. Lingle, president of the Seitz Packing Co., of St. Joseph, Mo., has done a good job of explaining this subject. Mr. Lingle's plant is one of the smaller units of the packing industry, although an excellent and efficient one. The Seitz company was one of the first to use the humane captive bolt pistol in place of the archaic and brutal sledge hammer.

Mr. Lingle has testified, his remarks being reported verbatim on pages 166–167 of the transcript of a hearing conducted by a Senate subcommittee in May 1956, that after his plant switched to humane methods he discovered that cattle bled better, that consequently it was easier to skin animals, that the Government inspector has remarked that there is less coagulated blood in the heart and the men on the floor have shown me that there is less blood in the chest cavity when the cattle are eviscerated, that cattle cut better, and there were fewer bruises in the meat.

Mr. Lingle's statement ought to be carefully studied by every livestock grower and every meat consumer. In plain words, this honest packer tells us that the conventional cruel methods of killing cause bloody meat, they are the cause of the costly stiff cattle and dark cutters, they cause damaging bruises, they cause damage to valuable hides, and they increase labor costs.

The committees have accumulated much evidence that the usual inhumane methods of killing are responsible for huge additional economic losses through an abnormally high industrial accident rate and through the costs of an almost fantastic rate of labor turnover.

Department of Labor statistics show that the packing industry has an accident rate that is almost double the average for all industry. The accident rate on packing plant killing floors and in shackling pens is largely responsible for that unenviable record. The president of the Seitz Packing Co., Mr. Lingle, emphasized that cattle knocking is an unsafe job.

The loss of man-hours, the medical expenses, the workmen's compensation involved—all these are burdens on the entire economy.

Many of these can be relieved and alleviated by modernizing the facilities of packing plants and by installing humane methods of slaughter which are workable and efficient, and have been tried and found to be practical.

Packing plant executives have freely told us, in committee, that few men want the jobs in shackling and knocking pens. In many plants men stay on those jobs only a week or two before they use the privileges of seniority to demand transfer to safer and easier jobs. Since many industrial studies have revealed that it costs more than $500 to employ and train each new man on such jobs, it is apparent that here there is another great source of economic waste.

These facts explain why packinghouse labor favors the legislation now proposed and why the Amalgamated Meat Cutters and Butcher Workmen of North America, AFL–CIO, has officially asked us to enact a humane slaughter law. They are the people who work in the packinghouses. They are not the ones who sit in the air-conditioned, well-designed front offices having all the comforts of modern conveniences. The persons who are on the packing floor working with the animals, seeing the cruelty and the economic waste, are the ones who have asked for the legislation, together with the vast groups of our citizenry who have poured letters into Congress urging action.

I cannot go further into the economics of this issue. But it is obvious—it is not even debated by the packers—that cruelty is costly, besides being immoral. And I particularly call attention to the fact that the Federal Government is one of the biggest buyers of meat and that anything that raises the cost of meat is a direct burden on the funds that we vote for school lunches, for the feeding of our Armed Forces, and for livestock price-support programs.

I have proved that a great and immoral cruelty is being committed and that the cruelty is economically costly to the Nation. Now I offer proof that the cruelty is unnecessary—that livestock can be slaughtered humanely, and that the methods available are practical and within the means of every packer, big and small.

And here we come again to the towering fact that ought, in logic, to end all debate on this subject. That fact is that a very substantial number of American packing plants—although unfortunately still a small minority—have already adopted humane methods, have proved them to be practical and profitable, and have testified to committees of Congress that the humane methods are better in every respect than the old and cruel methods.

I commented earlier on the Hormel Co. George A. Hormel & Co., one of the great packers of the Nation, processing some 10,000 hogs a day in a single plant, has since 1952 been humanely putting hogs to sleep with an anesthetic gas before they are subjected to handling of any kind in the slaughterhouse. The animals ride on a moving belt into a zone of invisible, odorless, tasteless carbon dioxide gas. They go peacefully to sleep as they ride and they never awaken. There is no struggle, no fear, no injury, no pain.

Executives of Hormel, which is reputed to be the most profitable packing company in America, have told Congressional committees that they have actually saved money by switching to this humane method from the old cruelties. The best evidence on this comes from the fact that after a long experimental period in 1 plant, Hormel extended the system to its 2 other big plants. And there is the further evidence that the Kingan plant of Hy-Grade Food Products Corp., in Indiana, has followed the Hormel lead, and the carbon-dioxide system is being installed in three plants of Oscar Mayer & Co.

Perhaps I am a man with primitive logical processes, but it seems to me that what works on hogs in seven plants of the Hormel, Kingan, and Mayer companies will work on hogs in Armour, Swift, and Cudahy plants. I have not heard that Hormel, Kingan, and Mayer have any special breed of hogs.

It is even easier to slaughter cattle, horses, calves, sheep, and lambs humanely. It can be done and it is being done with a simple stunning instrument that costs about $150 to buy and around 3 cents an animal to operate. Some manufacturers call these tools captive-bolt pistols, some call them humane stunners. They are being used, and have long been used, by some very successful and profitable packing plants.

I have already quoted Mr. E. Y. Lingle, president of the Seitz Packing Co. Mr. Lingle testified that captive-bolt pistols actually saved money in his operations. Many other packers have said the same thing. Senators with small packers among their constituents should note that the captive-bolt pistol, which is one of the humane methods or instruments, has been regularly used, for many years, with complete satisfaction, by such relatively small operators as the Great Falls Meat Co. at Great Falls, Mont., Seitz, and more than a score of other progressive small companies.

It is the big companies which are fighting the bill. It is the big companies which are saying that the small companies cannot afford the proposed method. But it happens that the small companies were the ones who really instituted humane processes. It is peculiar how the large suddenly become so brotherly toward the small, when the small are already leading the big brothers into the paths of righteousness, if they would only follow.

And in the last 2 years, admittedly only under the pressure of the proposal that now is before the Senate, nearly 200 more plants have started using the humane stunning instruments on cattle, and, in a few cases, on other species of animals. The expert consultant of the American Meat Institute, Mr. Eshbaugh, told our committee in April that these new converts have found that the stunners are satisfactory. I interpret the word "satisfactory," when used in this way by the American Meat Institute, to mean, "It is beyond any criticism we can think of."

The American Meat Institute has sought to alarm some of the small packers and the livestock producers by blandly asserting, in the face of conclusive evidence to the contrary, that humane methods of slaughter would be ruinously costly to the packers. Such statements are pure nonsense.

A captive-bolt pistol costs about $125. The most advanced Remington humane stunner costs only $240. These instruments are worked by a .22-caliber blank cartridge, and cartridges cost only about 3 cents each.

I remind the Senate again that the consulting expert of the American Meat Institute has, himself, told us that the captive-bolt pistol and modified versions of that instrument are right now being used, with satisfaction, on all species of livestock.

Because George A. Hormel & Co. spent more than $200,000 on development and its first installation of carbon dioxide equipment, it has been asserted that use of the carbon dioxide method is impractical for small packers. However, that is an absolute non sequitur.

The Allbright-Nell Co., of Chicago, licensee under Hormel patents, is offering a carbon dioxide unit, capable of humanely processing 60 hogs an hour, or 480 hogs in an 8-hour day, for around $3,500. That is just about the price of a 1-ton truck. Has any Senator ever heard a packer complain that he would be put out of business if he had to buy a truck?

Moreover, H. R. 8308 will affect very few small packers. This bill affects only packers that sell their products to the Federal Government. That is why the big packers are fighting the bill; they are fighting it because they do not want to make any changes in their methods. They want to make the Federal Government pay for the meat they process; but the packers themselves do not want to meet the standards. The same argument was made against the first proposals for meat inspection, when they were considered by the Congress.

Mr. President, most of the small packers who have expressed alarm over this proposed legislation have never even contemplated making a bid for Government contracts.

The essential and demonstrated fact is this: Senators can vote today for House bill 8308 with the assurance that they will not be voting a hardship on any packer, large or small.

I must now offer some proof that the carbon dioxide method and the various stunning instruments are humane. That is made necessary by the fact that the Department of Agriculture has told us that it wants many years and many dollars of the taxpayers' money for a study of this subject. Mr. Benson, the Department says, does not know what is humane and what is not humane. He wants us to postpone action indefinitely while he ponders the question; and he also wants, of course, an appropriation to finance his pondering.

Mr. President, I find it hard to treat seriously the contention by the Agriculture Department that we should postpone all action on this issue in order to allow the Department to conduct elaborate studies to determine whether it is more humane to anesthetize a hog or to yank its legs out of joint and cut its throat while it is fully conscious; whether it is more humane to stun a steer into instant unconsciousnes with a captive-bolt pistol, or to beat its head to a pulp with a half dozen blows of a hammer.

Until the American Meat Institute became agitated over the pending legislation, the Department of Agriculture never concerned itself with whether animals in packing plants were treated humanely. Assistant Secretary Peterson testified frankly that the Department has always felt that whether animals suffered cruelty was someone else's business.

Over many years, on the other hand, the great humane societies of the world have intensively studied this question. In America, the Humane Society of the United States and the Animal Welfare Institute have financed studies by university scientists. The American Humane Association has participated in a joint committee with the American Meat Institute. In England, the venerable Royal SPCA and the Universities Federation for Animal Welfare have sponsored scientific studies. The Humane Society of the United States, the Animal Welfare Institute, and the Massachusetts SPCA have sent their staff experts to Europe, to study methods used in packing plants there, where humane slaughter laws have been in effect for decades.

Investigators financed and sponsored by the humane societies have used the electrocardiograph and other advanced scientific methods to determine what methods are actually painless.

An additional vast amount of study has been made by independent scientists.

Every study ever conducted has confirmed that the captive-bolt pistol, carbon dioxide anesthetization, and electric stunning are humane.

Carbon dioxide, incidentally, has long and frequently been used as an anesthetic for human beings. It is a scientific fact—apparently unknown only to the Agriculture Department—that carbon dioxide is a true anesthetic; that it does not suffocate; and that, when inhaled, it causes no unpleasant sensation of any kind. Are we to postpone action for 4 or 5 more years, and spend a large sum of money, merely so that the Department of Agriculture may repeat studies which were completed long ago?

If any Senator plans today to vote against House bill 8308, I suggest that he should think up a better excuse for his vote than the contention that there should be further study to determine whether anesthetics are humane.

I come now to providing proof for my fourth statement: namely, that the cruelties of the killing floors cannot be ended without the cooperative help of Federal law.

The packing industry, as all of us know, is one of the largest economic units of our Nation. There are more than 5,000 commercial slaughterers. Most of them are engaged in interstate commerce. The living animals move from Texas to Kansas City, from Iowa to Chicago, from Arizona to California, from Ohio to New York. The finished products cross all State lines.

Some of the packers are industrial giants. More of them are small business units. They are divided among 3 big national and regional associations and 20 or 30 State associations. They are sharply competitive.

I am making the point that in such an industry, voluntary reform in such an area as the one we are now discussing is literally impossible. Some packers will see the light. Some have already adopted humane methods for economic reasons, and I am sure that some have also been motivated by humane reasons. But total or even substantial reform will never be voluntarily achieved, because this industry is not a single unit, but is made up of more than 5,000 units.

All of us remember how the packers fought the Federal law that established the meat inspection service. A veritable army of packers appeared in Washington, near the opening of the century, to tell Congress that the proposed law would ruin them.

But what do we find today? We find the packers united in praising the law they once stormily opposed; we find them, in fact, urging Congress to extend the inspection service and make it even more rigid.

Humane slaughter laws now are in force in Great Britain, Norway, Denmark, Sweden, the Netherlands, Switzerland, Finland, and, as has often been stated, even in the Fiji Islands. But nowhere in the world have the slaughterhouses reformed themselves without such laws.

The American Meat Institute repeatedly has told us that for 30 years it has been studying methods of slaughter. But in those 30 years the AMI has not even once recommended to its members any step aimed at alleviating the suffering of animals. Official spokesmen for the packers quite frankly confessed to us in committee—they could not do anything else—that they have been remiss in this field. The packer spokesmen used exactly that phrase—"we have been remiss." The packers admitted that they have been spurred to very recent concern only by the pending legislation.

If the proposed legislation is killed today the packers will go right back to their old indifference. This does not mean that individual packing plant executives are cruel and evil; it simply means that inertia will triumph. All of us agree that the cruelties of the packing plants ought to end. It is unrealistic to pray piously for this objective while voting against proposed legislation that alone can make the reform possible.

Mr. President, I wish to make a brief comment on the particular provisions of House bill 8308, in the form in which it was passed by the House. It is a moderate, reasonable, nonpunitive bill. It merely provides that it is the policy of the United States to encourage the humane slaughter of livestock, and that the Federal Government will buy only from packers who comply with this public policy.

The bill covers a very large portion of all livestock slaughtered, but affects only a small minority of packing companies—certainly not more than 500 firms.

It has been suggested that the proposed legislation might create some diffi-

culty for executive departments in the execution of their purchases. Such a suggestion ignores economic realities. The Federal Government buys close to one-quarter of a billion dollars' worth of meat and meat products every year. The Government pays profitable prices. In the highly competitive packing industry, wherever there is a buyer with $250 million to spend, there will be eager sellers.

The law should be largely self-enforcing. Vendors selling to the Government would be required to certify, under perjury penalties, that they are complying with the provisions of House bill 8308. This is a much cheaper and surer way of getting the desired results than by relying upon a criminal law, with the necessity of investigation and prosecution.

In short, House bill 8308 is a practical bill.

House bill 8308 provides absolute protection for the rituals of all religions. I emphasize the word "absolute." The sections of the bill which are concerned with ritual slaughter were drafted and proposed, in fact, by rabbis, lawyers, and leading laymen representing the overwhelming majority of American Jews. I would be the last Member of the Senate to sponsor any proposed legislation which conceivably could infringe upon or imperil religious freedom. I repeat that House bill 8308 provides absolute protection for religious ritual. The largest organizations of American Jews fully understand that fact.

I hope the Senate now will vote House bill 8308 into law. Nothing whatever can be gained by procrastination. The American public understands this situation.

The St. Paul Dispatch, located in a city which knows about packing plants, said this, on July 3:

> It is unfortunate that the Senate Agriculture Committee has come up with a bill calling for only another study of humane slaughtering methods in the United States. There is no need for such a study.

The Milwaukee Sentinel, after reporting the recommendation of a study bill by our Agriculture Committee, said editorially on June 27:

> We don't quite get this. The Secretary will study the subject for 2 more years and resubmit the same proposals to Congress which are already before it. And around and around we go. The Senate should disregard this conscience-salving substitute measure and pass the humane slaughter bill without delay.

The Washington Post said, on June 22:

> There is no need whatever for a 2-year study of humane slaughter techniques.

The Post called the Agriculture Committee proposal a "dilatory and evasive measure."

The Miami News said, on June 20:

> The Department of Agriculture has yielded to the pressure of the American Meat Institute in calling for further study of the bill—an old and sure method of killing needed legislation. But with humane slaughter already the rule in many of our best packinghouses and in most European countries, what is there to study?

The Charlotte (N. C.) News said, on June 25:

> There is no need for any additional study of humane slaughtering methods. It is plainly absurd to postpone action in the United States merely to confirm the proposition that cruelty is cruel.

And the New York Herald Tribune said, on July 9:

> Further study. For 30 years, this has been the excuse advanced for delay by some of the big meatpackers. The House Agriculture Committee made a personal tour of the slaughterhouses and was immediately convinced that changes were necessary, the Senators, however, staying in Washington, refusing even to see a film depicting the slaughtering of hogs.

Mr. President, I could read to the Senate another 200 editorials along the same line. The American press is virtually unanimous on this subject. The Congress has been asked by great organizations of the Nation's people to act favorably. Every one of us has been deluged by our constituents with pleas for the passage of this proposed legislation. And the letters have not been the kind written by lobby organizations, either.

The conscience of America is involved in this matter. The American public has spoken to us with the voice of a civilized and moral people.

I have discussed economics. I have talked of practicalities. I have touched on politics.

But as my final word, I say this to my colleagues. The issue before us is an issue of fundamental morality. Those of us who believe in a just and merciful God have a clear mandate. I trust that in the next few minutes the Senate will reject the proposal that it be devious, evasive, and hypocritical, and will take decisive action to achieve a reform that is long overdue.

The House has passed effective humane slaughter legislation in the form of House bill 8308, the measure I have described.

The Senate Committee on Agriculture, by a split vote, has reported only the title of the bill as passed by the House, but has stricken its language, and has replaced it with a mere study commission proposal that humane groups condemn as only a device to delay action.

I ask the Senate to reject the Senate committee's amendment. When that amendment is rejected, the pending question will be the original language of House bill 8308—the language supported by all the humane organizations, the language which 17 of my colleagues have joined in seeking to have restored as the real issue before the Senate.

Mr. President, with the cooperation of national organizations concerned with the humane movement, we have made a compilation of mail sent by Senators to constituents all over the country. That compilation shows that some 53 Senators have in writing stated they were in favor of the language of the bill as passed by the House, rather than the study commission amendment reported by the Senate committee.

With a majority of the Senate thus on record in writing, it appears only just to give this body an opportunity to vote on the real issue.

A "no" vote by a majority of the Senators voting on the committee amendment will provide that opportunity. A "no" vote will be the vote asked by the humane organizations, and the vote which 53 Senators have pledged to their constituents they would cast for humane slaughter.

Mr. President, I believe the bill as passed by the House to be sufficiently moderate to merit the support of every Senator, not only the support of a majority of the Members of the Senate who, I hope, will vote for the bill.

I believe the bill represents constructive thinking and a beginning approach. It provides for the study for which the Senate committee amendment provides, and also for enforcement at least in the areas of Federal purchases.

THE FINE WORK OF THE AGRICULTURAL RESEARCH SERVICE IN COMBATING PESTS ABROAD

During the delivery of Mr. HUMPHREY'S speech,

Mr. WILEY. Mr. President, will the Senator yield for a brief insertion in the RECORD?

Mr. HUMPHREY. I am always delighted to yield to my good friend from Wisconsin. I should like to suggest that his material be printed in the RECORD following this discussion.

Mr. WILEY. Yes; I am very happy to make that unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILEY. I should like to say to the Senator that he is always happy to accommodate me and other Senators. That is a very fine quality he has which, I am sure, is appreciated by all Senators. That is true not only on the floor of the Senate, but in the Senator's daily going about in life. He has the same enticing smile, and the very lovely way about him which makes people feel that the Senator really has something on the ball.

Mr. HUMPHREY. I thank the Senator very much. I am always very happy to work with the good Senator from Wisconsin, my dear friend.

Mr. WILEY. Mr. President, I was pleased to read over United Press international wires a story concerning the excellent program of technical assistance by the United States Department of Agriculture in helping to combat man's ancient enemy—insects in the Middle East, Southeast Asia, and Africa.

Since 1951 Department of Agriculture scientists have helped no less than 13 countries to combat hunger, malnutrition, and poverty by controlling food destroying pests.

Among the countries helped have been Egypt, Afghanistan, Ethiopia, Libya, Iran, Tunisia, Pakistan, Iraq, Lebanon, India, Jordan, Morocco, and Turkey.

I point out that several of these countries are the very lands with whom we are most directly interested at this present moment of crisis in the Middle East.

Thanks to the know-how which we have built up in our Department of Agriculture, technical assistance workers have gone forth to demonstrate projects in these lands. They have shown how insecticides can combat no less than 85 insects attacking 37 crops.

The first big project was control of the desert locust, or grasshopper, which not only has been in the headlines in our own State of Colorado, and other Midwest and Far West States recently, but which has brought famine to countries since Biblical days.

Mr. President, I believe that this sound program of combating man's insect and, yes, fungus and bacterial enemies, is the kind of program which makes sense from every national and international standpoint.

I know of no country and no people in the world which would think ill of a dedicated entomologist who goes abroad to battle enemies which attack man himself, or man's crops and man's livestock.

It is almost impossible to estimate the amount of human misfortune which has been caused by pests. The Food and Agricultural Organization has estimated that, in a single year, losses caused by rats and insects and fungi to stored grains and rice, alone, represented enough lost food to keep 150 million people alive for a year.

By battling these enemies, we save human lives. We not only save crops, we increase crop yields.

Moreover, American entomologists have successfully battled cattle ticks, which have cost terrific mortality in terms of beef and milk production in the Western Hemisphere; they have battled the torsalo fly which lives under the hide of animals. They have battled insects which plague cotton, coffee, citrus, corn, tobacco, and other miscellaneous crops and livestock.

Fortunately, we in the United States lead the world in this battle against these enemies of man. It will be recalled that, on July 17, I spoke on the Senate floor in praise of the work of the private pesticidal industry and, in particular, in tribute to the work of the National Agricultural Chemical Association.

I have been pleased, subsequently, to hear from Mr. L. S. Hitchner, executive secretary of that association, advising of his organization's further work.

Under date of July 25, for example, he stated "Our industry supports sound research; both by Government, as well as private agencies." Included on the board of directors of his association, I may say, is Mr. James D. Hopkins, of the Hopkins Agricultural Chemical Co., of Madison, and he, Mr. Hitchner advises, "is making substantial contributions to our industry as well as to agriculture in the State of Wisconsin."

Government and industry, working together at home and abroad, can and will provide more of the answers in constant efforts for better, more effective, insecticides, fungicides, and rodenticides; including effective testing programs.

I ask unanimous consent that excerpts from several reprinted materials bearing upon man's battle against pests throughout the world be printed in the body of the RECORD.

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

ENTOMOLOGY IN THE POINT 4 PROGRAM[1]

(By Edson J. Hambleton, Office, Foreign Agricultural Relations, USDA)

In a recent address, W. Averell Harriman simply stated the basic purpose of all agricultural projects under point 4: "We Americans, with our scientific knowledge, are literally helping grow 2 ears of corn where 1 grew before." You and I, as entomologists, know that this is possible in any underdeveloped country where certain changes can be easily introduced—changes such as improved seed, better preparation of the soil, use of fertilizers and pesticides, and adoption of more effective agronomic practices.

Some noteworthy examples of increased yields have already been reported by point 4 workers. In one area of India the yield of potatoes has been increased from 119 bushels per acre to 235, and the yield of wheat from 13 to 26. In El Salvador, corn yields have been doubled. Yet if we are to carry on and bring about other increases in farm products, we must not lose sight of the fact that we will have to provide facilities for proper handling and storage of food. If we do not, we will be growing 2 ears of corn where 1 grew before just to feed twice as many weevils.

We entomologists are conscious of the fact that as crop production is improved, conditions are also brought about that are likely to favor destructive insects and to provide them with better means of becoming a constant menace. This fact should not be overlooked as we go forward in our technical assistance planning. Few farmers in the underprivileged areas of the world have any conception of the losses that result from insect attack. And even if they do, there has been little that they could do to fight back. I have always felt that, if we could find ways and means to protect from insects and diseases the crops now being grown, that alone would increase production to the point where we would no longer need to fear food shortages.

Although most underdeveloped countries have tropical or subtropical climates, their insect problems are much like ours. They are confronted with many of the cosmopolitan species that have been widely distributed through commerce for many centuries. Among them are some of the most annoying and dangerous to man and most destructive to his livestock, crops, and food products.

The history of conquering agricultural pests in the United States is filled with lessons for the entomologist abroad. They teach him such things as what pests to expect, what control methods to use, what pitfalls to avoid. They show him the importance of being foresighted about such matters as quarantine.

But agricultural pests are not the only ones that harass the world. For many years we have suffered from infectious human diseases that are insect borne and by that means have been imported from one place to another. Yellow fever and malaria are good examples, both carried from victim to victim by mosquitoes. Everywhere, the problems of health and agriculture go hand-in-hand. Although in most countries medical science has advanced more rapidly than entomology, it is only in recent years that an attempt has been made to control some of the pestilential diseases that still sweep through large areas of the world in epidemic waves. Vast areas of the world remain undeveloped and their resources are denied to mankind because of diseases that are rampant. These must be controlled if economic development is to succeed. Health authorities, like entomologists, are concerned with quarantines, which have served a useful purpose in preventing the spread of disease from country to country. The development of faster means of transportation, however, is limiting the effectiveness of quarantine protection; and attention is now being given to regional programs designed to attack and eradicate certain diseases at their source. This is a most constructive approach in the international health movement of today, in which collaboration toward a common goal has been really magnificent.

[1] Paper read by Edson J. Hambleton, Field Service Consultant in Entomology, Office of Foreign Agricultural Relations, U. S. Department of Agriculture, before 36th annual meeting of the American Association of Economic Entomologists, Santa Barbara, Calif., June 24–26, 1952.

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Cooperative effort in the control of agricultural pests has received less attention in technical assistance programs than has that of insect vectors of human diseases. This fact is easily understood, yet it in no way reflects the urgent need to wage all-out war on some of the pests that plague livestock and food and fiber crops in so many areas of the world that they are a matter for international concern. However, within the last few years, I am pleased to report, technical assistance administrators are viewing insects and the damage they cause in a new light. They are beginning to focus attention on losses caused by insects in terms of food production and to see how insect control projects might form an integral part in programs of technical collaboration. Entomology can and will play a more important part in technical assistance if given the opportunity. Fortunately, it has already clearly demonstrated its value.

COOPERATIVE CONTROL OF THE DESERT LOCUST AND OTHER MAJOR PESTS IN THE MIDDLE EAST AND SOUTH ASIA[1]

(By Edson J. Hambleton and Stanley B. Fracker, Agricultural Research Service, USDA)

One of the many kinds of technical assistance provided in our foreign programs, plant pest control is an effective and economical means of helping people overcome fear and discontent in their struggle to build a better agriculture. While technical-assistance programs have been greatly expanded in recent years, we have been brought face to face with insect problems entirely new or little known to us. Outstanding among these is the desert locust, Schistocerca gregaria Forskal. From Biblical times nations of the Middle East, South Asia, and Africa have suffered one locust plague after another. In our short experience in providing assistance to nations affected by the locust we have seen a change in their attitude and willingness to cooperate in programs of national and international significance. In the overall program of technical assistance, with the exception of locust control, plant pest control still plays a minor role.

ROLE OF USDA IN THE FOA PROGRAM

The participation of the Department of Agriculture in technical assistance programs which are now carried out under the direction of the Foreign Operations Administration[2] is based on a memorandum of agreement dated February 18, 1954. In this memorandum authority was granted to the Department in connection with the planning

[1] Presented at the second annual meeting of the Entomological Society of America held at Houston, Tex., December 6–9, 1954. Accepted for publication January 18, 1955.

[2] Now the International Cooperation Administration.

and implementation of insect-control programs in cooperation with governments of the Near East, South Asia, and Africa. On the basis of this authority a special project was agreed upon between the Agricultural Research Service and the FOA and made effective July 1, 1954.

Within the ARS the Plant Pest Control Branch is now the agency responsible for operating the regional insect control project. This project supersedes the former regional locust control program, but many of its responsibilities and features remain the same. It assists the United States operations missions and the governments of cooperating countries in the development and operation of practical control programs against major insect pests. Insect-control activities of FOA that involve cooperation with international and other organizations are also receiving special attention, particularly in relation to locust control.

The work of the Plant Pest Control Branch is designed to fulfill commitments to countries under the former regional locust control program with respect to the training of pilots, the evaluation of locust problems, and the demonstration of control operations, where necessary, to meet outbreaks that threaten the agriculture of countries requesting assistance. Major insect problems are being explored with respect to their adaptation to control operations with hand and engine powered ground equipment and aircraft. Technical guidance is being given to biological control measures in Iran. Every effort is made to develop leadership among the local technicians in applied entomology through on-the-job training.

In the planning, execution, and operation of these programs, close cooperation is maintained between the director of the United States operations mission in each country and the coordinator of the regional project at Beirut. Their responsibilities have been carefully outlined and agreed upon. The coordinator is William B. Mabee, formerly of the grasshopper control project in this country. He acts under the direct authority of the Chief of the Plant Pest Control Branch, and is responsible to the Branch for the conduct of the program in all its technical aspects. Liaison between the specialists assigned to this project and the research agencies of the Department provides the technical information on which they base their programs. We now have a staff of 15, including pilots, stationed in 6 countries, namely, Lebanon, Jordan, Iraq, Iran, Pakistan, and Ethiopia.

RESULTS OF COOPERATIVE CONTROL PROGRAM

In the short period these insect-control programs have been under way progress has been noteworthy. Approximately 250,000 acres have been sprayed from the air for the control of locusts in these 6 countries during the last 4 seasons. This amount of spraying protected food crops and pastures in more than 2,500,000 acres. Over 10,000 acres were sprayed for control of rice, sugar cane, and cotton insects. Several dozen pilots trained to operate and maintain spray planes have participated in control programs. Most countries have already purchased or contemplate purchasing their own planes for insect control.

Plant protection organizations have taken a greater interest in the control of locusts and other insects, and have consequently received bigger appropriations from governments for research and control. The success of the programs has brought hope to the people and encouraged them to increase their plantings. The efforts of the various nations have been better coordinated, a factor that has contributed to progress in international cooperation.

These efforts have made it possible for the personnel attached to the project to direct their activities to insect problems other than locusts. The olive fly, sen pest of wheat, pyrilla of sugarcane, bollworms of cotton, rice borers, and the like are now being investigated. Importation of new insecticides is on the increase. Large-scale field demonstrations are under way with many chemicals heretofore little known or untried in most countries.

BENEFITS TO THE UNITED STATES

In addition to the benefits that cooperating countries are deriving from these programs, the United States also has a direct interest in their successful operation. Never before in the 100 years that entomology had been recognized as a profession in the United States have we been so conscious of the need to know more about foreign insect problems as they affect us either directly or indirectly. We believe that every effort expended toward increasing our knowledge of insect enemies that may sometime reach this country is worth while. The European corn borer, the Japanese beetle, and the Mexican boll weevil are only a few examples. We found it advisable to send entomologists abroad to the native homes of these species to learn more about them and their natural enemies. We have been threatened with such pests as the citrus blackfly, the oriental fruit fly, and more recently the Khapra beetle. We can appreciate their significance if left unchecked and all that is involved in obtaining funds and cooperation for research and control purposes to hold them in abeyance.

Firsthand information on foreign pests obtained abroad can also be helpful toward improving foreign trade relations with the United States. Entomologists of Government land-grant colleges and industry have already played an important role in this connection. Their work abroad has exerted a noticeable influence on the export trade of our pesticides and farm equipment. Through better understanding and familiarity with these products, foreign pest-control authorities are in position to service a country's needs more satisfactorily.

The future appears brighter for the peoples of these underdeveloped areas. Through better pest control they are blazing trails which will lead them to a happier, more healthful existence. With ample food supplies they will be better able to organize, and cope with the problems of defending what they must grow and of leading a peaceful existence with the rest of the world.

PACIFIC WAR MEMORIAL ON CORREGIDOR ISLAND

Mr. WILEY. Mr. President, as a member of the Corregidor Bataan Memorial Commission, I read with great interest the statement made by the Chairman of our Commission before the House Armed Services Committee on Tuesday, July 15, in connection with a hearing on H. R. 13265. Mr. O'Neal's statement was in connection with the hearings on this bill which will authorize the Commission to accept funds from the Secretary of the Navy which may be received from the sale of certain old and obsolete naval vessels as scrap material. Many of these old warships saw service in the Pacific war. H. R. 13265, which was introduced by General DEVEREUX, was reported favorably by the House Armed Services Committee and the following Monday, July 21, it passed the House. This bill, and a companion bill, S. 4046, which was introduced by the Senator from Illinois [Mr. DOUGLAS], the Senator from Arizona [Mr. GOLDWATER] and myself, all members of the Commission, are now before the Senate Armed Services Committee. In order that my colleagues may have available this excellent statement by Mr. Emmet O'Neal, I ask unanimous consent that it be printed in the RECORD at this point, in addition to a listing of many prominent people who support the concept of the Pacific War Memorial on Corregidor Island.

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

STATEMENT OF THE HONORABLE EMMET O'NEAL, CHAIRMAN OF THE CORREGIDOR BATAAN MEMORIAL COMMISSION BEFORE THE HOUSE ARMED SERVICES COMMITTEE ON H. R. 13265

Mr. Chairman and members of the committee, the Philippines became a sovereign nation on July 4, 1946. On October 12, 1947, the United States at a formal ceremony returned to the Philippines the last bit of Philippine soil which had been under its control—the island of Corregidor. At the ceremony on Corregidor, when the American flag was lowered and the Philippine flag raised, the American Ambassador (the present Chairman of this Commission) said in part:

"Today the United States of America conveys to the Republic of the Philippines the last tangible bit of America, the island of Corregidor. It is right that this be done. But in a deeper sense, Bataan and Corregidor do not belong solely to any one country, even to the heroic Philippines. * * * there is more to this hallowed spot than what we here convey, and it is that which belongs to the ages and to all men who believe in human liberty. Nations yet unborn will strive for freedom and receive strength and courage from nearby Bataan. Men now living and yet to be born will carry on inspired by the true meaning of Corregidor. They are now enshrined in the temple of hope for mankind with Runnymede, Valley Forge and other places where the fires of freedom were lighted and kept burning.

"The blood of Americans and Filipinos mingled, indissolubly in the soil of Bataan and Corregidor, each defying the forces of autocracy and slavery. The blood shed by your sons and our sons cannot be separated in the hallowed earth of Bataan and Corregidor. * * * This spot will tell the story to oppressed and groping people how they, too, can attain liberty by devotion to the democratic way of life.

"Bataan and Corregidor will ever be beams to guide liberty-loving people of Asia and of the world to a way of life which will bring the greatest good to the greatest number. May they light the way to freedom for millions who are seeking that which Bataan and Corregidor so sublimely represent."

In order to conserve your time and to explain clearly the bill before you, I would like to read this statement. The Corregidor Bataan Memorial Commission was created by Congress to erect upon Corregidor an appropriate memorial to all those who served under the American flag in the Pacific area during World War II. The Commission is composed of 9 members: 3 United States Senators, 3 United States Congressmen, and 3 public members. They are now as follows: Senators Wiley, Goldwater, and Douglas; Congressmen Van Zandt, Devereaux, and Selden; John W. Haussermann, Frank Hewlett, and Emmet O'Neal who was chosen by the members to be Chairman. No member of the Commission has been paid anything in any way for his services.

The Commission has been very active, and in my opinion has accomplished a great deal to date, and in a most economical way.

The Commission has worked with the Philippine Government through its Ambassador, General Romulo, and its National Shrines Commission. This Philippine National Shrines Commission was directed by the Philippine Government to work with the Corregidor Bataan Memorial Commission in placing a suitable memorial on Corregidor.

They have dedicated Corregidor as a shrine and are even now taking people there, and showing them the site of the memorial. They have officially approved the design of the actual memorial and are delighted with it. Further they have made independent studies for the use of the memorial, as a living memorial, when completed.

In order to have an appropriate structure the Corregidor Bataan Memorial Commission has sought the cooperation of the architects of the United States.

The advisory architect of the Commission is Mr. John F. Harbeson of the firm of Harbeson, Hough, Livingston & Larson, Philadelphia. He is recognized as one of the leading men in his profession. Under his direction the Commission conducted a competition among the architects of the United States, in which 43 well-known men or firms participated.

The designs in the competition were submitted anonymously, so that there would be no favoritism. In the first stage of the competition 5 designs were selected as the best, and a second stage was held, in which the 5 winning architects competed with 5 of the most outstanding architects who were especially invited to compete. The jury of 11 which recommended the winner was composed of 8 very prominent and nationally known men in the architectural field, and the other 3 men were Fleet Adm. Chester W. Nimitz, Gen. Walter Krueger, and Gen. George C. Kenny. The chosen Chairman was Mr. Pietro Belluschi, dean of the School of Architecture and Planning, Massachusetts Institute of Technology. The Commission accepted the decision of the jury, and its selection has received many words of approval from competent authorities as well as the Philippine Government.

May I take a few moments to refresh your recollection as to the basic concepts of the Corregidor memorial.

It will be a symbol to every participant in the Pacific war both in the United States and the Philippines of the months and years of his service and sacrifices in the preservation of liberty against an aggressor bent on conquest, tyranny, and enslavement. To such a veteran, and there are over 4 million of them in every part of the United States, it will be deserved recognition of each one's service to his country. Primarily it will be a reminder and record of those who gave their lives to preserve freedom in the world.

It will be a sensitive and appropriate recognition of the most remarkable feat of arms in the world's history, America's participation in World War II, undertaken not for conquest.

The Philippines were a part of the United States until July 1946, almost one-third of our existence up to that time. It will be a symbol to every Filipino who sees it, and they will be numbered by countless thousands, of our understanding and appreciation of that long association unique in the annals of history. It will make clear our recognition of the price the Filipinos paid through 4 long years for remaining true to the United States and the cause of democracy. That deliberate choice caused them to suffer more loss of life than the combined losses of the American forces in both the European and Pacific areas combined. Further, it had deep meaning and will have far-reaching influence that an Oriental nation, the Philippines, decided to stand by an Occidental nation, the United States, against another Oriental nation.

The memorial will stand on the sacred soil of Corregidor in the shadow of nearby Bataan, where commingled the blood of Filipinos and Americans. Manila is the crossroads between the East and the West, and only a relatively short distance from the mainland of Asia. Those who travel by air will see it, and all ships going to or from Manila must pass close to Corregidor. At night a perpetual shaft of light will carry its message far out across the China Sea. Its meaning will be clear to Asiatics, and we believe that it will be understood as a dedication of democratic peoples to the cause of peace and freedom.

All Corregidor will actually be a memorial. Malinta tunnel, the headquarters of the United States Army and the Capitol of the Philippines in the early days of the war will be restored by the Philippine Government. The memorial edifice will have appropriate sculpture, and so built that it may house libraries and the memorabilia of the war in the Pacific.

If our country through this Commission and the architects can place upon Corregidor the type of symbolic memorial we are trying to create, it will reach the minds and hearts of millions of people who do not know and little appreciate the real United States. It may sound chauvinistic but something unheard of has risen in the world in recent years—an entire nation going to war on two occasions with its major objective the freedom and happiness of other nations. There was no thought of conquest of others, but there was on the part of the people of the United States an awareness that we were sure to suffer great loss of life and staggering financial burdens for years to come. It is true that we evaluated the impact upon our future of the defeat of free nations by dictators, but irrespective of that, I believe, the United States fought primarily to help other nations to live as free men.

The decision of the Philippines to stand with us was built upon their confidence after almost 50 years of association, in the truth and fairness of the democratic way of life, as cherished and lived by the United States.

The presence of this memorial on Philippine soil will be an aid in enlightening Asia and the world as to democracy and the character of America. In my opinion all that we do in monetary assistance as a part of our foreign policy will be short of our objectives until the nations we help understand the United States. We can do more to bring about that understanding than is being done.

We are confident that with the actual memorial and the living memorial we can make a very important contribution to that end.

This memorial will be placed by the United States not in Washington or some other American city for the edification of ourselves, but on Asiatic soil which will mean a great deal to all Asiatics. Such a tribute on foreign soil is somewhat unique, and cannot fail to better explain to the world, especially Asia, what is the truth as to the real America, as an exemplar of democracy.

We do not intend to let it rest there. This sensitive symbol will become and be used as a living memorial. We have done a great deal of work to develop activities under the aegis of the Corregidor Bataan Memorial which we believe will do much to offset the effect of the all-out Communist effort in the Far East. We have an invaluable asset in the friendship of the Philippines, a democratic nation, just as Russia has in Communist China. In my opinion this is not fully evaluated nor adequately utilized. Russian communism, according to authorities is daily gaining ground in Asia, largely accomplished in the name and with the assistance of China. We have reason to believe that we can secure active cooperation and abundant financial support which will make the actual memorial when completed, continue to serve effectively as a living force. It is consonant with a memorial in the spirit that "these dead shall not have died in vain."

The things of which I have spoken are authorized by legislation heretofore approved by Congress, and are not a part of the bills before you.

Several identical bills are with your committee which will make it possible to start the erection of the memorial at once. The passage of this measure, now, will save from 3 to 4 years in getting started.

Twenty-nine ships which saw distinguished service in World War II are now in moth balls awaiting an inevitable ognominious end in the junk pile. The Navy states that they will not be of further service to our country or anyone, and it is empowered to dispose of them. The cost of their maintenance is approximately $3 million to $4 million a year. If not junked for the next 3 or 4 years they could entail an expense of $9 million to $12 million. Every American must feel some regret that the ships will no longer serve the cause for which they were built, and finally lose their identity in the junk pile.

The bills before you will preserve their identity, and permit them to continue to serve in the cause of freedom and democracy. The Congressional Members on the Commission introduced these bills to permit the use of the funds from the salvage of the vessels to be applied to the erection of the memorial on Corregidor. It is further planned that as much of the steel as is needed from the ships, shall be the steel of which the memorial will be built. So the memorial framework will be of steel which served as ships in World War II. The Commission intends to preserve and install some of the identifiable parts of the ships as a part of the memorabilia of the greatest feat of arms in the history of mankind, World War II. There will also be included in the memorial, memorabilia of the Army, Marine Corps, and Air Corps.

You have heretofore appropriated the money for the building of these ships and the use of a part of the proceeds from the sale of the ships, is not exactly on all fours with a new appropriation; it is rather a redirection of the money heretofore appropriated. I would not be completely frank with the committee if I did not admit that as far as the balance sheet is concerned, the result is the same.

The memorial when completed will be essentially a plea for peace and freedom in the world, and the use of the steel and other parts of the vessels will be in the spirit of the Biblical quotation:

"And they shall beat their swords into plowshares and their spears into pruning hooks."

The Corregidor Bataan Memorial Commission is almost a Congressional committee, since of the 9 members 6 must be Members of Congress. In the actual memorial and in the active continuing use of it as a living memorial, we trust and believe that it will be of incalculable value to the cause of better international understanding between the East and the West.

Supporters of the Pacific War Memorial on Corregidor Island

President Quezon, during the tragic days of the war stated that Corregidor should be preserved as a memorial.

Every other Philippine President, Rojas, Quirino, Magsaysay, and Garcia have been deeply interested in our efforts to place a memorial on Corregidor and given their support. The Government of the Philippines set aside Corregidor to be preserved as a shrine, and created the Philippine National Shrines Commission. It was directed to work with the Corregidor Bataan Commission and has done so enthusiastically. It has officially and unanimously expressed its full endorsement of the concept and plans for the construction of the memorial. The members have individually and collectively expressed their unqualified appreciation of the winning design and officially approved it. They have stressed the great desire of the Filipino

public to see the proposed memorial erected soon.

The Honorable Eulogio Balao, when Secretary of Defense, stated, "I hope very soon, we shall see standing on Corregidor a living symbol of the gallant struggle."

The Honorable Carlos Romulo said, "It is for this reason that we in the Philippines are happy to know that the United States Government has created a Corregidor-Bataan Memorial Commission and that plans are under way—and we sincerely hope they can be carried out soon—to build a memorial with Corregidor as its pedestal. Done with proper sensitivity, this memorial will be a perpetual beacon light to show the world the road to peace." On July 17, 1958, he said, "you are rendering an incalculable service to the cause of Philippine-American friendship."

The Defenders of Bataan and Corregidor, the representative veterans' group in the Philippines has written in part as follows:

"The Veterans Organization in the Philippines will be eternally grateful for the magnificent plans you have for the monument. * * * I can only say that they are with me 100 percent behind the idea."

The Corregidor-Bataan Veterans Association in the United States has discussed plans to hold its annual reunion on Corregidor when the dedication occurs.

General MacArthur said in a letter to the Chairman:

"It is indeed a most worthy purpose. For no soil on earth is more deeply consecrated to the cause of human liberty than is that of the island of Corregidor and adjacent Bataan Peninsula. There, American and Filipino blood is intermingled to immortalize that gallant stand taken to resist against desperately overwhelming odds the onrush of the forces of despotism which sought to blot the concept of freedom from the face of the earth.

"I am quite confident that you will find among our countrymen few who will hesitate to support the erection upon that hallowed ground of so suitable a memorial to those who there fought and bled and died in desperate resolve that liberty should live."

Fleet Adm. Chester W. Nimitz has endorsed wholeheartedly the proposal and served on the jury of award which selected the winning design for the memorial.

Gen. Jonathan M. Wainwright wrote as follows:

"Even while the fighting was going on, I visualized such a thing in the future, and of course, I am more than interested in seeing the project go through."

Major General Moore, who surrendered the Corregidor forces said:

"I feel that such a symbol erected on that hallowed ground would exert a deep influence throughout the Far East and impress upon all who see it the unselfish ideals of American democracy."

I could quote similar statements from Gen. A. M. Jones, one of the commanding generals on Bataan; General Krueger, who commanded the Army ground forces, and General Kenny, who commanded the Army Air Corps, both served on the jury of award and are giving their support to the cause.

No effort has been made to collect endorsements and these are but a few of many statements agreeing with the goal of the Commission.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 3186. An act to extend for 1 year certain programs established under the Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956; and

S. 3557. An act to amend the International Claims Settlement Act of 1949, as amended (64 Stat. 12).

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

H. R. 1574. An act for the relief of Albert Hyrapiet; and

H. R. 11874. An act to record the lawful admission for permanent residence of certain aliens who entered the United States prior to June 28, 1940.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following bills, and they were signed by the President pro tempore:

H. R. 6824. An act for the relief of the family of Joseph A. Morgan;

H. R. 7241. An act to amend section 6 of the act of March 3, 1921 (41 Stat. 1355), entitled "An act providing for the allotment of lands within the Fort Belknap Indian Reservation, Mont., and for other purposes.";

H. R. 7267. An act for the relief of Charles J. Jennings;

H. R. 7375. An act for the relief of Edward J. Doyle and Mrs. Edward J. (Billie M.) Doyle;

H. R. 7576. An act to further amend the Federal Civil Defense Act of 1950, as amended, and for other purposes;

H. R. 7660. An act for the relief of Dan Hill;

H. R. 7681. An act to authorize the Secretary of the Interior to convey certain land with improvements located thereon to the Lummi Indian Tribe for the use and benefit of the Lummi Tribe;

H. R. 7684. An act to provide that the Secretary of the Navy shall transfer to David J. Carlson and Gerald J. Geyer certain interests of the United States in an invention;

H. R. 9139. An act to amend the law with respect to civil and criminal jurisdiction over Indian country in Alaska;

H. R. 10142. An act for the relief of Hugh Lee Fant;

H. R. 10260. An act for the relief of Natale H. Bellocchi and Oscar R. Edmondson;

H. R. 10426. An act to provide that the Federal-Aid Highway Act of 1956 (Public Law 627, 84th Cong., ch. 462, 2d sess.) shall be amended to increase the period in which actual construction shall commence on rights-of-way acquired in anticipation of such construction from 5 years to 7 years following the fiscal year in which such request is made; and

H. R. 12293. An act to establish the Hudson-Champlain Celebration Commission, and for other purposes.

HUMANE METHODS OF SLAUGHTER OF LIVESTOCK

The Senate resumed the consideration of the bill (H. R. 8308) to establish the use of humane methods of slaughter of livestock as a policy of the United States, and for other purposes.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The question is on agreeing to the committee amendment in the nature of a substitute.

Mr. PURTELL. Mr. President, I favor the enactment of effective humane slaughter legislation, and I strongly favor the utilization of humane methods of slaughter in this country as soon as possible. I am opposed to the proposed delay through further study of this matter. I am sure that all the members of the Agriculture Committee would like to see humane slaughter practiced in this country, but I disagree with the procedure the committee suggests in order to achieve this objective.

Two more years of study, as provided for in the bill reported by our committee, I believe to be absolutely unnecessary. I understand that way back in 1929, the meatpacking industry promised humanitarians that it would voluntarily install humane methods. Are we to assume that the industry has been studying this matter since that date? Compulsory legislation on the subject, I believe, was first introduced in 1955 by my colleague, the junior Senator from Minnesota [Mr. HUMPHREY]. I wonder whether that occasioned the hastening of the industry's study of this matter. If so, I imagine the study has somewhat slackened since June 18 of this year, when our Senate Agriculture Committee reported a bill which now would have the Agriculture Department study the matter. Did the Agriculture Department need to have a Congressional directive before it could study this problem? It has now been 3 years since the proposed legislation was first introduced, and I am inclined to think that the Department spent more of its time in writing adverse reports on the several bills on the subject than it devoted to study and constructive thinking as to how best to put into practice humane methods of slaughter.

Study by the industry, study by the Agriculture Department, study by a commission. To paraphrase, it would seem that we are going to have "Study, study everywhere, but not a lamb to spare" from the cruelty of inhumane slaughter.

The more one studies this study idea, the more apparent it becomes that such a procedure is totally unnecessary and is simply a substitution of wasted time for ready and needed action. I keep asking myself, "What are they going to study?" Surely, not how to develop means to be used in the practice of humane slaughter. In the perfected Remington stunner, the captive-bolt pistol, and the use of carbon dioxide, we already have the means.

Are they going to study the financial burden the requirement of humane slaughter would place on the producer? They need not do so. I understand that mechanical stunners, ranging in price from $100 to $200, are available. I am advised that when the slaughter-animals inhale carbon dioxide, there is an absence of struggle and a resultant reduction to a minimum of meat wastage. I understand that the bruising caused by inhumane methods of slaughter causes the waste of many millions of dollars' worth of meat, annually. Some packers who already use humane methods in their plants, have thus found them more economical than the cruel methods still employed by the majority of packers.

Mr. President, try as I may, I cannot conjure up any phase of the proposed legislation which would constitute the slightest excuse for further study.

I want briefly to touch upon the adverse reports received from the Departments. Of course, all of them state that they favor humane slaughter, "but," and then follow their reasons for opposing the enactment of an effective bill. I would wager that after 2 years of further study, their reasons for opposition would remain unchanged. I believe that wise administration of the law we propose would dissipate these objections.

One Department objects "that the use of electrical means for stunning or killing animals can result in the formation of toxic substances in the tissues of the beasts so treated."

The answer to this objection is quite simple. The Secretary of Agriculture would not, and should not, approve this method of slaughter if the effects be as indicated by the Department. Such a determination is authorized the Secretary, under our proposal. Certainly, none of us here proposes the mandatory use of any method which would result in making the meat unfit for human consumption.

One Department objects that—

> Large packers, for whom Government supply represents only a small percentage of their production, might be willing to forego this percentage rather than to make expensive changes in their systems or install methods, which could, after the further research provided for in the bill, be found to be unacceptable to the Secretary of Agriculture.

First, I should like to say that I do not believe that these packers will forgo the Government business. But if, in order to keep from reducing their profit by what I would judge to be a relatively infinitesimal amount, they did forgo selling to the Government, then I would say, "Shame on all their slaughterhouses." If they did boycott selling to the Government, rather than practice humane slaughter, then it would not be beyond the realm of possibility that they, too, might be boycotted by the consumers when they make their purchases at the meat counters.

The objection I have just quoted would also presume that humane slaughter methods would be in a constant flux of change, like the styles in ladies' dresses. Of course we would wish to put into effect developed improvements in humane slaughter; but certainly wise and fair administration of the law would obviate the possible hardship this Department dreams up.

I could go on and on contesting the departmental objections, but I shall leave this subject by reminding my colleagues that departmental reports on proposed legislation are not sacrosanct. Our committees request the reports. Many times the recommendations contained in the reports are most helpful, and at times they are essential. But all of us know that many times we in Congress do not agree with the views expressed by the Departments, and we forthwith pass the proposed legislation in question.

I am convinced that we now have before us a proposal which should be favorably acted upon by the Senate, despite the insubstantial reasons offered in opposition by the Departments.

Mr. President, in this proposed legislation not only are we providing for humane treatment for the animals to be slaughtered, but at the same time we are giving proper consideration to the workers in the packing firms, who otherwise must inflict needless and gruesome cruelty in the performance of their jobs—or, at least, until such time as seniority gives them a most welcome escape to more civilized duties.

I know there has been some objection on religious grounds to this bill and to other pending humane-slaughter legislation. Our substitute, as did the original bill which I cosponsored, provides that slaughtering in accordance with the requirements of any religious faith shall be considered an approved method of slaughtering. Certainly, Mr. President, I would not support this proposed legislation if I were not convinced that it would safeguard, and would not make encroachments on, the rituals or requirements of any religious faith.

In closing my remarks, Mr. President, I touch upon a sentimental note: I am sure that many of my colleagues who have ever owned a dog as a pet and a friend, and countless thousands of other doglovers throughout America, vicariously experienced qualms when they read about the Russian dog Laika which was entombed alive in sputnik, to suffer the cruelty of death by starvation.

Whether a mouse, a guinea pig, or some other animal less close to man would have served the purpose, I do not know. But, at least, Mr. President, there was a definite, and I assume, useful purpose in this cruel death for Laika. I ask my colleagues to experience some qualms now over the needless, and without purpose, gruesome cruelty being practiced in this country at this very moment in the slaughter of animals.

I think the time is well passed when we should give continued, further studies to the subject, but we should adopt provisions as contained in the House bill. Now is the time to act. I hope the Senate will so act.

Mr. KEFAUVER. Mr. President, cruelty of a kind which would not be tolerated in the public view has gone on too long in many slaughterhouses. I have witnessed the slaughter of pigs by the standard method, heard the terrible screaming as the animals are dragged aloft hanging by one foot, seen the grim struggle when the sticker knifes them, and observed in this whole barbarous procedure a combination of pain and terror for animals and danger and degradation for men which ought to have been stopped long ago in the United States of America. I know that it can be stopped because I have also seen hogs slaughtered without a squeal, without even so much as a drop of blood splashing on the sticker, without any of the brutal and nauseating occurrences which standard hog slaughter and all standard slaughtering entail. These hogs were anesthetized so that they felt neither pain nor fear. The men operated quietly, accurately, and unhurriedly, and yet killed hogs at a faster rate than before. The hogs rode on a moving belt into a tunnel containing 65 percent carbon dioxide, and after about five breaths became unconscious. More than 15 million hogs have been anesthetized in tunnels of this kind in the past 7 years. The method is a proven one in use in six different plants under Federal meat inspection. The time has come to put an end by law to the cruel old method.

Legislation to make humane slaughtering mandatory will not harm any packer, whether he be one of the giants or whether he operates one of the smallest rural plants. In my experience, the little people in this industry are way out in front in the humane killing of food animals. Many a small plant is killing every one of the animals it receives by a method fully in compliance with the bill as passed by the House of Representatives, that is, by rendering the animal insensible with a single gunshot prior to shackling, hoisting, and sticking. It is time those packers who kill the majority of our livestock took a page out of the books of these fine, humane, small plants and stopped the protracted cruelty they are now practicing for no good reason.

Mechanical stunners can be used for the humane slaughter of every kind of meat animal, and I have looked into their prices. The cost of the gun or stunners is very small, and the ammunition costs 2 to 4 cents an animal—a small price to pay to substitute mercy for cruelty. But in this case kindness pays in dollars and cents, too. Packers who are using these stunners have found that they are saving money because they reduce injuries to men and animals alike, increase blood recovery, and slaughter more rapidly. The obligation to use humane slaughtering methods could not put any packer, small or large, out of business.

With humane methods readily available and in use daily in that regrettably small proportion of plants which are voluntarily considerate and kind, I submit that it is time to pass forceful humane slaughter legislation.

I know there may be some amendments which should be adopted to the House bill. It seems to me that the religious section of the House bill, section 6, is fully adequate, but if it can be tightened or enlarged, I am certain the sponsors of the House bill will be glad to have that done. In any event, if the committee amendment is accepted, there will not be an opportunity of improving the House bill now so as to eliminate any of the complaints about it or make it more acceptable to the Congress. It is certainly time that we do something in this field rather than make a further study.

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

Mr. KEFAUVER. I yield.

Mr. HUMPHREY. Technical amendments will have to be offered to the House provisions because of the change in dates. If there need be any further improvements, they certainly can be made when the Senate conferees meet with the House conferees.

Mr. KEFAUVER. As I understand, there are no penalties provided in the bill

except in relation to food products purchased by the United States Government.

Mr. HUMPHREY. The Senator is correct. Also, everything provided for in the Senate committee amendment in terms of study is also contained in the bill as it came from the House, which is the bill the Senator from Tennessee and I are supporting.

Mr. KEFAUVER. I had the opportunity of visiting the Hormel plant in the Senator's State. I believe an executive of the plant testified before the committee that the humane technique used actually decreased the labor costs in the plant. Is that correct?

Mr. HUMPHREY. The Senator is absolutely correct. The witness further advised the committee as to the increased efficiency of the plant, which I suppose is related to the reduction of labor costs.

Mr. KEFAUVER. Is it not true that even for a small packer there are other methods of stunning an animal into insensibility made available by Remington Rand, or an electric company, which methods are comparatively inexpensive?

Mr. HUMPHREY. The Senator is correct. It is interesting to note that the complaints about the bill we are supporting come not from the smaller packers, but from the larger ones. The complaints come from the packers most able to afford the cost of installing such techniques.

Mr. JAVITS. Mr. President, I had not intended to discuss the bill at this stage, because I felt the debate as between the so-called study bill and the substantive matters which are raised by the House bill would turn upon other arguments, some of which have been made before in this debate. For example, there is a difference of opinion, as I understand, whether, as a matter of fact, the methods prescribed by the House bill are demonstrably humane; and there are various other questions.

At the very outset of the discussion of the committee amendment, which is under consideration, and about which I thought the debate would be on totally different grounds, a question was raised on which I have some special knowledge. Hence, I feel impelled to share with the Senate my information upon that subject. I think it is important that every Member of the Senate, when he votes, shall understand the situation, inasmuch as the question has been raised. So I speak, not in a sense of advocacy, but in the desire to put before the Senate a state of facts about which I feel the Senate needs to have knowledge, the subject having been broached.

As everybody knows, I come from an area of the United States in which there is a very large population interested in the religious aspects of slaughtering. I, myself, as everyone also knows, am of the Jewish faith; I have had some personal experience with this whole matter.

First, there is no doubt of the fact that humaneness in the slaughtering of animals is a long-standing tradition of the Hebrews, going back to the time of Moses. It was referred to in the Senate today, I think very graciously, when the Senator from Oregon pointed out that one of the qualifications which Moses had which made him find favor in the eyes of the Lord was his kindness to animals. We are all familiar with the rebellion of Moses against the cruelty practiced on animals in those days by the Egyptians.

This tradition came down through history, and was advocated by various prophets and great leaders in my faith, down to the time of Maimonides, almost within reach of modern times, who repeated all these precepts and traditions. Hence it is that one of the orthodox Hebrew faith will not eat meat which has not been slaughtered according to very carefully designed ritualistic practices. Those have all been testified to in the greatest detail before the Senate committee. I think it is fair to say, and I think the Senator from Minnesota will agree, it was demonstrated that the methods of slaughter which are called Shehitah, or Kosher slaughter, represent humane methods of slaughter which have been developed through the centuries with the greatest ritualistic care, and with careful attention to the character as well as the qualifications of those who engage in the practice, and who have a training which is equivalent to that of the Rabbinate, and who in many cases are themselves rabbis.

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

Mr. JAVITS. I yield.

Mr. HUMPHREY. I said earlier, and now wish to repeat, that during the hearings in May of 1956, because the subject matter of kosher slaughter came before the committee, we asked for scientific information relating to the matter. A substantial body of evidence was presented, which is in the files of the Committee on Agriculture and Forestry, and was included by reference in our report.

I concur fully with what the Senator has stated. Not only is such a procedure accepted as a humane method of slaughter, but it is so established by scientific research.

Mr. JAVITS. Mr. President, I appreciate those comments of my friend. I might say there has never been any question in my mind, and I do not think there has ever been a question in the mind of anyone else in the country, as to the personal disposition of the Senator from Minnesota toward minorities of whatever complexion or whatever faith in our country. The Senator has a great record in that respect, and I think it obtains with respect to our present discussion.

Mr. President, I wish to refer to a book entitled "Religious Freedom: The Right To Practice Shehitah," written by Rabbi Isaac Lewin, Rabbi Michael L. Munk, and Rabbi Jeremiah J. Berman.

At page 14 there is a brief statement which sets forth the fundamental tenets of the faith which I have been discussing. Since it is brief, I shall take the liberty of reading it to the Senate:

> This universal religious freedom, sanctioned in the above-mentioned historic pronouncements, does not exist for Jews, inasmuch as in a number of countries they are denied the right to practice shehitah, their religiously commanded method of slaughtering animals for food. Since Jews may not, by the tenets of their faith, eat meat not slaughtered by the shehitah method, the legal suppression of the Jewish slaughtering rite deprives Jews of meat and thus constitutes a grievous form of discrimination.
>
> The legal proscription of shehitah is accomplished by indirection. The name of the Jewish rite is generally not employed. The law requires simply that animals be rendered unconscious before being butchered. This innocent-sounding requirement, however, is tantamount to outlawing of shehitah, since stunning by any method renders a creature unfit for Jewish slaughtering.

Mr. President, the fundamental reason for opposition by those in Jewish Orthodoxy who testified before the committee, I think, is intimately related to religious freedom, and therefore I think needs to be laid out and explained, as I said when I began, by way of information for the Senate. The opposition, as I understand, is based on a concern that if this practice is cast into the field of legislation, whether the legislation be positive by way of permission or be negative by way of exemption, the practice is placed within the regulatory control of Government either in the positive or in the negative form. Thereby it is felt religious freedom is impaired.

To test the theory out, as a practical matter and as it would be considered by a lawyer, let us assume that the bill as it came from the House should pass and we should have the exemptions which have been specified as amendments made in the other body with respect to the method of slaughter. It is entirely understandable that a Government official would wish to be sure that the exemptions are really being earned. Such a Government official would have a right to be sure that the exemptions claimed were really earned. I believe it is clear that alone would represent, in the minds of those who testified, and I think it is very important that their case be laid before the Senate, an intrusion into religious freedom by an agency, albeit a Government agency, and therefore an impairment, fundamentally, of very deeply held convictions of faith.

Therefore, the reason the study bill was more acceptable—although, as testified, the witnesses did not favor any of the bills—is that at least the study bill provided a period of time, in view of those sponsoring the bill, in which careful deliberation and study and experiment might work out some formula which would resolve the very grave doubt and concern very deeply and very sincerely held.

Perhaps if I can leave anything with the Senate it should be the depth and sincerity of this feeling, of which I am convinced. There is no question about that point of view, Mr. President. There is a deep and sincere feeling among these people. There is a conviction of the danger such action as is proposed would bring, from centuries-old history of viewing such action as the forerunner of oppression which, incidentally, is very eloquently referred to in the book from which I have quoted. In fact, the effort made under the Nazis to suppress Jewish life and practice

through the suppression of ritualistic slaughter lives vibrantly in the minds of millions of people in this country and millions of people throughout the world.

All these ideas are present with respect to the discussion of the problem which took place before the committee. It is interesting to me that the letter to which my distinguished colleague, the Senator from Oregon [Mr. NEUBERGER] referred, from my predecessor, the former Senator from New York, Mr. Lehman—since it is his seat to which I was elected—states he came to certain other conclusions, as well as the conclusion which was read by my colleague, the Senator from Oregon [Mr. NEUBERGER].

The Senator from Oregon and I have agreed on the matter, and indeed at his request I shall ask to have the letter printed in the RECORD as a part of my remarks. I should like to read to the Senate two paragraphs from the letter, which bear upon what I have just said. I think the description of the situation fills out the picture even as former Senator Lehman saw it.

As I said, in the letter, from which the Senator from Oregon [Mr. NEUBERGER] read, former Senator Lehman states he is favorable to some measure of this character. I desire to quote from page 2 of his letter, as follows:

> There were, of course, deep fears among some Jews—fears born not of years but of centuries of bitter experience—that the traditional Jewish rites of slaughter, which are, in fact, as humane as any animal slaughter could be, would be endangered. I have been—and I know you have been too.

The letter was written to the Senator from Minnesota [Mr. HUMPHREY].

I repeat:

> I have been—and I know you have been too—deeply concerned to quiet these fears. Moreover, legislation which casts any kind of a shadow on religious sensibilities must naturally be most carefully weighed to make sure that there is not even the threat of interference.
>
> Bearing these things in mind, I have tried to be helpful, as a private citizen, in bringing together some of the Jewish groups which have been concerned and disturbed by the possibilities I have mentioned; as a result of these consultations, as you know, several suggestions were made to the sponsors of this legislation that would have clarified the legislation as passed by the House. As you also know, none of these proposals had the agreement of all the Jewish community. The leaders of the organized Orthodox groups have continued to oppose this legislation in toto. I think you should also understand that while the organizations representing the majority of Americans of Jewish faith found that adequate safeguards could be written into this legislation, most of them felt that their interest, as Jewish organizations, had to be reserved to this protection of Jewish ritual slaughter. They did not feel justified in taking any stand on the overall purposes of the bill.

Mr. President, I ask unanimous consent that the entire letter be printed as a part of my remarks.

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair). Is there objection to the request of the Senator from New York?

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

JUNE 20, 1958.

Senator HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D. C.

DEAR HUBERT: I have, of course, noted the action of the Senate Agriculture Committee in turning down your humane slaughtering bill in favor of a study bill. I have not yet seen a copy of this bill as reported and, since I am just about to leave for Europe, I will not have an opportunity to read it unless a copy catches up with me in the course of my travels abroad.

I regret that our efforts were not able to result fruitfully up to this point. Naturally, I do not know what final action will be taken on this legislation when and if it is called up for consideration and debate on the floor.

You know, of course, of my interest in the subject matter. Ever since you introduced legislation on this subject a number of years ago while I was still a member of the Senate, I have indicated my general support for a constructive measure to accomplish the objectives you had in mind, provided, of course, that full and adequate protection was given to the process of Jewish ritual slaughter. I know that you have been similarly concerned with this latter phase of the matter and have given much study to it.

During the last 6 weeks, as you know, I have been spending a good deal of time in consultation with representative Jewish groups and organizations in an effort to refine and clarify the provisions governing Jewish ritual slaughter in such a way as to maintain the protections while insuring that the general objectives of the legislation are not frustrated.

Humane treatment of animals is not only consistent with the Jewish faith, but is, in fact, mandated by Jewish law and tradition. I have always felt that legislation in the direction of the objectives you have outlined, is not only sound and desirable in itself, but happily coincident with the traditions of my particular faith.

There were, of course, deep fears among some Jews—fears born not of years but of centuries of bitter experience—that the traditional Jewish rites of slaughter, which are, in fact, as humane as any animal slaughter could be, would be endangered. I have been—and I know you have been too—deeply concerned to quiet these fears. Moreover, legislation which casts any kind of a shadow on religious sensibilities must naturally be most carefully weighed to make sure that there is not even the threat of interference.

Bearing these things in mind, I have tried to be helpful, as a private citizen, in bringing together some of the Jewish groups which have been concerned and disturbed by the possibilities I have mentioned; as a result of these consultations, as you know, several suggestions were made to the sponsors of this legislation that would have clarified the legislation as passed by the House. As you also know, none of these proposals had the agreement of all the Jewish community. The leaders of the organized orthodox groups have continued to oppose this legislation in toto. I think you should also understand that while the organizations representing the majority of Americans of Jewish faith found that adequate safeguards could be written into this legislation, most of them felt that their interest, as Jewish organizations, had to be reserved to this protection of Jewish ritual slaughter. They did not feel justified in taking any stand on the overall purposes of the bill.

However, I want you to know, should the question come up in the course of debate or other consideration of this legislation, that in my judgment, for what it is worth, your bill, with adequate protection for Jewish ritual slaughter—with the Anfuso amendment as it could, and should be modified—not only represents no real threat to the sensibilities of my faith, but is, indeed, consistent with the objectives of humaneness which are honored in the Jewish faith and tradition as well as in others.

I hope that the remaining weeks of this session of the Senate will not be too strenuous and that you and all my friends on the Hill will have a good summer.

With kindest personal regards,

Sincerely,

HERBERT H. LEHMAN.

Mr. JAVITS. Mr. President, I have made this request with the complete concurrence of my distinguished colleague, the Senator from Oregon.

I have a heavy responsibility in this matter. There is no question about the fact that very, very large numbers of people in my State feel as the Senator from Minnesota does. Moreover, I think the people of my State expect me in the deepest conscience to do whatever I can to protect the deeply held religious convictions of a minority, no matter how small, because this is a very fundamental principle of our society.

It is in this situation I find myself at the present time. I might say, in all frankness, like any other modern human being, I have a deep sympathy for the new methods and the ideas which are put forward in the proposal of the Senator from Minnesota [Mr. HUMPHREY], which came to the Senate from the House of Representatives.

I feel, Mr. President, that since the subject has been raised—frankly, I hoped it would not be raised, because I did not feel it was germane to the question whether the Senate should vote up or down the committee amendment—it was my duty, knowing something about the matter, knowing some of the fundamental facts, and having some of the spiritual elements in my own heart, to lay before the Senate the factual information, with which every Senator can do as he pleases in his own good conscience. I felt at least the information should be available to Senators.

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

Mr. JAVITS. I yield.

Mr. HUMPHREY. First, I wish to express my personal thanks to the Senator from New York for his very constructive contribution to this discussion and to the legislative history of this proposal.

I am sure the Senator from New York knows that the problems to which he has referred, relating to the religious-freedom aspects of this legislation, are problems which have been very close to my heart. I do not wish to be sentimental about it, but I have spent many hours in consultation with spiritual leaders of Jewish orthodoxy, leaders for whom I have the highest regard and greatest affection. While I may be mistaken—and I hope and pray that I am not—I do not believe there is anything in the proposed legislation which would do injury to anyone's religious belief. If there were, I would be the first to advocate its repeal and abolition from the statute books. I can think of nothing

that would be more disastrous to the good name of the United States than for us to indulge in any item of legislation which smacks of intolerance or of denial of the basic rights, particularly the right of religious freedom. I have said that before, and I reiterate it.

Again the Senator from New York has made a very helpful presentation, for which I am most grateful.

Mr. JAVITS. I thank the Senator from Minnesota.

This is a rather interesting situation. We are in the midst of tremendous world struggles, and there arises a question which is outside the area of those struggles, and which brings forth certain springs of consciousness and spiritual feeling which will perhaps decide whether we shall be able to meet those challenges.

I should like to finish my exposition to the Senate by stating that, just as I have spoken of the deep sincerity and conviction, in terms of religious faith, of those who spoke from the standpoint of Jewish orthodoxy, and who testified before the committee, so I want the Senator from Minnesota to know that I feel that he, too, in everything he is doing, is proceeding with the same deep spiritual and religious conviction. If views differ, the difference is only in the end result at which two minds arrive. It is certainly not a difference in depth of feeling, which in both cases is profound and sincere.

Mr. NEUBERGER. Mr. President, as we near the time when the Senate is to vote on this important and eventful measure, which is of such significance to many people in the country, I express the hope that the House version will be passed by the Senate.

I should like to call one thing to the attention of the Senator from New York [Mr. JAVITS], who has made such a moving and eloquent statement on the floor of the Senate today. The three sponsors of the original Senate bill were the distinguished Senator from Minnesota [Mr. HUMPHREY], the distinguished Senator from Connecticut [Mr. PURTELL], and myself.

I think it is of some enduring importance, in the light of the fact that a religious issue has been discussed in the Senate today, that the three members of the Senate who were the sponsors of the bill and who originally offered it in the Senate, represent three of the great religious faiths. One is a Protestant, another a Catholic, and the third a Jew. They represent three of the major religious groups in our country. I think that fact may be of some symbolic significance since, as the Senator from Minnesota has said, there is absolutely no intention on the part of the proponents of the proposed legislation to discriminate against any religious group whatsoever, or to conflict with the abiding principles of any faith.

I thank the Senator from New York for the statement he has made, and the eloquent and persuasive and very fair way in which he made it.

I shall not take much time, because the issue has been thoroughly discussed. However, I wish to mention one fact.

During the past few weeks there has been some ridicule by reason of the circumstance that so much mail has been received by Members of the Senate in behalf of humane slaughter legislation. I even read an article in the New York Times in which it was stated that the President of the United States had received more mail in connection with humane slaughter legislation than on almost any other issue. This, of course, was prior to the military crisis in the Middle East.

Mr. President, I am proud to be a citizen of a country whose people care about such an issue. This is not the first time such an issue has arisen. There was a time when women who were supposed to be fashionably dressed wore egret plumes in their hats. That was regarded as a sign of great affluence and elegance on the part of the husbands or other escorts of the women who wore egret plumes.

Great writers in the field of nature and wildlife wrote about the torture inflicted on those birds, when the beaters went through the swamps and tore the magnificent plumes from the egrets while they were still alive. The swamps of southern California, many of the Southern States, and of Mexico ran red with the blood of the adult birds. Then the mink and otters came and ate the baby birds in the unguarded nests.

That was stopped by legislation before anyone now a Member of the Senate was here, except perhaps the distinguished Senator from Arizona [Mr. HAYDEN].

This is a country in which people care about things like that. A great President of the United States, Theodore Roosevelt, cared about the slaughter of the bison, which once numbered 60 million on the Plains when Lewis and Clark went west, but which were reduced to a pitiful few hundred; and even those few hundred would not have survived had not Theodore Roosevelt been able to arouse public opinion to save them, so that little children may now go to zoological parks and see what the bison, which once blanketed the Plains, looks like.

So, if we are to ridicule those who write to us about humane-slaughter legislation, let me say that I, for one, am glad to see that the 96 Members of this body have the honor to represent people who care about such things. They are my kind of people.

Recently I read a biography of Dr. Albert Schweitzer, one of the greatest humanitarians of our era or any other era. He took his medical skills to the jungles of Africa to try to bring some measure of treatment and care to people who had been neglected, people who had one of the highest infant mortality rates to be found anywhere, and most of whom had been dying in their early thirties or forties.

Dr. Schweitzer left the great capitals of Europe, where—with his medical skill—he could have commanded munificent fees, to go into the African jungles.

Someone once asked Dr. Schweitzer what he thought were the marks of a civilized person. He replied that one of the three most important and enduring marks of a civilized person was kindness to animals. I am willing to let Dr. Albert Schweitzer pass this moral and ethical judgment for me.

I am proud to be associated with the Senator from Minnesota and the Senator from Connecticut, and to be 1 of the 3 principal sponsors of the bill. The most important sponsor, who has carried on the fight for so long, against great odds, is, of course, the able Senator from Minnesota.

Mr. President, I shall not speak very much longer. I think the case has been established, and that some very effective statements have been made.

This is not the first country in which such legislation has been proposed. Humane-slaughter laws are now in effect in many countries. Humane-slaughter laws were adopted in Great Britain in 1933; in Norway in 1924; in Sweden in 1937; in Finland in 1934; in Denmark in 1952; in Switzerland in 1874; and in New Zealand in 1948.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the testimony before the House committee, which was considering this issue in 1957, by Mr. Arnold Mayer, public relations director and Washington staff member of the Amalgamated Meat Cutters and Butcher Workmen of North America, whose statement I consider to be significant. It comes from a man who speaks for many of the workers who toil in the packinghouses and slaughterhouses where millions of animals are killed each year for American dinner tables; also the statement before the same committee by Lieutenant Colonel D. J. Anthony, chief veterinary officer at the Brierley Hill Packing Plant, at Staffordshire, England.

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

STATEMENT OF ARNOLD MAYER, PUBLIC RELATIONS DIRECTOR AND WASHINGTON STAFF MEMBER OF THE AMALGAMATED MEAT CUTTERS AND BUTCHER WORKMEN OF NORTH AMERICA, AFL–CIO; ACCOMPANIED BY LARKIN BIRMINGHAM, BUSINESS AGENT, LOCAL 149, BALTIMORE, MD.

Mr. MAYER. May I introduce Mr. Birmingham, who is a business agent of our local 149 in Baltimore, which has a great number of packinghouses under contract.

Mr. POAGE. We are delighted to have you here, Mr. Birmingham. You may proceed and we will be glad to hear from you.

Mr. MAYER. Thank you, sir.

My name is Arnold Mayer. I am the public relations director and a Washington staff member of the Amalgamated Meat Cutters and Butcher Workmen of North America (AFL–CIO).

The AMCBW is a labor union with 350,000 members, organized in more than 500 local unions throughout the United States and Canada.

The AMCBW and its locals have contracts with thousands of employers in the meat, retail, poultry, egg, canning, leather, fish processing and fur industries.

Basically, it is the function of labor unions to fight cruelty of man against man, especially in the economic sphere. As organizations of workers, the unions' primary purpose is to protect wage earners.

Thus, through unions, workers guard themselves against deprivation and poverty by bringing about an ever-increasing standard of living.

Through their unions, workers provide a degree of job security and the machinery to handle on-the-job grievances, so that they will not be at the possibly capricious mercy of foremen and employers.

Also, through their unions, workers protect themselves against poverty in old age, unemployment, and other eventualities which may occur through no fault of the individuals involved.

But organized workers realize that they are not a group set off by themselves. They know they are part of the entire American community.

Labor unions, therefore, seek to improve the conditions of other groups and the entire community, especially through the support of socially beneficial legislation and through community activities.

AMCBW takes part in all of the functions of labor unions. In collective bargaining, in legislative activities and in community work, our union and its local affiliates have sought to better the lives of our members, labor, in general, and the community and Nation, as a whole.

We fully realize that bettering the lives of human beings and preventing cruelty of man against man, must have as a corollary the prevention of cruelty against animals. This is one reason why we appear before this committee today in favor of humane slaughtering legislation.

Some of the processes in slaughtering cattle, hogs, and other livestock leave a great deal to be desired from the point of view of humaneness toward animals.

Today, comparatively inexpensive means for correcting this situation are available. And, we understand, that these means are completely practical.

Our other reason for supporting the humane slaughtering legislation is our concern for the welfare of the workers in the packinghouse industry. More than 100,000 packinghouse workers are members of our union.

Many of the jobs involved in the current process of killing hogs and cattle are dangerous, dirty, and nauseating. The workers do not like these jobs and generally want to be moved to other work in the packinghouse.

Probably the most heartily disliked job is the shackling of hogs. Workers must go into a small pen crowded with emotionally disturbed hogs. They must reach down among the animals to put a small shackle chain around one of the hog's hind legs. The chain is attached to a rail and the hog is yanked up into the air, and is pulled to the hog kill.

This operation is not only extremely painful for the hog; it also provides considerable danger to the worker. The hogs generally thrash around. Their hoofs are sharp. Workers are often gouged. Although the men wear protective equipment, it is not completely satisfactory and injuries are common.

A further danger comes from the great deal of dust which the terrified hogs kick up. As a result, pulmonary diseases, such as tuberculosis and silicosis, are a definite health hazard to packinghouse workers on the shackling job.

The cattle-killing operation is not as dangerous, but it is still nauseating work which is not generally desired. The so-called knocking of cattle, whereby a man hits the animal on the forehead with a hammer, is a physically demanding job. Great effort is involved. The pressure of an 8-hour day of this work is tremendous.

Both the shackling and the knocking job would be ended by this legislation. And packinghouse workers will be happy to see them go.

Our members have had experience with the captive bolt gun on cattle and the carbon dioxide tunnel for hogs. They have found them both to be effective and to make for far better working conditions.

In the poultry industry, humane slaughtering legislation will not have much effect on the industrial hazards. However, the legislation will make for some improved working conditions.

Our members have found the electric knife, which is already in use in many plants, to be a practical and humane means of killing poultry.

For these reasons, Mr. Chairman and gentlemen of the committee, we urge the enactment of mandatory humane slaughtering legislation.

We oppose the sections of any bill which allow the interpretation that kosher slaughter is inhumane. Such a conclusion about the slaughter of cattle carried out in accordance with the ritual of the Jewish faith is false.

The ritual provides for the cutting of veins with an extra-sharp knife—a process, which, according to scientific writings, immediately renders the animal insensible.

Because kosher slaughter accomplishes the same purpose as is sought in these bills, that is, rendering the animal immediately insensible, it should be listed as a humane means of slaughter.

Mr. POAGE. We are very glad to have had you, Mr. Mayer.

Mr. Birmingham, would you care to say something?

Mr. BIRMINGHAM. No, sir; unless the committee would care to ask me some questions about the slaughtering end because I have had 16 years of actual experience in cattle and hog slaughtering.

Mr. POAGE. I feel the committee has seen slaughtering at firsthand. It has probably formed its own opinions, as I have, as to the present methods, but we are delighted to have any opinions from anyone else that wants to express them.

We are delighted to have you with us and appreciate your presentation.

Mr. BIRMINGHAM. Thank you, sir.

Mr. POAGE. Now we will hear from Lt. Col. David J. Anthony.

STATEMENT OF D. J. ANTHONY, MRCVS, DVSM, FRSH, CHIEF, VETERINARY OFFICER, BRIERLEY HILL, AT THE MARSH & BAXTER HEADQUARTERS PLANT, STAFFORDSHIRE, ENGLAND

Mr. ANTHONY. Mr. Chairman and gentlemen, my name is David J. Anthony, chief veterinary officer at Marsh & Baxter headquarters plant, Staffordshire, England.

In Britain up to the year 1930, humane slaughter methods were only carried out in some of the smaller abattoirs, when speed of killing was not a prime consideration.

The weapon used was the captive-bolt pistol, which is a mechanical poleax. The larger meat producers were opposed to the use of the pistol for the stunning of hogs in their plants, and the reasons they gave for not using it were that it would slow up production and leave more blood in the meat and so tend to encourage the growth of spoilage bacteria.

One of the more progressive bacon curers first had the German electric stunning method tried out in 1929. It was then in a very crude and inefficient state.

A year later a new version was tested, and found to be clean, swift, silent, and most efficient. Various tests were made by many eminent scientists, medical and veterinary, and the humane societies approved of the methods. Marsh & Baxter adopted it as a routine stunner for the smaller animals—hogs, boars, sows, calves, sheep, and lambs—throughout all their plants in Britain.

For cattle they adopted the captive-bolt pistol, which they had introduced on trial at the same time. The result was that other meat traders followed suit, and the Humane Slaughtering Act of 1933 followed in due course. From that day to this no British packer has even wanted to go back to the prehumane methods of killing, because after 20 to 25 years practical experience of pistol and electricity, they know they are on a good thing.

The introduction of the gas method at the Hormel plant has been followed with great interest, and if it was not for the fact that the Humane Slaughter Act in Britain only specifically mentions a "mechanical instrument or electricity," there is no doubt that gas plants would have been installed in many of our plants.

As it is, we are now awaiting a modification in our legislation which will allow chemical methods also to be used. Leading packers, as well as our humane societies, are agreed on this, and the Government has also indicated its willingness to change the law.

Even so, there will always be use for the other methods, where the situation does not warrant the expense of chemical installations, or the plant is too small.

Of course, in view of the religious element involved in the Jewish and Mohammedan slaughter ritual, our laws provide for that by complete exemption from the provisions of the act, and in most of the public abattoirs where ritual slaughter is carried out there is a special casting box in use.

This fixes the beast, enables the whole to be turned on its side, with the animal's neck extended in a position for the ritual slaughterman to do his bleeding, and so saves the violent fall onto a concrete floor which was once so common a feature of this slaughter method.

The controversy over humane slaughter with which we in Britain were so familiar in the 1920's seems to be largely repeating itself wherever new methods of slaughter are introduced, and I would like to offer a few remarks based upon over a quarter of a century's experience of the use of humane slaughter methods.

We are told that great damage can be inflicted by the captive-bolt pistol on the animal brain, and so render that article unsalable.

The captive-bolt pistol is just a mechanical poleax, the bolt being driven by a small blank cartridge, instead of the less certain muscular action of the axman's arms.

A blunt hammer blow does not penetrate the brain, but it does induce hemorrhage beneath the brain membranes just as the captive-bolt does.

We find the captive-bolt does less damage to the brain than ever the poleax did. To penetrate into the brain the bolt must first pass through the outer layer of bone in the animal's skull, and then the inner layer forming the roof or cover of the brain cavity or cranium.

The two layers of tough bone slow down the speed of the bolt, and it certainly does not tear the brain when its end enters the brain-box itself.

Some hemorrhage may be caused in many cases, but the greatest damage to the cattle brain is done when it is removed from the brain cavity in the skull by the fingers of the slaughterman whose job it is to sever the head from the body.

Throughout the years we have never had any complaint from the food-consuming public about cattle brains, nor have we ever failed to find a ready sale for such articles in our shops.

The captive-bolt pistol can also be used on all the smaller food animals, such as calves, sheep, lambs, boars, sows, and hogs.

It is so used by thousands of small butchers up and down the land, especially in country districts and places remote from electric power.

There are two kinds of cartridge manufactured for this pistol, one ordinary for the

smaller stock, and one extra strong for cattle and aged bulls.

We have found no difficulty in using this weapon, nor have we ever had any complaints from any customer.

In the early days of electric stunner operations and in order to demonstrate that there was no injury of a permanent nature caused to the animal, I once performed a short surgical operation upon some adult and aged boars, using as an anesthetic nothing but the electric current from the stunner.

This was done in the presence of three eminent medical and veterinary scientists. The animals operated upon were allowed to fully recover.

About a month later they were slaughtered by the electric humane stunner method. The organs and flesh were carefully scrutinized for any ill effects, but there was none.

Veterinarians working independently of each other, and in alliance with the physiological departments of various universities, carried out special tests to try and find out if electrically stunned hogs bled better than hogs without any stunning.

In each case the muscle blood content of the electrically stunned hogs was less than that of the nonstunned. The amount of blood collected per animal under electric anesthesia was greater than that collected without humane slaughter.

The reason was twofold: (a) Not only does electric stunning by its effect on consciousness completely relax the animal and so reduce the muscular blood content, but (b) the comparative lack of violent reflex movements after shackling and hoisting enables the slaughterman to bleed the animal into the proper receptacle.

In the unstunned hog, the shrieking, terrified animal hangs by one hind leg still fully conscious, kicking and jerking on the rail violently.

When the knife is inserted, the blood spurts out and is splashed all over the place, much of it drying on the slaughter-pen walls and on the slaughterman's clothing.

Blood is a valuable byproduct; it can be used for blood-sausage, or for cattle food, fertilizer; and dried hog serum is a valuable source of protein which can be used in man in cases of excessive protein wastage due to certain kidney diseases.

Those are only a few of its uses. It is a good commercial product, and our plants cannot afford the wastage resulting from bleeding a nonstunned animal even if there were no Humane Slaughter Act.

One of the commonest diseases found in the hog lung in our country is virus pneumonia, and in meat inspection this has taken the place once held by tuberculosis, thanks to the eradication policy which is bearing such wonderful results.

Hog cholera in our country is classed as one of the controlled diseases which, like foot-and-mouth disease, is to be eradicated wherever found.

The laws about this disease of hog cholera are strictly enforced and every veterinarian, whatever his job, meat inspection or not, must not only report this disease to the Ministry of Agriculture, Fisheries and Food, but the diagnosis must be completely confirmed without doubt from the Central Veterinary Laboratory of the Government.

To do this the veterinarian first discovering signs of disease, say in the course of meat inspection, or on the farm, must send to the laboratory sufficient evidence to establish a complete diagnosis.

Every veterinarian must therefore be quite familiar with this disease in all its stages.

As a normal rule, hogs coming into bacon plants for slaughter are naturally bred for that purpose, and appear to the sender to be perfectly healthy and able to stand the journey.

When a case of hog cholera is reported by a veterinarian in a bacon plant, the disease will usually be in a fairly early stage. He may find advanced cases and chronic cases in old sows, but the bacon-hog shows an earlier stage in most of the cases I find.

It has been said that these cases show signs in the hog lungs which might cause a veterinarian to confuse hog cholera with lesions resulting from excessive use of current in electric stunning.

Such statements have never been made by those of us whose job it is to diagnose disease in plants where electric stunners have been in use over a quarter of a century.

I know of no veterinarian in Britain who would be so ignorant of the signs of hog cholera in the lung as to make the mistake of confusing it with electric-stunning hemorrhages. The argument just fails to register with us.

Much play has been made with these tiny blood spots which may sometimes be seen in hog lungs. The spotting in hog cholera, paratyphoid and other diseases is often accompanied by an intense blood congestion of the nearest lymph node, so intense as to be almost black in color.

The cholera spots may be anywhere on the lung surface, and there is no mistaking the pneumonia signs accompanying them. The extra oozing of the tiny drops of blood from the smaller blood vessels that may occur if the time lag between stunning and bleeding has been prolonged is nowhere capable of being confused with hog cholera signs.

This problem of blood spot, or blood splashing, as we call it, can be produced in any stunned animal by prolonging the time between the act of stunning and that of bleeding.

In the prehumane slaughter days in Britain, the drawing out of the time between stunning and bleeding in order to produce a blood-splashed carcass was a favored method of demonstrators anxious to impress the representatives of the humane societies with the supposed incompetence of the humane killers.

It is a quite harmless condition, and should not occur where the animal has been properly stunned and bled.

To place these instruments in the hands of untrained people is really dangerous because it can be used to discredit the whole humane method of slaughter.

We therefore insist that there should be trained men rather than untrained men on the slaughterhouse floor. Efficiency and speed demands that and we use an 80-volt current applied for a matter of 4 seconds.

We find that ample to produce complete unconsciousness.

In our plants we find the men welcome the introduction of humane slaughter, as it means greater efficiency and less fatigue and danger for themselves.

Most of the cattle we slaughter are young, good-quality steers that have never known what it is to be tied up, and in the case of hogs, they are not all as uniform in size as we would like.

We kill a percentage of sows and adult boars in the 500 pounds and over deadweight category, and we have never found the slighest difficulty in getting them unconscious with the electric stunner.

Provided the instrument is applied with the electrodes of the tongs covering the brain on either side, there is no difficulty.

We find it helps to give the animal a soft fall by covering the stunning-pen floor with wood, slatted in 6-inch rectangles to prevent the animal's feet slipping, and covering the lot with some inches of wood shavings.

As the hogs enter they are so intent on smelling these shavings that they take no notice of the electric stunner operator or the shackler.

Their snouts go down in such a position that it is easy for the operator, standing behind and to the side, to snap the tongs into position between ear and eye on each side, switch on the current and gently follow the animal's fall.

In the meantime the shackler has already hooked the chain to the wheel and the hog is away into the bleeding pen in a matter of seconds, all in silence, and with no panic or excitement.

We find the wood shavings keep the pen smelling sweet. It absorbs urine, and can be cleaned out and burnt after each day's killing is over.

Before we had humane slaughter we would normally kill at the rate of about 200 hogs per hour, but since we have had electric stunning we find something wrong if we we do not top the 300 per hour mark.

Our plant is of the American pattern, having been constructed under the supervision of an American constructional engineer, and naturally we have the American machines in use, so that, size for size, we can get a fair turn of speed out, using only one hoist at a time to get the hogs bled.

In Britain not only do we control the slaughtering of animals by law, but no one under the age of 18 years is allowed to do the actual slaughtering.

Licenses are issued by local authorities for trained slaughtermen, and these licenses are renewable every 3 years subject to good behavior.

The slaughtering plant itself is also subject to license or registration by the authority in whose municipal or urban area it is situated.

Government departments draw up model bylaws to cover abattoirs, and any local authority can adopt these bylaws and enforce them in their own area if they wish. These laws deal with hygiene and the public-health aspect in general.

At the present time Parliament is considering some new legislation about the siting and construction of abattoirs, and to modify the humane slaughter acts so as to allow the use of gas, as you have in the Hormel plant here.

Many of our small packinghouse type of bacon-curing plants are ready for the installation of the CO_2 plant, which will probably be of the Danish Wernberg type, suitable for plants with little spare space to work in.

How that will work out with a variety in size of hogs we do not yet know, but the electric stunner will always be needed as a quick and efficient standby, in case of emergency, and for the plant where the expense of installing gas is too much for the firm to bear. The captive-bolt pistol will also be used constantly in our country for stunning cattle, until some marked improvement comes along.

As far as we in Britain are concerned, the humane slaughtering of animals has been with us for over 20 years, and the newness has worn out. Business executives who years ago were its bitterest opponents are today it most fervent advocates, because they feel that having found methods which are good, and make for increased efficiency, they like others to know about it.

There is no sentimentality about it—they look upon it as a business proposition which they once opposed, but which they found later to be worth while and paying dividends.

I know of no one in Britain who would ever wish to repeal the humane slaughtering legislation.

Before I resume my seat, may I be allowed, on a personal note, to thank you for your courtesy and consideration in allowing a stranger thus to address you.

It is for me a great honor. If it is your wish to put some questions to me, I shall be pleased to endeavor to reply to the best of my ability.

Mr. Chairman and gentlemen, I thank you.

Mr. POAGE. Thank you very much, Colonel Anthony. Are there any questions?

If not, we are very much obliged to you for your statement.

Mr. ANTHONY. Thank you, sir.

Mr. POAGE. We will now hear from our colleague, Mr. DORN of South Carolina.

Mr. NEUBERGER. I read a paragraph from Colonel Anthony's informative statement:

As far as we in Britain are concerned, the humane slaughtering of animals has been with us for over 20 years, and the newness has worn out. Business executives who years ago were its bitterest opponents are today its most fervent advocates, because they feel that having found methods which are good, and make for increased efficiency, they like others to know about it.

There is no sentimentality about it—they look upon it as a business proposition which they once opposed, but which they found later to be worth while and paying dividends.

I know of no one in Britain who would ever wish to repeal the humane slaughtering legislation.

I venture to say that if the Senate acts affirmatively today, as the Senator from Minnesota and I hope it will, in a short time no one in America either will desire to repeal the humane slaughtering legislation.

In conclusion, Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks a statement I have prepared in support of humane slaughter legislation embodied in the bill we originally introduced in the Senate and which we feel is contained in the bill which was passed a short time ago by the House of Representatives, namely, H. R. 8308.

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

STATEMENT BY SENATOR RICHARD L. NEUBERGER

It was on April 28, just about 2 months ago, that I had the privilege of being the leadoff witness at hearings conducted by the Senate Agriculture Committee on the several proposals relating to humane methods of slaughter of livestock. I commented in my opening remarks, on that occasion, that I have been most sincerely interested in the enactment of humane slaughter legislation since my esteemed colleague, the able junior Senator from Minnesota [Mr. HUMPHREY], first introduced such a bill in 1955. I have been pleased to be his cosponsor, and I have testified at every hearing on the need for enactment of a compulsory measure.

In the House hearings were held, too, and after long, patient deliberations, the Poage bill was passed on February 4, 1958. It was a measure that represented the yielding of extreme positions by different groups in behalf of the paramount objective—a bill that would at last provide the impetus for acceptance of humane slaughter practices in most packinghouses engaged in supplying the Government.

The Senate seemed destined to throw its support behind the Poage bill when the junior Senator from Minnesota moved on the Senate floor to have his bill made identical with H. R. 8308, as passed by the House.

Unfortunately, the H. R. 8308 reported to the Senate floor is an entirely different version than the bill approved by the House of Representatives. That is the simple reason, Mr. President, that I am supporting the motion to enact—in H. R. 8308—the moderate, reasonable, and effective bill which came from the House of Representatives.

I believe that the Senate Agriculture Committee has misunderstood the sentiment of the majority of the Senate and has disregarded the desires of the overwhelming majority of the American public.

A TEPID SUBSTITUTE UNACCEPTABLE

What the public wants is decisive action to end, at some definite date, a cruelty that is deeply offensive to our national moral code and for which there is no possible excuse. The Senate, I believe, will want to dispose of this issue, conclusively, as soon as possible.

The many days of extensive hearings have amassed testimony which leaves no doubt as to what the public wants. That testimony overwhelmingly opposes a tepid humane slaughter law which merely instructs the Secretary of Agriculture to study slaughter methods for another 2 years, and then to bring back to us another bill, which could hardly be much different from bills that the Congress has already considered and debated for 3 whole years. This would be needless delay.

And we would then have to make the decision that we can reach, and should reach, today. It is clearly apparent that the intent and the effect of the bill proposed by the Agriculture Committee is only to postpone action on the issue before us. The proposed study bill is not a humane slaughter bill; it is a device to defeat the humane slaughter bill that has been sent to us by the other House.

It has been contended that more study is needed to determine whether it is practical to ameliorate the sufferings of hundreds of millions of animals. But that contention is sheer nonsense. It is shot full of hypocrisy.

There is one fact that ought to bring this entire debate to a conclusion. It is a fact that overwhelms all arguments.

I refer to the fact that approximately 200 United States packing plants are already using, with satisfaction and profit to themselves, the humane methods of slaughtering that the people of our country want to see universally adopted. Some of these progressive packers have themselves appeared before our Congressional committees and freely testified that these humane methods are practical and profitable. And the testimony has come from little packers as well as from big packers.

VITAL FACTS FAVOR HUMANE-SLAUGHTER BILL

I am not relying on the testimony from humane societies or women's clubs when I tell you that humane methods of slaughter are practical. I am relying on testimony given to our committees by official representatives of the American Meat Institute, the Western States Meat Packers Association, the National Independent Meat Packers Association, and also on testimony given by the technical staff of the Department of Agriculture.

There is absolutely no argument about the practicality of humane-slaughter methods. Every bit of documented testimony presented to the Senate Agriculture Committee showed, in fact, that humane methods will tend to benefit farmers and consumers, as well as packers, by eliminating a really sinful waste of meat and by improving operating procedures.

So let us not be confused into thinking, today, that either the packers or the Secretary of Agriculture actually want to study the practicality of humane-slaughter methods.

Let me just review for you what the Department of Agriculture proposes to study.

A spokesman for the Department of Agriculture told the Senate Agriculture Committee during the recent hearing that he would like to have several years to study slaughter methods because, he said, he doesn't know what methods are humane. He will try to learn if an animal might rather have its joints yanked out of place by an electric hoist, and might rather have its throat punctured with a knife while fully conscious, than to be anesthetized by a gas that is often used an an anesthetic on human beings.

The Agriculture Department spokesman invited Congress to give him a chunk of taxpayers' money, and several years of time, to satisfy his doubts about this matter. Does this make good sense?

Can any Senator conscientiously go along with this proposal that we authorize a 2-year research project to determine whether anesthetics really relieve pain?

THOROUGH STUDY ALREADY COMPLETED

There is not time, here and now, to recapitulate the entire history of the effort that is now at its climax—the effort to achieve a simple but enormous moral reform that is long overdue. I remind my colleagues, however, that the Congress itself has conducted much earnest study of the practical problems of this issue. A Senate subcommittee conducted public hearings in 1956. A House subcommittee conducted additional public hearings in 1957. The House committee took its investigation right into the packing plants. Members of the committee made unannounced visits to plants that use both humane and inhumane methods. Some members of the House committee actually slaughtered animals themselves, in order to be sure that they knew the practical facts about the techniques under question. Two months ago the full Agriculture Committee of the Senate conducted still another public hearing.

Over a period of years we have piled up more than 600 pages of printed testimony from the best experts that this Nation can muster. And the House committee, as I said, did a field investigation.

Perhaps some Senators will think that no humane slaughter law should be enacted. But those who so feel should cast their votes forthrightly against what is obviously desired by the American public. It is not fair to saddle the taxpayers with an obviously needless study in order to avoid a clean vote on this issue.

The motion I am supporting will achieve a moderate and reasonable reform. The motion sponsored by the small majority of the Senate Agriculture Committee would simply postpone all chance of reform for at least 2 years and perhaps for much longer.

HUMANE SLAUGHTER A MILESTONE IN MORAL ADVANCE

I sometimes think that, a century or two hence, our descendants, upon hearing of our accepted practices in slaughterhouses, will look back upon the 20th century with the same mingled feelings of dismay, abhorrence, and incredulity which we experience on reading of convivial crowds at a public execution 200 years ago.

If there is any doubt about that, I would suggest that people read the writings, for example, of Theodore Roosevelt and his abhorrence of what was done to the vast buffalo herds numbering some 60 million when they were slaughtered absolutely, indiscriminately, and ruthlessly just for sport in the years when the Great Plains and the prairie were first being settled. Traditionally, the humanitarian measures that have, one by one, become our great body of social legislation have followed the voices of persistent protest which stirred to life our national conscience.

We have taken for granted that the eighth amendment of our Constitution prohibits infliction of cruel and unusual punishment upon our citizens. Today, the national conscience is asking why we subject our animal friends to such cruel and inhumane treatment.

If the farmers of this Nation humanely treat animals while they are alive, throughout the period of their growth, and handle them to avoid injury and fear, why is it

necessary to subject these animals to such primitive and cruel treatment for the few moments before they are killed and transformed into meat and meat products?

I have talked with many of the men who work in slaughterhouses, both in my own State and elsewhere in the Nation. These men, so far as I have been able to observe, are among the strong and zealous opponents of some of the inhumane methods presently employed in slaughterhouses. They rebel against inflicting pain upon helpless animals, which form the meat products of the Nation and thus support the jobs on which these men are dependent. But the workers in slaughterhouses are not in control of the policy of those plants. They did not design the cruel front end of the production line. They cannot institute new methods of slaughter, unless their employers so dictate and decide.

I have had members of the Butcher Workers' Union observe to me, "We realize that cruel ways of slaughter will only hurt the meat industry and promote vegetarianism among Americans. We believe that every possible humane method of killing should be used by slaughterhouses, just as soon as it is developed."

I have emphasized this point because it is my firm opinion that the men working in our slaughterhouses are, in the main, among the foremost advocates of adopting every available humane device for cushioning and quelling any possible pain inflicted upon the animals which are slaughtered to stock the tables and markets of America.

We have passed laws to prohibit the inhumane cruelty to animals on their way to market. I can see no reason why the Congress should not specify humane standards of killing livestock and poultry, in order to comply with the moral standards of decency and humaneness which are so much a part of the great heritage of the United States.

With respect to the specifically religious objections to the bill, I can only say that I fully and sympathetically appreciate the legitimate concern with which they are put forward; but upon considering them fully, I do not believe that they are so insurmountable as to force the total abandonment of all legislative effort to establish the principle of governmental responsibility for humane methods of slaughter to which I have referred.

In conclusion, allow me to offer two observations. First, over the past several years research study on this subject has provided demonstrable results on which legislation may be logically and soundly based. Second, the experience of the progressive and energetic minority among the packers, who have introduced to the production line the new techniques required for humane methods of slaughter, demonstrates its applicability in plants of any and all sizes.

One would think that on the grounds of enlightened, humanitarian performance—or on the more practical grounds of economy and efficiency of operation—only support and affirmation would be heard in the plea for adoption of humane slaughter legislation. I favor substituting the stronger House bill in place of the toothless Senate study.

Mr. HUMPHREY. Mr. President, I wish to express my gratitude to the junior Senator from Oregon for his splendid statement and for his fine support and for the privilege of being associated with him as a cosponsor of the proposed legislation.

At this point I ask unanimous consent to have printed in the RECORD, a letter addressed to Representative W. R. POAGE, signed by representatives of Jewish organizations relating to the legislative history of H. R. 8308, as passed by the House.

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

AMERICAN JEWISH CONGRESS,
New York, N. Y., February 20, 1958.

Hon. W. R. POAGE,
House Office Building,
Washington, D. C.

DEAR CONGRESSMAN POAGE: We are writing to you at this time to express our appreciation for your statements during the debate of H. R. 8308 on February 4, regarding the humaneness of the Jewish religious method of slaughtering animals for human consumption. At the same time, we wish to correct some inaccuracies during the debate and to clarify possible misunderstandings of our position on humane slaughtering legislative measures, particularly with regard to one part of the January 29, 1958 letter from Dr. Leo Pfeffer to you.

We were pleased to read in the letter of January 29, 1958, from Mr. Fred Myers, executive director of the Humane Society of the United States, to you, the statement that in the opinion of the Humane Society "based upon expert testimony already presented to Congress and upon personal observation, that the Jewish method of slaughter, when performed according to the laws of Shechita by a trained and religiously supervised Shochet, results in virtually immediate loss of consciousness by the animal and should be legally recognized as being humane." It was even more gratifying to note your comment in referring to Shechita that "ritualistic slaughtering is, as I see it, when carried out in compliance with the Mosaic law, one of the most humane methods yet devised" (CONGRESSIONAL RECORD p. 1654). While the humaneness of Shechita has been repeatedly demonstrated through scientific studies conducted by eminent pathologists and other authorities in the fields of veterinary medicine, anatomy and physiology, it is good to know that as a Member of the United States Congress who has made a study of the subject, you have come to the same conclusion and were thoughtful enough to state your view on the floor of the House of Representatives.

In response to a question from Congressman JAMES ROOSEVELT, you said "as far as I know, there is no group except the Union of Orthodox Rabbis that has not agreed to these amendments. I may be wrong, but I know of no other group that is not in favor of these amendments" (CONGRESSIONAL RECORD, p. 1655). You will recall that the Rabbinical Council of America and the Union of Orthodox Jewish Congregations of America are opposed to such legislation. Needless to say, the position of these orthodox organizations is not due to a lack of concern about cruelty to animals. Rather, it stems from the apprehension based on the experience in other countries that humane slaughtering legislation no matter how worded may threaten Shechita and may be a forerunner of a movement to ban Shechita.

Referring to the undersigned organizations, Congressman MULTER said during the debate we "are in favor of and support this measure." [NOTE.—This statement as originally made by Mr. MULTER was corrected in the revised edition of the RECORD.] This statement is inaccurate. As you correctly stated, we were opposed to H. R. 8308 in the form in which it was originally introduced. As stated in the letter from Dr. Leo Pfeffer to you, dated January 29, 1958, in its present amended form we do not oppose the measure. However, while we do not oppose the measure as amended, we are not proponents of the bill. We are sure you understand and appreciate this distinction.

Inasmuch as H. R. 8308 is still to be considered in the Senate, may we clarify one part of Dr. Pfeffer's letter of January 29 which may be subject to misinterpretation. We have reference to the paragraph which reads:

"We understand further that while the bill as amended would empower the Department of Agriculture to restrict or prohibit shackling or hoisting of conscious animals in connection with slaughtering according to the ritual requirements of the Jewish faith, it does not restrict or prohibit, nor does it authorize the Department of Agriculture to restrict or prohibit the use of the Weinberg or revolving pen, as is used in Great Britain, and that such use of the Weinberg pen is a humane method of preparing the animals for slaughter."

We wish to underscore the correctness of your statement to the effect that "we want to prevent any unnecessary cruelty" (CONGRESSIONAL RECORD, p. 1657). This applies to the preparation of animals for slaughter as well as the act of slaughter itself. We have no desire to protect methods of handling or preparation of animals which may be inhumane. At the same time, we see no need for restricting or banning present methods of handling which may not be inhumane.

To be more specific, while we hold no brief for and oppose such forms of shackling and hoisting which may be inhumane, it was never the intention of the undersigned organizations to imply that shackling and hoisting per se are inhumane, and, therefore, subject to being prohibited in all their forms by the Department of Agriculture. We do not understand this to be the legislative intent of your bill. You will recall that Mr. Fred Myers, in his letter of January 20, advised you that in the amendments since written into H. R. 8308 "we have purposely avoided—a detailed description of humane methods of handling animals as they are brought into position for slaughter, in order to allow for future inventions in that field."

In any event, whether it may be existing methods of handling animals preparatory to slaughter, necessary modification of present methods, the revolving pen or methods as yet to be devised; our position precisely stated is that we are opposed to any methods which may be inhumane without necessarily ruling out existing methods which are or which could be modified so as to be humane.

We respectfully request that you insert this letter into the CONGRESSIONAL RECORD so that all who are interested may know exactly where we stand in the matter of humane slaughtering legislative proposals and how much we appreciate your efforts in behalf of religious liberty by your support of the Jewish religious method of slaughtering animals for food.

Once again, please accept our deep thanks for your cooperation and consideration.

Sincerely,

ISAAC TOUBIN,
Executive Director, American Jewish Congress.

Rabbi DAVID C. KOGEN,
Acting Executive Director, Rabbinical Assembly of America.

Rabbi SIDNEY REGNER,
Executive Vice President, Central Conference of American Rabbis.

Rabbi JAY KAUFMAN,
Vice President, Union of American Hebrew Congregations,

Rabbi BERNARD SEGAL,
Executive Director, United Synagogue of America.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD a letter which I received from Mayor Wagner, of New York City, under date of June 26, 1958, in support of H. R. 8308, as passed by the House.

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

CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, N. Y., June 26, 1958.

Hon. HUBERT HUMPHREY,
United States Senate,
Senate Office Building,
Washington, D. C.

DEAR SENATOR HUMPHREY: I have had brought to my attention a proposal now pending before the Committee on Agriculture and Forestry of the United States Senate to require the use of humane methods in the slaughter of livestock and poultry in interstate or foreign commerce.

May I express to you and through you to the entire Senate, my support of legislation which will mandate humane methods of slaughter in the United States of America. I know that any legislation passed by the United States Senate will contain within it every possible protection which any religious faith in our great country may deem necessary.

With kindest personal regards.

Sincerely yours,

ROBERT F. WAGNER, *Mayor.*

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial entitled "For More Humane Slaughter Methods," published in the Montana Standard of June 9, 1958, endorsing the bill passed by the House and which is now being supported by me and other Senators.

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

FOR MORE HUMANE SLAUGHTER METHODS

More than half a century ago, the novelist Upton Sinclair wrote a potent book called The Jungle. He portrayed so vividly the conditions in the meatpacking industry that a Government commission was named to investigate. The upshot of it all was that on June 30, 1906, President Theodore Roosevelt signed the Meat Inspection Act, which brought tremendous reform.

Since that time, partly under Government prodding and partly through what might be called enlightened self-interest, the meatpacking industry has remarkably improved its techniques. The great bulk of the meat and meat products served on American tables is fresh, sanitary and wholesome.

Yet though the situation today bears almost no resemblance to that which prompted Upton Sinclair's book decades ago, it must be said that the industry has lagged in one important respect. With some exceptions, methods of slaughter are not much more humane than they were years ago.

The public apparently has become more aware of this in 1958 than in any previous year. In consequence, legislation to improve slaughter methods may squeeze through to passage by Congress this year. It would be fitting if the bill were to become law by June 30, the 52d anniversary of the celebrated Meat Inspection Act.

Mr. HUMPHREY. Mr. President, earlier today statements were made that the methods of humane slaughter spelled out in the bill were not sufficiently comprehensive. I have before me a statement made by Mr. Rutherford T. Phillips, executive director of the American Humane Association, before the Committee on Agriculture and Forestry, refuting very clearly the arguments which were made in opposition to H. R. 8308, particularly with respect to methods of slaughter. I ask unanimous consent that the statement be printed in the RECORD at this point.

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

STATEMENT OF RUTHERFORD T. PHILLIPS, EXECUTIVE DIRECTOR OF THE AMERICAN HUMANE ASSOCIATION, TO THE SENATE COMMITTEE ON AGRICULTURE AND FORESTRY

I am Rutherford T. Phillips, executive director of the American Humane Association, and I testified in support of S. 1497 and H. R. 8308 on April 28, 1958. I do not wish to repeat what I said then. However, in view of some of the testimony of the opponents of these bills, I would like to make the following observations:

1. It has been repeatedly stated that there is confusion about what is a humane method.

The bills, S. 1497 and H. R. 8308, state that the following are found to be humane: a single blow; a gunshot; an electrical, chemical or other means that is rapid and effective; severing of the carotid arteries simultaneously with a sharp instrument (sec. 2 (a) and (b)).

It further states under section 4 (b) that the Secretary of Agriculture is authorized to designate methods which conform to the policy of humane slaughtering at the effective date and thereafter at such times as he deems advisable.

This is certainly a fair way of spelling out the kinds of methods of producing insensibility without closing the door on improvements and new developments.

It is not to be supposed that the Secretary will be so strict as to require the impossible result of stunning a thousand animals with exactly a thousand blows. Room will be left for human error. Good faith compliance with the policy is all that anyone could require.

The American Humane Association and packers know which existing methods are acceptable because some packers have applied for, and received AHA seals of approval. We also have the experience of the methods used in Europe. It is unwise to spell out specific methods in the law. This is appropriately left to the Secretary of Agriculture who will administer the law with the assistance of the advisory committee established by section 5.

2. Another industry objection which has been emphasized is the cost of the CO_2 immobilizer.

This equipment is particularly designed to maintain the higher rate of kill in large plants.

The statement of Mr. Liljenquist and Mr. Unwin that this is far beyond the financial reach of the small packer, is not a valid objection to the bill. Hogs may be humanely slaughtered by the use of the captive bolt pistol. This would have no appreciable effect on costs of operation in the small plant having a low rate of kill. Mr. Eshbaugh, on page 2 of his prepared statement, remarks that the Remington Stunner "is now in regular use on lambs and hogs in one plant." Mr. Eshbaugh goes on to say, on page 6, with respect to calves, lambs, and hogs, "It is believed that if regularly supplied with animals, one stunning operator can handle up to 200 animals per hour through present pens capable of handling that number without stunning. Any considerable increase above that figure would require changes in layout to include conveyor handling of live animals to the stunning position."

3. The AHA is surprised at the opposition testimony given on Tuesday by representatives of the Jewish faith. The original text of the humane slaughter bill submitted to Senator HUMPHREY by the AHA in 1955 contained a full exemption for Kosher slaughter. The present bill, in section 6 spells out that exemption to completely exempt both the preparation for, and the actual slaughter. Actually in view of section 6, section 2 (b) is not needed, but it was placed in the bill at the suggestion of some representatives of the Jewish faith to make it absolutely clear that there was not any implication to be drawn from an exemption that the Congress felt that Kosher slaughtering was inhumane. It is obvious, therefore, that this bill will not affect Kosher slaughtering in any way. We feel that much of the testimony heard on this point was irrelevant to a consideration of this bill.

Furthermore, it is doubtful that this bill would have any appreciable effect on Kosher slaughtering as it applies only to Government procurement. We understand that a negligible amount of Kosher meat products are purchased by the Government, if any. Certainly the bill will not prohibit shechita in any part of the United States.

We sympathize with the concern of those who testified, but an analysis of this bill shows that their fears are completely groundless.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter which I sent to Mr. Leo Pfeffer, associate general counsel of the American Jewish Congress, under date of March 22, 1958, and an exchange of letters between myself and Representative W. R. POAGE concerning the Pfeffer letter, which are complementary and supplementary to the letter I asked to have printed in the RECORD earlier.

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

MARCH 22, 1958.

LEO PFEFFER, Esq.,
Associated General Counsel,
American Jewish Congress,
New York, N. Y.

DEAR MR. PFEFFER: I am writing to express my own personal gratitude to you and to the five leading Jewish organizations cooperating with you on the above matter for the splendid way in which you have assisted me, and members of the House of Representatives, in working out a solution of the delicate problem of humane slaughter legislation that fully and effectively protects Jewish religious slaughtering practices. I think you have all done a magnificent job in assisting us to draft legislation that would, beyond question, protect Jewish religious slaughtering practices and would at the same time insure the humane treatment of animals on which those practices are based in the slaughter of animals for food by other methods of slaughter as well.

I realize that the task has been far from an easy one and that it is virtually impossible to expect unanimity on the part of the Jewish community in so sensitive a matter. I do want to record, however, my own conviction that the amendments to the Poage bill which you were able to work out with the humane societies, and which were accepted by the House Committee and enacted by the House, fully protect Jewish religious slaughtering and handling of animals (1) by the express Congressional recognition of kosher slaughter as humane and (2) by the provision of the new section VI prohibiting any construction of the legislation which might in any way interfere with religious slaughter or preparation for slaughter.

It is my considered judgment that those groups in the Jewish community who contend that possible future legislative attempts to impinge upon Jewish religious slaughter practices would be less likely to succeed if there were no humane slaughter legislation at all than if the bill which has been passed by the House is enacted are, with all due respect, in error. It seems to me not only obvious but beyond dispute that it will be far

more difficult for any future Congress to attempt to interfere with kosher slaughter practices in the face of the express Congressional finding and recognition of kosher slaughter as humane contained in the amended Poage bill and in the legislative history written on it than it would be if there were no such express legislative recognition and history. And if it had not been for your efforts and those of your colleagues, I am wholly convinced that humane slaughter legislation would have been passed over the opposition of the Jewish community and would not have contained the effective safeguards of kosher slaughter practices that your efforts have succeeded in writing into the Poage bill.

I also want to acknowledge the copy I have received of the February 20, 1958, letter of your five organizations to Chairman POAGE of the House committee, and to record to you my own understanding of the meaning and intent of the Poage bill as enacted by the House with respect to handling of animals prior to kosher slaughter, in light of its legislative history in the House debate, including your letter of January 29, 1958, to Mr. POAGE, which he introduced into the RECORD in the debate, and his ensuing remarks agreeing with your views as expressed therein.

To be specific, I feel there is no doubt whatever that the clear and correct interpretation of the bill in this respect, as clarified on the floor of the House, is (1) that animals must be handled in a humane manner prior to kosher slaughter; (2) that any inhumane method of handling animals prior to kosher slaughter may be restricted or prohibited by the Secretary of Agriculture effective on and after December 31, 1959, including those forms of shackling and hoisting which are not humane; (3) that any forms of shackling or hoisting of animals or other methods of handling prior to kosher slaughter which are not inhumane may not be restricted or prohibited by the Secretary; and (4) that use of the Weinberg or revolving pen for casting animals prior to kosher slaughter is a humane method of handling and may not be restricted or prohibited by the Secretary as inhumane.

Such an interpretation of the bill, as to which I feel there is no question and which I shall be glad to record on the Senate side, both in committee and on the floor, should fully satisfy your organizations and any others in the Jewish community who fear that enactment of the Poage bill by the Congress would as a practical matter immediately make kosher slaughter impossible. That is plainly neither its intent nor its language. I am confident that Congressman POAGE agrees completely with this interpretation. I assure you that I shall do everything in my power to have the legislative history of the bill in the Senate record this legislative intent so there will be no doubt about the correct meaning of the legislation.

I trust that this explanation will allay some of the fears in this regard which have been expressed to me and will further reassure your organizations and the entire Jewish community that the amended Poage bill, if enacted into law, will preserve and protect kosher slaughter practices, and not harm them. Again with my gratitude for your help and your contributions to a sound solution of a most difficult and vexing problem.

Sincerely yours,

HUBERT H. HUMPHREY.

MARCH 22, 1958.

Hon. W. R. POAGE,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN POAGE: As you know, there has been considerable concern expressed in the Jewish community subsequent to the House debate on humane slaughter. Several people have been in to see me, voicing various fears which I have assured them were exaggerated. After considerable thought, it seems to me that the most helpful thing I can do here is to send the attached letter in an effort to rectify any misinterpretation which some groups may have of the bill which was passed by the House. I have tried to express what I believed to be the correct intention and interpretation of the House bill.

I have not mailed the original of this letter, because I wanted you to see it first. I am hopeful that you will agree that it correctly expresses your position and the House intent. After you have had a chance to look this over, perhaps you might give me your reaction over the phone.

Many thanks for your attention, and congratulations on the successful job you did in handling this bill.

Best wishes.

Sincerely yours,

HUBERT H. HUMPHREY.

MARCH 25, 1958.

Hon. HUBERT H. HUMPHREY,
United States Senator,
Washington, D. C.

DEAR SENATOR HUMPHREY: Your letter of March 22 to Hon. Leo Pfeffer was, in my opinion, a very fine, very clear, and very excellent statement of the effect of the pending legislation on humane slaughter. I would not want to change the interpretation which you placed on this bill. I have met with, and talked with, Mr. Pfeffer on several occasions. I think he has made a very serious and very helpful effort to allay some of the fears of some segments of the Jewish community in regard to this legislation. It seems to me that your letter to him should satisfy all of those who can be satisfied.

I was particularly impressed with the clear and effective way in which you pointed out that in the absence of legislation of the type you and I are trying to get that it will probably be far more likely that the Congress will pass some type of punitive legislation completely ignoring the legitimate requests of our Jewish citizens. I think this would be unfortunate, but I think it is likewise inevitable. On the other hand, by the acceptance of the Jewish leaders of the very moderate legislation that we are proposing this ill feeling can be avoided. Mr. Pfeffer continues to do everything he can to avoid any such unfortunate result. I am hopeful that you will find it possible to secure favorable committee and Senate action on this measure in the near future.

Thanking you for your good work, and with best wishes, I am,

Yours sincerely,

W. R. POAGE,
Congressman.

Mr. HUMPHREY. Mr. President, finally I ask unanimous consent to have printed in the RECORD a number of editorials in support of H. R. 8308, and objecting to the Senate amendment.

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

[From the Nashville (Tenn.) Tennessean of June 26, 1958]

THERE WAS PLENTY OF DATA, SENATOR

Efforts to get humane slaughter legislation enacted have taken a strange turn in a Senate committee.

One measure, passed overwhelmingly in the House last February, provides that after January 1, 1960, humane methods must be used by packers who make contracts with the Federal Government. Such methods would include instant stunning of animals with a mechanical instrument or anesthetization with carbon dioxide.

Both methods have been used on millions of animals by packers who are voluntarily humane, but more millions are either hammered into insensibility or stuck with knives and let bleed.

A great deal has been written about humane slaughter and there are a number of examples of packers who use more humane methods successfully. House discussion brought out much information about humane methods.

So it is strange that the Senate Agriculture and Forestry Committee approved an amended bill to require the Secretary of Agriculture to draft legislation setting forth what constitutes humane slaughtering. Chairman ALLEN ELLENDER (Democrat, of Louisiana) said there was insufficient information available to write regulations.

That must have come as a surprise to myriad humane societies, women's clubs, church and farm groups which support humane slaughter methods. All would have been pleased to make available to Mr. ELLENDER reams and reams of information, including the successful methods used by voluntarily humane packers.

It is hoped the committee will reconsider its action and vote out a bill similar to that passed by the House.

[From the Charlotte (N. C.) News of June 25, 1958]

AS SUBTLE AS A BLOW ON THE HEAD

To put it bluntly, the humane slaughter bill was bludgeoned in the Senate Agriculture Committee last week with the kind of vehemence the meatpackers usually reserve for dumb animals.

Rather than approve legislation similar to the Poage bill passed by the House of Representatives, committee members voted for a 2-year "study" of painless slaughtering methods.

Both the American Meat Institute and the Department of Agriculture were lobbying vigorously for "study" legislation. It is a familiar dodge. Similar delaying tactics have sentenced great bundles of worthy legislation to a lingering death in the past.

The bill is expected to reach the Senate floor in July. Its amendment, to return to it the effective language of Representative POAGE'S bill, would mark the beginning of the end of slaughterhouse cruelties to animals in the United States.

There is no need for any additional study of humane slaughtering methods. They have already been studied in enormous detail and perfected with great care by United States universities. Painless killing methods are in use and, in fact, required by law in civilized European countries. A few United States packers find these methods both economical and efficient.

It is plainly absurd to postpone action in the United States merely to confirm the proposition that cruelty is cruel.

All that proponents of humane slaughter legislation want is a system in which the animal is rendered quietly unconscious before it is killed. It is a reasonable enough goal in a civilized society.

[From the New York Herald Tribune of July 9, 1958]

THE SENATE MUST SAVE HUMANE SLAUGHTER

Animals can feel pain as keenly as human beings and are equally prey to fear and terror. But they can't speak or vote, and therefore have no influence in Congress. Which is about the only available explanation why the humane slaughter bill, after passing the House, has been put on ice by the Senate Agriculture Committee on the flimsy pretext that it requires further study of slaughtering procedures.

Futher study. For 30 years this has been the excuse advanced for delay by some

of the big meatpackers. The House Agriculture Committee made a personal tour of the slaughter houses and was immediately convinced that changes were necessary. The Senators, however, stayed in Washington, refusing even to see a film depicting the slaughtering of hogs.

Just what do the advocates of humane slaughter want? All they want is the introduction of methods to render animals insensible to pain before they are butchered, either by electric stunning or by carbon dioxide gas. The objection from packinghouses seems to be that these methods would be too expensive. But one firm that has adopted them, Hormel & Co., says that they are saving it money. So it would appear that humane slaughtering is to the advantage of the meatpacker, quite apart from considerations of common decency.

Fortunately, supporters of humane slaughter are determined not to let the issue die. They have worked hard for their objective, especially in the last 2 years. We earnestly hope that the full Senate will do something to save this bill as a working measure before Congress adjourns.

[From the Charleston (S. C.) News & Courier of June 28, 1958]

PAINLESS SLAUGHTER

The humane-slaughter bill was given a mercy death in the Senate Agriculture Committee last week. The committee declined to approve legislation designed to bring an end to slaughterhouse cruelty to animals. The members voted for a 2-year study of painless-slaughtering methods.

Maybe the committee believes that the people of this country are the dumb animals. The subject of humane-slaughtering laws has been discussed for years. Either the United States does or doesn't need such laws. A Congressional study of this problem is a waste of the taxpayers' money. One of the most effective painless ways of killing legislation in Congress is to study it to death.

[From the Youngstown (Ohio) Vindicator of June 24, 1958]

END PACKINGHOUSE CRUELTY

Because comparatively few Americans know about the inhumane methods used in slaughtering the animals which eventually supply their tables with meat, they have failed to give sufficient support to legislation now before Congress to eliminate unnecessary cruelty in the packinghouses.

Last week two House measures were defeated in a Senate committee which reported out a study bill, instead. The legislation sought by adherents of humane slaughtering would have established this as the country's public policy, requiring that the Federal Government and its agencies buy meat only from packing plants using humane methods.

The study bill is obviously a delaying measure, asked by the American Meat Institute and the Department of Agriculture. It proposes that the Secretary of Agriculture study slaughtering methods for 2 years.

There is no need for this. The carbon dioxide tunnel and a number of types of pistols for making animals insensible to pain have been fully developed and have been used by some leading packers during the last few years.

The humane organizations charge that the meat industry's efforts to kill an effective humane-slaughter law are strikingly similar to the industry's opposition to the Meat Inspection Act early in the century.

There is no point in continuing slaughterhouse cruelty any longer. There is no real economic reason for it. The study bill is scheduled to reach the Senate floor next month. Advocates of humane methods should demand its defeat and restoration of the compulsory humane-slaughter bill.

[From the Washington Daily News of July 3, 1958]

A MERCILESS STALL

If a member of the Senate Agriculture Committee should look out his window today and see a small boy tormenting a cat we'll bet he'd spring into action.

But, oddly, the committee as a whole seems calm when it is called to their attention that grownup boys kill steers, lambs, and pigs in painful, bloody, and needless brutality.

The House passed a much needed humane slaughter bill months ago.

The Senate committee has now tried to slit the bill's throat—but substituting one which calls for a pointless 2-year study of packing methods. Hasn't this condition been studied enough?

This proposal to study for 2 more years is a merciless stall. The brutality is proven. The economic practicality of humane methods has been demonstrated by such progressive packers as Cudahy, Hormel, and Oscar Mayer & Co., all of whom use efficient and painless slaughtering techniques.

It serves not the American public—which has supported the humane bill by a cascade of letters—but the selfish interests of the American Meat Institute and the institute's pals in the Department of Agriculture, the champions of indifference and inertia.

It might be worthwhile for the committee members to take a tax-paid tour of the worst slaughterhouses and then think the whole thing over, or, better still, take a trip (that is, junket) to the many countries where the situation that exists here has been outlawed for many years.

The rest of the Senate, we trust, won't need such a bloodshot view to reject this stall and to insist that the House bill be brought up and passed.

[From the Toledo Blade of June 30, 1958]

STALL ON HUMANE SLAUGHTER

The Senate Agriculture Committee has reported out a bill directing the Secretary of Agriculture to study methods of slaughtering meat animals and come up within a couple of years with legislation that would set forth what would constitute a humane system of slaughter in American packinghouses. The committee contends that there isn't enough information available to legislate now on the subject.

We are not impressed with this action or the reason for it. For years the humane slaughter issue has been thoroughly debated and a wealth of information is available. Unnecessarily brutal and clumsy slaughter practices have been documented. So has the successful use by packers abroad, and some in this country, of more effective, relatively painless modern killing methods. To say now that further study appears necessary is simply a way of postponing action on a reform that the humane societies have demonstrated is needed and feasible and which, we think, has the support of the public behind it.

The House of Representatives in February passed a bill which would compel packers who sell meat to the Federal Government to kill animals by humane methods. This does not go the full length that the humane societies would like but they approve it as a long step in the right direction. The Senate would do well to override its Agriculture Committee and enact the law as approved by the House.

[From the Boston Herald of July 12, 1958]

NO TIME FOR PAIN

Every day in which the Senate dallies with the humane slaughter bill is one more day in which animals die cruelly and in pain. But after passing the House by an overwhelming margin in February, the bill has been sidetracked, supposedly because the Senate Agriculture Committee needs time to study slaughter procedures.

The committee required time in 1956, too, when the bill met an identical end. A House committee then toured slaughterhouses observing the methods that prevailed. The tour was a horrifying revelation of man's indifference to the fate of other species.

The House committee sponsored a bill requiring the employment of humane methods by packers wishing to contract with the Government. It was passed by voice vote.

But in the Senate Agriculture Committee, which did no slaughterhouse inspection, the Senators refused even to see a sound film graphically depicting routine pig slaughter as practiced on more than 80 million pigs a year. Instead, by a vote of 10 to 5, they passed a "study" bill.

This means that the Senators, who were too squeamish to watch hogs being massacred on a screen, could with serenity and good conscience condemn millions of animals to a ghastly fate. But the bill had this feature as amended: The Senators didn't have to see the animals die.

Perhaps it is easier and more pleasant not to have the hideous facts of life paraded before one. The Senators do not have to see the wildly rolling eyes of shackled animals, the welter of bloody trails, the stagger of half-stunned cattle closing with the knife. Nor do they have to listen to the screams and bellows of animals in agony. Life, in fact, can continue on its cheerful round.

The firm of Hormel & Co., which has adopted humane butchering methods, reports that swift and efficient techniques have proved economical. No packer will go bankrupt because humane slaughtering methods prevail. But at least 10 Senators are convinced that all's right with the world and business is business.

[From the Boston Herald of February 7, 1958]

ENDING A CRUELTY

The cruelty of shackling, hoisting, sticking, and bleeding of fully conscious animals is contrary to the moral code of our country. While slaughterhouses have been improved architecturally, handling methods have been modernized and meat-inspection services have been streamlined, the method of the kill has remained virtually primitive in America.

The new humane slaughter bill passed by the House and sent to the United States Senate should, however, mark the beginning of the end of barbaric slaughterhouse practices. This bill, which is long overdue, provides that after 1959 the Government will purchase meat only from packers who use humane methods in all of their plants. The bill states as national policy that livestock must first be rendered insensible to pain before being killed.

Introduced by Congressman W. R. POAGE, who has studied the problems of humane slaughter at firsthand, the legislation is probably not as strong as most humane societies would desire. But its moderation acts as a sensible reason for approval, and indeed may prove to be more effective in the long run.

It provides an incentive for humane slaughter rather than a compulsory law, which some slaughterhouses might try to evade. Over 75 percent of the animals slaughtered in the United States are killed by packers with Government contracts. It is not likely that any firm would want to lose this business. Moreover, the possibility of economic hardship on smaller firms, which caused many Congressmen to initially hesitate, is now eliminated.

Humane slaughter methods, in use in Europe for over a quarter of a century now, have proved eminently economical and efficient. The Remington humane-stunner, the

captive-bolt pistol, the Hormel carbon dioxide tunnel, and other cheap and functional methods of anesthetizing animals are completely feasible, and should have been adopted long ago.

Let's hope the Senate approves the bill and allows the Secretary of Agriculture to invoke these methods which are clean, swift, and the mark of a truly civilized society.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum. This will be a live quorum, I may say.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Aiken	Fulbright	Martin, Pa.
Allott	Goldwater	McNamara
Anderson	Green	Morse
Barrett	Hayden	Morton
Beall	Hennings	Mundt
Bennett	Hickenlooper	Murray
Bible	Hill	Neuberger
Bricker	Hruska	O'Mahoney
Bridges	Humphrey	Pastore
Bush	Ives	Potter
Butler	Jackson	Proxmire
Byrd	Javits	Purtell
Capehart	Jenner	Revercomb
Carlson	Johnson, Tex.	Robertson
Carroll	Johnston, S. C.	Russell
Case, N. J.	Jordan	Saltonstall
Chavez	Kefauver	Schoeppel
Church	Kennedy	Smathers
Cooper	Kerr	Smith, Maine
Cotton	Knowland	Smith, N. J.
Curtis	Kuchel	Sparkman
Dirksen	Langer	Stennis
Douglas	Lausche	Symington
Dworshak	Long	Thurmond
Eastland	Magnuson	Thye
Ellender	Malone	Wiley
Ervin	Mansfield	Williams
Flanders	Martin, Iowa	Young

Mr. MANSFIELD. I announce that the Senator from Pennsylvania [Mr. CLARK], the Senator from Tennessee [Mr. GORE], the Senator from Florida [Mr. HOLLAND], the Senator from Georgia [Mr. TALMADGE], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

The Senator from Delaware [Mr. FREAR] and the Senator from Oklahoma [Mr. MONRONEY] are absent on official business attending the 49th Congress of the Interparliamentary Union as delegates at Rio de Janeiro, Brazil.

The Senator from Arkansas [Mr. MCCLELLAN] is absent because of a death in his family.

Mr. DIRKSEN. I announce that the Senator from South Dakota [Mr. CASE] and the Senator from West Virginia [Mr. HOBLITZELL] are absent because of official business having been appointed by the Vice President to attend the 49th Congress of the Interparliamentary Union in Rio de Janeiro.

The Senator from Maine [Mr. PAYNE] is necessarily absent.

The Senator from Utah [Mr. WATKINS] is detained on official business.

The PRESIDING OFFICER (Mr. MCNAMARA in the chair). A quorum is present.

The question is on agreeing to the committee amendment in the nature of a substitute, which is open to amendment.

Mr. ELLENDER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Louisiana will state it.

Mr. ELLENDER. As I understand, the pending question is on agreeing to the committee amendment, which would strike from House bill 8308 all after the enacting clause. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. ELLENDER. I further understand that a vote "yea" will be to sustain the position of the Senate Committee on Agriculture and Forestry.

The PRESIDING OFFICER. That is correct.

Mr. HUMPHREY. Mr. President, the situation has become somewhat clouded because of an exchange of letters between constituents and Members of the Senate, to the effect that a humane slaughter bill which will be effective and will contain mandatory provisions is called the Humphrey amendment. But the situation is that the Humphrey amendment is the language of House bill 8308 as passed by the House of Representatives, although that language would be stricken out if the Senate committee amendment were agreed to.

Therefore, Senators who wish to support a humane slaughtering measure which provides for rules and regulations to be established by the Secretary of Agriculture will support House bill 8308, as it was passed by the House of Representatives, and thus will vote "nay" on the pending question, which is on agreeing to the amendment reported by the Senate committee.

Senators who favor the making of a 2-year study of slaughtering practices will vote "yea" on the question of agreeing to the committee amendment.

It is my intention to vote "nay."

Mr. CASE of New Jersey. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Jersey will state it.

Mr. CASE of New Jersey. If the pending committee amendment is rejected, then House bill 8308, as passed by the House of Representatives—or, in other words, the so-called Humphrey amendment—will still be subject to amendment, will it not?

The PRESIDING OFFICER. That is correct.

The question is on agreeing to the committee amendment in the nature of a substitute, which is open to amendment.

All in favor of the committee amendment will signify by saying "aye."

Mr. ELLENDER. Mr. President, on this question I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas (when his name was called). On this vote I have a pair with the senior Senator from Florida [Mr. HOLLAND], who is a member of the Committee on Agriculture and Forestry. If the senior Senator from Florida were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was resumed and concluded.

Mr. MANSFIELD. I announce that the Senator from Pennsylvania [Mr. CLARK], the Senator from Tennessee [Mr. GORE], the Senator from Florida [Mr. HOLLAND], the Senator from Georgia [Mr. TALMADGE], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

The Senator from Delaware [Mr. FREAR] and the Senator from Oklahoma [Mr. MONRONEY] are absent by leave of the Senate attending the 49th Congress of Interparliamentary Union at Rio de Janeiro, Brazil.

The Senator from Arkansas [Mr. MCCLELLAN] is absent because of a death in his family.

On this vote, the Senator from Pennsylvania [Mr. CLARK] is paired with the Senator from Georgia [Mr. TALMADGE]. If present and voting, the Senator from Pennsylvania would vote "nay" and the Senator from Georgia would vote "yea."

Mr. DIRKSEN. I announce that the Senator from South Dakota [Mr. CASE] and the Senator from West Virginia [Mr. HOBLITZELL] are absent because of official business having been appointed by the Vice President to attend the 49th Congress of the Interparliamentary Union in Rio de Janeiro.

The Senator from Maine [Mr. PAYNE] is necessarily absent.

The Senator from Utah [Mr. WATKINS] is detained on official business.

If present and voting, the Senator from Maine [Mr. PAYNE] and the Senator from Utah [Mr. WATKINS] would each vote "nay."

The result was announced—yeas 40, nays 43, as follows:

YEAS—40

Allott	Goldwater	Martin, Pa.
Barrett	Hayden	Morton
Beall	Hickenlooper	Mundt
Bennett	Hruska	O'Mahoney
Bricker	Ives	Russell
Bridges	Javits	Schoeppel
Butler	Jenner	Smathers
Capehart	Johnston, S. C.	Stennis
Curtis	Jordan	Thurmond
Dirksen	Knowland	Thye
Dworshak	Langer	Wiley
Eastland	Lausche	Young
Ellender	Malone	
Ervin	Martin, Iowa	

NAYS—43

Aiken	Green	Neuberger
Anderson	Hennings	Pastore
Bible	Hill	Potter
Bush	Humphrey	Proxmire
Byrd	Jackson	Purtell
Carlson	Kefauver	Revercomb
Carroll	Kennedy	Robertson
Case, N. J.	Kerr	Saltonstall
Chavez	Kuchel	Smith, Maine
Church	Long	Smith, N. J.
Cooper	Magnuson	Sparkman
Cotton	Mansfield	Symington
Douglas	McNamara	Williams
Flanders	Morse	
Fulbright	Murray	

NOT VOTING—13

Case, S. Dak.	Holland	Talmadge
Clark	Johnson, Tex.	Watkins
Frear	McClellan	Yarborough
Gore	Monroney	
Hoblitzell	Payne	

So the committee amendment was rejected.

Mr. NEUBERGER. Mr. President, I move to reconsider the vote by which the committee amendment was rejected.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota to lay on the table the motion of the Senator from Oregon to reconsider.

The motion to lay on the table was agreed to.

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

Mr. HUMPHREY. Mr. President, the language now in the bill is the House language, and there are required certain technical amendments, relating to dates which need to be changed. The House passed the bill at a date considerably earlier than this.

The PRESIDING OFFICER. It is necessary for the Senate to be in order before we can proceed. The Senate will be in order.

The Senator from Minnesota may proceed.

Mr. HUMPHREY. Mr. President, in the bill there are certain dates which need to be adjusted because the time the House acted was considerably earlier than the action being taken now on the part of the Senate. I shall send to the desk an amendment to make certain corrections, but I should like to explain that the bill as it was passed by the House required the Secretary of Agriculture on or before June 30, 1958 to promulgate the necessary rules and regulations to carry out the purposes of the act. It is now, of course, late in July, 1958. Therefore, such a directive must be changed. I am suggesting that the date be moved up to March 1, 1959. This was the suggestion made by some of my colleagues who felt that the Secretary should have adequate time in which to make whatever rules and regulations are desirable.

Second, Mr. President, the effective date of the legislation, insofar as the packers are concerned, with respect to complying with the requirements ir the bill as passed by the House, was December 31, 1959. While it might be possible for that to be done, I do not think it would be quite fair in terms of the time period between the date the Secretary sets the regulations and the date the packers must comply. Therefore, I am suggesting that the date be extended to June 30, 1960. This would mean there would be about a year and a half in which the packers would be given the opportunity to adjust their facilities. During the same period of time the study which was proposed by the Senate committee can likewise be undertaken.

I believe we can thus meet the requirements of the mandatory provision as well as the requirements of the study program.

Mr. President, I offer the necessary clarifying and technical amendments, and ask that they be considered en bloc.

The PRESIDING OFFICER. The amendments will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 2, line 24, it is proposed to strike out "December 31, 1959" and insert "June 30, 1960."

On page 3, line 17, strike out "December 31, 1959" and insert "June 30, 1960."

On page 4, line 8, strike out "June 30, 1958" and insert "March 1, 1959."

On page 4, line 16, strike out "July 1, 1959" and insert "March 1, 1959."

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. JOHNSON of Texas. Mr. President, in order that all Senators may be on notice, I should like to have the yeas and nays on final passage ordered now. Then Senators will be informed there will be a yea and nay vote.

The PRESIDING OFFICER. The yeas and nays have been requested on the passage of the bill. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota that the amendments proposed by him be considered en bloc? The Chair hears none, and the amendments will be considered en bloc.

The question is on agreeing en bloc to the amendments offered by the Senator from Minnesota [Mr. HUMPHREY].

The amendments were agreed to.

Mr. JAVITS. Mr. President, I offer an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 4, line 23, after the period, it is proposed to insert:

> Handling in connection with such slaughtering which necessarily accompanies the method of slaughter described in subsection (b) of this section shall be deemed to comply with the public policy specified by this section.

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

Mr. JAVITS obtained the floor.

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

Mr. JAVITS. I yield.

Mr. HUMPHREY. With respect to section 6 of the bill, it is my understanding that in the view of some of our colleagues section 6 does not completely cover what is desired. The language of section 6 reads in part as follows:

> To slaughter and prepare for the slaughter of livestock.

The protection would apply to both. It is my view and opinion that the language is adequate. I recognize there is a difference of opinion. There was a difference of opinion expressed in the other body.

I have no objection to the amendment offered by the Senator from New York. It seems to me the amendment will offer an opportunity, in conference, to clarify this point beyond the shadow of a doubt.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. JOHNSON of Texas. Will the Senator explain for the information of the Senate the purpose of the amendment and what it would do?

Mr. JAVITS. I was going to suggest that normally one would sit down after such a pleasant reception, but in this case I do not feel I have any business in so doing. This is a matter of deep feelings of many people, as those who listened to the debate have heard.

Insofar as one can, under the existing parliamentary situation, I am trying to go some distance toward allaying the fears of those who may entertain fears. I hope the Senate will understand the fundamental situation.

First, my amendment proposes that not only slaughtering but also handling should be encompassed within the exemption. That was not by any means clear, and it is not clear as a matter of religious law that handling is regulated by the Jewish practice of shehitah, as is slaughtering. Nevertheless, one is so intimately connected with the other that I do not believe the legislative intent, which I think is clear both in this body and in the other body, would be fully realized unless the exemption were complete. I feel this is the fundamental intention of the Senate and of the other body. Hence, I am trying to articulate in words a complete exemption, in terms of those who will not eat meat unless it is slaughtered by ritualistic practices, in order to protect the practice rather than to concentrate strictly upon the letter of the rabbinical law which might be involved.

As I say, I think that is the fundamental disposition of the Senate.

As to the essential question involved, let us all understand the Jewish practice with respect to slaughtering.

Mr. CASE of New Jersey. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senator will suspend until there is order in the Chamber.

The Senator from New York may proceed.

Mr. JAVITS. Mr. President, the practice in respect of slaughtering which is called shehitah has had for centuries the sanction of Jewish law which was premised upon humaneness. Few Members were present in the Chamber, unfortunately, when I explained the matter in great detail earlier. Suffice it to say, as early as the time of Moses, the Bible reports that Moses had his first altercation with the Egyptians of his time because of their cruelty to domestic animals, and that one of the reasons the Lord loved Moses, according to the Old Testament, was his kindness to animals. So the practice came down in terms of law with respect to a method of slaughter, long before such a thing was thought of by other peoples. It was a method of slaughter which was humane, surrounded with careful preparation of the knife and a perfectly amazing understanding of anatomy, in terms of the days in which this practice came about. The procedure, as well as anybody could devise, was quickly and without pain to kill the animal to be slaughtered. The men who practiced this art were either so trained as to be qualified as rabbis, or were actually rabbis. A very careful check was made upon the duration of the license they had to practice the art.

The important thing is that representatives of the Orthodox groups who testified before the committee had very deep convictions on this subject, representing the tradition of centuries. The

conviction is this: It has been the tradition for centuries that the first area of suppression of Jews has always been the area of suppressing the ritualistic slaughter practice. This goes back centuries, and reached a climax in the period of Adolf Hitler, when among the first things tackled in order to suppress Jewish life was the Jewish practice of slaughtering.

In other days—and even today—agitators and demagogs of one kind or another, in their drive against the ritualistic slaughter, have identified themselves with humane slaughter, whereas, as a matter of fact, the method of kosher slaughter itself is highly humane. That was the effect of the testimony before the committee.

The Orthodox groups feel that the very essence of our society is religious freedom. The moment the Government is on the positive or negative side, we are capable of impairing the complete freedom of the practice of religion. Some Government inspector, some Government regulation, some intrusion, even on the negative side, will manifest itself with respect to the practice of this freedom.

That is why I voted as I did upon the question before us, in the hope that the intervening period of time could be devoted to careful study and analysis, which would satisfy the deeply held conviction of a small minority. Nevertheless, small minorities in this country are very dear to us, and we exert ourselves to help them.

Now we come to the essence of the proposal of the Senator from Minnesota. The bill contains provisions with respect to kosher slaughter both in section 2 and section 6. Section 6 is a broad statement of principles. Section 2 is the specific operation of the law in respect to the mechanics of humane slaughter, as defined by the bill.

The bill does not deal with handling. As a matter of fact, the exchange of letters which appears in the House RECORD, and which may appear in the Senate RECORD—I do not know exactly what the Senator from Minnesota placed in the RECORD—demonstrate that handling was not within the contemplation of the authors of the exempting amendment in the other body—at least, not to the extent that it was translated into the language of the bill. Therefore, faced with the parliamentary situation that was before us, in the endeavor to make the exemption crystal clear, I have offered this amendment, which the Senator from Minnesota has very graciously accepted.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CASE of New Jersey. First of all, I express my thanks to the Senator from New York and my appreciation of the generosity and understanding of the Senator from Minnesota in agreeing to accept the amendment, which I heartily support.

I have prepared an amendment, which is at the desk, to accomplish the same purpose. It is an amendment to section 6 of the bill. I feel that, as a technical matter, it would be desirable to adopt not only the amendment of the Senator from New York to section 2, but my amendment to section 6, to make it very clear that nothing in section 6, which is a little fuzzy at present, conflicts with this exemption.

Therefore, I ask the Senator from New York to permit me to join to his amendment my amendment to section 6; and I ask the Senator from Minnesota if he is willing to accept the joined amendments.

Mr. HUMPHREY. Mr. President, in the first place there is no need of any amendment at all. Second, there is less need of amending the bill twice. I believe that the amendment of the Senator from New Jersey is directed to the proper place, if we need an amendment. Section 6 is the clause specifically aimed at protecting religious freedom. It provides as follows:

SEC. 6. Nothing in this act shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group to slaughter and prepare for the slaughter of livestock in conformity with the practices and requirements of his religion.

That is a clear protection. If there is need for further clarity, it seems to me that it should be in section 6, and not in section 2.

Mr. CASE of New Jersey. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. CASE of New Jersey. I feel that it is proper to amend the bill, and perhaps most desirable to amend section 6, to make it clear that the exemption there granted refers not only to the practice of ritualistic slaughter, which, as the Senator from New York has pointed out, is specifically prescribed by religious law, but also to the preparation and handling, such preparation being perhaps not so clearly prescribed by religious ritual. Therefore section 6 should be amended.

However, I feel, as does the Senator from New York, that there is nothing wrong about making it clear in section 2, the enacting section, that such preparation and handling are exempted. So I hope the Senator from Minnesota will be willing to take these two amendments to conference.

Mr. JAVITS. That would be satisfactory to me. In the conference process the details could be agreed upon. The legislative intent would be very clear if both amendments were accepted. If the Senator from Minnesota is willing, I am glad to accept the amendment of the Senator from New Jersey as a part of my amendment.

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

Mr. JAVITS. I yield.

Mr. HUMPHREY. Some of my colleagues on this side of the aisle are of the opinion that the amendment is not needed. I stated earlier that the express intent was spelled out in section 6 of the bill. What I believe to be the legislative history of the bill was developed quite adequately in the other body, and in our earlier discussions in the Senate. I understood at that time that no amendment would be offered. I have no particular personal objection to the amendment, but there are those who feel that it would clutter up the bill.

The PRESIDING OFFICER. The Parliamentarian informs the Chair that unanimous consent would be required to join the two amendments, because they relate to different sections of the bill.

Does the Senator from New Jersey desire to ask unanimous consent that that be done?

Mr. CASE of New Jersey. Mr. President, I ask unanimous consent that my amendment be added to and made a part of the amendment of the Senator from New York, with his consent.

The PRESIDING OFFICER. Is there objection?

Mr. ANDERSON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. AIKEN. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. AIKEN. Let me say to the Senator from New York that, as one of the members of the committee who voted to support the original bill, which is sponsored and supported by the Senator from Minnesota, I thought the provisions of the bill amply protected religious ritual; and until the Senator from New York raised the question, I still thought so.

Furthermore, I felt that the addition of any amendments to the bill might delay its final passage, even if it did not obstruct final passage.

However, since the Senator from Minnesota has already brought about a change in the Senate committee version of the bill, I can see no harm in adding the amendment of the Senator from New York, if he feels that it is needed to protect the religious ritual of the Jewish people. I see no objection to it, and will vote for it.

Mr. JAVITS. I thank the Senator.

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

Mr. JAVITS. I yield.

Mr. POTTER. I concur in the amendment offered by the Senator from New York, and also the amendment referred to by the Senator from New Jersey.

I know that many Orthodox Jews are greatly concerned over what interpretation might be made in the future with respect to the ritual in connection with the slaughtering of animals. If the only objection to the Senator's amendment is that it is already provided for in the bill, I can see no objection to either the amendment of the Senator from New York or the amendment of the Senator from New Jersey. I hope the committee will accept both amendments.

Mr. JAVITS. Mr. President, I invite attention to page 245 of the hearings, where Senators will find a letter addressed to the chairman of the Committee on Agriculture and Forestry. The letter is signed by R. L. Farrington, general counsel, United States Department of Agriculture. The last sentence reads:

For the reasons heretofore indicated, however, there is serious question whether the exemption would extend to the handling of livestock in connection with slaughter when the livestock products are intended for other purposes.

In an exchange of letters between the Senator from Minnesota [Mr. HUMPHREY] and representatives of Jewish groups——

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). The Senator from New York will suspend until the Senate is in order. Senators will desist from conversation. The Senate will be in order.

The Senator from New York may proceed.

Mr. JAVITS. In an exchange of letters between Representative POAGE and the same groups the point was constantly made that handling was not included, but that the provision related to ritualistic slaughter. I divine the feeling that the exemption should be made complete in terms of the people who feel very deeply about shehitah slaughter, for reasons of tradition, as I explained earlier.

The purpose of my amendment and the purpose of the amendment of the Senator from New Jersey, which I wish could be accepted as a part of my amendment under the parliamentary situation, is to make that exemption complete. There is no question about that. I believe that is what we want to do and what we ought to do today, in all fairness and based upon the testimony before the committee as to the humaneness of this method of slaughter.

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

Mr. JAVITS. I believe I should yield first to the Senator from Rhode Island. Then I shall be happy to yield to the Senator from Minnesota.

Mr. PASTORE. I wish to compliment the Senator from New York for the splendid way in which he has stated his position. He has done it with clarity and simplicity and with great sincerity. A great many people in my State have spoken to me of their very strong convictions about this matter. When we begin to legislate and reach out and seem to touch, whether it be by implication, inference, or otherwise, the sensitivity of religious groups in their belief, we ought to be very careful that we do not offend anyone.

I believe the suggestion which is being made by the Senator from New York is fair. If it is redundant in any way, correction can be made in conference. All the Senator from New York is suggesting is that the two amendments be taken to conference. If it is felt that the bill does not put the proper umbrella over the convictions of a certain group, or groups, who sincerely believe in their religious rituals, I see no harm in accepting the amendments and taking them to conference. If the matter needs clearing, it can there be made abundantly and effectively clear. We will have made a legislative record whereby there will be no doubt in anyone's mind that we have no intention of offending anyone in his religious convictions.

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

Mr. JAVITS. I now yield to the Senator from Minnesota.

Mr. THYE. As one who served on the subcommittee and who conducted some of the hearings when representatives of religious groups were before the committee and stated their objections to certain provisions of the bill, which testimony brought about the committee amendment to the bill, I can say very frankly that one reason for my supporting the committee amendment was simply that it seemed to me the bill, without the committee amendment, conflicted with the religious convictions of some people in the country. The foundation strength of these United States is the respect we have for one another's religious convictions. I for one would never vote for any legislative enactment which would in any sense offend the religious conviction of any person. It was for that reason that I supported the committee amendment.

The other reason was that there is not sufficient information available relating to the captive bolt pistol as a method of rendering an animal senseless. I know enough about the handling of livestock to be aware that anyone who undertakes to make an animal senseless with a captive bolt pistol has a job on his hands. I am referring to the pistol, and the problem of trying to get the pistol aimed at the head of an animal in a chute, when the animal has already become excited because of being driven into the chute.

I sat in two subcommittee meetings when I was the only Senator present, and I conducted the hearing when more than 20 rabbis begged the committee not to take any action which would impinge on their religious convictions. I felt we were justified in reporting the committee amendment.

The PRESIDING OFFICER. The Senator from Minnesota will suspend until the Senate is in order. The Senator from Minnesota cannot be heard. Senators will desist from conversation. The Senator from Minnesota may proceed.

Mr. THYE. For that reason also I supported the committee amendment. The Senator from New York is asking only for what is proper. He is asking that the proposed amendment be taken to conference. It is not right to give a great many people the impression that what they have been taught in their religious beliefs is being placed in jeopardy by a legislative proposal passed by the Senate.

Mr. JAVITS. I thank the Senator.

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

Mr. JAVITS. I yield.

Mr. MORSE. I should like to have the attention of the Senator from Minnesota and the Senator from New York. I may be treading where angels fear to tread; but I am no angel. I voted against the committee amendment because I believe the record on the bill is a very complete one. The basic controversy seems to be over the issue which has been mentioned by the Senator from New York. I wish to raise two questions in regard to it, in order to have his advice and counsel before I vote on the amendment.

We all know that representatives of the Orthodox Jewish faith have conferred with many of us. We have before us not only a question of their deep religious beliefs, but also the question as to what is humane slaughter.

I believe it goes without saying that basic in the Jewish faith is a tenderness and a kindliness and a humane attitude toward dumb beasts. There is certainly no basis for any assumption that the Orthodox Jewish religion seeks to use any method of slaughter which in our day would be considered inhumane.

I may say to the Senator from New York that the question which has been raised by some Orthodox rabbis with the senior Senator from Oregon in regard to an exemption, may seemingly give the impression, although false, that this group of Jews is seeking some sort of exception to humane slaughter. I believe we ought to keep the record perfectly clear on this question, because I know that no greater disservice could be performed by us to the Orthodox Jews of America than to let legislation go through the Senate which offers a basis for the allegation that we have provided the Orthodox Jews with an exception to a humane slaughter bill.

I do not believe we can stress that point too much. The record ought to be crystal clear on that point. Recently as this afternoon some Orthodox rabbis expressed to me their great concern about it. It is true that they wished to postpone the consideration of the bill for further study. However, as a legislator I must come to a decision this afternoon as to whether we have sufficient facts in the record on which to base our decision whether the bill should be passed or defeated—either one, depending on the will of the Senate.

I am satisfied we have the record, and we ought simply to come to grips now with the one issue which seems to me is the stumbling block in the path of the thinking of many of us. If the amendment provides an exception for the Orthodox Jews of the country, so far as humane slaughtering is concerned, I shall vote against the exception because, as a matter of public policy, in my judgment, we should pass legislation that provides for humane slaughtering everywhere in the United States.

I do not accept the notion that religious freedom entitled anyone to indulge in inhumane slaughtering practices. But I am satisfied that the bill as worded, although it will be strengthened, if I understand the purpose of the amendment of the Senator from New York correctly, protects the Orthodox Jews in their present ritual, in that their present ritual conforms to the humane slaughtering criteria of the bill. I desire to be advised as to whether I am right or wrong about that.

That leads me to the technical slaughtering question, about which I am not well informed. I should like to have either the Senator from New York or the Senator from Minnesota, or some other Senator, advise me in regard to it. Am I correctly informed that under the ritual of the Orthodox Jews there is a deep

belief that in order to meet the slaughtering requirements, which for centuries have been traditionally a part of the faith and for which there are some very interesting historical background reasons, the animal should be bled to death; and that under the bill, the bleeding could still take place, but there would be a requirement that the animal first be stunned? In other words, that the bleeding take place while the animal is in a stunned condition, and that, therefore, technically the ritual requirement of the Orthodox Jewish faith is met under the bill.

As I understand, the Senator from New York seeks only to make that understanding perfectly clear by his amendment, and the amendment does not, in effect, make an exception for the Orthodox Jews in relation to other slaughtering methods in this country.

Mr. JAVITS. If the testimony before the committee is evaluated, the case is made by the Orthodox Jewish group citing ample scientific evidence that the method of slaughter in which they engage is already humane as indeed it must be to be in accord with the philosophy on which it is based. This was the basis, as I understand, upon which the committee in the other body acted.

I assume it is the basis of the record on which the Senate has acted.

Mr. THYE. Mr. President, will the Senator yield? Has the Senator from New York finished?

Mr. JAVITS. I have not finished, but I am glad to yield.

Mr. THYE. I thank the Senator from New York.

In the committee hearings, when the question was raised whether it was more humane to bleed an animal to death than it was to try to stun it before the bleeding, neither the veterinarians nor anyone else was able finally to determine which was the more humane method.

I went into the committee room with an open mind and sat through the extensive hearings. I was shown a captive bolt pistol. Any Senator who has handled livestock and has endeavored to get in front of an animal's head when the animal has already been excited by handling in the various chutes through which it is necessary to drive it, and then takes a captive bolt pistol and tries to strike the head of the animal, knows he has to pull the trigger. If he pulls the trigger at the time the animal turns his head, and happens to hit the animal in the eye or upon the ear or somewhere else, what has he done? Has he stunned the animal? No; he has incensed or crazed the animal.

Which is worse? To let a man who has become quite proficient at swinging a hammer hit the animal with a sledgehammer, and have just as good a chance of hitting the target of the head of the animal, or to let him try to use a pistol which has a captive bolt, and actually try to shoot the animal in the forehead?

After sitting through the hearings, I have finally arrived at the conclusion that I am not certain whether the captive bolt is the proper way to stun an animal.

I know the gas chamber is a proper way, so far as concerns what the animal looks like when it comes out of the chute, because I have stood in the Hormel plant in Minnesota and watched animals come into the building and be conveyed to the chamber. I heard no sound. I saw the animal come out at the other end of the chute, lying as senseless as an ear of corn or a cordwood stick.

I do not know what happened in the mind of the hog in the chamber. I know I did not volunteer to follow the hog in there, because I was not certain what my own reaction would be inside the chamber. I do not know what the hog's was. The veterinarians did not tell us what the hog's thoughts were while it was going into the chamber.

All of those were questions as to which I could not make up my mind. I finally came to the conclusion that since there were 30 rabbis in the hearing room, all of them excited, not knowing whether they could accept the language because they did not know whether it would interfere with their religious convictions or not, I would not be the one who would disturb that particular group of people in this land.

Then, when I asked the veterinarians which was the proper way of making an animal senseless, they could not answer me.

So the best I could do was to set a positive time in which the industry would have to determine the method by which they intended to make the animal senseless, and in a manner which would satisfy a certain Jewish body's religious convictions.

That was why I voted as I did. I have answered more mail on the question of humane slaughter than I have on mutual security or military appropriations in the course of the past months. I expect to answer many more questions on humane slaughter in the future.

I am simply saying that the foundation upon which the strength of America was built is that we respect one another's religious convictions, and that we will not in any sense disturb or jeopardize any person's right to worship God in the way he learned to do it at his mother's knee. I am not one who wishes to interfere with the practice of his religion by anyone who worships God as he learned to do it at his mother's knee.

That is why I voted for the committee amendment. It is only a matter of less than 18 months until the industry must decide what it will do or else be compelled to act.

Mr. JAVITS. Mr. President, I should like to finish my reply to the Senator from Oregon [Mr. MORSE].

I think the groups in this particular area which appeared and testified in opposition did not feel they could accept any bill which did not contain such an amendment as I have offered. Their position was clear and precise. The minute the Government intruded into this problem, they felt there was an impairment of their exercise of religion. That was the situation we faced up until about 20 minutes ago. Now the Senate has expressed itself in correlation with the House.

Now the very same groups will not have an opportunity to appear and testify before the committee again. The bill will roll right into conference from here. Therefore, I am trying, I assure my colleague—it is not a happy job—of my desire to keep all the doors open, so that in the conference, at least, what might have been done in the committee room will be capable of accomplishment.

If my amendment shall not be accepted, then the provision will stand exactly as it is.

Those to whom I have reference have not even addressed themselves to whether the bill is satisfactory. The only thing we have is an exchange of correspondence in which A asked B, to wit, the author in the other body, whether this language is acceptable, and B said "No."

I could not even get them to tell me the amendment was satisfactory. All I am trying to do is to give the conferees an opportunity to consider the matter, now that the group in question must cope with the reality of the situation, so that the parliamentary situation will not foreclose them.

If anyone can think of a better procedure, I shall be delighted to have him state it.

Mr. HUMPHREY. Mr. President, will the Senator from New York yield to me?

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Does the Senator from New York yield to the Senator from Minnesota?

Mr. JAVITS. I yield.

Mr. HUMPHREY. First of all, let us get the record straight. The bill as passed by the House of Representatives will not be operative until 18 months have passed. The study bill would have been operative in 2 years. So the difference is only 6 months.

Furthermore, the Department of Agriculture has had years in which to make the study. Nevertheless, those who have been objecting to the bill ask for more time for study. Two years ago, when we were considering a bill which provided for 5 years of study, the opponents of the pending bill were even opposed to that proposal.

Furthermore, in response to the question asked by the Senator from Oregon let me say that subsection (b) of section 2 is an affirmative finding by the Congress, to the effect that the slaughtering method known as kosher slaughtering is a humane type of slaughtering within the statement of public policy set forth in the bill. Testimony on that subject has been taken; and in that connection I refer my colleagues to the testimony taken in 1956, as set forth on pages 142 through 145. That testimony was given as a result of scientific study.

So, when some say they have not heard anyone comment on whether the kosher method of slaughtering is humane, let me point out that there is no denial that there was presented before the committee testimony that that method of slaughtering, as described in subsection (b) of section 2, falls within the modern definition of humane slaughtering.

Of course, no method of slaughtering is particularly kind; the question is one of degree.

But in the case of the amendment which is being offered, I believe it should be noted that section 6 of the bill does not apply only to the Jewish faith; instead, it applies to any religion or any religious faith, and it provides an exception based on the fact that Congress simply cannot make a law which would deny religious freedom, for such a law would be unconstitutional.

Therefore, section 6 is an expression of intent, so as to make perfectly clear that there will be no infringement at all upon religious freedom, since an infringement upon religious freedom would be unconstitutional.

So the bill contains an affirmative finding in favor of kosher slaughtering, although no exemption is given to it as such.

Mr. ANDERSON. Mr. President, will the Senator from New York yield to me?

Mr. JAVITS. Of course. But, first—so the Senate will understand my objective; and apparently the Senator from Oregon does understand it, regardless of whether he agrees with me—I should like to read my amendment, as follows:

Handling in connection with such slaughtering which necessarily accompanies the method of slaughter described in subsection (b) of this section shall be deemed to comply with the public policy specified by this section.

In short, I, myself—and I say this honestly—I have not received any help; I have not even had the help of the groups which this amendment is designed to help—I drafted a provision which I hope will keep the door open, so the enforcement will be confined to the enforcement of what I believe this body and the other body intend.

Mr. MORSE. Mr. President, will the Senator from New York yield to me?

Mr. JAVITS. I yield.

Mr. MORSE. Let me say that I never would be a party to a restriction of a religious faith. But I respectfully dissent from one comment the Senator from Minnesota [Mr. HUMPHREY] made, namely; that it would be unconstitutional to prohibit a religious practice. Certainly that is not the case, at all.

Mr. HUMPHREY. If I said that, I was in error, I admit.

Mr. MORSE. Under the Constitution, any interference with a religious faith is prohibited.

Certainly I have no desire to interfere with kosher slaughtering methods. I merely raise the point of whether the bill, as it came to us, and the Senator has cleared up the point for me, covers kosher-slaughtering methods. Now that point has been cleared up.

Mr. HUMPHREY. That is correct.

Mr. MORSE. Next, I ask whether an exception was requested. If that point has already been covered, then I raise the policy question of whether it is wise to seem to give the impression that we would be making an exception.

Mr. HUMPHREY. I think the Senator's point is quite valid.

Mr. ANDERSON. Mr. President——

Mr. JAVITS. I am glad to yield to the Senator from New Mexico.

Mr. ANDERSON. I wish to ask the Senator from New York two questions:

First, did the Senator from New York present or submit the amendment, or did anyone else submit a similar amendment, to the Committee on Agriculture and Forestry, when the committee was trying to wrestle with this matter?

Mr. JAVITS. The answer is "no"; and in extenuation of my position, I can only refer to the frank explanation I have given to the Senate; namely, that one who tried to handle this matter could not obtain help from anyone else.

Mr. ANDERSON. I understand.

Certainly the Congress has been wrestling with this problem for many years; this is not the first time it has been encountered.

Furthermore, in the Department of Agriculture the problem has been wrestled with for round after round after round.

Does the Senator from New York know whether Orthodox Jews, in their testimony before the committee, stated that they could not find words to express the exact desire they have had in reference to this matter?

I think the chairman of the committee has so testified; and I believe that is so.

I only say to the Senator from Minnesota and to other Senators who may be interested that if they wish to kill the bill, this is a good way to start killing it.

Mr. HUMPHREY. I hope the Senator from New Mexico understands that I do not want to kill the bill.

Mr. ANDERSON. Of course I realize that.

At one time I intended to vote for the committee amendment. However, I believe that the Senator from Minnesota and the Senators associated with him have come up with a provision which offers as good a solution—in other words, to provide that the study be made for 18 months, rather than 2 years.

At one time I had the delicate responsibility of trying to operate every slaughterhouse in the United States, because at that time the Government had taken them over and the Department of Agriculture operated them. I found that a great many religious practices were involved.

I do not care to be in the position of having to arbitrate a fight between 2 religious groups, because that would be worse than trying to arbitrate a fight between 2 brothers.

I say that we should either pass this bill as it now stands or recommit it, for further study.

Everyone who has tried to arrive at an acceptable legislative provision in connection with this matter has found it impossible to find words upon which all the groups involved would agree. I imagine that thousands of such attempts have been made; and each time one group or another has refused to accept the language proposed.

If the bill goes to conference, it will be wrangled with until too late in the session for a conference report to be agreed upon by the conferees and then to be agreed to by both Houses.

At one time I told the Senator from Louisiana that I would support his position; and I thought he did the right thing in reporting the committee amendment. But then I found much opposition to it. So I said, "Very well; if others can work out the problem, let them go ahead and do so; and let those who say that the provision will imperil the groups they represent or the groups in which they are interested show in 18 months how it will imperil them."

I think the provisions proposed will protect the handling.

The Department of Agriculture has wrestled a dozen times with the problem of finding an acceptable solution, and representatives of the religious groups have tried to find an acceptable solution. But every time, the attempts end in controversy.

Is the Senator from New York familiar with the fact that when the representatives of the Orthodox Jews were asked to submit language which would be acceptable to them, they said they were unable to propose language which they thought would be acceptable for inclusion in a slaughtering bill?

Mr. JAVITS. Yes; I have stated the reason for that position, which is that any legislation at all would be so contrary to their position that they could not suggest anything in the way of an amendment, and they would not.

Mr. ANDERSON. That is correct.

Mr. JAVITS. Or perhaps they could, but they would not.

Mr. ANDERSON. Then why not simply vote against the bill?

Mr. JAVITS. But now we are faced with a new situation, namely, that a bill on this subject will be passed.

All I am trying to do is make it possible for the Congress to pass a bill which will include provisions under which these groups can operate.

The Senator from Minnesota already has submitted amendments. In view of the adoption of the amendments, the bill must go to conference, unless the other body accepts the Senate's version of the bill. But if the other body does not accept the amendments which have been agreed to by the Senate, the bill, as thus amended, will have to go to conference.

However, in connection with proposed legislation in this field, there never has been a time when the Senate and the House were fairly close together.

So I say we should at least leave this door open, so those who have deep feelings on this subject—even though they are a minority; nevertheless, even a minority is entitled to consideration—may have an opportunity to have provisions under which they can operate enacted into law. Therefore, I urge that the bill which will be passed be put into the shape which the other body and which the Senate believes it should be in, to wit, so that the bill will provide that ritualistic slaughter shall not be subject to the regulations of the Department of Commerce.

That is what I have requested; and I believe that such a provision is in accord with the spirit of the bill as passed by the House of Representatives.

Assuredly, one can conjure up all kinds of objections, including the one that an effort is going to be made to kill the bill;

but there has been a majority vote in the Senate. From what I know about the legislative practices, this bill is going to pass both Houses at this session. At least, let us give an opportunity to those who feel so deeply about the question to have something to say about the provision which will be made for them.

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

Mr. JAVITS. I yield.

Mr. HICKENLOOPER. I should like to ask the Senator from New York if he has given thought to what could or could not be a most significant step, that is, whether by the bill Congress is assuming jurisdiction, either affirmatively or negatively, to pass on a religious problem. I assure the Senator I believe Congress can do things affirmatively or negatively, but it makes no difference whether we make an affirmative assumption if we attempt to grant jurisdiction in a field that has to do purely and solely with a deep religious belief which has existed for ages.

Mr. JAVITS. I suggest to the Senator from Iowa that I argued the point at great length in laying before the Senate the position of the Orthodox groups, which was exactly as it has been expressed by the Senator from Iowa. But the Senate has gone beyond that point. We are faced with a realistic situation. I laid the other argument before the Senate in great detail. It was my privilege to do so. It was done fairly. That matter has been completed. Now we are dealing with a practical question. Now we are dealing with a situation in connection with which I am trying to give both sides an opportunity to have their position realized and dealt with.

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

Mr. JAVITS. I yield to the Senator from South Dakota.

Mr. MUNDT. As a member of the Committee on Agriculture and Forestry, which has studied this question and has held hearings on it during two sessions of the Congress, I wish to say the Senator from New York, who is not a member of the committee, responded to a question by the distinguished Senator from New Mexico as to whether or not an amendment of this type had been placed before the committee, and he rightly said, "No." But the Senator's amendment along this line, and other amendments, were discussed as an outgrowth of the hearings, and were considered at great length by the committee. We were confronted with the difficulty which now confronts the Senate—as to whether or not Congress can state the matter sufficiently well to preclude a perhaps overly ambitious solicitor from making a finding that this type of ritualistic slaughtering is covered by the act. It is pretty difficult to make a finding in a legislative act or by a committee as to whether any kind of slaughtering is humane or inhumane. I would assume use of a gas chamber is a humane type of slaughtering, because that type of execution sometimes is used for human beings. Then we run into the controversy of whether it is humane to the animal, but inhumane to the human beings who eat the flesh of that animal. Does it contaminate the meat, or does the so-called humane slaughter process have a destructive result on the edibility of the meat?

I have supported the chairman of the committee on the proposition that what we should do is have the matter studied at a high level, so a commission which had sufficient time to operate could bring before it religious leaders, veterinarians, health authorities, and scientists, in an attempt to arrive at a program which would be satisfactory to all.

I think we are flirting with dynamite when we try to legislate in a field which is as beclouded with fuzzy issues as this one is.

I agree the Javits-Case amendments make it a little clearer. Despite the attempt of the Senator from Minnesota to make it clear in the original bill, and in spite of the effort to make it clear on the floor of the House, it is quite obvious that just as it is unclear to Members of the Senate today it may well be unclear to a Government solicitor in the future.

I think we should be careful when we legislate in a field such as this. I have had a great many persons from the Orthodox Jewish faith come to me. I do not think we have one tabernacle in my whole State with a completely Orthdox congregation. We have tabernacles, but do not think they are of the Orthodox faith. I think, however, the members of this faith have made a good point. I listened to them. They were sincere. They were devotedly convinced that rituals of their particular religious faith were being placed in jeopardy by our action here. I do not think we do it intentionally, but in the enthusiasm of trying to adopt a good bill for some, we can, in my opinion, bring great injury to others.

I feel the Senate made a mistake when, by a very narrow margin, it declined the opportunity to have the bill studied under the preferred kind of circumstances suggested, where representatives of the Orthodox faith and of other religions could be heard, where they would know, a date having been fixed, Congress was going to enact some kind of a humane slaughtering process.

I do not know whether shooting an animal in the head is more humane than hitting him on the head with a hammer. If I were going to operate a pistol and aim it at a calf, I would rather, if I were a calf, take a chance with a hammer in the hands of my friends, who would probably hit more accurately than I would be able to shoot.

I shall support the amendment. I think it clarifies the bill. But I must confess, even with that clarifying language, I still think we are entering into a very tricky field, utterly unaware of what chain of circumstances may eventuate, because here among ourselves, men of good intention cannot agree to what is being actually said or implied.

I think if we are going to protect the practice of ritualistic slaughtering effectively, we can do it best by making the type of exemption the Senator from Oregon would not approve—simply say, "You are exempt." I think we would be on much firmer ground by saying, "You are exempt" when we have heard that veterinarians differ on the question of what is humane slaughtering, rather than run the risk some Government veterinarian or solicitor may decide that ritualistic animal killing is not humane.

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

Mr. MUNDT. I yield.

Mr. HUMPHREY. I wish to point out that in 1956, all the Senators who have spoken, with the exception of the Senator from New York [Mr. JAVITS], voted unanimously for a bill which defined humane slaughtering in the same language. In 1956 the Senate voted unanimously a bill recognizing kosher slaughtering as humane.

Is it not interesting, all at once, that most of those who now are so concerned about amending the bill have been opposed to it in the first place? Is it not further interesting that in the bill now before the Senate it is provided the committee to be appointed shall include representatives of religious group, slaughterhouses, and humane associations? That advisory committee is directed to advise the Secretary on further problems related to humane slaughter methods. Eighteen months is already provided for the advisory committee to make further suggestions to the Secretary of Agriculture, but it happened that the amendment we rejected provided for 24 months. That is a difference of 6 months.

I heard the Senator from South Dakota say that under the Senate committee amendment, we would have had a fine study for 2 years, and it would have been followed by action.

May I say, most respectfully, there is an advisory committee provided for under the language of the bill as passed by the House. The advisory committee would work by direction with the Secretary for the purpose of examining into further humane practices.

Mr. NEUBERGER. Mr. President——

Mr. JAVITS. I yield to the Senator from Oregon.

Mr. NEUBERGER. I should like to obtain the floor in my own right, to comment briefly upon the Senator's amendment.

Mr. JAVITS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. NEUBERGER. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order. Senators will desist from audible conversation.

The Senator from Oregon may proceed.

Mr. NEUBERGER. Mr. President, I should like to have the RECORD to show that in my opinion section 6 of the bill, as it came from the House of Representatives and as it is presently before the Senate, more than adequately protects any ritual slaughter. In my opinion the section is adequate, is effective, and is all that is vitally necessary.

I desire to say also that in all seriousness I think, before the issue is raised on the floor of the Senate that somebody's religious freedom is in danger, the problem should be thought through as to exactly what we mean. When I think of religious freedom I do not think of a way of slaughtering an animal or

a way of operating a hospital, but I think of how a person is going to commune with his or her Creator in a place of worship—in a church, in a synagogue, in a cathedral, in the great outdoors, or in any other place where that individual prays and worships.

I was a member of the State legislature in the State of Oregon for many years, as was my wife with me. We discussed this matter last night, and my wife reminded me that we had a spokesman at the Oregon Legislature of the Christian Science faith. The Christian Scientists were concerned about a good deal of State legislation which dealt with physical examinations in the schools, with requirements of vaccination of students, for cards which had to do with the examination of cooks and waitresses for tuberculosis, venereal disease, or other things which might be contagious with respect to food handling. But I want to say that the Christian Science representative in the Oregon State Legislature, to the memory of my wife and me, never came to us when he was interested in legislation which dealt with public matters, to claim that the religious freedom of the Christian Scientists was in jeopardy because of a particular piece of health legislation before the Oregon State Legislature. This was to his great credit.

He might not have agreed with the legislation. He might have suggested an amendment. He might have thought the bill as written in that particular detail was inadvisable. However, he never said to us, "This interferes with religious freedom."

I want to say I believe there is a difference between some custom in slaughtering an animal or some method of operating a hospital or requiring a food handler's card, and whether a man is free to go to church or other place of worship of his choice and to commune with his Creator as he sees fit. If any such legislation interfering with worship were proposed, of course it would be an outrage and contrary to all the traditions and legacies of this great country.

I think before the issue is raised on the floor of the Senate of the United States that religious freedom is in danger, everyone who proposes to raise the issue should think the matter all the way through; because the people who founded this country, when they thought of religious freedom, thought of it in terms of the valiant Pilgrim Fathers, who had to leave England because the soldiers of the Crown forcibly kept them from entering the church of their choice. That is what religious freedom has meant in the history of this country, and I do not believe we should use that term lightly when discussing this or any other proposed legislation.

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. CASE of New Jersey. Mr. President, I wish to add a word. I regret that it is not possible for the Senate to vote on the amendment offered by the Senator from New York and on my amendment at the same time. Both the amendments are directed toward the same purpose, and I think together they might do an adequate job. I feel that both amendments should be agreed to. Whether or not the amendment offered by the Senator from New York is agreed to, I expect to offer my amendment, and I hope it will be agreed to.

As the Senator from Rhode Island [Mr. PASTORE] said, Mr. President, I see no reason why we should not, if we can—and I know we can—so amend the bill as to maintain its essential purposes and avoid offending very deeply a minority, however small, which regards the matter with which we are here concerned to be essential to its religious faith and practices. That is the test, Mr. President. It is not a question of what we think another man's religion ought to be, but instead a question of what he sincerely and deeply believes is essential to his religious conviction, faith, and observance.

That, I am certain, is what is intended by the provision of the Constitution of the United States. Therefore, I hope very deeply, as one who voted against the committee amendment and for the language of the Humphrey amendment, which is the language of the House bill, that the amendment of the Senator from New York will be agreed to, and that thereafter my amendment to section 6 of the bill will also be agreed to.

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. O'MAHONEY. Mr. President, during the debate I have been reading the language of the bill as it passed the House. As I read the language, I cannot fail to wonder whether the Members of the Senate who voted to reject the committee amendment have also read it. The bill is not grammatical. The bill is not logical. It provides no certain definition. It is not a model of legal draftsmanship. It does not define humane slaughter. If it is enacted into law, it will become an instrument of creating litigation, rather than promoting humane slaughter.

It is only necessary, Mr. President, to read the language of the bill which is before us if we want to know what we are trying to put upon the statute books. I turn to page 1 of the bill as reported by the committee, with the lined type appearing on pages 1, 2, 3, 4, 5, and a good part of page 6, to set forth the measure as it passed the House. I ask my colleagues to indulge me while I begin to read from the language, beginning on page 1, line 11:

> It is therefore declared to be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

That is the end of section 1. One would imagine that somewhere in the bill there would appear language to define specifically what humane methods are. Do we find such language? No, we find only the pretense. We find a declaration of two methods which are said to be humane, and we find a declaration delegating to the Secretary of Agriculture the authority to determine what humane slaughter is.

Are we the legislative body, or is the Department of Agriculture the legislative body? Does anybody doubt the accuracy of my statement? Let us proceed to read further.

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

Mr. O'MAHONEY. I will yield in a moment.

Mr. HUMPHREY. The Senator wanted to know if anybody doubted the accuracy of the statement.

Mr. O'MAHONEY. Just a moment, please. I will not yield at this time.

I continue to read:

> No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane.

Apparently that is a restatement of the policy—

> No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane.

The next sentence reads:

> Either of the following two methods of slaughtering and handling are—

I am not being ungrammatical. This is the language of the bill—

> Either of the following two methods of slaughtering and handling are hereby found to be humane.

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

Mr. O'MAHONEY. I decline to yield at the moment.

> Either of the following two methods of slaughtering and handling are hereby found to be humane.

Of course, that should read "Either * * * is—"

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

Mr. O'MAHONEY. I decline to yield.

After the colon, we find language which purports to describe the humane method. Let us read it:

> (a) in the case of cattle, calves, horses, mules, sheep, swine, and other livestock, all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical, or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut;

What is meant by "other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut"? Three or four lawyers might gather to debate precisely what the meaning of that definition of humane slaughter is.

Now we come to line 15, subsection (b). I shall not read that, but shall content myself with calling attention to the fact that this is a paragraph which attempts to protect the kosher method of slaughtering. It does not say what it is. Otherwise, there would not be an amendment offered to it now. It is not clear. Neither is the amendment clear, because, as we have heard, there is disagreement among members of the Jewish faith as to what the system of kosher slaughtering should be, and how it should be described in words and figures.

We have now come to the end of section 2. Have we had a definition of "humane slaughter"? There is no such definition in subsection (d) because Members of the Senate this afternoon have been debating about the uncertainty of that language.

Mr. DOUGLAS. Mr. President, is the Senator asking a rhetorical question, or an actual question?

Mr. O'MAHONEY. This is a rhetorical question.

I proceed with my rhetorical analysis of the bill. We come now to section 3:

The public policy declared herein shall be taken into consideration by all agencies of the Federal Government—

Why does it not read "shall be followed by all agencies of the Federal Government"? That is too specific. That is too clear. That is too definite. That is too mandatory. So we are to have debating societies in all the agencies of the Government, to determine what humane slaughter is.

SEC. 3. The public policy declared herein shall be taken into consideration by all agencies of the Federal Government in connection with all procurement and price support programs and operations and after December 31, 1959, no agency or instrumentality of the United States shall contract for or procure any livestock products produced or processed by any slaughterer or processor which in any of its plants or in any plants of any slaughterer or processor with which it is affiliated slaughters or handles in connection with slaughter livestock by any methods other than methods—

Does it say "described in section 2"? No; that would be too clear. It goes off on another tangent—

methods other than methods designated and approved by the Secretary of Agriculture—

Are we a legislative body, or merely a debating society?

Mr. DOUGLAS. Mr. President, is that a rhetorical question?

Mr. O'MAHONEY. That is a rhetorical question.

Mr. DOUGLAS. We have the answers to the Senator's rhetorical questions.

Mr. O'MAHONEY. I have heard the answers before—

by any methods other than methods designated and approved by the Secretary of Agriculture (herein referred to as the Secretary) pursuant to section 4 hereof—

Nowhere is there any mention of section 2, which is the section immediately after the declaration of policy, which states that there are two methods which are humane. Concerning one of them we know that there has been disagreement, because it raises some sort of religious question.

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

Mr. O'MAHONEY. I decline to yield.

Mr. HUMPHREY. I merely wished to help the Senator.

Mr. O'MAHONEY. I know the Senator. I have had his help before.

pursuant to section 4 hereof: *Provided*—

Of course, we all know that when we have a proviso clause, we are dealing with something else—

Provided, That during the period of any national emergency declared by the President or the Congress, the limitations on procurement required by this section may be modified by the President to the extent determined by him to be necessary to meet essential procurement needs during such emergency.

Here we have another delegation. This is a delegation to the President. He can upset the whole apple cart. He can upset the whole scheme of humane slaughter. He can upset the whole humane slaughter idea, which is so indefinitely, and poorly defined and vaguely stated that no one can read the bill and tell what it means.

Mr. HUMPHREY. It is no problem at all.

Mr. O'MAHONEY. Reading further:

For the purposes of this section a slaughterer or processor shall be deemed to be affiliated with another slaughterer or processor if it controls, is controlled by, or is under common control with, such other slaughterer or processor. After December 31, 1959, each supplier from which any livestock products are procured by any agency of the Federal Government shall be required by such agency to make such statement of eligibility under this section to supply such livestock products as, if false, will subject the maker thereof to prosecution, title 18, United States Code, section 287.

There is an invitation to some lawyer—not in Congress, not on the committee staff, not in the Senate, not in the House—to draw up an affidavit which is false. How is he to determine whether or not it is false?

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

Mr. O'MAHONEY. Will not the Senator from Illinois indulge me? The Senator has had his day.

Mr. DOUGLAS. I have not spoken at all. I should like to know whether the Senator is addressing himself to the amendment in question, or to a decision which has already been made by the Senate, and with respect to which a motion to reconsider was laid on the table.

Mr. O'MAHONEY. The Senator is quite away from the point. I will make it clear as I go along.

So we have the authorization to some lawyer, somewhere, somehow, to draw up the affidavit. Then there will be a lawsuit whether the affidavit when signed before notary is or is not false. Then there will be another lawsuit.

One would think that all the contradictions in the bill would have been covered in two pages. But no. I read from section 4:

SEC. 4. In furtherance of the policy expressed herein the Secretary is authorized and directed—

(a) to conduct, assist, and foster research, investigation, and experimentation to develop and determine methods of slaughter and the handling of livestock in connection with slaughter which are practicable with reference to the speed and scope of slaughtering operations and humane with reference to other existing methods and then current scientific knowledge;

Here is language in the bill which authorizes the Secretary of Agriculture to make alterations after his research and study in accordance with scientific procedures not now being followed, but to be followed sometime in the future after he has made his studies.

The Secretary of Agriculture can change the whole procedure. Section 2 is being politely forgotten. Whoever drafted the bill was dealing in emotionalism. Humane slaughter. Of course that appeals to every person. We all want to be humane. I have even heard the Senator from Minnesota say this afternoon that no slaughter is humane. I believe he is right. This would be a good antivivisection bill. It would be a good vegetarian bill. It is not a practical bill. Why should the drafter of the bill have provided in section 4 (a) that the Secretary is authorized to "foster research, investigation, and experimentation to develop and determine methods of slaughter and the handling of livestock in connection with slaughter which are practicable with reference to the speed and scope of slaughtering operations"?

Then we go to subsection (b):

(b) on or before June 30, 1958, and at such times thereafter as he deems advisable, to designate methods of slaughter and of handling in connection with slaughter which, with respect to each species of livestock, conform to the policy stated herein.

Is that not a broad delegation of legislative authority, to define something which ought to be defined in the bill? It is a delegation to the Secretary of Agriculture to say what humane slaughter is. If we are to legislate with respect to humane slaughter, certainly the least we should do is make clear exactly what we mean.

Every person who has ever practiced law, every person who has ever acted as a prosecuting attorney, every person who has ever acted as defense attorney, every person who has ever practiced business law knows how extremely important it is that every statute and every contract should be clearly and specifically written so as to be understood clearly by all who are to be affected by it.

Mr. LANGER. He should have a bill of particulars.

Mr. O'MAHONEY. A bill of particulars. The Senator is quite right.

I read further:

If he deems it more effective, the Secretary may make any such designation by designating methods which are not in conformity with such policy.

What is the use of declaring the policy of the United States and then a little later in the bill saying that the Secretary of Agriculture, if he so desires, may designate methods of slaughter which are contrary to the policy set forth in the act?

Mr. DOUGLAS. Mr. President, is the Senator from Wyoming asking questions to which he wishes answers?

Mr. O'MAHONEY. I have learned from long experience that the best way to get a statement into the RECORD, and to set forth clearly the point which one wishes to make, is to pursue the statement and not permit interruptions which are sometimes—not by the Senator from Illinois, of course—designed to throw the speaker off the track. Knowing how skillful the Senator from Illinois is, I have decided that I shall make my statement first.

Mr. DOUGLAS. I may say that the Senator is already off the track, and I cannot help him any more.

Mr. O'MAHONEY. The Senator from Wyoming points to the silence in the Chamber as evidence of the fact that what he is saying is being understood by his colleagues. When I rose to make my statement the Chamber was a bedlam of conversation. Now Members of the

Senate who have gathered here are paying me the compliment of listening to what I am saying. For that I thank them very much.

I have read the bill we are being asked to make a law. It has been demonstrated, as I said at the beginning, that the bill is vague and uncertain and declares a policy and then repeals the policy; that it states what humane methods of slaughter are, and then it states that the President may upset them; then it delegates to the Secretary of Agriculture the right to adopt other methods.

That is no way to legislate. If Congress wishes to put a law on the statute books the least it should do is to take the trouble to make up its mind as to what it wants to put on the statute books. I say the measure before us is utterly unworthy of support by the Senate at this time.

I am not speaking upon the amendment offered by the Senator from New York [Mr. JAVITS] because that is obviously designed to clarify what the Senator from New York believes to be the unclear reference to the religious or ritualistic slaughter of animals. That in itself is an indication of the fact that the House sent to us a bill which is impossible of enforcement and which should not be enacted. I compliment the chairman of the Committee on Agriculture and Forestry and the members of the committee who supported him in reporting a proposed amendment. I feel very definitely that the pending measure, before the night is out, ought to be recommitted to the Committee on Agriculture and Forestry, where it should be studied by legislative experts who know their business, instead of by emotional persons, who merely say that something ought to be done in a practicable way to secure humane slaughter.

I am grateful for the attention which the Members of the Senate have given these few remarks of mine.

Mr. ANDERSON. Mr. President, I am interested in the bill from several standpoints, but I am particularly interested in the constant reference to the religious beliefs of individuals.

In the year 1919, I was appearing before the Legislature of the State of New Mexico as the director of the New Mexico Public Health Association, trying to have adopted a public health law. That law obviously contained provisions which were not satisfactory to everyone. The provision that a child must have a drop of a certain kind of medicine put in the eye at the time of birth was not satisfactory to the Christian Scientists; it was not completely satisfactory to the archbishop of the Catholic Church. Therefore, there is always the problem of trying to meet the religious objections which may arise. One does his very best to meet them, and if he succeeds, he is fortunate.

The reason I have worried about these amendments is that I think it is unwise to walk into the middle of a religious controversy which the persons concerned have not been able in any way to solve by themselves.

I refer to certain testimony on page 192 of the hearings. I can understand why, with this language before him, the able chairman of the Committee on Agriculture and Forestry [Mr. ELLENDER] was a little perplexed as to what he might do. At this point in the hearings Rabbi Sharfman was testifying. He said he was not acquainted with any of the nonkosher slaughtering houses. He continued:

> I am acquainted, however, with kosher slaughtering houses, and I and my colleagues as well have seen the restraint that is utilized prior to the actual slaughter sometimes involves hoisting for a period of about 1 minute, something which could not be said to be inhumane.

The colloquy continued as follows:

> The CHAIRMAN. And it is your contention that you would be prohibited from utilizing that method?
>
> Mr. SHARFMAN. It is my contention, Senator, that it is up to the discretion of the Secretary of Agriculture. Any method could be prohibited on his say-so, according to the provisions of the bill. That is within his discretion.
>
> The CHAIRMAN. I go back to the question I asked you a while ago. Is there a way by which language could be placed in this bill to entirely exempt you?
>
> Mr. SHARFMAN. Our basic difficulty with this bill, Senator, goes even deeper than our concern as a Jewish——
>
> The CHAIRMAN. I am not asking you that. I know that. I am asking you if there is any language that we can place in this bill that will entirely exempt you, irrespective of your feeling as to the other part of the bill?
>
> Mr. SHARFMAN. We know of no such language at the present time.

Later the question arose again. The witness who was testifying began to talk about what ran contrary to section 6. The chairman said to him:

> So that you as a lawyer don't know of any further language you could add to section 6 to make it certain that you would be entirely exempted?
>
> Mr BRENNGLASS. Not at the present time. We have given careful consideration——

The chairman then broke in and asked:

> Will you give it study and let me know?

I understand that no further language was proposed to the chairman.

It seems to me that day after day, hour after hour, back in April, the members of the Committee on Agriculture and Forestry tried hard to have those people submit some language. If they did not like what was in the bill, they could have proposed other language. It is my understanding that until this very afternoon, and this very late hour, no language has been suggested to the committee.

Now we are given language and are asked to accept it, and to take it to conference. The committee, in taking language to conference, will have to try to sustain the position taken by the Senate. That will mean it will be necessary to get the House to agree to it. Yet the members of the religious groups which were interested in this subject could not agree on the language among themselves. Why, then, should Members of the Senate and House try to force the proposal on any particular religious group?

The language in the bill, in my opinion, goes as far as it can go without offending one side or the other. Why any Member of the Senate should want to get into that kind of conflict is beyond me.

The Senator from Minnesota made a very definite statement a few minutes ago that provisions similar to those in the present language were adopted in 1956. There was no march on Washington then. The bill passed the Senate. I have never received, from a single person of the Jewish faith on one side or the other of the argument, any objection to the passage of that bill. There was no attempt to recall it or to stop the House from acting on it. The House bill was passed.

Mr. ELLENDER. The bill which was passed by the Senate was a study bill.

Mr. ANDERSON. Apparently the bill which was passed by the House contained this language.

Mr. ELLENDER. The Senate sent to the House a study bill, which was pigeonholed, and then, at this session, the House passed the unworkable bill which we are now considering.

Mr. ANDERSON. I thought the Senator from Minnesota said a bill was passed which included language of this nature in 1956.

Mr. ELLENDER. No; he was in error.

Mr. ANDERSON. I only say to the Senator that I know of no way by which we can satisfy everyone with that language. The House language, although the Senator from Wyoming [Mr. O'MAHONEY] has pointed out that it was not perfect, is at least language. I think if we start to tinker with the language, we may end where I assume certain people want us to end, by defeating the bill.

I have hoped that someday there might be a solution to the problem. The agitation has gone on for a long period of years.

Frankly, for a long time I was tremendously impressed with what the Senate tried to do to present a reasonable bill. But we apparently have got nowhere with it because of the agitation which has followed. I think we would be well advised to do what the Senator from Minnesota has suggested, get the persons who are interested to try to remedy the language and introduce a new element. I do not know where we will end, because the individuals who are involved do not seem to be able to agree among themselves.

On page 174 of the hearings at the end of the rather long statement which was presented by Mr. Isaac Lewin, in behalf of a large group, apparently, he said:

> We sincerely hope that you will resist the heavy propaganda campaign instituted to enact this uncalled-for legislation and reject S. 1497 which must, if passed, only disturb the religious feelings, impair the religious practice, and deny the religious rights of millions of bona fide, loyal, and honorable citizens of the United States.

Was not S. 1497 the study bill?

Mr. ELLENDER. The only bill passed by the Senate, as I recall, was a study bill.

Mr. ANDERSON. Later, on the same page, a statement was filed by Rabbi Isaac Stollman, and Rabbi Isaac B. Rose, on behalf of the Religious Zionists of America. Their conclusion was:

Despite this very strong feeling for humaneness in the treatment of animals, we must oppose the proposed humane slaughter bill now before the United States Senate Committee on Agriculture and Forestry, and specifically S. 1497 as amended, which is the companion bill of H. R. 8308.

If these differences of opinion exist, I think the best thing to do is to avoid them. I do not see any reason why we should want to vote for an amendment which apparently has not been endorsed by any of the religious groups. There is apparently no reason to believe that it would be accepted by anybody, unless it were for the sole purpose of killing the bill.

If there is a simpler method, it is simply to move to recommit the bill and to kill it. But under the circumstances, I think someone should come forward with some validation of the language. The chairman of the committee, the very able Senator from Louisiana, asked repeatedly in the hearings if there was any suggestion of language. That condition existed from April 28 through April 29 and 30 and May 1, 1958, and has continued until the present time, or to within a few days of what I hope will be the end of the 85th Congress. No one has come forward in all that time with language that, so far as I know, has had the blessing of any of the rabbis who appeared and testified concerning the bill.

As to sending the bill to conference, I think that is work which the Committee on Agriculture and Forestry might be spared, because some of those who seem to want the language could not agree on it among themselves.

I hope the amendments will not be adopted.

Mr. JAVITS and Mr. MUNDT addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. Mr. President, it was my intention to sum up in about 2 minutes, and then to let the Senate proceed to vote, but obviously the Senator from South Dakota wishes to discuss the measure, so I shall defer to him.

Mr. President, I yield to the Senator from South Dakota, provided I do not lose my right to the floor.

Mr. MUNDT. Mr. President, I do not expect to address the Senate at length. I call attention to some erroneous impressions which may have been left after the discussion by the Senator from Minnesota [Mr. HUMPHREY] and the Senator from New Mexico [Mr. ANDERSON].

Somewhere in the remarks of each of them they said that the Senate, a year or so ago, had voted unanimously on identical language.

Mr. HUMPHREY. Oh, no.

Mr. President, will the Senator from South Dakota yield to me?

Mr. MUNDT. I yield.

Mr. HUMPHREY. Of course the measure contains an operative section which is enforcible. The language of the bill of 2 years ago was arrived at on the basis of a study proposal.

All I said was that the portion of the bill of 2 years ago which related to approving of kosher slaughtering as humane was the same as the corresponding provisions of this measure.

Mr. MUNDT. Ah. That is vastly different, because the portions which deal with religious slaughtering methods and the other portions to which the Senator from Minnesota has referred are parts or portions of the previous bill which were to be referred to a committee, which had the duty of finding an answer to the problem, and which proposed that a study be made.

Mr. ANDERSON. Mr. President, will the Senator from South Dakota yield to me?

Mr. HUMPHREY. Mr. President, will the Senator from South Dakota yield to me?

Mr. MUNDT. Mr. President, I am happy to yield to my colleagues, either individually or collectively.

Mr. HUMPHREY. If the Senator from South Dakota will yield first to me, let me say that I was the author of the other bill; and that study bill, of 2 years ago, which called for a 5-year study period, contained the same provisions in regard to findings and study that are contained in the measure now before the Senate; and then the committee was asked to give consideration to further methods.

Mr. ANDERSON. Mr. President, will the Senator from South Dakota yield to me?

Mr. MUNDT. In just a moment.

The 1956 bill contains the following provision:

The committee shall, within 2 years after the enactment of this act, submit to the Secretary for immediate transmittal to the Congress a full and complete report of its study and operations, together with its recommendations for legislative and administrative action. The committee shall report and make specific recommendations on the adoption by the industry of humane methods of slaughtering, including the following:

And then the language is identical.

Mr. HUMPHREY. "Including the following."

Mr. MUNDT. Yes. But the measure we are asked to vote on today includes the following provision:

No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane.

And then the pending measure contains a provision which is grammatically awkward, as has been stated by the Senator from Wyoming [Mr. O'MAHONEY], as follows:

Either of the following two methods of slaughtering and handling are hereby found to be humane.

That is vastly different from the proposal which was before us 2 years ago, for this provision of the pending measure makes a definite and a final finding.

Mr. ANDERSON. Mr. President, will the Senator from South Dakota yield?

Mr. MUNDT. I yield.

Mr. ANDERSON. I think the fault is mine, not that of the Senator from Minnesota. I thought he said that a finding was made in the other bill. But I believe I was wrong in so stating. So the Senator from Minnesota should not be hung for that error on my part. [Laughter.]

Mr. MUNDT. Mr. President, I do not want any Senator to be hung. [Laughter.]

But the Senate now has before it a proposal which is much different from the proposal which was before it 2 years ago.

Mr. HUMPHREY. There is no doubt of that.

All I said was that the bill of 2 years ago referred to accepted standards of humane slaughter, because that bill provided, in part, "adoption by the industry of humane methods of slaughtering, including the following."

And they were declared to be humane methods.

The question of the exact language to be used was one for the committee to decide.

Mr. MUNDT. Will the Senator from Minnesota read the language of the bill of 2 years ago in which such words are to be found?

Mr. HUMPHREY. We did.

Mr. MUNDT. In the pending measure, we find, on page 2, in line 10, the following words:

Either of the following two methods of slaughtering and handling are hereby found to be humane.

Now will the Senator from Minnesota read the corresponding provision of the bill of 2 years ago?

Mr. HUMPHREY. Yes. That provision read as follows:

The committee shall report and make specific recommendations on the adoption by the industry of humane methods of slaughtering, including the following.

Mr. MUNDT. I am still waiting to hear the word "found."

Mr. HUMPHREY. When the bill of 2 years ago used the words "humane methods of slaughtering, including the following," they meant that the methods would be humane methods.

Mr. MUNDT. Not entirely. When the words are taken out of context, they may seem to mean that; but the rest of the paragraph, which the Senator from Minnesota did not read, is as follows:

The committee shall, within 2 years after the enactment of this act, submit to the Secretary for immediate transmittal to the Congress a full and complete report of its study and operations, together with its recommendations for legislative and administrative action.

Mr. HUMPHREY. That is correct.

Mr. MUNDT. And then follows the sentence the Senator from Minnesota did read, namely:

The committee shall report and make specific recommendations on the adoption by the industry of humane methods of slaughtering, including the following.

Mr. HUMPHREY. Yes.

Mr. MUNDT. But that provision does not make a finding. Nowhere in the bill

of 2 years ago can there be found language which states specifically what the measure now before the Senate states on page 2, in line 10, namely:

Either of the following two methods of slaughtering and handling are hereby found to be humane:

Not even the great group of experts now operating on the floor of the Senate can point out, in the bill of 2 years ago, a provision which amounted to a finding. [Laughter.]

Mr. HICKENLOOPER. Mr. President, will the Senator from South Dakota yield to me?

Mr. MUNDT. I yield.

Mr. HICKENLOOPER. Of course, the pending measure does not really provide for humane practices at all. A moment ago the Senator from Wyoming [Mr. O'MAHONEY] pointed out, in what I thought was a devastating argument, many of the weaknesses of this measure; and the Senator from South Dakota will find the following language in section 4, subsection (b), on page 4, beginning in line 17:

If he deems it more effective, the Secretary may make any such designation by designating methods which are not in conformity with such policy.

So in one place the pending measure provides that the policy shall be one for humane slaughter; but I take it that the language I have just now read from page 4 means that the Secretary can designate methods which will be unhumane or inhumane, if he wishes to do so or if he thinks such methods would be "more effective."

Mr. MUNDT. Mr. President, the Senator from Iowa is entirely correct. It is rather astonishing, to me, that the Senator from Minnesota, who on many occasions has such scant regard for the findings, deliberations, and programs of the Secretary of Agriculture, would now endorse a measure which provides that whatever the Secretary of Agriculture may find to be "more effective" will be acceptable.

Mr. HICKENLOOPER. No; the amendment in the nature of a substitute says that the policy designated on page 2, namely:

It is therefore declared to be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

Does not need to be followed by the Secretary of Agriculture if he finds another policy which he "deems more effective."

Mr. MUNDT. Yes. In other words, the policy set forth on page 2 would be utterly meaningless as a legislative device. In short, the policy section on pages 1 and 2 is completely meaningless, because all of it is wiped out by the exemption clause found on page 4, beginning in line 17, which the Senator from Iowa has read to us just now, namely:

If he deems it more effective, the Secretary may make any such designation by designating methods which are not in conformity with such policy.

So why try to spell out the policy so meticulously, so that the Orthodox groups will be satisfied, when on page 4 the Secretary of Agriculture is told that the animals may be slaughtered in any way not in conformity with that policy.

If the Senator has a valid fear—and I think he has—I do not think he should engage in the legislative deception of trying to make persons who are afraid feel comfortable, when the proposed legislation would do nothing more than attempt to allay their fears.

Mr. CURTIS. Mr. President, will the Senator from South Dakota yield to me?

Mr. MUNDT. I yield.

Mr. CURTIS. In reference to the language of the pending bill, which gives the Secretary authority to designate methods contrary to the methods called for by the policy laid down on pages 1 and 2, let me ask whether there is any requirement that such designation be uniform for all slaughtering plants; or may the Secretary of Agriculture pick and choose, according to the size of the plants, their geographical location, or any other device which he might determine to use? In other words, does not the pending measure give the Secretary of Agriculture complete authority to make any designation which might happen to come into his mind?

Mr. MUNDT. That is correct, for it does not provide any limitations in that connection. It simply points out—not that he may make designations which are in conformity with the policy provided on pages 1 and 2, but that "the Secretary may make any such designation by designating methods which are not in conformity with such policy."

That is a strange legislative device which would give the Secretary the power to veto the act at any month or day or hour he might wish to veto it.

Mr. CURTIS. Might not the Secretary designate one method for plant A, and another method for plant B?

Mr. MUNDT. Nothing provided in the bill would prevent him from doing so.

Mr. CURTIS. Because the bill states that he may proceed in both directions at the same time—in other words, that he may conform to the policy, and also that he "may make any such designation by designating methods which are not in conformity with such policy."

Mr. MUNDT. That is correct.

Mr. LANGER. Mr. President, will the Senator from South Dakota yield to me?

Mr. MUNDT. I yield.

Mr. LANGER. In other words, if the Secretary approved the killing of a cow by the use of a sword, that method would be acceptable under the provisions of the bill; is that correct?

Mr. MUNDT. That is correct; the Secretary would have that power.

Mr. President, I shall not proceed further; but I wish the RECORD to show clearly that when the Senate voted—and voted unanimously—on Senate bill 1636, in 1956 as compared to the measure on which it is now proposed that the Senate vote, the Senate was dealing with an entirely different piece of proposed legislation in connection with slaughtering by commercial methods and also slaughtering under ritualistic practices.

Mr. President, I favor humane slaughtering legislation. I shall vote for it. But I want it to be effective, reasonable, and workable. The bill we now have before us leaves much to be desired.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, so that those who read can clearly see the difference between the two legislative proposals, Senate bill 1636, of 1956, and the amendment, in the nature of a substitute, to House bill 8308, as now before the Senate.

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

Be it enacted, etc., That the Congress finds that the use of humane methods in the slaughter of livestock and poultry prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and economies in slaughtering operations; and produces other benefits for producers, processors, and consumers which tend to increase the orderly flow of livestock and poultry and their products in interstate and foreign commerce. It is therefore declared to be the policy of Congress to provide for study and research into improved methods of slaughter to encourage acceptance and use of such methods by slaughterers, to the end that livestock and poultry shall be slaughtered only by humane methods.

SEC. 2. The Secretary of Agriculture is authorized and directed to appoint an Advisory and Research Committee on Humane Slaughter of Livestock and Poultry, to be composed of 10 members, of whom 1 shall be an officer or employee of the Department of Agriculture designated by the Secretary, 2 shall be representatives of national organizations of slaughterers; 1 shall be a representative of the trade-union movement engaged in packinghouse work; 1 shall be a representative of the general public; 2 shall be representatives of livestock growers; 2 shall be representatives of national organizations of the humane movement, and 1 shall be a person familiar with the requirements of the Jewish religious faith with respect to slaughter.

SEC. 3. The Committee shall advise the Secretary on matters concerned with humane methods of slaughter and shall conduct a study of methods of slaughter of livestock and poultry, including means and methods of handling prior to slaughter, with the objective of improving and bringing about acceptance of more efficient and more humane methods of handling and slaughter and bringing such methods to the attention of slaughterers. The Department of Agriculture shall assist the Committee with such research personnel and facilities as the Department can make available.

SEC. 4. The Committee member who is an officer or employee of the Department of Agriculture shall receive no additional compensation for service rendered under this act. Other members shall receive such compensation, not in excess of $50 for each day of service, as the Secretary shall prescribe.

SEC. 5. The Committee shall, within 2 years after the enactment of this act, submit to the Secretary for immediate transmittal to the Congress a full and complete report of its study and operations, together with its recommendations for legislative and administrative action. The Committee shall report and make specific recommendations on the adoption by the industry of humane methods of slaughtering, including the following:

(1) in the case of livestock, rendering such livestock insensible before bleeding or slaughtering, by mechanical, electrical, chemical, or other means determined by the Secretary to be rapid, effective, and humane;

(2) in the case of poultry, instantaneous severing of the head from the body or, if poultry is otherwise cut or stuck, by first rendering such poultry insensible by mechanical, electrical, chemical, or other means determined by the Secretary to be rapid, effective, and humane;

(3) in either of the above cases, slaughtering in accordance with the practices and requirements of the Jewish religious faith by a qualified slaughterer, commonly called a schochet, authorized to engage in such slaughtering by an ordained rabbi of the Jewish religious faith.

The Committee shall also, from time to time, submit to the Secretary for immediate transmittal to Congress such interim reports and recommendations as it deems fit.

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Congress finds that the use of humane methods in the slaughter of livestock prevents needless suffering; results in safer and better working conditions for persons engaged in the slaughtering industry; brings about improvement of products and economies in slaughtering operations; and produces other benefits for producers, processors, and consumers which tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce. It is therefore declared to be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

"SEC. 2. No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane. Either of the following two methods of slaughtering and handling are hereby found to be humane:

"(a) in the case of cattle, calves, horses, mules, sheep, swine, and other livestock, all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical, or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or

"(b) by slaughtering in accordance with the ritual requirement of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

"SEC. 3. The public policy declared herein shall be taken into consideration by all agencies of the Federal Government in connection with all procurement and price support programs and operations and after December 31, 1959, no agency or instrumentality of the United States shall contract for or procure any livestock products produced or processed by any slaughterer or processor which in any of its plants or in any plants of any slaughterer or processor with which it is affiliated slaughters or handles in connection with slaughter livestock by any method other than methods designated and approved by the Secretary of Agriculture (hereinafter referred to as the Secretary) pursuant to section 4 hereof: *Provided*, That during the period of any national emergency declared by the President or the Congress, the limitations on procurement required by this section may be modified by the President to the extent determined by him to be necessary to meet essential procurement needs during such emergency. For the purposes of this section a slaughterer or processor shall be deemed to be affiliated with another slaughterer or processor if it controls, is controlled by, or is under common control with, such other slaughterer or processor. After December 31, 1959, each supplier from which any livestock products are procured by any agency of the Federal Government shall be required by such agency to make such statement of eligibility under this section to supply such livestock products as, if false, will subject the maker thereof to prosecution, title 18, United States Code, section 287.

"SEC. 4. In furtherance of the policy expressed herein the Secretary is authorized and directed—

"(a) to conduct, assist, and foster research, investigation, and experimentation to develop and determine methods of slaughter and the handling of livestock in connection with slaughter which are practicable with reference to the speed and scope of slaughtering operations and humane with reference to other existing methods and then current scientific knowledge;

"(b) on or before June 30, 1958, and at such times thereafter as he deems advisable, to designate methods of slaughter and of handling in connection with slaughter which, with respect to each species of livestock, conform to the policy stated herein. If he deems it more effective, the Secretary may make any such designation by designating methods which are not in conformity with such policy. Designations by the Secretary subsequent to July 1, 1959, shall become effective for purposes of section 3 hereof 180 days after their publication in the Federal Register;

"(c) to provide suitable means of identifying the carcasses of animals inspected and passed under the Meat Inspection Act (21 U. S. C. 71 and the following) that have been slaughtered in accordance with the public policy declared herein.

"SEC. 5. To assist in implementing the provisions of section 4, the Secretary is authorized to establish an advisory committee. The functions of the advisory committee shall be to consult with the Secretary and other appropriate officials of the Department of Agriculture and to make recommendations relative to (a) the research authorized in section 4; (b) obtaining the cooperation of the public, producers, farm organizations, industry groups, humane associations, and Federal and State agencies in the furtherance of such research and the adoption of improved methods; and (c) the designations required by section 4. The committee shall be composed of 12 members, of whom 1 shall be an officer or employee of the Department of Agriculture designated by the Secretary (who shall serve as chairman); 2 shall be representatives of national organizations of slaughterers; 1 shall be a representative of the trade-union movement engaged in packinghouse work; 1 shall be a representative of the general public; 2 shall be representatives of livestock growers; 1 shall be a representative of the poultry industry; 2 shall be representatives of national organizations of the humane movement; 1 shall be a representative of a national professional veterinary organization; and 1 shall be a person familiar with the requirements of religious faiths with respect to slaughter. The Department of Agriculture shall assist the Committee with such research personnel and facilities as the Department can make available. Committee members other than the Chairman shall not be deemed to be employees of the United States and are not entitled to compensation but the Secretary is authorized to allow their travel expenses and subsistence expenses in connection with their attendance at regular or special meetings of the Committee. The Committee shall meet at least once each year and at the call of the Secretary and shall from time to time submit to the Secretary such reports and recommendations with respect to new or improved methods as it believes should be taken into consideration by him in making the designations required by section 4 and the Secretary shall make all such reports available to the public.

"SEC. 6. Nothing in this act shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group to slaughter and prepare for the slaughter of livestock in conformity with the practices and requirements of his religion."

Mr. JAVITS. Mr. President, I promise to detain the Senate but 2 minutes, merely to sum up the situation. It is alleged that a discussion with respect to religious freedom is being introduced into this debate. That has been one of the allegations made in response to my amendment. I point out this question is already raised very specifically by the bill which is before the Senate, which came from the other body, and which the Senate voted to accept because it provides in section 2 (b), "by slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter."

In short, the question is before us. I did not wish it to be here. It is here.

Second, it is argued that the language to deal with the situation was not before the Committee on Agriculture and Forestry. I point out the fundamental tenet of those who were against this whole method of approach prevented them from making any suggestion. They said they were flatly opposed. As a matter of fact, those who drafted the language thought they were drafting language which would help those groups, because they could not get a proposal in terms of language from them.

Now we are in the last stages of the legislative process, where those who have expressed the deep convictions of their faith are now face to face with the need to do something about it in specific terms. What I am trying to do by my amendment is to preserve their opportunity to do so.

Finally, I point out the obviously good faith involved. If Senators wish to consider the Jewish ritualistic slaughter as humane, then the question must be dealt with in all its manifestations in the way the slaughtering is practiced. The record shows that, as practiced, there is involved the process not only of slaughtering and preparation, but of handling.

In order to preserve the positions of those groups, so they could have the best protection Congress could provide—and I think that feeling is inherent in the heart of everyone here—I felt I should keep the door open by introducing this alternative. Since we are dealing with sensitive ground, let us afford every opportunity to ameliorate the force of the blow.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from New York [Mr. JAVITS].

Mr. JAVITS. Mr. President, I ask for a division on my amendment.

On a division, the amendment was agreed to.

Mr. CASE of New Jersey. Mr. President, I call up my amendment, which is at the desk, and ask to have it stated.

The PRESIDING OFFICER. The amendment of the Senator from New Jersey will be stated.

The CHIEF CLERK. It is proposed, on page 6, beginning with line 14, to strike out all down through line 18 and insert in lieu thereof the following:

SEC. 6. Nothing in this act shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Notwithstanding any other provision of this act, in order to protect freedom of religion, ritual slaughter and the handling or other preparation of livestock for ritual slaughter, are exempted from the terms of this act. For the purposes of this section the term "ritual slaughter" means slaughter in accordance with section 2 (b).

Mr. CASE of New Jersey. Mr. President, I do not think it is necessary to speak at any length on this amendment. As was stated earlier in the discussion of the amendment of the Senator from New York, it is intended to accomplish precisely the same purpose and to have the same effect. I think it is desirable to have this amendment in section 6, because section 6 as it now stands is somewhat inconsistent within itself. I think the amendment clarifies the inconsistency. I hope it will be acceptable.

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

Mr. CASE of New Jersey. I yield.

Mr. HUMPHREY. I wish only to say to the Senator from New Jersey, so he may be aware of the attitude of the religious groups, that this is exactly the same language which the representatives of Jewish faiths opposed. They do not want the exemption. The record of 1956 as well as 1958 is clear. That is one matter on which all groups, whether orthodox or otherwise, are agreed. As pointed out by the Senator from New Mexico [Mr. ANDERSON], this is the very language they did not want.

I personally shall have to vote against the amendment, because all the testimony was contrary to this type of exemption. I think it would be a great disservice to the people of Jewish faith and to all those who supported or proposed the bill, because there was a unanimity of belief that there should not be such a provision.

Mr. CASE of New Jersey. I appreciate the viewpoint expressed by the Senator from Minnesota. I think the situation really is that the groups in question prefer to have no bill at all; but, as the Senator from New York has pointed out, since we are faced with the bill, as the result of the vote taken earlier on the motion of the Senator from Louisiana, the problem with which we are confronted is making the bill as acceptable as possible and have it accomplish its objectives, but not do violence to the views of particular religious groups.

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

Mr. CASE of New Jersey. I yield to the Senator from New York.

Mr. JAVITS. I should like to state to the Senator from Minnesota that I appreciate the concern expressed by him. He has certainly shown his friendship to this effort by his vote on my amendment. At the same time, I feel the other body saw fit to try to button this matter up in two sections. I think the amendment of the Senator from New Jersey is an additional contribution the Senate can make to the quieting of concern in the same section. Again I point out, just as I felt the language I proposed was not the height of art in terms of legal draftsmanship, the same may be said of the proposal of the distinguished Senator from New Jersey, except it permits the matter to be susceptible of resolution in the final form to be adopted in conference. Therefore, for those reasons, rather than for reasons of concern which the Senator from Minnesota expresses, I shall support the amendment. I feel the more we can take to conference, the better we can deal with the question. I felt that way about my amendment. I say that respectfully. I hope very much the Senator from Minnesota may feel the same way, in view of the explanation of my position.

Mr. CASE of New Jersey. I thank the Senator. I yield to the Senator from West Virginia [Mr. REVERCOMB].

Mr. REVERCOMB. For clarification, I should like to ask a question. Does not in fact the amendment of the Senator from New York [Mr. JAVITS], which has been agreed to and is now written into the bill, really solve the problem which the Senator from New Jersey proposes to solve by his amendment?

Mr. CASE of New Jersey. I may say to the Senator from West Virginia: If section 6 were not in the bill, then I think his suggestion might be very well made, indeed, but section 6 is in the bill. Section 6 is in the bill in a form which raises the possibility of a distinction between ritual slaughter, which relates only to the actual act of killing, and to preparation, which is necessary. I think the amendment would constitute a clarification. It could be taken to conference, where, perhaps, some further clarification, as suggested by the Senator from New York, could be made.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. CASE]. [Putting the question.]

Mr. HUMPHREY. Mr. President, I ask for a division.

The Senate proceeded to divide.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASE of New Jersey. Mr. President——

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CASE of New Jersey. In view of the fact that the absence of a quorum has been suggested, although I had not originally intended to detain the Senate, I now ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. The Parliamentarian informs the Chair that the order for the quorum call either must be rescinded or the call of the roll must be completed before the yeas and nays can be requested or before there can be other debate.

Mr. CASE of New Jersey. Mr. President, if there is no objection——

Mr. HUMPHREY. Mr. President, since I suggested the absence of a quorum, I am willing to ask unanimous consent to have the order for the quorum call rescinded.

Mr. KNOWLAND. Mr. President, I suggest that the clerk finish the call of the roll.

The legislative clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

Aiken	Fulbright	Martin, Pa.
Allott	Goldwater	McNamara
Anderson	Green	Morse
Barrett	Hayden	Morton
Beall	Hennings	Mundt
Bennett	Hickenlooper	Murray
Bible	Hill	Neuberger
Bricker	Hruska	O'Mahoney
Bridges	Humphrey	Pastore
Bush	Ives	Potter
Butler	Jackson	Proxmire
Byrd	Javits	Purtell
Capehart	Jenner	Revercomb
Carlson	Johnson, Tex.	Robertson
Carroll	Johnston, S. C.	Russell
Case, N. J.	Jordan	Saltonstall
Chavez	Kefauver	Schoeppel
Church	Kennedy	Smathers
Clark	Kerr	Smith, Maine
Cooper	Knowland	Sparkman
Cotton	Kuchel	Stennis
Curtis	Langer	Symington
Dirksen	Lausche	Thurmond
Douglas	Long	Thye
Dworshak	Magnuson	Watkins
Eastland	Malone	Wiley
Ellender	Mansfield	Williams
Ervin	Martin, Iowa	Young

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. CASE].

Mr. CASE of New Jersey. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. CASE of New Jersey. I yield to the Senator from New York [Mr. JAVITS] for the purpose of making a brief statement.

Mr. JAVITS. Mr. President, in browsing through the record of hearings—and I do not pretend to be an expert on it—I came across something which may help the Senate in connection with this discussion. I have already explained my position. I feel that the amendment gives us yet another tool with which to work in the effort to put this particular aspect of the bill in proper form. That is why I am for the amendment.

One page 196 of the record I find the following statement by the chairman of the committee:

The CHAIRMAN. I realize that there may not be a close comparison between the act which we passed here last year to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products. As I remember there was some opposition by quite a few rabbis, and yet we were able to place in this bill a provision which exempted these opponents. I refer specifically to section 15 (a) (4), wherein it is stated:

"Persons slaughtering, processing, or otherwise handling poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws to the extent that the Secretary determines are necessary to avoid conflict with such requirements while still effectuating the purposes of this act."

I call attention to that only because apparently there is a legislative precedent for dealing with the subject by way of exemption. As I understand, that is the principal ground of opposition to the language which the Senator from New Jersey uses in his amendment. I have no doubt that the language will be changed in conference. What I tried to do, and what the Senator from New Jersey is trying to do, is to give the conferees the tools with which to work.

Mr. CASE of New Jersey. Mr. President, reiterating the point made just now by the Senator from New York, first of all, let me say that I support the bill. I voted against the motion of the Senator from Louisiana because I do support the bill. However, I do not believe in leaving any of its provisions in a fuzzy condition. I believe in trying to clarify the language and make it perfectly clear. In line with the suggestion of the Senator from Wyoming [Mr. O'MAHONEY] made a little earlier, the language of my amendment may not be perfect for that purpose, but it raises the question in such form that the conferees can deal with the entire subject.

Mr. HUMPHREY. Mr. President, I gather that it is a dubious honor to say that one Senator has spent more time on the bill than other Members of this body. However, it has been my fortune or misfortune to have that dubious honor.

Every representative of every single religious group or body who appeared before our committee protested against exemption. The Jewish groups, in testimony before the committee, outlined the principle that kosher killing could be classified as a humane slaughtering practice within the terms of what we mean by "humane slaughtering." It has been so declared, in an affirmative finding. The amendment of the Senator from New York [Mr. JAVITS] was agreed to, so that in that affirmative finding there will be included not only the matter of slaughtering, but the matter of preparation and handling. That amendment had a purpose which filled a vacuum which was left by the House bill, as the Senator from New York said.

However, in this instance, I say most respectfully to a Senator who supports the legislation, who has proved his sincerity of purpose, and who has been a friend of the program of humane slaughtering practices, that, whether knowingly or unknowingly, he has offered an amendment which might be interpreted by some of our people who are deeply concerned by this legislation as an affront. They do not seek an exemption. They have every right to say that kosher killing is within the terms of what we understand by humane slaughtering. We have so found by declaration. But the exemption would be a disservice to the Jewish community and its religious practices. I plead with my colleagues to consider this question very carefully. I have talked with representatives of every single group interested in this particular item of legislation. So far as the exemption is concerned, I warn my colleagues that if they are interested in trying to comply with the request of honorable people who seek not to be injured, who seek no special privilege, and who seek to be let alone, they should leave the language of section 6 as written, or they will get themselves into deep water.

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

Mr. HUMPHREY. I yield.

Mr. LAUSCHE. We would be treading upon dangerous ground if in any way we were to imply that compliance by the Jewish people with their ritual was tantamount to cruelty to animals, or to anyone else.

Mr. HUMPHREY. The Senator is absolutely correct.

Mr. LAUSCHE. We must begin with the premise that what they have done is in conformity with goodness, and with gentle treatment of living things, and that their religion has been founded on that basis.

I, for one, will not subscribe to the inclusion in the bill of any provisions which would declare that their practices have been inhumane, having in mind the historic background of their ritual, which contemplates men of good character, of cleanliness, of decency, and men with a sense of protection toward the things which they destroy for food.

Mr. HUMPHREY. The Senator from Ohio has stated the situation much more eloquently than I could.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. CASE]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Florida [Mr. HOLLAND], the Senator from Michigan [Mr. MCNAMARA], the Senator from Georgia [Mr. TALMADGE], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

The Senator from Delaware [Mr. FREAR], and the Senator from Oklahoma [Mr. MONRONEY] are absent on official business attending the 49th Congress of the Interparliamentary Union as delegates representing the Senate at Rio de Janiero, Brazil.

The Senator from Arkansas [Mr. MCCLELLAN] is absent because of a death in his family.

I further announce, that if present and voting, the Senator from Florida [Mr. HOLLAND] and the Senator from Georgia [Mr. TALMADGE] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from South Dakota [Mr. CASE] and the Senator from West Virginia [Mr. HOBLITZELL] are absent because of official business, having been appointed by the Vice President to attend the 49th Congress of the Interparliamentary Union in Rio de Janeiro.

The Senator from Maine [Mr. PAYNE] is necessarily absent.

The Senator from Vermont [Mr. FLANDERS], the Senator from Pennsylvania [Mr. MARTIN], and the Senator from New Jersey [Mr. SMITH] are detained on official business.

The Senator from New Jersey [Mr. SMITH] is paired with the Senator from Maine [Mr. PAYNE]. If present and voting, the Senator from New Jersey would vote "yea," and the Senator from Maine would vote "nay."

The result was announced—yeas 44, nays 38, as follows:

YEAS—44

Aiken	Dirksen	Martin, Iowa
Allott	Dworshak	Morton
Barrett	Ellender	Mundt
Beall	Goldwater	Pastore
Bennett	Hickenlooper	Potter
Bricker	Hruska	Revercomb
Bridges	Ives	Russell
Bush	Javits	Saltonstall
Butler	Jenner	Schoeppel
Capehart	Johnston, S. C.	Thurmond
Carlson	Jordan	Thye
Case, N. J.	Knowland	Watkins
Cooper	Kuchel	Wiley
Cotton	Langer	Young
Curtis	Malone	

NAYS—38

Anderson	Hennings	Murray
Bible	Hill	Neuberger
Byrd	Humphrey	O'Mahoney
Carroll	Jackson	Proxmire
Chavez	Johnson, Tex.	Purtell
Church	Kefauver	Robertson
Clark	Kennedy	Smathers
Douglas	Kerr	Smith, Maine
Eastland	Lausche	Sparkman
Ervin	Long	Stennis
Fulbright	Magnuson	Symington
Green	Mansfield	Williams
Hayden	Morse	

NOT VOTING—14

Case, S. Dak.	Holland	Payne
Flanders	Martin, Pa.	Smith, N. J.
Frear	McClellan	Talmadge
Gore	McNamara	Yarborough
Hoblitzell	Monroney	

So the amendment of Mr. CASE of New Jersey was agreed to.

Mr. O'MAHONEY. Mr. President, for the reasons——

Mr. CASE of New Jersey. Mr. President, I move that the Senate reconsider the vote——

Mr. O'MAHONEY. Mr. President——

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. O'MAHONEY. Mr. President, for the reasons I have previously stated this afternoon, I move that the bill be recommitted to the Committee on Agriculture and Forestry. It is impossible to legislate a slogan. The bill before us is vague and uncertain and contradictory. It does not define what humane slaughter is. The bill should be recommitted so that it may be drafted intelligently and clearly. I make that motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. HUMPHREY. Mr. President, regardless of how one may feel about the bill, to vote to recommit is, of course, to kill the bill. We can have the bill in conference with the amendments which have been adopted, and we should permit it to go to conference. The bill has been studied for 3 years. Regardless of the eloquent plea of the distinguished

Senator from Wyoming, I do not recall any testimony from some of the Senators who have complained about the bill. I can say most candidly that the bill has had the very careful study of the Department of Agriculture, humane societies, the American Meat Institute, and other organizations. It represents considerable thought and considerable action. The House passed the bill overwhelmingly. It had conducted hearings in the field. We ought to let the bill go to conference.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming [Mr. O'MAHONEY] on which the yeas and nays have been ordered.

Mr. LAUSCHE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Ohio will state it.

Mr. LAUSCHE. As to the amendments which have thus far been adopted, if the bill goes to conference, will the conferees have the power to define what is inhumane slaughter, so as to provide in the bill the principal objective which was sought to be accomplished when the bill was introduced?

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that the conferees will be confined to the difference between the House and Senate bills. Therefore, the answer is that the conferees will not be in a position to make such a definition.

Mr. MUNDT. Mr. President, I do not want to leave unanswered in the RECORD the statement that a vote to recommit is a vote to kill the bill. As one member of the committee who attended the hearings, I can say that if the bill is recommitted to the Committee on Agriculture and Forestry, the committee certainly will be bound to try to reconcile the various conflicting points of view which we have heard expressed in the Senate tonight, and to arrive at a solution which will move in the direction of humane slaughter.

I do not think a vote to recommit is a vote to kill the bill. It would be a vote to kill this particular language.

Mr. HUMPHREY. Mr. President, the reconciliation of the different points of view will be done in conference.

The PRESIDING OFFICER. The question is on the motion to recommit the bill. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Alabama [Mr. HILL], the Senator from Florida [Mr. HOLLAND], the Senator from Georgia [Mr. TALMADGE], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

The Senator from Delaware [Mr. FREAR] and the Senator from Oklahoma [Mr. MONRONEY] are absent on official business attending the 49th Congress of the Interparliamentary Union as delegates representing the Senate at Rio de Janeiro, Brazil. The Senator from Arkansas [Mr. MCCLELLAN] is absent because of a death in his family.

I further announce that if present and voting, the Senator from Delaware [Mr. FREAR] and the Senator from Texas [Mr. YARBOROUGH] would each vote "nay."

On this vote, the Senator from Alabama [Mr. HILL] is paired with the Senator from Florida [Mr. HOLLAND]. If present and voting, the Senator from Alabama would vote "nay" and the Senator from Florida would vote "yea."

The Senator from Oklahoma [Mr. MONRONEY] is paired with the Senator from Georgia [Mr. TALMADGE]. If present and voting, the Senator from Oklahoma would vote "nay" and the Senator from Georgia would vote "yea."

Mr. DIRKSEN. I announce that the Senator from South Dakota [Mr. CASE] and the Senator from West Virginia [Mr. HOBLITZELL] are absent because of official business, having been appointed by the Vice President to attend the 49th Congress of the Interparliamentary Union in Rio de Janeiro.

The Senator from Maine [Mr. PAYNE] is necessarily absent.

The Senator from Vermont [Mr. FLANDERS], the Senator from Pennsylvania [Mr. MARTIN], and the Senator from New Jersey [Mr. SMITH] are detained on official business.

If present and voting, the Senator from Maine [Mr. PAYNE] and the Senator from New Jersey [Mr. SMITH] would each vote "nay."

The result was announced—yeas 29, nays 53, as follows:

YEAS—29

Allott	Eastland	Martin, Iowa
Anderson	Ellender	Mundt
Barrett	Ervin	O'Mahoney
Bennett	Goldwater	Russell
Butler	Hickenlooper	Schoeppel
Capehart	Hruska	Stennis
Carlson	Jenner	Thurmond
Chavez	Johnston, S. C.	Thye
Curtis	Langer	Young
Dirksen	Malone	

NAYS—53

Aiken	Hennings	Morton
Beall	Humphrey	Murray
Bible	Ives	Neuberger
Bricker	Jackson	Pastore
Bridges	Javits	Potter
Bush	Johnson, Tex.	Proxmire
Byrd	Jordan	Purtell
Carroll	Kefauver	Revercomb
Case, N. J.	Kennedy	Robertson
Church	Kerr	Saltonstall
Clark	Knowland	Smathers
Cooper	Kuchel	Smith, Maine
Cotton	Lausche	Sparkman
Douglas	Long	Symington
Dworshak	Magnuson	Watkins
Fulbright	Mansfield	Wiley
Green	McNamara	Williams
Hayden	Morse	

NOT VOTING—14

Case, S. Dak.	Hoblitzell	Payne
Flanders	Holland	Smith, N. J.
Frear	Martin, Pa.	Talmadge
Gore	McClellan	Yarborough
Hill	Monroney	

So Mr. O'MAHONEY's motion to recommit was rejected.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the motion to reconsider was rejected.

Mr. NEUBERGER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

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

The bill was read the third time.

The PRESIDING OFFICER. The question is on the passage of the bill. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Alabama [Mr. HILL], the Senator from Florida [Mr. HOLLAND], the Senator from Montana [Mr. MURRAY], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

The Senator from Delaware [Mr. FREAR] and the Senator from Oklahoma [Mr. MONRONEY] are absent on official business attending the 49th Congress of the Interparliamentary Union as delegates representing the Senate at Rio de Janeiro, Brazil.

The Senator from Arkansas [Mr. MCCLELLAN] is absent because of a death in his family.

I further announce that, if present and voting, the Senator from Delaware [Mr. FREAR], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Montana [Mr. MURRAY], and the Senator from Texas [Mr. YARBOROUGH] would each vote "yea."

On this vote, the Senator from Alabama [Mr. HILL], is paired with the Senator from Florida [Mr. HOLLAND]. If present and voting, the Senator from Alabama would vote "yea," and the Senator from Florida would vote "nay."

Mr. DIRKSEN. I announce that the Senator from South Dakota [Mr. CASE] and the Senator from West Virginia [Mr. HOBLITZELL] are absent because of official business, having been appointed by the Vice President to attend the 49th Congress of the Interparliamentary Union in Rio de Janeiro.

The Senator from Maine [Mr. PAYNE] is necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES], the Senator from Vermont [Mr. FLANDERS], the Senator from Pennsylvania [Mr. MARTIN], and the Senator from New Jersey [Mr. SMITH] are detained on official business.

If present and voting, the Senator from Vermont [Mr. FLANDERS], the Senator from West Virginia [Mr. HOBLITZELL], the Senator from Maine [Mr. PAYNE], and the Senator from New Jersey [Mr. SMITH] would each vote "yea."

The result was announced—yeas 72, nays 9, as follows:

YEAS—72

Aiken	Clark	Javits
Allott	Cooper	Jenner
Anderson	Cotton	Johnson, Tex.
Barrett	Curtis	Jordan
Beall	Dirksen	Kefauver
Bennett	Douglas	Kennedy
Bible	Dworshak	Kerr
Bricker	Fulbright	Knowland
Bush	Goldwater	Kuchel
Butler	Green	Langer
Byrd	Hayden	Lausche
Capehart	Hennings	Long
Carlson	Hickenlooper	Magnuson
Carroll	Hruska	Malone
Case, N. J.	Humphrey	Mansfield
Chavez	Ives	Martin, Iowa
Church	Jackson	McNamara

Morse	Purtell	Smith, Maine
Morton	Revercomb	Sparkman
Mundt	Robertson	Symington
Neuberger	Russell	Thye
Pastore	Saltonstall	Watkins
Potter	Schoeppel	Wiley
Proxmire	Sn.athers	Williams

NAYS—9

Eastland	Johnston, S. C.	Talmadge
Ellender	O'Mahoney	Thurmond
Ervin	Stennis	Young

NOT VOTING—15

Bridges	Hill	Monroney
Case, S. Dak.	Hoblitzell	Murray
Flanders	Holland	Payne
Frear	Martin, Pa.	Smith, N. J.
Gore	McClellan	Yarborough

So the bill (H. R. 8308) was passed.

Mr. HUMPHREY. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. NEUBERGER. Mr. President, I move to lay on the table the motion to reconsider the vote by which the bill was passed.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

FEDERAL AID TO THE STATES FOR SCHOOL CONSTRUCTION

Mr. MCNAMARA. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by me on a program of Federal aid to the States for school construction.

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

STATEMENT BY SENATOR MCNAMARA

An epidemic of adjournment fever seems to be settling over the Congress.

The main symptom of this fever is a deceptive mood of self-congratulation wherein the Members tell each other—and their constituents—what a great job they have done during the past months.

I would not like to puncture this mood—for, in a large sense, it is justified by the record of the 85th Congress.

However—that record will by no means be complete until the Congress takes care of an extremely important piece of unfinished business.

I refer specifically to a program of Federal aid to the States for school construction.

The Senate Labor and Public Welfare Committee currently is working on a program to grant 23,000 college scholarships a year.

Certainly, no one truly interested in American education can find fault with such a measure.

But the trouble is that it only nibbles at the edge of the main problem.

The problem, simply stated, is a continuing shortage of more than 140,000 classrooms—in the face of a constantly increasing population.

The problem involves a shortage of more than 30,000 teachers—and proper salaries for the ones we have.

What answer does a scholarship provide to the boy or girl who receives a substandard education because the school day is cut in half by double shifts?

What good is a scholarship program to a school district that simply does not have the funds available to build needed schools?

And how will scholarships help school districts pay their teachers a living wage?

These are the problems. Let us not be under any illusion that if we accept a scholarship program we are making any real strides toward improved American education.

Scholarships are a nice gesture, a nod in the right direction, but they are rapidly obscured by the magnitude of the real education problem. What we must have is a program that will help the States build the schools they so desperately need.

A truly meaningful program of Federal assistance to the States for education has been sought for years in the Congress. There has been too much talk and too little action.

I am seeking, within the Labor and Public Welfare Committee, to amend a true education assistance program to any so-called scholarship bill.

Failing within the committee, the fight will be carried to the floor of the Senate.

We speak often of the need to stand up and be counted on important issues.

I hope that my colleagues will soon have that opportunity to vote on a genuine education assistance program.

AVAILABILITY OF EQUITY CAPITAL AND LONG-TERM CREDIT TO SMALL-BUSINESS CONCERNS

Mr. FULBRIGHT. Mr. President, I ask that the Chair lay before the Senate the amendments of the House of Representatives to the bill S. 3651.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 3651) to make equity capital and long-term credit more readily available for small-business concerns, and for other purposes, which were, on page 1, lines 3 and 4, strike out "purpose," and insert "policy,"; on page 2, strike out the table of contents in its entirety and insert:

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On page 3, line 11, strike out "(a)"; on page 3, strike out lines 16 and 17, and insert:

(3) the terms "small business investment companies", "company", "small business investment company", and "company organized under this act" mean a small business investment company or companies, chartered under State laws for the purpose of operating under this act and authorized by the Administration, as provided in title III, to operate under this act.

On page 3, line 23, strike out "of 1953" and insert "and"; on page 4, strike out lines 1 through 4, inclusive; on page 4, line 5, strike out "(7)" and insert "(6)"; on page 4, line 5, strike out "State and local"; on page 5, line 6, strike out "of 1953"; on page 5, line 6, strike out "209 and 219" and insert "13 and 16"; on page 5, strike out line 10 over through and including line 10 on page 7, and insert:

PROVISION AND PURPOSES OF FUNDS

SEC. 202. (a) Section 4 (c) of the Small Business Act is amended—

(1) by striking out "$650,000,000" each place it appears and inserting in lieu thereof "$900,000,000";

(2) by inserting before the period at the end of the fourth sentence the following: ", and in the exercise of the functions of the Administration under the Small Business Investment Act of 1958"; and

(3) by inserting after the seventh sentence the following new sentence: "Not to exceed an aggregate of $250,000,000 shall be outstanding at any one time for the exercise of the functions of the Administration under the Small Business Investment Act of 1958."

(b) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the administrative expenses of the Administration under this act.

On page 7, line 13, strike out "organization" and insert "qualification"; on page 7, strike out lines 15 through 20, inclusive, and insert:

SEC. 301. (a) Small business investment companies formed by any number of persons, not less than ten, chartered under State laws for the purpose of operating under this act, may be authorized by the Administration to operate under this act.

On page 8, line 6, strike out all after "affairs." down through and including line 8; on page 8, strike out line 9, over through and including line 7 on page 9, and insert:

(c) The articles of incorporation and amendments thereto shall be forwarded to the Administration for consideration. In determining whether to authorize such a company to operate under this act, the Administration shall give due regard, among other things, to the need for the financing of small-business concerns in the area in which the proposed company is to commence business, the general character of the proposed management of the company, the number of such companies previously organized in the United States, and the volume of their operations. After consideration of all relevant factors, the Administration may in its discretion grant authority to such a company to operate under this act.

(d) Prior to the grant of such authority, the company must have power—

(1) to adopt and use a corporate seal;

(2) to have succession for a period of 30 years;

On page 10, strike out lines 13 through 16, inclusive; on page 10, line 18, strike out "organized" and insert "authorized to operate"; on page 10, line 20, strike out "before it shall commence business"; on page 11, strike out lines 7 through 15, inclusive and insert:

(b) Shares of stock in small business investment companies shall be eligible for purchase by national banks, and shall be eligible for purchase by other member banks of the Federal Reserve System and nonmember insured banks to the extent permitted under applicable State law; except that in no event shall any such bank hold shares in small business investment companies in an amount aggregating more than 1 percent of its capital and surplus.

On page 13, line 24, strike out all after "the" over through and including line 3 on page 14, and insert "Administrator"; on page 14, line 14, after "basis." insert "In agreements to participate in loans on a deferred basis under this subsection, the participation by the company shall not be in excess of 90 percent of the balance of the loan outstanding at the time of disbursement."

On page 16, line 14, strike out "80a" and insert "80a–18"; on page 18, line 14, strike out all after "such" down through "forfeited," in line 15, and insert "forfeiture"; on page 19, strike out lines 14 through 25, inclusive; on page 20, strike out lines 6 through 19, inclusive; on page 20, strike out line 20 over through line 3 on page 22; on page 22, line 4, strike out "title V" and insert "title IV"; on page 22, line 6, strike out "501" and insert "401"; on page 22, line 7, strike out "and local"; on page 22, line 8, strike out all after "Act" down through "1961" in line 10; on page 22, line 19, strike out "or local"; on page 22, line 21, after "sources." insert "Funds advanced to a State development company under this section shall be treated on an equal basis with those funds borrowed by such company after the date of the enactment of this act, regardless of source, which have the highest priority, except when this requirement is waived by the Administrator"; on page 22, line 22, strike out "502" and insert "402"; on page 24, line 11, strike out "title VI" and insert "title V"; on page 24, line 14, strike out "601" and insert "501"; on page 24, line 21, strike out "fund for management counseling" and insert "transfer of funds"; on page 24, line 22, strike out "602" and insert "502"; on page 25, strike out lines 7 through 13, inclusive, and insert:

(b) The amounts repaid to the United States pursuant to subsection (a) of this section shall be covered into the Treasury as miscellaneous receipts.

On page 25, strike out line 14 over through line 8, on page 26; on page 26, line 9, strike out "title VII" and insert "title VI"; on page 26, line 10, strike out "701" and insert "601"; on page 26, line 18, strike out "702" and insert "602"; on page 27, line 7, strike out "703" and insert "603"; on page 27, line 11, strike out "704" and insert "604"; and on page 27, line 15, strike out "705" and insert "605."

Mr. FULBRIGHT. Mr. President, I move that the Senate disagree to the amendments of the House to S. 3651, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. FULBRIGHT, Mr. SPARKMAN, Mr. CLARK, Mr. PROXMIRE, Mr. CAPEHART, Mr. BRICKER, and Mr. BENNETT conferees on the part of the Senate.

Mr. KENNEDY obtained the floor.

PROPOSED AGREEMENT WITH GREAT BRITAIN FOR COOPERATION ON USES OF ATOMIC ENERGY FOR MUTUAL-DEFENSE PURPOSES (S. REPT. NO. 2041)

Mr. PASTORE. Mr. President, will the Senator from Massachusetts yield to me?

Mr. KENNEDY. I yield.

Mr. PASTORE. Mr. President, out of order, I ask unanimous consent to submit, from the Joint Committee on Atomic Energy, a report concerning a proposed agreement for cooperation by the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland, on the uses of atomic energy for mutual-defense purposes.

As the Senate will recall, on June 23, 1958, the Senate debated and voted upon a bill to amend the Atomic Energy Act of 1954, to permit greater cooperation between the United States and our allies in the exchange of classified military information and material. The bill, H. R. 12716, after conference, on June 30, 1958, was passed by the Senate; and on July 2, 1958, was approved by the President as Public Law 85–479.

As the Senate will recall, Public Law 85–479, while permitting greater cooperation with our allies in the exchange of military atomic energy information and material, also contains a provision whereby the Congress may, by a concurrent resolution, disapprove a proposed agreement. By amendment of the Atomic Energy Act of 1954, proposed agreements for cooperation of a military nature, before becoming effective, must lie before the Joint Committee for a stipulated period of time. The period of time is 30 days during the 85th Congress and 60 days thereafter. A proposed agreement for cooperation cannot take effect if during this period of time the Congress adopts a concurrent resolution of disapproval.

The first proposed agreement submitted to Congress by the President since the enactment of Public Law 85–479 is one with Great Britain, which was submitted on July 3, 1958. The Joint Committee on Atomic Energy, through its Subcommittee on Agreements for Cooperation, under my chairmanship, having studied the proposed agreement, and having heard witnesses from the Department of Defense, the State Department, and the Atomic Energy Commission, concluded that the proposed agreement is in conformance with the letter and the spirit of the Atomic Energy Act of 1954, as amended. The full committee on July 22, 1958 adopted the report, and interposed no objections to the agreement.

I submit to the Senate the Joint Committee's report in support of the proposed agreement. After review of the report, I am certain that all Senate Members will join me in the belief that the proposed agreement with Great Britain will foster greater cooperation between these two countries, to their mutual advantage.

The PRESIDING OFFICER. The report will be received and printed.

Mr. PASTORE. Mr. President, I thank the Senator from Massachusetts for yielding to me.

SUSPENSION OF EMPLOYMENT OF CIVILIAN PERSONNEL OF THE UNITED STATES IN THE INTEREST OF NATIONAL SECURITY

Mr. JOHNSTON of South Carolina. Mr. President, on August 8, 1957, the Senate passed and sent to the House S. 1411, to amend the act of August 26, 1950, giving the heads of the executive departments and agencies discretionary authority to retain or suspend employees pending a hearing on charges involving loyalty.

The House struck out all after the enacting clause and adopted provisions having far-reaching implications. The House provisions go far beyond the scope of the measure passed in the Senate. When that became known, a number of the members of the committee asked me to request that the bill be referred back to the committee for study. The Senate agreed to the request, and the bill was referred to the committee on July 11, 1958.

The committee has now had an opportunity to study the House provisions and, in executive session, unanimously agreed to request a conference with the House to see if the issues involved could be resolved.

Mr. President, I move that the Senate disagree to the amendments of the House of Representatives, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JOHNSTON of South Carolina, Mr. CHURCH, Mr. CLARK, Mr. MARTIN of Iowa, and Mr. MORTON conferees on the part of the Senate.

Mr. JOHNSON of Texas. Mr. President, this matter was not known to me. I wonder if the Senator will assure us this action is agreeable to the minority leader?

Mr. JOHNSTON of South Carolina. It is. It is agreeable with the Senator from Kansas [Mr. CARLSON] and the full committee, Democrats and Republicans both.

Mr. JOHNSON of Texas. If objection should be indicated, this action should be vitiated. When we tell Senators we are not going to transact any other business, I try to adhere to that plan. If this action is not agreeable, I will ask the Senate to rescind this action.

Mr. JOHNSTON of South Carolina. I think there can be no objection.

ORDER TO CONVENE AT 10 O'CLOCK TOMORROW MORNING

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate convenes tomorrow, it convene at 10 o'clock in the morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, we expect to call up the conference report on the transportation bill.

We expect to consider the motion to reconsider on the resolution from the Foreign Relations Committee.

We expect to consider the resolution extending appropriations for August, presented by the distinguished chairman of the Appropriations Committee.

Mr. President——

The PRESIDING OFFICER. The Senator from Texas.

CONSTRUCTION AT MILITARY INSTALLATIONS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2028, H. R. 13015, the military public-works bill. I should like to make that the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H. R. 13015) to authorize certain construction at military installations, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services with an amendment.

Mr. JOHNSON of Texas. Mr. President, I do not have it within my power to determine when the absence of a quorum may be suggested, and therefore one may be suggested shortly after the Senate convenes tomorrow, but I should like all Members of the Senate to be on notice that we do not anticipate a yea-and-nay vote on the military public-works bill until after 11 o'clock, and Senators may make their plans accordingly.

CHANGE OF REFERENCE

On motion of Mr. JOHNSON of Texas, and by unanimous consent, the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. 2747) for the relief of John H. Parker, and it was referred to the Committee on Post Office and Civil Service.

KATINA LECKAS AND ARGERY LECKAS, NATIVIDADE AGRELA DOS SANTOS

Mr. JOHNSON of Texas. Mr. President, I ask that the Chair lay before the Senate the messages from the House on S. 3007 and S. 3129.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3007) for the relief of Katina Leckas and Argery Leckas, which was, in line 11, strike out all after "States" down through and including "act" in line 13, and insert:

SEC. 3. The natural parent of the beneficiaries of this act shall not, by virtue of such parentage, be accorded any right, status, or privilege under the Immigration and Nationality Act.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3129) for the relief of Natividade Agrela Dos Santos, which was, in line 8, strike out all after "that" down through and including "act" in line 10, and insert "the natural parent of the beneficiary shall not, by virtue of such parentage, be accorded any right, status, or privilege under the Immigration and Nationality Act."

Mr. JOHNSON of Texas. Mr. President, the Senate passed S. 3007 and S. 3129 on May 1 and May 21, 1958, respectively. These bills grant to the minor children adopted or to be adopted by citizens of the United States the status of nonquota immigrants. On July 8, 1958, the House passed S. 3007 and S. 3129, each with a minor amendment stating that the natural parents of the beneficiaries shall not be entitled to any right, status, or privilege under the Immigration and Nationality Act.

I move that the Senate concur in the House amendment to each of the bills, S. 3007 and S. 3129.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to.

MARIA GARCIA ALIAGA

Mr. JOHNSON of Texas. Mr. President, I ask that the Chair lay before the Senate the amendment of the House to S. 2511.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2511) for the relief of Maria Garcia Aliaga, which was to strike out all after the enacting clause and insert:

That the Attorney General is authorized and directed to cancel any outstanding order and warrant of deportation, warrant of arrest, and bonds, which may have issued in the case of Maria Garcia Aliaga. From and after the date of the enactment of this act, the said Maria Garcia Aliaga shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

Mr. JOHNSON of Texas. Mr. President, on May 21, 1958, the Senate passed S. 2511, to grant the status of permanent residence in the United States to the beneficiary. On July 8, 1958, the House of Representatives passed S. 2511, with an amendment to provide only for cancellation of outstanding deportation proceedings in behalf of the beneficiary.

I move that the Senate concur in the House amendment to S. 2511.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to.

ROMULO A. MANRIQUEZ

Mr. JOHNSON of Texas. Mr. President, I ask that the Chair lay before the Senate the amendment of the House to S. 3060.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3060) for the relief of Romulo A. Manriquez, which was, in line 6, to strike out "August 29, 1954," and insert "the date of the enactment of this act."

Mr. JOHNSON of Texas. Mr. President, on May 21, 1958, the Senate passed S. 3060, to grant the status of permanent residence in the United States to the beneficiary as of August 29, 1954, the date of his last entry to the United States. On July 8, 1958, the House passed S. 3060, to grant the status of permanent residence to the beneficiary as of the date of the enactment of the act. There were unusual and outstanding equities in this case which the Senate believed warranted giving the beneficiary residence as of the date of his last admission to this country. However, the amendment is acceptable, and I move that the Senate concur in the House amendment to S. 3060.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to.

CHANGE OF REFERENCE

Mr. JOHNSON of Texas. Mr. President, on behalf of the Committee on the Judiciary, I wish to announce that a request has been made that that Committee be discharged from further consideration of the joint resolution (H. J. Res. 221) granting the consent of Congress to the several States to negotiate and enter into compacts for the purpose of promoting highway traffic safety, and that the joint resolution be referred to the Committee on Interstate and Foreign Commerce. This request which has been received by the Committee and placed before it came from the Senator from Oklahoma [Mr. MONRONEY].

The Committee on the Judiciary, after considering the request, resolved that it be discharged from further consideration on the joint resolution, and that the same be referred to the Committee on Interstate and Foreign Commerce.

I, therefore, ask unanimous consent that such discharge and reference be agreed to.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

NATIONAL ASSOCIATION OF MANUFACTURERS OPPOSITION TO KENNEDY-IVES LABOR BILL

Mr. KENNEDY. Mr. President, the labor reform bill, S. 3974, sometimes known as the Kennedy-Ives bill, is said

to be dead. It is said that it has no chance of passage in this Congress.

I believe the Senate, which worked long and hard to pass this measure by a near-unanimous vote, is entitled to know why. The public is entitled to know why a bill under bipartisan sponsorship which passed the Senate by a vote of 88 to 1 has now encountered so much opposition that it cannot pass the other body. Where did this opposition arise?

The bill's demise is not the result of opposition by responsible labor leaders. President George Meany of the AFL–CIO has stated publicly that this bill is acceptable to his organization. The industrial union department of the AFL–CIO endorsed it in Denver last week.

The bill's demise is not the result of opposition by responsible members of the business community who recognize the need for reform. In an editorial on June 28, Business Week magazine called the bill's terms "basic policies designed to meet certain definite needs effectively, but not destructively." It hailed the bill as an example of what can be done in this controversial area "if wise guidance in the public interest can be substituted for concern over wide-apart partisan positions."

The bill's demise is not the result of opposition by the administration or the Congressional leaders of either party. I know for a fact that they have sought its passage. The Senator from Arkansas [Mr. McCLELLAN] whose select committee report is implemented by this bill, stated:

> If enacted, and properly administered, it will drive many unreformed ex-convicts, racketeers, gangsters, and crooked officials out of the union movement and strengthen the position of honest, decent unionism and its leaders.

Senator KNOWLAND, the distinguished minority leader, indicated that the bill marked "real progress" and said:

> In the final analysis, the workers will be the ones who will suffer if Congress does not finally act on legislation of this sort at this session.

The Secretary of Labor has likewise indicated his support of this bill; and the ranking Republican member of our Senate Committee on Labor, Mr. SMITH of New Jersey, has termed the bill "one of the important landmarks of this Congress."

Where, then, did the opposition arise? It has been spearheaded by one lobby only, the National Association of Manufacturers, aided by other lobbyist groups with which it is associated—including primarily the United States Chamber of Commerce and the American Retail Federation. This last minute drive has flooded Capitol Hill and the Nation's business mailboxes with intemperate, exaggerated, and misleading attacks on the Kennedy-Ives bill, creating enough confusion and consternation to insure the bill's delay and thus demise at this late date.

Upon passage of the bill by the Senate, one of the leaders of the House told me it would pass the other body by an equally unanimous vote. He now tells me, a month later, that the bill could not receive the two-thirds vote necessary to pass on a suspension of the rules, and probably not even a majority.

Responsible members of the House Education and Labor Committee, with whom I have been working—such as Representatives GEORGE MCGOVERN of South Dakota; STEWART UDALL, of Arizona, and FRANK THOMPSON, of New Jersey—report increased difficulty in securing committee action. This complete reversal in outlook has not been the result of any public hearing or discussion. There was no meeting of NAM members at which the bill was explained, and a vote taken. Who, we must ask, have taken it upon themselves to record the business community as opposed to labor reform?

I recognize the right of any interest group to organize for the protection and promotion of its private interest. Labor has that right—the NAM has that right, too. But I am opposed to this secret government which infringes upon the public interest—which holds up vital legislation needed by the public and by union members as the result of secret decisions secretly reached.

I wrote the President of the National Association of Manufacturers and asked him when the National Association of Manufacturers had met to vote on the bill, after the bill had passed the Senate. Included in his answer was a sentence which I think should take a prize of a sort:

> Positions taken by our association are based on principles set forth in established policies which are developed by large and representative committees from the membership and then submitted to the board of directors and adopted only when approved by a two-thirds vote of the board. These positions are under constant review by the committees and the board and are published annually in Industry Believes, a copy of which will, of course, be promptly furnished to you if you so desire.

In other words, there is no indication that there was any formal meeting by the board of directors or any other representative group of the NAM to decide what action the NAM should take on the bill in the form in which it passed the Senate of the United States.

I think the letter, which I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks, should be read by the Members of Congress.

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

NATIONAL ASSOCIATION OF MANUFACTURERS,
New York, N. Y., July 23, 1958.

Hon JOHN F. KENNEDY,
United States Capitol,
Senate Office Building,
Washington, D. C.

MY DEAR SENATOR KENNEDY: I wish to acknowledge receipt of your letter dated July 9, which unfortunately did not come to my attention until the middle of last week, it having been delayed in forwarding from our Washington Office.

You inquire as to whether the governing body or the membership of NAM have voted to oppose the two bills, S. 2888 and S. 3974. Positions taken by our association are based on principles set forth in established policies which are developed by large and representative committees from the membership and then submitted to the board of directors and adopted only when approved by a two-thirds vote in the board. These positions are under constant review by the committees and the board and are published annually in Industry Believes, a copy of which will, of course, be promptly furnished to you if you so desire.

Pursuant to the positions adopted by the association, testimony was given on behalf of the association by Mr. George Fonda, chairman of our employee benefits committee, before the Senate Special Subcommittee on Pension and Welfare Fund Legislation, June 25, 1957. You are probably also familiar with the testimony given by Mr. Donald J. Hardenbrook, chairman of our industrial relations committee, when he appeared before your Subcommittee on Labor Legislation on May 16, 1958.

You also inquire as to whether we are actively opposing passage of legislation designed to protect union members and the public from the predatory action of crooks and gangsters who have infiltrated the ranks of organized labor.

Certainly not. We do consider that the enactment of legislation which will extend real protection to union members and the public from such predatory actions is a matter of great importance to the country, and we would like to point out that we firmly believe that such legislation should be of a character which would also extend protection to nonunion members. I think that anyone must admit that these bills, in their present form, do not go far enough so as to be entitled to be characterized as extending the desired protection.

These bills, of course, contain many provisions which in no respect deal with protection of anyone from the predatory actions of those to whom you refer. As an example, I would mention section 103 (a) in title I of S. 3974. How would you expect this section to be construed? Does it mean that an employer must report every expenditure in the publication of an employee magazine or paper, or in addressing an occasional letter to all employees, or in maintaining personnel departments or guidance counselors, merely because something that was said might influence some employees in a way ultimately affecting organization or collective bargaining? We would consider this bad legislation and would be apprehensive that it would seriously hamper the improvement of employer-employee relations.

Again, may I also refer to provisions with respect to codes of ethical practices in title IV. They are reminiscent of codes under the National Recovery Act. We do not believe that any good will be accomplished by legislation requiring either unions or employers to go through the motion of adopting such codes, nor by endeavoring to invest such organizations with police power of administration or enforcement.

The amendments to the Taft-Hartley Act are not responsive to disclosures of abuses before the McClellan committee, nor are they in the public interest.

Certainly we are not opposed to genuinely protective legislation, but we believe that the pending legislation should be amended so as to correct the present defects which are occasioning such widespread criticism and we sincerely hope that such further improvement of this legislation will have the great benefit of your support.

Sincerely yours,

M. C. LIGHTNER,
President.

Mr. KENNEDY. Mr. President, to many businessmen, this NAM-led attack is inexplicable. These businessmen know that S. 3974 is a solid labor reform bill which carries out the recommendations of the McClellan committee report—which I signed and which the Senator from New York [Mr. IVES], the cosponsor of the bill, signed—that it contains the

kind of reforms the business community has long requested in union democracy and financial responsibility. They know that there is no indication of a Congress next year which will adhere more closely to the dictates of the NAM. They recognize that no bill could contain every measure in the labor-management field desired by every interest group—and thus they regard those who prefer no bill at all to the Kennedy-Ives bill as being just as unrealistic and unreasonable as those who once demanded that the Taft-Hartley Act be entirely repealed or not amended at all.

For it is this extremist attitude on both sides which has prevented any substantial labor legislation from passing the Senate in the last 10 years. These business and other leaders who want a bill thus regard the NAM's action as a real disservice to the business community—influenced in part by those who want a political issue rather than a bill—a whipping boy instead of progress.

Of one thing we may be sure—next year there will be more scandals, more racketeering, more abuses by the hoodlums who have infiltrated a tiny fringe of the American labor movement. But we will lack an effective remedy to stop them—and the NAM is apparently willing to assume responsibility for tying our hands.

More union funds will be embezzled or otherwise misused next year; and, because of the NAM, the members and the public will know nothing about it.

More union elections will be rigged next year; and, because of the NAM, nothing will be done about it.

More ex-convicts will serve as union officers, more Nathan Shefferman middlemen will take payoffs, more picket lines will be set up for extortionate purposes, more trusteeships will be used for Jimmy Hoffa-type power plays, more Johnny Dio paper locals will be established to front for racketeers; and, because of the NAM, we will do nothing about it.

The results of nearly 2 years of McClellan committee hearings, of several weeks of hearings, discussion, and drafting by the Labor and Public Welfare Committee, of long, constructive debates on the Senate floor—all this is to go for naught because of the shortsighted opposition of this one organization and its associates.

In literature distributed to businessmen throughout the Nation—I have it all here on my desk, and it is a mass of material—by the NAM and its affiliates, the provisions of the Kennedy-Ives bill have been described in so one-sided and distorted a fashion—omitting most of its key reform features—that no Senator who voted for it would recognize it. Here, for example, is the complete list of reasons—the whole list—offered by the Chicago Association of Commerce and Industry as to why its members should write their Congressmen in opposition:

While the bill is offered as an adequate remedy for the racketeering disclosed by the McClellan committee, it fails to get at the fundamental causes of such abuses; that is, the growth of compulsory union membership—

In other words, they are suggesting we should have passed a national right-to-work law. There was no prospect that such would be done, and no amendment to that effect was offered either in the committee or on the floor of the Senate—

union immunity from antitrust laws—

Such an amendment was not offered in the committee or on the floor of the Senate by any Member—

a toleration of many forms of secondary boycotts—

It is true nothing was done about secondary boycotts, but the Senator from Arkansas [Mr. McCLELLAN] made it clear that would be one of the subjects which would definitely be included in coming investigations of the investigating committee—

and unrestricted freedom of unions to engage in political activities.

In addition, the bill contains these objectionable provisions:

1. It concentrates still more authority in the National Labor Relations Board instead of turning reasonable authority back to the States.

This refers to the State of Illinois, where there is no State labor law. A good many of the abuses we found with respect to the Chicago Restaurant Association and the union came about because there was no State labor law, and there was no opportunity for an election under the provisions of a State labor law. Under the arbitrary jurisdictional standards of the National Labor Relations Board, small establishments are not given the protection of the National Labor Relations Act. That is one of the reasons there were major abuses in the Chicago restaurant trade.

The first objection made is that the Senate did not attempt to deal with the problem of turning authority back to the States. Only 12 States have labor laws. The New York State Chamber of Commerce came to Washington to object to our turning over to New York jurisdiction of small business, because the New York law permits the closed shop. We therefore provided that the Taft-Hartley Act should be enforced to the full extent of Federal jurisdiction. Despite these facts, this is one of the reasons the members of this organization from Illinois are asked to write to Members of Congress.

2. It makes concessions to unions in the construction industry, such as reducing from 30 to 7 days the period before employees are required to join a union, and establishes prehire contracts which indirectly restore the closed shop to the industry.

The language in this section was almost identical to the language reported in 1954 by the senior Senator from New Jersey [Mr. SMITH]. While that may be a controversial section, it is a section recommended by the administration, and it was not the desire of the Senator from Massachusetts to discuss amendments to the Taft-Hartley Act this year, but that was a part of the agreement we made last April here on the floor of the Senate with the Senator from New Jersey. We agreed to consider the recommendations of the administration with respect to the Taft-Hartley Act, as well as the recommendations of the McClellan committee.

Reading further from the arguments of the Chicago Association of Commerce:

3. It grants economic strikers the right to vote, with the result that important bargaining matters could be decided by those who are no longer rightfully employees.

4. It changes the Taft-Hartley definition of supervisors so that many more of those employees could be unionized.

5. It requires many employers to file detailed reports on all activities designed to win employee loyalty or good will, or to express a viewpoint on any issue affecting employees, on the grounds that an attempt is being made to influence such employees. Thus, what an employer did and what he spent to win employee good will would become public information and, of course, union information.

Those are the reasons given by the Chicago Association of Commerce and Industry. That is the whole message of the association, sent out to all its members, requesting that they write to Members of Congress demanding the defeat of our bill. Anyone who is completely opposed to the bill would agree that that is a most distorted explanation of the bill which passed the Senate. It omits all the provisions in it for controlling union corruption. Instead, these five sections are picked out. I think this association ought to be ashamed of itself. It has rendered the public a distinct disservice.

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

Mr. KENNEDY. I will, but I want whatever the Senator says to appear at the conclusion of my remarks.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that any colloquy in which I engage with the Senator from Massachusetts appear at any point he desires.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the chief reason for this opposition, in this and other NAM broadsides, is that the bill does not go far enough—that it does not restrict labor's rights in the field of collective bargaining, or political activity. But the Senate demonstrated repeatedly that it regarded this as a labor reform bill, designed primarily to carry out the recommendations of the McClellan committee—and that it should not be loaded down with broad new measures in the various areas of industrial relations.

The only proposed changes in our Taft-Hartley Labor Relations Code which might be said to be unrelated to specific McClellan committee recommendations were those which:

(a) Restore to economic strikers the right to vote in representation elections, a move for fair-play long urged by the late Senator Taft in order to eliminate what President Eisenhower has called a "union-busting" provision.

(b) Recognize the special conditions inherent in the construction industry by permitting prehire contracts and employer contributions to trust funds, amendments which were also urged by the President this year as did the late Senator Taft in previous years, and which were reported by a Republican

controlled Senate Labor Committee under Senator SMITH of New Jersey in 1954.

(c) Require a non-Communist affidavit from employers to match that now required of union leaders—admittedly an extraneous amendment which I opposed on the floor, but hardly an excuse for NAM opposition considering it was offered by the Senator from South Dakota [Mr. MUNDT] and placed in the bill at the insistence of those whose labor views are generally endorsed by the NAM.

The other objections raised by the NAM and its associates are equally without substance. They want financial reports to be filed by unions—but not by employers on their antiunion operations. They want Federal regulation of union activities—but object to the "centralization" proposed in referring financial reports to the Secretary of Labor. They complain about the no man's land in labor relations caused by arbitrary NLRB rules—but, with no effective solution of their own, also complain about the proposed remedy of having the NLRB assume its full jurisdiction—coupled with a facilitation of Board action through a redefinition of supervisor. They want to prohibit union leaders from receiving bribes directly or through middlemen—but not employers from paying them. They want stricter ethical practices codes for unions—but none for management.

I know many members of the NAM and chamber of commerce. They have never voted to oppose this bill. I know they resent the partisan tactics and shoddy legislative analyses—ignoring legislative history and omitting key sections—which form the basis of the organization's opposition.

These NAM broadsides and related material are perhaps more significant for their omissions. Perhaps they do not believe that we were able to pass through the Senate, and the AFL–CIO was able to endorse, a bill which provided, in addition to those items already mentioned as opposed by the NAM, for:

First. Comprehensive detailed disclosure of union financial data—to members, press, public, and law enforcement agencies.

Second. Full reports by union officers on any personal conflict-of-interest transactions.

Third. Criminal sanctions for embezzlement of union funds, false reporting, false entries in books, failure to report, or destruction of union books.

Fourth. Suits by union members for recovery of funds embezzled or misappropriated by union officers.

Fifth. Prohibition of loans by employers or unions to union officers.

Sixth. Secret ballot for all union officers or the convention delegates who select them.

Seventh. Due notice of all union elections and real opportunity to nominate opposing candidates.

Eighth. Requirement that union officers be elected by secret ballot every 4 years by international unions, and every 3 years by local unions.

Ninth. Prohibition on the use of union funds to support candidacy of any union officer.

Tenth. Prohibition on persons convicted of felony serving as union officers.

Eleventh. Power to Secretary of Labor to institute court action to set improper elections aside and conduct a new election.

Twelfth. Limit on union trusteeships to 18 months.

Thirteenth. Mandatory annual report to Secretary and union members on every trusteeship, the reasons for its establishment, continuance, and operation.

Fourteenth. Prohibition on counting votes of delegates of trustee bodies unless delegates elected by secret ballot, and on transfer of funds from trusteed local union to international except normal dues and assessments.

Fifteenth. Power to Secretary of Labor to begin a court proceeding to break improper trusteeships.

Sixteenth. Prohibition of picketing for extortion or to secure payoff from employer.

Seventeenth. Prohibition of solicitation for payment of fictitious fees for unloading cargo from interstate carriers.

These important features are deliberately overlooked by the NAM in its analysis sent to the Members of Congress. As another typical example of the kind of misleading material about this bill which has been circulated, I should like to quote from the labor relations letter, issued by the chamber of commerce of the United States. This is what they sent to the people:

> Senator MCCLELLAN sponsored an amendment to delete from the bill title VI, which contains most of the objectionable features. His proposal was defeated. At one point in the debate he said: "I did not get everything I wanted—

That was said at one point in the debate, not in connection with title VI—

> "I did not get everything I wanted. Everything I wanted is not in the bill. I think I could strengthen the bill if I could sit down and write it myself. I think I could improve upon it. No doubt every other Senator feels the same way. Each Senator no doubt feels that if he were privileged to write it he could improve on this measure."

That is the end of the quotation in the labor relations letter. However, the Senator from Arkansas [Mr. MCCLELLAN] continued, as the RECORD will show:

> However, we are dealing with one of the most sensitive, technical, and difficult areas in which to legislate. We can load the bill down with many things which I favor, and for which I shall continue to fight. We can load the bill down with provisions which other Senators want, and the result will be that we shall have no legislation at all, in my judgment, at this session of the Congress.

The statement of the Senator from Arkansas was a prelude to his endorsement of the bill. The chamber of commerce, in its message, took the first part of his remarks and failed to indicate the strong endorsement of the Senator from Arkansas of the committee bill which followed in the same speech.

I should like to quote from the Labor Gram, a publication of the American Retail Federation, of July 23, 1958:

> It is nice to think this is what Speaker RAYBURN may have in mind, and it may be so—
>
> Sending the bill to committee after the committee has acted on the pension-welfare bill—
>
> but until the bill is, in fact, referred to the Labor Committee for full hearings, the possibility of its passage remains.

I quote from another Labor Gram, of July 11, 1958:

> For this reason, retailers who value the right of their employees to exercise the right to join or not to join a union must continue to do all they can to convince their United States Representatives that S. 3974 has "sleepers" and hearings must be held on it.

This is a bill for which the Senator from Arizona voted.

Mr. GOLDWATER. What is that?

Mr. KENNEDY. The Senator from Arizona was not present to vote, I regret to say, but I believe he announced that he was in favor of the bill.

Mr. GOLDWATER. The Senator from Arizona announced his position in favor of the bill. He has been working earnestly with the House membership to have them consider it.

Mr. KENNEDY. I believe these statements are completely misleading. I say that because I know that any bill which would have adversely affected the right of employees to join a union would have been opposed by the Senator from Arizona.

Mr. GOLDWATER. The Senator from Massachusetts will recall that in committee the junior Senator from Arizona said he would not bring up legislation of that type.

Mr. KENNEDY. That is correct. That is why I say that all this material is misleading.

Here is a quotation from a publication issued by the National Small Business Men's Association:

> The Kennedy-Ives labor bill (S. 3974), recently passed by the Senate, is an affront to the intelligence of the American people.

That is the kind of garbage which is passed out to American businessmen under the guise of an objective analysis, calling on the American businessmen to rise up and defeat the bill because the bill, which has been drawn under the most sensitive conditions, comes at the end of the session, and it can be passed only if there is unanimous support for it by all responsible groups in society.

Mr. GOLDWATER. Mr. President, I should like to ask one more question of the Senator from Massachusetts.

Who brought on the 41 days? The NAM did not bring on the 41 days.

Mr. KENNEDY. I am disappointed that the bill has not come up for a vote in the House. But I think a group which has to bear the major responsibility and leadership, a group which has issued completely misleading information to its members and has caused them to bombard the House of Representatives—

Mr. GOLDWATER. I think the leadership of the Democrat Party in the House has to account for the 41 days.

Mr. KENNEDY. I am not making this a partisan issue. It is my opinion that Senators on both sides of the aisle favor the bill. The Senator from California [Mr. KNOWLAND] endorsed the bill. The Senator from New York [Mr. IVES] and other Senators cosponsored it. Every

Member of the Senate except one voted for the bill. I am attempting to say that a pressure group has misled its members, and they have been able to defeat the bill. As a member of the McClellan committee, I am extremely disappointed.

The Kennedy-Ives bill is a strong labor reform bill. The only other group which opposed it was the one headed by Mr. James Hoffa.

The members of the McClellan committee of whom I am one, had every reason a month ago to feel that our efforts had been worthwhile. The Democratic leadership and the other members of my party, as well as Members of the Senate from the other side of the aisle, especially the Senator from New York [Mr. IVES], who were extremely interested in the bill and who were unstinting in their efforts on behalf of the bill, have every reason today to resent the blocking of the bill by those who are more interested in keeping alive a political issue than in ending labor rackets.

Action on the bill may still be possible. If action is not taken this year, I will say, as chairman of the Subcommittee on Labor, that this is a matter of continuing urgency. The events of this year have demonstrated the difficulty of enacting, over the opposition of extremists on both sides, firm, responsible labor legislation which is antiracket instead of antilabor. But that effort will be made.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD certain editorials published in the Christian Science Monitor, the New York Post, the Providence Journal, and the Berkshire Eagle, of Pittsfield, Mass. All of them underscore the opposition of the NAM.

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

[From the Christian Science Monitor of July 12, 1958]

HOW SMALL A LOAF?

The Senate passed the Kennedy-Ives labor reform bill 3 weeks ago and the Douglas-Ives-Kennedy bill to safeguard union welfare funds back in April. Since then they have been awaiting action in the House.

Senate leadership took care to see that attempts to frame broad labor legislation would not stymie protection of the trust funds. And Speaker RAYBURN also has been holding the reform measure out of committee until the funds bill clears it. But there are other causes of the House's inaction.

Organized labor has wisely muted its objections to some portions of this legislation but organized business has been intensifying its hostility to others. Now one source of this opposition has been made public and official. The National Association of Manufacturers' official organ, the NAM News, denounces the Kennedy-Ives bill as a fraud and a delusion, and says that unless the House amends it, it would be better to have no labor legislation now.

We would not argue that so complex a matter as labor-management relations is carried beyond improvement by these two bills. But we are impelled to ask of the NAM (and the chamber of commerce, which is also in opposition): Just when will there likely be a climate of opinion more receptive to legislative correction of defects and abuses in labor-management relations than the one which has resulted from the disclosures by the Senate Rackets Committee and, in fact, by the AFL–CIO's own ethical practices committee?

The NAM declares the two bills offer the public a very small loaf indeed. It is true that several changes much desired by organized business are not included: outlawing of union security provisions in labor contracts, for instance. And some requirements it does not want are included: for example, reports to the Department of Labor on employer-managed welfare funds and on middlemen.

But the public is likely to see a very substantial loaf in laws that would guard against racketeer domination of unions by requiring the essentials of democratic control.

[From the New York Post, of July 9, 1958]

ALL OR NOTHING

The National Association of Manufacturers and the United States Chamber of Commerce seemingly prefer to scuttle labor reform legislation if getting it requires any reform for business.

Thus organized industry has thrown its lobby forces against the Kennedy-Ives bill passed by the Senate and now awaiting House action. Ostensibly the business masterminds merely aim at sending the measure to the Education and Labor Committee for full hearings before the House acts. But that is pure subterfuge. Their real purpose is to bottle the bill up for the rest of the session.

The reasons behind the maneuver reflect the double standards which the business propagandists seek to impose on the Nation. The Kennedy-Ives bill contains stringent provisions to curb corrupt and undemocratic practices in labor unions. But it also provides labor with some relief from the harsh inequities of the Taft-Hartley law. It would, for example, permit both strikers and those who replaced them on the job to vote in union representation elections.

In addition, the bill not only makes it a crime for union officials to accept bribes from employers but makes it criminal for employers to bribe union officials. Clearly the idea that a businessman could engage in bribery remains inconceivable at the Union League Club, no matter what current investigations in Washington may reveal.

The bill in question also requires employers and their middlemen to file reports with the Government if they spend more than $5,000 annually to influence employees in the exercise of their rights. This is deemed an infringement on the prerogatives of industry.

Many of the provisions of the Kennedy-Ives bill would afford union members—and the general public—desirable protections against misconduct and autocracy among backward union chieftains. But the NAM-chamber of commerce axis is seeking an all-out antiunion program, not a moderate measure addressed to abuses in both business and labor. Where are industry's statesmen?

[From the Providence (R. I.) Independent of July 11, 1958]

THE NAM TAKES TOO NARROW A VIEW OF THE LABOR BILL

The National Association of Manufacturers displays a narrow point of view in attacking the Kennedy-Ives labor bill. It is wrong in calling the bill "deceptive" and "inadequate." It is mistaken in describing the measure is a "fraud and a delusion."

The NAM attack appears as an editorial in the organization's publication NAM News. It insists the bill would not impose any curbs on spread of gangsterism in the labor union movement, and it suggests that if the House cannot attach some needed amendments, the whole bill should be permitted to die as a measure that is worse than useless.

The NAM has always been conservative. It has never been one to carry the torch at the head of the liberal parade. But this time, the NAM has slipped into the depths of moss-back conservatism, and from that awkward position, it cannot even seem to see beyond its own nose.

The Kennedy-Ives labor bill cannot possibly be as bad as the NAM makes it out to be. After all, this is the bill worked out by a bipartisan team of Senators headed by Senator KENNEDY, Democrat, of Massachusetts, and Senator IVES, Republican, of New York. It has the support of Senator MCCLELLAN, whose investigations of labor racketeering made apparent the need for such a measure. It has the support of George Meany, president of the AFL–CIO. It has the wholehearted support of Labor Secretary Mitchell and the administration.

When the bill came to a final vote on the floor of the Senate a few weeks ago, it was overwhelmingly approved 88 to 1. Even Senators MUNDT and GOLDWATER, whose views so often coincide with those of the NAM, approved it.

True, the bill goes too far in imposing Government regulations over labor to suit some labor leaders such as John L. Lewis. And it doesn't go far enough in cracking down on labor to suit some of the Congressional reactionaries. But by and large, the Kennedy-Ives measure is regarded as a wholesome and desirable piece of legislation which will help bar the crooks from the labor movement and go far toward guaranteeing the democratic rights of labor's rank and file.

[From the Berkshire Eagle (Pittsfield, Mass.) of July 9, 1958]

DOGS IN LABOR'S MANGER

Politics makes strange bedfellows, and none stranger than the fellows who currently share the same bunk in opposition to the Kennedy-Ives labor reform bill. Although the bill sailed through the Senate a fortnight ago, it is now in grave danger of being torpedoed in the House by an unholy alliance consisting of a shady minority of organized labor and, incredible though it may sound, a solid phalanx of spokesmen for organized business.

That there should be some lingering opposition to the bill on the part of the unions is understandable enough. But the far more extensive opposition from organized business—from the lobbyists of the United States Chamber of Commerce and the National Association of Manufacturers—seems at first blush inexplicable. These, after all, are the boys who have been howling like basset hounds for legislation to make unions toe the mark. Why, then, are they now working hard to sidetrack the bill by forcing it into the Education and Labor Committee, where it will probably be guillotined, rather than let it come directly to the floor of the House?

The explanation is only too apparent. When the Nation was recoiling last year at the McClellan committee's revelations of skulduggery on the part of Beck, Hoffa, and other robber barons of the labor movement, the antilabor forces felt they had the unions on the ropes at long last. Some of them even felt the climate was right for enactment of a bill that would make the Taft-Hartley Act look as though it had been written by Walter Reuther and John L. Lewis.

Instead, what they got from KENNEDY and IVES was a moderate bill that will hurt the minority of corrupt unions but will do little or nothing to clip the wings of the honest ones. They got a bill that will give genuine protection to union members against racketeering officials by requiring secret ballots, full financial reports, and other safeguards. But they didn't get a bill that will weaken the unions in dealing with management.

In short, the industrial lobbyists wanted a bill that would be antilabor and instead got one that is antiracket. If they wish to, as they apparently do, they can almost certainly come out of it with no bill at all by forcing the Kennedy-Ives bill into a committee pigeonhole. Having failed to put labor in its place, they can behave like little foxes and spoil the grapes for everyone else too. But it will be a pretty sorry demonstration of irresponsibility if they do.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks certain other editorials which support the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. Mr. President, I draw particular attention to an article written by Mr. Herling and published in this afternoon's Washington News.

I also call attention to an article entitled "Why Business Fights Labor Bill," written by Joseph A. Loftus, and published in the New York Times of July 13, 1958. Mr. Loftus discusses the five points of the opposition of the NAM, such as the objection to economic strikers. The NAM indicates that Senator Taft strongly favored making this change in the Taft-Hartley Act. Mr. Loftus refers to the section dealing with supervisors, which was under consideration.

This is certainly a sad story. I regret very much that it now looks as though our efforts have all been in vain.

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

Mr. KENNEDY. I yield.

Mr. LONG. I am rather unhappy to find that the proposed legislation, on which the Senate as a whole toiled so diligently, now appears to have been lost. It is particularly unfortunate that many of those who have claimed to speak for business appear to be causing businessmen to object to the kind of bill for which the friends in Congress of both businessmen and laboring men should be able to vote. The Senator knows that the point of view of the American businessman as well as the point of view of the American laboring man is quite well represented in the Senate. Although there are some in the Senate who have been regarded as being prolabor and some who have been regarded as being probusiness, there are a great number of Senators who can be depended upon to speak and fight for labor or business if they are right. Will the Senator state again the vote by which the bill was passed?

Mr. KENNEDY. The vote was 88 to 1.

Mr. LONG. Does the Senator think it would be at all likely that after the Senate had spent many hours and days deliberating upon and studying the measure and hearing the various controversial phases debated at great length, it would have been likely to have voted 88 to 1 for any bill which would do violence to any legitimate business interest or to the well-being of labor?

Mr. KENNEDY. The Senator from California [Mr. KNOWLAND] supported the bill. The Senator from Arizona [Mr. GOLDWATER] supported the bill, even though it was not in the form in which he would have wished it to be.

Mr. Loftus, in his article published in the New York Times of July 13, pointed out clearly such matters as economic strikers. He said:

The late Senator Robert A. Taft, Republican, of Ohio, and coauthor of the law, and President Eisenhower proposed making the change now sought by KENNEDY-IVES.

That was the change to which the NAM objected. Mr. Loftus continues:

Senator Taft favored making this change in 1949.

Then he gives the definition of "supervisor."

The Senator from Louisiana knows that the Senator from South Dakota [Mr. MUNDT] supported that provision of the bill.

Mr. Loftus cites the fourth objection of the NAM which is to—

require employers to file non-Communist affidavits every year.

That provision was placed in the bill on the floor, over my opposition, on motion by the Senator from South Dakota [Mr. MUNDT].

5. Prohibit, under stiff penalties, certain kinds of payments aimed at interfering with employees' rights.

We asked for reports only on amounts over $5,000.

What are the payments which it is said cannot be made public? We are told it is necessary to have voluminous union reports.

The final argument which has been made relates to the jurisdiction of the NLRB. I have already pointed out the bad effects of following the course suggested by the business groups.

Mr. George Kennan, in his recent book, referred to a dinosaur, with a great, powerful body and a small brain, which, when its interests are affected, lashes around and destroys its environment. I think this is an instance of an association which is dictated by a most selfish interest. It is a dominant group which has misinformed business about a vital bill. This has resulted in the destruction of the bill. I think the responsibility lies definitely with the leaders of these groups.

I showed my speech earlier to the Senator from New York [Mr. IVES], who was unable to be here this evening. I know he shares the deep disappointment which I have expressed that the bill will not be permitted to pass with the support of business, because it is in the interest of business, as well as labor and the public, that it be passed.

Mr. LONG. This illustrates how the members of some organizations which presume to speak on behalf of the membership are actually not represented in making certain decisions concerning information which is mailed out to the membership. Oftentimes some fellow persuades an association to establish a Washington office, for which he mails out information which may not express the views of the members of the organization.

Mr. KENNEDY. What is this secret government? Who made the decision of this organization? I cannot tell from the NAM letter who made it. Where did they make the decision? Where were their discussions held? Where are the press reports of their discussions? How did the membership divide? Were they unanimous in their decision, or did some vote one way and some another way on the question?

As a matter of fact, they met in a closed room downtown on a matter of public interest which has resulted in killing a bill in which there was great public interest. But they met with only a few persons present. They are the ones who administered the death sentence to the bill—and their action was not humane.

Mr. LONG. The type of propaganda which the Senator criticizes, and very rightly so, might not have been originated by a substantial number of persons; it could have been that one or two lobbyists were in the position of spreading it.

Mr. KENNEDY. I do not know. I have no idea that the NAM met. I have no evidence that they did. I cannot tell from the letter I received. I wrote and asked who in the NAM made the decision to oppose the bill. I can only tell from the reply that they acted in accordance with previously conceived positions.

I would like to have a list of the persons who were in the lobbyists' rooms when they started to build bonfires to get Senators and Representatives to take positions.

Mr. LONG. This propaganda reminds me of something which occurred years ago, when some person connected with an association sent out misleading information that a measure relating to housing would do great damage to all persons connected with the housing industry.

I received many telegrams as a result of that propaganda. Fortunately, I found out what the source was, because a small-town banker, who had confidence in my integrity, sent me the original telegram which had been sent to him, with his own request attached to it. He said:

I urge you to vote your conviction on the bill, regardless of anything you hear from bankers, lawyers, or cattle thieves.

Mr. KENNEDY. Mr. President, in reading from the last one of the Labor-Gram's—No. 17, dated July 23, 1958, which is by Mr. Michaux—we find that he says:

The newly covered retailers—

That is to say, under this bill—

can be subjected to Taft-Harley unfair labor practice charges, employee elections, and as a general rule will not be able to use any State labor laws, agencies, or their facilities.

The fact that more smaller retailers will be directly subject to the Federal labor laws, the NLRB, etc., should visibly increase their interest in what Congress does with the Taft-Hartley law. It also may serve to enlarge the role which national and State associations can play on the Federal labor scene.

Mr. President, the fact is that this bill will not bring them under the Federal law, for they are already under it. It is true that the National Labor Relations Board has not chosen to assume jurisdiction; but we do not, by means of this law, take away their rights under State law, because, under the decision of the

Supreme Court, the State labor agencies are not able to assume jurisdiction in this area.

So it is this type of misleading junk which has been poured out to them, and they, in turn, have poured it along to us, although in different form; and there we see the whole unhappy situation.

Mr. President, I ask unanimous consent to have printed in the RECORD a number of editorials dealing with the labor reform bill recently passed by the Senate.

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

EXHIBIT 1

[From the Holyoke (Mass.) Transcript-Telegram of July 10, 1958]

KENNEDY-IVES BILL HOLDUP

The Kennedy-Ives labor bill stands in danger of dying in the House Education and Labor Committee. Speaker SAM RAYBURN has the Senate-passed bill on his desk; he says he is waiting for action on an earlier Senate-passed bill for welfare and pension fund disclosure. The National Association of Manufacturers is campaigning hard for the Kennedy-Ives bill to be sent to committee for hard study, and if this happens it will probably die there, the session being so near its end.

Speaker RAYBURN can get fast action on the bill if he brings it to the floor under a suspension of rules. The drive by the NAM joined by the Chamber of Commerce of the United States, to have it sent to committee as would ordinarily happen, is an effort to stop this.

The Kennedy-Ives measure is complicated and not perfect. The NAM charges that the "half a loaf" thought is misleading because the Taft-Hartley amendments in it are liabilities that outweigh the bill's admittedly limited assets.

Nevertheless, the Kennedy-Ives bill, the product of much hard work, compromise, and revision, does impose stiff penalties for theft of union funds, false union entries, failure to file accurate union financial reports, and failure to hold secret union elections at stated intervals. The NAM doesn't see anything great about provisions designed to promote simple honesty.

However, after the MCCLELLAN hearings, a great many Americans are all for anything that would promote simple honesty in union administration.

And as the Goldfine mess sends up more and more noxious fumes, a great many Americans are all for anything that would promote simple honesty in business as well.

It is worth noting that the bill ahead of the Kennedy-Ives bill on the Senate Calendar is also opposed by business, particularly the insurance business. This measure, calling for disclosures of the affairs of pension and welfare funds, applies to funds financed and managed by employers as well as to union funds or those managed jointly. Organized labor is behind this bill.

The Taft-Hartley amendments in the Kennedy-Ives bill that the NAM opposes, along with the chamber of commerce, include one that would narrow the definition of supervisor as a management representative operating outside the union. Another is the long-debated construction trade contract issue, allowing contracts to be signed before hiring. There is also opposition to reports on activities designed to educate employees in the use of their Taft-Hartley rights.

At this moment organized labor, on the defensive because of the labor rackets disclosures, is accepting Government supervision and legal answerability and appears to be prepared to clean house of crime as it previously did of Communist leadership.

This is no time for that part of business which the NAM and the chamber of commerce speak for—and we must remember that this leaves out some of the country's most influential business leadership—to adopt either a vindictive or aggressive attitude. It is quite plain that business, long resentful of the long Federal nose in its books, would like to keep its affairs to itself as much as possible. This is understandable in highly competitive situations. But an investigation of American business practices has not yet entered the American living room via a TV report on Congressional hearings. If it ever does.

[From the Easton (Pa.) Express of June 21, 1958]

IVES-KENNEDY LABOR BILL: THE BEST BET

The Ives-Kennedy labor-reform measure, a rare piece of legislative statesmanship to the credit of its Senate sponsors, now has gone to the House Labor Committee, chairmaned by Representative BARDEN, North Carolina Democrat, where its fate is uncertain. The House committee long has been used as a crypt for labor measures. But with the stamp of bipartisan approval given to S. 3974 in the Upper Chamber, where it was piloted skillfully by Senators KENNEDY and IVES, foes in the House committee are going to have a tortuous time if they mean to effect major, crippling alterations.

Most significantly, AFL–CIO President George Meany's criticism of the Senate measure following floor alterations and approval by an 88 to 1 vote, was mild. "While S. 3974 was a better bill before the floor debate," said Mr. Meany, "it still contains enough substantive anticorruption sections to make it worthwhile." Urging also the passage of the House measure to guard health and welfare funds, the labor chieftain suggested that perhaps changes to phases of the Senate bill he considers objectionable can be made by the Lower Chamber's conferees.

And indeed there is one section of the Senate-approved measure that might be given the treatment of reason by the House, if the element is available there. This is the Mundt-Eastland amendment, produced, according to the Washington Post and Times Herald, when the Senate "reached an extraordinary level of hypocrisy." The amendment would require employers as well as labor unions to make a non-Communist affidavit as a condition to use of the National Labor Relations Board.

In its application to unions the policy has been completely ineffective. Communist union officials seeking to use the board merely went through the motions of resigning from the party, then signed the affidavit. All those Communist members of the National Association of Manufacturers and the Chamber of Commerce could do the same, of course. Actually the amendment is a pretense of equality in official treatment of labor and management contrived on the premise that it is still politically fashionable and profitable to be more anti-Communist than anyone.

Probably the thing uppermost in the minds of Members of the House as they approach the labor issue is its political implications, clearly recognized by the Senate. House Democratic leaders know full well that unless an effective measure is passed the Republican Party will be given an issue with strong impact for the Congressional campaigns this fall, even though the Senate measure originated with Massachusetts Democrat JOHN KENNEDY. But it is quite probable that responsible labor officials would be satisfied with the Kennedy-Ives measure as is, for fear that Congressional failure to pass a labor bill this year might react in a more radical measure in the future.

[From the Detroit (Mich.) Times of July 6, 1958]

THE LABOR BILL

It seems to us it would be both a political mistake and a moral evasion for the House to try to duck a vote this session on the Kennedy-Ives labor reform bill.

This is a moderate, carefully thought-out bill bearing the bipartisan identification of two recognized friends of labor, Senator JACK KENNEDY, Democrat, of Massachusetts, and Senator IRVING IVES, Republican, of New York.

It passed the Senate 88 to 1.

Briefly and essentially, the bill is intended to protect the rights of workers in the following two areas: National and international unions would have to elect officers by secret ballot every 4 years, local every 3 years; each union would be required to file detailed annual reports with the Labor Department to put union finances in public view.

Speculation that the bill will stall in the House is based on the belief that there is a sizable group, composed of Congressmen of both parties, who fear to offend the labor vote by any action at all, and there is a smaller group who want a much tougher bill.

In the first instance, we point out that as a result of the hearings by the McClellan committee the American people want a reasonable, fair labor reform bill.

We are convinced the majority of the rank and file of labor want it, for their own good. It is supported in general, with a few minor reservations, by George Meany, president of the AFL–CIO, and Secretary of Labor Mitchell.

As for those who want a tough, punitive bill, our comment is that there isn't a chance of getting one, nor should there be.

[From the Minneapolis (Minn.) Morning Tribune of July 1, 1958]

EXPOSING NOT ENOUGH

The Senate Rackets Committee began moving Monday into a new phase of its investigations, a phase which may last several months. Chairman JOHN L. MCCLELLAN (Democrat, of Arkansas) thinks that the new series of hearings may be the most important undertaken by the committee.

The field to be explored will be the infiltration of gangsters into labor unions and industries. The names of some of the Nation's best-known racketeers are expected to be involved in the testimony. We shall hear much of such terms as syndicate and Mafia. The committee may train its spotlight on 40 different areas of business and industry before it is through, and on at least a dozen unions. Marked for special attention is the meeting of many of the Nation's top hoodlums at Apalachin, N. Y., last fall.

All this is likely to make for testimony as theatrically exciting as that produced by the Kefauver crime committee several years ago. The devious ways by which racketeers infiltrate legitimate business and the extent to which some unions have been used for this purpose, need to be spread upon the record and the McClellan committee will perform a real service to the Nation if it does so.

But it is not enough to expose; there is also an obligation on Congress to deal effectively with the condition exposed. If this is not done, the good done initially by an investigation soon evaporates. The surest test of Congressional courage comes not with the investigation; it is found in the Congress to take appropriate action, once the willingness—or the reluctance—of the abuses are uncovered.

The Kennedy-Ives bill, which seeks to correct some of the abuses already disclosed by the McClellan committee, was passed by the Senate 88 to 1. Now the fate of this moderate reform bill rests with the House.

Congressional investigations are not an end in themselves. Where serious evils are revealed, corrective action must be taken.

[From Business Week of June 28, 1958]

WRITING NEW LABOR LAW

The Senate has passed, with a single dissent, a bill for moderate government controls over the internal affairs of labor unions.

Whether the bipartisan bill sponsored by Senator KENNEDY, Democrat, of Massachusetts, and Senator IVES, Republican, of New York, goes on to become law or dies in the reluctant House Labor Committee, important precedent has now been set.

For 11 years, Congress shied away from any major revisions in the Taft-Hartley Act, a law that all agreed was far from perfect. With unions taking a flat-footed repeal-or-nothing stand and with lines drawn taut between forces urging a hands-off policy toward labor and those demanding rigid controls, the basic Federal labor law was for a decade a hotly controversial political issue.

It still is controversial and political. The fact that the Senate acted with amazing unanimity is due only to the shocking revelations from Congressional probings into past labor malpractices. Taft-Hartley changes would not have been voted otherwise.

But the Senate showed itself able to put aside many partisan political considerations last week in the interests of legislation that its leaders consider strong and fair—basic policies designed to meet certain definite needs effectively, but not destructively.

While injecting the "coercive powers of government" into the internal affairs of unions, the Senate under its bipartisan guidance avoided action that could be overly punitive or disruptive of stable labor-management relations.

In doing this, the Senate demonstrated that Taft-Hartley—or any other law—can be amended without political furore if wise guidance in the public interest can be substituted for concern over wide-apart partisan positions.

During the delivery of Mr. KENNEDY'S speech,

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

Mr. KENNEDY. I yield.

Mr. GOLDWATER. I ask the Senator if what the Chicago Association of Commerce and Industry wrote to its members was in any way a misstatement of what the bill contained.

Mr. KENNEDY. Of course it is a misstatement, because it gives a completely distorted picture to any businessman who reads it. He gets the impression that that is all there is in the bill, and concludes that the bill is unfair to business. The statement gives no consideration to other provisions of the bill which are basic, and which are the reasons why the bill was passed.

Mr. GOLDWATER. Are not these points, Nos. 1, 2, 3, 4, and 5, included in the bill?

Mr. KENNEDY. Yes; they are in the bill. I have given an answer to each of the arguments made.

Mr. GOLDWATER. Is it a misstatement——

Mr. KENNEDY. I am aware of what the Senator is attempting to do, and has been attempting to do for a long time.

Mr. GOLDWATER. But does the Senator——

Mr. KENNEDY. Let me finish. I will say to the Senator that this statement is not an explanation of the bill, by any objective standard or even any subjective standard.

Mr. GOLDWATER. Will the Senator answer my question?

Mr. KENNEDY. I have answered it. The statement is a distortion of what is in the bill.

Mr. GOLDWATER. Are not these five points in the bill?

Mr. KENNEDY. If I should read one paragraph or one sentence from the McClellan committee report and send it around the country, would that be the record of the McClellan committee?

Mr. GOLDWATER. If the Senator stated that that was the record of the McClellan committee, he would be mistaken. But the Senator——

Mr. KENNEDY. The circular issued by the Chicago Association of Commerce and Industry contains the following:

You are urged to wire or write your Congressman in opposition to the Kennedy-Ives labor bill, S. 3974.

Then it lists the five arguments to which reference has been made.

Mr. GOLDWATER. Does the Senator believe that the Chicago Association of Commerce and Industry does not have the right to do that?

Mr. KENNEDY. I think they have a right to do it, but I think the responsibility is on them, and on the other groups.

Here is a circular from the American Retail Federation——

Mr. GOLDWATER. Mr. President, will the Senator further yield?

Mr. KENNEDY. Let me finish. I read from the circular of the American Retail Federation, the National Action Team for Retailing:

To All Concerned:

The past few weeks have been hectic in the extreme, and the staff of ARF is deeply grateful for the outpouring of protests on the nefarious Kennedy-Ives bill.

And so forth. The next page contains a reprint of a newspaper story followed by these punchy lines:

Quoted by leading columnist whose comments go to more than 1,000 daily newspapers.

This is the kind of stuff that wins. Does your newspaper know the story?

The point I make is that the bill is dead. These associations killed it, and the responsibility is on them.

Mr. GOLDWATER. Mr. President, will the Senator yield at that point?

Mr. KENNEDY. I yield.

Mr. GOLDWATER. The Senator has said that the bill is dead. The junior Senator from Arizona feels that so long as this bill is in committee, it has some chance of life. The Senator is trying to blame various business organizations for supposedly killing the bill. I remind the Senator that the bill rested on the desk of the Democratic leader of the House of Representatives for 41 days. Does the Senator suggest that the National Association of Manufacturers has suddenly gained control over Mr. RAYBURN, of Texas? I do not believe so.

Mr. KENNEDY. My hope was that the bill would be considered by the House under a suspension of the rule.

Mr. GOLDWATER. Why is the Senator afraid of the committee system?

Mr. KENNEDY. The fact is that the committee will not be able to report the bill, The Senator knows that. That is why he takes the same position the National Association of Manufacturers and the America Retail Federation take—"Send this bill to committee and kill it."

The fact of the matter is that the AFL–CIO came out in support of the bill. The National Association of Manufacturers, the chamber of commerce, and the American Retail Federation opposed it. They sent a hurricane of mail containing what I considered to be complete distortions of what is in the bill. In my opinion, the bill is dead, and we know who killed it.

Mr. GOLDWATER. I do not defend any of those organizations, even though I happen to be a member of one of them. But let us put the blame where it belongs. The bill has been on the desk of the Speaker of the House of Representatives for 41 days. I do not think the Senator from Massachusetts would suggest that the National Association of Manufacturers, the American Retail Federation, or the chamber of commerce has control over Mr. RAYBURN to such an extent as to compel him to leave the bill there for 41 days. I had hoped that the bill would receive action in the House of Representatives. I have talked with members of the House committee to see if they could not bring the bill before the committee. I do not see why the bill could pass the House of Representatives only by circumventing the committee, by the application of a rule. I am just as eager to see action in this field as is the Senator from Massachusetts. I do not think the bill went far enough, but I announced my intention to vote for the bill.

Mr. KENNEDY. I do not dispute the Senator's viewpoint. What I am talking about is the campaign which has successfully killed the bill. I will cite chapter and verse with regard to the associations which wrote their members giving a distorted view of what was in the bill. The members then wrote to Members of Congress.

The majority leader told me several weeks ago that he thought it would be possible to obtain the necessary two-thirds vote in the House, but he told me last Friday that because of this campaign he doubted if even a majority vote could be obtained for the bill. This campaign has been based entirely on the misconceptions which the businessmen of the country have formed concerning it.

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

Mr. KENNEDY. I yield.

Mr. GOLDWATER. I do not wish to labor this point.

Mr. KENNEDY. I hope the Senator will not do so.

Mr. GOLDWATER. Why did not the Speaker of the House of Representatives send the bill to the committee, or allow a vote to be taken on the rule the day after the bill went to the House from the Senate?

Mr. KENNEDY. I wish he had.

Mr. GOLDWATER. If it were a matter of only 2 or 3 days, or a week, I would not labor the point; but this bill has lain on the Speaker's desk for 41 days. The Senator is not suggesting that the National Association of Manufacturers or other business organizations induced Mr. RAYBURN to keep the bill on his desk for that length of time, is he?

Mr. KENNEDY. I do not understand the Senator's argument. The Senator is criticizing Mr. RAYBURN for not bringing the bill up a month ago. I wish he had. The point is that today, because of the position taken by the groups to which I have referred, it would not be possible to obtain the necessary two-thirds vote for suspension of the rule. I consider that the responsibility is on these associations. What is the position of the Senator?

Mr. GOLDWATER. Let us get back to the basic, fundamental problem. I agree that probably this deluge of mail has had some influence on Members of the House of Representatives.

After having waited 41 days, I suppose it would be difficult to obtain a two-thirds vote. But suppose the Speaker had asked for a vote the day after the bill went to the House from the Senate, or within 2 days. Why does the Senator not place the blame where it belongs? The Senator has criticized the House Committee on Labor. I think he should criticize the House leadership for not having the bill considered by the committee, or taken up on the floor of the House by a two-thirds vote. I agree with the Senator that today probably it would be impossible to obtain a two-thirds vote.

Mr. KENNEDY. The Senator is not completely clear as to my position. I am saying that, as of today, those who have built the campaign, those with whom the Senator is intimately associated, the National Association of Manufacturers, the chamber of commerce, and the American Retail Federation, of one of which the Senator is a member—I do not know which one—have been steadily carrying on a campaign against the bill. The opposition in the House has not come from the AFL–CIO, but from the three groups which I have mentioned.

Mr. GOLDWATER. Does the Senator not agree that business organizations have a right to oppose the bill?

Mr. KENNEDY. I have already answered that.

Mr. GOLDWATER. I do not believe the Senator has answered it. It is rather hazy in the record. I do not believe the Senator has established yet why the Democratic leadership in the House of Representatives failed to act on the bill.

Mr. KENNEDY. In answer to the Senator's question I will say that, of course, the organizations referred have a right to oppose it, but they should exercise that right responsibly. They should not act to destroy the record and bring about the killing of a bill which is very much needed.

Mr. GOLDWATER. The Senator has admitted that the five points of the Chicago Association of Industry, to which he has referred, are true. They are in the bill. I have received propaganda from all kinds of sources which have pointed out the objectionable portions of the bill, and have amplified them to me.

Mr. KENNEDY. I am sorry these organizations took the action they did, particularly in a matter of such importance as labor reform. I am sorry the group had to do it, and I am sorry to see the Senator from Arizona defend them.

Mr. GOLDWATER. The Senator from Arizona is defending the right of these business organizations to petition Members of Congress. I am trying to clear up in my own mind a point on which the Senator has not thrown any light at all. It is why the Democratic leadership of the House for 41 days kept a bill collecting dust and did not let it come to the floor for action. The Senator from Massachusetts will have to clear up that point before I will share the blame for what he is trying to associate me with. The Democrats are to blame for it.

Mr. KENNEDY. The Senator's viewpoint on labor matters is well known.

Mr. GOLDWATER. I believe the views of the Senator from Massachusetts are also well known.

IMPORTANCE OF TRADE ADJUSTMENT AMENDMENTS TO THE RECIPROCAL TRADE ACT EXTENSION BILL

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter to the editor of the New York Times. The letter was written by Mr. Bookbinder, of the AFL–CIO, and was published in the Times on July 27.

The letter expressed the hope that the conferees on the reciprocal trade bill will retain the amendments which deal with the trade adjustment proposals. The difficulties—caused by increased competition from imported products—which face many businessmen, workers, and communities in this country present an increasingly serious problem. Inasmuch as any tariff, existing or prospective, is a direct result of national policy promulgated by the executive branch, under authority delegated by Congress, it is only fitting that individuals, companies, or communities who suffer serious financial loss or other injury as a result of that national policy should be assisted by the Government, in their own efforts to meet these problems.

The escape-clause and peril-point provisions in our tariff law, which are aimed at affording protection to domestic industries from unfair foreign imports, have serious shortcomings. After the Tariff Commission makes its recommendation, the President is free to accept or to reject it; and he may reject it when the national policy requires a continuation of low tariffs, despite the serious economic injuries which such action may cause to the industry affected.

In 1954, I first introduced a bill which was designed to assist individuals, companies, and communities to adjust to the changes in economic conditions which were created by the national trade policy. In each succeeding Congress, I have sought to obtain the enactment of similar legislation.

The reciprocal trade act extension bill passed by the Senate for the first time recognizes that a complete trade-agreements program should contain some provision for the assistance of those who face hardship from increased imports, but cannot obtain relief through escape-clause or peril-point procedures.

I, too, hope the Senate conferees will insist upon the inclusion of the "trade adjustment" amendments in the conference report.

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

TO OFFSET EFFECTS OF TRADE: LEGISLATION TO AID INDUSTRIES HURT BY IMPORTS IS BACKED

(The writer of the following letter is legislative representative of the AFL–CIO.)

To the EDITOR OF THE NEW YORK TIMES:

The action by the Senate on July 22 in adopting the Reciprocal Trade Act extension provides grounds for hope that a good bill will now emerge for the President's signature.

Included in the Senate action were two amendments to the bill which if retained in conference and properly implemented can help considerably in future years to eliminate much of the opposition to reciprocal trade. These relate to the so-called trade-adjustment program.

"Trade adjustment" is the name given to the proposal for assistance to those industries, communities and workers who do occasionally face adverse conditions resulting from increased imports. Under the present escape-clause procedures, harm to such industries can be relieved only by the tariff route itself. Because of other considerations involved, such a route cannot often be used without endangering the trade program itself.

Trade-adjustment proposals aim at providing loans, accelerated tax amortization, retraining and other types of assistance to make transition to other operations easier. Senator KENNEDY had offered a comprehensive bill along these lines.

RELIEF PROVISION

The Senate did not adopt an adjustment program as such. It did, however, adopt an amendment offered by Senator HUMPHREY and others which calls upon the President to use all existing authority for providing relief to affected industries and to make recommendations for new authority which may be needed. Another amendment offered by Senator JAVITS and others would have the proposed Study Commission include trade-adjustment proposals in its investigations.

It is to be hoped that the conferees from both Houses of Congress will retain these two amendments.

Since in the national interest we have wisely determined that an increase in trade is good both for us and for the Free World it is a matter of national responsibility to see to it that a few industries or groups of workers or communities should not have to make an undue sacrifice to effectuate such policy.

American labor, with very few exceptions, favors the reciprocal trade program as a matter of enlightened self-interest. It cannot, however be insensitive to those who are occasionally hurt. The trade-adjustment program could help them without hurting the trade program itself.

HYMAN H. BOOKBINDER.

WASHINGTON, *July 23, 1958.*

AMENDMENT OF RULE XXII REGARDING CLOTURE

Mr. KENNEDY. Mr. President, I share the regret of many Senators that the 85th Congress is soon to adjourn without changing rule XXII regarding cloture.

We cannot postpone such action much longer, for the age of the unrestricted filibuster to block a vote on important proposed legislation is over.

In 1953, at the opening of the 83d Congress, I supported the effort to have an effective cloture rule adopted. I did so again in 1957, at the opening of the 85th Congress.

If no action is taken in the remaining weeks of this Congress, we must renew our efforts at the start of the next Congress, in January 1959. There is no reason why, after sufficient debate and education, a small minority of Senators should be able to block needed legislation. through an outmoded, undemocratic, and unjust procedural device.

Full and free debate makes the Senate a great parliamentary body. But arbitrary delays and undemocratic procedural barriers restrict our legislative power at a time when we must retain our full capacity to act.

DEATH OF THE KENNEDY-IVES LABOR BILL

Mr. GOLDWATER. Mr. President, after listening to the speech which was delivered a few minutes ago by the Senator from Massachusetts [Mr. KENNEDY], during which he brought down his wrath upon the business organizations of the country, I must say that if his allegations are true, I shall have to share some of his apprehensions.

But the question still in my mind is: Who killed Cock Robin?

Forty-one days ago the robin landed on the desk of SAM RAYBURN. Forty-one days later, the robin, covered with dust, weakly flew off the desk.

Now the question is: Who killed Cock Robin?

In a speech on the floor of the Senate, the distinguished Senator from Massachusetts [Mr. KENNEDY] has mourned the demise of the Kennedy-Ives bill, which passed the Senate on June 17, 1958. The Senator from Massachusetts laments the victim of an assassination which he states was nefariously perpetrated by that stock villain, the National Association of Manufacturers.

It has never been my opinion that in matters of labor legislation, the NAM exercises the influence attributed to it by the Senator from Massachusetts; and it is indeed startling to learn that after so many difficult years, the association has, by some magic, managed to kill a piece of proposed legislation which passed the Senate by a vote of 88 to 1.

I think the Senator from Massachusetts overestimates the power and influence of the NAM, unless, without warning, it has just acquired a most important ally, to wit, the Speaker of the House of Representatives.

Even a casual glance at the record would demonstrate that the NAM's opposition to the Kennedy-Ives bill had nothing to do with the failure of that bill to become law. True, the NAM and other business organizations have vocally manifested their opposition to a number of provisions in the bill; but the question immediately arises, Was it this opposition which induced the distinguished Speaker of the House of Representatives to keep the bill on his desk for 41 days, before referring it to the House Labor Committee only yesterday?

Mr. President, this raises a very interesting question: Does the Senator from Massachusetts wish to be understood as asserting that the Speaker of the House of Representatives deliberately refrained from submitting the Kennedy-Ives bill to the House Labor Committee because of the pressure of the NAM?

Might it not be more reasonable to assume that the labor bosses did nothing to help get the bill to the Democratic-controlled House Labor Committee because they feared that the committee would make the bill more effective—one which would carry out all the recommendations of the McClellan committee?

Mr. President, in closing, I wish to call particular attention to the assertion made by the Senator from Massachusetts that the Kennedy-Ives bill carries out the legislative recommendations contained in the interim report of the McClellan committee. As I have said before, and as has been repeatedly said by other Members of this body, the Kennedy-Ives bill fails to carry out three of the most important recommendations contained in that interim report, as follows:

First. It does not impose a fiduciary character on union funds, and does not hold union officials to the highest duty of fiduciary responsibility in the handling of such funds.

Second. It does not provide for the use of secret ballots in vital union decisions, other than the election of union officers, and

Third. It does not authorize the States and Territories to assume and assert jurisdiction over labor disputes over which the NLRB declines jurisdiction.

All three of these omissions constitute direct and obvious failures to carry out specific recommendations of the interim report of the McClellan committee.

Mr. President, as I take my seat, I am still wondering, Who killed Cock Robin? Forty-one days on the wrong desk.

NECESSITY FOR SOLUTION OF THE ARAB-ISRAELI CONFLICT

Mr. WATKINS. Mr. President, basic to any settlement-in-depth in the Middle East must be a solution of the Arab-Israeli conflict.

In the meetings, summit and otherwise, which will be held to resolve the Middle East issues, let us hope this basic situation will not be forgotten and will not be avoided.

In his article published today in the Washington Post and Times Herald, Chalmers M. Roberts ably points up this bedrock and abiding problem. He remarks:

> The summit may be the last chance to come to grips with the Arab-Israeli problem. Jordan currently is given a short life even by its supporters, regardless of King Hussein's courage. If Israel is surrounded by the United Arab Republic, America might very well find itself on one side and the Soviet Union on the other in a major Middle East conflict * * * Israel might initiate conflict if Jordan cracks up.

The problem of Israel and the Arab States is one, Mr. President, with which we must come to grips.

In my remarks in this Chamber, on July 18, 3 days after our President sent troops into Lebanon, I suggested a four-point program. I feel that we can enlist the support of the United Nations in undertaking programs to remove some of the basic sources of tension and unrest in that area. Indeed, I recommended such action in substance, in 1953 upon my return from the Middle East, where I had been reviewing the problem of what to do about the Arab refugees. I think what has happened since then only makes these steps all the more essential. Here are the points I suggested then, and I also suggest them now:

First. Guarantee the borders of Israel and the bordering Arab States against aggression. Supported by the United Nations, the United States, Great Britain, and France, this action would enable the Middle East nations to reduce their armies, and to work for peace.

Second. Require from the Israeli Government payment of reparations to Arab refugees. This would repay them for their property taken over by the Israelis or their Government.

Third. Solve the refugee problem which resulted from creation of the modern Israeli State and the ensuing war with the Arab States. These people have been kept alive by United Nations aid, but their lot is one of corrosive frustration in the refugee camps. They are the symbol of Arab irritation and resentment against the formation of the Israeli State.

Incidentally, Mr. President, the United States has been paying 70 percent of the cost. That is why I was there in 1953, to investigate the Arab refugee problem.

Fourth. Let us develop these lands; let us make the refugees resourceful, not resentful. I said we could best do this by rebuilding their economic values, largely through the development of the water resources of the Middle East. International assistance toward this long-time goal of stability would be invaluable. Jobs would be created, standards would be raised, from the deserts and shambles we know today.

I included at that time the whole Tigris-Euphrates Basin.

I would now include the Nile watershed both within and beyond the lands of Egypt. This would mean reopening with United Arab Republic President Nasser negotiations for construction of the Aswan Dam. If the Egyptians will work in these ways of peace, rather than ways of intrigue and war, I favor that.

I would favor a new determined effort to get agreement for a Jordan River project.

I urged that at the time; in fact, I collaborated with Eric Johnston, who was there on his first mission, in 1953, in trying to get the Arab States and Israel to accept the proposal of the United States for the development of the unused waters of the Jordan River Valley.

The hope of the world here is stability and peace. Such projects would foster peace, a peace with honor, a peace with profit and value, in resurrected human lives.

Positive action should come. We cannot hold back aspirations forever with our arms. Let us turn those aspirations, then, toward worthy ends.

Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks the article of Mr. Chalmers M. Roberts, to which I have referred.

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

[From the Washington Post and Times Herald of July 29, 1958]

SUMMIT PARLEY MAY BE LAST CHANCE TO FACE ISSUE OF ARAB-ISRAELI ROW

(By Chalmers M. Roberts)

American policymakers, and Members of Congress as well, long have contended that the Arab-Israeli conflict will have to be settled if peace and stability are ever to come to the Middle East.

Yet in all the talk about a summit meeting this issue has been approached most gingerly by the Eisenhower administration. Arms embargo? Probably, if confined to the area embracing the Arab States and Israel. Neutrality guaranties? Perhaps, for Lebanon and Jordan. Arab-Israeli peace? So far there has been no answer forthcoming.

A good case can be made, however, that the summit conference will have to face up to the Arab-Israeli issue. Henry M. Kissinger of Harvard, author of Nuclear Weapons and Foreign Policy and director of the Rockefeller reports, gave two reasons Sunday when he appeared on CBS's Face the Nation television program.

"Sooner or later, the Arab-Israeli issue is going to be brought up and if we don't bring it up we can be certain that the Soviets will bring it up at a moment of maximum disadvantage for us."

And after saying he felt it extremely likely both Jordan and Lebanon would fall to Gamal Abdel Nasser's United Arab Republic once the Anglo-American forces are pulled out, Kissinger was asked how the West could quiet the outcry certain to come from Israel in such an event. He replied:

"We can quiet it only if before the expansion occurs we give Israel some assurance of support. Otherwise, as soon as Jordan falls to the United Arab Republic, there will be an Israeli attack on the United Arab Republic and we will be faced again with the exact situation that we confront today and with much greater chances of Soviet intervention."

In other words, the summit may be the last chance to come to grips with the Arab-Israeli problem. Jordan currently is given a short life by even its supporters, regardless of King Hussein's courage. If Israel is surrounded by the United Arab Republic, America might very well find itself on one side and the Soviet Union on the other in a major Middle East conflict. Or, as Kissinger suggested, Israel might initiate conflict if Jordan cracks up.

Kissinger's suggestion was that the United States propose at the summit conference a recognition by the major powers, in or outside the United Nations structure, of "all frontiers against outside forcible change." He meant "not necessarily of the (present) boundaries as the final boundaries but of the boundaries as against forcible overthrow of forcible change."

Such a guaranty in the Arab-Israel world could work two ways. It would permit any Arab state, on its own volition, to go out of business as a separate nation by joining the United Arab Republic, as Syria did. This would meet a Nasser demand. But it also would give Israel, as well as any anti-Nasser Arab state, a big-power protection against outside forcible change. It would not, however, guarantee any state against subversion by Nasser's agents.

Such a guarantee would not settle the Arab-Israeli border dispute. But it would put both East and West on record as saying that dispute had to be settled by agreement, not by war.

The most Nasser and his fellow Arab nationlist leaders have ever publicly conceded toward Israel is to hint they would agree to Israel remaining a national state provided it agreed to contract to the lines set up in the U. N.'s 1947 partition of Palestine. Israel flatly refuses, in part on the ground that under the 1947 lines it would cease to be a viable State.

The Kremlin, since Premier Nikita Khrushchev took over foreign-policy control 3 years ago, has maintained a pro-Arab, anti-Israeli stance. But up to now it has never promised Nasser or his allies Soviet military aid in a war with Israel. Nor has it as yet publicly backed the Arab stand that Israel must contract to the 1947 partition line, despite rumors that such a move was in the works.

The Kremlin's primary short-run interest in the Middle East, as Kissinger described it, calls for "chaos" and for expulsion of the West. But it has yet to risk war for that policy.

Khrushchev, if he comes to a summit conference, might reject any effort to get his name on an agreement to guarantee existing boundaries against forcible change, especially if Nasser opposes such a guaranty for Israel. But that would not be a popular stand. Nor would Khrushchev likely have the support of the man who he has demanded also be present, India's Jawaharlal Nehru. If such an American offer were related to troop withdrawals, it would be a doubly unpopular stand for Khrushchev.

But to make such a proposal will require that Secretary of State John Foster Dulles concede what he has always tried to avoid conceding: that the Soviet Union is a Middle East power. The argument on the other side is that, given the Soviet interest in "chaos," it would be better to try to force Khrushchev to take responsibility in the area so all the world can see.

NATIONAL GUARD STRENGTH

Mr. WATKINS. Mr. President, considerable interest has been generated in my State and others on the proposed reduction in strength of the National Guard and the other components of our military reserve.

I wish to state categorically that, with our regular forces now engaged in police duty in the highly explosive Middle East, it certainly is neither timely nor prudent to reduce the size of our Reserve forces, and I oppose any such action at this time.

I am quite willing to concede that the proposal to reduce the Reserve forces was made prior to the recent intervention in the Middle East, and the plans undoubtedly were based upon economic considerations based upon a long period of partial mobilization and vastly increased weapons costs.

The Secretary of Defense is to be commended for thinking in terms of modernizing our military forces and making adjustments to meet the increased costs for missiles and other new weapons of the space age. And, normally, any constructive proposal of this type which he brought forward would be given every consideration.

However, these are not normal times—not even normal cold-war times. And I think the temper of the Congress will be to maintain the status quo in our Defense Establishment, at least until stability is restored in the Middle East.

A counter proposal to Secretary Brucker's proposed National Guard reduction has been made by the Adjutant Generals Association, headed by Maj. Gen. Maxwell E. Rich, adjutant general of Utah.

An article in the Deseret News and Salt Lake Telegram of July 18 summarizes this counter proposal and records the support of it from Gov. George D. Clyde, of Utah. In view of the widespread interest in this matter, I hereby request unanimous consent to introduce this article at this point for printing in the RECORD.

The impact of the proposed National Guard cuts on a State like my own State of Utah is discussed in an editorial which appeared in the Provo (Utah) Herald of July 13. I also request unanimous consent that this editorial be printed in the RECORD at this point.

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

[From the Deseret News and Salt Lake Telegram of July 18, 1958]

CLYDE SUPPORTS COUNTERPLAN ON GUARD ISSUE

Gov. George D. Clyde Friday supported a counterproposal submitted by Maj. Gen. Maxwell E. Rich, Utah adjutant general, to Army Secretary Wilber M. Brucker on the National Guard reorganization plan.

The proposal contains six points that were adopted by the Adjutant General Association at a meeting held in Washington, D. C., last Monday. The points were:

1. To maintain the Guard's strength at 400,000 as prorated by the National Guard Bureau on June 30.

2. Retain State headquarters and headquarters detachments at their present strength.

3. Retain 27 fully organized pentomic type divisions at approximately 65 percent strength.

4. Maintain antiaircraft onsite units at their present strength. At present a number of Nike sites throughout the country are being maintained on a 24-hour vigil by National Guardsmen.

5. To maintain and convert existing nondivisional units and obtain additional nondivisional units to absorb the remaining strength. These units, to be of the type required by the Army, are to be maintained at approximately 65 percent strength.

6. All of the foregoing is to be accomplished with the approval of all Governors concerned.

Governor Clyde in a letter to Secretary Brucker said that the Army's proposal for the National Guard reorganization was not acceptable to the State of Utah.

[From Provo (Utah) Herald of July 13, 1958]

GUARD CUT NOT FAIR TO UTAH

"Unnecessary and not equitable."

That's how Brig. Gen. Frank S. Hummell, XI Corps Artillery commander, describes the proposed cutback of Utah National Guard.

The defense department is cutting back all reserve units.

A point of bitterness with Utah National Guard is that the cut is being made in percentage of units, rather than in number of personnel. Guardsmen say this hits Utah Guard harder than many Army Reserves, the reason being the Utah National Guard is up to full State ceiling, while the Reserves have only cadre strength.

That is to say, the Reserve division or regiment exists as such on paper, but its actual enlisted strength is only those officers and NCO's comprising a cadre or nucleus of trained leaders.

Utah has always been intensely proud of its National Guard, some units of which are actually older than the State, tracing back their history to the old Nauvoo Legion and the Mormon Battalion.

The big guns of Utah National Guard played an important role in the Spanish American War. Utah guardsmen were called up in World War I and they were among famous combat outfits of World War II and the Korean war. The Utah Guard has always served State and Nation with distinction.

In percentage of State population in the National Guard, Utah is in the No. 1 slot, and its chief, Maj. Gen. Maxwell Rich, is president of the National Adjutants General Association.

Utah has 57 National Guard units, of which 8 are in Utah County. They include the XI Artillery Corps, Fort Douglas; its 145th Field Artillery Group, headquartered at Provo and controlling the 145th Field Artillery Battalion of Utah, Juab and Sanpete Counties, and the 213th Field Artillery Battalion of South Utah; the 222d Field Artillery Group, Ogden, and its 222d and 204th battalions; and the 653d Field Artillery Observer Battalion, Salt Lake.

Among Utah combat engineers are the 115th group: the 115th battalion, Salt Lake; the 1457th Combat Engineer Battalion with units at Lehi, American Fork, Provo and Price; the 1334th battalions at Tooele, Murray and Salt Lake; Springville's 116th Light Equipment; Heber's 117th Bridge Company, and American Fork's 118th Dump Truck Company.

The Utah Guard includes also the 144th Evacuation Hospital Unit, two Salt Lake ordnance companies, and the Air Guard fighter and air craft control and warning squadrons.

The National Guard has often been called the country's biggest bargain in defense.

It costs eight times less in tax dollars to train, pay and equip a guard unit as a Regular Army outfit.

Cost to the State of Utah for its 57 units in 27 communities is only $150,000 a year. Its armories, built with Federal help, are maintained and operated by the State.

If the guard were at combat strength its payroll in Utah would be more than $6 million. A single firing battery, Company C of Spanish Fork, with its 4 officers and 85 men, earn $27,000 for their part-time soldiering and another $7,000 in supplies, schooling, etc.

The Utah National Guard has been a "good citizen," helping out in floods, forest fires, and other emergencies, and building useful mountain roads as part of their training.

Individual units have taken on special community projects as toys for tots, and in Provo permitting use of the armory for Utah State Hospital patient entertainment.

Proposed cutbacks of the guard has set many draft-age Utahans and their parents to worrying—will this chop off chance of going to college while filling military obligation part time in the guard?

Utah National Guard today is thick with college students, particularly in Utah and Salt Lake Counties.

If all draft age youths must put in their military hitch in the regular services, cost will be higher, for the taxpayer will have to pick up the tab for their year-round food, lodging, clothing and transportation.

Since 1948, Utah National Guard has pushed its program to recruit and hold combat veterans in well-organized, well-equipped units keeping abilities up to date with continuous technical training, and to bring in high quality youngsters, who train while going to school or holding a civilian job.

Proposed cutback in Utah would lop off 860 guardsmen from present strength of about 4,000.

It would disburse well-trained units developed at considerable cost and lessen opportunities for youths of draft age to fulfill military obligation without disrupting their life for several years, say guardsmen.

Is the cut, as proposed, vital, or even advisable? If it is necessary, then is the proposed plan of reduction equitable? Many feel it isn't. The whole proposition deserves the most careful study and consideration.

LABOR REFORM BILL

Mr. MORSE. Mr. President, I wish to salute the Senator from Massachusetts [Mr. KENNEDY] for his very able answer to the antilabor propaganda of the National Association of Manufacturers. I should like to say good naturedly to my friend from Massachusetts I hope he shares my views that I like to be judged by my enemies. I have always found it to be a great asset, I may say, in my campaigns to have the opposition of such antilabor and, in my judgment, when all is said and done, antibusiness forces in the United States as the National Association of Manufacturers and the United States Chamber of Commerce.

I wish to assure my friend from Massachusetts that he also can count on me, as a member of his subcommittee, come January 1959, to be standing shoulder to shoulder with him again in an attempt to hold hearings, have the committee act on and report to the Senate, and pass through the Senate, fair legislative proposals in the field of labor relations; proposals which will be fair to labor, fair to business, and, above all, legislation which will protect the public interest. We did it this year. We took through our subcommittee, through the full committee, and through the Senate, with a vote, as I recall, of 80 to 1, a measure which was designed to meet the major problems of labor and to correct the abuses by labor leaders who were betraying the trust they owed to their membership, as the McClellan committee revealed.

Mr. President, it was a good piece of legislation. It was not perfect. In the course of the debate many of us pointed out that we would prefer some modification of the bill, but we brought forth a good bill. It was my hope that the House would take speedy action on it.

It will be recalled that when there was an attempt in the Senate, late one afternoon or early one evening, to add a series of riders to what was for the most part a noncontroversial welfare and pension bill, as a member of the committee, I urged the Senate to send those amendments to the committee. I gave a pledge to the Senate at that time that if the committee did not report a bill by June 10 I would move to discharge the committee from further consideration of proposed labor legislation, because I knew I could count on my colleagues in the Senate Committee on Labor and Public Welfare. They are a wonderful group of colleagues. In my opinion, it is an exceptionally able and hardworking committee. I knew I could count on them to report to the Senate a good bill, and that the committee did.

Mr. President, I have never supported a wrong policy when one was followed by the leadership of either party. I have no intention of supporting what I consider to be the wrong policy followed by the leadership of both parties in the House of Representatives on labor legislation in this session of Congress.

Let us not attempt to fool the American public regarding the parliamentary situation. The Democrats do not control the Senate of the United States. The Democrats do not control the House of Representatives of the United States, and have not for years—nor have the Republicans. Both Houses have been controlled for years by a coalition of Republicans and Democrats of one mind and for the most part it has been a coalition of exceedingly ultraconservative minds. The conservative point of view has been dominant in the Congress of the United States. Those of us who are in the liberal bloc can take much satisfaction in viewing the mounting evidence, month by month, that the American people are, at long last, awakening to what ultraconservatism in the United States is doing to the welfare of our country both on domestic issues and foreign policy issues. We have reason to be very hopeful that following the elections of 1958 and 1960 there will be a substantial increase in the number of constitutional liberals on both sides of Capitol Hill, both in the Senate and in the House of Representatives.

Mr. President, I have not one word to say in support of a labor bill resting on a Speaker's desk for 41 days. As to that particular matter, I agree with the Senator from Arizona. The bill should not have rested there for 41 days. The bill should have gone to committee, for the reason that the American people are entitled to action on labor legislation in the present session of Congress. The bill should have passed the House and gone to conference, so that it would have been possible to iron out the differences which might have existed between the House approved bill and the Senate bill.

If the time ever comes, Mr. President, when WAYNE MORSE starts playing a partisan line in the Senate of the United States, that will be the time for me, on my own volition, to retire from the Senate of the United States. I am not going to condone what I consider to be mistaken leadership in my own party on any issue, exactly as I do not intend to condone it on a parliamentary matter I propose to address myself to momentarily.

But before I do so, Mr. President, I desire to finish my comments on labor

legislation. We have a responsibility on both sides of the aisle, come January 1959, to proceed without delay to work anew on labor legislation, if it develops that labor legislation is finally not passed in the present session of Congress. Since I am an optimist, it is my hope that the House of Representatives will awaken to its responsibilities in this field. I hope both Democrats and Republicans in the House of Representatives will recognize that there is, from coast to coast and from the northern boundary to the southern boundary of the United States, strong public opinion in support of fair labor legislation, which ought to be passed before Congress adjourns.

I am not one who is suggesting that Congress adjourn on August 16, because if we still have legislation of this importance to pass after August 16, we had better stay here to pass it, no matter how long it takes. This is no new position for the senior Senator from Oregon to take.

To my friend from Massachusetts, I say again that I think he has made a valuable contribution by his speech tonight. He has pinned down in the RECORD, in my judgment, a most effective rebuttal of the antilabor propaganda of the National Association of Manufacturers.

Now, Mr. President, I desire to turn to another matter, which is not a very pleasant one.

The PRESIDING OFFICER. The Senator from Oregon.

FAILURE OF LEADERSHIP TO PROVIDE PARLIAMENTARY PROTECTION TO MEMBERS

Mr. MORSE. Mr. President, I turn to the discussion of what I consider to be a failure, on the part of the leadership of the Senate, to give to Members of this body the parliamentary protection to which they are entitled, particularly now in the closing days of the session when it is so easy to forget the importance of seeing to it that parliamentary protection is provided.

Yesterday afternoon, Mr. President, it was necessary for me to leave the Senate, after I made inquiry and found there was no anticipation that any votes would be taken yesterday afternoon, and that the remainder of the day would be devoted to speeches on rule XXII—on which I shall comment briefly before I finish tonight—and on the "humane slaughter" bill. There was no indication to me before I left the Senate that any request was to be made for a unanimous consent agreement to vote almost immediately after we reconvened this morning in the midst of the morning hour on any legislative issue. In fact, the timetable of today will show that the morning hour did not finish until 12:10 p. m. The timetable of the Senate today will show that a vote on a legislative matter started in the midst of the morning hour at 11:20 a. m. I walked onto the floor of the Senate at 11:32 a. m. to find that the vote was over.

Mr. President, a very important issue is going to be before the Senate in the not too distant future. It involves our old legislative friend, the Lake Michigan issue, regarding the diversion of waters from Lake Michigan for Chicago. I have supported that proposal on two different occasions. It so happens, Mr. President, that in the course of my work this year, I had become associated with a movement which might have resulted in some opposition to the Chicago drainage proposal, and I had been approached by some colleagues in the House with regard to it. I sat down with them for a briefing, and I was beyond the sound of the Senate bells. My office knew not where I was at the time. I had been out of the city overnight and did not report to the office immediately upon my return, so it was impossible to get to my office, although the leadership says that notice was served on some girl who answered my office telephone. But I have made clear to the leadership there is only one person in my office who can speak for me, and he is my administrative assistant.

I do not like to miss yea-and-nay votes unnecessarily. This was not a necessary miss this morning, if the customs of the Senate had been followed and if the parliamentary protection had been given to me which, in my judgment, every Member of the Senate has the right to expect of the leadership.

Let us see how this developed, because in my 14 years in the Senate I cannot recall, until this morning a single instance in which a yea-and-nay vote on a legislative issue was taken in the midst of a morning hour.

After I left the Senate yesterday afternoon, a very interesting parliamentary move is recorded on page 15309 of the CONGRESSIONAL RECORD:

> During the delivery of the speech of Mr. CASE of New Jersey,
>
> Mr. KNOWLAND. Mr. President, will the Senator yield for an interruption by the acting majority leader [Mr. MANSFIELD]?
>
> Mr. CASE of New Jersey. I yield.
>
> Mr. MANSFIELD. Mr. President, I wish to make a unanimous-consent request, which I ask to have follow the colloquy on the part of the various members this afternoon.
>
> The PRESIDING OFFICER. Without objection, it is so ordered.
>
> Mr. MANSFIELD. I ask unanimous consent that at the conclusion of routine morning business on Tuesday, July 29, 1958, the Senate proceed to a yea-and-nay vote on the final passage of S. 4100, to provide for the increased use of agricultural products for industrial purposes.
>
> The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

There was no quorum call. I grant that the rules do not require a quorum call, but I wish to say, Mr. President, that in all fairness to the Members of this body a quorum call should be had whenever a unanimous-consent agreement is requested.

We liberals have learned by hard experience that we must protect our parliamentary rights by exercising them. I now announce a right which I propose to exercise.

From now on I will not agree to a unanimous-consent request without a quorum call. I will not agree, whenever I am present, to any unanimous-consent requests without a quorum call, nor will I agree to the withdrawal of a quorum call, because if we liberals must protect ourselves by exercising all the parliamentary rights we have under the rules of the Senate, the senior Senator from Oregon notifies the Senate tonight that he is going to exercise his rights to the limit of the rules.

I do not propose, when I am engaged in such a conference as that in which I was engaged earlier today, to have a yea-and-nay vote taken in the Senate without anyone getting in touch with me, and without a quorum being called to permit me to be reached. Nor do I propose to let the practice which has developed in the Senate, of obtaining unanimous-consent agreements without quorum calls, go any further. I have made that clear to the leadership today, and I am making it clear now for the RECORD.

There was a yea-and-nay vote earlier today. There followed a brief and proper official proceeding involving a foreign visitor. The Senate then returned to the morning hour, which lasted until 10 minutes past 12.

The sad thing is that before the yea-and-nay vote this morning, there was no quorum call. If that courtesy had been extended to the Senator from Oregon, he would have been present for the vote. He had left the conference with his House colleagues, and he returned to the floor at 11:32. A quorum call would have occupied the length of time necessary to enable him to be present.

I know the alibi. It is said, "The agreement was in the CONRESSIONAL RECORD." The unanimous-consent agreement to take a yea-and-nay vote immediately after the morning hour was in the CONGRESSIONAL RECORD. It is like the very fine print in an insurance policy, by which it is sought to take advantage of the policyholder. I did not even see the fine print. I was not present to read it. It was known that I had left the precincts of the Senate yesterday afternoon, with the information given me that there would be no yea-and-nay votes as of that time; and that the time would be taken up by a discussion of rule XXII, and debate on the humane slaughter bill, with no indication that there would be a yea-and-nay vote almost immediately after the Senate reconvened at 11 o'clock this morning.

After 14 years I know enough about the parliamentary operations of the Senate to realize how important it is that at least a few of us dare to stand up nowadays and make it clear that we intend to have the parliamentary protection to which we are entitled. That is what I am doing tonight. I believe that under those circumstances a quorum call should have been had this morning.

Mr. President, I wish now to turn to another subject.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

EXPLANATION OF ABSENCES FROM THE SENATE BY SENATOR MORSE

Mr. MORSE. Mr. President, because of the campaign which was conducted against me in 1956, I have decided to help my opposition in 1962 by keeping

in the RECORD a statement, at all times, of the reasons for my absence from the Senate during any yea-and-nay vote. In 1956, since my opponents did not have either the statistics or the reasons right, the situation boomeranged to my advantage, because I happen to have had one of the better attendance records in the Senate during my 14 years of service in this body.

Occasionally, however, a Senator cannot always be present for a yea-and-nay vote when he does as many things as I do. I believe this account, for future reference, will explain how it happened that I missed the yea-and-nay vote this morning. Since I have not, for some time, brought my record up to date, I shall now proceed to do so.

On March 20, 1958, I was not present in the Senate for a yea-and-nay vote on the Agricultural Trade Development Act. Let the RECORD show that on March 20, 1958, there was a yea-and-nay vote on the Aiken amendment, to strike from the bill section 5, respecting barter transactions, and section 6, permitting duty-free entry of nonstrategic materials acquired by the Commodity Credit Corporation through barter. I was paired against the amendment.

On the same date there was a yea-and-nay vote on the amendment of the Senator from South Dakota [Mr. CASE], providing that all foreign currencies received in payment for commodities sold shall be placed in a Foreign Currencies Fund in the Treasury Department, and that the Treasury shall pay to the Commodity Credit Corporation the dollar equivalent of any such payment. I was paired against the amendment.

There was also a yea and nay vote on that date on the Jenner amendment, barring from trade under the bill any nation which has indicated it will support any Communist government in hostilities against the United States. I was announced as against that amendment.

There was a yea and nay vote on the Williams amendment, to limit the extension of the act to 1 year instead of 2 years. I was announced against that amendment.

On March 21, 1958, I was still absent from the Senate. There was a yea and nay vote on price supports and acreage allotments under Senate Joint Resolution 162, providing that acreage allotments and price supports cannot be lower than those in effect in 1957. I was announced as in favor of the joint resolution.

Let the RECORD show that the reason for my absence on March 20 and 21, 1958, was that I was in my home State of Oregon participating in a Democratic primary campaign. I think the people of my State well understand that whenever there is a political campaign in the State of Oregon they can expect the senior Senator to be there at some time during the campaign to explain to the people of Oregon his position in that campaign.

On April 2, 1958, I was absent from the Senate. There was a yea and nay vote that day on the omnibus flood control conference report. I was paired in favor of it. On that particular occasion I had a longstanding foreign policy speech commitment away from Washington, which I fulfilled.

On June 4, 1958, I was invited to Chicago as a member of the Foreign Relations Committee, to speak on American foreign policy, and I was absent from the Senate. On that date there was a yea-and-nay vote on the mutual security authorization of 1958. The yea-and-nay vote was on the Proxmire amendment, to place military and defense support under the Defense Department budget. I was announced as against it.

I shall keep the record of my absences up to date, for the assistance of my opposition in 1962, so that they can at least be accurate next time in reporting to the people of Oregon my attendance record in the Senate.

It is in that spirit, Mr. President, that I ask unanimous consent now to be excused from attendance on sessions of the Senate tomorrow and Thursday—probably all day Thursday, although I may be able to return for attendance late Thursday afternoon.

Let the record show that for 9 months I have had a longstanding commitment to my family for a little sojourn we shall make. It might be called a sort of family reunion. I ask unanimous consent to be excused from attendance on sessions of the Senate for those 2 days, for that purpose.

The PRESIDING OFFICER. Without objection, the request is granted.

AMENDMENT OF RULE XXII

Mr. MORSE. Mr. President, I wish to say a word about rule XXII, because I was not able to participate in the discussion. I wish to confine my remarks on rule XXII to paying tribute to the Senator from New Mexico [Mr. ANDERSON], who, in my judgment, has been the leader over the years, and a courageous leader, in attempt after attempt really to modify rule XXII in a manner which would check the filibuster which seeks to prevent a vote from ever occurring on a given issue.

I am deeply appreciative of the work the Senator from New Mexico has done. I do not mean to leave out other colleagues in the Senate who have courageously stood on the floor of the Senate and supported amendments to rule XXII. However, I can very well remember some years ago when the Senator from New Mexico led the fight for a modification of rule XXII. It has always been my position that rule XXII should be modified. I will support the Douglas proposal. I will support the Humphrey proposal. I will support a proposal along the line of that proposed by former Senator Lehman. Naturally I prefer the majority-vote rule of the longstanding Morse proposal, which I have introduced for many years, for a modification of rule XXII, which would protect cloture and would also, after there has been adequate protection of the minority, provide for a termination of the debate by a majority vote of the Senate.

I hope that come next January the fight will be made then. As the Senator from New Mexico pointed out to us some years ago, if we are going to modify rule XXII, we had better do it in January, at the beginning of a session, and not hope to modify it toward the end of the session, when the pressure is on for adjournment.

I wish to pledge now for the record that I can be counted on to join with my colleagues in the Senate, come January 1959, for a modification of rule XXII.

I return to the discussion of another subject.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

FAILURE OF LEADERSHIP TO PROVIDE PARLIAMENTARY PROTECTION TO MEMBERS

Mr. MORSE. Mr. President, my friend from Wisconsin [Mr. PROXMIRE]—and I am sure he will permit me to say this—has just handed me a note suggesting that I may wish to make an addition to my remarks with regard to the yea-and-nay vote this morning, by pointing out that it was held in violation of the unanimous-consent agreement. It was not held, as the agreement specified, at the end of the morning hour.

There is much merit in that observation, although I suppose it can be said, technically, that proposals in the morning hour had ceased; that then the yea and nay vote was called for; and that following the vote, the Senate then returned to the morning hour. This procedure, itself, is not the customary practice of the Senate. Had the Senate completed the morning hour, there would not have been, in my opinion, any advantage taken of any Member of the Senate who missed the vote this morning when he was in attendance at other important matters simply because actual notice never reached him.

Of course, as an old law teacher, I would point out to the leadership that there is a difference between constructive notice and actual notice.

In regard to a matter such as this, I may say, it is actual notice that ought to be the rule, not constructive notice, particularly when telephones are so available as they are here, especially when a quorum call will usually provide for the period of time necessary to assure that actual notice can reach a United States Senator.

Although I feel very strongly about this matter, I have made it clear to the leadership that I intend to continue to cooperate with it in regard to carrying on the business of the Senate. I have also made it very clear that I intend to exercise all my rights if there is a repetition of what I consider to be the very unnecessary course of action which was followed in the Senate this morning, when there was a yea-and-nay vote without a quorum call and without waiting until a Senator had been notified.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further business to come before the Senate?

ADJOURNMENT UNTIL 10 A. M. TOMORROW

Mr. MORSE. Mr. President, I move that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 8 o'clock and 44 minutes p. m.) the Senate adjourned until tomorrow, Wednesday, July 30, 1958, at 10 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate July 29, 1958:

IN THE ARMY

The following-named officers for temporary appointment in the Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be brigadier generals

Col. William Henry Sterling Wright, O18129, United States Army.

Col. David Parker Gibbs, O19189, United States Army.

Col. Archibald William Lyon, O18682, United States Army.

Col. Alvin Charles Welling, O18983, United States Army.

Col. Francis Hill, O19058, United States Army.

Col. John Thomas Honeycutt, O18975, United States Army.

Col. Augustus George Elegar, O18625, United States Army.

Col. Ethan Allen Chapman, O19076, United States Army.

Col. David Cletus Lewis, O29735, United States Army.

Col. Frederick Otto Hartel, O19254, United States Army.

Col. William Ennis Robert Sullivan, O29635, United States Army.

Col. John Maurice Henderson, Jr., O29410, United States Army.

Col. John Andrew Seitz, O30137, United States Army.

Col. Walter Abner Huntsberry, O19200, United States Army.

Col. Francis Willard Pruitt, O17812, Medical Corps, United States Army.

The following-named officer for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general, Dental Corps

Col. Henry Richard Sydenham, O18654, Dental Corps, United States Army.

CONFIRMATION

Executive nomination confirmed by the Senate, July 29, 1958:

CIRCUIT COURTS, TERRITORY OF HAWAII

Harry R. Hewitt, of Hawaii, to be fifth judge of the first circuit, circuit courts, Territory of Hawaii, for a term of 6 years.

HOUSE OF REPRESENTATIVES

TUESDAY, JULY 29, 1958

The House met at 12 o'clock noon.

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

Galatians 3: 11: *The just shall live by faith.*

O Thou infinite and infallible God, may we come to the tasks of this new day with minds and hearts that are receptive and responsive to the guidance of Thy divine Spirit.

Inspire us with the assurance of Thy grace and wisdom as we strive to find the ways to universal peace and brotherhood.

Grant that we may authenticate the glory and grandeur of our democracy by our labor and longings to minister to the needs of all mankind.

Strengthen and sustain our President, our Speaker, and all the Members of Congress in their deep concern for the honor and security of our beloved country.

Hear us in Christ's name. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills and a concurrent resolution of the House of the following titles:

H. R. 855. An act to designate the dam being constructed in connection with the Eagle Gorge Reservoir project on the Green River, Wash., as the Howard A. Hanson Dam;

H. R. 1298. An act for the relief of Vincent N. Caldes;

H. R. 1331. An act for the relief of Sadie Lobe;

H. R. 1376. An act for the relief of Bernard L. Phipps;

H. R. 1772. An act for the relief of Sigfried Olsen Shipping Co.;

H. R. 1884. An act for the relief of Jack Carpenter;

H. R. 1885. An act for the relief of Edwin Matusiak;

H. R. 2083. An act for the relief of Carl A. Willson;

H. R. 2647. An act for the relief of D. S. and Elizabeth Laney;

H. R. 3513. An act to amend title 10, United States Code, relating to the entitlement to reenlistment under certain circumstances of certain former officers;

H. R. 4535. An act for the relief of Ernest C. St. Onge;

H. R. 5062. An act for the relief of Albert H. Ruppar;

H. R. 5219. An act to provide tax relief to the Heavy and General Laborers' Local Unions 472 and 172 of New Jersey pension fund and the contributors thereto;

H. R. 5441. An act for the relief of Scott Berry;

H. R. 5855. An act for the relief of Manuel Mello;

H. R. 5922. An act for the relief of William Lavallo;

H. R. 6405. An act for the relief of Arnie W. Lohman;

H. R. 6492. An act for the relief of Maj. Harold J. O'Connell;

H. R. 6530. An act for the relief of Arthur L. Bornstein;

H. R. 6824. An act for the relief of the family of Joseph A. Morgan;

H. R. 7241. An act to amend section 6 of the act of March 3, 1921 (41 Stat. 1355), entitled "An act providing for the allotment of lands within the Fort Belknap Indian Reservation, Mont., and for other purposes";

H. R. 7267. An act for the relief of Charles J. Jennings;

H. R. 7375. An act for the relief of Edward J. Doyle and Mrs. Edward J. (Billie M.) Doyle;

H. R. 7660. An act for the relief of Dan Hill;

H. R. 7681. An act to authorize the Secretary of the Interior to convey certain land with the improvements located thereon to the Lummi Indian Tribe for the use and benefit of the Lummi Tribe;

H. R. 7684. An act to provide that the Secretary of the Navy shall transfer to David J. Carlson and Gerald J. Geyer certain interests of the United States in an invention;

H. R. 7734. An act to exempt certain teachers in the Canal Zone public schools from prohibitions against the holding of dual offices and the receipt of double salaries;

H. R. 7944. An act for the relief of the Spera Construction Co.;

H. R. 8015. An act for the relief of the Harmo Tire and Rubber Corp.;

H. R. 8147. An act for the relief of Kenneth W. Lenghart;

H. R. 8252. An act to amend section 3237 of title 18 of the United States Code to define the place at which certain offenses against the income tax laws take place;

H. R. 8282. An act for the relief of James E. Driscoll;

H. R. 8444. An act for the relief of Lloyd Lucero;

H. R. 8645. An act to amend section 9, subsection (d), of the Reclamation Project Act of 1939, and for other related purposes;

H. R. 8875. An act for the relief of Mr. and Mrs. George Holden;

H. R. 9015. An act for the relief of William V. Dobbins;

H. R. 9139. An act to amend the law with respect to civil and criminal jurisdiction over Indian country in Alaska;

H. R. 9181. An act for the relief of Herbert H. Howell;

H. R. 9222. An act for the relief of Dr. Edgar Scott;

H. R. 9397. An act for the relief of William T. Manning Co., Inc., of Fall River, Mass.;

H. R. 9885. An act for the relief of Frank A. Gyescek;

H. R. 10142. An act for the relief of Hugh Lee Fant;

H. R. 10260. An act for the relief of Natale H. Bellocchi and Oscar R. Edmondson;

H. R. 10426. An act to provide that the Federal-Aid Highway Act of 1956 (Public Law 627, 84th Cong., chap. 462, 2d sess.) shall be amended to increase the period in which actual construction shall commence on rights-of-way acquired in anticipation of such construction from 5 years to 7 years following the fiscal year in which such request is made;

H. R. 11305. An act to authorize the appropriation of funds to finance the 1961 meeting of the Permanent International Association of Navigation Congresses;

H. R. 11549. An act to provide for the preparation of a proposed revision of the Canal Zone Code, together with appropriate ancillary material;

H. R. 12293. An act to establish the Hudson-Champlain Celebration Commission, and for other purposes;

H. R. 12617. An act to amend sections 2 and 3 of the act of May 19, 1947 (ch. 80, 61 Stat. 102), as amended, relating to the trust funds of the Shoshone and Arapahoe Tribes, and for other purposes;

H. R. 13209. An act to provide for adjustments in the lands or interests therein acquired for the Albeni Falls Reservoir project, Idaho, by the reconveyance of certain lands or interests therein to the former owners thereof; and

H. Con. Res. 344. Concurrent resolution authorizing the printing of a revised edition of the Biographical Directory of the American Congress up to and including the 86th Congress.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 985. An act to provide that chief judges of circuit and district courts shall cease to serve as such upon reaching the age of 75;

H. R. 1574. An act for the relief of Albert Hyrapiet;

H. R. 1827. An act for the relief of Annunziata Gambini and Tomazo Gambini;

H. R. 2677. An act for the relief of former Staff Sgt. Edward R. Stouffer;

H. R. 2824. An act to provide for the distribution of the land and assets of certain Indian rancherias and reservations in California, and for other purposes;

H. R. 2966. An act for the relief of Harry F. Lindall;

H. R. 6239. An act to amend sections 1461 and 1462 of title 18 of the United States Code;

H. R. 6701. An act granting the consent and approval of Congress to the Tennessee River Basin Water Pollution Control Compact;

H. R. 7140. An act to amend title 10, United States Code, to authorize a registrar at the United States Military Academy, and for other purposes;

H. R. 7177. An act for the relief of Edward J. Bolger;

H. R. 7941. An act for the relief of Mrs. Harry B. Kesler;

H. R. 8826. An act to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946, with respect to proceedings in the Patent Office;

H. R. 10805. An act for the relief of certain persons who sustained damages by reason of fluctuations in the water level of the Lake of the Woods;

H. R. 11378. An act to amend Public Laws 815 and 874, 81st Congress, to make permanent the programs providing financial assistance in the construction and operation of schools in areas affected by Federal activities, insofar as such programs relate to children of persons who reside and work on Federal property, to extend such programs until June 30, 1961, insofar as such programs relate to other children, and to make certain other changes in such laws;

H. R. 11874. An act to record the lawful admission for permanent residence of certain aliens who entered the United States prior to June 28, 1940; and

H. R. 12140. An act to amend the act of December 2, 1942, and the act of August 16, 1941, relating to injury, disability, and death resulting from war-risk hazards and from employment, suffered by employees of contractors of the United States, and for other purposes.

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 163. An act to extend the period for filing claims under the War Claims Act of 1948;

S. 571. An act for the relief of George P. E. Caesar, Jr.;

S. 761. An act for the relief of Charles C. and George C. Finn;

S. 765. An act to increase the authorization for the appropriation of funds to complete the International Peace Garden, N. Dak.;

S. 1416. An act granting the consent of Congress to a Great Lakes Basin Compact, and for other purposes;

S. 1439. An act to amend title 28, United States Code, with respect to fees of United States marshals;

S. 1450. An act providing a method of determining the amount of compensation to which certain individuals are entitled as reimbursement for damages sustained by them due to the cancellation of their grazing permits by the United States Air Force;

S. 2001. An act for the relief of AlaLu Duncan Dillard;

S. 2052. An act for the relief of Heinz Farmer;

S. 2793. An act to provide for the conveyance of a pumping station and related facilities of the Intracoastal Waterway System at Algiers, La., to the Jefferson-Plaquemines Drainage District, Louisiana;

S. 2922. An act to authorize per capita payments to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation, and for other purposes;

S. 3112. An act to provide for the appointment of an assistant to the Secretary of State to be known as the Assistant for International Cultural Relations;

S. 3316. An act for the relief of Kiyoshi Ueda;

S. 3330. An act for the relief of Leopoldo Rodriguez-Meza and Adela Rodriguez Gonzales;

S. 3448. An act to authorize the acquisition and disposition of certain private lands and the establishment of the size of farm units on the Seedskadee reclamation project, Wyoming, and for other purposes;

S. 3615. An act for the relief of Wendy Levine;

S. 3653. An act to provide for the acquisition of sites and the construction of buildings for a training school and other facilities for the Immigration and Naturalization Service, and for other purposes;

S. 3665. An act for the relief of Choe Kum Bok;

S. 3712. An act to authorize appropriations for continuing the construction of the Rama Road in Nicaragua;

S. 3749. An act for the relief of Milan Boric;

S. 3754. An act to provide for the exchange of lands between the United States and the Navaho Tribe, and for other purposes;

S. 3780. An act for the conveyance of certain property in New Mexico to the Pueblo of Santa Domingo;

S. 3790. An act for the relief of Marie Silk;

S. 3874. An act to amend section 4083, title 18, United States Code, relating to penitentiary imprisonment;

S. 3875. An act to amend section 2412 (b), title 28, United States Code, with respect to the taxation of costs;

S. 3876. An act to provide for the relocation of the National Training School for Boys, and for other purposes;

S. 3949. An act to add certain public domain lands in Nevada to the Summit Lake Indian Reservation;

S. 3972. An act for the relief of Knud Erik Didriksen;

S. 3976. An act for the relief of Salvatore Verderaime;

S. 4165. An act to amend the Atomic Energy Act of 1954, as amended;

S. 4174. An act to authorize the distribution of copies of the CONGRESSIONAL RECORD to former Members of Congress requesting such copies;

S. Con. Res. 102. Concurrent resolution accepting the statue of Dr. Florence Rena Sabin, to be placed in the Statuary Hall collection;

S. Con. Res. 103. Concurrent resolution to place temporarily in the rotunda of the Capitol a statue of the late Dr. Florence Rena Sabin and authorizing ceremonies on such occasion; and

S. Con. Res. 104. Concurrent resolution to print the proceedings in connection with the acceptance of the statue of Dr. Florence Rena Sabin.

AUTHORIZATION TO DECLARE RECESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it may be in order at any time today for the Speaker to declare a recess for the purpose of receiving the Prime Minister of the Republic of Italy.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

COMMITTEE OF ESCORT

The SPEAKER. The Chair appoints as Members of the House to escort our distinguished visitor to the Chamber the gentleman from Massachusetts [Mr. McCORMACK], the gentleman from Massachusetts [Mr. MARTIN], the gentleman from Pennsylvania Mr. [MORGAN], the gentleman from Illinois [Mr. CHIPERFIELD], the gentleman from New York [Mr. ANFUSO], and the gentleman from Connecticut [Mr. MORANO]

RECESS

The SPEAKER. The House will stand in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 3 minutes p. m.) the House stood in recess subject to the call of the Chair.

VISIT OF HIS EXCELLENCY AMINTORE FANFANI, PRIME MINISTER OF THE REPUBLIC OF ITALY

During the recess the following occurred:

The Doorkeeper (at 12 o'clock and 15 minutes p. m.) announced His Excellency Amintore Fanfani, Prime Minister of the Republic of Italy.

The Prime Minister of the Republic of Italy, escorted by the Committee of Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk. [Applause, the Members rising.]

The SPEAKER. Members of the House of Representatives, it gives me great pleasure, and I deem it a distinct honor to have the privilege of presenting to you the representative of a great, a free, and a friendly people, the Prime Minister of the Republic of Italy. [Applause, the Members rising.]

The PRIME MINISTER. Mr. Speaker, Honorable Representatives, with deep feeling I have crossed the threshold of the Hall in which your assembly sits and works. Highly resplendent here is the light of the great tradition of freedom of the American people. The echo of the deeply moved voice of two great Italians still resounds among these walls.

Twice already in the last 10 years two very authoritative voices have expressed our anxieties, our problems, our purposes. You remember that on September 24, 1951, Alcide de Gasperi, as head of the Italian Government was asking your assistance, keeping in mind that the Italian nation is working hard and needs working opportunities above all.

On February 29, 1956, Giovanni Gronchi, as President of our Republic was witnessing to the fact that the balance of the first 10 years after the libertion had been a favorable one, and he asked the Congress to tell the American people that the help given Italy had not been wasted.

These precious testimonials and exhortations can only be confirmed now.

Since the time when those words were pronounced here in Washington 2

years ago, Italy has made further progress in all fields. She has consolidated her economy. She has better balanced her national budget. She has improved the living conditions of her people. Consequently, after 10 years of hard government action, in recent elections the support given to Alcide de Gasperi's party has grown, while for the first time since 1946 the number of Communist deputies has decreased. [Applause.]

The whole nation has acquired a firmer confidence in her future.

I believe that this greater confidence has resulted in the greater attention with which our people follow the development of international life, anxious to bring, by their ideas and their action, a pacifying contribution to their tumultuous course.

In this appearance of Italy on the horizon of great international life, no one should see symptoms of restlessness or of slightly lessened solidarity.

If anything, there is further proof that the common action of all the Allies, and in the first place the generous solidarity of the United States of America for the rebirth and reconstruction of Italy, have scored a full success. So much so that, now that we have overcome the most acute anxieties of our gravest internal problems, we intend to reciprocate, as we now can do, the Allies' aid, cooperating in our turn to solve the problems besetting the world and the Atlantic community of which we are a part. [Applause.]

Your assistance in stabilizing the life of our democracy has placed us in a position to contribute to the stabilization of life in the great family of the free people, integrated by the nations who are aiming at a more secure freedom.

This cooperation Italy intends to give, within the limits of her power, within the framework of her alliances, with the certainty that we contribute to averting from other areas of the world that danger of Communist subversion which has been averted in our land. [Applause.]

There has recently been much talk of Italian plans and programs to consolidate peace in the world, especially threatened today by the restlessness and the aspirations of the people of the Middle East.

It is not up to a country which does not possess all the means to uphold them, to formulate and propose plans, in the strict sense of the word.

We are a people living close to the danger area, possessing a knowledge of it that goes back into the millennia, and we are in a position to talk to the populations which inhabit them without arousing suspicion because, long since, we have had no possessions to defend or to extend. It is the duty of such a people to make their allies aware of their anxieties, their experiences, their own suggestions whether these experiences and suggestions concern the contingent aspects of the situation or the permanent ones; whether they consider the manner by which the temporary guaranties required of the friends of the threatened people can be substituted by other guaranties; whether they concern the orderly peaceful political evolution or the necessary economic assistance to those territories as a whole: of one thing we can be certain, namely, that such suggestions will only be aimed at stimulating and contributing to the solutions of problems that are already on the table. And, by our ideas and suggestions, we pledge ourselves to contribute our action and our endeavors to the peaceful widening of the area of freedom and prosperity in the Mediterranean and the Middle East. [Applause.]

The high ideal values we have in common, the close pledges we have given with our allies, the identical danger threatening our way of life: These are the safest guaranties that Italy is firmly on the side of freedom, and that it works and intends to work for peace in security.

We Italians are convinced that this common work, organically articulated in common action, will increase the concreteness and effectiveness of the allied effort, drawing toward this effort new friendly feeling of peoples now being tempted toward other communities that love peace and progress only in appearance, for they are the enemies of freedom.

We Italians are also certain that by such actions we shall make more intimate and cordial the already intimate and cordial collaboration of our country with the United States of America.

Mr. Speaker, Honorable Representatives. The meetings in which I have the honor of participating now in Washington will produce other positive results in terms of the friendship between the United States and Italy, and for the future development of action of the free peoples of the West. You can rely on that.

The frank exchange of opinion will reinvigorate our mutual collaboration. And this will continue to be the cornerstone of that edifice of civilization to which we are dedicated, in the service of our peoples, for peace in the world in the observance of that justice which God requires of men. [Applause, the Members rising.]

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 40 minutes p. m.

PRINTING PROCEEDINGS HAD DURING RECESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the proceedings during the recess be printed in the RECORD.

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

There was no objection.

PRIME MINISTER FANFANI OF ITALY

Mr. KEOGH. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. ANFUSO] may extend his 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. ANFUSO. Mr. Speaker, this morning we have all had the pleasure of hearing from one of Europe's most important and influential leaders, His Excellency Amintore Fanfani, Prime Minister and Foreign Minister of Italy. He is a close friend and collaborator of Chancellor Konrad Adenauer, of Germany, in the unification of Europe, and a devoted friend of the United States.

During our presidential conventions of 1956, he was the guest of President Eisenhower at the San Francisco convention. I had the distinct honor of having him as my guest in Chicago. It was there that he met many of the leaders of Congress and was profoundly impressed with our democratic form of government.

Recently his party, the Democratic Christian Party, and other allied parties, won a stunning victory over the Communist Party in Italy, second largest in the world next to that of Russia. This victory was achieved in spite of threats of annihilation and economic starvation emanating from Communist orators.

The visit to the United States of 1956—Premier Fanfani's first—had a great deal to do, in my opinion, with the inspirational drive led by the Prime Minister, then secretary-general of his party, in which the majority of the freedom-loving people of Italy were convinced that the United States could be counted on as a trusted ally and friend of the people of Italy.

I know that my colleagues here will give this outstanding leader a genuine ovation and the encouragement he needs to carry out the great fight he is waging against communism and for peace in our time.

The presence of Prime Minister Fanfani in this country, who is well acquainted with the situation in the Middle East, is most welcome at this time. Let us never lose sight of Italy's strategic position in the Mediterranean and the fact that our Middle East drive gets its commencement and support from ports and bases in Italy.

Mr. Speaker, under leave to extend my remarks, I wish to insert into the RECORD three editorials on Prime Minister Fanfani, the first from the Washington Star of July 28, the second from the Washington Post of July 29, and the third from the New York Times of July 29, 1958, as follows:

[From the Washington Evening Star of July 28, 1958]

GUEST FROM ITALY

Amintore Fanfani, Italy's new Prime Minister, will be here in Washington for only a brief stay. But there nevertheless will be enough time for him to present a full exposition of his government's views to the top representatives of the United States, from the President on down.

This latest of our overseas guests, who serves also as Italy's Foreign Minister, is a scholar of considerable stature and a politician of distinction in his own country.

Further than that, as he has demonstrated over the years, he is a man dedicated to the principles of freedom and to the indispensable efforts of the Western Alliance—the North Atlantic Treaty Organization—to defend and preserve those principles as the be-all and end-all of a decent way of life. Accordingly, what he will have to say to Mr. Eisenhower and other key Americans is certain to receive an attentive hearing.

As he himself has put it in a formal statement, Mr. Fanfani believes that his visit and talks here can hardly fail not only to strengthen the already close ties between Italy and the United States, but also to enhance the common action for the defense of freedom and the guaranty of peace in security. To that end he is expected to discuss, among other things, his country's still somewhat vaguely articulated plan for a far-reaching multination program to promote the economic development of the Middle East and north Africa.

Needless to say, at this particular moment, when the West seems to be groping for a sound approach to the Middle East crisis, Mr. Fanfani's ideas—or, more precisely, the ideas of the Italian Government—will be accorded something much better than a cursory or protocol-polite reception. In that sense, wholly apart from the occasion's social amenities, he can be sure that he is most welcome among us.

[From the Washington Post and Times Herald of July 29, 1958]

COUNSELOR FROM ITALY

Prime Minister Amintore Fanfani, of Italy, has come to Washington at a delicate point in the relations between the Atlantic powers and the countries of the Near East. We hope that he will talk frankly to administration leaders about how official American attitudes look to this country's friends in Europe. Sometimes known as the Jim Farley of Italy because of his previous position as secretary of the Christian Democratic Party, Signor Fanfani has shown himself to be an eminently practical politician with an understanding of the need for a broad base of economic and social progress. The recent success of the Christian Democrats at the polls attested the effectiveness of the moderate parties in concentrating on such advance.

Apart from any discussion of direct Italo-American issues, Signor Fanfani's counsel ought to be welcomed on larger free-world problems. He represents a government which, in addition to its demonstrated faith in European unity and Atlantic solidarity, has special ties of geography and trade with north Africa and the Near East. A year or more ago the then Italian Foreign Minister, Giuseppe Pella, proposed a plan whereby Marshall plan loan repayments would be funneled into an economic program for the Near East; although this suggestion was spurned at the time, it may have considerably more attraction in retrospect. In any event, whatever ideas Signor Fanfani may have for bridging the interests of the Atlantic nations and the Near East ought to be accepted gratefully. His country's position as a proved friend of the United States warrants full consultation with Italy.

[From the New York Times, July 29, 1958]

FANFANI IN WASHINGTON

It was a fortunate chance that Premier Fanfani of Italy should have been invited by the White House to come to the United States at this moment. This is a time, thanks to the Middle East crisis, when the United States especially needs the support, advice and friendly criticisms of her allies.

In postwar Italy we have always had a stanch ally—and in Amintore Fanfani a statesman—who is sympathetic and cooperative, but who has a mind of his own. His chief field is economics, to which he has given a lifetime career as teacher and author, and it is in the application of progressive economic ideas that Premier Fanfani sees a great part of his work as head of the new government in Rome.

He is one of a large group of determined Italian Europeans and considers the Atlantic Alliance as a fundamental instrument for Italian policy. When the Middle Eastern crisis broke 2 weeks ago it was natural for Premier Fanfani to think in terms of the NATO Council and the United Nations, especially the former. His approach, as always, was essentially economic. If reports from Rome are true, he feels that the Arab world, including Nasser's Egypt, will work in harmony with the West if measures are taken to raise Arab standards of living through an international organization like NATO.

Professor Fanfani has come here with fresh ideas and as the representative of the younger generation of Italian politicians. It is worth remembering that in moving our troops and materiel from Germany to Lebanon, Naples was the chief transit point, and it is a main base of our Sixth Fleet. For many reasons, therefore, Premier Fanfani is a welcome guest.

AMENDING TITLE 10, UNITED STATES CODE, TO AUTHORIZE A REGISTRAR AT UNITED STATES MILITARY ACADEMY

Mr. BROOKS of Louisiana. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 7140) to amend title 10, United States Code, to authorize a registrar at the United States Military Academy, and for other purposes, with Senate amendments thereto and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 4, preceding line 18, insert:

"(13) Section 8075 (b) (2) is amended by inserting the word ', registrar,' after the word 'professors.'

"(14) Section 8204 is amended to read as follows:

"'§ 8204. Regular Air Force: commissioned officers on active list

"'The authorized strength of the Regular Air Force in commissioned officers on the active list is the sum of—

"'(1) the numbers authorized by section 8205 of this title;

"'(2) the number of permanent professors of the United States Air Force Academy authorized by section 9331 of this title and the registrar thereof; and

"'(3) the numbers in designated categories specifically authorized by law as additional numbers.'

"(15) Section 8205 is amended by inserting the words 'and the registrar' after the word 'professors.'

"(16) Section 8296 (a) is amended by inserting the words 'and the registrar' after the word 'professors.'

"(17) Section 8883 is amended by inserting the words 'or the registrar' after the word 'professor.'

"(18) Section 8886 is amended by inserting the words 'and the registrar' after the word 'professor.'

"(19) Section 9331 (b) is amended by inserting the following new clause at the end thereof:

"'(6) A registrar.'

"(20) Section 9333 is amended by adding the following new subsection at the end thereof:

"'(c) The registrar of the Academy shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such duties as the Superintendent of the Academy may prescribe with the approval of the Secretary of the Air Force.'

"(21) Section 9334 (b) is amended by inserting the words 'and the registrar' after the word 'professors.'

"(22) Section 9336 is amended—

"(A) by inserting the designation '(a)' before the words 'A permanent professor of the Academy';

"(B) by adding the following new subsections at the end thereof:

"'(b) A person appointed as registrar of the Academy has the regular grade of lieutenant colonel, and, after he has served 6 years as registrar, has the regular grade of colonel. However, a person appointed from the Regular Air Force has the regular grade of colonel after the date when he completes 6 years of service as registrar, or after the date when a promotion-list officer, junior to him on the promotion list on which his name was carried before his appointment as registrar, is promoted to the regular grade of colonel, whichever is earlier.

"'(c) Unless he is serving in a higher grade, an officer detailed to perform the duties of registrar has, while performing those duties, the temporary grade of lieutenant colonel and, after performing those duties for a period of 6 years, has the temporary grade of colonel.'; and

"(C) by amending the catchline to read as follows:

"'§ 9336. Permanent professors; registrar.'

"(23) The analysis of chapter 903 is amended by striking out the following items:

"'9336. Permanent professors.'

and inserting the following item in place thereof:

"'9336. Permanent professors; registrar.'"

Amend the title so as to read: "An act to amend title 10, United States Code, to authorize a registrar at the United States Military Academy and the United States Air Force Academy, and for other purposes."

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CONFEREES ON H. R. 376

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Mr. POAGE and Mr. HOEVEN be excused as members of the conference committee on H. R. 376, to amend the Commodity Exchange Act to prohibit trading in onion futures in commodity exchanges, and that the Speaker be authorized to appoint conferees in their place.

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

There was no objection.

The SPEAKER. The Chair appoints the following conferees: Mr. THOMPSON of Texas and Mr. SIMPSON of Illinois.

The clerk will notify the Senate accordingly.

COMMITTEE ON RULES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Com-

mittee on Rules may have until midnight tonight to file certain privileged reports.

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

There was no objection.

TEMPORARY APPROPRIATIONS FISCAL YEAR 1959

Mr. CANNON from the Committee on Appropriations reported the joint resolution (H. J. Res. 672) amending a joint resolution making temporary appropriations for the fiscal year 1959, and for other purposes, which was read a first and second time, and referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. CANNON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H. J. Res. 672) amending a joint resolution making temporary appropriations for the fiscal year 1959, and for other purposes.

The Clerk read the title of the joint resolution.

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

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That clause (c) of section 102 of the joint resolution of June 30, 1958 (Public Law 85-472), is hereby amended by striking out "July 31, 1958" and inserting in lieu thereof "August 31, 1958."

SEC. 2. The amount appropriated by subsection (b) of section 101 of such joint resolution for mutual security programs is hereby increased from "$200,000,000" to "$300,000,000."

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.

PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar. The Clerk will call the first bill on the Calendar.

EVA S. WINDER

The Clerk called the bill (S. 488) for the relief of Eva S. Winder.

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

Be it enacted, etc., That, notwithstanding section 3774 (b) of the Internal Revenue Code of 1939, the Secretary of the Treasury shall consider, and allow if otherwise allowable, the claims filed on March 9, 1948, by Eva S. Winder, of Deming, N. Mex., for refunds of overpayments of her income taxes for the years 1945 and 1946. No interest shall be allowed on the refunds claimed herein for any period of time.

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.

CASEY JIMENEZ

The Clerk called the bill (S. 1879) for the relief of Casey Jimenez.

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

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Casey Jimenez, of Tucumcari, N. Mex., a veteran of World War II, the sum of $1,292, representing the amount expended by the said Casey Jimenez for an emergency operation after he had been refused admittance to the veterans hospital in Amarillo, Tex., and for medical and hospital expenses incurred incident to such operation: *Provided*, That no part of the amount appropriated in this act 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 read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM F. PELTIER

The Clerk called the bill (S. 2146) for the relief of William F. Peltier.

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

Be it enacted, etc., That for the purposes of the act of October 20, 1951 (65 Stat. 574); authorizing payments to certain disabled veterans for the purchase of automobiles, William F. Peltier, a totally disabled veteran of World War II who lost a hand as the result of a service-incurred injury, shall be deemed to have filed his application for the benefits of such act prior to October 20, 1956.

With the following committee amendments:

Page 1, line 3, strike out "the act of October 20, 1951 (65 Stat. 574)" and insert "title 7 of the Veterans' Benefits Act of 1957 (71 Stat. 115)";

Page 1, line 9, strike out "for the benefits of such act prior to October 20, 1956" and insert "for this benefit within the time limit prescribed in section 705 of title 7 of the Veterans' Benefits Act of 1957: *Provided*, That the said William F. Peltier shall file an application for such benefits within 1 year of the effective date of this act."

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.

ESTATE OF L. L. McCANDLESS, DECEASED

The Clerk called the bill (H. R. 11200) for the relief of the estate of L. L. McCandless, deceased.

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

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the trustees of the estate of L. L. McCandless, deceased, the sum of $65,894.29. The payment of such sum shall be in full settlement of all claims against the United States arising out of the activities of the Armed Forces of the United States on and after December 7, 1941, with respect to the ranch operated by such trustees in the districts of Waianae and Waialua, island of Oahu, Territory of Hawaii. Such activities resulted in the loss of cattle, livestock, and other personal property belonging to such estate, as well as the loss of certain leases of real estate issued by the Territory of Hawaii, all such loss as found by the United States District Court for the Territory of Hawaii as follows: (a) 287 head of cattle lost, $12,915; (b) cost to plaintiffs of recovering stray cattle, $2,079; (c) 200 pigs, $3,000; (d) 2 horses, $250; (e) loss of 500 bags, 400 bags of algaroba beans and 200 redwood posts, $190; (f) value of general leases 1740 and 1741 for 4½ years, $41,460.29; (g) rental value of house and guest cottage, $6,000; total, $65,894.29: *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.

DRAKE AMERICA CORP.

The Clerk called the resolution (H. Res. 621) for the relief of Drake America Corp.

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

Resolved, That the bill (H. R. 1357) entitled "A bill for the relief of Drake America Corp.", together with all accompanying papers, is hereby referred to the United States Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code; and said court shall proceed expeditiously with the same in accordance with the provisions of said sections and report to the House of Representatives, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand, as a claim legal or equitable against the United States, and the amount, if any, legally or equitably due from the United States to the claimant.

The resolution was agreed to.

A motion to reconsider was laid on the table.

BONIFACIO SANTOS

The Clerk called the bill (H. R. 6773) for the relief of Bonifacio Santos.

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 $1,500 (3,000 pesos) to Bonifacio Santos, of Oakland, Calif., in full settlement of all claims against the United States. Such sum represents the amount of money loaned or furnished the Luzon Guerrilla Army Forces, USAFFE, in support of the guerrilla forces during the year 1944: *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.

FILBERT L. MOORE

The Clerk called the bill (H. R. 7688) for the relief of Filbert L. Moore.

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 $448.70 to Filbert L. Moore, of Baltimore, Md., in full settlement of all claims against the United States. Such sum represents the cost of transportation of his privately owned automobile from Baltimore, Md., to San Francisco, Calif., for further shipment to Okinawa, on November 27, 1953, while he was serving in the United States Army: *Provided*, That no part of the amount appropriated in this act 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.

HUBERT D. THATCHER, ET AL.

The Clerk called the bill (H. R. 8905) for the relief of Hubert D. Thatcher, Robert R. Redston, Andrew E. Johnson, William L. Barber, Alex Kamkoff, and William S. Denisewich.

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

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the persons enumerated below the sums specified, in full settlement of all claims against the Government of the United States as reimbursement for personal effects destroyed as a result of the fire which occurred on October 28, 1955, at Copper "D" survey location, mile 61, Valdez, Alaska, when the claimants were employed by the Alaska Road Commission (now the Bureau of Public Roads): Hubert D. Thatcher, $359.25; Robert R. Redston, $161; Andrew E. Johnson, $293.25; William L. Barber, $141; Alex Kamkoff, $394; and William S. Denisewich, $200.

SEC. 2. No part of the amounts appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The 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. MARION S. SYMMS

The Clerk called the bill (H. R. 9765) for the relief of Mr. Marion S. Symms.

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

Be it enacted, etc., That notwithstanding any statutory period of limitation, refund or credit shall be made or allowed to Marion S. Symms, Augusta, Ga., of any overpayments made by him for the taxable year ending December 31, 1952, of taxes imposed by chapter 1 of the Internal Revenue Code of 1939, if claim therefor is filed within 6 months after the date of 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.

MISS MARY M. BROWNE

The Clerk called the bill (H. R. 9993) for the relief of Miss Mary M. Browne.

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

Be it enacted, etc., That notwithstanding any statutory period of limitation, refund or credit shall be made or allowed to Mary M. Browne, Norton, Kans., of any overpayment made by her for the taxable year ending December 31, 1951, of taxes imposed by chapter 1 of the Internal Revenue Code of 1939, if claim therefor is filed within 1 year after the date of 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.

ARTHUR G. WILLIAMS

The Clerk called the bill (H. R. 11236) for the relief of Arthur G. Williams.

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

Be it enacted, etc., That Arthur G. Williams, Assistant Postmaster, Jesup, Georgia, is relieved from liability for repayment to the United States of the amount due the United States on account of the embezzlement of $11,163.72 of post office funds by Leon W. Martin, substitute clerk in the Jesup post office in the State of Georgia, during the period July 1950 and March 1951: *Provided*, That no part of the amount appropriated in this act 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.

AARON GREEN, JR.

The Clerk called the bill (H. R. 11921) for the relief of Aaron Green, Jr.

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

Be it enacted, etc., That Aaron Green, Jr., of 24 Wakullah Street, Roxbury, Mass., is hereby relieved of all liability to repay to the United States the sum of $1,045 representing the total of allotment payments made to his wife, Mrs. Sarah E. Green, in the period from April 1, 1942, through October 31, 1945, inclusive, which have been ruled to have been overpayments because only two deductions were made from his Army pay in accordance with the authorization he executed directing that the proper deductions be made from his pay in order that a class E allotment would be paid to his wife.

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

The Clerk read as follows:

Amendment offered by Mr. LANE: Page 1, line 3, after "Junior" insert "and Sarah E. Green, his wife."

Page 1, line 4, strike out "is" and insert "are."

Page 1, line 6, strike out "his" and insert "the."

Page 1, line 12, strike out "his pay" and insert "the pay of the said Aaron Green, Jr."

Page 1, line 13, after "wife" add the following sentence "In the audit and settlement of the accounts of any certifying or disbursing officer of the United States full credit shall be given for the amount for which liability is relieved by this act."

The amendment was agreed to.

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

MICHAEL J. CONLIN

The Clerk called the bill (H. R. 12060) for the relief of Michael J. Conlin.

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

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Michael J. Conlin, of Grand Rapids, Mich., the sum of $350. The payment of such sum shall be in full settlement of all claims of Michael J. Conlin against the United States for expenses and damages as a result of his being wrongfully advised of the disciplinary status of his son, Robert Conlin (United States Marine Corps, service No. 1377560), on or about July 22, 1955.

With the following committee amendment:

At the end of the bill add: ": *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 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.

ALPHONSE E. JAKUBAUSKAS

The Clerk called the bill (H. R. 12256) for the relief of Alphonse E. Jakubauskas.

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

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alphonse E.

Jakubauskas, Pomona, Calif., the sum of $250. Such sum represents the amount for which the said Alphonse E. Jakubauskas was held liable on March 18, 1958, in the courts of the State of Connecticut, as the result of an accident which occurred on October 21, 1953, and which involved a Government vehicle being driven by the said Alphonse E. Jakubauskas in the course of his duties as an employee of the United States Post Office Department in Waterbury, Conn. Such sum shall be paid only on condition that the said Alphonse E. Jakubauskas shall use such sum, or so much thereof as may be necessary, to pay the amount for which he was held liable on March 18, 1958: *Provided,* That no part of the amount appropriated in this act 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.

MRS. VIOLA BARKSDALE

The Clerk called the bill (H. R. 12364) for the relief of Mrs. Viola Barksdale.

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

Be it enacted, etc., That the award of death compensation which the Veterans' Administration has held that Mrs. Viola Barksdale, of Lynchburg, Va., is entitled to receive as a result of its finding on April 28, 1958, that the death of her late husband, Elwood L. Barksdale, on July 3, 1940, was proximately caused by his service-connected disabilities, shall be held and considered to be effective as of the date of the said Elwood L. Barksdale's death on the basis of her original claim for such death compensation which she filed on August 3, 1940, just one month after her husband's death; and the Administrator of Veterans' Affairs is hereby authorized and directed to make retroactive payments in accordance with such entitlement.

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.

WALTER H. BERRY

The Clerk called the bill (H. R. 12942) for the relief of Walter H. Berry.

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

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Walter H. Berry, of Washington, Ind., the sum of $260 in full satisfaction of all his claims against the United States for salary for the period from August 6, 1948, to and including September 1, 1948, during which he was erroneously separated from his CAF-7 civil-service position at the United States Naval Ammunition Depot, Crane, Ind., and for which he has not otherwise received compensation: *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.

With the following committee amendment:

Page 1, line 8, strike out "1948" and insert "1947" in two places.

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.

EVERETT A. ROSS

The Clerk called the bill (H. R. 13151) for the relief of Everett A. Ross.

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

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Everett A. Ross, Stockton, Calif., the sum of $712.61. Such sum represents the amount of the judgment and costs for which the said Everett A. Ross was held liable on February 4, 1952, in a civil action in the justice court of Stockton, Calif., as the result of an accident which occurred at the intersection of Charter Way and Sharps Lane in Stockton, Calif., on November 3, 1950, and which involved a United States mail truck being driven by the said Everett A. Ross, a temporary letter carrier in the United States Post Office, Stockton, Calif. Such sum shall be paid only on condition that the said Everett A. Ross shall use such sum, or so much thereof as may be necessary, to pay such judgment and costs in full: *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.

With the following committee amendment:

Page 2, line 8, strike out "in excess of 10 percent thereof."

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.

FORREST E. DECKER

The Clerk called the bill (H. R. 13312) for the relief of Forrest E. Decker.

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, to Chief Warrant Officer Forrest E. Decker, rural delivery No. 1, Commodore, Pa., the sum of $241.94, in full settlement of all claims against the United States for damages on account of loss or destruction of household goods and personal property belonging to Forrest E. Decker that were destroyed by fire on December 4, 1956, while in the warehouse of National Movers Co., Inc., East Rutherford, N. J. The sum of $241.94 is in addition to the sum of $6,500 previously paid to Forrest E. Decker for this fire loss pursuant to the provisions of the Military Personnel Claims Act (10 U. S. C. 2732), as implemented by Army regulations: *Provided,* That no part of the amount appropriated in this act 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.

RELIEF OF CERTAIN ALIENS

The Clerk called the resolution (S. Con. Res. 83) for the relief of certain aliens.

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

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation pursuant to the provisions of section 244 (a) (5) of the Immigration and Nationality Act (66 Stat. 214; 8 U. S. C. 1254 (c)):

A-10150440, Herrmann, William Ernst.
A-1607807, Latva, Karl Assari.
A-2752014, Nagae, Toshiyoshi.
A-2183058, Ritchie, Anna.
A-2429881, Rotzer, John.
A-2476554, Akelaitis, Anthony Peter.
A-5591361, Brisbeno-Cerano, Pablo.
A-2154168, Gerard, Thursa Bashey.
A-4296775, Philippou, Michael.
A-5077628, Abrams, William.
A-1884341, Billeck, Mike.
A-1223150, Franzone, Peter.
A-8765622, Ramos-Alonzo, Valentin.
A-4753944, Souza, Manuel Francis.
A-1024497, Strk, Ilija.
A-4317593, Vir, David.
A-8844394, Waulke, Samuel S.
A-5940048, Wienski (Wiensky), Nicholas.
A-5858232, Contreras-Munoz, Jose.
A-5969807, Cehringer, Henry Charles.
A-5472840, Derymonjian, Oskan.
A-4285329, Heeney, William Michael Francis.
A-4765082, Lledo, Jaime Cano.
A-5987889, Pietzak, Joseph Adam.
A-5093624, Anthonis, Frank.
A-3090457, Butler, Anna Lucretia.
A-4335159, Gugenhan, Frederick.
A-4011582, Luper, Max.
A-3007376, Orosco, Nabor.
A-1199762, Thompson, Arthur Fisher.
A-4792609, Tima, Emery James.
A-5418531, Kuch, Bronislaw.
A-2746556, Nunez-Arreguin, Francisco.
A-4539823, Sailer, Johann N.
A-1852300, Valdastri, Joseph.
A-10139136, Weiner, Benjamin.
A-2807195, Burnett, John Lionel.
A-1229447, Echevarria, Felipe.
A-5048277, Geller, Samuel.
A-5052632, Israel (Izrael), Joseph.
A-5511254, Sollano (Sallano), Salvatore.
A-5592838, Sonneborn, Herbert Joseph.
A-1895860, Tellez-Lara, Salvador.
A-5967610, Toy, Nee.
A-4656191, Wantroba (Watroba) Thomas.
A-4717588, Zukowski, Antonina.
A-4282074, Krawczuk, Peter.
A-2471862, Miszer, Ignatz.
A-8925175, Rich, Martha Lucille.
A-4926883, Leonelli, Eldo.
A-10255683, Ross, Maurice.
A-1899483, Bravo, Lucio.
A-3073370, Consiglio, Anthony.

A-4495275, Evans, Julia.
A-6151475, Lowenthal, Philip Herman.
A-2053517, Aalto, George.
A-8890731, Constante-Fregoso, Rogilio.
A-1048255, Espinosa-Delgado, Miguel.
A-3818164, Jugloff, Theodore Louis.
A-1453355, Naftaniel, Nick.
A-10155976, Sederes, James George.
A-3339304, Brini, Pasquale Luigi.
A-2129962, Flores, Lino B.
A-2157328, Suarez, Ysidro, Jr.
A-4760319, Ho, Chu Hum.
A-6038920, Liedtke, Fred.
A-2481240, Puretz, Leo.
A-3411085, Tornello, Michael.
A-6487465, Valenti, Rocco.

The resolution was agreed to.

A motion to reconsider was laid on the table.

JESUS ANGEL-MORENO

The Clerk called the resolution (S. Con. Res. 92) withdrawing suspension of deportation in the case of Jesus Angel-Moreno.

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

Resolved by the Senate (the House of Representatives concurring), That the Congress, in accordance with section 246 (a) of the Immigration and Nationality Act (8 U. S. C. A. 1256 (a)), withdraws the suspension of deportation in the case of Jesus Angel-Moreno (A-8065711) which was previously granted by the Attorney General and approved by the Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

BLANCA G. HIDALGO

The Clerk called the bill (S. 616) for the relief of Blanca G. Hidalgo.

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, Blanca G. Hidalgo 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.

RICHARD K. LIM AND MARGARET K. LIM

The Clerk called the bill (S. 1987) for the relief of Richard K. Lim and Margaret K. Lim.

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, Richard K. Lim and Margaret K. Lim 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 fees. 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 the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are 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.

FOUAD (FRED) KASSIS

The Clerk called the bill (S. 3136) for the relief of Fouad (Fred) Kassis.

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, Fouad (Fred) Kassis 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.

GENOVEVA RIOSECO CASWELL

The Clerk called the bill H. R. 9160 for the relief of Genoveva Rioseco Caswell.

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

Be it enacted, etc., That Genoveva Rioseco Caswell, who lost United States citizenship under the provisions of section 404 (c) of the Nationality Act of 1940, may be naturalized by taking prior to 1 year after the effective date of this act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said act. From and after naturalization under this act, the said Genoveva Rioseco Caswell shall have the same citizenship status as that which existed immediately prior to its loss.

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.

STIRLEY LOUIS BERUTICH

The Clerk called the bill (H. R. 3579) for the relief of Stirley Louis Berutich.

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

Be it enacted, etc., That, notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, Stirley Louis Berutich 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 had knowledge prior to the enactment of this act.

With the following committee amendment:

Page 1, line 5, after the word "be" insert "issued a visa and."

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.

MRS. HENRY OSCAR (OLGA McCURDY) RAMSEY

The Clerk called the bill (H. R. 9783) for the relief of Mrs. Henry Oscar (Olga McCurdy) Ramsey.

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

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

There was no objection.

TSUYAKO IKEDA

The Clerk called the bill (H. R. 9851) for the relief of Tsuyako Ikeda.

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

Be it enacted, etc., That Tsuyako Ikeda, who lost United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940, may be naturalized by taking prior to 1 year after the effective date of this act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said act. From and after naturalization under this act, the said Tsuyako Ikeda shall have the same citizenship status as that which existed immediately prior to its loss.

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. KUNIGUNDE BELDIE

The Clerk called the bill (H. R. 12944) for the relief of Mrs. Kunigunde Beldie.

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

Be it enacted, etc., That Mrs. Kunigunde Beldie, who lost United States citizenship under the provisions of section 404 (b) of the Nationality Act of 1940, may be naturalized by taking prior to 1 year after the effective date of this act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said act. From and after naturalization under this act, the said Mrs. Kunigunde Beldie shall have the same citizenship status as that which existed immediately prior to its loss.

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.

MISS TEREZ CSENCSITS

The Clerk called the bill (H. R. 11357) for the relief of Miss Terez Csencsits.

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

Be it enacted, etc., That, notwithstanding the provision of section 212 (a) (6) of the Immigration and Nationalty Act, Miss Terez Csencsits may be issued a visa and admitted

to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare may deem necessary to impose: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said 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.

CONVEYANCE OF REAL PROPERTY AT DEMOPOLIS LOCK AND DAM PROJECT (ALABAMA)

The Clerk called the bill (S. 3053) to authorize the Secretary of the Army to convey certain real property at Demopolis lock and dam project, Alabama, to the heirs of the former owner.

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

Be it enacted, etc., That the Secretary of the Army shall convey subject to exceptions, restrictions, and reservations (including a reservation to the United States of flowage rights) as he determines are in the public interest, all right, title, and interest of the United States in and to the two parcels of real property described in section 2 of this act, for a consideration of $27,120, to the following four individuals, as tenants in common: (1) Nettie L. Richard, Demopolis, Ala., (2) Florence L. Morris, Demopolis, Ala., (3) Tessie L. Marx, New Orleans, La., and (4) Helen L. Levi, Evansville, Ind.

SEC. 2. The two parcels of real property referred to in the first section of this act are more particularly described as follows:

(1) A tract of land being the east half of the east half of the northwest quarter of the southeast quarter and the north half of the west quarter of the northeast quarter of the southeast quarter of section 17, township 18 north, range 2 east, Saint Stephens meridian, Sumter County, Ala., containing 15 acres, more or less, known as tract numbered A–194.

(2) A tract of land lying approximately in the west half of section 27, and west half of section 34 lying northeast of the Tombigbee River, and that part of northeast quarter of section 33 lying northeast of the Tombigbee River, in township 19 north, range 2 east, St. Stephens meridian, Greene County, Ala., containing 525 acres, more or less, and known as tract numbered B–224.

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.

BUNGE CORP.

The Clerk called the bill (H. R. 8997) for the relief of Bunge Corp., New York, N. Y.

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

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay out of any moneys in the Treasury not otherwise appropriated, to Bunge Corp., New York, N. Y., the sum of $1,082.58. The payment of such sum shall be in full settlement of all claims of the said Bunge Corp. against the United States on account of the erroneous appraisement and liquidation of New York consumption entry No. 842743 of March 8, 1951, resulting in excessive customs duties being charged against such merchandise.

With the following committee amendment:

Page 2, line 1, after "merchandise" insert "*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 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.

AUREX CORP.

The Clerk called the resolution (H. Res. 630) to refer to the Court of Claims the bill H. R. 3677 for the relief of the Aurex Corp.

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

Resolved, That the bill (H. R. 3677) entitled "A bill for the relief of the Aurex Corp.", now pending in the House, together with all the accompanying papers, is hereby referred to the Court of Claims; and the court shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code and report to the House of Representatives, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States and the amount, if any, legally or equitably due from the United States to the claimant.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CAROLINA M. GOMES

The Clerk called the bill (S. 1782) for the relief of Carolina M. Gomes.

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

Be it enacted, etc., That, Carolina M. Gomes, who lost United States citizenship under the provisions of section 404 (b) of the Nationality Act of 1940, may be naturalized by taking, prior to 1 year after the date of the enactment of this act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, an oath as prescribed by section 337 of such act. From and after naturalization under this act, the said Carolina M. Gomes shall have the same citizenship status as that which existed immediately prior to its loss.

With the following committee amendment:

Strike out all after the enacting clause and insert "That, in the administration of the Immigration and Nationality Act, Carolina M. Gomes shall be deemed to be a nonquota immigrant."

The committee 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.

FACILITATING THE ADMISSION OF CERTAIN ALIENS

The Clerk called the resolution (H. J. Res. 652) to facilitate the admission into the United States of certain aliens.

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

Resolved, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Catherine Mokides, shall be held and considered to be the natural-born alien child of John and Constantina Mokides, citizens of the United States.

SEC. 2. For the purposes of the Immigration and Nationality Act, Etsuko Hori shall be deemed to be a nonquota immigrant.

SEC. 3. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Vincenzo Guliotta Salpietro, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Franco Salpietro, citizens of the United States.

SEC. 4. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Constante Saguiling Nuval Tacata, shall be held and considered to be the natural-born alien child of George T. Tacata, a citizen of the United States, and his wife, Constancia Nuval de Tacata, a lawfully resident alien of the United States.

SEC. 5. For the purposes of section 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Aurelio and Vicencio Restauro shall be held and considered to be the minor natural-born alien children of Florentino Restauro, a citizen of the United States.

SEC. 6. Notwithstanding the provisions of sections 201 (a) and 202 (a) and (b) of the Immigration and Nationality Act, Elizabeth Augestad shall be held to have been born in Norway.

SEC. 7. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Ashghen and Hagop Tozlian shall be held and considered to be the minor natural-born alien children of Peter Tozlian, a citizen of the United States.

SEC. 8. For the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, Maria Stella LiDestri shall be held and considered to be the alien minor child of Mr. Raffaelo LiDestri, a lawful resident alien of the United States.

SEC. 9. The natural parents of the beneficiaries of sections 1, 3, and 4 of this act shall not, by virtue of such parentage, be accorded any right, privilege, or status, under the Immigration and Nationality Act.

With the following committee amendment:

On page 1, beginning on line 8, strike out all of section 2 and insert a new section 2 to read as follows:

"SEC. 2. For the purpose of section 101 (a) (27) (F) of the Immigration and Nationality Act, Etsuko Hori shall be deemed to be the minor child of her father, Reverend Iwahei Hori, who was admitted to the United States as a nonquota immigrant under the said section."

The committee 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.

RELIEF OF CERTAIN ALIENS

The Clerk called the resolution (H. J. Res. 653) for the relief of certain aliens.

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

Resolved, etc., That, for the purposes of the Immigration and Nationality Act, Mrs. Rosa Pera Patterson, Mrs. Catherine Gandy Starnone, Beatriz Isabel Richter, and John Haskell Chesshir 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 fees.

SEC. 2. For the purposes of the Immigration and Nationality Act, Carmen Andreatta, Arman Sarkis Giritliyan (also known as Arman Giritlian) Wang Fai (Freddie) Chun, Hermine Keshishyan, Mrs. Maria Richter Cornell, Irene Theopile Richter, and Kinji House 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 fees: *Provided*, That the natural parents of Hermine Keshishyan and Kinji House shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act. Upon the granting of permanent residence to each alien as provided for in this section of this act, if such alien was classifiable as a quota immigrant at the time of the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to reduce by one the quota for the quota area to which the alien is chargeable for the first year that such quota is available.

SEC. 3. The Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bonds, which may have issued in the cases of Velid Mehmed Dag and Ko Wai Sing. From and after the date of the enactment of this act, the said persons shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

SEC. 4. For the purposes of the Immigration and Nationality Act, Doctor Jorge Alberto Morales-Palacios shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 27, 1951.

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.

HIROKO OZAKI

The Clerk called the bill (S. 2691) for the relief of Hiroko Ozaki.

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, Hiroko Ozaki, shall be held and considered to be the natural-born alien child of Major and Mrs. Jack E. Smith, 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.

MISS SUSANA CLARA MAGALONA

The Clerk called the bill (S. 2860) for the relief of Miss Susana Clara Magalona.

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, Miss Susana Clara Magalona 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.

H. W. NELSON CO., INC.

The Clerk called the resolution (H. Res. 636) to refer to the Court of Claims the bill H. R. 6234 for the relief of the H. W. Nelson Co., Inc.

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

Resolved, That the bill (H. R. 6234) entitled "A bill for the relief of the H. W. Nelson Co., Inc.," now pending in the House, together with all the accompanying papers, is hereby referred to the Court of Claims; and the court shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code and report to the House of Representatives, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States and the amount, if any, legally or equitably due from the United States to the claimant.

The resolution was agreed to.

A motion to reconsider was laid on the table.

BIAGGIO D'ALESSANDRO

The Clerk called the bill (H. R. 9798) for the relief of Biaggio D'Alessandro.

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

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Biaggio D'Alessandro, East Boston, Mass., the sum of $20,000. The payment of such sum shall be in full settlement of all claims of the said Biaggio D'Alessandro against the United States on account of the death of his son, John D'Alessandro, who died on June 30, 1952, as the result of sunstroke suffered while a member of the Reserve Officers Training Corps unit of Boston University attending the annual training encampment of such unit: *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.

With the following committee amendments:

Page 1, lines 5 and 6, strike "Biaggio D'Alessandro, East Boston, Mass." and insert "the estate of John V. D'Alessandro."

Page 1, line 5, strike "$20,000" and insert "$10,000."

Page 1, lines 7 and 8, strike "Biaggio D'Alessandro" and insert "estate."

Page 1, line 9, strike "his son, John D'Alessandro" and insert "John V. D'Alessandro."

Page 2, line 3, strike "in excess of 10 percent thereof."

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.

The title was amended so as to read: "A bill for the relief of the estate of John V. D'Alessandro."

A motion to reconsider was laid on the table.

SUCK PIL RA

The Clerk called the bill (H. R. 12365) for the relief of the estate of Suck Pil Ra.

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 $10,000 to the estate of Suck Pil Ra, a citizen of Korea, in full settlement of all claims against the United States. Such sum represents compensation for the death of said Suck Pil Ra, who was killed by a United States soldier, Private First Class Wallace L. Holman, on or about February 15, 1951, while serving in Korea: *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.

With the following committee amendments:

Page 1, line 5, strike out the figures and insert in lieu thereof "$5,000."

Page 2, line 1, strike out "in excess of 10 percent thereof."

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.

PALMER-BEE CO.

The Clerk called the bill (H. R. 12624) for the relief of Palmer-Bee Co.

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, to Palmer-Bee Co. the sum of $527,703.79, representing the amount reported by the United States Court of Claims to the Congress in response to House Resolution 547, 83d Congress, 2d session (Congressional No. 8-54 decided May 7, 1958) to be the losses incurred by Palmer-Bee Co. during the years 1946, 1947, and 1948 in the performance of 3 subcontracts (2 dated June 25, 1945, and 1 dated August 31, 1945) for the design, development, and production of a quantity of nutating radar antennas, by and between Palmer-Bee Co. and Submarine Signal Co., prime contractor with the Navy Department under contracts NOrd 7923, NOrd 9598, and NOrd 7250: *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.

With the following committee amendment:

Page 1, line 6, strike "$527,703.79" and insert "$132,886.61."

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.

BORIS F. NAVRATIL

The Clerk called the bill (H. R. 3571) for the relief of Boris F. Navratil.

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

Be it enacted, etc., That, notwithstanding the provisions of section 316 of the Immigration and Nationality Act relating to required periods of residence and physical presence within the United States, Boris F. Navratil may be naturalized at any time after the date of enactment of this act if he is otherwise eligible for naturalization under the provisions of the Immigration and Nationality 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.

WOLFGANG STRESEMANN

The Clerk called the bill (H. R. 12903) for the relief of Wolfgang Stresemann.

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

Be it enacted, etc., That, in the administration of the Immigration and Nationality Act, section 352 (a) (1) shall be held not applicable in the case of Wolfgang Stresemann: *Provided,* That he returns to the United States prior to October 20, 1961.

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.

RELIEF OF CERTAIN ALIENS

The Clerk called the joint resolution (H. J. Res. 659) for the relief of certain aliens.

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

Resolved, etc., That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bonds, which may have issued in the cases of Mrs. Persfoni Angelo Pritsos, Dennis McGill, Lorenzo Ramirez-Jimenez, Giuseppe Calabro, and Felipe Ollama. From and after the date of the enactment of this act, the said persons shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

SEC. 2. For the purposes of the Immigration and Nationality Act, Peter Henry Reich and Domenico Spagnoletti 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 fees: *Provided,* That suitable and proper bonds or undertakings, approved by the Attorney General, be deposited as prescribed by section 213 of the said act.

SEC. 3. For the purposes of the Immigration and Nationality Act, Ewald Fritz 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: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act. Upon the granting of permanent residence to such alien as provided for in this section of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

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.

FACILITATING THE ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

The Clerk called the joint resolution (H. J. Res. 660) to facilitate the admission into the United States of certain aliens.

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

Resolved, etc., That, for the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, the minor child, Antonietta Ferrante, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Dante Ferrante, lawfully resident aliens of the United States.

SEC. 2. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Zoran Lambic shall be held and considered to be the natural-born minor alien child of Mr. Lazar Lambic, a citizen of the United States.

SEC. 3. For the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, Mariano Abate shall be held and considered to be the natural-born minor alien child of Alfonso Abate, a lawfully resident alien of the United States.

SEC. 4. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Miodrag Kitanovich shall be held and considered to be the natural-born minor alien child of Milan Kitanovich, a citizen of the Uinted States.

SEC. 5. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Toshio Yuzawa Hill shall be held and considered to be the natural-born alien minor child of William C. Hill, a citizen of the United States.

SEC. 6. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, James Joseph Martin, shall be held and considered to be the natural-born alien child of Mr. and Mrs. James H. Martin, citizens of the United States.

SEC. 7. For the purposes of section 203 (a) (3) of the Immigration and Nationality Act, Mrs. Luna Maria Pennacchia, Angela Louisa Pennacchia, Anna Pennacchia, Pierino Antonio Pennacchia, Mario Gino Pennacchia, Antonio Pennacchia, and Luigi Giovanni Pennacchia shall be held to be classifiable as third preference quota immigrants, notwithstanding the requirements of section 205 of that act.

SEC. 8. For the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, the minor child, Etta Wiesbauer, shall be held and considered to be the natural-born alien child of Walter Frederick Wiesbauer, a lawfully resident alien of the United States.

SEC. 9. The natural parents of the beneficiaries of sections 5 and 6 of this act shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendment:

On page 3, line 7, strike out the name "Etta Wiesbauer" and substitute in lieu thereof the name "Edda A. Wiesbauer."

The committee 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.

WAIVING PROVISIONS OF SECTION 212 (a) IN BEHALF OF CERTAIN ALIENS

The Clerk called the joint resolution (H. J. Res. 661) to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens.

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

Resolved, etc., That, notwithstanding the provision of section 212 (a) (6) of the Immigration and Nationality Act, Laibeck Teitelbaum and Gunars Steprans-Staprans may be issued visas and admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided,* That suitable and proper bonds or undertakings, approved by the Attorney General, be deposited as prescribed by section 213 of the said act.

SEC. 2. Notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Guadalupe Gucho-Gonzalez may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act.

SEC. 3. Notwithstanding the provisions of section 212 (a) (9) and (19) of the Immigration and Nationality Act, Miguel Arreola-Cortez may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act.

SEC. 4. Notwithstanding the provision of section 212 (a) (1) of the Immigration and Nationality Act, Mirjam Haye and Francesca Magazzeni may be issued visas and admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that act: *Provided,* That suitable and proper bonds or undertakings, approved by the Attorney General, be deposited as prescribed by section 213 of the said act.

SEC. 5. The exemptions provided for in this act shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

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.

S. SGT. EDWARD R. STOUFFER

Mr. LANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 2677) for the relief of former S. Sgt. Edward R. Stouffer, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, lines 4 and 5, strike out "in excess of 10 percent thereof."

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

EDWARD J. BOLGER

Mr. LANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 7177) for the relief of Edward J. Bolger, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 1, strike out all after "Park", down to and including "full" in line 4, and insert "New Jersey."

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

MRS. HARRY B. KESLER

Mr. LANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 7941) for the relief of Mrs. Harry B. Kesler, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 2, strike out all after "act", down to and including "act" in line 4.

Page 2, after line 6, insert:

"SEC. 2. If Mrs. Harry B. Kesler is in receipt of, or is entitled to receive from the United States, any payments or other benefits (other than the proceeds of any insurance policy) under any other act of Congress by reason of the death and service of her husband, she shall not receive on her own behalf or on behalf of her child any benefits pursuant to the Federal Employees' Compensation Act unless, within 1 year following the date of enactment of this act, she makes the election required by section 7 of the Federal Employees' Compensation Act, as amended (5 U. S. C. 757): *Provided, however,* That any award made pursuant to the provisions of the Federal Employees' Compensation Act for any period prior to the date of the enactment of this act shall be reduced by the amount of payments or benefits (other than the proceeds of any insurance policy) received by Mrs. Harry B. Kesler under any other act of Congress by reason of the same service and death of her husband."

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

HARRY F. LINDALL

Mr. LANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 2966) for the relief of Harry F. Lindall, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. LANE, MONTOYA, and POFF.

SCHOOLS IN AREAS AFFECTED BY FEDERAL ACTIVITIES

Mr. BARDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 11378) to amend Public Laws 815 and 874, 81st Congress, to make permanent the programs providing financial assistance in the construction and operation of schools in areas affected by Federal activities, insofar as such programs relate to children of persons who reside and work on Federal property, to extend such programs until June 30, 1961, insofar as such programs relate to other children, and to make certain other changes in such laws, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 31, strike out lines 7 and 8 and insert:

"(2) by striking out the period at the end of clause (B) of paragraph (2) and inserting in lieu thereof a comma and the following: 'except that such 3-percent requirement need not be met by such agency for any period of 2 fiscal years which follows a fiscal year during which such agency met such requirement and was entitled to payment under the provisions of this section, but the payment, under the provisions of this section to such agency for the second fiscal year of any such 2-year period during which such requirement is not met, shall be reduced by 50 percent of the amount thereof.'"

Page 31, lines 20 and 21, strike out "those provisions" and insert "the provisions of the last sentence."

Page 33, after line 13, insert:

"(e) Section 3 (e) of such act is amended by adding the word 'actually' after the words '(as defined in section 2 (b) (1)) and.'"

Page 33, line 14, after "203." insert "(a)."

Page 33, line 16, after "'1961'" insert "and (2) by inserting after '50 percent of such product' the following: 'reduced by the amount of such product which is attributable to children with respect to whom such agency is, or upon application would be, entitled to receive any payment under section 3 for such fiscal year.'"

Page 33, after line 16, insert:

"(b) Subparagraph (A) of section 4 (c) of such act is amended by striking out 'year, and' and inserting in lieu thereof 'year: *Provided*, That the Commissioner shall count for such purposes as an increase directly resulting from activities of the United States, an increase in the number of children who reside on Federal property or reside with a parent employed on Federal property, if the local educational agency files, in accordance with regulations of the Commissioner, its election that such increase be counted for such purposes instead of for the purposes of section 3; and.'"

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

Mr. FRELINGHUYSEN. Reserving the right to object, Mr. Speaker, I wonder if the gentleman would care to expand on the nature of the amendments adopted by the other body.

Mr. BARDEN. The first amendment is an amendment that underwent considerable discussion in the House committee relative to the effect on a school district when a Federal activity diminishes or ceases. The amendment provides for continued payments during the first year and half payments during the second year for the federally connected children that remain in the schools after the school district fails to qualify.

The second amendment provides that when a substantial and sudden impact takes place the school district affected can receive payments in accordance with their actual per-pupil cost for education; but only in cases where there is a deficit in school financing.

The last amendment provides for more official administration of the act. It authorizes the Department to deduct other Federal payments from payments made under Public Law 874 only in those cases where those funds have actually been used for school purposes.

Mr. FRELINGHUYSEN. Is there an estimate as to the additional cost these amendments may involve?

Mr. BARDEN. The estimate as to the first amendment is $1,700,000. As to the second, it is approximately $2,500,000. The third one does not cost anything.

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

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

SELF-EMPLOYED INDIVIDUALS' RETIREMENT ACT OF 1958

Mr. KEOGH. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 10) to encourage the establishment of voluntary pension plans by self-employed individuals, as amended.

The Clerk read as follows:

Be it enacted, etc., That this act may be cited as the "Self-Employed Individuals' Retirement Act of 1958."

SEC. 2. Deduction of amounts paid as retirement deposits.

(a) Adjusted gross income: Section 62 of the Internal Revenue Code of 1954 (relating to definition of adjusted gross income) is

amended by inserting after paragraph (6) the following new paragraph:

"(7) Deduction of amounts paid as retirement deposits: The deduction allowed by section 217."

(b) Allowance of deduction: Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by renumbering section 217 as section 218 and by inserting after section 216 the following new section:

"SEC. 217. Amounts paid as retirement deposits.

"(a) General rule: In the case of a self-employed individual, there shall be allowed as a deduction amounts paid by him within the taxable year as retirement deposits. Any amount paid by an individual as a retirement deposit on or before the 15th day of the 4th month following the close of the taxable year may, at his election (made under regulations prescribed by the Secretary or his delegate), be treated as having been paid on the last day of such taxable year. No deduction shall be allowed under this section for any taxable year of the taxpayer beginning after he attains age 70.

"(b) Limitations.—

"(1) Annual limit: Except as provided in paragraph (2), the amount allowable under subsection (a) to any self-employed individual for any taxable year shall not exceed whichever of the following is the lesser:

"(A) $2,500, or

"(B) 10 percent of his net earnings from self-employment (as defined in subsection (d)).

"(2) Annual limit for individuals attaining age 50 before 1959: In the case of any individual who attained age 50 before January 1, 1959, the annual limit for the taxable year provided by paragraph (1) shall be increased by one-tenth for each full year of his age in excess of 50, determined as of January 1, 1959.

"(3) Lifetime limit: The aggregate amount allowed as deductions to an individual under subsection (a) for all taxable years during his lifetime shall not exceed an amount equal to 20 times the maximum annual deduction allowable if the annual limit provided in paragraph (1) (A) (computed without the application of paragraph (2)) were the only annual limit.

"(4) Lifetime limit for participants in certain employee plans: In the case of an individual who—

"(A) for any prior taxable year has received any amount under an employee plan (as defined in subsection (c) (2) (B)), or

"(B) at the close of the immediately preceding taxable year, has nonforfeitable rights in any such plan,

if any portion of such amounts or rights is attributable to an employer contribution, the lifetime limit provided in paragraph (3) shall be computed by using (in lieu of 20) a lesser number, equal to 20 reduced by the number of years of such individual's service to which his rights under such plan are attributable.

"(c) Self-employed individual defined.—

"(1) In general: For purposes of this section, the term 'self-employed individual' means, with respect to any taxable year, any individual who is subject to tax for the taxable year under section 1401 (imposing a tax on self-employment income), or who would be subject to such tax for the taxable year but for—

"(A) paragraph (4) (relating to ministers of a church and members of a religious order) or paragraph (5) (relating to physicians, etc.) of section 1402 (c), or

"(B) section 1402 (b) (1) (relating to reduction of net earnings for wages paid).

"(2) Individuals covered by certain employee plans.—

"(A) In general: Notwithstanding paragraph (1), the term 'self-employed individual', with respect to any taxable year, does not include an individual—

"(i) who during such taxable year receives an amount any portion of which is attributable to an employer contribution under an employee plan, or

"(ii) in respect of whom during such taxable year an employer contribution is made (or treated under section 404 (a) (6) as having been made) under an employee plan, whether or not such individual's rights under the plan are nonforfeitable.

"(B) Employee plan defined: For purposes of subparagraph (A) of this paragraph and subsection (b) (4), the term 'employee plan' means—

"(i) a penson, profit-sharing, or stock bonus plan described in section 401 (a) which is exempt from tax under section 501 (a), or an annuity plan meeting the requirements of section 401 (a) (3), (4), (5), and (6), or

"(ii) a pension plan established for its employees by the United States or any agency thereof, by a State or Territory or the District of Columbia or any political subdivision or instrumentality thereof, or by any organization described in section 501 (c) (3) (relating to religious, charitable, etc., organizations) which is exempt from tax under section 501 (a).

For purposes of this subparagraph, references to provisions of this chapter shall be treated as including references to the corresponding provisions of the Internal Revenue Code of 1939.

"(d) Net earnings from self-employment defined: For purposes of this section, the term 'net earnings from self-employment' means the net earnings from self-employment as defined in section 1402 (a), but determined—

"(1) without regard to paragraphs (4) and (5) of section 1402 (c), and

"(2) without regard to items which are not included in gross income for purposes of this chapter, and the deductions properly allocable to or chargeable against such items.

"(e) Retirement deposit defined: For purposes of this section, the term 'retirement deposit' means a payment in money to—

"(1) a restricted retirement fund (as defined in section 405 (a)), or

"(2) a domestic life insurance company (as defined in section 801) as premiums under a restricted retirement policy issued on the life of the taxpayer.

In the case of premiums described in paragraph (2), only that portion of such premiums which (under regulations prescribed by the Secretary or his delegate) is properly allocable to the cost of restricted retirement benefits shall be allowable as a deduction under this section.

"(f) Restricted retirement policy defined.—

"(1) In general: For purposes of this section, the term 'restricted retirement policy' means a contract (other than a term insurance contract) which is an annuity, endowment, or life insurance contract, or combination thereof—

"(A) issued by a domestic life insurance company (as defined in section 801) on the life of the taxpayer,

"(B) which provides for the payment of restricted retirement benefits, and

"(C) which meets the requirements of paragraph (3).

"(2) Restricted retirement benefits: For purposes of paragraph (1) (B), a policy shall be treated as providing restricted retirement benefits only if it provides that the entire value of the policy is payable in one or more of the following methods:

"(A) to the insured not later than at age 70½,

"(B) to the insured as a life annuity (which may provide for a minimum term certain not extending beyond his life expectancy), beginning not later than at age 70½,

"(C) to the insured and his spouse as a joint life annuity or as a joint and survivor annuity (which may provide for a minimum term certain not extending beyond the insured's life expectancy), beginning not later than the time the insured attains age 70½, or

"(D) to the insured (or, in the event of his death, to his beneficiary) as an annuity certain beginning not later than the time the insured attains age 70½ and not extending beyond his life expectancy.

No annuity shall be treated as satisfying the requirements of subparagraph (B), (C), or (D) if it provides for payments which (after annuity payments begin) may increase for any reason other than dividends or increases in investment income allocable to the policy.

"(3) Restricted retirement policies must be nonassignable, etc.—

"(A) In general: To meet the requirements of this paragraph, a policy—

"(i) shall be nonassignable, and no person other than the insured shall have any of the incidents of ownership, and

"(ii) shall not provide for life insurance protection after age 70½.

"(B) Special rules: For purposes of subparagraph (A) (i), there shall not be taken into account—

"(i) the right to make any designation described in paragraph (2),

"(ii) the right to designate one or more beneficiaries to receive the proceeds payable in the event of the death of the insured before he attains age 70½, and

"(iii) any designation made pursuant to a right described in clause (i) or (ii).

"(g) Identification of policies and funds.—

"(1) Policies: No deduction shall be allowed under this section with respect to any amount paid as a premium on a restricted retirement policy for any period before such policy has been identified as such, in such manner and form as the Secretary or his delegate shall by regulations prescribe.

"(2) Funds: No deduction shall be allowed under this section with respect to any amount paid to a restricted retirement fund by any individual before such fund has been identified as such, and before such individual has been identified as a participant in such fund, in such manner and form as the Secretary or his delegate shall by regulations prescribe.

"(h) Face-amount certificates: For purposes of this title, any reference to a restricted retirement policy as defined in subsection (f) of this section shall be treated as including a face-amount certificate, as defined in section 2 (a) (15) of the Investment Company Act of 1940 (15 U. S. C., sec. 80a–2), issued after December 31, 1954, but only if such certificate provides restricted retirement benefits within the meaning of subsection (f) (2) and meets the requirements of subsection (f) (3). With respect to any face-amount certificate described in the preceding sentence, references to an insurance company or the insurer in this section and sections 78, 6047, and 7207 shall be treated as including a reference to the company issuing such certificate."

"(i) Cross references.—

"(1) For taxation of amounts received from a restricted retirement fund or policy, see section 78.

"(2) For provisions relating to information requirements with respect to restricted retirement funds and policies, see section 6047."

(c) Clerical amendment: The table of sections for such part VII is amended by striking out the last item and inserting in lieu thereof the following:

"SEC. 217. Amounts paid as retirement deposits.

"SEC. 218. Cross references."

SEC. 3. Amounts received from restricted retirement funds or policies.

(a) General rule: Part II of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically included in gross income) is amended by adding at the end thereof the following new section:

"SEC. 78. Amounts received from restricted retirement funds or policies.

"(a) Restricted retirement funds.—

"(1) In general: Except as otherwise provided in this section, amounts of money and the fair market value of property received from a restricted retirement fund shall be included in the recipient's gross income for the taxable year in which received.

"(2) Special rules: In the case of a restricted retirement fund—

"(A) Return of excess contributions: There shall be excluded from gross income any amount received which has become an excess contribution by reason of the disallowance of a deduction taken with respect to amounts paid to the fund, but only if such excess contribution (and the income attributable thereto) is returned as provided in section 405 (c) (2) (D). The exclusion provided by this subparagraph shall not apply to income attributable to any such excess contribution.

"(B) Contributions known to be excessive: If at any time an individual knowingly makes contributions to one or more restricted retirement funds in excess of the amount which he reasonably believes will be allowable as a deduction for such contributions for the taxable year, his entire interest in all restricted retirement funds shall be treated for purposes of paragraph (1) as amounts received during such taxable year.

"(C) Distribution of annuities: Notwithstanding any other provision of this subtitle, no amount shall be includible in gross income by reason of the receipt of an annuity contract from such fund, if such contract and the distribution thereof meets the requirements of section 405.

"(3) Prohibited transactions, etc.: If the trustee of a restricted retirement fund knowingly engages in a prohibited transaction (within the meaning of section 405 (d) (3)), the member (or members) in respect of whom such transaction occurred shall be treated as having received, in his taxable year in which such transaction occurred, his entire interest in the fund. The period for assessing a deficiency for any taxable year, to the extent attributable to the interest described in the preceding sentence, shall not expire before one year after the date on which the Secretary or his delegate is notified, in such manner as he shall by regulations prescribe, of such prohibited transaction.

"(4) Basis: The adjusted basis of any person in a restricted retirement fund shall be zero.

"(b) Policies.—

"(1) General rule: Any amount received under a restricted retirement policy shall be taxable under section 72 (relating to annuities) with the modifications set forth in paragraph (2).

"(2) Application of section 72: In applying section 72 for purposes of paragraph (1)—

"(A) Section 72 (e) (3) shall not apply.

"(B) Notwithstanding section 72 (e) (1) (B), any amount received before the annuity starting date shall be included in the recipient's gross income for the taxable year in which received to the extent that—

"(i) such amount, plus all amounts therebefore received by all persons under such policies and includible in gross income under this subparagraph, does not exceed

"(ii) the aggregate amount allowed as a deduction under section 217 with respect to the policy for the taxable year and all prior taxable years.

"(C) In computing—

"(i) the aggregate amount of premiums or other consideration paid for the policy for purposes of section 72 (c) (1) (A) (relating to investment in contract), and

"(ii) the aggregate premiums or other consideration paid for purposes of section 72 (e) (1) (B) (relating to certain amounts not received as an annuity),

there shall not be taken into account any amount allowed as a deduction under section 217, nor (as determined under regulations prescribed by the Secretary or his delegate) any portion of the premiums or other consideration which is properly allocable to other than the cost of restricted retirement benefits (within the meaning of section 217 (f) (2)). Proper adjustment to basis, or premiums or other consideration paid, shall be made for advances which are treated as income under paragraph (3) (B), and shall have been repaid.

"(3) Special rules: In the case of a restricted retirement policy—

"(A) Proceeds of life contracts payable by reason of death: Paragraph (1) shall not apply to the extent that amounts received under a life insurance contract by reason of the death of the insured exceed the cash surrender value of such contract immediately before the death of the insured, and to such extent such amounts shall be treated as provided in section 101.

"(B) Borrowing, purchase of insurance.—

"(i) If during any taxable year of the insured any part of the value of the policy is borrowed by the insured from the insurer, the amount so borrowed shall be treated for purposes of paragraph (1) as having been received by the insured under the policy during such taxable year. This clause shall not apply to a borrowing in an amount not in excess of the current annual premium, if applied to the payment of such premium and if repaid in full within 12 months after the due date of such premium.

"(ii) If, under any option or under any other arrangement with the insurance company, any amount of the value of a restricted retirement policy is applied to the purchase of other than restricted retirement benefits (within the meaning of section 217 (f) (2)), the entire cash surrender value of such policy at such time shall be treated for purposes of paragraph (1) as an amount received under such policy, except to the extent that such value is within 60 days after such time irrevocably converted into a contract which provides only such restricted retirement benefits.

"(iii) This subparagraph shall not apply in the case of any borrowing or any purchase, to the extent that the aggregate amount which has been so borrowed or applied does not exceed the cash surrender value at the time the policy (or a predecessor policy) became a restricted retirement policy.

"(C) Assignment of contract: If during any taxable year the insured assigns (or agrees to assign) any portion of the value of the policy in violation of section 217 (f) (3), the entire cash surrender value of such policy at such time shall be treated for purposes of paragraph (1) as an amount received under such policy.

"(D) Taxation of cash surrender value on death before age 70½: If the insured dies before he attains age 70½, the entire cash surrender value of a restricted retirement policy shall be treated for purposes of paragraph (1) as an amount received under the policy, except to the extent that such value is applied to provide an immediate annuity for his surviving spouse which will be payable for her life (or for a term certain not extending beyond her life expectancy).

"(c) Computation of tax.—

"(1) Amounts to which subsection applies: This subsection shall apply only to amounts (other than dividends) referred to in subsection (a) or (b) which are received by any person while the self-employed individual is living and has not attained age 64½ and includible in such person's gross income.

"(2) Income to be spread for purposes of computation.—

"(A) In general: If the aggregate of the amounts to which this subsection applies received by any person in his taxable year equals or exceeds $2,500, the increase in his tax for the taxable year in which such amounts are received shall not be less than 110 percent of the aggregate increase in taxes, for the taxable year and the four immediately preceding taxable years, which would have resulted if such amount had been included in such person's gross income ratably over such taxable years.

"(B) Period where deductions have been taken for less than 4 years: If the self-employed individual has been allowed deductions under section 217 for a number of prior taxable years less than 4, subparagraph (A) shall be applied by taking into account a number of taxable years immediately preceding the taxable year in which the amount was so received equal to such lesser number.

"(3) Amounts aggregating less than $2,500: If paragraph (2) does not apply to a person for the taxable year, the increase in tax of such person for the taxable year attributable to the inclusion in gross income of amounts to which this subsection applies shall be 110 percent of such increase (computed without regard to this paragraph).

"(d) Lump sum distributions of entire interest.—

"(1) Application of subsection: This subsection shall apply—

"(A) in the case of a self-employed individual, if—

"(i) after attaining age 64½ he receives within 1 taxable year his entire interest under all his restricted retirement funds and policies,

"(ii) he has been allowed deductions under section 217 for 5 or more prior taxable years (whether or not consecutive), and

"(iii) no person has theretofore received any amount under any of his restricted retirement funds or policies (other than dividends on such policies); and

"(B) in the case of the estate or other beneficiary of a deceased self-employed individual, if there is received by such beneficiary within 1 taxable year such beneficiary's entire interest under all restricted retirement funds and policies of the deceased.

"(2) Limitation on tax: In any case to which this subsection applies, the tax attributable to the amounts so received for the taxable year in which so received shall not be greater than 5 times the increase in tax resulting from the inclusion in gross income of the recipient of 20 percent of the amount so received which is includible in gross income.

"(e) Determination of taxable income: Notwithstanding section 63 (relating to definition of taxable income), for purposes only of computing the tax under this chapter attributable to amounts includible in gross income by reason of this section, the taxable income of the recipient for the taxable year of receipt (and for any other taxable year involved in the computation under subsection (c)) shall be treated as being not less than the amount by which—

"(1) the aggregate of such amounts so includible in gross income, exceeds

"(2) the amount of the deductions al- 151 (relating to deductions for personal lowed for such taxable year under section exemptions).

In any case in which the preceding sentence results in an increase in taxable income for any taxable year, the resulting increase in the taxes imposed by section 1 or 3 for such taxable year shall not be reduced by any

credit under part IV of subchapter A (other than section 31 thereof) which, but for this sentence, would be allowable.

"(f) Definitions: For purposes of this section—

"(1) Self-employed individual: The term 'self-employed individual' means an individual who has been allowed a deduction under section 217 for any taxable year.

"(2) Dividend: The term 'dividend' means any amount received, by a policyholder of a restricted retirement policy in his capacity as a policyholder, which is in the nature of a dividend or similar distribution.

"(3) Restricted retirement fund: The term 'restricted retirement fund' means any fund (including a predecessor fund) with respect to which the self-employed individual has been allowed a deduction under section 217 for any taxable year.

"(4) Restricted retirement policy: The term 'restricted retirement policy' means any policy (including a predecessor policy) with respect to which the self-employed individual has been allowed a deduction under section 217 for any taxable year."

(b) Technical amendments.—

(1) Section 72 (m) of the Internal Revenue Code of 1954 (relating to cross references) is amended to read as follows:

"(m) Cross references.—

"(1) For special rules relating to amounts received under restricted retirement policies, see section 78.

"(2) For limitations on adjustments to basis of annuity contracts sold, see section 1021."

(2) Section 316 (b) (1) of the Internal Revenue Code of 1954 (relating to definition of dividends) is amended by adding at the end thereof the following new sentence: "The definition in subsection (a) shall not apply to the term 'dividend' as used in section 78 (relating to amounts received under restricted retirement funds and policies) or in section 217 (relating to deduction for retirement deposits)."

(c) Clerical amendment: The table of sections for part II of subchapter B of chapter 1 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new item:

"SEC. 78. Amounts received from restricted retirement funds or policies."

SEC. 4. Restricted retirement funds.

(a) Definition: Part I of subchapter D of chapter 1 of the Internal Revenue Code of 1954 (relating to pension, profit-sharing, stock bonus plans, etc.) is amended by adding at the end thereof the following new section:

"SEC. 405. Restricted retirement funds.

"(a) In general: For purposes of this chapter and section 6047, the term 'restricted retirement fund' means a trust established under a retirement plan for one or more self-employed individuals.

"(b) Retirement plan: For purposes of subsection (a), the term 'retirement plan' means a trust instrument for the exclusive benefit of the participating individual or individuals who are members of the plan, for the purpose of investing and reinvesting, and of distributing to the respective members of the plan, or to their estates or other beneficiaries, the corpus and income of the trust.

"(c) Requirements for retirement plan: A plan described in subsection (b) shall be treated as a retirement plan only if the requirements of paragraphs (1), (2), and (3) of this subsection are met:

"(1) Trustee must be bank: The trustee is a bank (as defined in section 581).

"(2) Terms of trust: Under the trust instrument—

"(A) Interest nonassignable: A member may not assign (or agree to assign) any portion of his interest in the fund, but he may—

"(i) designate one or more beneficiaries in the event of his death, or

"(ii) direct the trustee to transfer his entire interest to another restricted retirement fund designated by such member.

"(B) Termination of trust, etc.—

"(i) Before the member attains age 70, his entire interest in the trust will be distributed or applied to the purchase of an annuity described in subparagraph (B), (C), or (D) of section 217 (f) (2) which does not provide life insurance protection, and which is immediately distributed to the member, or he will have elected to have his entire interest in the trust distributed before he attains age 80 (with not less than 10 percent of the value of such interest, determined at age 70, being distributed in each taxable year beginning with the taxable year in which he attains age 70).

"(ii) If the member dies before he attains age 70, his entire interest in the trust will, within 5 years after the date of his death, be distributed, or applied to the purchase of an immediate annuity for his surviving spouse which will be payable for her life (or for a term certain not extending beyond her life expectancy) and which will be immediately distributed to such spouse.

"(C) Interests to be proportionate: If the trust has more than one member, the interest of each member shall be proportionate to the money he has paid in (or his interest which has been transferred thereto in accordance with subparagraph (A) (ii)), and to the income and other adjustments properly attributable thereto.

"(D) Return of excess contributions: The trustee is required to distribute promptly to the member, any amount paid in by him for any taxable year in excess of the amount deductible by such member for such year under section 217, together with all income attributable to such excess.

"(3) Permissible investments: Under the trust instrument, the trustee may not invest or reinvest the corpus or income of the trust other than in—

"(A) (i) stock or securities listed on a securities exchange which is registered with the Securities and Exchange Commission as a national securities exchange (not including stock and securities in a corporation if, immediately after the acquisition thereof, the aggregate ownership of voting stock in such corporation by the trust and by its members (including ownership attributed to such members under section 318) is more than 10 percent of such voting stock), (ii) bonds or other evidences of indebtedness issued by the United States, any State or Territory, or the District of Columbia, or any political subdivision or instrumentality of any of the foregoing, and (iii) stock in a regulated investment company meeting the requirements of section 851; and

"(B) the purchase, for the account in the plan of a member thereof, of an annuity on the life of such member (or a face-amount certificate which meets the requirements of section 217 (h)) which provides only restricted retirement benefits (within the meaning of section 217 (f) (2)).

"(d) Requirements for exemption from tax:

"(1) In general: A restricted retirement fund which has engaged in a prohibited transaction shall not be exempt from taxation under section 501 (a).

"(2) Taxable years affected: Paragraph (1) shall apply only for taxable years after the taxable year during which the fund is notified by the Secretary or his delegate that it has engaged in a prohibited transaction; except that if the trustee knowingly engaged in a prohibited transaction, paragraph (1) shall apply with respect to the accounts in the fund of the member or members in respect of whom such transaction occurred for the taxable year in which such transaction occurred and all taxable years thereafter.

"(3) Prohibited transaction defined: For purposes of this subsection, the term 'prohibited transaction' means any transaction in which the trustee—

"(A) lends any part of the corpus or income of the fund to;

"(B) pays any compensation for personal services rendered to the fund to;

"(C) makes any part of its services available on a preferential basis to; or

"(D) acquires for the fund any stock, securities, or evidences of indebtedness from, or sells any stock, securities, or evidences of indebtedness of the fund to, any person described in section 503 (c) (for this purpose treating each member of the plan as the grantor of the trust). The term also includes any transaction pursuant to which the fund ceases to meet any requirement of subsection (c) of this section, and any failure to comply with any provision of the trust instrument required by such subsection.

"(4) Cross references.—

"(A) For tax consequences to members involved in a prohibited transaction, see section 78 (a) (3).

"(B) For tax-free transfer of interests to other restricted retirement funds of members not involved in the prohibited transaction, see subsection (c) (2) (A) (ii).

"(e) Other trust rules inapplicable: The provisions of part I of subchapter J (sec. 641 and following, relating to estates, trusts, and beneficiaries) shall not apply with respect to restricted retirement funds, so long as they are exempt from tax under section 501 (a)."

(b) Exemption from taxation: Section 501 (a) of the Internal Revenue Code of 1954 (relating to exemption from tax of certain organizations) is amended by adding at the end thereof the following new sentence: "A restricted retirement fund (as defined in sec. 405) shall be exempt from tax under this subtitle except to the extent such exemption is denied under section 405 (d)."

(c) Clerical amendment: The table of sections for part I of subchapter D of chapter 1 of such code is amended by adding at the end thereof the following new item:

"SEC. 405. Restricted retirement funds."

SEC. 5. Technical amendments.

(a) Retirement income credit: Section 37 (c) of the Internal Revenue Code of 1954 (relating to definition of retirement income) is amended by adding at the end thereof the following new sentence: "Such term does not include any amount received from a restricted retirement fund (as defined in sec. 405) or under a restricted retirement policy (as defined in sec. 217 (f))."

(b) Treatment of amounts received by spouse or other beneficiary under a restricted retirement fund or restricted retirement policy: Section 691 of the Internal Revenue Code of 1954 (relating to recipients of income in respect of decedents) is amended by relettering subsection (e) as subsection (f), and by inserting after subsection (d) the following new subsection:

"(e) Amounts received by beneficiary of a participant in restricted retirement fund, etc: For purposes of this section, amounts received after the death of the member of a restricted retirement fund (as defined in sec. 405), or after the death of the insured under a restricted retirement policy (as defined in sec. 217 (f)), from such fund or under such policy shall, to the extent included in gross income under section 78, be considered as amounts included in gross income under subsection (a)."

(c) Information requirements.—

(1) In general: Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1954 (relating to information concerning transactions with other per-

sons) is amended by adding at the end thereof the following new section:

"SEC. 6047. Information relating to restricted retirement funds and policies.

"(a) Banks and insurance companies: Every bank which is a trustee of a restricted retirement fund (as defined in section 405), and every insurance company which is the issuer of a policy which is a restricted retirement policy (as defined in section 217 (f)), shall file such returns (in such form and at such times), keep such records, make such identification of policies and funds (and accounts within such funds), and supply such information, as the Secretary or his delegate shall by forms or regulations prescribe.

"(b) Self-employed individuals: Every individual who—

"(1) is a member of a restricted retirement fund (as defined in section 405), or

"(2) is the insured under a restricted retirement policy (as defined in section 217 (f)),

shall furnish the bank or insurance company such information, at such times and in such form and manner, as the Secretary or his delegate shall by forms or regulations prescribe.

"(c) Cross reference:

"For criminal penalty for furnishing fraudulent information, see section 7207."

(2) Clerical amendment: The table of sections for such subpart B is amended by adding at the end thereof the following:

"SEC. 6047. Information relating to restricted retirement funds and policies.

(3) Penalty: Section 7207 of the Internal Revenue Code of 1954 (relating to fraudulent returns, statements, or other documents) is amended by adding at the end thereof the following new sentence: "Any person required pursuant to section 6047 (b) to furnish any information to any bank or insurance company who willfully furnishes any information known by him to be fraudulent or to be false as to any material matter shall be fined not more than $1,000, or imprisoned not more than 1 year, or both."

SEC. 6. Taxable years to which applicable.

The amendments made by this act shall apply only with respect to taxable years beginning after December 31, 1958.

The SPEAKER. Is a second demanded?

Mr. REED. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. KEOGH. Mr. Speaker, I yield myself such time as I may consume, and ask unanimous consent to revise and extend my remarks and include extraneous matter.

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

There was no objection.

Mr. KEOGH. Mr. Speaker, this amendment is the culmination of many years of hard work by and on behalf of an imposing and respectable list of national, State, and local professional parties and organizations of businessmen.

It has been made possible, Mr. Speaker, by your gracious cooperation and that of the majority and minority leaders of the House, but those of us who have been privileged over the years, Mr. Speaker, to work with and under you are not surprised that you do as you say you will, for that is your record.

It has also been, Mr. Speaker, a movement that we have always undertaken and attempted to maintain on a high bipartisan plane. That is evidenced by the fact that the original cosponsor of the pending measure was the very distinguished, and my senior colleague from New York [Mr. REED] who in 1951 cosponsored this bill with me. On the convening of the 83d Congress, and his assuming the onerous burdens of chairman of the Committee on Ways and Means, understandably and agreeably, he waived his right to cosponsor it and thereafter I was joined in the sponsorship of this measure by the second ranking minority member of the Committee on Ways and Means, the very able and distinguished gentleman from Ohio [Mr. JENKINS].

Mr. Speaker, it is with considerable regret that I note today the necessary absence of our colleague, for over the years that he and I have been working on this measure, he has been a constant and increasing source of comfort, guidance, and inspiration. I know we could send out to him today no better and no more well received message than that this measure will have received the necessary approval of this body.

Mr. Speaker, this moment too is made possible by the capable chairman of the Committee on Ways and Means by whose graciousness we were afforded an opportunity fully to be heard in the committee and thus to report the bill to the House for its action. I must say, too, Mr. Speaker, that I have always been aided by the sympathetic understanding, and on occasions the most patient assistance of all my colleagues on the Committee on Ways and Means who all frequently had to display a great degree of self control when the interested citizenry of the country were registering their views with respect to the pending bill. I would be most remiss, Mr. Speaker, if I were not to pause to pay genuine tribute to Leo Irwin, the clerk, and the staff of the Committee on Ways and Means, to Colin Stam, the chief of staff, and the staff of the Joint Committee on Internal Revenue Taxation, to David Lindsey, the assistant to the Secretary, and the staff of the Treasury Department, and last but by no means least, the very capable members of the staff of the legislative counsel (Edward Craft and Ward Hussey), by whose joint efforts this bill comes before you today in what is generally conceded to be the best form it has been in. Mr. Speaker, I am indebted too to approximately 25 Members of the House who have sponsored the same or similar legislation, and to those countless other Members of this body who over the years have given me their words of encouragement and advice.

Mr. Speaker, this bill actually does what it says it does. It provides a system for the creation of voluntary, restricted retirement plans by the self-employed of the country. It is voluntary, Mr. Speaker, in the typical, basic, and historical American way in that no one—no one eligible to participate under the provisions of the bill is under any form of compulsion so to do.

Present law grants substantial tax benefits to employees who are covered by qualified pension, profit-sharing, and stock bonus plans of an employer. The employer contribution to these plans is not taxed to the employee until the employee draws down his retirement benefits. Generally, self-employed individuals, be they proprietors or partners, are excluded from participation in such plans. The bill H. R. 10, by removing a tax disadvantage for proprietors and partners, is a significant measure for the relief of the small-business man.

I will summarize the bill very briefly. It applies to persons who are subject to the tax on self-employment income plus doctors and ministers. Under the bill, these individuals would be permitted to deduct up to 10 percent of their earnings from self employment, but not over $2,500 a year, for amounts paid into restricted retirement insurance policies or restricted retirement trust funds. Persons over 50 on January 1, 1959, are permitted higher annual deductions.

There is a lifetime ceiling of deductions of $50,000 per taxpayer, but this is reduced in the case of individuals who have previously withdrawn employer contributions under a qualified pension plan or who have received nonforfeitable rights to such employer contributions.

Generally speaking, the deduction under a restricted retirement insurance policy is only for that part of the premium which goes to provide a retirement annuity or endowment for the self-employed individual and his spouse. If the retirement investment is made in a restricted retirement trust fund, the investment program of the fund is limited and the self-employed individual must begin withdrawal of his interest in the fund before he reaches age 70, and complete it by 80.

The bill contains a number of rules relating to the taxation of these retirement investments when they are withdrawn by the self-employed individual. Generally speaking, these rules are designed to insure the taxation of these amounts whether they are withdrawn by the individual in his retirement years or whether they are received by his beneficiaries. Certain penalty provisions are provided for withdrawal before the individual reaches age 65; and after age 65 certain provisions are included to provide that the taxation of these amounts will not be thwarted by other deductions of the taxpayer.

The bill contains a number of reporting requirements designed to insure strict enforcement of the various limitations on these retirement programs.

I believe there is only one issue in connection with the bill that requires specific attention at this time. The Treasury has admitted that there is an equitable case for this type of legislation. They have argued, however, that in view of the prospective deficit for the fiscal year 1959 this is not the time to pass a meritorious tax relief measure that will involve an alleged revenue loss of $365 million.

In the first place, this legislation will have very little effect on the Federal revenue in the fiscal year ending June 30, 1959. The bill will only apply to retirement investments made after December 31, 1958. Final tax returns using this deduction will not even be made by June 30, 1959. Some self-em-

ployed individuals may take account of this deduction in their estimated tax-payments in April and June of 1959. As you well know, an estimated tax is a very roughly calculated affair, and it is clear that the bill will have very little effect on these estimates. The fiscal year 1959 is, however, the year in which there is reason to expect a substantial Federal deficit attributable to the recent recession.

But let us look beyond the fiscal year 1959 to the fiscal year 1960 when tax receipts will show the effect of the first full year of operation of this bill. The full year revenue loss estimated by the Treasury, $365 million, assumes that nearly half of the maximum deduction that the self-employed could take on the basis of their income will, in fact, be taken. The fact is, however, that for most individuals this will be a new form of savings. Individuals will not be able to take advantage of the bill until insurance companies make available insurance policies that meet the specific requirements of the bill and until banks are in a position to establish trust funds meeting the specific requirements of the bill. Neither the banks nor the insurance companies will be able to take effective steps until the Treasury issues detailed regulations under the legislation indicating precisely the responsibility of the banks and the insurance companies. You gentlemen are well aware of legislative areas in the past in which it has taken the Treasury several years to promulgate final regulations.

Once the insurance companies and the banks are able to set up satisfactory retirement programs, a considerable advertising program will be necessary to make these programs attractive to individual investors. While there is a considerable tax advantage when the self-employed individual puts funds into these retirement plans, the tax is imposed when the funds come out, and the individual investor will have to give considerable thought to the question of precisely how this net advantage will work out in his particular case. He will also have to weigh this against using the funds in his own business, or in other savings programs.

I personally attach great weight to the testimony of Prof. Roger F. Murray, associate dean and adjunct professor of finance of the Graduate School of Business of Columbia University, who testified before the Ways and Means Committee that the first full year revenue loss under this legislation might well be under $100 million. He based this estimate on the experience of the typically slow growth of new types of savings.

Very considerable weight is given to the testimony of Professor Murray by the experience in Canada, where recently legislation was adopted providing the same sort of opportunity for deductions for retirement savings by the self-employed as would be provided under H. R. 10. Actually, the Canadian bill is somewhat broader in that it permitted a deduction for employees who made investments to supplement employer contributions to a qualified pension plan. The first-year revenue loss under this bill in Canada was $7 million. The level of personal income in the United States is about 15 times that of Canada. If we raise the Canadian revenue loss 15 times, making no deduction for the broader coverage of the Canadian bill, we would attain a first-year revenue loss of the United States in the neighborhood of $100 million. To round out this lesson from the Canadian experience, it is interesting that their $7-million first-year revenue loss followed an official estimate that the loss would be $40 million.

I should like to call to the attention of the House that the new draft of the bill in section 4 eliminates custodian accounts from the types of permissible retirement funds, and requires the use of a fixed bank trust.

This is very surprising because when Secretary Humphreys and Laurens Williams appeared at the Ways and Means hearings of June 27, 1955, the official Treasury position was stated to be—page 11, hearings:

2. ALLOWABLE INVESTMENTS

In general, we believe that it would be desirable to permit investment of the savings eligible for the exclusions in a fairly brand range of investment. Special issues of United States savings bonds could be offered in forms appropriate for the accumulation of retirement funds. Special custodian accounts or segregated funds in banks or investment companies also could be authorized.

Prohibition against use of custody accounts will place a substantial handicap on the use of United States Government securities and shares of regulated investment trusts as an investment medium for retirement funds.

The charges of a bank are substantially greater when it acts as trustee than when it acts only as a custodian. Most of the retirement funds to be established under the proposed statute, particularly in the early years following their creation, would be of relatively small size, and the differential in the charges of the bank, depending upon whether it acted as trustee or as custodian, would be especially significant in such cases.

United States Government securities and shares of publicly held investment companies would be particularly appropriate forms of investments for retirement trusts of relatively small size. Government securities are obviously a desirable investment for retirement funds. So also in appropriate cases are the securities of publicly held investment companies, which are subject to regulation by the Securities and Exchange Commission, and which furnish to investors of moderate means an opportunity for diversification of risk and expert management advice.

If under the terms of the trust agreement the trust funds must be invested in United States Government securities or in the shares of publicly-held investment companies, the objectives of the statute would be fully attained by a requirement that a bank act as custodian only. The custody agreement with the bank would provide, under regulations of the Treasury Department, that the bank could not deliver over any part of the trust assets to the taxpayer except in accordance with the strict terms of the statute.

Provision for this could be made by adding after line 3 on page 25 the following:

(D) The requirement that the trustee be a bank (as so defined) shall not be applicable to any trust indenture which authorizes and directs the trustee or trustees (a) to invest and reinvest the assets of the trust solely in obligations of the Government of the United States and/or in shares of investment trusts or companies registered under the Federal Investment Company Act of 1940 as from time to time amended and (b) to place and maintain the assets of the trust in the custody of a bank (as so defined), under such rules and regulations as may from time to time be prescribed for the protection of the participating individuals by the Secretary.

Mr. Speaker, the following is a telegram I have received from Mr. George J. Burger, vice president of the National Federation of Independent Business:

WASHINGTON, D. C., *July 28, 1958.*

Hon. EUGENE KEOGH,
House Office Building:

During the last 3 years we have repeatedly presented to our nationwide membership through our publication, the Mandate, the proposition embodied in the Jenkins-Keogh bill as to tax help for self-employed persons. In presenting the proposition to our nationwide membership, the arguments for and against were outlined to the members. The Federation holds to a neutral opinion and the members must decide for or against. Each and every national poll reaches in excess of 100,000, all individual voting members. Their votes are returned direct to the Members of Congress from their respective States. The first poll was made through Mandate Bulletin 214 and the results given in Mandate 215 were 76 percent for, 20 percent against, and 48 percent no vote. The same subject was polled in Mandate Bulletin 223 and results of that poll in Mandate 224 disclosed 61 percent for, 34 percent against, and 5 percent no vote.

The membership was again polled in Mandate Bulletin 227 and the results of that poll in Mandate 228 disclosed 76 percent for, 19 percent against, and 5 percent no vote.

Carrying out the official vote of our nationwide membership, we urge that Congress vote the bill giving this needed tax relief to self-employed persons. These views, coming from the grassroots, should be significant and important as many in the small-business structure are self-employed and this relief is due them.

GEORGE J. BURGER,
Vice President, National Federation of Independent Business.

The Treasury estimates that there are in this country over 7 million self-employed, approximately 5 million of whom pay income taxes. It seems to me that these self-employed, exhibiting and displaying as they do the kind of courage, fortitude, and foresight that have gone to make this country as great as we think and know it is, should be given consideration, especially when they are the bearers of the greatest burden under our graduated rates of income tax.

So, Mr. Speaker, seeming not to be and wanting not to be impatient, I say to you, and I say to the House, that the time to correct and include, the time to extend to a large and responsible and responsive group of American citizens the right and the opportunity to provide for themselves in their superannuation is now, and it is never untimely.

and it is never too late. I trust, therefore, Mr. Speaker, that shortly in this body and from this body will go out to this group of decent, honest, hard-working professional men and business men and women of this country the message that they no longer will remain and be the people who have been forgotten by us.

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

Mr. KEOGH. I yield to the gentleman from Michigan.

Mr. MACHROWICZ. Mr. Speaker, I have supported this bill in committee and support it here on the floor today. I, too, wish to congratulate the gentleman from New York for his long and untiring efforts in behalf of this legislation. I think the membership and those outside the Halls of Congress should know that the gentleman from New York has put in much time and effort to have this legislation enacted, and that it will correct a discrimination and inequity that was never intended by the Congress.

Mr. KEOGH. My colleague is, of course, typically gracious and most generous. I am sorry I cannot say he is really sticking as close to the facts as he usually does.

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

Mr. KEOGH. I yield.

Mr. WAINWRIGHT. I would like to be typically gracious, too, and commend the gentleman from New York for his untiring efforts over a period of many years in behalf of very much needed legislation, to support and contribute to that and to urge its passage by the membership.

Mr. KEOGH. The encouragement that comes to me whenever I find myself in agreement with the "Guardian of Wainscot" is always well received by me.

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

Mr. KEOGH. I yield.

Mr. HEMPHILL. Mr. Speaker, I want to associate myself with the remarks of the distinguished gentleman from New York in support of this bill for the business and professional people. Many of my constituents have written to me about this legislation, which is popularly known as the Jenkins-Keogh bill.

The gentleman from New York, author of this bill, is to be commended and acclaimed for his work, as evidenced by the bill and report before the House of Representatives today. I know that the business and professional people all over this land will be grateful to him, and, in behalf of my constituents of the Fifth South Carolina District who want and need this legislation, I thank him. I hope the bill passes and receives quick consideration by the Senate.

During the 1957 session of Congress I had much correspondence about this legislation. As a result, I went to the gentleman from New York and told him then of my support of his excellent idea. He was, as always, most gracious and courteous, and suggested that I introduce a companion bill to show my support. As a result, on June 3, 1957, I introduced H. R. 7874, identical to the original H. R. 10. Subsequently, at various intervals, I went to the chairman of the Ways and Means Committee and asked about the progress of the bill.

I congratulate the Ways and Means Committee on its action in reporting this legislation out of committee for debate.

This bill gives hope, help, relief, and encouragement to the small, independent businessman and professional man. Many of my friends in business have complained that big outfits have deductible pension plans, but the small-business man had no allowance for deduction. This gives the small-business man that deduction.

The self-employed businessman, having a small organization, has his hands full. He is burdened with taxes of every kind, and spends many long hours doing paperwork for the Government. He has all the responsibility of leadership in his business, as well as the burden of terrific competition. This legislation seeks to give him a chance at a pension plan.

The professional man, such as the doctor, accountant, engineer, consultant, lawyer, and clergyman will also benefit. Each professional man, as each businessman, contributes daily to the life of his community. Unless he is employed by some company, he cannot have a self-propelled deductible pension plan of his own. This legislation gives him the same opportunity as the professional man on the payroll of another. It gives him a measure of tax relief.

Aside from the tax relief and encouragement, we must recognize that this will encourage saving, and will generate capital for new investment. Our form of Government, our standard of living, our way of life—are each and all dependent on constant investment and reinvestment of capital to provide expansion, new plants, promote new ideas, and provide lending capital to promote new jobs. In one chain of plants in my district, the employees are allowed to buy stock. What opportunity.

The provisions of the bill make the participation voluntary. No one is forced into it. No Government funds are involved. No new administration is created, and no new or old bureaucracy encouraged. We are just saying to the man who runs his own business: "You deserve the same consideration of those who work for someone else, and Congress is going to try to give it to you."

The average businessman today actually works 7 to 9 days a month for Uncle Sam. I say this because all of us are aware of the heavy taxes we have. I had hopes for and urged tax relief this year, but the leaders of the parties vetoed the idea. This measure is in the right direction and I hope and pray that next year we can enact a real tax relief bill across the board.

I believe the American people would be in favor of this bill which helps the small-business man and professional man. I hope the legislation will pass.

Mr. KEOGH. The gentleman has been most cooperative.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. KEOGH. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Speaker, in behalf of the Ohio Congressional delegation I want to express our thanks for the tribute the gentleman has paid to the dean of our delegation, the gentleman from Ohio [Mr. JENKINS]. He is the coauthor of this legislation, or, rather, introduced similar legislation that we worked on in conjunction with the gentleman from New York [Mr. KEOGH].

It is to be regretted that the gentleman from Ohio [Mr. JENKINS] cannot be here today to participate in this debate. I know the membership of the House realizes and appreciates the work that has been done by both these gentlemen and I know further that the gentleman from Ohio will be very happy and greatly pleased when he learns of the action which I hope we are about to take today. I feel that the legislation is entitled to the favorable consideration of this body.

Mr. KEOGH. I will say to the gentleman from Ohio that our distinguished colleague, the dean of your delegation, received at my inadequate hands no more than he justly deserves, for there were times when he and I were kind of alone. It was good to have him hold my hand and I hope he thought it was nice for me to be with him.

Mr. BROWN of Ohio. Both of you are to be congratulated.

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

Mr. KEOGH. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Speaker, I want to associate myself with the views just expressed by the distinguished gentleman from New York in support of the Jenkins-Keogh bill.

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

Mr. KEOGH. I yield to the gentleman from Ohio.

Mr. VORYS. Mr. Speaker, I want to commend the gentleman for his able work on this bill and join, also, with those who have paid tribute to the beloved dean of the Ohio delegation [Mr. JENKINS]. His genial, clear, informal way of presenting things is missed here today, although I am sure the gentleman from New York has ably described this legislation, and as he retires he can feel a just pride in sharing with the gentleman from New York the sponsoring of this legislation.

Mr. KEOGH. I thank the gentleman.

Mr. ROGERS of Texas. Mr. Speaker, will the gentleman yield?

Mr. KEOGH. I yield to the gentleman from Texas.

Mr. ROGERS of Texas. Mr. Speaker, I want to compliment the gentleman from New York for the fine sustained courage he has exhibited in pressing this measure for a number of years. I associated myself with his philosophy when I first came to Congress, and I have many constituents who are very proud of the fine job he has done. I am glad to see the bill come to the floor for early action.

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

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

Mr. DOOLEY. Mr. Speaker, I wish to associate myself with the remarks of the distinguished gentleman from New York and commend him for his work and efforts in bringing this bill to the floor of the House. The bill affects favorably a segment of our population which has been very seriously neglected over the years.

Hundreds of thousands, even millions, of corporate employees enjoy the benefits of retirement plans at very low cost to themselves and their employers. Self-employed people, however, until now, have not had this advantage.

The provisions of the Jenkins-Keogh bill will make it possible for a doctor or lawyer, or other self-employed persons, to enjoy a tax exemption on contributions of as much as $2,500 per year—maximum—to a retirement fund. The fund can attain a cumulative figure of $50,000, which is the specified limit.

The period of earning of many professional men is reached only after a long period of study and apprenticeship, and it is maintained only over a relatively short span of time before physical debility requires a cessation of professional activity.

A doctor studies for years after a normal college course, serves an internship, and then slowly and arduously builds his practice. A lawyer has a similar period of financial growth. It seems only just to the Representative from New York that, during the lucrative years of a man's earning period, he should be entitled to set aside funds for the future.

While it is true that self-employed individuals today are included in those benefiting through social security, there is need for additional annuity revenue if they are to maintain a standard of living comparable to that to which they are accustomed.

I thought so highly of the bill introduced by the distinguished gentleman from New York [Mr. KEOGH] and the gentleman from Ohio [Mr. JENKINS] that I introduced a corresponding measure some months ago.

It is a source of great satisfaction to the gentleman from New York to see this measure successfully brought before the House for consideration and to see it past that body.

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

Mr. KEOGH. I yield to the gentleman from California.

Mr. HOLIFIELD. I would like to direct some questions to the gentleman. Is this for the benefit of professional people who are not recipients of social security?

Mr. KEOGH. No.

Mr. HOLIFIELD. They will be allowed to contribute to a retirement fund?

Mr. KEOGH. That is the purpose of the bill, but, actually, the bulk of the self-employed has been embraced in social security under the amendments of 1954 and 1956.

Mr. HOLIFIELD. Why do not these same people, then, who are made eligible under this bill, avail themselves of that privilege?

Mr. KEOGH. They have, and they are compelled to by law, but the upward of 40,000 employer-employee private qualified plans in this country are also in addition to social security.

The SPEAKER pro tempore (Mr. BOLLING). The time of the gentleman from New York has expired.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. LIBONATI] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. LIBONATI. Mr. Speaker, the passage of H. R. 10 to encourage the establishment of voluntary pension plans by self-employed individuals, will improve the economy in a field that has suffered much from the exploration of tax legislation without any regard to the self-security of its individual needs.

It will further achieve a level of tax treatment between the self-employed and employees. Congressmen KEOGH and JENKINS especially are to be complimented for their untiring efforts over the years to perfect this legislation for its acceptance and approval. The leadership of both parties as well as the sponsors of similar legislation have given their whole-hearted support toward its passage. The Committee on Ways and Means, after many hearings, modeled this bill to serve the wholesome purpose intended.

Small business will welcome this legislation as a wonderful contribution to security of its members in the years of their retirement.

No doubt this law will be a forerunner of other legislation to protect and benefit the numerous citizens engaged in a field of endeavor that is in need of economic stability and in dire need of tax relief.

We of the Congress are anxious to note the effectiveness of this legislation in its ensuing operation in 1959, if enacted by the Senate. The long delay in remedial legislation in this field, together with the thorough analysis of every one of its provisions by the Committee on Ways and Means should result in immediate passage by the Senate.

Mr. REED. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, it is my purpose in addressing this distinguished body today to speak in support of the legislation, H. R. 10, designed to encourage the establishment of voluntary pension plans by self-employed individuals.

I will not undertake to speak at length on this legislation nor will I endeavor to describe the substantive provisions of the proposal. The distinguished gentleman from New York [Mr. KEOGH] who was one of the authors of the bill, has already ably described its provisions to the membership of the House.

I would like to direct my remarks in paying tribute to the authors of the Jenkins-Keogh bill, the gentleman from Ohio and the gentleman from New York. My close personal friend and distinguished colleague the gentleman from Ohio [Mr. JENKINS] has properly maintained a strong conviction that his bill, H. R. 9, had a meritorious purpose and was directed toward the achievement of tax equity. TOM JENKINS has always had great faith in the type of American citizen who would be benefited under this bill—the farmer, the lawyer, the doctor, the self-employed business and professional man. As a distinguished and successful attorney in his own State of Ohio, TOM JENKINS has known the important contribution such individuals make to the well-being of their fellow citizens. It is perhaps for that reason that he was so impatient with the tax discrimination that present law contains against such individuals. I sincerely regret that circumstances preclude my esteemed friend from Ohio from being with us on the occasion of the consideration of this bill. It is my hope he will be able to return to us before the adjournment of this session of the 85th Congress.

Great credit for the progress this legislation has made must also go to my distinguished colleague, the gentleman from New York [Mr. KEOGH]. I have been privileged to observe the great progress that Mr. KEOGH has made as an able and esteemed member of the Committee on Ways and Means. I would remind the House, needlessly perhaps, that GENE KEOGH has become one of our best informed and most able Members in the House of Representatives. He has addressed himself to his committee responsibilities with diligence, knowledge, integrity, and patriotism, and he is to be commended for presenting this legislation to the House today.

In the 82d Congress it was my privilege to join with the gentleman from New York [Mr. KEOGH] in sponsoring legislation similar in purpose to the legislation that is before us today. I supported the legislation at that time because the law then, as it does now, contains an unjustifiable and unwarranted discrimination against self-employed people with respect to their endeavors to provide for their retirement security. The intended beneficiaries of this legislation have been waiting patiently since the close of World War II enduring the discrimination against them—waiting for the time that it would be fiscally feasible to accord them the revised tax treatment to which they are entitled. From the standpoint of budgetary considerations and from the standpoint of revenue loss, the favorable consideration of H. R. 10 cannot be justified today.

I do believe, however, that it can be justified from the standpoint of the human considerations and from the standpoint of tax equity. I submit to the membership of the House that the cost of enduring this tax inequity falls on a limited number of Americans who like all of us are already subjected to exorbitant tax rates I also submit that if budgetary considerations say that we cannot afford to lose the $300 million that it is estimated will be lost under the bill then such tax revenues should be raised from other sources, or better yet—we might reduce our Federal spending by that amount.

It is with pleasure and earnest conviction that I urge my colleagues in the House to support the passage of H. R. 10.

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

Mr. REED. I yield to my colleague from New York.

Mr. RIEHLMAN. Mr. Speaker, I should like to commend the gentleman from New York, my colleague [Mr. REED], for his untiring efforts in behalf of this legislation, which he joined with my colleague from New York [Mr. KEOGH], in introducing in the 82d Congress. I think it is a worthy bill and I hope the House will see fit to pass it today.

Mr. REED. I thank the gentleman from New York.

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

Mr. REED. I yield to the gentleman from Minnesota.

Mr. JUDD. Mr. Speaker, I want to compliment the two distinguished gentlemen from New York, [Mr. REED, and Mr. KEOGH], as well as the gentleman from Ohio [Mr. JENKINS] for the leadership and the persistence they have exhibited in introducing, in perfecting and in bringing this bill to the House today for a vote. It is wholly in accord with one of the best traditions of America, and one of the best and most characteristic qualities of Americans, namely, the habit of doing all we can to take care of ourselves. It gives again to self-employed persons the right and the incentive to build up funds for their retirement years. They can participate in Government or private group programs, where eligible; but in addition a man under this bill will have the opportunity without being penalized to build retirement reserves for his own future and his family's.

This is good legislation and I am grateful that at last it has come to the point when we can vote for it.

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

Mr. REED. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Speaker, I rise in support of H. R. 10, the so-called Jenkins-Keogh bill which is legislation to encourage establishment of voluntary pension plans by self-employed individuals. I am informed there are about 7 million such persons who are presently discriminated against under the law from receiving equal tax treatment with regard to retirement savings as against the tax exemptions available to employees under a qualified plan. This bill will permit ministers, doctors, or certain professional self-employed persons to become eligible for the tax deductions under retirement savings plans.

For a long time, Mr. Speaker, I have favored elimination of the discrimination against those self-employed who wish to provide for their future retirement in old age. Certainly today the sponsors of H. R. 10 and those responsible for it being considered here on the floor are to be congratulated. I rejoice that their diligent efforts are rewarded and that at long last their persistence is paying off.

I shall vote for the Jenkins-Keogh bill and urge its passage today under suspension of the rules. Since time is of the essence and with the adjournment of Congress coming closer every day, unless this bill passes without a rule and without such a delay, its enactment into law this year will be endangered.

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

Mr. REED. I yield to my colleague from New York.

Mr. ROBISON of New York. Mr. Speaker, I should like to associate myself with the remarks made by my senior colleague, the gentleman from New York [Mr. REED], for whom I have great admiration. I think this is desirable legislation, and I hope it will pass.

Mr. Speaker, for a number of years prior to my recent election to the Congress I have, as a self-employed attorney, been interested in the problems facing all self-employed professional persons, farmers and small-business men desiring to build up a voluntary retirement program for themselves. Difficult as such an effort is, in an era of ever-rising living costs, it becomes especially onerous when one realizes that an unfair tax advantage presently exists in favor of the employee of a business enterprise that provides him with the increasingly popular benefits inherent in the various types of pension, profit sharing, and stock option or bonus plans.

As our tax laws now provide, such an employee is allowed to postpone his tax liability on moneys paid not directly to him, but paid instead into such a qualified retirement plan for his future benefit. This inequity is a result which, I am sure, the Congress never intended and which now should be corrected even though there may be an anticipated tax revenue loss of approximately $360 million resulting from the adoption of this bill, H. R. 10. To say that we cannot afford to correct such an inequity would constitute a sad commentary on our legislative processes.

The loss in revenues anticipated by adoption of H. R. 10 can and should be offset by economies made elsewhere in our monstrous Federal spending machine. What more concerns me is the fact that this bill is just another patch on the tattered tax-work quilt we are inflicting on the American taxpayer. It is little wonder that such a Jerry-built mish-mash distributes the tax burden inequitably and unwisely. So, while I support this bill because it will remove at least one inequity, what we really need, Mr. Speaker, is not more tinkering with taxes but a complete review and reexamination of our entire tax structure and its reform into some reasonable shape. If that could be accomplished, I feel sure the Government would find itself gaining more revenue from rates less burdensome, and paid by a much more contented group of taxpayers than we now face.

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

Mr. REED. I yield to the gentleman from Oklahoma.

Mr. BELCHER. Mr. Speaker, I want to congratulate the gentleman from New York [Mr. REED] on a very fine statement. Also I would like to congratulate the authors of this bill, and on behalf of the professional and self-employed people of my District I should like to express our appreciation to the committee and to the leadership for bringing this bill to the floor. I think it is a good bill and I hope it will pass unanimously.

Mr. REED. I thank the gentleman from Oklahoma.

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

Mr. REED. I yield to the gentleman from California.

Mr. McDONOUGH. Mr. Speaker, I want to associate myself with the gentleman from New York in his remarks. I have had many, many appeals from my District in behalf of this legislation. I want to congratulate the dean of the Republicans of the House for bringing this bill to the floor today for action so that we can give these people the benefits it provides; they have been asking for it for so many years. I fully agree with the Ways and Means Committee and the gentleman from New York [Mr. KEOGH], who submitted the report accompanying this bill, H. R. 10, in the following reason for the bill:

II. REASON FOR THE BILL

This bill is intended to achieve greater equality of tax treatment between self-employed individuals and employees. Under present law the employees of a business can achieve this postponement of tax on retirement income savings if the employer pays into a qualified pension, profit-sharing, or stock-bonus plan what he might otherwise have paid directly to the employees. These amounts can be placed in a tax-exempt pension trust or they can be paid as premiums on an annuity policy with a life insurance company. In either case the business firm gets immediate deductions for amounts contributed to the plan and the employee is not taxable until he draws down his benefits under the plan. An employee is permitted to defer tax in this manner even though he may have a nonforfeitable right to the employer contribution under the plan.

This tax deferment for an employee's interest in a pension, profit-sharing, or stock-bonus plan has two important advantages. In the first place, it permits the employee to have a larger initial investment in retirement savings upon which more investment earnings may accumulate. In addition, most employees will be in lower tax brackets after retirement than they are during their productive years. The tax deferment under a qualified plan permits some income from the years in which an employee is likely to be subject to higher surtax rates to be taxed in the retirement years when he may be subject to much lower rates or even have unused personal exemptions.

The committee believes that it is unreasonable that self-employed persons should be precluded by law from obtaining equivalent tax treatment with respect to retirement savings to that available to employees under a qualified plan. Under present law the employer-proprietor and an employer-partner are precluded, except in very special circumstances, from participating in a qualified plan even though they may establish such a plan for their employees.

The bill will be effective for taxable years beginning in 1959. The total revenue loss from this bill in the first full year of operation is expected to be approximately $360 million. A considerably smaller revenue loss from the bill will be realized in fiscal year 1959.

I congratulate the gentleman from New York [Mr. KEOGH] for his successful fight for this bill, which has extended over many years.

Mr. REED. I thank the gentleman from California very much.

Mr. REED. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. KEATING] may extend his 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. KEATING. Mr. Speaker, H. R. 10 is a sound measure which will remove a serious inequity from the statute books. For a number of years I have sponsored similar legislation to encourage the establishment of voluntary pension plans by self-employed individuals. I am delighted the principle of my proposal has been included in the bill before us.

H. R. 10 has the vigorous backing of numerous outstanding organizations and groups. They have made a strong case for its enactment.

This bill simply gives our self-employed people an opportunity to save their own money for their retirement days. It thus insures equality for that large segment of our population with the great majority of taxpayers.

It is particularly fitting that in a nation built on ideals of self-reliance and independence we should encourage such traits by means of our tax policies. Such encouragement will be provided by this measure, since it closes the present gap in the law which has made it hard for the self-employed to set up their own pension plans.

I hope this measure will gain overwhelming approval.

Mr. REED. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from Wisconsin [Mr. BYRNES].

Mr. BYRNES of Wisconsin. Mr. Speaker, I regret that I must rise to introduce a discordant note into this discussion. But I would not be true to my own conscience if I did not express some real concern over what it is proposed that we do here today.

I would be the first to concede, as I have to the gentleman from New York, that there is an inequity in our tax laws resulting from the ability of certain people, by reason of being employees, to have their employers build up pension plans and receive a tax exemption for them. We must recognize that the pension plan is income to these employees. It is a fringe benefit, but it is part of their remuneration for services rendered and is income to them. This bill does attempt in part to correct that inequity between the tax treatment of employees and the tax treatment of the self-employed.

What concerns me a great deal is that we still leave inequities as far as this particular area is concerned. There are many other people that will not be able to take advantage of the proposal here and will still be discriminated against. A third of the employees, for instance, are not under any kind of pension plan, yet they will not be able to take part of their income and defer it any more than the self-employed can today.

Also, a great majority of the employees covered by company pension plans are under contributory systems to which they must make individual contributions. At the present time, their individual contributions are not tax deductible and they will not be tax deductible under this bill. The bill before us will permit the self-employed individual, however, to obtain a tax deduction up to 100 percent of his contributions. It should also be remembered that many of the employee pension plans provide only nominal retirement benefits. Any supplemental retirement program that the individual employee might want to develop must be paid for with income after taxes. Under this particular bill, however, the self-employed will be permitted to set up a plan for his retirement from income before taxes.

The point I am trying to make is that although there is an inequity and a discrimination today, this bill will not completely eliminate the discrimination but will in fact create some further discrimination and inequity.

I would point out also that although the bill provides theoretically for a postponement of the tax on income invested in approved retirement plans, the practical effect of the legislation is to provide a tax reduction. This results from the fact that the individuals taking advantage of the plan will, generally speaking, be in a lower tax bracket after retirement than during the productive years when he is contributing to the plan. The tax deferment provided under this bill permits income to be transferred from years in which the individual is subject to the higher surtax rates to a period of time when he may be subject to much lower rates. The question I would ask the House is whether we are justified in providing this special tax reduction to this particular group at this time?

The proponents of the legislation argue that the benefits of this bill will be available to a large number of our citizens. They call our attention to the fact that it is estimated that there are about 5 million self-employed persons paying income taxes and that all of them would be eligible for the benefits provided by this legislation. Attention should be called, however, to the practical application of the proposal. From a practical standpoint, the only people who will be able to take advantage of this bill are those with a high enough income that they can afford to set aside up to 10 percent of their net earnings. There is a further practical limitation because any investments made in this fund cannot be used, nor borrowed against, except by the payment of a penalty until the individual reaches the age of 65. How many of our self-employed can tie up their savings to that extent? I would suggest that these practical applications will reduce considerably the number of people who will be in a position to avail themselves of this special tax treatment.

The people who will get the real advantage and the real tax break under this proposal are those in the extremely high income tax bracket. It is this group that can avail itself of the program and it is this group that will benefit most by the postponement of the income-tax liability from a period of high surtax-bracket rates to a period of lower income and lower surtax-bracket rates. I will be the first to recognize the hardships and the inequities resulting from the extremely high progression in our income taxes. In fact, it is the extremely high tax rates that are at the heart of this and many other problems which we face.

Let me remind the House that tomorrow the Committee on Ways and Means will hear the Secretary of the Treasury on the recommendation of the administration for an increase in our national debt limit by approximately $10 billion. There is no question but what the debt ceiling will be increased by the Congress within the next 2 weeks. When we face such a situation, I wonder if it comes with good grace for this Congress to give a special tax advantage to a special group to the extent of $360 million a year. For my part, I would approach such a question with great timidity.

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

Mr. BYRNES of Wisconsin. I yield to the gentleman from New York.

Mr. KEOGH. Of course, you can say that the $360 million is an estimate.

Mr. BYRNES of Wisconsin. I realize that, certainly, but it is all we have to go on.

Mr. KEOGH. Except that we do have the experience in the Dominion of Canada with a broader coverage than contemplated by the pending bill.

Mr. BYRNES of Wisconsin. I am not going to quarrel and I do not think the gentleman is going to quarrel about the figure he used in his report. The estimate is $360 million. I am not suggesting that is too low or too high. That is the figure used by the committee and it is used in the report as the cost of this bill.

Faced with these circumstances, however, can we justify this action? In addition to the inequity that this bill attempts to correct, it seems to me that we might also give some consideration to the inequities and injustices which result from loading future generations with additional taxes and liabilities because we are unwilling to assume them at this time.

But let me come to this point, which I think is of particular importance and which I think we have to face up to eventually. The problem here of inequities that we try to meet piecemeal all have at their heart our very high tax rates today, and particularly the very high progressive rates. That is where the burden comes, and that is the basic burden you are trying to relieve here. Unless we make a frontal attack on these rates we are going to get our tax code in such a hodge-podge and jumble that nobody will be able to figure it out, and there will be inequity piled upon inequities. We have them today. This bill tries to take care of one inequity, yet by doing so it is going to create some other inequities. You cannot help but have that kind of situation when you try to meet all these little special cases by special legislation.

Mr. Speaker, I would suggest that as we take special action and we give special

tax exemptions or special tax credits or special tax deferments and reduce our revenues little by little, in that way we just postpone the day when we can get to the heart of this problem. We postpone the day when we can give tax relief across the board and tax relief directed against the rates. When I view the matter, Mr. Speaker, from that angle, it just seems to me that the situation we are in at the present time makes it very questionable as to whether we are doing equity and justice to those people primarily affected by this bill but also to all of our people and, yes, even to generations yet to come. In order to treat them equitably I think it would be well to put aside this bill at this time. I do want to say to the credit of the gentleman from New York and the Committee on Ways and Means that I think as far as this limited area of relief for this limited group is concerned, this bill as drafted is a good bill. My objection to the bill is based on my inability to justify in my own conscience the granting of this special relief at this particular time.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. REED. Mr. Speaker, I yield 3 minutes to the distinguished author of this bill, the gentleman from New York [Mr. KEOGH].

Mr. KEOGH. Mr. Speaker, I am further in the debt of my distinguished colleague from New York and I appreciate his graciousness in this regard. I have sought this time to yield to a couple of Members who were on their feet when my time expired. I yield to the gentleman from California [Mr. ROOSEVELT] who, I recall, was the first to ask me to yield.

Mr. ROOSEVELT. Mr. Speaker, I am very much interested in the remarks of the gentleman from Wisconsin who just addressed us. I was happy to hear that he agreed that this was, as far as it went, a sound bill and that it did reach a right conclusion. I cannot help but believe in the final analysis if we follow through on this basic principle, we will adjust the equities involved as to the different groups, and I do not see why we should not go ahead and do it now.

Mr. Speaker, I congratulate the gentleman from New York [Mr. KEOGH] on this legislation, and I urge the passage of the legislation.

Mr. KEOGH. Precisely. And, Mr. Speaker, may I say we have under the provisions of section 401 of the 1954 code, upward of 40,000 qualified pension plans that have been established to which the annual contributions are $2,800 million. Most of the contributions are by the employer who deducted them as business expenses. It certainly seems to me, when we try in a limited and moderate way to do precisely the same thing for a group of upward of 7 million Americans, not including their families and their dependents, that we are not dealing with a special or little class of people.

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

Mr. KEOGH. I yield to the gentleman from Iowa.

Mr. COAD. Mr. Speaker, I would like to take this opportunity to associate myself with the gentleman from New York in reference to his fine bill. Further, I wish to commend him for his excellent presentation of the argument for the bill and the courageous crusade he has led in behalf of the self-employed to bring this bill to the floor of the House.

Mr. Speaker, it is time that we act to provide to those who are self-employed a measure of encouragement to plan and lay away a part of their income during their working years for enjoyment upon retirement. We have witnessed the many advantages of retirement and pension programs which a great part of our working people enjoy. It is time now to extend these advantages to the self-employed people as well. Under the provisions of this bill there would be encouraged the establishment of voluntary pension plans by self-employed individuals by providing that in the case of a self-employed individual, there would be allowed as a deduction from Federal income taxes, the amount paid by him within the taxable year as a retirement deposit, up to $2,500 or 10 percent of his net earnings, whichever is the lesser. These measures would provide an incentive to the self-employed man or woman to join a voluntary pension plan and provide the security which we all seek for our retirement years.

I have received many, many letters and inquiries about this bill from the self-employed people in my District, especially those who are in the medical profession, expressing favor of the provisions of this bill and urging that it be passed. It is therefore with a deep feeling of responsibility for the wishes of the self-employed people of my District that I join with my many colleagues who favor and support this bill that I urge that it be passed without further delay.

Mr. REED. Mr. Speaker, I yield to the gentleman from Ohio [Mr. DENNISON].

Mr. DENNISON. Mr. Speaker, I rise in support of H. R. 10, which provides for postponement of Federal tax on income placed by self-employed persons in voluntary retirement or pension funds. Most self-employed persons in America have, for a number of years, been discriminated against taxwise in their personal retirement programs. It is unfair, for example, to postpone until the low-income years any tax liability on payments made to a retirement fund on behalf of employed persons until the income is taken down and at the same time to deny these benefits to those, particularly in the professional ranks, who have a relatively short period of high-income activity—a period when they must inaugurate and complete their saving for their future.

Self-employed persons generally assume large personal risks. Those in the professions such as doctors, lawyers, dentists, and the like have a tremendous investment in time and money before entering into actual performance of their calling. They must, in their productive years, set aside sufficient funds to take care of themselves in the years when their own human energy and resources have been depleted. It is not unreasonable or unfair to give them the same tax benefit that employed persons enjoy.

I strongly favor passage of this measure. It will mean a lot to the men and women of this country who, in the performance of individual and professional service, serve us all.

Mr. REED. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the pending bill.

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

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, this legislation before the House today, H. R. 10, is of great importance to every self-employed person in our country.

By permitting self-employed individuals to take a deduction for a limited amount of investment in certain types of retirement annuity, or a specific type of retirement trust, the individual will be able to save during years of peak income, and receive the benefits of savings and also tax payments at the lower rates in years when income and overall productivity is declining.

This bill will help straighten out the inequalities under the present tax setup, where an employee is receiving this type of tax treatment, but the self-employed does not. Company officials and employees receive benefits from retirement plans which are not counted as income until the money is actually drawn out, and the company counts their contributions to the funds as expenses at the time they pay into the fund.

The small-business man, farmer, and professional man now has to save at great disadvantage, since income put into savings for retirement is taxable at a higher rate during peak income years, rather than later in life when income is naturally reduced.

Mr. Speaker it is for these 10 million Americans who so badly need this tax relief that the Congress must act favorably on this bill. This will enable them to have the same advantages in later life that employees now receive. This measure will encourage voluntary retirement savings. It will reiterate our belief in the free enterprise system by removing the present disadvantage the independent businessman finds himself in regarding savings for retirement.

I sincerely hope the House will adopt this measure, and thereby go on record in support of the farmers, small-business men and professional people who have helped make this country what it is today, and provide 10 million Americans with at least some equality in providing for their retirement years.

Mr. WAINWRIGHT. Mr. Speaker, may I take this opportunity to congratulate the gentleman from New York [Mr. KEOGH] for his untiring efforts in behalf of this much needed legislation. The American Republic was founded on the thesis that God helps those who helps themselves. The philosophy of the Keogh bill is just that. The establishment of voluntary pension plans by self-employed should be a national incentive for all those concerned. I hope that the membership will strongly endorse this

proposal and that the other body will act with equal speed. It is a popular bill in my Congressional District.

It is impossible to discuss this legislation without mentioning George Roberts, Esq., senior partner of the New York law firm Winthrop, Stimson, Putman & Roberts. Mr. Roberts has been a tireless worker in behalf of this legislation for the past 6 years and more. As the chairman of several bar association groups he has done as much or more than any individual outside the Congress to stimulate interest in this legislation. This certainly follows the traditions set by his great partner, the late Henry L. Stimson. Mr. Roberts deserves to be in the ranks with the bill's author, Mr. KEOGH.

Mr. HARVEY. Mr. Speaker, the recent action of the House Ways and Means Committee in favorably reporting an amended draft of the Jenkins-Keogh bills is gratifying.

Since the advent of our Federal social security program more than 20 years ago, it has been increasingly evident that the self-employed should be enabled to share the advantages of a systematic retirement plan. To achieve such an end, however, and establish an incentive while also maintaining the economic freedom of individuals engaged in diversified livelihoods, encompassed a variety of problems. For some time now it has been generally acknowledged that the best hope of a practical solution lay in the realm of income taxation. It is there, of course, through a similar but mandatory contribution of employer and employee, that millions of working Americans are assured an income in their advance years. It follows that many self-employed should be accorded a limited tax exemption on funds they voluntarily set aside for old-age annuities.

If the principles of the Jenkins-Keogh bills become the basis of new Federal law, the grateful beneficiaries will include the members of such respected professions as medicine and the ministry. Even if the proposal now pending should fail of enactment this year, I believe it will be regarded as a must item on the agenda of the next Congress.

Mr. REUSS. Mr. Speaker, as one of the cosponsors of the Self-Employed Individuals' Retirement Act, I am most gratified that the House of Representatives today has passed H. R. 10 so overwhelmingly. I hope that the Senate will promptly do the same, and that the President will approve this most important legislation.

This bill, so widely known as the Keogh-Jenkins bill after its original authors, will allow our 10 million self-employed citizens to provide for their own retirement, from their own funds, without having to pay income tax on the money they set aside until the funds are received later as retirement or survivor benefits.

This legislation gives the self-employed person—whether doctor or dentist, accountant or lawyer, druggist or barber, farmer or neighborhood grocer or other independent businessman—the tax deferment advantages in building up his own retirement fund that are now enjoyed by millions of Americans participating in company retirement and pension plans.

We in the House have declared today that we want to preserve individual enterprise, and to encourage self-employed persons to make realistic plans for their retirement, under an equitable tax system. We will not penalize those millions of Americans who carve their own economic destiny as independent businessmen or professional people.

Mr. HENDERSON. Mr. Speaker, I approve the principles of H. R. 10, a bill to encourage the establishment of voluntary pension plans by self-employed individuals, and I urge my colleagues in Congress to support the measure.

The bill permits self-employed individuals to take a current deduction for a limited amount of investment in certain types of retirement annuity, or a specific type of retirement trust.

I favor this measure because it tends to achieve greater equality of tax treatment between self-employed individuals and those working for an employer. Under present law, the employees of a business can achieve postponement of tax on retirement-income savings if the employer pays into a qualified pension, profit-sharing, or stock-bonus plan what he might otherwise have paid directly to the employees. The employer gets a tax deduction and the employee is not taxable until he draws down his benefits under the plan.

It has been somewhat inequitable that this same tax advantage has not been available for self-employed persons. Heretofore any annual contributions to a retirement fund the self-employed person has made are taxable in the year the money is earned, even though enjoyment is deferred until after his retirement, while taxation is deferred until retirement in the case of the employed person.

The measure applies to those persons subject to tax on self-employed income for social-security purposes, and also to certain other categories of self-employed, including doctors and ministers ordinarily exempt from self-employment tax.

The deduction is limited generally to 10 percent of income per year, but not to exceed $2,500, and it may not exceed $50,000 in the lifetime of the individual. Restrictions and limitations are provided for those who also earn wages which are covered by a pension plan or who have obtained nonforfeitable rights to such a pension plan.

The measure will provide an incentive to persons to make plans for the future and encourage the American principle of thrift and saving. I commend this bill and its purposes and hope it will be passed.

Mr. PHILBIN. Mr. Speaker, I commend our able distinguished friend and colleague, Mr. KEOGH, and his capable associates for the long-sustained, successful work, which has resulted in the pending measure, H. R. 10, to encourage the establishment of voluntary pension plans for self-employed individuals.

The merits of this measure have long been obvious to me and I have been privileged to join in efforts being made to bring it to the floor of the House for passage.

It is felicitous that this question has been considered on its merits and it is untouched by even a suggestion of critical partisanism. In complimenting those who worked so hard and ably on the measure, I realize that it would not be appropriate for me at this time to enter into any lengthy analysis or exposition of the bill. Its purpose and its intent is manifest. It seeks to remove certain discriminations against self-employed persons by entitling them to qualify like other employees for certain contributory pensions.

In its operation, it would remove the present tax disadvantage for self-employed proprietors and partners and to that extent provides a measure of relief for the small-business man that will be very welcome in these days when small business as a whole is not receiving its due share of the national product.

The bill applies to persons, who are subject to the tax on self-employment income, as well as doctors and ministers. It allows these individuals to deduct up to 10 percent of their earnings from self-employment, but not over $2,500 a year, for amounts paid into restricted retirement insurance policies or restricted retirement trust funds. It will be applicable to persons over 50 years of age on January 1, 1959, who would, under its terms, be permitted higher annual deductions.

It contains a lifetime ceiling of total deductions of $50,000 per taxpayer reducible in the case of individuals, who have previously withdrawn employer contributions under a qualified pension plan or have received nonforfeitable rights to employer contributions. There are several technical provisions in the bill, which imposes various limitations on its retirement program provisions.

Before the bill takes effect, insurance companies must make available insurance policies that meet the specific requirements of the bill and banks will be in a position to establish trust funds meeting its requirements. These steps cannot be taken until the Treasury issues detailed regulations, outlining the rights and responsibilities of the banks and the insurance companies.

I realize the administration has raised certain objections to the bill, which the committee has endeavored to meet, but on the whole I think that the bill is a step in the right direction and believe it will be of considerable help to self-employed persons without costing the Treasury much money.

Every time the Congress moves to reduce taxes objections are raised that the reduction will cost the Treasury too much money. It is my opinion, however, that these objections are not valid in every instance and neither are they true in some instances. I have felt right along that a general tax reduction bill, instead of costing the Treasury money, in the long run would bring in new revenue. I think that there are many authoritative economists who take the same view, and while I highly approve of this bill, I regret that the Congress did not move during this session to put into effect some long overdue tax reductions.

I think that such reductions would do more to eliminate present depressed economic conditions in some parts of the country more effectively than any other method that has been tried to date.

Mr. SPRINGER. Mr. Speaker, H. R. 10, more commonly known as the Jenkins-Keogh bill, to encourage the establishment of voluntary pension plans by self-employed individuals, has been legislation long in the making. I have been familiar with this legislation and have been trying to get such a bill before the House since 1952. It is good legislation and in the public interest.

I. PURPOSE

This bill permits self-employed individuals to take a current income-tax deduction for a limited amount of investment in a retirement annuity, or a specific type of retirement trust. Penalty provisions are provided for withdrawing the amounts during the lifetime of the self-employed individual if they are withdrawn before he is 65 years of age. On the other hand, he must begin to withdraw these amounts not later than when he reaches age 70.

II. REASON FOR THE BILL

This bill will give greater equality of tax treatment between self-employed individuals and employees. At the present time employees of a business may postpone tax on retirement income savings if the employer pays into a qualified pension plan. In that case, the business firm gets immediate deductions for amounts contributed to the plan and the employee is not taxable until he draws his benefits under the plan.

Likewise, those of us who have favored this legislation believe it is reasonable that self-employed persons should have the same right under the law to obtain equivalent tax treatment on retirement savings.

The bill will be effective for the taxable year beginning in 1959.

III. SUMMARY OF THE BILL

A. Eligibility: The bill applies to all self-employed persons who are subject to the tax on self-employment income—for social-security purposes—except that certain categories such as doctors and ministers, who are exempt from the self-employment tax, will be eligible for the deduction under this bill. The deduction, however, will not be available to a self-employed person who is subject to the self-employment tax if in the same year he has earnings which are covered in a qualified pension plan or if during the year he draws benefits under a qualified employer plan.

B. Deduction: Self-employed individuals will be permitted to deduct from their adjusted gross income an amount paid as a premium in a retirement trust fund. This deduction will be limited to 10 percent of the net earnings from self-employment for any 1 year. The deduction under this bill may not, in most cases, exceed $2,500 in any 1 taxable year. The deduction may not exceed a total of $50,000 during the lifetime of the self-employed person. No deduction is allowed for any year after the taxpayer attains age 70.

C. Type of retirement policy: The retirement policy for which an individual may take a deduction must fundamentally be an annuity or an endowment policy issued by a domestic life insurance company. The policy may provide life insurance benefits, but these may not extend beyond age 70. The policy may provide for an endowment not later than the time the self-employed individual reaches age 70, or it may provide a life annuity or a joint and survivor annuity to the insured and his spouse, beginning not later than when the self-employed individual reaches age 70. The policy must be nonassignable.

D. Restricted retirement funds: Instead of purchasing an insurance policy, the deduction may be obtained by making deposits in a restricted retirement trust fund. This trust must be established for the exclusive benefit of one or more participating individuals. The trustee must be a bank. The investments of the trust are limited to stock or securities listed on a registered exchange, stock of a regulated investment company, Government bonds, or face-amount certificates.

The income of a restricted retirement trust fund will be tax exempt. The trust may distribute income or corpus to participating members at any time. When the members attain age 70, the trust must begin a program of distribution of that member's interest, which must be completed before he attains age 80.

E. Reporting requirements: The bill requires each bank trustee of a restricted retirement fund and each insurance company which has issued a restricted retirement policy to file such returns and information as the Secretary may prescribe. It also requires each self-employed individual to furnish certain information to the trustee of his restricted retirement fund or to the insuror of his restricted retirement policy.

F. Effective date: This bill applies to taxable years beginning after December 31, 1958.

I personally am much pleased that the great Committee on Ways and Means has finally brought this legislation to the floor. This bill gives relief and encouragement to the small, independent business and professional man, including doctors, dentists, lawyers, accountants, engineers, and consultants, and others who make up the life of the smaller communities of this country.

For a long time the big companies have had deductible pension plans for which income-tax credits could be taken by the corporations.

All of us realize that in many instances the professional and small-business man has a very limited period of good income. It takes the ordinary professional man quite a few years to get started. When he reaches his peak income his years are few until retirement. There was no way in which he could accumulate a small nest egg for his old age before taxes. This legislation takes recognition of that fact.

Also, it encourages savings. In recent years this has been one of the shortcomings of our tax system. This legislation recognizes that.

This bill is good legislation, in the finest American tradition.

Mr. CRAMER. Mr. Speaker, passage in the House of H. R. 10 was a tribute to the determination and hard work of two distinguished gentlemen. In indicating my support of this measure I wish to acknowledge the great accomplishment of Mr. JENKINS of Ohio and Mr. KEOGH of New York. Over a period of many years they determinedly fought the battle that has been won, at least, in the House. Their success is to be commended and nearly 7 million of professional men and women and other self-employed people will benefit from their foresightedness and determination. I congratulate them on splendid work and am happy to cosponsor this bill, I having introduced H. R. 11187.

A great number of the residents of the First District of Florida have expressed their interest in H. R. 10 and I was glad to represent their interests in introducing a companion bill, H. R. 11187 and in voting for this bill that would provide an equitable form of tax relief for those who wish to voluntarily provide for the later years of their life. It is only proper that they do so. It is only proper that they be afforded the same benefits as the employee—in some cases their own employees—who, with the contributions of a company, are only taxed on money paid into retirement-benefit programs when they are received upon retirement.

The professional men and women of the first district have been nearly unanimous in support of such legislation. In fact, they have urged that I support this measure which simply encourages the establishment of voluntary pension plans by the self-employed. It fully provides for those affected a greater equality of tax treatment as related to the employee who will draw social security benefits and the employer or professional man who, of his own choosing, would protect his future and that of his family.

Tax deferment, up to $2,500 or 10 percent of the income of the individual electing to use the provisions of H. R. 10, can only inure to the benefit of the Government over a period of years and whatever loss of tax revenue there is at this time will become an advantage in the future. I must say that I sincerely hope a further form of tax relief may be presented to even more of the taxpayers of the Nation in the near future. The immediate tax loss that must be met with enactment of this measure, which I view as being overcome shortly through other taxes resulting from this plan, can certainly be overcome with stringent housekeeping on the part of the agencies of Government and cutting of waste throughout all departments particularly in our programs of mutual assistance planned throughout the world. This loss is insignificant in comparison to the benefits provided. Resultant investment of capital held in trust funds that would be provided in the execution of the provisions of this bill would be to the public good and a source of advantage to the Government through purchase of Government bond issues and through additional taxable investment incomes. We must further realize that this program

will definitely encourage the growth of savings throughout the country and thus have a most significant anti-inflation effect.

There has been a long delay in the remedial legislation that we have provided by action of the House. I trust the Senate will act favorably thereon. I have been glad to support and cosponsor this legislation that brings about an equalization in tax benefits and which provides greater security for those who voluntarily elect to avail themselves of the provisions of this bill. I, again, congratulate the authors of H. R. 10, am delighted to join them as a cosponsor of this bill, and I express my full endorsement of this legislation.

Mr. LANE. Mr. Speaker, farmers, doctors, writers, lawyers, ministers, small-business men—there are some 10 million of these self-employed in the United States.

They cannot understand why millions of corporate employees are covered by retirement plans at low cost to themselves and their employers while the self-employed are denied these advantages under present law.

It is true that many of the self-employed come under the old-age and survivors insurance program, but so do the vast majority of employees. Millions of employees, however, supplement these benefits from their participation in private qualified pension plans.

Remember that the self-employed invariably serve a long apprenticeship of education and austerity experience before their earning power develops. They find themselves far behind the employees who began acquiring social security and coverage under private pension plans, in some cases as early as their 18th year.

During his shorter though more lucrative earning period, the self-employed should be permitted to set aside savings for additional annuity revenue in his retirement without being discriminated against taxwise.

H. R. 10 will remove this inequity.

It will give the self-employed, including the dentist, the accountant, the local druggist, the corner grocer, the tax deferment advantages that will encourage and enable them to build up their own voluntary retirement funds.

It will restore them to equality with the millions of their fellow Americans who look forward to additional security in their old age by their participation in company retirement and pension plans.

H. R. 10 will make it possible for the self-employed who have the courage, initiative, and self-reliance which inspire and energize the American way of life to provide for their retirement from their own funds, without having to pay income tax on the money they put aside until the funds start to pay them back in the form of retirement or survivor benefits.

H. R. 10, popularly known as the Jenkins-Keogh bill, will authorize for the self-employed a tax exemption on contributions to a retirement fund of as much as $2,500 per year until such time as the fund builds up to the limit of $50,000.

It is essential for us to pass H. R. 10, not only for the relief and the encouragement of the self-employed but in so doing to establish the precedent that will lead to the gradual inclusion of everyone and provide them with the incentive to save for the future through participation in private pension plans.

I congratulate our colleagues who have given earnest study to the formulation of this bill. Their perseverance, animated by logic and justice, has brought this problem to the attention of the Nation.

I consider it a privilege to support H. R. 10 without reservation and to express my sincere hope that it will be enacted into law this year.

The SPEAKER. The question is on suspending the rules and passing the bill, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AMENDING ATOMIC ENERGY ACT OF 1954

Mr. PRICE. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 13455) to amend the Atomic Energy Act of 1954, as amended.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 170 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

"k. With respect to any license issued pursuant to section 53, 63, 81, 104 a., or 104 c. for the conduct of educational activities to a person found by the Commission to be a nonprofit educational institution, the Commission shall exempt such licensee from the financial protection requirement of subsection 170 a. With respect to licenses issued between August 30, 1954, and August 1, 1967, for which the Commission grants such exemption:

"(1) The Commission shall agree to indemnify and hold harmless the licensee and other persons indemnified, as their interests may appear, from public liability arising from nuclear incidents. The aggregate indemnity for all persons indemnified in connection with each nuclear incident shall not exceed $500,000,000, including the reasonable cost of investigating and settling claims and defending suits for damage;

"(2) such contracts of indemnification shall cover public liability arising out of or in connection with the licensed activity; and shall include damage to property of persons indemnified, except property which is located at the site of and used in connection with the activity where the nuclear incident occurs; and

"(3) such contracts of indemnification, when entered into with a licensee having immunity from public liability because it is a State agency, shall provide also that the Commission shall make payments under the contract on account of activities of the licensee in the same manner and to the same extent as the Commission would be required to do if the licensee were not such a State agency.

Any licensee may waive an exemption to which it is entitled under this subsection."

The SPEAKER. Is a second demanded?

Mr. VAN ZANDT. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PRICE. Mr. Speaker, H. R. 13455 is a bill to amend the Atomic Energy Act of 1954, as amended, to add a new subsection 170 k. to provide that, with respect to licenses for the conduct of educational activities issued by the Atomic Energy Commission to a person found by the Commission to be a nonprofit educational institution, the Commission shall exempt such licensee from the financial protection requirement of subsection 170 a. of the act. This legislation is necessary in order to make possible the participation of many State universities in our atomic energy program.

As chairman of the Subcommittee on Research and Development of the Joint Committee, I can assure my colleagues in the House of the tremendous contributions which our universities can make to our atomic energy research program. Unless this bill is passed, many such universities will be forced to withdraw from the program because of requirements of State law which prohibit them from making premium payments for public liability insurance.

This bill, therefore, provides that, in this limited area, the AEC shall exempt nonprofit educational institutions from the normal requirement of providing financial protection. The bill is not intended to carve out or create a major exception from the provisions of the AEC Indemnity Act, the Price-Anderson Act enacted by the Congress last year. It is only intended to make possible the effective extension of that act to these nonprofit educational institutions, many of which otherwise would not be able to qualify under the provisions of present law, or to obtain a license from the AEC.

Mr. Speaker, after a hearing before the Joint Committee on May 8, 1958, when this problem was first discussed, I introduced on June 27, 1958, H. R. 13190, the predecessor of this bill. Shortly thereafter, identical bills were introduced by my colleagues, Congressman MOULDER, from Missouri—H. R. 13219, Congressman ROGERS, from Texas—H. R. 13222, and Congressman MATTHEWS, from Florida—H. R. 13321. The committee has been informed that all of those gentlemen support this bill because of State universities in their districts which plan to operate research reactors, but which would be disqualified and unable to participate in the program unless this legislation should be passed.

I might add, Mr. Speaker, that the Joint Committee has received communications from universities in many States, including Missouri, Michigan, Ohio, Oklahoma, Texas, Florida, Pennsylvania, and others, as well as the National Association of Attorneys General, stating the need for this type of legislation.

The Joint Committee, after learning of the problem, held public hearings on May 8, July 9, and July 17, 1958. I believe that this bill, which has been approved by the Joint Committee, will serve a very worthwhile purpose of enabling our universities to participate in our atomic energy research and training program.

Mr. Speaker, I urge all Members to support H. R. 13455.

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

Mr. PRICE. I yield.

Mr. MATTHEWS. I want to congratulate the gentleman on this legislation and thank him for permitting me and many of our colleagues to appear before his committee to point out the problems that our State universities have had in going forward with their instrumentation. The University of Florida is located in my District. We should be able to go forward if the gentleman's bill is passed. Again I want to congratulate him and thank him.

Mr. PRICE. I thank the gentleman.

Mr. ROGERS of Texas. Mr. Speaker, will the gentleman yield?

Mr. PRICE. I yield.

Mr. ROGERS of Texas. I want to congratulate the gentleman from Illinois for the fine work he has done in bringing this bill to the floor. The University of Texas finds itself in the same situation as that outlined by the gentleman from Florida [Mr. MATTHEWS]. I think a great contribution can be made to this fine program by these universities.

I think that the gentleman from Illinois is making it possible for them to do that.

Mr. PRICE. I thank the gentleman.

I would like to say that this legislation applies to all nonprofit educational institutions. While the matter was called to our attention by the limitation placed by State laws on State-supported universities, the legislation applies to all nonprofit educational institutions.

Mr. VAN ZANDT. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I join my distinguished colleague, Congressman PRICE, in urging the House to approve H. R. 13455. In expressing my views, I would like to quote briefly from the report of the Joint Committee on this bill at pages 2 and 3 of the committee report:

> The Joint Committee believes that this legislation is necessary in order to encourage and make possible continuing and increasing contributions by nonprofit educational institutions in the atomic energy research and training program. Without this legislation, many State institutions might be forced to withdraw from the program or discontinue their plans to obtain and operate research and training reactors. The Joint Committee believes that such institutions are in a position to make a tremendous contribution in this important field and believes that this legislation is therefore necessary.
>
> The Joint Committee recognized that the most acute problem is faced by State agencies because of provisions of State law which make it impossible for them to make payments for liability insurance premiums.
>
> However the Joint Committee believed that the bill should apply to all nonprofit educational institutions, including privately owned and sponsored nonprofit educational institutions, because such institutions are also participating in the program. It is recognized that the Commission is making educational grants to such institutions and it would seem inconsistent not to extend to them the same benefits as to State-owned agencies. The Joint Committee did not consider this to be a serious inroad in the coverage of the act and insofar as the insurance companies are concerned. Nor does the committee regard it as a necessary precedent for other exclusions.

I am reading, Mr. Speaker, from the report of the committee that accompanied the bill H. R. 13455.

Mr. Speaker, without this bill many of our universities would not be able to participate in the atomic energy research and training program. Therefore, I join the gentleman from Illinois [Mr. PRICE] in urging the House to approve H. R. 13455.

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

Mr. VAN ZANDT. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Do I understand that this legislation is retroactive to August 30, 1954?

Mr. VAN ZANDT. What page is the gentleman reading from?

Mr. GROSS. From the top of page 2 of the bill.

Mr. VAN ZANDT. There is no retroactive payment.

Mr. GROSS. I thank the gentleman.

Mr. PRICE. Mr. Speaker, I yield 1 minute to the distinguished chairman of the Joint Committee on Atomic Energy, the gentleman from North Carolina [Mr. DURHAM].

Mr. DURHAM. Mr. Speaker, I take this time to commend the gentleman from Illinois [Mr. PRICE] and the gentleman from California [Mr. HOLIFIELD] for the outstanding and hard work they have done on these three measures which are before the House this afternoon for final action. Problems such as these require extensive hearings, and both gentlemen have been very patient in listening to witnesses, as well as to representatives from the agency of the Government, and in bringing before the House sound measures which will promote our atomic energy program, not only here in America but in the friendly nations of the world as well.

Congressman PRICE has spent many hours on what I regard as our basic problems in staying ahead of all other nations in the physical research world. Congressman HOLIFIELD has exercised sound judgment in the development of programs that will carry us on to higher achievements in the field of research. The measure which he is today handling is very far reaching and will carry out the intent and purpose of the 1954 act.

I believe we all realize today that if we expect to carry forward basic research in this country and continue to make advances it is necessary that we depend on our colleges and universities for the indispensable human material to keep us in the forefront. It is to the colleges and universities that we must look in the future for research personnel.

All three of these measures before the House today will, in my opinion, guarantee to the American people the tools with which to continue our ever-growing scientific community. I firmly believe that the Congress can accept these measures, so ably presented by Congressmen PRICE and HOLIFIELD, with complete confidence that they are in the best interest of our society and of our free-enterprise system.

Mr. VAN ZANDT. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Speaker, I want to congratulate the Joint Committee for bringing this legislation to the floor. The University of Michigan in my Congressional District has a very sizable atomic energy research program known as the Michigan Memorial Phoenix Project.

The premiums that would have been required unless the law is amended as provided in H. R. 13455 would hamper and restrict very important research activities in the peacetime uses of atomic energy.

I am sure that all educational institutions engaged in atomic energy research will commend the committee for what it has done in bringing this bill to the floor today.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

AMENDING THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Mr. PRICE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4165) to amend the Atomic Energy Act of 1954, as amended.

The Clerk read as follows:

Be it enacted, etc., That section 11 o. of the Atomic Energy Act of 1954, as amended, is amended by substituting a colon for the period at the end thereof and adding the following: "*Provided, however*, That as the term is used in subsection 170 l., it shall mean any such occurrence outside of the United States rather than within the United States."

SEC. 2. Section 170 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsections:

"l. The Commission is authorized until August 1, 1967, to enter into an agreement of indemnification with any person engaged in the design, development, construction, operation, repair, and maintenance or use of the nuclear-powered ship authorized by section 716 of the Merchant Marine Act, 1936, and designated the 'nuclear ship *Savannah*.' In any such agreement of indemnification the Commission may require such person to provide and maintain financial protection of such a type and in such amounts as the Commission shall determine to be appropriate to cover public liability arising from a nuclear incident in connection with such design, development, construction, operation, repair, maintenance or use and shall indemnify the person indemnified against such claims above the amount of the financial protection required, in the maximum amount provided by subsection e. including the reasonable costs of investigating and settling claims and defending suits for damage."

SEC. 3. Section 170 e. of the Atomic Energy Act of 1954, as amended, is amended by deleting the second sentence thereof and inserting in lieu thereof the following: "The Commission or any person indemnified may apply to the appropriate district court of the United States having venue in bankruptcy matters over the location of the nuclear incident, except that in the case of nuclear incidents caused by ships of the United States outside of the United States, the Commission or any person indemnified may apply to the appropriate district court of the United States having venue in bankruptcy matters over the location of the principal place of

business of the shipping company owning or operating the ship, and upon a showing that the public liability from a single nuclear incident will probably exceed the limit of liability imposed by this section, shall be entitled to such orders as may be appropriate for enforcement of the provisions of this section, including an order limiting the liability of the persons indemnified, orders staying the payment of claims and the execution of court judgments, orders apportioning the payments to be made to claimants, orders permitting partial payments to be made before final determination of the total claims, and an order setting aside a part of the funds available for possible latent injuries not discovered until a later time."

The SPEAKER. Is a second demanded?

Mr. VAN ZANDT. Mr. Speaker, I demand a second.

Mr. PRICE. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

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

There was no objection.

Mr. PRICE. Mr. Speaker, S. 1465 is an identical bill to the bill H. R. 13456 to amend the Atomic Energy Act of 1954, as amended, to extend the provisions of the AEC Indemnity Act—the Price-Anderson Act passed by the Congress last year—to the nuclear ship *Savannah*, the United States first nuclear-powered merchant ship now under construction near Camden, N. J. The ship is now covered by the indemnity provisions in the present act so long as it is within the continental limits of the United States, and this legislation is necessary only in order to cover its operations outside of the United States. The bill extends to the *Savannah*, the same type of coverage, and in the same amount, as provided by Public Law 85–256, the AEC Indemnity Act.

The Joint Committee considered this matter at hearings on May 8, July 9, and July 17, 1958. Testimony was received from representatives of the Atomic Energy Commission and the Maritime Administration. The committee also considered S. 3106 referred to it by the Senate Committee on Interstate and Foreign Commerce. In summary, the Joint Committee decided that, for this first ship, it would be preferable to place administration of the indemnity provisions in the Atomic Energy Commission rather than in the Maritime Administration. The AEC has been studying problems of insurance and indemnity protection with respect to nuclear incidents for 3 or 4 years, and has had many studies of both reactor and insurance problems, and has had the benefit of a year of experience under the Price-Anderson Act. Therefore, for this first ship, it was considered advisable to place jurisdiction in the Atomic Energy Commission. However, as the committee report clearly states, this would not necessarily constitute a precedent for future ships.

In closing, Mr. Speaker, I would like to quote briefly from the comments of the Joint Committee at page 2 of the committee's report on this bill:

The Joint Committee on Atomic Energy was advised of the possible indemnity problems arising out of construction and operation of the nuclear ship *Savannah*, the nuclear-powered merchant ship now under construction and scheduled to commence operation in 1960. In order to remove any possible roadblocks in the operation of the ship and in order to provide adequate protection to the public, the Joint Committee recommends that the provisions of the AEC Indemnity Act be extended to cover this ship, and that the Atomic Energy Commission administer the provisions of this bill in the same manner as the other provisions of the AEC Indemnity Act enacted by the Congress in 1957.

Mr. Speaker, I therefore urge the House to approve H. R. 13456.

Mr. VAN ZANDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join Mr. PRICE in urging the House to approve S. 4165, a bill to provide indemnity protection with respect to the nuclear ship *Savannah*. The Joint Committee gave this matter careful consideration, and this bill has the unanimous support of the Members of that committee, and the bill, S. 4165, passed the Senate yesterday. The bill merely extends the existing provisions of the AEC Indemnity Act to cover this ship in its operations both within and without the limits of the United States.

Mr. Speaker, as a member of the Joint Committee, I am very interested in the field of nuclear propulsion for merchant ships. The *Savannah* is the first nuclear-propelled merchant ship, and I hope that that there will soon be more, especially a nuclear-propelled oil tanker. I believe that this bill should be enacted to protect the equipment manufacturers, the operators of the ship, and members of the public.

I therefore join Mr. PRICE in urging all Members of the House to approve S. 4165.

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

Mr. VAN ZANDT. I yield to the gentleman from Iowa.

Mr. GROSS. Are there any similar ships being built by foreign countries, and, if so, are we equally protected against loss by foreign ships?

Mr. VAN ZANDT. In reply to the gentleman from Iowa, I would say that to the best of our knowledge we do not know of any foreign country that, at the moment, is constructing a nuclear-powered merchant ship.

Mr. GROSS. Only ice breakers, in the case of Russia.

Mr. VAN ZANDT. Russia is constructing an icebreaker, and so are we.

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

Mr. VAN ZANDT. I yield to the gentleman from California.

Mr. HOSMER. I think the question asked by the gentleman from Iowa, however, has brought up a matter that we are going to have to deal with in the future as some of these ships do get on the line, and even in nuclear-powered stations on land. There is a need for some international standardization in connection with these liability and indemnity matters. The lack of that at the present time has a great deal of hampering effect on such things as the export of reactors and other atomic products.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

H. R. 13456 was laid on the table.

AMENDING THE FAIR LABOR STANDARDS ACT OF 1938

Mr. BARDEN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12967) to amend the Fair Labor Standards Act of 1938 with respect to the frequency of review of minimum wage rates established for Puerto Rico and the Virgin Islands, as amended.

The Clerk read as follows:

Be it enacted, etc., That section 8 of the Fair Labor Standards Act of 1938 is amended by striking out the last sentence of subsection (a) and inserting in lieu thereof: "Minimum rates of wages established in accordance with this section which are not equal to the minimum wage rate prescribed in paragraph (1) of section 6 (a) shall be reviewed by such a committee once during each biennial period, beginning with the biennial period commencing July 1, 1958, except that the Secretary, in his discretion, may order an additional review during any such biennial period."

The SPEAKER. Is a second demanded?

The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. ROOSEVELT. Mr. Speaker, H. R. 12967 just passed by the House was made necessary by the provisions of Public Law 381 of the 84th Congress requiring annual reviews of wage rates in Puerto Rico and the Virgin Islands. Both industry and labor found the frequency of such review burdensome and unnecessarily expensive. This bill provides for biennial review but also authorizes the Secretary of Labor to order additional reviews during the biennial period if conditions warrant.

The Department of Labor recommends this bill and it is estimated the Government will save approximately $120,000 of the $350,000 now required to conduct industry reviews. This, in these days seems almost infinitesimal but perhaps every little bit helps.

Mr. Speaker, I know of no objection to this bill and its enaction into law will contribute to the feeling of our fellow citizens in Puerto Rico that the Congress is truly alert to their needs.

DEVELOPMENT OF MINERAL RESOURCES

Mr. ROGERS of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3817) to provide a program for the discovery of the mineral reserves of the United States, its Territories, and

possessions by encouraging exploration for minerals, and for other purposes.

The Clerk read as follows:

Be it enacted, etc., That it is declared to be the policy of the Congress to stimulate exploration for minerals within the United States, its Territories, and possessions.

SECTION 1. The Secretary of the Interior is hereby authorized and directed, in order to provide for discovery of additional domestic mineral reserves, to establish and maintain a program for exploration by private industry within the United States, its Territories, and possessions for such minerals, excluding organic fuels, as he shall from time to time designate, and to provide Federal financial assistance on a participating basis for that purpose.

SEC. 2. (a) In order to carry out the purposes of this act, and subject to the provisions of this section, the Secretary is authorized to enter into exploration contracts with individuals, partnerships, corporations, or other legal entities which shall provide for such Federal financial participation as he deems in the national interest. Such contracts shall contain terms and conditions as the Secretary deems necessary and appropriate, including terms and conditions for the repayment of the Federal funds made available under any contract together with interest thereon, as a royalty on the value of the production from the area described in the contract. Interest shall be calculated from the date of the loan. Such interest shall be at rates which (1) are not less than the rates of interest which the Secretary of the Treasury shall determine the Department of the Interior would have to pay if it borrowed such funds from the Treasury of the United States, taking into consideration current average yields on outstanding marketable obligations of the United States with maturities comparable to the terms of the particular contracts involved and (2) plus 2 per centum per annum in lieu of recovering the cost of administering the particular contracts.

(b) Royalty payments received under paragraph (a) of this section shall be covered into the miscellaneous receipts of the Treasury.

(c) When in the opinion of the Secretary an analysis and evaluation of the results of the exploration project disclose that mineral production from the area covered by the contract may be possible he shall so certify within the time specified in the contract. Upon certification, payment of royalties shall be a charge against production for the full period specified in the contract or until the obligation has been discharged, but in no event shall such royalty payments continue for a period of more than 25 years from the date of contract. When the Secretary determines not to certify he shall promptly notify the contractor. When the Secretary deems it necessary and in the public interest, he may enter into royalty agreements to provide for royalty payments in the same manner as though the project had been certified.

(d) No provision of this act, nor any rule or regulation which may be issued by the Secretary shall be construed to require any production from the area described in the contract.

(e) The Secretary shall establish and promulgate such rules and regulations as may be necessary to carry out the purpose of this act: *Provided, however,* That he may modify and adjust the terms and conditions of any contract to reduce the amount and term of any royalty payment when he shall determine that such action is necessary and in the public interest: *Provided further,* That no such single contract shall authorize Government participation in excess of $250,000.

(f) No funds shall be made available under this act unless the applicant shall furnish evidence that funds from commercial sources are unavailable on reasonable terms.

SEC. 3. As used in this act, the term "exploration" means the search for new or unexplored deposits of minerals, including related development work, within the United States, its Territories and possessions, whether conducted from the surface or underground, using recognized and sound procedures including standard geophysical and geochemical methods for obtaining mineralogical and geological information.

SEC. 4. Departments and agencies of the Government are hereby authorized to advise and assist the Secretary of the Interior, upon his request, in carrying out the provisions of this act and may expend their funds for such purposes, with or without reimbursement, in accordance with such agreements as may be necessary.

SEC. 5. The Secretary of the Interior is authorized and directed to present to the Congress, through the President, on March 1 and September 1 of each year, a report containing a review and evaluation of the operations of the programs authorized in this act, together with his recommendations regarding the need for the continuation of the programs and such amendments to this act as he deems to be desirable.

SEC. 6. There are hereby authorized to be appropriated, from any funds in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act.

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ROGERS of Texas. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, this is a bill to create in the Department of the Interior an agency that has been known in the past as DMEA, Defense Minerals Exploration Administration. It was originally set up under the ODM of the Defense Production Act of 1950, and has been carried on under that authority up until July 1, 1958. Now, unless this bill is passed permitting this agency to continue in the Department of the Interior, it will expire. The reason for it in the first instance was to work out a partnership agreement to assist private industry in searching for and finding those minerals that we know as strategic minerals and metals, necessary to our economy and certainly necessary to our defense.

This bill simply takes out of the ODM that same organization and puts it into the Department of the Interior. It vests the Secretary of the Interior with discretionary power to participate in these mining operations, with a certain limitation; and to carry on this program as it has been carried on in the past, with the exception that in the future it will not be limited to strategic minerals and metals as outlined by the Office of Defense Mobilization but may be employed in regard to other minerals and metals. It will be within the discretion of the Secretary of the Interior to handle the matter and it is felt that that should be allowed.

The main need for this sort of thing is simply that we in this country have a serious shortage in the production of many strategic minerals and metals, mainly because those minerals and metals that were easy to get to or of which there were large ore bodies have simply been used up, and now you have to go further, you have to spend more money, you have to do more work, and it is not as inviting to private industry as it used to be, because they can put their money into other endeavors that will furnish them a greater return.

These minerals and metals are important to this country not only from the economic standpoint but from the defense standpoint, and certainly now with our advent into the space age it is highly necessary that the program be continued. That is the reason this bill has been introduced.

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

Mr. ROGERS of Texas. I yield to the gentleman from Iowa.

Mr. GROSS. As I understand, this agency or administration is being relocated from ODM to the Department of the Interior; is that correct?

Mr. ROGERS of Texas. That is exactly right.

Mr. GROSS. Is the gentleman saying to the House that in this relocation or transfer there will be no augmented staff, that the staff will remain the same, that they are not going to add more employees, as has often been the case?

Mr. ROGERS of Texas. Mr. Speaker, let me say this to the gentleman from Iowa. A portion of the staff that has been in ODM, as I understand, has been released in contemplation of the discontinuance of these duties by ODM. The staff that has been employed in carrying out this program will probably be the same, but there is an amendment that we put into this bill that I think will please the gentleman from Iowa. Let me point this out: Appropriations have to be approved by the Committee on Appropriations to carry on this work, anyway. That is one safeguard. But the Committee on Interior and Insular Affairs put in an amendment requiring a report on March 1 and on September 1 of each year; so that the Congress could keep a continuing watch on this type of program and avoid the very thing that the gentleman from Iowa, and rightfully so, is disturbed about.

Mr. GROSS. Mr. Speaker, I hope the gentleman's committee will look for the reports and see that this does not result in additional employees and in upgrading of employees.

Mr. ROGERS of Texas. I assure the gentleman that if my people choose to return me here, I shall be very happy to watch out for it.

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

Mr. ROGERS of Texas. I yield to the gentleman from West Virginia.

Mr. BAILEY. Mr. Speaker, I should like to ask the distinguished gentleman from Texas if there is any connection between this bill—I note that it bears Senate number—and the action taken by the Committee on Interior and Insular Affairs covering a 1-year special program for the purchase of copper?

Mr. ROGERS of Texas. No. This bill is not the incentive-payment bill. May

I say to the gentleman that as originally proposed this bill was a section of the bill proposed by the Secretary of the Interior with regard to the mining industry. But we felt, and the committee in the other body also felt that it was better to separate these matters so that they could be handled separately and the House could work its will upon them.

Mr. BAILEY. I thank the gentleman for the information.

Mr. METCALF. 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 Montana?

There was no objection.

Mr. METCALF. Mr. Speaker, the DMEA program has been one of the soundest programs to assist the small-mines industry in this country and to help assure continuous and expanding exploration and discovery to keep pace with our growing needs and demands. Other legislation pending is vital to offset current depressed metal prices but the long-term problem of developing ore reserves and locating and discovering new ore bodies is met with this bill.

To demonstrate the value of the defense minerals exploration program in small camps the production in the small town of Philipsburg, Mont.—population 1,048—is 75 percent from reserves discovered during the course of contracts between the DMEA and small mining operators in the district.

This bill making the DMEA a permanent agency and making it a part of the Interior Department is sound legislation, based on sound business principles. It will lead to the discovery of untold treasure in the mining areas of this country and through royalties on these discoveries the entire cost of the program will be returned to the Government. I urge the passage of the bill.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ALASKA INTERNATIONAL RAIL AND HIGHWAY COMMISSION

Mr. O'BRIEN of New York. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2933) to extend the life of the Alaska International Rail and Highway Commission and to increase its authorization.

The Clerk read as follows:

Be it enacted, etc., That (a) section 3 of the act entitled "An act to establish an Alaska International Rail and Highway Commission," approved August 1, 1956 (70 Stat. 888; 48 U. S. C. 338), as amended, is amended to read as follows: "The Commission is authorized to cooperate with the officials of the Dominion of Canada and of the Provinces of British Columbia and Alberta and with any commission or similar body appointed for such purpose by the Dominion of Canada or the Provinces of British Columbia or Alberta. The Secretary of State shall, at the request of the Commission, arrange for meetings with such officials and with such commissions or similar bodies of the Dominion of Canada or the Provinces of British Columbia and Alberta."

(b) Section 7 of such act is amended by striking out "not later than 2 years after the date of enactment of this act" and inserting in lieu thereof "at the earliest practicable time, but in no event later than February 1, 1960." Section 7 is further amended by striking out the last sentence thereof which reads as follows: "The Commission shall cease to exist, and all authority conferred by this act shall terminate, 30 days after the date of submission of the final report," and inserting in lieu thereof: "The Commission shall cease to exist for all intents and purposes, and all authority conferred by this act shall and does terminate 30 days after the date of the submission of the final report or on March 1, 1960, whichever date occurs first."

(c) Section 8 of such act is amended by striking out "$75,000" and inserting in lieu thereof "$300,000."

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second so that we may have an explanation of the bill.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. O'BRIEN of New York. Mr. Speaker, this bill would extend the life of the Alaska International Rail and Highway Commission and increase its authorization.

The Commission was created in 1956. The proposal before us now would enable the Commission to carry out the directions that were received at that time, namely, to make a thorough and complete study of the need for additional highway and rail transportation facilities connecting the continental United States with Central Alaska; to determine among other things economic and military advantages, the most feasible and direct routes with relation to the economic benefits to the United States, Canada, and Alaska, and finally, the most feasible routes connecting coastal ports and cities to those facilities.

Those responsibilities are very substantial. The Commission asked that its life be continued to permit this survey, that it be granted 18 months to complete the work, and that it have a continued appropriation of $300,000, which would include the original $75,000 appropriation.

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

Mr. O'BRIEN of New York. I yield to the gentleman from Iowa.

Mr. GROSS. How much money has been expended on this project previously?

Mr. O'BRIEN of New York. On this specific project?

Mr. GROSS. In relation to the railroad lines and highways, by any commission.

Mr. O'BRIEN of New York. There have been during the last 24 years I believe 4 investigations, some of them semimilitary in character, but in each instance the investigation was to determine the engineering feasibility of building highways, and so forth. We have now arrived at the point where we know these things. Now it must be determined whether there is the economic feasibility, if the various commodities are available in sufficient supply to warrant the investment in these transportation facilities.

Mr. GROSS. Was that not taken into consideration in previous surveys that have been made? How much money is to be spent, and when is this thing going to come to an end?

Mr. O'BRIEN of New York. The material we have from these previous surveys of course will be utilized and is being utilized by the Commission. We now know from these surveys about the engineering feasibility of these projects. Whether these previous studies were incomplete or failed to live up to the mandate of Congress I do not know, but they did not go into the economic feasibility. As we know, in every project, whether it is deepening a river or something else, an important matter to be considered is the economic feasibility: In other words, is the investment by private capital or Government justified in the light of the probable use of the facility?

Mr. GROSS. This provides for an appropriation of $387,500, does it not?

Mr. O'BRIEN of New York. No. The amount was reduced to $300,000. I might add that that included the original $75,000. It is $225,000 in new money.

I might explain that this is not going to be a haven for a great many seekers of jobs, because the bulk of the new money will be used for the survey. The survey will be made by an outside agency under contract. There are about 18 proposals now under consideration by the Commission.

May I add further that the Commission represents both the executive and legislative branches of the Government.

Mr. GROSS. I hope this will come to an end when the 18 months expire. I believe that is the termination point when the Commission proposes to wind up its affairs.

Mr. O'BRIEN of New York. I will assure the gentleman from Iowa that the very small part I may have, and I am a member of the Commission, will be dedicated to completing the work within the time specified in this bill.

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

Mr. O'BRIEN of New York. I yield.

Mr. McCORMACK. Mr. Speaker, I desire to announce for the information of the membership that I am putting on the program the following: H. R. 9020, which is on the whip notice and the bill, S. 607, relating to retirement, clerical assistants and free mailing privileges to former Presidents of the United States.

The SPEAKER. The question is: Will the House suspend the rules and pass the bill?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

The bill, H. R. 9856, was laid on the table.

KLAMATH INDIAN TRIBE

Mr. HALEY. Mr. Speaker, I move to suspend the rules and pass the bill (S.

3051) to amend the act terminating Federal supervision over the Klamath Indian Tribe by providing in the alternative for private or Federal acquisition of the part of the tribal forest that must be sold, and for other purposes, as amended.

The Clerk read the bill as follows:

Be it enacted, etc., That the act of August 13, 1954 (68 Stat. 718), is amended by adding a new section 28 as follows:

"SEC. 28. Notwithstanding the provisions of section 5 and 6 of the act of August 13, 1954 (68 Stat. 718), and all acts amendatory thereof—

"(a) The tribal lands that comprise the Klamath Indian Forest, and the tribal lands that comprise the Klamath Marsh, shall be designated by the Secretary of the Interior and the Secretary of Agriculture, jointly.

"(b) The portion of the Klamath Indian Forest that is selected for sale pursuant to subsection 5 (a) (3) of this act to pay members who withdraw from the tribe shall be offered for sale by the Secretary of the Interior in appropriate units, on the basis of competitive bids, to any purchaser or purchasers who agree to manage the forest lands as far as practicable so as to furnish a continuous supply of timber according to plans to be prepared and submitted by them for approval and inclusion in the conveyancing instruments in accordance with specifications and requirements referred to in the invitations for bids: Provided, That no sale shall be for a price that is less than the realization value of the units involved determined as provided in subsection (c) of this section. The terms and conditions of the sales shall be prescribed by the Secretary. The specifications and minimum requirements to be included in the invitations for bids, and the determination of appropriate units for sale, shall be developed and made jointly by the Secretary of the Interior and the Secretary of Agriculture. Such plans when prepared by the purchaser shall include provisions for the conservation of soil and water resources as well as for the management of the timber resources. Such plans shall be satisfactory to and have the approval of the Secretary of Agriculture as complying with the minimum standards included in said specifications and requirements before the prospective purchaser shall be entitled to have his bid considered by the Secretary of the Interior and the failure on the part of the purchaser to prepare and submit a satisfactory plan to the Secretary of Agriculture shall constitute grounds for rejection of such bid. Such plans shall be incorporated as conditions in the conveyancing instruments executed by the Secretary and shall be binding on the grantee and all successors in interest. The conveyancing instruments shall provide for a forfeiture and a reversion of title to the lands to the United States, not in trust for or subject to Indian use, in the event of a breach of such conditions. The purchase price paid by the grantee shall be deemed to represent the full appraised fair market value of the lands, undiminished by the right of reversion retained by the United States in a nontrust status, and the retention of such right of reversion shall not be the basis for any claim against the United States. The Secretary of Agriculture shall be responsible for enforcing such conditions. Upon any reversion of title pursuant to this subsection, the lands shall become national forest lands subject to the laws that are applicable to land acquired pursuant to the Act of March 1, 1911 (36 Stat. 961), as amended.

"(c) Within 60 days after this section becomes effective the Secretary of the Interior shall contract by negotiation with three qualified appraisers or three qualified appraisal organizations for a review of the appraisal approved by the Secretary pursuant to subsection 5 (a) (2) of this act, as amended. In such review full consideration shall be given to all reasonably ascertainable elements of land, forest, and mineral values. Not less than 30 days before executing such contracts the Secretary shall notify the chairman of the House Committee on Interior and Insular Affairs and the chairman of the Senate Committee on Interior and Insular Affairs of the names and addresses of the appraisers selected. The cost of the appraisal review shall be paid from tribal funds which are hereby made available for such purpose, subject to full reimbursement by the United States, and the appropriation of funds for that purpose is hereby authorized. Upon the basis of a review of the appraisal heretofore made of the forest units and marsh lands involved and such other materials as may be readily available, including additional market data since the date of the prior approval, but without making any new and independent appraisal, each appraiser shall estimate the fair market value of such forest units and marsh lands as if they had been offered for sale on a competitive market without limitation on use during the interval between the adjournment of the 85th Congress and the termination date specified in subsection 6 (b) of this act, as amended. This value shall be known as the realization value. If the three appraisers are not able to agree on the realization value of such forest units and marsh lands, then such realization values shall be determined by averaging the values estimated by each appraiser. The Secretary shall report such realization values to the chairman of the House Committee on Interior and Insular Affairs and to the chairman of the Senate Committee on Interior and Insular Affairs not later than January 15, 1959. No sale of forest units that comprise the Klamath Indian forest designated pursuant to subsection 28 (a) shall be made under the provisions of this act prior to April 1, 1959.

"(d) If all of the forest units offered for sale in accordance with subsection (b) of this section are not sold before July 1, 1961, the Secretary of Agriculture shall publish in the Federal Register a proclamation taking title in the name of the United States to as many of the unsold units or parts thereof as have, together with the Klamath Marsh lands acquired pursuant to subsection (f) of the section, an aggregate realization value of not to exceed $90 million, which shall be the maximum amount payable for lands acquired by the United States pursuant to this act. Compensation for the forest lands so taken shall be for the realization value of the lands determined as provided in subsection (c) of this section, unless a different amount is provided by law enacted prior to the proclamation of the Secretary of Agriculture. Appropriation of funds for that purpose is hereby authorized. Payment shall be made as soon as possible after the proclamation of the Secretary of Agriculture. Such lands shall become national forest lands subject to the laws that are applicable to lands acquired pursuant to the Act of March 1, 1911 (36 Stat. 961), as amended. Any of the forest units that are offered for sale and that are not sold or taken pursuant to subsection (b) or (d) of this section shall be subject to sale without limitation on use in accordance with the provisions of section 5 of this act.

"(e) If at any time any of the tribal lands that comprise the Klamath Indian Forest and that are retained by the tribe are offered for sale other than to members of the tribe, such lands shall first be offered for sale to the Secretary of Agriculture, who shall be given a period of 12 months after the date of each such offer within which to purchase such lands. No such lands shall be sold at a price below the price at which they have been offered for sale to the Secretary of Agriculture, and if such lands are reoffered for sale they shall first be reoffered to the Secretary of Agriculture. The Secretary of Agriculture is hereby authorized to purchase such lands subject to such terms and conditions as to the use thereof as he may deem appropriate, and any lands so acquired shall thereupon become national forest lands subject to the laws that are applicable to lands acquired pursuant to the act of March 1, 1911 (36 Stat. 961), as amended.

"(f) The lands that comprise the Klamath Marsh shall be a part of the property selected for sale pursuant to subsection 5 (a) (3) of this act to pay members who withdraw from the tribe. Title to such lands is hereby taken in the name of the United States, effective July 1, 1961. Such lands are designated as the Klamath Forest National Wildlife Refuge, which shall be administered in accordance with the law applicable to areas acquired pursuant to section 4 of the act of March 16, 1934 (48 Stat. 451), as amended or supplemented. Compensation for said taking shall be the realization value of the lands determined in accordance with subsection (c) of this section, and shall be paid out of funds in the Treasury of the United States, which are hereby authorized to be appropriated for that purpose.

"(g) Any person whose name appears on the final roll of the tribe, and who has since December 31, 1956, continuously resided on any lands taken by the United States by subsections (d) and (f) of this section, shall be entitled to occupy and use as a homesite for his lifetime a reasonable acreage of such lands, as determined by the Secretary of Agriculture, subject to such regulations as the Secretary of Agriculture may issue to safeguard the administration of the national forest and as the Secretary of the Interior may issue to safeguard the administration of the Klamath Forest National Wildlife Refuge.

"(h) If title to any of the lands comprising the Klamath Indian Forest is taken by the United States, the administration of any outstanding timber sales contracts thereon entered into by the Secretary of the Interior as trustee for the Klamath Indians shall be administered by the Secretary of Agriculture.

"(i) All sales of tribal lands pursuant to subsection (b) of this section or pursuant to section 5 of this act on which roads are located shall be made subject to the right of the United States and its assigns to maintain and use such roads."

SEC. 2. Section 4 of the act of August 13, 1954, is amended by adding thereto a new sentence reading thus: "Property which this section makes subject to inheritance or bequest and which is inherited or bequeathed after August 13, 1954, and prior to the transfer of title to tribal property as provided in section 6 of this act shall not be subject to State or Federal inheritance, estate, legacy, or succession taxes."

SEC. 3. No funds distributed pursuant to section 5 of the act of August 13, 1954, as amended, to members who withdraw from the tribe shall be paid to any person as compensation for services pertaining to the enactment of said act or amendments thereto and any person making or receiving such payments shall be guilty of a misdemeanor and shall be imprisoned for not more than 6 months and fined not more than $500.

SEC. 4. The Secretary of the Interior is directed to terminate the contract between him and the management specialists by giving immediately the 60-day notice required by paragraph 18 of such contract. When the contract is terminated, all of the functions of the management specialists under section 5 of the act of August 13, 1954, as amended, shall be performed by the Secretary.

SEC. 5. Nothing in this act shall in any way modify or repeal the provisions of subsection 5 (a) of the act of August 13, 1954 (68 Stat. 718), as amended, providing for and requiring members of the Klamath Tribe to elect to

withdraw from or remain in the tribe, following review of the appraisal of the tribal property.

SEC. 6. The first proviso of subsection 5 (a) (3) of the act of August 13, 1954 (68 Stat. 718), relating to distributions in $200,000 installments, is repealed.

SEC. 7. The second proviso of subsection 5 (a) (3) of said act, as amended, relating to Indian preference rights, is further amended by deleting "any individual Indian purchaser may apply toward the purchase price all or any part of the sum due him from the conversion of his interest in tribal property" and by inserting in lieu thereof "any individual Indian purchaser who has elected to withdraw from the tribe may apply toward the purchase price up to 100 percent of the amount estimated by the Secretary to be due him from the sale or taking of forest and marsh lands pursuant to subsections 28 (b), 28 (d), and 28 (f) of this act, and up to 75 percent of the amount estimated by the Secretary to be due him from the conversion of his interest in other tribal property."

SEC. 8. The act of August 13, 1954 (68 Stat. 718), is amended by adding at the end of subsection 5 (a) (5) the following sentence: "If no plan that is satisfactory both to the members who elect to remain in the tribe and to the Secretary has been prepared 6 months before the time limit provided in subsection 6 (b) of this act, as amended, the Secretary shall adopt a plan for managing the tribal property, subject to the provisions of section 15 of this act, as amended."

SEC. 9. Except as provided below the provisions of the act of August 13, 1954 (68 Stat. 718), as amended, shall not apply to cemeteries within the reservation. The Secretary is hereby authorized and directed to transfer title to such properties to any organization authorized by the tribe and approved by him. In the event such an organization is not formed by the tribe within 18 months following enactment of this act, the Secretary is directed to perfect the organization of a nonprofit entity empowered to accept title and maintain said cemeteries, any costs involved to be subject to the provisions of section 5 (b) of said act of August 13, 1954, as amended.

SEC. 10. Subsection (b) of section 6 of the act of August 13, 1954 (68 Stat. 718), as amended, is further amended by striking out "6 years" and inserting in lieu thereof "7 years."

SEC. 11. Subsection 8 (b) of the act of August 13, 1954 (68 Stat. 718), as amended, is further amended by changing the colon to a period and by deleting the following language: *"Provided*, That the provisions of this subsection shall not apply to subsurface rights in such lands, and the Secretary is directed to transfer such subsurface rights to one or more trustees designated by him for management for a period not less than 10 years."

The SPEAKER. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HALEY. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado [Mr. ASPINALL].

Mr. ASPINALL. Mr. Speaker, in considering the legislation now before the House, it is necessary to take into consideration the purposes of the bill and to consider somewhat the background that causes this measure to be here today. The principal purposes of this bill, as amended, are to provide for a review of the appraisal of the real property assets of the Klamath Indian Tribe heretofore made under the Klamath Termination Act of August 3, 1954. Second, to provide with more certainty and clarity than the law now does the price at which and the conditions under which those assets which must be disposed of to reimburse withdrawing members of the tribe shall be offered for sale. Third, to assure continued management of the Klamath Forest so as to yield a continuous supply of timber during the years to come. Fourth, to provide for Federal acquisition of the Klamath Marsh as a wildlife refuge. And, last, to provide for Federal acquisition of such of the Klamath Forest units as are not retained by the tribe or purchased by private parties.

The act which we are amending was approved on August 13, 1954, and its purpose was to permit Federal withdrawal for those of the Klamath Indian Tribe who wished to get out from under Federal supervision and to make division of the property; to make possible the necessary payments to those Indians who wish to withdraw from the tribe; and also to make it possible to retain in the ownership of the tribe the property of those who wish to remain in the tribe organization.

We have run into a great deal of trouble because we were unable to foresee the many difficulties that would arise in this enormous program. This is 1 of the 2 more unfortunate tribes for which termination was decided as a possible alternative to our care over Indians who have from the beginning of our national existence been considered as wards of the United States Government. The first of the two tribes considered for termination has been the Menominee and we have fairly well taken care of their program. The second is the Klamath Indian Tribe. This is a wealthy tribe. This is an advanced tribe. Because this tribe possesses a great deal of wealth it has been necessary that we provide for an equitable division of their property. We provided in the original law that there would be an appraisal of all tribal property and we would give each member of the tribe an opportunity to withdraw from the tribe and get his share; or, to stay within the organization, and have his property considered held in joint ownership. Also, we have provided a procedure by which we can determine and select a portion of the tribal property which, if sold or transferred, would provide sufficient funds to pay withdrawing members in cash.

We also caused a master plan to be prepared by direction of the Secretary. In providing this, we provided for the employment of three specialist land managers. They have been working on this program ever since their appointment by the Secretary of the Interior. We now find ourselves in a position where it appears that there are more withdrawing members than was expected. It is necessary to make disposition of more of the property than was originally intended for the purpose of securing cash. It is only justice that the Indians should receive every cent that is coming to them and that they should not be in a position of having to be the beneficiaries of the forced sale. This amendment that we propose today provides that if the property which is mostly in the form of valuable timber is not sold to private industry by a certain date, then such property will be taken over by public ownership, to be made a part of the Forest Service lands of the United States.

We have endeavored to provide that there shall be used a method of harvesting the timber which will protect the natural resource values which we have in that area. Accordingly, instead of providing for a sustained yield program, which by the way, does not mean everything that it seemingly does to many of the public, we are using the wording provided in the Forest Service law. That is, we provide for a continuous sale of timber in those areas where the timber can be harvested orderly and thus protect all of the timber values.

The SPEAKER. The time of the gentleman from Colorado has again expired.

Mr. SAYLOR. Mr. Speaker, I yield 5 minutes to the gentleman from Montana [Mr. METCALF].

Mr. METCALF. Mr. Speaker, this legislation was transmitted to Congress on January 13, 1958, by the Secretary of the Interior, Hon. Fred A. Seaton. In his letter Mr. Seaton said:

> The purpose of the bill is to assure the continued sustained-yield management of the part of the Klamath Indian Forest that must be sold in order to pay the members who withdraw from the tribe, and at the same time make certain that the Indians receive the fair market value of the part of the forest this is sold.

In the bill as it passed the other body there are three places where the term "sustained yield" is used. When Mr. Hatfield Chilson, Under Secretary of the Interior, testified before the House Interior Committee in support of the bill he said:

> The two basic objectives that will be accomplished by this bill are: (1) preservation of the Klamath Forest by assuring its management on a sustained-yield basis; and (2) assurance that the Indians will receive the fair market value of the part of the Klamath Forest that is sold to carry out the purposes of the act.

The Senate report on S. 3051 declares:

> The primary purpose of S. 3051 is to provide for the continued sustained-yield management of that part of the Klamath Indian Forest which must be sold to pay the tribal members who withdraw from the tribe, and at the same time make certain that the Indians receive the fair market value of the part of the forest that is sold.

In spite of this constant reiteration that the primary objective of the legislation is continued sustained yield the three references to sustained yield in the bill have been stricken and the provision substituted that would require management of the lands as far as practicable so as "to furnish a continuous supply of timber."

The gentleman from Colorado [Mr. ASPINALL] has helped explain this somewhat and the committee has explained in the House report that the words "to furnish a continuous supply of timber" were taken verbatim from the 1897 act

which has been the "guiding conservation principle under which the national forests have been managed since 1897." And as pointed out in the Senate report "the entire national forest system has been in sustained yield management since 1897."

The reason given by the committee in the report that the words "to furnish a continuous supply" were used is so that there will not be imposed more stringent requirements on the management of these lands than other national forest areas.

I would like to inquire of the gentleman if there is intention to impose less stringent requirements than on other national forest lands.

Mr. ASPINALL. That is not the intention of this. The intention is to provide that in those areas where you can operate under a sustained yield—there is a part of this where that would be impossible—we provide for the harvesting of the timber that is ready to harvest so that the Indians themselves may receive the benefits. In those areas where you can carry on a timber operation, keep going continuously as the Forest Service endeavors to do under this law, then we intend that Forest Service practices shall apply to this operation.

Mr. METCALF. Would it be right to say that you want to impose on this land the same requirements as all other national forest lands?

Mr. ASPINALL. That is correct.

Mr. METCALF. And when you say you want "to cover the scientific management in perpetuity," that means that you want to have a balance between the annual growth and the annual harvest insofar as it is possible and do that in perpetuity?

Mr. ASPINALL. The gentleman is correct.

Mr. METCALF. I thank the gentleman and thank the gentleman from Pennsylvania [Mr. SAYLOR] for yielding to me so that I could make this inquiry.

Mr. SAYLOR. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I am delighted that the gentleman from Montana [Mr. METCALF] asked the question he did, because I think it will do a great deal to clear up questions in the minds not only of Members of Congress but many other people in the country who are interested in what happens to the Klamath Forest. These lands will be held to the same standards of all our national forests.

One of the principal things this bill does, and one of the principal reasons why it should be enacted into law, is that it provides that the Klamath Marsh, which is a part of the Klamath Forest, shall be defined, its boundaries shall be fixed by the Secertary of Agriculture and the Secretary of the Interior; that it shall become a part of the property that is managed by the Department of Fish and Wildlife of the Department of Interior and shall be administered as the Klamath Forest Wildlife Refuge. This is enough to merit the Members of Congress voting for this bill.

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

Mr. SAYLOR. Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota [Mr. BERRY].

Mr. BERRY. Mr. Speaker, this is not an Indian bill we are considering today—it is a conservation bill. A conservation bill authorized at the expense of the Klamath Indians.

The history back of this legislation is briefly this: For 40 years the Indian people of the Klamath Indian Reservation have been repeating the cry of Patrick Henry to "give me liberty." The 83d Congress attempted to do just that and passed 68 Stat. 718, which provided for a sale of the timberlands on the reservation to make distribution of the assets of the tribe to those members of the tribe who wished to withdraw from tribal ownership. In order to obtain the best price possible for the Indian people the law provided for sale of the timberlands in reasonably small tracts. The purpose being to provide more spirited bidding and greater revenues for the Indians.

This would have been good except for two things; first, the conservationist groups became alarmed that by selling the timber without cutting restrictions the forests would be "clear cut" and great damage would be done to a large forest area. Secondly, there is on this reservation a great marsh, the famous Klamath Marsh, which is a very fine nesting place for waterfowl and the most valuable flyway along the west coast. This marsh is fed and sustained by waters seeping down the mountainsides through the underbrush and timber cover, gradually feeding it with water throughout the year.

Conservationists envisioned that a clear cutting of the timber would result in waters rushing down the mountainside and into the rivers, destroying or at least reducing the value of the marsh for wildlife.

The result has been a compromise between the conservationists and the Department of Interior which provides that this reservation property shall be sold—not at market price nor at market value, but at what is called a realization value.

Instead of the timber being sold for the best possible cash price, it will be offered for sale in large units. Before a prospective purchaser can place a bid on the property he must submit a plan of cutting the timber on a sustained yield basis. If his plan is approved he is permitted to bid. If his bid is successful he pays cash for his purchase but—if, down through the years he fails to strictly comply with his cutting program to the full satisfaction of some Government forester assigned to that area, title to the property reverts to the United States and he is out.

The bill further provides that in the event no private enterpriser is enterprising enough to risk his cash in such a Government controlled venture, that then the land shall be sold to the United States Government at the so-called realization price and be placed in the national forest. Those of us who are opposed to Government ownership, particularly Government purchase of private property for use and control by the Federal Government, are reluctant to go along with this provision.

But, Mr. Speaker, that I could overlook except for one thing. Who pays for this conservation program? Who pays the difference between the cash value of this land and this forest, and the so-called realization value? Is it the people who benefit from having a fine stand of sustained timber on this land? Is it the people of Oregon or the people of the United States generally? No—Mr. Speaker, it is the Indians of the Klamath Reservation and no one else.

This is the price they are asked to pay for their freedom.

When it comes to the marshland, much of which is desired by the ranchers and stockmen who are members of the tribe and who want to use their settlement moneys to purchase some of this land for their cattle operations, are they permitted to buy their own lands from the tribe?

They are not. The bill provides that the Federal Government shall purchase all of these lands at the appraised realization value and it be turned over to the Division of Fish and Wildlife to be maintained for conservation purposes.

Does anyone imagine that this provision was placed in the bill at the request of the Klamath Indians? Certainly it was not. This is probably the first instance in history where public property is not even offered for sale to the highest bidder. It is probably the only instance where property is taken from individual and tribal owners without thought or consideration of due process. The owners are given no right of appeal to any court. The Congress simply says "You people are wards of the Federal Government and as such we set the value—not the cash value, but the realization value—on your property."

No, Mr. Speaker; who pays for this finest of all waterfowl nesting grounds on the west coast? Who pays for this wonderful flyway? Is it the sportsmen who benefit, is it the people of the Nation generally? No, it is the Klamath Indians.

I do not think there is anyone who opposes maintaining this marsh for wildlife. I do not think there is anyone who opposes proper conservation practices in the maintaining of this forest—but there are many of us who oppose taking it away from the Indians without paying them the actual value of their property and that value is the difference between the appraised or realization price and the price it would bring if sold on the open market without restrictions.

There is another interesting complication in this whole matter. Several years ago the Bureau of Reclamation made a survey of the water storage potential on this reservation. They reported four very good dam sites on this area. Dam sites for power and water on the west coast are becoming limited and are a valuable asset to the area. This value will be lumped in and the Indians will receive nothing for it.

I indicated at the outset that this is not an Indian bill. It is a conservation bill with the Indians being required to pay the difference between the sale value

of their land and property without restrictions and the fire-sale value, called "realization" value.

This is the price the Indians of this reservation are required to pay for their freedom from Government regulation and control. Possibly it is worth it to them, but in my book the price comes pretty high.

Mr. HALEY. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon [Mr. ULLMAN].

Mr. ULLMAN. Mr. Speaker, the problems facing the Klamath Indian Tribe in Oregon have been actively before the Congress since 1954. The legislation before the House today is an honest attempt to permanently dispose of these recurring problems. It is a joint attempt which has the support not only of the House Committee on Interior and Insular Affairs which has reported out this bill, but also by the Department of the Interior which actively supports this measure.

The urgency of S. 3051 arises from the fact that the 1954 Termination Act created many unforeseen complications of a grave and far-reaching nature. These complications affect not only the Indians who are directly involved, but also the the reservation lands and the entire future of the timber resources found on the reservation lands and the entire economy of the Klamath Basin.

The Klamath Indian Reservation lands consist of 861,125 acres, of which approximately 665,000 acres are classed as commercial timberland. Included in this timbered area are some of the finest stands of ponderosa pine to be found anywhere in the world. In addition, the reservation contains 15,967 acres of marshland which is a major wildlife habitat.

Clearly then, the reservation lands provide one of the great natural resource areas still remaining in this country. The effect of the 1954 Termination Act on these resources would have been disastrous. It would have dismembered the whole reservation, with no restrictions on timber cutting and no thought as to the effect on the economy of the area. "Clear cutting" of the timberlands would have been the inevitable result and, thus, one of America's outstanding resources would have been destroyed.

Mr. Speaker, last year Congress wisely enacted stop-gap legislation to delay the sale of reservation lands for 1 year in order to give to the Department of Interior and Congress an opportunity to formulate a program which would provide a permanent solution to this complex problem. Such a program is presented today in the form of S. 3051 as amended by the House Committee on Interior and Insular Affairs. Under the provisions of this bill sales to private bidders will be allowed. The valuable timberlands will be divided into approximately 10 tracts which will be sold subject to restrictions which will insure scientific timber management. Any of these tracts which are not purchased by private interests will be acquired by the Federal Government at a price that will insure adequate compensation for tribal members. Fringe areas suitable for grazing and farming will be sold to private bidders, with members of the tribe receiving first consideration.

Those Indians who did not elect to withdraw from the tribe—approximately 22 percent—will hold select timber areas which will be placed under trusteeship management. Withdrawing Indians will receive an appropriate share of the proceeds from the sale of the reservation; minors and those Indians judged incompetent will have their funds placed in trusteeship under a competent trust organization which will insure long-term, sound management.

S. 3051 also calls for a review of the appraisal to be carried on by three qualified appraisers or appraisal organizations. This review is to be accomplished by January 1, 1959. Sale of timber units is accordingly delayed until April 1, 1959. However, in order to provide for the pressing needs of the lumber economy of the Klamath Falls area, provision has been made for the immediate sale of noncommercial timber found on the fringe areas of the reservation. In addition, it is anticipated that there will be marketed in the near future, under sound timber management practices, an estimated 93 million board feet of timber from the tract of land which is to be retained by those tribal members who did not elect to withdraw.

Mr. Speaker, this is a sound legislative approach to a complex problem and one whch will provide an equitable solution for all concerned. It is fair to the Indians, protects the economy of the Klamath Basin and insures the wise and perpetual management of the natural resources found on the reservation.

I trust that Congress will give this legislation the full support which I believe it deserves.

Mr. HALEY. 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 Florida?

There was no objection.

Mr. HALEY. Mr. Speaker, for many years the Congress has been struggling with the problem of terminating Federal supervision over Indian tribes whose members are ready to manage their own affairs. The Klamath Tribe is one of these. In 1954 we passed an act which provided that the members of this tribe should be allowed to elect whether to stay in the tribe or to get out. It also provided that the tribal assets—the great bulk of which are forest lands—should be divided. Enough were to be sold to pay each withdrawing member of the tribe his per capita share in cash. The rest were to be retained and turned over to the remaining members of the tribe organized as a corporation or in some other form. All of this was to be done and Federal supervision was to be terminated by this fall.

At the time this legislation was passed, some of us were doubtful whether it would work. Others were convinced that it would. I think time has vindicated the doubters.

Back in 1954 it was estimated that perhaps 25 percent of the tribe would vote to withdraw. The market could probably have absorbed a sale of 25 percent of the tribal timberlands over a reasonable time. But now, it turns out, nearly 78 percent of the members want to withdraw and it is clear to all that the market cannot absorb over 500,000 acres of timberland in any short period without disastrous consequences to the Indians themselves, to the lumber industry, and to the whole economy of the Klamath basin in and out of Oregon.

Many of my committee colleagues, and others also, believe that another important factor in the picture is that of maintaining the forest on a scientific management basis. Probably if 25 percent of the forest were sold and 75 percent retained in tribal ownership this would not be an overly serious question. But with the figures reversed, it is a matter of first-rate importance. For 50 years sustained-yield cutting has been practiced in this area. To switch now to clear cutting for 75 percent of the forest would, according to the testimony we received, lead to disastrous consequences not only to the lumber market but also to very many and important downstream interests.

So I come to the bill before us. There was general and widespread recognition that something had to be done. There was great diversity of opinion on what should be done. My personal preference would have been for a simple stop-gap piece of legislation giving more time for consideration of the problems and for disposal of the timberlands instead of the kind we have. But many viewpoints had to be reconciled, and the present bill is the result of much soul searching on the part of all concerned. It came to us first as a measure recommended by the administration. This was somewhat modified in the other body. It has been still further modified in our committee. Perhaps there will be more modifications in conference.

But what the bill boils down to is this:

First. As it comes to the floor the bill provides for a review appraisal of the timber and marshlands held by the Klamath Tribe. This review is to be completed and reported to Congress by next January. There has been so much question whether the appraisal that has already been made includes all elements of value that ought to be considered—water rights, for instance, and minerals as well as timber itself—that we think this review is a must.

Second. The amended bill provides for selling the forest units to private purchasers who agree to manage them so as to furnish a continuous supply of timber. The sale will be on the basis of competitive bids with the so-called realization value of the lands as an upset price. I think it only fair to say that there is no guaranty that the forest units can be sold under these conditions, but it is the administration's recommendation and the Senate's recommendation and our committee's recommendation, so I do no more than mention my personal doubts.

Third. S. 3051 provides for acquisition by the Forest Service of any units that remain unsold to private purchasers. How many there will be, I cannot say. It may be all of them or it may be few. There is, in any event, a $90 million limitation in the bill on what may be

appropriated for the acquisition of these lands and the marshlands that I will mention in a minute. Unless the review appraisal comes up with some radically different figure from what we now have, this amount will be sufficient.

Fourth. The bill provides for acquisition of the Klamath Marsh by the Secretary of the Interior to be maintained as a national wildlife refuge. The price to be paid for these lands—approximately 23,000 acres for $407,000—is a part of the $90 million I have already mentioned.

These are the principal points that need to be mentioned in connection with S. 3051, though it also covers a number of other minor points.

As I said before, the Klamath termination problem has been with us for a long time. This legislation may or may not give the final answer. I am afraid that it may lead to Federal ownership. But at this late date, we have gone the only direction we could, given the administration's and the other body's positions and the conscientious views of my colleagues. If some such legislation as this does not pass, the timberlands will go on the auction block next month. This bill has at least the merit of preserving the status quo until next Congress and, if further consideration has to be given to it then, we will still be open for business.

The SPEAKER pro tempore (Mr. HARRIS). The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AMENDING SECTION 31 OF THE ORGANIC ACT OF GUAM

Mr. O'BRIEN of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12569) to amend section 31 of the Organic Act of Guam, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted, etc., That section 31 of the Organic Act of Guam (64 Stat. 384, 392; 48 U. S. C., 1952 edition, sec. 1421i), is amended to read as follows:

"(a) The income-tax laws in force in the United States of America and those which may hereafter be enacted shall be held to be likewise in force in Guam.

"(b) The income-tax laws in force in Guam pursuant to subsection (a) of this section shall be deemed to impose a separate Territorial income tax, payable to the government of Guam, which tax is designated the 'Guam Territorial income tax'.

"(c) The administration and enforcement of the Guam Territorial income tax shall be performed by or under the supervision of the Governor. Any function needful to the administration and enforcement of the income-tax laws in force in Guam pursuant to subsection (a) of this section shall be performed by any officer or employee of the government of Guam duly authorized by the Governor (either directly, or indirectly by one or more redelegations of authority) to perform such function.

"(d) (1) The income-tax laws in force in Guam pursuant to subsection (a) of this section include but are not limited to the following provisions of the Internal Revenue Code of 1954, where not manifestly inapplicable or incompatible with the intent of this section: Subtitle A (not including chapter 2 and section 931); chapters 24 and 25 of subtitle C, with reference to the collection of income tax at source on wages; and all provisions of subtitle F which apply to the income tax, including provisions as to crimes, other offenses, and forfeitures contained in chapter 75. For the period after 1950 and prior to the effective date of the repeal of any provision of the Internal Revenue Code of 1939 which corresponds to one or more of those provisions of the Internal Revenue Code of 1954 which are included in the income-tax laws in force in Guam pursuant to subsection (a) of this section, such income-tax laws include but are not limited to such provisions of the Internal Revenue Code of 1939.

"(2) The Governor or his delegate shall have the same administrative and enforcement powers and remedies with regard to the Guam Territorial income tax as the Secretary of the Treasury, and other United States officials of the executive branch, have with respect to the United States income tax. Needful rules and regulations for enforcement of the Guam Territorial income tax shall be prescribed by the Governor. The Governor or his delegate shall have authority to issue, from time to time, in whole or in part, the text of the income-tax laws in force in Guam pursuant to subsection (a) of this section.

"(e) In applying as the Guam Territorial income tax the income-tax laws in force in Guam pursuant to subsection (a) of this section, except where it is manifestly otherwise required, the applicable provisions of the Internal Revenue Codes of 1954 and 1939, shall be read so as to substitute 'Guam' for 'United States', 'Governor or his delegate' for 'Secretary or his delegate', 'Governor or his delegate' for 'Commissioner of Internal Revenue' and 'Collector of Internal Revenue', 'District Court of Guam' for 'district court' and with other changes in nomenclature and other language, including the omission of inapplicable language, where necessary to effect the intent of this section.

"(f) Any act or failure to act with respect to the Guam Territorial income tax which constitutes a criminal offense under chapter 75 of subtitle F of the Internal Revenue Code of 1954, or the corresponding provisions of the Internal Revenue Code of 1939, as included in the income-tax laws in force in Guam pursuant to subsection (a) of this section, shall be an offense against the government of Guam and may be prosecuted in the name of the government of Guam by the appropriate officers thereof.

"(g) The government of Guam shall have a lien with respect to the Guam Territorial income tax in the same manner and with the same effect, and subject to the same conditions, as the United States has a lien with respect to the United States income tax. Such lien in respect of the Guam Territorial income tax shall be enforceable in the name of and by the government of Guam. Where filing of a notice of lien is prescribed by the income-tax laws in force in Guam pursuant to subsection (a) of this section, such notice shall be filed in the Office of the Clerk of the District Court of Guam.

"(h) (1) Notwithstanding any provision of section 22 of this act or any other provision of law to the contrary, the District Court of Guam shall have exclusive original jurisdiction over all judicial proceedings in Guam, both criminal and civil, regardless of the degree of the offense or of the amount involved, with respect to the Guam Territorial income tax.

"(2) Suits for the recovery of any Guam Territorial income tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, under the income-tax laws in force in Guam, pursuant to subsection (a) of this section, may, regardless of the amount of claim, be maintained against the government of Guam subject to the same statutory requirements as are applicable to suits for the recovery of such amounts maintained against the United States in the United States district courts with respect to the Unied States income tax. When any judgment against the government of Guam under this paragraph has become final, the Governor shall order the payment of such judgments out of any unencumbered funds in the treasury of Guam.

"(3) Execution shall not issue against the Governor or any officer or employee of the government of Guam on a final judgment in any proceeding against him for any acts or for the recovery of money exacted by or paid to him and subsequently paid into the treasury of Guam, in performing his official duties under the income-tax laws in force in Guam pursuant to subsection (a) of this section, if the court certifies that—

"(A) probable cause existed; or

"(B) such officer or employee acted under the directions of the Governor or his delegate.

"When such certificate has been issued, the Governor shall order the payment of such judgment out of any unencumbered funds in the treasury of Guam.

"(4) A civil action for the collection of the Guam Territorial income tax, together with fines, penalties, and forfeitures, or for the recovery of any erroneous refund of such tax, may be brought in the name of and by the government of Guam in the District Court of Guam or in any district court of the United States or in any court having the jurisdiction of a district court of the United States.

"(5) The jurisdiction conferred upon the District Court of Guam by this subsection shall not be subject to transfer to any other court by the legislature, notwithstanding section 22 (a) of this act."

SEC. 2. Income taxes heretofore assessed by the authorities of the government of Guam pursuant to, or under color of, section 31 of the Organic Act of Guam, the collection of such taxes, and all acts done to effectuate such assessment and collection are hereby legalized, ratified and confirmed as fully, to all intents and purposes, as if section 1 of this act (subsections (b) to (g), inclusive, of which are hereby declared to express the true intendment of said section 31 as it was prior to enactment of this act) had then been in full force and effect: *Provided*, That if it shall be judicially determined that, except for the enactment of this act, an assessment or collection of such taxes or an act done or required to be done in order to effectuate such assessment and collection would not, in the particular circumstances of the case, have been lawful under said section 31 as it was prior to enactment of this act, no penalty shall be imposed for failure to have made timely payment of such taxes or to have complied at the prescribed time with a requirement intended to effectuate the assessment and collection thereof, but such penalty shall be imposed for any failure to make payment or to comply which continues more than 60 days from the date of this act.

The SPEAKER pro tempore. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

Mr. O'BRIEN of New York. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

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

There was no objection.

Mr. O'BRIEN of New York. Mr. Speaker, the purpose of this bill is rather simple; it is to clarify and restate something Congress did in 1951, to restate section 31 of the Organic Act of Guam, and to ratify assessments and collections of income taxes that have heretofore been made by the Guamanian authorities under section 31.

Under the support of that particular section voted by Congress the Internal Revenue Department has been supported by the Judiciary in various decisions. The question has been raised that section 31 did not give the government of Guam authority to assess and collect these taxes, and that, even if it did, many of the taxpayers were exempt under the 1954 section of the Internal Revenue Code.

It boils down to this: If these litigants, who have no judicial decisions behind them at this time, are successful they will be in a position to collect $23 million. That $23 million will not come from Guam; it will come from the Treasury of the United States.

These are people who contend that they should have been exempted under the wording of section 31 from the payment of an income tax. They are mostly construction workers who went over to Guam. If we pass this legislation we will not be imposing a double burden on them; we will be merely collecting or holding what we have already collected from them, the amounts which other people pay in income taxes.

If we do not pass this bill there is a possibility that they will have a bonanza of about $23 million. The continuing effect would be beyond this point, the loss of $3 million a year in income to the government of Guam would mean probably the collapse of the financial structure there. I might say that this legislation was indorsed before our committee by some 5,000 residents of Guam. It is supported by the Governor and as far as I can see all of the officials of Guam.

Mr. SAYLOR. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, when the Organic Act of Guam was debated on the floor of the House, the gentleman from Nebraska [Mr. MILLER] offered the amendment which became section 31. Under that amendment it was the intention, as is shown by the RECORD, that all of the people who live on Guam shall pay an income tax imposed by the Territory of Guam based on the income tax laws of the United States.

Section 31 of the Guam Organic Act has been taken to the courts by several groups and there are several divergent court opinions. If this bill is not passed, it may have the effect of costing the Federal Government as much as $23 million in refund payments and the Territory of Guam as much as $3 million a year in current income. In effect this will mean that these people will escape paying any income tax to Guam or to the United States.

The enactment of this bill will cost the United States Government nothing and will make sure no unjust enrichment occurs to anyone. I urge the Members to support this bill.

Mr. Speaker, I yield such time as he may desire to the gentleman from Nebraska [Mr. MILLER].

Mr. MILLER of Nebraska. Mr. Speaker, the gentleman from Pennsylvania [Mr. SAYLOR] and the gentleman from New York [Mr. O'BRIEN] have brought into perspective the problem involved here; that is, the payment of income taxes in Guam.

I think it was in 1950 when I was in Guam I discovered the construction workers and the people of Guam, who had received increased wages because they were living in that nice climate, were not paying any income taxes of any kind nor any withholding taxes. I came back with a feeling that something ought to be done about it.

The amendment, section 31, to the Guam Organic Act was placed in the legislation on the floor of the House. The amendment had been discussed in committee and it failed, I believe by a tie vote or a very close vote, at that time in the committee.

The House in 1951 wisely decided that the people living on Guam, United States citizens, should pay income taxes just as they do in the other islands. The amendment, while it was drawn by legal experts on tax legislation, apparently was not explained sufficiently on the floor of the House at that time. So, what happened? After it was adopted and taxes had been collected starting in 1952, a group—a very small group I may say—of construction workers on the island decided there was a loophole in the law and they got hold of a sharp attorney.

Because the amendment was not drawn as carefully as it might have been drawn or not explained in the legislative handling of the bill as thoroughly as it might have been, there was some question about whether they should have paid $23 million in taxes. So, we are trying to make it crystal clear today that when we adopted section 31 in 1951 to the Organic Act of Guam, it was the intention of the Congress that United States citizens living on Guam should be subject to the same income taxes as they are subject to here in the United States. I hope that the legislative explanation of this amendment here today will be sufficient to convince any court that there is no doubt in the mind of Congress relative to what they intended to do in 1951.

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

Mr. MILLER of Nebraska. I yield to the gentleman from Kansas.

Mr. SCRIVNER. Now, as I understand, what the gentleman has been telling us is that American citizens living on Guam, earning their income on Guam, pay income tax, but that income tax goes to the government of Guam and not to the Government of the United States; is that correct?

Mr. MILLER of Nebraska. I think that is correct.

Mr. ASPINALL. That is correct.

Mr. SCRIVNER. That is the understanding I had, and that was part of the basic philosophy which I expressed some time ago when I made the suggestion that we could cure many of our problems within our various States if we would just permit as little as 1 percent of the Federal income to remain in that State. And, I was disputed on my statement. I pointed out that Americans living on Guam and working on Guam paid income taxes and that 100 percent of it stayed on the island of Guam. And, I am glad to have confirmation of that fact.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXTENDING PROGRAMS UNDER PRODUCTION AND PURCHASE ACT

Mr. ROGERS of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3186) to extend for 1 year certain programs established under the Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956.

The Clerk read as follows:

Be it enacted, etc., That section 5 of the Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956 is amended by inserting before the period a semicolon and the following: "except that the programs established under subsections (b) and (c) of section 2 shall terminate on December 31, 1959."

The SPEAKER pro tempore. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ROGERS of Texas. Mr. Speaker, I yield myself such time as I may require.

Let me point out, first, that although there are several minerals listed in the title of this act, tungsten, asbestos, fluorspar, and columbium-tantalum, only two are affected by this act, asbestos and fluorspar. What happened is this. Under the Purchase Act of 1956, which was passed in the late days of the 84th Congress, the GSA did not set up their purchase program of fluorspar until late in September, and the result was that the amount of fluorspar and the amount of asbestos that was authorized to be purchased under that act has not been purchased, and it appears at the present time that unless the act is extended for a year insofar as asbestos and fluorspar are concerned it will expire without the people getting the benefit of the Purchase Act as was intended in the first instance.

Now, it does not involve any additional cost to the Government. It does not involve any additional employees. It does nothing in the world but just extend the time to permit the carrying out of the purposes of the act that was passed

in 1956, with relation to asbestos and fluorspar.

Mr. SAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I should like to ask the gentleman from Texas a question, whether or not all of the funds that were appropriated for this program which were not used by the 30th of June 1958, have already reverted to the Treasury?

Mr. ROGERS of Texas. As I understand it, they have not, because they have been obligated. Whether that is true or not, I do not know. But actually I say that it makes very little difference for the simple reason that the authority that was granted under the purchase act in the first instance has not been fully complied with as was intended by Congress at that time with respect to fluorspar.

Mr. SAYLOR. And for any further purchases it will require an appropriation; is that correct?

Mr. ROGERS of Texas. The funds were appropriated to do it. If further funds are required to be appropriated they will simply be a replacement for those that reverted to the Treasury and no more will be required.

Mr. Speaker, at this time I yield such time as he may consume to the gentleman from Illinois [Mr. GRAY].

Mr. GRAY. Mr. Speaker, I thank the distinguished gentleman from Texas [Mr. ROGERS] for yielding to me to speak in behalf of S. 3186. This bill will extend for 1 year the Government program for the purchase of asbestos and fluorspar. The fluorspar mines of southern Illinois have been experiencing undue hardship due to the foreign importation of cheap labor producing fluorspar from Mexico. Many mines were forced to close, forcing hundreds of miners out of work. In addition, this country was about to lose a product that is vital to national defense. This Congress recognized the need to help this small but vital industry, so a defense minerals stockpile program was inaugurated. The program to stockpile acid grade fluorspar has been under way for several months and has been of great help to this vital industry. This bill merely extends that program for 1 additional year. I had the privilege of introducing a House bill identical to the Senate measure before us today, and in that connection I want to thank the distinguished gentleman from Texas [Mr. ROGERS] and the other members of the committee for their keen understanding of our problem and for their forthright efforts in bringing this and other legislation to the floor for action. I hope this bill will pass by an overwhelming majority in order that an industry so vital to this country can continue to survive.

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

Mr. ROGERS of Texas. I yield to the gentleman.

Mr. BALDWIN. Can the gentleman explain to the House what the purpose is from the standpoint of the Government acquiring these at the present time? Is there a need for them as far as the Government is concerned?

Mr. ROGERS of Texas. There are several needs. As a matter of fact there is one situation that might be called a stockpile need from the standpoint of defense. Then there is another situation. You have an economic need. As everyone knows, many of the minerals people have been in a distressed situation. Part of the purpose of the Purchase Act of 1956 was to help take care of the situation. Unless we do this, the very purpose that was sought to be accomplished in the first place will not be accomplished. I will say this to the gentleman, that fluorspar is becoming increasingly important every day in view of our move into the missile or the space age.

The SPEAKER pro tempore (Mr. HARRIS). The question is on the motion to suspend the rules and pass the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING THE MAKING, AMENDMENT, AND MODIFICATION OF CONTRACTS TO FACILITATE THE NATIONAL DEFENSE

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12894) to authorize the making, amendment, and modification of contracts to facilitate the national defense, as amended.

The Clerk read as follows:

Be it enacted, etc., That the President may authorize any department or agency of the Government which exercises functions in connection with the national defense, acting in accordance with regulations prescribed by the President for the protection of the Government, to enter into contracts or into amendments or modifications of contracts heretofore or hereafter made and to make advance payments thereon, without regard to other provisions of law relating to the making, performance, amendment, or modification of contracts, whenever he deems that such action would facilitate the national defense.

SEC. 2. Nothing in this act shall be construed to constitute authorization hereunder for—

(a) the use of the cost-plus-a-percentage-of-cost system of contracting;

(b) any contract in violation of existing law relating to limitation of profits;

(c) the negotiation of purchases of or contracts for property or services required by law to be procured by formal advertising;

(d) the waiver of any bid, payment, performance, or other bond required by law;

(e) the amendment of a contract negotiated under section 2304 (a) (15), title 10, United States Code, or under section 302 (c) (13) of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377, 394), to increase the contract price to an amount higher than the lowest rejected bid of any responsible bidder; or

(f) the formalization of an informal commitment, unless it is found that at the time the commitment was made it was impracticable to use normal procurement procedures.

SEC. 3. (a) All actions under the authority of this act shall be made a matter of public record under regulations prescribed by the President and when deemed by him not to be incompatible with the public interest.

(b) All contracts entered into, amended, or modified pursuant to authority contained in this act shall include a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts.

SEC. 4. (a) Each department and agency acting under authority of this act shall, by March 15 of each year, report to Congress all such actions taken by that department or agency during the preceding calendar year. With respect to actions which involve actual or potential cost to the United States in excess of $50,000, the report shall—

(1) name the contractor;

(2) state the actual cost or estimated potential cost involved;

(3) describe the property or services involved; and

(4) state further the circumstances justifying the action taken.

With respect to (1), (2), (3), and (4), above, there may be omitted any information the disclosure of which would be detrimental to the national security.

(b) The Clerk of the House and the Secretary of the Senate shall cause to be published in the CONGRESSIONAL RECORD all reports submitted pursuant to this section.

SEC. 5. This act shall be effective only during a national emergency declared by Congress or the President and for 6 months after the termination thereof or until such earlier time as Congress, by concurrent resolution, may designate.

The SPEAKER pro tempore. Is a second demanded?

Mr. ROBSION of Kentucky. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. CELLER. Mr. Speaker, I yield 10 minutes to the gentleman from Georgia [Mr. FORRESTER].

Mr. FORRESTER. Mr. Speaker, I want to say to this body now that in my humble judgment this is "must" legislation. It is designed to revive title II of the World War Powers Act, which expired on June 30, 1958. In other words, what I am trying to say now is that we do not have any of these powers that were incorporated into the War Powers Act and have not had any since the 30th day of June of this year. Our military and our contracting agencies are stymied until this legislation is passed by this House, sent over to the other body with the greatest dispatch, and acted upon over there.

Mr. Speaker, briefly, this legislation is the type legislation that this Congress found in 1941, when we were engaged in World War II, was absolutely indispensable to the national defense. It was provided there that this legislation would continue through the national emergency up to a certain time.

We know that in 1951, when we got into war over in Korea, this legislation had to be revised again, and it has been revised on an annual basis from that time until now.

The only difference in this legislation submitted on the floor today and the legislation which previously comprised title II of the War Powers Act is that in this legislation it is made more strict; in other words, last year when this legislation went before the Senate to be renewed on an annual basis the Senate asked the Department of Defense if they could not come up with permanent legislation, and made some recommendations of a restrictive nature which they said they would like to have incorporated therein.

Last year that was taken care of by rules, but in this legislation it is being taken care of by being incorporated therein.

As I say, it is absolutely essential that this legislation be passed. For instance, the Government just simply must have the right to assure our contractors that it will indemnify them against some losses that might occur, in the missile field and in the satellite field particularly. While we do not know just exactly how grave the damages are, we find ourselves in a situation where contractors and builders just simply will not enter into these programs unless the Government tells them it is going to protect them against some unforeseen result.

One of the witnesses over there likened this situation to the Texas City disaster, where it was said on that occasion it was not supposed to happen but it did happen, and, of course, there was a several billion-dollar loss there. That is what our Government is facing. They have to have the opportunity to give those indemnifications, particularly in the missile field, the satellite field, the building of submarines, and the building of ships, and have the right to modify and make more of these contracts equitable.

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

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

Mr. CELLER. Is it not true also that all this bill does is give the President, or the Congress, really, standby powers? These are not absolute powers, they are only powers that can be exercised in the event of a declared emergency.

Mr. FORRESTER. That is exactly right, but it puts us where we have it instead of coming to Congress to get it. Of course, you know, we might need it at a time when Congress would be at home.

Mr. CELLER. We pass these bills year in and year out without let or hindrance, without remonstrance of any sort. All we do now is obviate the necessity and need of coming back to this House repeatedly for the same authority. We have hedged this around with all manner of proper conditions so that the powers granted in it cannot be abused.

Mr. FORRESTER. The gentleman is absolutely correct.

There have been five annual extensions. I should like also to say to this body that Subcommittee No. 4 made an earnest effort to discover how this legislation had been working over the years. I believe I bespeak the sentiments of the entire Subcommittee No. 4 when I say that the gentlemen who have been handling this legislation have done unusually well. I do not mean to tell you that there have not been one or two mistakes, because there are always going to be some mistakes as long as we are human beings, but on the other hand it has worked fine and has given the relief and benefits to this country that we simply cannot afford not to have.

Mr. ROBSION of Kentucky. Mr. Speaker, I was acting chairman of the subcommittee which handled this legislation in the 83d Congress, and have been the ranking Republican on the subcommittee which has handled it in the last two Congresses.

This contracting authority originated in the first War Powers Act of 1941 and was used extensively during World War II. It was revived in 1950 and has been extended five times since 1950. It is now in operation during this period of emergency. All this bill does is to give permanent authority to do during a period of national emergency what the Congress has done year after year by temporary legislation. The Judiciary Committee on several occasions in connection with renewal of the emergency act has held hearings and has gone into the matter quite thoroughly. It is my own observation that the Department of Defense and the other agencies involved have done a very good job of administering the powers granted under the act and have been very, very cautious about taking advantage of the unusual powers that are provided by the act. As a matter of fact, as I stated, this legislation has been before the Congress on many occasions and we have consistently approved it. Today, in attempting to make the legislation permanent, we have to a certain extent restricted the authority which has heretofore been exercised by the Department of Defense. The legislation came out of our subcommittee unanimously and I favor it and think it should be enacted.

Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS of Missouri. Mr. Speaker, I have aked for this time because I am somewhat concerned about making this authority permanent. I might state that at the present time the Committee on Ways and Means of which I am a member is holding hearings on the extension of the renegotiation act which covers a very similar field, which has to do with military procurement and supply. The reason I am disturbed about this is that this is supposed to be an exception to our normal procedures for procurement. The point has been made in the committee report, and I notice the chairman made the point also, that these are more or less standby powers and are only to be applied in times of emergency. But, I would say this and I ask the chairman, is it not true that this particular legislation would be applicable today?

Mr. CELLER. Yes, we are in a national emergency now and these particular powers expired a few days ago.

Mr. CURTIS of Missouri. Yes; I appreciate that.

Mr. CELLER. We are in a sort of hiatus now.

Mr. CURTIS of Missouri. Yes, that is right.

When we started these powers and when we first began to make exception to our normal method of Federal procurement, we were not experienced. We had very little experience, I might say, in mass procurement to the extent that we have today. This procurement situation has been in effect for 18 years. I think the results of 18 years of experience in military procurement and supply would indicate that we ought to be amending the laws, the basic Federal laws in regard to contracting and procurement, rather than making exceptions. That is the thing that worries me here. Why is it that the committee instead of taking this method of making this legislation permanent, has not gone to our basic and permanent laws that control our procurement and contracting and so on to amend this in the light of our 18 years of experience?

Mr. CELLER. That would take a long time to get at those things to which the gentleman has referred, until we can have an opportunity to examine separately all of these important statutes. Meanwhile we are in this predicament that we have got ourselves into now. I think this particular bill now before us, even after 18 years' experience which you have said, requires flexibility. The committee is trying to get over this difficulty until we have had an opportunity to examine more minutely and fundamentally the various statutes the gentleman has mentioned. We could then take those up and amend them. Meantime we have a rather world-shaking situation confronting us now. We are going to adjourn soon, I hope. We have none of those standby war powers which the President wants, and I think we should grant those powers.

Mr. CURTIS of Missouri. I think the gentleman is making a very good case for the further extension of those powers, but he is really arguing against the case of making this permanent. I would suggest that what we do is extend this on a temporary basis, and then when the great Judiciary Committee has time, next year or the following year, certainly it seems to me the orderly way to go about this is to review our basic contracting procedure and modernize this. So I suggest we are probably going on in the future in a cold-war state and we should have our contracting authorities and procedures based upon modernization rather than an exception. In fact, that is the very argument that is being advanced in the extension of the Renegotiations Act, which our committee is going to extend on a temporary basis, in the hope that we can get around to considering what should be our permanent laws in regard to renegotiation. If the Congress will take the trouble of going into our methods of procurement it will find an area for vast savings. The military has developed some interesting techniques which might well be made into permanent law. But I think the Congress needs to look at them.

One other point. I notice in the hearings there were only two private groups who testified. Both of them were from the aircraft industry. I notice that the Small Business Administration was not asked to comment in this area. Yet they

are constantly involved in this question of military procurement and supply, particularly procedure. I would think that their testimony would be very important in knowing how we want to have the legislation permanently made. I might say I did not take the time to in any way try to defeat this measure. I will vote for it because I realize there is not too much difference between permanent and temporary extension. But I do want to call the matter to the attention of the House, and I hope the Judiciary Committee would go over the permanent procedures we have with the idea of getting those into line and modernizing them, rather than having our permanent law here, and then these extensions.

Mr. CELLER. We do not have very broad jurisdiction, because most of these matters would come under the Armed Services Committee. We have sought to modernize as much as we can. I am very appreciative of the gentleman's attitude. It is very profound and very constructive, and we will watch his suggestions as best we can.

Mr. CURTIS of Missouri. That is one of the difficulties we have when the Ways and Means Committee has one aspect of the matter and you all have it here as far as these powers are concerned. The Small Business Committee sees it from another angle and the great Armed Services Committee sees it from their angle. Our Committee on Appropriations for Government Operations sees it from another angle. Somehow I think we ought to coordinate this so that the procedures we do have that are permanent procedures for the making or modifying of contracts be in accord and be the best we can devise. I thank the gentleman.

Mr. ROBSION of Kentucky. Mr. Speaker, there seems to be considerable misunderstanding in the minds of some, including perhaps the gentleman from Missouri, about the necessity for this legislation. Of course, we should always be striving to improve our methods of procurement and the making of Government contracts, especially defense contracts. But there will always be a field where legislation such as this will be needed to take care of unusual situations that will arise in providing for the weapons for national defense. I will give you one example, that of a contract to build a ship. Suppose you get half through the construction of the ship and something goes wrong, perhaps through bad management, perhaps through something unavoidable; nevertheless, the shipyard finds that it cannot continue under the terms of the contract and complete the ship. The question then arises whether or not the Defense Department should rescind the contract, sue the contractor for damages, and take the ship over to some other yard for completion. But, of course, it cannot work that way. As a practical matter, national defense would require the ship to be completed in that yard, even though it might require the renegotiation of the contract. Writing new laws relating to Government contracts will not take care of a situation such as this. The Defense Department must have the special powers provided by this legislation, where, under the supervision of Congress, they would have leeway to go ahead and get the ship completed, even if, unhappily, in some instances it would require more money.

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

Mr. ROBSION of Kentucky. I yield.

Mr. McDONOUGH. In other words, the gentleman is informing us that there are many contracts such as contracts for aircraft, to which it applies, missile construction, rockets, as well as shipbuilding.

Mr. ROBSION of Kentucky. Yes.

Mr. McDONOUGH. And anything of a material nature in the way of interruption of the original time element in the contract that is beyond the control of the contractor and not anticipated at the time the contract was made could be taken care of.

Mr. ROBSION of Kentucky. The gentleman is exactly correct.

Mr. McDONOUGH. Then as a result of those interruptions where there is a change in the status in the obligation of the contractor and the Government, the only way it can be arrived at fairly is by negotiation, and it is negotiated even because of unnecessary interruption, whatever the cause may be.

Mr. ROBSION of Kentucky. Yes. Now, there are several reasons why you need this legislation. For example, sometimes the Government must renegotiate a contract without legal consideration, such as in the completion of ships, the case that I mentioned; secondly, there are instances of mutual mistakes that must be corrected in these large and extremely complicated defense contracts; thirdly, of course, you have peculiar situations which must be met from time to time in large defense programs where existing statutory authority is inadequate.

Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. NIMTZ].

Mr. NIMTZ. Mr. Speaker, as a member of the subcommittee that heard the testimony on this legislation, I want to concur in the remarks of the chairman of the full committee, the gentleman from New York [Mr. CELLER], and the chairman of the subcommittee, the gentleman from Georgia [Mr. FORRESTER]. I want to commend also my colleague, the gentleman from Missouri [Mr. CURTIS], on his questions and his concern, because we know of his desire for economy in Government and how thorough he is in the consideration of all matters of legislation that are before us. However, as the chairman of the subcommittee said, this matter did come from the subcommittee unanimously and in the belief of the subcommittee that this legislation should be made permanent.

Without detracting from the glory of the other body, the bill that came from the Committee on the Judiciary last year was for an extension for 1 year only. It was the belief of the committee that we should consider this matter on the basis of its being permanent legislation. So a good deal of the work has been done by the subcommittee in studying this field of legislation this past year.

One point I would like to make to the gentleman from Missouri and to the Members of the House is that we have added here a provision for publicity in regard to these payments. I would like to call your attention to section 4 of this bill, which reads as follows:

SEC. 4. (a) Each department and agency acting under authority of this act shall, by March 15 of each year, report to Congress all such actions taken by that department or agency during the preceding calendar year. With respect to actions which involve actual or potential cost to the United States in excess of $50,000, the report shall—

(1) name the contractor;

(2) state the actual cost or estimated potential cost involved;

(3) describe the property or services involved; and

(4) state further the circumstances justifying the action taken.

With respect to (1), (2), (3), and (4), above, there may be omitted any information the disclosure of which would be detrimental to the national security.

(b) The Clerk of the House and the Secretary of the Senate shall cause to be published in the CONGRESSIONAL RECORD all reports submitted pursuant to this section.

As the chairman of the subcommittee has stated, there have been no outstanding bad actions under the legislation to date. Sure, some mistakes have been made, but we feel that all in all it has been for the national defense. We feel with this added safeguard of publicity that this bill as now drawn should pass.

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

Mr. NIMTZ. I yield to the gentleman from Iowa.

Mr. GROSS. Does the gentleman think that section 3 (a) on page 2 circumscribes the language on page 3, section 4 (a)?

Mr. NIMTZ. It is my belief that information could be given concerning the amounts of money paid and to whom paid, as required by section 4, although the President might believe that it would be incompatible with the public interest to make all actions under authority of this act a matter of public record.

Mr. GROSS. Is not section 3 (a) in conflict with section 4 (a) for the purposes for which section 4 (a) is intended? Section 3 (a) gives the President the right to withhold information that he deems incompatible with the public interest.

Mr. NIMTZ. There might be some provisions in regard to these contracts that would be secret in nature because of types of missiles, changes in construction of atomic-powered submarines or cruisers, or changes in plans and specifications concerning other types of research or weapons that, because of matters of national defense, we would not want publicized and made available to those forces that are opposed to us. Thus I believe that amounts paid under the provisions of this bill could be made public, as well as to whom paid, but that the President might determine that it would be incompatible with the public interest to release certain scientific data, engineering data, or changes of specifications concerning the construction of weapons or other defense items.

Mr. Speaker, the contracting authority embodied in this bill originated in the First War Powers Act of 1941—55th Statutes at Large, page 838. That act by its terms was limited to the period

of World War II, but title II, which contained the authority to exempt defense contracts from other provisions of law governing Government procurement, was revived in January 1951 for the period of the national emergency proclaimed by the President on December 16, 1950 "or until such time as the Congress by concurrent resolution or the President may designate, but in no event beyond June 30, 1952." However, the 82d Congress extended the termination date to June 30, 1953—Public Law 826, 82d Congress. Similar extensions were twice granted by the 83d Congress—Public Law 97 and Public Law 443, 83d Congress—a 2-year extension was granted by the 84th Congress—Public Law 58, 84th Congress—and a 1-year extension expiring June 30, 1958, was granted by the 85th Congress—Public Law 306, 85th Congress. These extensions were in recognition of a continued need for such authority during the period of international unrest and heavy defense spending which characterized those years.

In view of our current military involvement in the Middle East and its potential demands on our entire defense system, it would seem that considerations which justified previous extensions are even more potent today. Furthermore, there is no likelihood that American military commitments and consequent large-scale procurement will diminish in the foreseeable future. Under these circumstances it would not appear realistic or sound legislative policy to require the executive departments to renew their requests to Congress each year for an extension which has been invariably granted in the past and which would appear to be justified in the future so long as the conditions productive of a national emergency continue to exist and so long as the legislation is properly administered by the departments and agencies concerned. This committee, therefore, has welcomed and recommends to the House the proposal of the Department of Defense to enact as permanent legislation, effective during a period of national emergency, the provisions of title II with certain additional restrictions which would prevent the occurrence of unjustified deviations from normal procurement law.

The grant of contracting authority under H. R. 12894 is substantially the same as that in title II of the First War Powers Act. It permits the President to authorize any department or agency exercising functions in connection with the national defense: First, to enter into contracts, or second, to enter into amendments or modification of contracts, or third, to make advance payments without regard to other laws relating to Government contracts whenever the President determines that such action will facilitate the national defense.

This broad power is designed to provide the flexibility required by the Government to deal with the variety of situations which will inevitably arise in a multi-billion-dollar defense program and for which other statute authority is inadequate. By providing means for dealing expeditiously and fairly with contractors, the enactment of this bill will help assure that vital military projects will proceed without the interruptions generated by misunderstandings, ambiguities, and temporary financial difficulties.

Under title II the effectuation of these purposes has resulted in contract actions which generally have fallen into a number of categories and it is believed that these will continue to make up a large percentage of the actions which would be taken under the authority of this bill.

The first of these classifications is amendments without consideration. Situations have arisen where an actual or threatened loss on a defense contract would so have impaired the financial condition of a contractor whose existence was deemed essential to the national defense that without some form of assistance from the Government his productive capacity might be lost. The result would be default proceedings, reprocurement at higher cost, and the loss of valuable time. Confronted with these problems, it has often been in the Government's interest to raise the contractor's price, although it has had no legal obligation to do so. This has been accomplished by an amendment without consideration, for which there was no authority outside of title II.

A subcategory within this classification would be amendments without consideration to provide relief for defense contractors where losses have resulted from inequitable action of the Government toward a particular contractor. Although the contractor in some of these cases might have properly refused to proceed with a contract or have had recourse to law, title II provided an administrative remedy which encouraged the contractors to continue performance.

A second classification is that of mutual mistake.

In a military procurement program as large as that in which we have been engaged, some mistakes in entering into contracts by both the Government and the contractors are inevitable. It may take the form of a mutual mistake as to a material fact; it may be a failure to express in the written contract the agreement as both parties understood it; or it may be a mistake on the part of the contractor which is so obvious that it was or should have been apparent to the contracting officer. The assurance to contractors that unavoidable mistakes and ambiguities of this kind will be fairly and expeditiously corrected is a most significant factor in securing uninterrupted performance and cooperative sources of supply. This is another form of relief which has developed under title II.

A third category of cases has required the formalization of informal commitments. A considerable number of situations have arisen in which persons have furnished material or services without a formal contract, relying in good faith upon the apparent authority of officers or employees of the Government. Most frequently, this has occurred in the form of changes to existing contracts by technical or other personnel rather than by authorized contracting officers acting through normal contracting procedures. Frequently, too, such informal commitments were the result of a desire to prevent the delay in a project which accompanies normal procurement methods. As a result, frequently the Government finds itself in a dilemma. On the one hand it benefits from the materials received or services rendered by a contractor acting in good faith, but on the other there is a need for maintaining a policy of contracting only by authorized personnel through authorized procedures. In permitting administrative formalization of informal commitments which were made because it was impracticable at the time to utilize normal procurement procedures, this bill presents a desirable solution of those competing interests. In doing so it continues, with some restrictions, the formalization policy developed under title II.

A fourth category which was specifically authorized in both title II and in this bill is the making of advance payments. Such specific authorization is required by section 3648 of the Revised Statutes (1873) as amended—title 31, United States Code, section 529, 1952—which provides in part that "No advance of public money shall be made in any case unless authorized by the appropriation concerned or other law."

Under the Armed Services Procurement Act—see title 10, United States Code, section 2307—and section 305 of the Federal Property and Administrative Services Act of 1949—title 41, United States Code, section 255—advance payments are authorized only in negotiated contracts. This bill is necessary to enable the making of advance payments on contracts entered into through formal advertising.

Advance payments have been found an effective means for rendering financial assistance to contractors where the nature of the contract requires large expenditures by the contractor prior to delivery and payment by the Government. Advance payments are essentially loans to the contractor not exceeding the contract price and as such the Government's interest should be protected by adequate security. Both title 10, United States Code, section 2307, and section 305 of the Federal Property and Administrative Services Act require such security, and it is assumed that the departments will maintain a similar requirement in future actions under this bill.

It should be noted that in eliminating the specific authority for progress payments which had been contained in title II, the committee has no intention of preventing procurement agencies from making progress payments. The language was omitted from the Defense Department bill as unnecessary and the committee concurs in this view. Progress payments are unlike advance payments in that progress payments are made only to the extent of performance of a contract and in that the Government takes a property interest in the material. Advance payments, on the other hand, are made prior to performance. Since section 3648 of the Revised Statutes prohibits only advance payments or payments in excess of the value of articles delivered or services rendered, there would appear to be no prohibition against the making of progress payments by the

Government, and therefore the Government may enter into such agreements in carrying out its procurement functions without additional statutory authority—see *Detroit* v. *Murray Corporation* (355 U. S. 489, 517, footnote).

The flexibility authorized by this bill has been used in the past under title II to extend the time of performance on contracts and to waive liquidated damages provisions. Considering the complex, highly technical nature of many military purchases and the pressure frequently exerted to obtain the earliest possible delivery date, the most efficient contractors may find themselves unable to meet the performance date. Engineering and production difficulties inherent in producing a new or intricate item, temporary unavailability of raw materials or components, changes in specifications without changes in performance date—any or all of these may prevent a reliable, efficient supplier from performing on time. The committee believes that defense procurement agencies should be allowed the discretion to extend the time of performance and to waive liquidated damages in meritorious cases. The committee, however, is of the view that in acting upon requests of this kind the Government should consider not only fairness to the contractor but also the fairness of such extensions or waivers to unsuccessful competitive bidders.

One of the most significant developments under title II has been use of that authority as a basis for indemnity provisions in certain contracts. Based on the broad language of that act, the authority would be continued under this bill. The need for indemnity clauses in most cases is a direct outgrowth of military employment of nuclear power and the highly volatile fuels required in the missile program. Because of the magnitude of the risks involved, commercial insurance policies are either unavailable or provide insufficient coverage. Testimony before a subcommittee of the House Judiciary Committee by representatives of the military departments indicated that contractors were therefore reluctant to enter into contracts involving the risk of a catastrophe without an indemnification provision.

Although the military departments have specific statutory authority to indemnify contractors engaged in research and development, this authority does not extend to production contracts—title 10, United States Code, section 2354. Nevertheless, production contracts for items like nuclear-powered submarines and missiles, although not considered especially hazardous, still give rise to the possibility of an enormous amount of claims. The Department of Defense and the committee believe, therefore, that to the extent that commercial insurance is unavailable, the risk of loss should be borne by the United States. Similar authority was granted to the Atomic Energy Commission by Congress last year in the Price-Anderson Act—Public Law 85–177.

Although this bill makes broad powers available to defense procurement agencies, section 2 of the bill establishes a number of restrictions on the exercise of those powers. Two of those restrictions—subsections (a) and (b)—were contained in title II and prohibit the use of this authority as a basis for cost-plus-a-percentage-of-cost system of contracting or of contracts in violation of existing law relating to the limitation of profits.

Most significant of the other restrictions are subsection (f), which has been discussed previously, and subsection (c), which precludes using this legislation as authority for negotiating procurements which would otherwise be required to be made by formal advertising.

Subsection (d) provides that the act is not to be construed to constitute authorization for the waiver of any bid, payment, performance, or other bond required by law.

Subsection (e) provides that the act is not to be construed to authorize an amendment which would increase the contract price to an amount higher than the lowest rejected bid, where that contract was originally negotiated because of a determination that bid prices received after formal advertising were unreasonable or were not arrived at independently.

While these restrictions will preclude departments and agencies acting under this legislation from entering into certain specified agreements, the legislation, if it is to fulfill its purpose, must remain broad and as such the effectiveness and propriety of its operation is largely dependent upon the regulations and procedures by which it is administered. The subcommittee which initially acted upon this bill had this very much in mind during the hearings. Because the military departments have used title II powers more extensively than other agencies, particular attention was given to the regulations and the administrative procedures which they employed under title II and which would control the operation of this act in those departments. The committee has found no reason to object to the manner in which title II has been generally administered by the military departments and believes that the proposed legislation will be effectively and properly administered. However, because these powers may be abused and because of the enormous contingent liabilities which can be contracted under indemnification provisions, the committee believes that some review by Congress is desirable. Since this bill would enact permanent legislation, effective during periods of national emergency, there will no longer be the periodic Congressional reviews which previously accomplished the annual extensions of title II. However, the information relating to the operation of the law which was gained at those times can be obtained by requiring annual reports to the Congress. By further requiring that those reports be published in the CONGRESSIONAL RECORD, the Congress as a whole and the public will be able to assess the administration of the act and can make such amendments as are required from time to time.

The committee believes that the bill, as amended, provides adequate safeguards to the public purse and at the same time allows the flexibility necessary for an efficient and fair procurement program for our national defense.

Mr. Speaker, I urge favorable consideration of this legislation.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

Mr. CELLER. 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. CELLER. Mr. Speaker, H. R. 12894 enacts into permanent law, with certain significant restrictions, contracting authority now contained in title II of the First War Powers Act. Under the terms of title II, the authority granted therein was to be effective during the national emergency proclaimed by the President in 1950, or until such earlier time as the Congress, by concurrent resolution, or the President may designate, but in no event beyond June 30, 1952. This was extended annually, and sometimes biennially, to June 30, 1958, and has now expired. The authority granted in H. R. 12894, although permanent law, will be on a standby basis effective only during a national emergency declared by Congress or the President and for 6 months after the termination thereof.

This bill provides that the President may authorize a department or agency of the Government which exercises functions in connection with the national defense effort, to enter into contracts or into amendments or modification of contracts, and to make advance payments thereon without regard to other provisions of law relating to contracts whenever the President determines such action would facilitate the national defense. However, the bill also contains certain restrictions not presently contained in title II of the First War Powers Act. Thus, it provides that the authority granted by this bill shall not be construed to constitute authorization for, first, the negotiation of purchases or contracts required by law to be procured by formal advertising; second, the waiver of any bid, payment, performance, or other bond required by law; third, the amendment of certain contracts so as to increase the contract price to an amount higher than the lowest rejected bid of a responsible bidder. Such increases could not be awarded in the case of negotiation after rejection of advertised bids pursuant to law; and fourth, the bill precludes the formalization of an informal commitment, unless it is found that at the time the commitment was made it was impracticable to use normal procurement procedures.

The purpose of this legislation is to provide a flexibility not present in normal contracting authority which will allow the Government to protect its interests in defense procurement, and also to deal equitably with contractors where it is also in the interest of the defense effort.

Carrying out this basic purpose has required the execution of certain types of contractual actions which the procurement agencies would not have legal authority to do without the authority granted in this bill. These include amendments without consideration, the correction of mutual mistakes, and the formalization of informal commitments. It should be stressed that before the Government may enter into any such agreements it must be found that that agreement would facilitate the national defense.

Title II has also been used as a basis for including indemnity provisions in contracts involving otherwise noninsurable risks. This problem is particularly acute in the nuclear reactor and missile programs. Because of the unusual hazards associated with nuclear reactors and high explosive fuels, contractors are subjected to the possibility of damage claims far exceeding available insurance coverage. This bill would permit the Government to enter into indemnification agreements. These agreements are normally for the risk in excess of that available from private insurance sources. Indemnification authority was also used in connection with the airlift by commercial planes of troops and supplies to Korea in the early days of that conflict.

Since it is impossible to draft legislation which will cover every conceivable situation perfectly and at the same time provide the necessary flexibility, much depends upon the administration of the act. In the hearings before the subcommittee considerable attention was given to that aspect of the problem. Regulations of the Defense Department require explicit statements and findings before this authority may be exercised. Individual contracting officers may deny requests, but approval can only come from higher authority. Where the amount is below $50,000, it may be approved by the head of a procuring agency, e. g., Office of Naval Research, Signal Corps Procurement Agency, Bureau of Ships. Approval of requests over $50,000 must go to the contract adjustment board of the military department involved.

In this respect it should be noted that the General Accounting Office testified that their last examination of the activities of these boards showed their decisions to be reasonable in relation to their authority and objectives. The General Accounting Office, therefore, indicated that it had no objection to the enactment of this bill.

Since the Department of Defense is by far the greatest user of the powers authorized in this legislation, the committee gave its most extensive consideration to the operations and the needs of the Department of Defense. However, the authority provided in this bill may also be made available to other Government agencies and in the past, under the First War Powers Act, the President authorized agencies like the Atomic Energy Commission, the Federal Civil Defense Administration, the Department of Commerce, and others, to employ this authority.

Considering the international situation in which we now find ourselves, and the likelihood of very large defense procurement spending for many years to come, I believe that this legislation is both necessary and desirable, and I commend it to the House for its favorable consideration.

CZECHOSLOVAKIAN CLAIMS FUND

Mr. MORGAN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3557) to amend the International Claims Settlement Act of 1949, as amended (64 Stat. 12).

The Clerk read as follows:

Be it enacted, etc., That the International Claims Settlement Act of 1949, as amended, is further amended by adding at the end thereof the following:

"TITLE IV

"Claims against Czechoslovakia

"SEC. 401. As used in this title—

"(1) 'National of the United States' means (A) a natural person who is a citizen of the United States, or who owes permanent allegiance to the United States, and (B) a corporation or other legal entity which is organized under the laws of the United States, any State or Territory thereof, or the District of Columbia, if natural persons who are nationals of the United States own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity. It does not include aliens. (2) 'Commission' means the Foreign Claims Settlement Commission of the United States, established, pursuant to Reorganization Plan No. 1 of 1954 (68 Stat. 1279). (3) 'Property' means any property, right, or interest.

"SEC. 402. (a) The Secretary of the Treasury is directed to hold, in an account in the Treasury of the United States, the net proceeds of the sale of certain Czechoslovakian steel mill equipment heretofore blocked and sold in the United States by order of the Secretary of the Treasury under authority of Executive Order No. 9193, dated July 6, 1942 (7 F. R. 5205, July 9, 1942).

"(b) There is hereby created in the Treasury of the United States a fund to be designated the Czechoslovakian Claims Fund, for the payment of unsatisfied claims of nationals of the United States against Czechoslovakia as authorized in this title.

"(c) If, within 1 year following the date of enactment of this title, the Government of Czechoslovakia voluntarily settles with and pays to the Government of the United States a sum in payment of claims of United States nationals against Czechoslovakia, all moneys held pursuant to subsection (a) of this section shall be disposed of in accordance with the terms of the settlement agreement with Czechoslovakia and applicable provisions of this title and the sum paid by Czechoslovakia shall be covered into the Czechoslovakian Claims Fund.

"(d) Upon the expiration of 1 year after the date of enactment of this title if no settlement with Czechoslovakia of the type specified in subsection (c) of this section has occurred, all moneys held pursuant to subsection (a) of this section except amounts held in reserve pursuant to section 403 of this title, shall be covered into the Czechoslovakian Claims Fund.

"(e) The Secretary of the Treasury shall deduct from the Czechoslovakian Claims Fund 5 percent thereof as reimbursement to the Government of the United States for the expenses incurred by the Commission and by the Treasury Department in the administration of this title. The amount so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

"(f) After the deduction for administrative expenses pursuant to subsection (e) of this section, and after payment of awards certified pursuant to section 410 of this title, the balance remaining in the fund, if any, shall be paid to Czechoslovakia in accordance with instructions to be provided by the Secretary of State.

"SEC. 403. No judicial relief or remedy shall be available to any person asserting a claim against the United States or any officer or agent thereof with respect to any action taken under this title, or any other claim for or on account of the property or proceeds described in section 402 of this title, or for any other action taken with respect thereto except to the extent that the action complained of constitutes a taking of private property without just compensation, and to such extent the sole judicial relief and remedy available shall be an action brought against the United States in the United States Court of Claims which action must be brought within 1 year of the date of enactment of this title or it shall be forever barred; and any action so brought shall receive a preference over all actions which themselves are not given preference by statute. No other court shall have original jurisdiction to consider any such claim by mandamus or otherwise. If any action is brought pursuant to this section the Secretary of the Treasury shall set aside an appropriate reserve in the account containing the moneys held pursuant to subsection (a) of section 402 of this title. Such reserve shall be retained pending a final determination of all issues raised in the action and recovery in any such action shall be limited to and paid out of the moneys so reserved. After a final determination of all issues raised in the action and payment of any judgment against the United States entered pursuant thereto, any balance no longer required to be held in reserve shall be disposed of in accordance with the provisions of subsection (d) of section 402 of this title. Nothing in this section shall be construed to create (1) any liability against the United States for any action taken pursuant to section 404 of this title, (2) any liability against the United States in favor of the Government of Czechoslovakia, any agency or instrumentality thereof or any person who is an assignee or successor in interest thereto, or (3) any other liability against the United States.

"SEC. 404. The Commission shall determine in accordance with applicable substantive law, including international law, the validity and amounts of claims by nationals of the United States against the Government of Czechoslovakia for losses resulting from the nationalization or other taking on and after January 1, 1945, of property including any rights or interests therein owned at the time by nationals of the United States, subject, however, to the terms and conditions of an applicable claims agreement, if any, concluded between the Governments of Czechoslovakia and the United States within 1 year following the date of enactment of this title. In making the determination with respect to the validity and amount of claims and value of properties, rights, or interests taken, the Commission is authorized to accept the fair or proved value of the said property, right, or interest as of a time when the property or

business enterprise taken, was last operated, used, managed, or controlled by the national or nationals of the United States asserting the claim irrespective of whether such date is prior to the actual date of nationalization or taking by the Government of Czechoslovakia.

"SEC. 405. A claim under section 404 of this title shall not be allowed unless the property upon which the claim is based was owned by a national of the United States on the date of nationalization or other taking thereof and unless the claim has been held by a national of the United States continuously thereafter until the date of filing with the Commission.

"SEC. 406. (a) A claim under section 404 of this title based upon an ownership interest in any corporation, association, or other entity which is a national of the United States shall be denied.

"(b) A claim under section 404 of this title, based upon a direct ownership interest in a corporation, association, or other entity for loss by reason of the nationalization or other taking of such corporation, association, or other entity, or the property thereof, shall be allowed, subject to other provisions of this title, if such corporation, association, or other entity on the date of the nationalization or other taking was not a national of the United States, without regard to the percent of ownership vested in the claimant in any such claim.

"(c) A claim under section 404 of this title, based upon an indirect ownership interest in a corporation, association, or other entity for loss by reason of the nationalization or other taking of such corporation, association, or other entity, or the property thereof, shall be allowed, subject to other provisions of this title, only if at least 25 percent of the entire ownership interest thereof at the time of such nationalization or other taking was vested in nationals of the United States.

"(d) Any award on a claim under subsection (b) or (c) of this section shall be calculated on the basis of the total loss suffered by such corporation, association, or other entity, and shall bear the same proportion to such loss as the ownership interest of the claimant bears to the entire ownership interest thereof.

"SEC. 407. In determining the amount of any award by the Commission there shall be deducted all amounts the claimant has received from any source on account of the same loss or losses with respect to which such award is made.

"SEC. 408. With respect to any claim under section 404 of this title which, at the time of the award, is vested in persons other than the person by whom the loss was sustained the Commission may issue a consolidated award in favor of all claimants then entitled thereto, which award shall indicate the respective interests of such claimants therein, and all such claimants shall participate, in proportion to their indicated interests, in the payments authorized by this title in all respects as if the award had been in favor of a single person.

"SEC. 409. No award shall be made on any claim under section 404 of this title to or for the benefit of (1) any person who has been convicted of a violation of any provision of chapter 115, title 18, of the United States Code, or of any other crime involving disloyalty to the United States, or (2) any claimant whose claim under this title is within the scope of title III of this act.

"SEC. 410. The Commission shall certify to the Secretary of the Treasury, in terms of United States currency, each award made pursuant to this title.

"SEC. 411. Within 60 days after the enactment of this title or of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this title, whichever date is later, the Commission shall give public notice by publication in the Federal Register of the time when, and the limit of time within which claims may be filed, which limit shall not be more than 12 months after such publication.

"SEC. 412. The Commission shall complete its affairs in connection with the settlement of claims pursuant to this title not later than 3 years following the final date for the filing of claims as provided in section 411 of this title or following the enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this title, whichever date is later.

"SEC. 413. (a) The Secretary of the Treasury is authorized and directed, out of the sums covered into the Czechoslovakian Claims Fund, to make payments on account of awards certified by the Commission pursuant to this title as follows and in the following order of priority:

"(1) Payment in the amount of $1,000 or in the amount of the award, whichever is less.

"(2) Thereafter, payments from time to time on account of the unpaid balance of each remaining award made pursuant to this title which shall bear to such unpaid balance the same proportion as the total amount in the fund available for distribution at the time such payments are made bears the aggregate unpaid balance of all such awards.

"(b) Such payments, and applications for such payments, shall be made in accordance with such regulations as the Secretary of the Treasury shall prescribe.

"(c) For the purpose of making any such payments, an 'award' shall be deemed to mean the aggregate of all awards certified in favor of the same claimant.

"(d) If any person to whom any payment is to be made pursuant to this title is deceased or is under a legal disability, payment shall be made to his legal representative, except that if any payment to be made is not over $1,000 and there is no qualified executor or administrator, payment may be made to the person or persons found by the Comptroller General to be entitled thereto, without the necessity of compliance with the requirements of law with respect to the administration of estates.

"(e) Subject to the provisions of any claims agreement hereafter concluded between the Governments of Czechoslovakia and the United States, payment of any award pursuant to this title shall not, unless such payment is for the full amount of the claim, as determined by the Commission to be valid, with respect to which the award is made, extinguish such claim, or be construed to have divested any claimant, or the United States on his behalf, of any rights against any foreign government for the unpaid balance of his claim.

"SEC. 414. No remuneration on account of services rendered on behalf of any claimant in connection with any claim filed with the Commission under this title shall exceed 10 percent of the total amount paid pursuant to any award certified under the provisions of this title on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than 12 months, or both.

"SEC. 415. The Secretary of State is authorized and directed to transfer or otherwise make available to the Commission such records and documents relating to claims authorized by this title as may be required by the Commission in carrying out its functions under this title.

"SEC. 416. To the extent they are not inconsistent with the provisions of this title, the following provisions of title I shall be applicable to this title: Subsections (b), (c), (d), (e), (h), and (j) of section 4; subsections (c), (d), (e), and (f) of section 7.

"SEC. 417. There are hereby authorized to be appropriated such sums as may be necessary to enable the Commission and the Treasury Department to pay their administrative expenses incurred in carrying out their functions under this title."

SEC. 2. Section 304 of the International Claims Settlement Act of 1949, as amended, is amended by adding at the end thereof the following: "Upon payment of the principal amounts (without interest) of all awards from the Italian Claims Fund created pursuant to section 302 of this act, the Commission shall determine the validity and amount of any claim under this section by any natural person who was a citizen of the United States on the date of enactment of this title and shall, in the event an award is issued pursuant to such claim, certify the same to the Secretary of the Treasury for payment out of remaining balances in the Italian Claims Fund in accordance with the provisions of section 310 of this act, notwithstanding that the period of time prescribed in section 316 of this act for the settlement of all claims under this section may have expired."

SEC. 3. (a) Subsection (b) of section 311 of the International Claims Settlement Act of 1949, as amended, is amended by adding at the end thereof the following: "This subsection shall not be construed so as to exclude from eligibility a claim based upon a direct ownership interest in a corporation, association, or other entity, or the property thereof, for loss by reason of the nationalization, compulsory liquidation, or other taking of such corporation, association, or other entity by the Governments of Bulgaria, Hungary, Italy, Rumania, or the Soviet Government. Any such claim may be allowed without regard to the percent of ownership vested in the claimant."

(b) Any claim heretofore denied under subsection (b) of section 311 of the International Claims Settlement Act of 1949, as amended, prior to the date of enactment of this section, shall be reconsidered by the Foreign Claims Settlement Commission solely to redetermine its validity and amount by reason of the amendments made by this section.

SEC. 4. If any provision of this act, or the application thereof to any person or circumstances, shall be held invalid, the remainder of the act, or the application of such provision to other persons or circumstances, shall not be affected.

The SPEAKER. Is a second demanded?

Mr. CURTIS of Massachusetts. Mr. Speaker, I demand a second.

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

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

There was no objection.

Mr. MORGAN. Mr. Speaker, this bill authorizes the Foreign Claims Settlement Commission of the United States

to receive and settle claims of American citizens for losses they have suffered from the nationalization of American-owned property by the communistic regime in Czechoslovakia. The money to pay these claims will not come out of the pockets of the American taxpayer but will be furnished by Czechoslovakia under a lump-sum claims agreement with that country which is presently in the process of negotiation. The bill provides, however, that if within 1 year after enactment of this legislation no such agreement is concluded, then we will use the sum of approximately $9 million already in hand, which the United States received from the sale of certain Czechoslovakian steel mill equipment manufactured in the United States under a contract with a Czechoslovakian Government steel company.

It is estimated that there may be as many as 1,500 to 2,000 claims filed and that approximately 1,000 of them will be found to be payable. We know, too, that the total American net losses from the Communist nationalization of the Czech economy was probably in the neighborhood of $25 million. It is the purpose of these negotiations to bring about the most satisfactory settlement possible which means, of course, we might eventually have more than $9 million for the payment of claims authorized in the bill.

If we were to stand by another year waiting for such an agreement to materialize it would only prolong further the settlement of these claims which have been piling up now since 1945 or thereabouts. At one point, several years ago, Czechoslovakia was about to sign an agreement for their payment when, through no fault of our representatives, the negotiations were abruptly halted. They were subsequently reopened a few years ago and it is hoped a final agreement will be concluded in the coming year.

Rather than postponing any further the receipt and processing of the claims, it was felt by the executive branch, which originated the legislation, that they should be processed now so that initial payments could be made immediately upon the conclusion of an agreement or in any event not later than 1 year following the bill's enactment.

The committee has been informed that by far the majority of payments under the bill will go to claimants having relatively small claims, say of $10,000 or less, and that most of these will be in the $1,000 to $5,000 bracket. There will undoubtedly be a substantial number of claims in the range of $10,000 to $50,000 and, of course, several that will exceed $1 million. It is only natural, of course, that certain American mining and manufacturing companies will be found whose properties and investments in Czechoslovakia were taken by the Communists, but they will not be preferred, under this bill, over American holders of small stock interests or individual Americans whose family farms, or commercial and business enterprises were also nationalized.

The nationalization program in Czechoslovakia, which began in 1945, operated against whole industries. Under a series of laws and decrees they took over, lock, stock and barrel, the mining, power, metallurgical and other heavy industries including small shops, mills and allied units within these industries. By 1953, 99.6 percent of the entire Czech economy had come under direct government control and all corporations and companies had been liquidated.

It was inevitable that this complete destruction of private enterprise in Czechoslovakia should have engulfed many Americans who have every right to look to their Government for help in getting at least a partial recovery for their losses. The action of the Communists was not only an offense against them but an offense against the United States. It is up to us, Mr. Speaker, to do what we can for our citizens who have been injured by these actions and to do it now. I urge the passage of S. 3557.

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

Mr. MORGAN. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I have had occasion in the past to appear before the Foreign Claims Settlement Commission of which Judge Whitney Gillilland is the chairman. The Commission does an outstanding job. The hearings conducted by the Commission are on the highest judicial level humanly possible. It is a pleasure for me to take this opportunity, with this bill pending, to make a few remarks in relation to the excellent character of public service rendered by Judge Gillilland and the other two members of the Commission. It is one of the finest commissions that I have ever appeared before, and I congratulate them for the excellent manner in which they carry out their trust.

Mr. MORGAN. I thank the gentleman.

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

Mr. MORGAN. I yield to the gentleman from Iowa.

Mr. JENSEN. I appreciate very much the kind words the gentleman from Massachusetts [Mr. McCORMACK] has just expressed for this Commission and for its Chairman. I think I should say that we in Iowa where the judge is known so well hold Judge Gillilland in the highest regard.

Judge Gillilland comes from Glenwood, Iowa, in the District which I have the honor to represent. We made Whitney Gillilland judge of the district court when he was only 33 years old. We know he is an honest, able, efficient gentleman of the highest order. I concur in everything my good friend, the gentleman from Massachusetts [Mr. McCORMACK] has said about our friend Judge Gillilland. I thank the gentleman from Pennsylvania [Mr. MORGAN] for yielding to me.

Judge Gillilland has explained this bill to me. He says it is a very necessary bill. I know that when Judge Gillilland says this bill is necessary, then it is necessary.

Mr. MORGAN. Mr. Speaker, I thank the gentleman for his kind remarks about the Chairman of the Commission.

Mr. CURTIS of Massachusetts. Mr. Speaker, we seem to be in pretty good agreement on this bill. I ask unanimous consent to revise and extend my remarks and to include a tabular statement.

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

There was no objection.

Mr. CURTIS of Massachusetts. Mr. Speaker, the purpose of this bill is to make provision for the handling of claims of American nationals against Czechoslovakia under the international claims settlement procedure as heretofore established. It amends the International Claims Settlement Act of March 10, 1950, Public Law 81-455—64th Statutes at Large, page 12—as amended by an act of August 9, 1955, Public Law 84-285—69th Statutes at Large, page 562—and adds to the existing law a new title IV, "Claims against Czechoslovakia."

The International Claims Settlement Act of 1950 related mainly to claims of American nationals against Yugoslavia, and established an International Claims Commission within the Department of State. Reorganization Plan No. 1 of 1954, transferred all the functions and authority of this Commission to the newly created Foreign Claims Settlement Commission as an independent agency.

The 1955 amendment to the International Claims Settlement Act, extended the above claims settlement procedure to claims against Bulgaria, Hungary, Italy, Rumania, and the Soviet Union. The Foreign Claims Settlement Commission has been engaged in adjudicating the claims of American nationals against the above-named countries.

The purpose of the present bill, S. 3557, is to make similar provision for claims against Czechoslovakia.

As pointed out in the report of the committee, the procedure established under this bill is similar to existing procedures for the claims against these countries. Claims of American nationals are to met from funds of Czechoslovakian origin, and not from funds provided by the United States Government. The nature of the funds of Czechoslovakian origin available is detailed in the report of the committee. The claims of American nationals covered by the bill are those for losses resulting from the nationalization of their property or other taking of their property on and after January 1, 1945. The bill establishes in the Treasury of the United States a Czechoslovakian Claims Fund from which awards will be paid on certification by the Foreign Claims Settlement Commission.

Mr. Speaker, I have a table showing the claims handled by this Commission through June 30, 1958, which I request be printed with my remarks:

Foreign Claims Settlement Commission—Claims and awards on all programs 1948 through June 30, 1958 [1]

Claim program	Administering agency	Number of claims filed	Number of awards	Aggregate amount of award	Termination date	Date terminated
International Claims Settlement Act of 1949, as amended (64 Stat. 12; 22 U. S. C. 1621–1641):						
Yugoslavia	International Claims Commission	1,556	876	$18,817,904	Dec. 31, 1954	Dec. 31, 1954.
Panama	do	67	62	1,537,394	None	Oct. 14, 1954.
Bulgaria	FCSC	391	136	1,855,953	Aug. 9, 1959	
Hungary	FCSC	2,725	217	1,942,112	do	
Italy	FCSC	2,246	270	1,088,851	do	
Rumania	FCSC	1,073	147	2,062,843	do	
Russia	FCSC	4,130	1,220	8,246,704	do	
Subtotal		12,188	2,928	35,551,761		
War Claims Act of 1948, as amended (62 Stat. 1240; 50 U. S. C. App. 2001–2016):						
American POW's, World War II and Korea	War Claims Commission and FCSC	550,409	365,668	132,543,064	Various	All POW programs completed on schedule.
American civilian internees, World War II and Korea	do	27,212	11,662	18,107,170	do	All internee programs completed on schedule.
Religious organizations and personnel in Philippines	do	10,387	131	28,807,977	do	All religious claims programs completed on schedule.
Sequestered accounts and credits in Philippines	FCSC	2,015	1,616	10,570,917	Aug. 31, 1956	Aug. 31, 1956.
Subtotal		590,023	380,628	190,029,128		
Grand total		602,211	383,556	225,580,889		

[1] Amounts actually paid on claims against the foreign governments listed will be somewhat less than the aggregate of awards because of limited funds acquired from such governments for their payment. This has necessitated provisions in the law for installments to be paid on awards and the proration of unpaid balances. As an example, Panama transferred only $400,000 under a lump-sum settlement for American claims determined by the International Claims Commission to be valid in the aggregate amount shown. As a percentage of awards, payments will vary widely depending on the size of the individual award. Claims under the War Claims Act were paid in the full amount of the proven losses.

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

Mr. CURTIS of Massachusetts. I yield to the gentleman from California.

Mr. YOUNGER. Mr. Speaker, I join the committee in support of this piece of legislation. It happened that I introduced the bill in the House and Senator LONG introduced a similar bill in the other body. The other body passed the bill the same day our House committee was considering my bill. It is a very good bill. It has been well considered. The American citizens who have claims rising out of nationalization in the Czechoslovakia takeover have long waited for this settlement and are very deserving.

The SPEAKER. The question is, will the House suspend the rules and pass the bill?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WHITE HOUSE CONFERENCE ON AGING ACT

Mr. WIER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 9822) to provide for holding a White House Conference on Aging to be called by the President of the United States before December 31, 1958, to be planned and conducted by the special staff on aging of the United States Department of Health, Education, and Welfare with the assistance and cooperation of other agencies of that Department and of other departments and agencies represented on the Federal Council on Aging; to assist the several States in conducting similar conferences on aging prior to the White House Conference on Aging; and for related purposes, as amended.

The Clerk read as follows:

Be it enacted, etc., That this act may be cited as the "White House Conference on Aging Act."

TITLE I—NEED FOR LEGISLATION; DECLARATION OF POLICY; DEFINITIONS

Need for legislation

SEC. 101. The Congress hereby finds and declares that the public interest requires the enactment of legislation to formulate recommendations for immediate action in improving and developing programs to permit the country to take advantage of the experience and skills of the older persons in our population, to create conditions which will better enable them to meet their needs, and to further research on aging because—

(1) the number of persons 45 years of age and older in our population has increased from approximately 13½ million in 1900 to 49½ million in 1957, and the number 65 years of age and over from approximately 3 million in 1900 to almost 15 million at the present time, and is expected to reach 21 million by 1975; and

(2) outmoded practices in the employment and compulsory premature retirement of middle-aged and older persons are depriving the economy of their much needed experience, skill, and energy and simultaneously, depriving many middle-aged and older persons of opportunity for gainful employment and an adequate standard of living; and

(3) many older persons do not have adequate financial resources to maintain themselves and their families as independent and self-respecting members of their communities, to obtain the medical and rehabilitation services required to permit them to function as healthy, useful members of society, and to permit them to enjoy the normal, human, social contacts; and

(4) our failure to provide adequate housing for elderly persons at costs which can be met by them is perpetuating slum conditions in many of our cities and smaller communities and is forcing many older persons to live under conditions in which they cannot maintain decency and health, or continue to participate in the organized life of the community; and

(5) the lack of suitable facilities and opportunities in which middle-aged persons can learn how to prepare for the later years of life, learn new vocational skills, and develop and pursue avocational and recreational interests is driving many of our older persons into retirement shock, premature physical and mental deterioration, and loneliness and isolation and is filling up our mental institutions and general hospitals and causing an unnecessary drain on our health manpower; and

(6) in order to prevent the additional years of life, given to us by our scientific development and abundant economy, from becoming a prolonged period of dying, we must step up research on the physical, psychological, and sociological factors in aging and in diseases common among middle-aged and older persons; and

(7) we may expect average length of life and the number of older people to increase still further, we must proceed with all possible speed to correct these conditions and to create a social, economic, and health climate which will permit our middle-aged and older people to continue to lead proud and independent lives which will restore and rehabilitate many of them to useful and dignified positions among their neighbors; which will enhance the vigor and vitality of the communities and of our total economy; and which will prevent further aggravation of their problems with resulting increased social, financial, and medical burdens.

Declaration of policy

SEC. 102. (a) While the primary responsibility for meeting the challenge and problems of aging is that of the States and communities, all levels of government are involved and must necessarily share responsibility; and it is therefore the policy of the Congress that the Federal Government shall work jointly with the States and their citizens, to develop recommendations and plans for action, consistent with subsection (b) of this section, which will serve the purposes of—

(1) assuring middle-aged and older persons equal opportunity with others to engage in gainful employment which they are capable of performing, thereby gaining for our economy the benefits of their skills, experience, and productive capacities; and

(2) enabling retired persons to enjoy incomes sufficient for health and for participation in family and community life as self-respecting citizens; and

(3) providing housing suited to the needs of older persons and at prices they can afford to pay; and

(4) assisting middle-aged and older persons to make the preparation, develop skills and interests, and find social contacts which will make the gift of added years of life a period of reward and satisfaction and avoid unnecessary social costs of premature deterioration and disability; and

(5) stepping up research designed to relieve old age of its burdens of sickness, mental breakdown, and social ostracism.

(b) It is further declared to be the policy of Congress that in all programs developed there should be emphasis upon the right and obligation of older persons to free choice and self-help in planning their own futures.

Definitions

SEC. 103. For the purposes of this act—

(1) the term "Secretary" means the Secretary of Health, Education, and Welfare;

(2) The term "State" includes Alaska, Hawaii, the District of Columbia, the Virgin Islands, Puerto Rico, and Guam.

TITLE II—WHITE HOUSE CONFERENCE ON AGING

SEC. 201. (a) A White House Conference on Aging to be called by the President of the United States in order to develop recommendations for further research and action in the field of aging, which will further the policies set forth in section 102 of this act, shall be planned and conducted under the direction of the Secretary of Health, Education, and Welfare who shall have the cooperation and assistance of such other Federal departments and agencies as may be appropriate.

(b) For the purpose of arriving at facts and recommendations concerning the utilization of skills, experience, and energies and the improvement of the conditions of our older people, the conference shall bring together representatives of Federal, State, and local governments, professional and lay people who are working in the field of aging, and of the general public including older persons themselves.

(c) A final report of the White House Conference on Aging shall be submitted to the President not later than 90 days following the date on which the Conference was called and the findings and recommendations included therein shall be immediately made available to the public.

Grants

SEC. 202. (a) There is hereby authorized to be paid to each State which shall submit an application for funds for the exclusive use in planning and conducting a State conference on aging prior to and for the purpose of developing facts and recommendations and preparing a report of the findings for presentation to the White House Conference on Aging, and in defraying costs incident to the State's delegates attending the White House Conference on Aging, a sum to be determined by the Secretary, but not more than $50,000; such sums to be paid only from funds specifically appropriated for this purpose.

(b) Payment shall be made by the Secretary to an officer designated by the Governor of the State to receive such payment and to assume responsibility for organizing and conducting the State conference.

TITLE III—GENERAL PROVISIONS

Administration

SEC. 301. In administering this act, the Secretary shall:

(1) Request the cooperation and assistance of such other Federal departments and agencies as may be appropriate in carrying out the provisions of the act;

(2) Render all reasonable assistance to the States in enabling them to organize and conduct conferences on aging prior to the White House Conference on Aging;

(3) Prepare and make available background materials for the use of delegates to the White House Conference as he may deem necessary and shall prepare and distribute such report or reports of the Conference as may be indicated; and

(4) In carrying out the provisions of this act, engage such additional personnel as may be necessary (without reference to the provisions of the Civil Service Act) within the amount of the funds appropriated for this purpose.

Advisory committees

SEC. 302. The Secrtary is authorized and directed to establish an Advisory Committee to the White House Conference on Aging composed of professional and public members, and, as necessary, to establish technical advisory committees to advise and assist in planning and conducting the Conference. Appointed members of such committees, while attending conferences or meetings of their committees or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary but not exceeding $50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

SEC. 401. There is hereby authorized to be appropriated such sums as Congress determines to be necessary for the administration of this act.

The SPEAKER. Is a second demanded?

Mr. BOSCH. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. WIER. Mr. Speaker, H. R. 9822 is in reality an authorization bill authorizing the Secretary of the Department of Health, Education and Welfare to prepare a cost item in connection with the White House Conference by September of 1960. There is plenty of time to provide for the arranging of this conference through the various States which have a great interest in it.

This bill is one of a number, 21 altogether, that came before the sobcommittee of the Committee on Education and Labor of which I am privileged to be chairman. We had 2 weeks of hearings on these 21 bills dealing with this very necessary matter of research and deliberation into the care of our aged people who are growing in number and living longer and whose problems are increasing.

Our committee spent 2 weeks in hearing all the agencies or departments of Government involved in this problem as well as representatives of labor and many other organizations that have an interest with the care of the aged.

I feel that it is a privilege to be here today to present this bill, because this bill comes from one of the finest Members of this House, a man who has devoted a long time to extensive work in this particular field. I refer of course to the gentleman from Rhode Island [Mr. FOGARTY].

Most of the bills that were referred to our committee, or practically all of them, with the exception of one or two of this nature, dealt with setting up a commission in Government to deal with this problem of the care of the aged.

I do not think it is necessary for me to point out to you that the care of the aged involves a number of fields. The Department of Labor is concerned because of the limitation on employment. The Eagles organization has been carrying on quite a campaign for jobs after 45. Of course employment is a problem to those past 45. Then we have the health and the hospitalization of the aged. We have the housing priority or rental problem where rents are out of reach of most of the aged. We have social security with its very limited payments to the aged.

So there are about six agencies of Government that are involved in this problem. We heard them all. They all offered their testimony and all subscribed to the belief that the Congress ought to make some move in this field.

I think the most outstanding remark in the presentation of testimony was made by one of the doctors from the Public Health Service who pointed out that when a couple has a boy who is now 10 years of age, and another baby is expected next week, the baby that is born next week will live 5 years longer than the boy who is now 10 years of age. That is the way research and medical care are of late carrying us into a longer span of years of life.

I am very happy to present this bill here and make known my interest in the legislation. The bill came out of our subcommittee unanimously. The gentleman from New York [Mr. BOSCH] is the ranking member on the other side. The bill came to the full committee. When you can get a bill out of the Committee on Education and Labor unanimously it must be a pretty good bill, and that is the way this bill came out of our committee. I recommend it to all of you, and trust you will support it.

Mr. BOSCH. Mr. Speaker, I yield myself such time as I may consume. I join in the statements of the chairman of our subcommittee in favor of this legislation. While it is true that we had testimony during our hearings that the Federal Council for the Aged had made great progress in the problem of dealing with the aged in housing, financing, and medical and hospital care, the testimony clearly established that there was still more which needed to be done.

The States themselves had done a great deal, but there must be some other agency to express the interest of the Federal Government in this field.

We believe that through the medium of a White House conference, which under this amended bill would be scheduled for September 30, 1960, all the States will have the opportunity of presenting their ideas, recommendations and suggestions for the consideration of the Congress of the United States if additional legislation be deemed necessary.

I join in supporting this legislation. As our chairman said, it comes out of the

committee unanimously, and I urge support by the Members.

Mr. Speaker, I now yield such time as he may desire to the gentleman from Minnesota [Mr. JUDD.]

Mr. JUDD. Mr. Speaker, I do not know of any subject in our country today that needs more study, and more comprehensive and careful study, than the problems faced by our elderly people and how all the agencies, private and public, that are dealing with them can more effectively help them to meet their growing needs.

It used to be, when we were predominantly a rural population, that most retired people lived with their children, or even their grandchildren, in the large homes characteristic of the time. Now, as we all know, a young couple builds a little home with one or two bedrooms out in a suburb. They cannot possibly keep the grandparents with them along with their own children. Where are the older folks to live? What are they to do to keep occupied? How can they support themselves? How can they keep their mental health as well as their physical vigor? How are they to be taken care of when they no longer can take care of themselves?

Modern medicine with its new drugs keeps them alive 10, 15, even 20 years longer than used to be the case. If that extra decade or two could be put into their lives at the age of 30 or 40, that would be wonderful. But, unfortunately the extension of life has to come at the end—when they cannot get work even though many of them are stronger physically and better able to work at 70 years of age than former generations were at 65 or 60 years of age. The working rules of today in many industries require retirement at 65, or the jobs are just not there for them. Are they to be idle for 15 to 20 years?

We need to be equally concerned with their emotional and psychological needs during this period. The most devastating thing that can happen to a human being is to be forced into a sense of uselessness. The thing that deteriorates human personality more than anything else is to have the society that brought a person into being and which he has served well all his life, now more or less cast him aside as not needed. He often comes to feel he is not wanted. What are these people to do to keep happy and healthy?

Formerly, it was generally acute diseases like pneumonia, and urinary infections that took them away fairly quickly. Now with the antibiotics, transfusions, oxygen, we are able to check most of the acute killers and they live on until they slowly die of malignancies or degenerative diseases, requiring more care and more expense—and with little or no enjoyment for themselves. In fact, their anxiety over financial matters is greater than at any time in their lives. Their expenses are beyond anything their resources will provide—and they cannot get jobs as when they were young. The costs are higher and their dollars buy less due to the relentless inflation of two decades.

So often the deterioration is mental before the physical processes finally slow down and stop. Months or even years of custodial care are needed. But where? And how financed?

Both from the standpoint of decent humanitarian concerns and from the standpoint of the economic burdens involved—for them and their families and for the society of which we are all a part, this problem has become so complicated and so urgent and affects such a large and deserving portion of our population that the move to call a White House Conference at the highest level along with conferences at lower levels in the States and local communities is one of the most forward looking proposals, with the greatest possibilities for genuine benefit to our whole Nation and its people that has come before us in a long time.

Physically, emotionally, economically, and socially—every way that you look at it, the needs of the aging are greater today and no one has anything approaching an adequate answer. I think it is the most urgent domestic problem that we face in America. It demands the most comprehensive analysis and, probably, a variety of measures gradually worked out with all people of good will and all agencies cooperating. I commend all those who have contributed to bringing this bill to the attention of the country and to the Congress. I hope nothing will interfere with its passage here and in the other body. We need to get on with this job. It is already late.

The SPEAKER. The question is: Will the House suspend the rules and pass the bill, as amended?

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

The title was amended so as to read: "A bill to provide for holding a White House Conference on Aging to be called by the President of the United States before September 30, 1960, to be planned and conducted by the Secretary of Health, Education, and Welfare with the assistance and cooperation of other departments and agencies represented on the Federal Council on Aging; to assist the several States in conducting similar conferences on aging prior to the White House Conference on Aging; and for related purposes."

A motion to reconsider was laid on the table.

Mr. WIER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

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

There was no objection.

Mr. COFFIN. Mr. Speaker, in view of the short time limit of 20 minutes allowed in the House under suspension of the rules, I want to make my views known on this important bill by this extension of my remarks.

We are facing a remorseless buildup year by year of unresolved problems relating to the social and economic adjustment of our elderly citizens. In the State of Maine over 10 percent of our population is above 65 years of age. A Maine Committee on the Aging was created by statute in 1953 and has grown increasingly active. Our Maine Medical Association has set up a special committee on the aging. I know that similar, but unrelated, efforts are being made in the majority of States. At the Federal level, we have the Interagency Council on the Aging, made up of members who have primary responsibility to their own agencies and which has no staff, no funds, and meets only once a month, except during the summer, when it does not meet at all. There is also a small staff in the Office of Health, Education, and Welfare assigned to the problems of the Nation's 15 million aging.

Mr. Speaker, there is accumulating evidence that what is now a very serious problem, may soon become a crisis. I believe the pending legislation could be the first step toward averting such a crisis. Its consideration and passage in this session is of utmost importance. We should move now to give the States at least minimum help in correlating and stepping up their efforts. Subsequently, their varied experiences and programs should be brought into focus throuh a White House conference on the aging. I would hope, of course, that we would reach realistic estimates on how much the individual States will actually need for their preparatory work.

The all-important fact is, however, that this bill recognizes that a problem common to all our States and to all of our people is one affecting the general welfare, and that it must be considered on a national level. A White House conference on children and youth has been held every year since 1909. A similar conference on the aging would certainly stimulate concerted effort and bring us closer to solutions, even though it would not in itself be a vehicle for action.

Mr. FOGARTY. Mr. Speaker, I rise to request the support of all of my colleagues here in the House for my bill, H. R. 9822. I should like, at the outset, to thank the gentleman from North Carolina, Congressman BARDEN, for his part in bringing this bill to the floor and the gentleman from Minnesota, Congressman WIER, for the sympathetic hearing and careful consideration which he and the members of his subcommittee on Safety and Compensation have given to it.

H. R. 9822 provides that the President of the United States shall call a White House Conference on Aging not later than September 30, 1960. It provides, further, that up to $50,000 be granted to each State so that the States may collect necessary information about their older citizens, hold conferences for the purpose of coming to conclusions about what should be done to meet the needs of these citizens, and develop recommendations for action. It is my thought that these recommendations from all of the States should be brought together in a national conference on aging and molded into a total program for the guidance of the Federal Government, State governments, local communities, and the hundreds of national and local voluntary associations and agencies which are involved in this matter of aging. It has become clear, beyond doubt, that all of these share responsibility for creating conditions which

will assure our increasing numbers of older people opportunity to enjoy good health, adequate income, useful activity, decent housing and the other essentials of satisfying living.

I have been in a position for many years, as you know, Mr. Speaker, to study the health, welfare, and other needs of all of our citizens and to assist the Congress in creating legislation which has contributed greatly to their happiness and well-being and to the total national welfare. Our older people have been, in many ways, the neglected element in our population, largely because of the fairly recent but very rapid increase in their numbers. The older population has, in fact, grown from less than 7 million in 1930 to more than 15 million today, and we are only now beginning to understand the full range of their problems. In addition to my own observations as chairman of the Appropriations Subcommittee which deals with most of these problems, I receive daily reminders from my constituents and from many others that what we have done for these older people—and it has not been inconsiderable—is far from enough to make the added years of life rewarding and worthwhile. For all to many of them, indeed, longer life has become an intolerable burden.

I do not wish to suggest, Mr. Speaker, that we have ignored the needs of our older citizens. We have created a system of social security and have extended its benefits to cover nearly 10 million of those who are now retired and to apply to 90 percent of those who are currently employed. We have provided steadily increasing sums for research on aging and on the chronic diseases which afflict the majority of our older citizens. We are supporting programs for the discovery and control of cancer, heart disease, tuberculosis, diabetes, and other diseases common to this age group. We are assisting the States and communities in building hospitals, health centers, and geriatric treatment and rehabilitation facilities. We have provided funds to enable the States to purchase medical care for those who are receiving public assistance. We are helping to provide special counseling for older workers in public employment offices and we have recently increased the amount of assistance to organizations and communities which are providing special housing for the elderly.

Mr. Speaker, these programs represent solid actions on the part of the whole Congress. They demonstrate that we are conscious of some of the needs of our older cititzens. But, unfortunately, not enough is being done. At least half of our older people do not have incomes sufficient to meet their needs. The latest report from the National Health Survey reveals that 76 percent of those 65 years and over suffer from one or more chronic disabilities or impairments and that 33 percent of our older people are limited or prevented by long-term illness from following their normal activities. Prejudice against the worker 40 and over still makes it difficult, if not impossible, for him to get a job. A million, or perhaps even 2 or 3 million, middle-aged and older people could be restored to employment or other useful activity if they were able to secure rehabilitation services. Adequate medical care and decent housing are denied to thousands of our older people through lack of facilities or insufficient income to make use of the facilities which do exist. Isolation, boredom, and uselessness are diseases which are sending hundreds of older people into hospitals for the mentally sick and into nursing homes and county infirmaries.

These are conditions which exist today, Mr. Speaker, despite the magnitude of our efforts to alleviate them. We are providing a great deal of stimulation and financial assistance that should result in widespread action. To some extent, action is taking place, but by no means rapidly enough.

It is against this background that I introduced my bill. I came to the conclusion, Mr. Speaker, that the only way we can get action of the kind we need is to place a renewed focus of attention on this whole matter of aging. I believe that people do not know enough about the programs we have provided. I believe we must generate more widespread recognition of the whole problem than we have done so far. I believe we must help to generate a real determination to implement all of the programs we have made possible. We must expect to see specific plans and blueprints developed and put into effect. It is my belief that a series of State conferences culminating in a national White House Conference on Aging will help to get this kind of action.

The first National Conference on Aging held in 1950 and the two Federal-State conferences which have been held since that time got things started in many parts of the country. The governors and legislators of 32 States have set up commissions or councils on aging and some of these are working vigorously and making real progress in developing programs for recreation, health, education, employment, and housing for their older people. The majority of the States have scarcely gotten off the ground, however, and some have hardly begun to recognize the broad range of problems of their older citizens.

The same is true of a good many voluntary associations and organizations. Some of them are well aware of their opportunities to serve older people and are doing it well. Many others are giving only lipservice to the problem.

What I am convinced we must do is to get all of the States and all of these organizations involved. Aging affects every aspect of our lives. It has been said that aging is everybody's business and I believe this to be true. The conferences I am proposing will help to make it so.

Let me, if you will, take my own State of Rhode Island as an example. We set up a Governor's Committee on Aging back in 1951. The committee made a comprehensive survey of the needs of all older people in the State. It appointed subcommittees and the subcommittees held a great many meetings. We made some progress but not a great deal. Last fall the Governor asked the Special Staff on Aging of the Department of Health, Education and Welfare to come in and make a survey of the whole situation. We now have a set of recommendations to guide us. Governor Roberts has had the full support of the legislature in setting up a division of aging in his own office. I think we are ready to move in Rhode Island. But, to be entirely honest, I think we will move faster if we in the Congress can demonstrate that aging is a matter of national concern. We need to create the awareness on the part of all of our citizens that will give all of the States the encouragement and the support they must have in their efforts to meet this problem.

Mr. Speaker, H. R. 9822 represents a practical, down-to-earth approach to this whole matter of aging. It authorizes the President to call a White House Conference on Aging to be planned and conducted under the direction of the Secretary of Health, Education, and Welfare. I believe we have every reason to expect that this Conference, with participants from all of the States, would serve to focus nationwide attention on the needs of our older citizens and that it would come up with a sound program of action which should serve as a guide to us, to officials in all levels of Government, and to all groups and organizations which can be interested.

I should like to see the responsibility for organizing the White House Conference on Aging lodged with the Special Staff on Aging in the Office of the Secretary of the Department of Health, Education, and Welfare. This staff has shown repeatedly that it has the vision and the skill to organize a meeting of this kind. It has demonstrated its ability to harness the resources of all of the departments and agencies of the Federal Government and to bring them to bear on a project of this kind. And it goes without saying, I am sure, that all of the dozen or so agencies of the Government which are concerned with one or more of the problems of older people should be involved in any such meeting.

Mr. Speaker, I have stated the provisions of my bill. I am convinced that now—today is the time for us to act. The problems of aging, with which we are dealing, are going to become much larger before we can get them under control. While our programs of medical research are leading to great improvements in the health of older people, they are also extending the length of life for millions of our citizens. We are now adding 1 older person to our population every 15 minutes, or a total of 340,000 every year. The length of the period of retirement is increasing. Problems of health, of living arrangements, and of loneliness become acute in extreme old age. They constitute a growing challenge to all of us and we must do much more about them than we have been doing. And we must do it now.

I recently reported to the chairman of the Committee on Education and Labor that the total cost of this program, including funds for assisting the States and organizing the conferences, would not exceed $3,500,000 to be spent over a 2-year period. This, I pointed out, is less than 25 cents for each older person in

our population today. I am sure you will agree that this is a small amount in view of the returns we may expect to obtain on their behalf.

Whatever we are able to do to improve the circumstances of the elderly people today will help to create a better society for the 35 to 40 million middle-aged people in our population who are reaching old age at the rate of more than a million a year. I reminded our colleagues once before that this includes most of us here along with our families and thousands of the people we represent.

We have a clear responsibility to do our share, yes, more than our share, in making the later years of life comfortable, useful, healthy, and satisfying for all who will live to be old and for those who are old today. I firmly believe that the States and hundreds of organizations, and individuals are looking to us for leadership and that they will move ahead if we show them the way. The hundreds of letters I have had and those many of you have doubtless received testify to the accuracy of this statement.

It is for these reasons and for the total welfare of the country that I solicit the vote of every one of my colleagues for this bill. There is nothing partisan about it, because we are all aging as are all of our constituents without regard to political affiliation. I hope very much that we can obtain passage of the bill this afternoon and forward it to the Senate at once so that action may be completed during this session.

Mr. LIBONATI. Mr. Speaker, the passage of H. R. 9822 will stimulate positive action for a study at all levels in the body politic of the problems confronting the aged. The holding of a White House Conference on aging fields of study in cooperation with the States will bring about factual data based upon information and special areas of research in this subject that will result in legislation for the solution of the many problems confronting the ever increasing number of aged in our country.

Through the advice of experts and the experiences of various governmental bodies plans and programs can be evolved that will meet the needs in medical, vocational, housing, and security conditions that contribute to their impoverished and depressive conditions.

The utilization of their skills, experience and energies can be realized. The stimulation of their interest to improve their social condition and interest in civic affairs and obligations of citizenship will bring them happiness and contentment.

When we consider that the increase in old age—65 as the age of demarcation—has increased from 3 million in 1900 to 14 million in 1955 and an estimated 21 million for 1975, we must do something to formulate procedures and programs to meet these needs for legislation.

This is a forward step in a disregarded field of legislation and demands immediate action. The expert knowledge and abilities of the aged themselves can best be utilized for successful termination of their problems.

Mr. O'HARA of Illinois. Mr. Speaker, I wish to commend the distinguished gentleman from Rhode Island [Mr. FOGARTY], for introducing a bill that, enacted into law, will broaden the horizons of life of all the people of the United States who are in the period approaching the sunset. I would take this occasion to remark what is in the minds of all his colleagues that no one who has ever served in the Congress of the United States has done more for the advancement of the happiness of the American people than JOHN FOGARTY. There is not a home in America that is not indebted to the great and beloved statesman from Rhode Island. It is he more than any other person in the Congress who is responsible for a program of medical research larger than that ever before undertaken in all the history of the world; a program of medical research that is lifting from the homes of this country the terrible dread of diseases for which there had been no cure. This great American is now taking the leadership for a positive program to solve the many perplexing and distressing problems that attend the growing population of our aged. I was happy to have the opportunity of giving him encouragement and support in the adoption of his program of medical research. I am happy now to follow his leadership in the fight to bring sunshine into the lives of men and women now beset with heavy burdens in the closing years as they march toward the setting of the sun.

I commend also the distinguished gentleman from Minnesota [Mr. WIER] who has added to his long list of legislative accomplishments another great service to humanity. As Chairman of the subcommittee which reported out the bill we are now considering, he arranged public hearings that went on for many days and penetrated into every facet of the problems of the aged. The gentleman from Minnesota came to the Congress as a freshman the year that I was a freshman, and during the years that have passed, I have observed with admiration his legislative conduct, always fighting for the things that would bring happiness and contentment and justice to the little men and women of our Nation; always combating that which would give undue privilege to one class at the expense of another class.

It is natural that I should have an understanding interest in this bill. I am one of the many Members of this body who have passed the biblical span of three score and ten. I think often of the people who are forced to retire at 62 or 65, often when they are in the very prime of their intellectual ability, and so often when they have been forced into retirement and inactivity and have nothing to occupy their time, lose heart and fade away.

I think often of the men and women, not yet aged, still in the virility of middle age, but who cannot find employment because of the rule in many personnel offices that one past the thirties cannot be started in their employment. I think often of the lack of adequate housing for the aged, and of the heartbreaking struggles in these years of inflation, of these aged people who have inadequate means and no hope of augmenting their meager incomes by finding employment.

Something, Mr. Speaker, is wrong, and until we find a way to right the wrong, we cannot hold up our heads with self-respect. The bill fathered by the gentleman from Connecticut and brought to us from the subcommittee chairman by the gentleman from Minnesota, offers the first positive approach to a solution of the problems of the aged that has been presented to the Congress. In all good consciousness this bill must be passed, I hope by unanimous vote, by this body and the Congress should not adjourn until the other body has acted and the Fogarty bill is on the desk of the President, by his signature to become the law of the land.

On March 12, 1956, I introduced H. R. 4873, 84th Congress. Eleven other members of the Banking and Currency Committee of that year joined with me as sponsors. This was a bill to provide housing for elderly families and persons, and while the bill was not enacted into law, many of its features were lifted from it and made provisions in omnibus housing bills that became laws.

This was the beginning of the fight for housing for our aged, a fight that arrested the attention of the Nation and has resulted already in providing more housing, especially erected and financed to meet the needs of the aged, than ever before has been provided. I am humbly happy that such rich results have come from an effort I undertook to make in the performance of a mission of the heart. I cannot make mention of this without paying a tribute of appreciation to Allen Dropkin, an outstanding young lawyer of Chicago, who abandoned his own private affairs for a number of months to make the most exhaustive study for housing for the aged ever undertaken in this country, and I trust that when the Secretary of Health, Education, and Welfare names the advisory committee provided for in this bill, that he will include the name of Allen Dropkin. I also commend that great fraternal organization, the Eagles, for the outstanding job it has done in the field of housing for the aged, and I am sure that the Secretary of Health, Education, and Welfare will take recognition of this by naming as a member of that advisory committee, Alfred O'Connor, who, year after year has fired with his enthusiasm the great fraternal order in which he holds exalted position.

Mr. Speaker, there is so much more to be done until the aged of our Nation have the homes that will give them the comfort and the security to which they are entitled. Until we have provided for all of our senior citizens homes, homes of comfort and security and within their financial means, we have not completed the mission that is in every decent heart. We have so very, very much more to do in providing medical care for our aged, and in opening for them the opportunities for employment, that we cannot even consider the adjournment sine die of the 85th Congress until this bill has been passed here and in the other body. With all the good and experienced people of all the States working together, and finally coming to a White House conference, we cannot fail to find the legislative an-

swers to the questions raised as to what can be done to bring the sunshine into the lives of men and women as they march toward the setting of the sun.

AMENDING SECTION 27, MERCHANT MARINE ACT OF 1920

Mr. BONNER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 9833) to amend section 27 of the Merchant Marine Act of 1920, as amended.

The Clerk read as follows:

Be it enacted, etc., That the Merchant Marine Act, 1920, as amended (46 U. S. C. 861 and the following), is amended by adding immediately following section 27 thereof (46 U. S. C. 883), a new section 27A reading as follows:

"SEC. 27A. Notwithstanding any other provision of law, a corporation incorporated under the laws of the United States or any State, Territory, District, or possession thereof shall be deemed to be a citizen of the United States for the purposes of and within the meaning of that term as used in sections 9 and 37 of the Shipping Act, 1916, as amended (46 U. S. C. 808, 835), section 27 of the Merchant Marine Act of 1920, as amended (46 U. S. C. 883), Revised Statutes, section 4370 (46 U. S. C. 316), and the laws relating to the documentation of vessels, if it is established by a certificate filed with the Secretary of the Treasury as hereinafter provided, that—

"(a) a majority of the officers and directors of such corporation are citizens of the United States;

"(b) not less than 90 percent of the employees of such corporation are residents of the United States;

"(c) such corporation is engaged primarily in a manufacturing or mineral industry in the United States or any Territory, District, or possession thereof;

"(d) the aggregate book value of the vessels owned by such corporation does not exceed 10 percent of the aggregate book value of the assets of such corporation; and

"(e) such corporation purchases or produces in the United States, its Territories, or possessions not less than 75 percent of the raw materials used or sold in its operations

but no vessel owned by any such corporation shall engage in the fisheries or in the transportation of merchandise or passengers for hire between points in the United States, including Territories, Districts, and possessions thereof, embraced within the coastwise laws, except as a service for a parent or subsidiary corporation and except when such vessel is under demise or bareboat charter at prevailing rates for use otherwise than in the domestic noncontiguous trades from any such corporation to a common or contract carrier which otherwise qualifies as a citizen under section 2 of the Shipping Act, 1916, as amended (46 U. S. C. 802), and which is not connected, directly or indirectly, by way of ownership or control with such corporation.

"As used here (1) the term 'parent' means a corporation which controls, directly or indirectly, at least 50 percent of the voting stock of such corporation, and (2) the term 'subsidiary' means a corporation not less than 50 percent of the voting stock of which is controlled, directly or indirectly, by such corporation or its parent, but no corporation shall be deemed to be a 'parent' or 'subsidiary' hereunder unless it is incorporated under the laws of the United States, or any State, Territory, District, or possession thereof, and there has been filed with the Secretary of the Treasury a certificate as hereinafter provided.

"Vessels built in the United States and owned by a corporation meeting the conditions hereof which are non-self-propelled or which, if self-propelled, are of less than 500 gross tons shall be entitled to documentation under the laws of the United States, and except as restricted by this section, shall be entitled to engage in the coastwise trade and, together with their owners or masters, shall be entitled to all the other benefits and privileges and shall be subject to the same requirements, penalties, and forfeitures as may be applicable in the case of vessels built in the United States and otherwise documented or exempt from documentation under the laws of the United States.

"A corporation seeking hereunder to document a vessel under the laws of the United States or to operate a vessel exempt from documentation under the laws of the United States shall file with the Secretary of the Treasury of the United States a certificate under oath, in such form and at such times as may be prescribed by him, executed by its duly authorized officer or agent, establishing that such corporation complies with the conditions of this section above set forth. A 'parent' or 'subsidiary' of such corporation shall likewise file with the Secretary of the Treasury a certificate under oath, in such form and at such time as may be prescribed by him, executed by its duly authorized officer or agent, establishing that such 'parent' or 'subsidiary' complies with the conditions of this section above set forth, before such corporation may transport any merchandise or passengers for such parent or subsidiary. If any material matter of fact alleged in any such certificate which, within the knowledge of the party so swearing is not true, there shall be a forfeiture of the vessel (or the value thereof) documented or operated hereunder in respect to which the oath shall have been made. If any vessel shall transport merchandise for hire in violation of this section, such merchandise shall be forfeited to the United States. If any vessel shall transport passengers for hire in violation of this section, such vessel shall be subject to a penalty of $200 for each passenger so transported. Any penalty or forfeiture incurred under this section may be remitted or mitigated by the Secretary of the Treasury under the provisions of section 7 of title 46, United States Code.

"Any corporation which has filed a certificate with the Secretary of the Treasury as provided for herein shall cease to be qualified under this section if there is any change in its status whereby it no longer meets the conditions above set forth, and any documents theretofore issued to it, pursuant to the provisions of this section, shall be forthwith surrendered by it to the Secretary of the Treasury."

The SPEAKER. Is a second demanded?

Mr. RIVERS. Mr. Speaker, this bill would authorize the operation in the domestic trade of the United States of barges or non-self-propelled vessels and small self-propelled vessels of 500 gross tons or less, owned by American corporations, but which do not fully meet the test of citizenship under the Shipping Act of 1916 because of the extent of alien stock ownership or management control.

The Merchant Marine Act, 1920, prohibits vessels built in the United States and owned by corporations from transporting cargo between points in the United States, unless the corporation is organized under the laws of the United States or of a State thereof, and the president and managing directors thereof are citizens of the United States, and 75 percent of the stock of the corporation is owned by citizens of the United States.

The bill changes existing law only with respect to corporations owning such vessels as barges, towboats and other small service vessels, which corporations are engaged primarily in a manufacturing or mineral industry in the United States or any Territory, district or possession thereof. It removes the present requirement that the president and managing directors must be citizens, and in lieu thereof requires that a majority of the officers and directors of the corporation must be American citizens. The 75-percent stock ownership requirement is also removed. The bill, however, adds the following additional standards that must be met:

First. Not less than 90 percent of the employees of the corporation must be residents of the United States;

Second. The aggregate book value of the vessels owned by such corporation may not exceed 10 percent of the aggregate book value of the total assets of the corporation; and

Third. The corporation must purchase or produce in the United States, its Territories, or possessions, not less than 75 percent of the raw materials sold or used in its operations.

The need for the legislation arises from the fact that since the enactment of the basic legislation imposing restrictions on citizenship and trading limits, there have been certain examples of corporations created under the laws of States of the United States, but which have not been able to meet the test of citizenship under the Shipping Act of 1916, as amended, because of their corporate stock control and organization.

This matter came to the attention of our committee when bills were introduced early in this session of Congress by Messrs, RIVERS and HEMPHILL, of South Carolina, and Messrs. FRAZIER, REECE, and BAKER, of Tennessee. The Bowaters Southern Paper Corp., an American corporation with huge facility investments in Tennessee and elsewhere in southeastern United States, found that because of the extent of its Canadian and British financial control it does not meet the test of citizenship under the Shipping Act of 1916, and therefore, under existing law cannot own and operate its own barge and towing facilities as a proprietary carrier in conjunction with its production activities. The proponents of the legislation pointed out that the effect of existing law is unfair and inequitable, and that amendment of the law to put this American corporation on equal footing with its competitors would in no way prejudice American merchant marine policy from the standpoint of either commerce or defense. Vessel operations would be limited to barges and tow boats on the inland waterway system, and would be purely incidental to the company's principal function.

Another major example of an American corporation not meeting the citizenship standard of the 1916 Shipping Act, but otherwise extensively engaged in an important part of the economy of the United States, is the Shell Oil Company. Shell has extensive off-shore drilling operations in the Gulf of Mexico which

must be serviced by relatively small utility vessels.

Full hearings were held on this legislation, and the bill, as reported, has been amended to meet the technical objections of the Bureau of Customs in the Treasury Department, as well as the objections originally offered by the Department of Commerce.

As reported, the bill would not permit any such corporation to engage in water transportation activity as a common carrier.

Mr. HEMPHILL. Mr. Speaker, I heartily endorse H. R. 9833, and thank the chairman and members of the Committee on Merchant Marine and Fisheries for bringing this bill up with such dispatch.

The distinguished gentleman from North Carolina [Mr. BONNER], chairman of the committee, was most courteous in arranging early dispatch of hearings and consideration of this legislation.

Because of my interest in this legislation and the merits of it, I introduced H. R. 9826, identical to H. R. 9833 as originally introduced. The committee has, I feel, made some timely and necessary modifications to the original bill.

In support of this legislation, I appeared before the committee urging passage. At that time I noted that Bowaters, Ltd., had begun a plant in the Fifth District of South Carolina, which I have the privilege of representing. We have welcomed Bowaters to the Carolinas. We wish them well, and this legislation will enhance their participation in competition on an equitable basis.

The Bowaters people have shown themselves to be exceptionally fine citizens and will undoubtedly make a very substantial contribution to the economy of my District. The present construction program will cost $38 million, but Bowaters have indicated that they intend to expand their South Carolina operations for a $100-million pulp and paper installation. They have also announced that they intend to construct a mill on the same site to manufacture hardboard exclusively from hardwood. There are, of course, very substantial quantities of hardwood in my State and in neighboring Southern States, and the development of an industry to utilize this little-used raw material is of great importance to the economy of the State.

Bowaters Southern Paper Corp. is unable to take full advantage of the economies of water transportation through the private ownership and operation of barges. The availability of navigable water was one of the chief factors leading to the selection of Calhoun, Tenn., as the site for this mill. Ownership of barges is forbidden because the company is a wholly owned subsidiary of the Bowaters Corporation of North America, Ltd., a Canadian corporation which is wholly owned by the Bowaters Paper Corp., Ltd., a British corporation.

Note, Mr. Speaker, that any vessels acquired under the provisions of this act must be built in the United States. Again we provide employment and subscribe to Americanism.

We are not putting these vessels into competition. The bill as modified prevents this. We do not license this corporation as a common carrier.

We in South Carolina are proud to back their bill 100 percent.

The United States is now importing much of its newsprint from Canada, and the newsprint producers in Canada can ship to the United States, in Canadian vessels, cheaper than the Tennessee mill can get its products to the same markets in the United States. Such an inequity, I know, should not be imposed upon an industry, with the great investments, employment potential, raw materials utilization, and economy promotion which Bowaters-Carolina Corp. and other subsidiaries of the Bowaters organization present.

In this time of business concern, with the considerable unemployment that exists, the removal of row crops because of the Soil Bank, and other business conditions, or problems of a similar nature, I hope this Congress in its wisdom will see its way clear to take this step in the promotion of more business and more employment. As this operation expands, not only will it increase business generally in the areas having hardwoods available, but it will, of course, be subject to taxation and contribute to the support of this Government through taxes.

I include an article from the Lancaster, S. C., News.

Mr. Speaker, I strongly urge passage of this legislation.

BOWATERS REVEALS SECOND MILL TO BE BUILT IN AREA

The Lancaster-Chester-York County areas economic outlook got a terrific shot in the arm Friday when Bowaters Southern Paper Corp. announced plans for a new hardboard plant at Catawba.

The new plant will bring an additional annual payroll estimated at $500,000 annually to the area and will open up a market for landowners to sell low grade hardwood timber.

Officials of Bowaters Southern at Calhoun, Tenn., said this will be the first time hardwood has ever been produced 100 percent from hardwood trees.

The board mill plant, to be called Bowaters Board Co., is now being designed at Bowaters Research and Development Corp.'s plant at Calhoun, Tenn.

The construction scheduled will be coordinated with that of the pulp mill now being erected at Catawba by Bowaters Carolina corporation.

Capacity of the hardboard mill will be 500,000 square feet a day on a one-eighth inch thick basis. Equipment of the plant is being designed to produce thicknesses varying from one-tenth to three-eighths of an inch.

John G. Robinson, formerly associated with an Oregon hardboard manufacturer, has been named superintendent of the Catawba plant. He is participating currently in the designing of the plant.

The output of the new mill will be known as Bowaters Board. It will be manufactured in a new process which has been developed as a result of years of research, including extensive experimental work in a leased pilot plant at Coos Bay, Oreg., officials said.

The Bowater organization has had 20 years experience in board manufacture and operates hardboard mills in other countries, officials explained.

"Not only have our engineers produced a superior product but they are responsible for opening up a market for low quality hardwood trees which are overabundant in the Southeast," officials said.

Construction of facilities to use hardwood at Calhoun, Tenn., already is underway.

Market surveys indicated that hardboard demand will increase substantially in the United States within the next 5 years. Hardboard is becoming increasingly important to the furniture industry. Its use is also increasing in residential and industrial construction. New outlets for this versatile material are being discovered almost daily, officials said.

The $500,000 estimated annual payroll quoted by officials doesn't include other jobs which will be provided in wood procurement.

Mr. BOYKIN. Mr. Speaker, H. R. 9833, by my distinguished friend, MENDEL RIVERS, authorizes the operation in domestic trade of the United States of barges or non-self-propelled vessels and self-propelled vessels of 500 gross tons owned by American corporations, but which corporations are termed alien by the Shipping Act of 1916. The instant proposed legislation brings up-to-date the law which has long since become antiquated. We have in this country many vast corporations whose top management are citizens of other friendly nations but who have come to America and invested large sums of money amounting to hundreds and hundreds of millions of dollars. They employ many, many thousands of Americans. Everything they buy is American and they become some of our best citizens.

We have a classic example of this in the great Bowaters Paper Company located in the District of my distinguished friend, the gentleman from Tennessee, JAMES B. FRAZIER. Yet this corporation under the antiquated law referred to cannot use the inland waterways to transport its own property—thereby putting it in a non-competitive position with the other great members of the pulp industry. The same thing applies to the Shell Oil Company and other fine corporations who have many hundreds of millions of dollars invested in America.

Mr. Speaker, this bill implements our Good Neighbor Policy, this bill is foreign aid in reverse. Mr. Speaker, this bill gives away nothing, it strengthens our law. It does the following:

First. Not less than 90 percent of the employees of the corporation must be residents of the United States:

Second. The aggregate book value of the vessels owned by such corporation may not exceed 10 percent of the aggregate book value of the assets of the corporation; and

Third. The corporation must purchase or produce in the United States, its Territories or possessions not less than 75 percent of the raw materials sold or used in its operations.

The question is: Will the House suspend the rules and pass the bill, as amended?

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. BONNER. Mr. Speaker, I ask unanimous consent that Members who

desire to do so may extend their remarks in the RECORD on the bill just passed.

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

There was no objection.

AMENDING SECTION 382 OF THE COMMUNICATIONS ACT OF 1934

Mr. HARRIS. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 7757) to amend section 382 of the Communications Act of 1934 to provide an exemption from the requirements of part III of title III of that act in the case of certain vessels.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 382 of the Communications Act of 1934 is amended (1) by striking out the period at the end of paragraph (3) thereof and inserting in lieu thereof "; and"; and (2) by adding at the end of such section the following new paragraph:

"(4) any vessel which in the course of its voyages does not go more than 1,000 yards from the nearest land."

Mr. HARRIS. Mr. Speaker, the purpose of this legislation is to add a further exemption to section 382 of the Communications Act relating to the requirements for radiotelephones on certain vessels carrying passengers for hire.

Public Law 985 of the 84th Congress requires that United States vessels transporting more than six persons for hire which navigate in the open sea or any tidewater within the jurisdiction of the United States adjacent or contiguous to the open sea, must be equipped with radiotelephone equipment.

Certain exemptions are provided and the Federal Communications Commission is authorized to make certain exemptions where requiring a radiotelephone installation would be unreasonable, unnecessary, or ineffective for the purposes of the law.

The Commission has exempted vessels which do not go more than 1,000 feet from land. All the pending bill, as amended, does is to extend that exemption to 1,000 yards.

The SPEAKER. Is a second demanded?

The question is, Will the House suspend the rules and pass the bill H. R. 7757, as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

AMENDING SECTION 77 (C) (2) OF THE BANKRUPTCY ACT

Mr. FORRESTER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12217) to amend paragraph (2) of subdivision (c) of section 77 of the Bankruptcy Act, as amended.

The Clerk read the bill, as follows:

Be it enacted, etc., That paragraph (2) of subdivision (c) of section 77 of the Bankruptcy Act, as amended (11 U. S. C. 205 (c) (2)), is amended by inserting in said paragraph, immediately preceding the last sentence thereof, the following: "In operating the business of the debtor with respect to safety, location of tracks, and terminal facilities, the trustee or trustees shall be subject to lawful orders of State regulatory bodies of statewide jurisdiction to the same extent as would the debtor if a petition respecting it had not been filed under subsection (a) of this section except that (A) any such order which would require the expenditure, or the incurring of an obligation for the expenditure, of money from the debtor's estate shall not become effective (a) unless the trustee or trustees, with the approval of the court, shall consent thereto, or (b) unless the Commission, upon appropriate application or applications by an interested party or interested parties, shall find that compliance with the order will not impair the ability of the trustee or trustees to perform his or their duties to the public, will not constitute an undue burden upon interstate commerce, will be compatible with the public interest, and will not interfere with the formulation and approval of a satisfactory plan of reorganization for the debtor, and (B) compliance shall be made with any applicable provision of the Interstate Commerce Act."

The SPEAKER. Is a second demanded?

Mr. ROBSION of Kentucky. Mr. Speaker, I demand a second.

Mr. FORRESTER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. FORRESTER. Mr. Speaker, I yield myself such time as I may consume.

Briefly, Mr. Speaker, the purpose of the proposed legislation is to amend paragraph (2), subdivision (c) of section 77 of the Bankruptcy Act by adding new matter which would require that the trustee in bankruptcy, in operating the business of the debtor, shall also be subject to the orders of State regulatory bodies to the same extent that the railroad would be subject to the order of such bodies if an order for reorganization had not been filed.

This legislation arises under a state of facts that is almost inconceivable. It may be that these particular facts may never occur again. But in 1931, the Florida East Coast Railway Co. was operating its railroad lines and systems in the State of Florida and in the city of Miami. In 1931 this railroad was placed into receivership. At that time the city of Miami was a city of approximately 20,000 people. Today it is a city of at least 800,000 people, and in the winter it is a city of approximately 2 million. The same little terminal down in Miami, Fla., which is familiar to quite a few Members of this august body, is the same little terminal station which was erected down there when Miami was a city of 4,000 people. The tracks have become a menace to the people of the city of Miami. It is absolutely essential that there be some safety regulations provided; that there be some improvements as to the terminal and the facilities there. Under the regular law it is positive law that the State regulatory bodies have a right to order railroads to improve their terminal facilities and safety facilities, and so forth, but when they go into bankruptcy there is a hiatus, and as a matter of fact they do not have that power.

All on earth this bill does is to provide that the State regulatory bodies shall be respected, provided it is approved by the trustees and by the Interstate Commerce Commission. If we can get this legislation passed, Miami will have received some relief which they have been deserving and needing since 1931. The railroads have the money to accomplish the purpose that the city of Miami is asking for now. As I say, it is an unbelievable situation, but an unfortunately true situation.

Mr. ROBSION of Kentucky. Mr. Speaker, the subcommittee went into this situation very thoroughly, as the chairman stated. It is incredible that this particular railroad should have been in receivership for over 25 years, and due to circumstances under the present law, the city of Miami for all of these years has had very inadequate rail transportation facilities. We are hopeful that this legislation will correct that situation. This bill was reported out of our Judiciary Subcommittee by a unanimous vote.

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

Mr. FORRESTER. Mr. Speaker, I yield to the gentleman from Florida [Mr. FASCELL] such time as he may desire.

Mr. FASCELL. 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 Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, I rise in support of the pending legislation, H. R. 12217, introduced by me.

The purpose of the legislation is to amend paragraph (2), subdivision (c) of section 77 of the Bankruptcy Act, the railroad reorganization section, to allow the debtor with respect to safety, location of tracks, and terminal facilities to comply with the lawful orders of a State regulatory body so that needed improvements in railroad facilities can be made prior to the confirmation of a plan of reorganization.

The need for this legislation is clearly demonstrated by the experience of operating under the present provisions of section 77 of the Bankruptcy Act since March 3, 1933. In at least one instance a situation has arisen which is, and has been, intolerable and fantastic.

The particular problem arose in the city of Miami, Fla., and has been brought on by more than 25 years of litigation over the reorganization of the Florida East Coast Railroad. This case is aptly described as the "Yo-Yo Case." I am confident that the original framers of the law never contemplated a situation of this character arising under the beneficial provisions of the act.

The Florida East Coast Railroad passenger station in Miami was constructed in 1895, when Miami had a population of approximately 4,000. This same dingy, antiquated, and inadequate terminal facility purports to serve the needs of a metropolitan community whose population presently is about 800,000, is expected to be over a million in 1960, and 2 million in 1970. Not only is the passenger station inadequate, its location is astride of the heart of the community, stifling its growth and development, constituting an ever-present traffic hazard, and endangering the public safety and welfare.

Everyone, during the course of the years since the Florida East Coast Railroad has been in reorganization which has been over 25 years, has been agreed that something should be done with respect to the improvement and the location of these terminal facilities. However, during the course of the reorganization the railroad made money and the creditors were competing for eventual control of it. Consequently, no plan of reorganization was agreed to or eventually confirmed.

The court meanwhile had ruled that it would not grant authority to the trustee to use funds from the debtor's estate to construct the facilities which the railroad had been ordered to construct by the State Railroad and Public Utilities Committee, unless such construction was part and parcel of the ultimately approved and confirmed reorganization plan.

So here we have the unique situation of the law operating to protect to the ultimate the position of the creditors, meanwhile thwarting completely the public need and convenience.

This should not be. Under proper safeguards, a State or community ought not to be completely barred from doing that which is necessary in the public need and convenience.

Section 77 of the Bankruptcy Act sets forth a procedure whereby an insolvent railroad can file a petition seeking its reorganization. Such petition may be filed in a court within whose territorial jurisdiction the railroad operates, and a copy must be filed with the Interstate Commerce Commission. Subdivision (b) of that section prescribes statutory requirements of any such plan of reorganization which are intended for the protection of the creditors and shareholders of the insolvent railroad.

Subdivision (c) which H. R. 12217 seeks to amend by inserting new matter therein, prescribes proceedings to be taken after approval of the reorganization petition by the court. This subdivision provides:

First, for the appointment of a trustee or trustees of the debtor's property or his estate; and

Second, that such trustee or trustees shall have the power to operate the business of the debtor, subject to control by the Court and subject to the jurisdiction of the Interstate Commerce Commission.

H. R. 12217 would amend paragraph (2) of this subdivision (c) by inserting new matter which would require that the trustee or trustees in operating the business of the debtor with respect to safety, location of tracks and terminal facilities, shall also be subject to lawful orders of State regulatory bodies to the same extent that the railroad would be subject to the orders of such regulatory bodies, if a petition for reorganization had not been filed.

Thus, under the amendment, a State regulatory body could subject the trustee to its lawful orders on questions of safety, location of tracks and terminal facilities.

The exercise of such regulatory power by the State agency over the operation of the railroad by the trustee or trustees is carefully qualified by the express provisions which require the court-approved trustees' consent or a proper finding by the Interstate Commerce Commission when such order of the State regulatory body will require the expenditure of money from the debtor's estate or the incurring of obligations for the expenditure of funds from such estate.

Case law has been developed which indicates that the courts have interpreted the present law to the effect that State laws are applicable to receivers and trustees in the operation of railroads.

There is some question, however, as to the applicability of the lawful orders of a State regulatory commission to such receivers and trustees, particularly where such order contemplates the expenditure of money from the debtor's estate.

The purpose of H. R. 12217 is to insert into existing law this necessary clarification.

In conclusion, Mr. Speaker, I wish to express my appreciation to the very able gentleman from Georgia [Mr. FORRESTER], chairman of the of the subcommittee, and to the other committee members who considered this legislation most carefully and thoroughly, and for taking the action which is about to be confirmed, I trust, by the unanimous passage today of this important amendment to the Bankruptcy Act. It will be a day of liberation for hundreds of thousands of people in my district, and will certainly prevent the same fantastic set of facts from again frustrating the needs and convenience of that many people for such an unreasonable period of time.

Mr. NIMTZ. 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 Indiana?

There was no objection.

Mr. NIMTZ. Mr. Speaker, as a member of the subcommittee that conducted the hearings on this legislation, I urge favorable consideration of H. R. 12217.

Section 77 of the Bankruptcy Act deals with the reorganization of railroads engaged in interstate commerce and provides a means whereby those that are financially distressed may be rehabilitated with due regard for the interest of the general public in adequate transportation facilities. As such, section 77 contemplates the continued operation of a railroad during its financial reorganization; e. g., where the debtor rejects a lease of a line of railroads, section 77 (c) (6) requires the former lessor to continue to operate the previously leased line or where it is found "impracticable and contrary to the public interest" for the former lessor to operate the line, section 77 (c) (6) requires the former lessee to continue operation for the account of the former lessor. Provisions like 77 (c) (6) are predicated upon the obvious fact that regardless of a railroad's financial condition, the public remains dependent upon it for services which it is alone in a position to provide.

Under normal conditions the nature and extent of a railroad's obligation to provide services and facilities is determined by the Interstate Commerce Commission and State regulatory bodies. The question arises, however, as to whether the fact that a railroad is in reorganization alters its amenability to the orders of such agencies.

As to the Interstate Commerce Commission, section 77 (c) (2) specifically subjects the trustee to the provisions of the Interstate Commerce Act and to the jurisdiction of the Interstate Commerce Commission. As to the applicability of State laws and the jurisdiction of State regulatory bodies, the section is silent.

That the Railroad Reorganization Act has not preempted the field to the exclusion of otherwise lawful State regulations has been established for some time—*Palmer* v. *Massachusetts* (308 U. S. 79 (1939)).

In addition, Congress has specifically indicated its intent that trustees and receivers, in general, in the Federal courts should not be immune to the regulatory power of the States—see *Palmer* v. *Massachusetts* (308 U. S. 79, 90, footnote 17). Section 959 (b) of title 28, United States Code, requires a trustee appointed in a cause pending in a Federal court to operate the property in his possession "according to the requirements of the valid laws of the State in which such property is situated, in the same manner that the owner or possessor thereof would be bound to do if in possession thereof." This provision has been held broad enough to include a trustee in a section 77 reorganization to comply with public service regulations, workmen's compensation statutes, and applicable tax laws.

Thus, while section 959 (b) clearly requires compliance with State laws relating to the usual incidents of operating the debtor's business, there is some question as to the obligation of the trustee, without the approval of the reorganization court, to comply with the orders of a State regulatory body requiring the construction or modification of railroad facilities.

Although the district court in the Florida East Coast litigation recognized the jurisdiction of the State agency to order the erection of new terminal facilities and the relocation of tracks, the court would not authorize the trustee to comply with the order until the necessary financing arrangements could be made part of an overall plan of reorganization. Thus, the court insisted that its responsibility for the financial affairs of the debtor while in reorganization gave it the power to control the trustee's compliance with orders which might affect the reorganization of the debtor or the interests of its creditors.

While it is both necessary and desirable to take into account the effect of major expenditures upon a railroad's overall financial condition and also the effect of such expenditures upon the approval of a satisfactory plan of reorganization, nevertheless, making compliance with the orders of a State regulatory body dependent upon the formulation and approval of a reorganization plan raises a serious problem. If the reorganization plan is quickly formulated and approved, there is no difficulty. If the reorganization gives rise to a large amount of litigation, then badly needed

facilities and services may be denied the public for substantial periods of time.

Although the committee fully agrees that recognized parties in interest have a right to object to and litigate proposed reorganizations, it is nevertheless of the view that the public's interest should not be made to hang in abeyance while innumerable motions and cross motions are made and while appellate procedures are being exhausted. Consistent with that philosophy, this bill provides a method for enforcing certain orders of State regulatory bodies where the consent of the trustee or the approval of the reorganization court cannot be obtained.

Thus, under this bill where an order of a State regulatory body would require the expenditure, or the incurring of an obligation for the expenditure, of money from the debtor's estate and the consent of the trustee and the approval of the reorganization court cannot be obtained, an interested party may go directly to the Interstate Commerce Commission. If the Interstate Commerce Commission then finds that compliance with the order, one, will not impair the ability of trustee or trustees to perform his or their duties to the public; two, will not constitute an undue burden upon interstate commerce; three, will be compatible with the public interest; and four, will not interfere with the formulation and approval of a satisfactory plan or reorganization for the debtor, the trustee must comply with that order provided that such compliance is consistent with the Interstate Commerce Act. It should be noted that the procedure established by this bill is limited to orders respecting safety, location of tracks, and terminal facilities.

It should also be noted that the bill specifically provides that the trustee "shall be subject to the lawful orders of State regulatory bodies of statewide jurisdiction to the same extent as would the debtor if a petition respecting it had not been filed."

There is, therefore, no intent to enlarge by this legislation what is under existing law the proper regulatory scope of the States.

In providing recourse to the Interstate Commerce Commission where the consent of the trustee or the approval of the court cannot be obtained, this bill shifts ultimate control over these matters from the reorganization court to the Commission. However, participation of the Interstate Commerce Commission in the administration of insolvent railroads is not an innovation introduced by this bill. As the Supreme Court said in *Palmer* v. *Massachusetts* (308 U. S. 79, 87):

> From the requirement of ratification by the Commission of the trustees appointed by the court to the Commission's approval of the court's plan of reorganization the authority of the court is intertwined with that of the Commission.

To document this conclusion, the Court in a footnote to this statement pointed out that "section 77 (c) (1) requires the appointment of trustees to be ratified by the Commission; section 77 (c) (2) gives the Commission supervision over the compensation paid to trustees and their counsel; section 77 (c) (3) permits the issuance of trustees' certificates only with the Commission's approval; section 77 (c) (9) permits the Commission, on request of the court, to investigate facts pertaining to mismanagement of the debtor; section 77 (c) (10) empowers the Commission to set up accounts for the allocation of earnings among the various portions of the debtor's lines; section 77 (c) (11) empowers the Commission to file reports as to the debtor's property, prospective earnings, and so forth, and gives to the facts stated in such reports a presumption of correctness; section 77 (c) (12) gives the Commission supervision over allowances for the expenses of various parties in interest in connection with the reorganization proceedings; sections 77 (d) and 77 (e) give to the Commission control over any proposed plan of reorganization; section 77 (p) gives to the Commission control over the solicitation of proxies or deposit agreements."

The committee believes that the authority granted to the Interstate Commerce Commission by this bill will in the future prevent the years of delay in providing badly needed facilities which has characterized the Florida East Coast situation. The committee also believes that this bill represents a proper balancing on the one hand of the interests of the creditors in obtaining a reorganization plan which is fair to all and, on the other, of the interests of the public in adequate transportation services and facilities.

Mr. Speaker, I urge favorable consideration of this legislation.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EFFECTIVE DATE OF COMPENSATION INCREASES TO WAGE BOARD EMPLOYEES

Mr. MURRAY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 25) relating to effective dates of increases in compensation granted to wage board employees, as amended.

The Clerk read as follows:

Be it enacted, etc., That each increase in rates of basic compensation granted, pursuant to a wage survey, to employees of the Federal Government or of the municipal government of the District of Columbia whose compensation is fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates under authority of section 202 (7) of the Classification Act of 1949 (5 U. S. C. 1082 (7)) or section 7474 of title 10 of the United States Code shall become effective, as follows:

(1) if the wage survey is conducted by a department or agency (either alone or with one or more other departments or agencies) with respect to its own employees, such increase shall become effective for such employees not later than the first day of the first pay period which begins on or after the 45th day, excluding Saturdays and Sundays, following the date on which formal collection of data for such wage survey is begun; and

(2) if the wage survey is conducted by a department or agency (either alone or with one or more other departments or agencies) and is utilized by any department or agency which did not conduct such wage survey, such increase shall become effective, for the employees of the department or agency utilizing such wage survey, not later than the first day of the first pay period which begins on or after the 20th day, excluding Saturdays and Sundays, following the date on which the department or agency utilizing such wage survey receives the data collected in such wage survey and necessary for the granting of such increase.

SEC. 2. (a) Retroactive compensation shall be paid, by reason of any increase in rates of basic compensation referred to in the first section of this act, only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) or the municipal government of the District of Columbia on the date of issuance of the order granting such increase, except that such retroactive compensation shall be payable—

(1) to an employee who retired during the period beginning on the effective date of the increase in rates of basic compensation and ending on the date of issuance of the order granting such increase, for services rendered during such period, and

(2) in accordance with the provisions of the Act of August 3, 1950 (Public Law 636, Eighty-first Congress) as amended (5 U. S. C. 61f–61k), for services rendered during the period described in paragraph (1) of this subsection, by an employee who dies during such period.

(b) Such retroactive compensation shall not be considered as basic salary for the purposes of the Civil Service Retirement Act in the case of any such retired or deceased employee.

(c) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

SEC. 3. For the purpose of determining the amount of insurance for which an individual is eligible under the Federal Employees' Group Life Insurance Act of 1954 (5 U. S. C. 2091–2103), each increase in rates of basic compensation referred to in the first section of this act shall be held and considered to be effective as of the date of issuance of the order granting such increase or as of the effective date of such increase if such effective date occurs later.

SEC. 4. The foregoing sections of this act shall not apply to any increase in rates of basic compensation granted pursuant to any wage survey described in paragraph (1) or paragraph (2) of the first section of this Act and for which the formal collection of data is begun prior to September 1, 1958.

The SPEAKER. Is a second demanded?

Mr. REES of Kansas. Mr. Speaker, I demand a second.

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

There was no objection.

Mr. MURRAY. Mr. Speaker, I yield such time as he may desire to the gentleman from Georgia [Mr. DAVIS].

Mr. DAVIS of Georgia. Mr. Speaker, I am chairman of the subcommittee that held hearings on this bill for 2 days and reported it out. We believe the bill answers the needs of the situation.

The general purpose of S. 25 is to establish a date on which increases in wages resulting from wage board surveys are to become effective.

Under past procedures and practices it has taken anywhere from 4 to 7 months after the start of a wage survey before the wage increases resulting therefrom are paid to the employees. This represents a lag of approximately 10 months between increases granted to employees in private industry and those granted to Federal employees for the same type of work.

S. 25 as passed the Senate provided for an effective date for wage increases 30 days after the start of a wage survey. Hearings and discussions with officials indicated that such an early date would result in retroactive payments in every instance. Following the committee's hearings, discussions regarding the problem were initiated by the Personnel Adviser to the President. During these discussions new procedures and time-saving devices were agreed to whereby the time involved for conducting a survey, analyzing the data, and establishing the wage rate, could administratively be cut to a period of approximately 60 days, or 12 weeks.

A memorandum to the heads of the departments and agencies was developed which would set such a policy.

Bill S. 25 as reported in the House, follows the policy as established by this memorandum with one exception. The House bill provides for 45 days or 9 weeks in which to conduct the wage survey, analyze the data, and establish the wage rates. The committee believes that these 9 weeks are ample time in which to carry out these operations and that no retroactive payments will result if the departments and agencies will properly plan and carry on their activities.

The Senate, in acting on S. 25, failed to recognize that there were 2 types of wage board activities. One type involves the conduct of wage survey by the department or agency utilizing the results of that survey to establish wages for their own employees. The second type is where a department or agency uses the results of a survey conducted by another department or agency for the purpose of establishing rates. It was necessary to rewrite the Senate bill in order to recognize these two types of wage board activities.

A thorough analysis of the provisions of bill S. 25 as reported by the committee indicated that the language in section 2 of the bill did not fully or clearly represent the policy of the committee. The language in section 3 also was not technically perfect. As a result, amendments to these two sections are being offered today.

The amendments to section 2 provide that payments shall be made to retired or deceased employees for work actually performed during any retroactive period. This amendment brings the provisions of S. 25 into alinement with the provisions recently written into the retroactive pay bills.

The amendment to section 3 makes any adjustment in the face value of a Federal employee's group life insurance policy effective without retroactivity. This is also in line with the provisions of the recent retroactive pay increase bills.

Section 4 of the bill provides that the provisions of the act shall not apply to the establishment of wages in cases where the actual survey started prior to September 1 of this year. The committee deemed these provisions necessary so as to prevent any undue administrative difficulties resulting from retroactive restrictions on the planning and conduct of wage surveys.

Mr. REES of Kansas. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BALDWIN].

Mr. BALDWIN. Mr. Speaker, I would like to congratulate the committee for bringing this bill to the floor. I think it is an equitable and proper bill.

There have been extended periods during which these wage board studies have been made and I know the many wage board employees throughout the country will appreciate the action being taken by the House today. I urge the adoption of S. 25.

Mr. REES of Kansas. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. PELLY].

Mr. PELLY. Mr. Speaker, I am happy that S. 25 is up for consideration under suspension of the rules since I introduced a very similar bill and appeared before the Subcommittee of the House Post Office and Civil Service Committee in support of legislation to provide that any increase in rates of basic compensation granted to Federal blue collar workers pursuant to a wage survey be made effective on a retroactive basis. I know of an instance in my District of the Puget Sound Naval Shipyard where the employees did not get their increases until 6 months after the original date of the survey. That is not fair. A delay like that extends a period of adjustment when the Government employees are already behind similar pay rates in the area. So I have favored legislation such as this bill. Actually, it should be retroactive to the original date when the survey began but this is a compromise and as such it is the best we can hope to get.

Mr. Speaker, I am happy to see the bill come to the floor and urge its passage.

(Mr. REES of Kansas asked and obtained leave to extend his remarks at this point in the RECORD.)

Mr. REES of Kansas. Mr. Speaker, the bill S. 25, as reported to the House, is the result of over 4 months of hearings, consultations, and deliberations on the part of the committee. Immediately following the 2 days of open hearings on the bill, the executive branch of the Government interested itself in administratively improving policies and procedures which had been fundamentally responsible for the 6 to 7 months' delay in the granting of increases to the wage board employees of the Federal Government.

After numerous conferences with the departments and agencies, the employee groups, and other interested individuals, tentative procedures and policies were agreed to which would reduce the 7 months' lag to approximately 12 weeks. This period of 12 weeks or 60 working days was still considered by the committee to be excessive. The Senate, in acting on this bill, established a period of 30 days. The bill, as reported today, establishes a period of 45 days in which the departments and agencies are to conduct their surveys, analyze their data, and issue the new wage scales. I believe that this 45-day period is within reason and that if all parties concerned make every effort to improve on the relationships and activities involved, no retroactive pay will result.

In considering the provisions of the bill as it passed the Senate, it was found that the two types of wage-board activities were not recognized. These two types involve different time periods and different procedures and methods. One type is where the agency conducts its own wage survey for the establishment of the salaries of its employees. The second type is where a department or agency uses the results of a survey conducted by another department or agency. So as to recognize and provide for these two systems, it was necessary that the Senate language be struck from the bill and new language substituted.

With the exception of the 45 days provided in the House bill and the 30 days provided in the Senate bill, there is very little difference in the overall provisions of the two bills. The House bill does establish an effective date on which the provisions of this act shall be applicable. The committee, in its consideration of the administrative problems involved, determined that the 45-day limitation should not apply to wage-board surveys which had begun prior to September 1 of this year. This action was to eliminate any undue and unjustifiable administrative difficulties involved.

I sincerely believe that the 7 to 8 months' lag in receiving pay increases experienced by our some 650,000 wage-board employees is unjustifiable, unnecessary, and a distinct hardship on the employee. I feel that the provisions of this bill are workable and that they will bring the salaries of our wage-board employees more quickly into alinement with the salaries being paid in private industry. The sole principle on which the wage-board system is based is that the Federal salaries shall be equivalent to salaries being paid to private employees in the local area. I feel that for the first time this principle will be met with the enactment of this bill.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AMENDMENTS TO ATOMIC ENERGY ACT OF 1954

Mr. HOLIFIELD. Mr. Speaker, I move that the House suspend the rules and pass the bill (H. R. 13482) to amend the Atomic Energy Act of 1954, as amended.

The Clerk read as follows:

Be it enacted, etc., That subsection a. of section 53 of the Atomic Energy Act of 1954,

as amended, is amended by deleting "or" at the end of paragraph "(2)"; by changing the period at the end of paragraph "(3)" to a semicolon; and by adding the following at the end of the subsection:

"(4) for such other uses as the Commission determines to be appropriate to carry out the purposes of this act."

SEC. 2. That subsection c. of section 53 of the Atomic Energy Act of 1954, as amended, is amended by deleting in both the first and second sentences the words "subsection 53a (1) or subsection 53a (2)" and inserting in lieu thereof in both sentences "subsection 53a (1), (2) or (4)."

SEC. 3. That section 68 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"SEC. 68. Public and acquired lands.—

"b. Any reservation of radioactive mineral substances, fissionable materials, or source material, together with the right to enter upon the land and prospect for, mine, and remove the same, inserted pursuant to Executive Order 9613 of September 13, 1945, Executive Order 9701 of March 4, 1946, the Atomic Energy Act of 1946, or Executive Order 9908 of December 5, 1947, in any patent, conveyance, lease, permit, or other authorization or instrument disposing of any interest in public or acquired lands of the United States, is hereby released, remised, and quitclaimed to the person or persons entitled upon the date of this act under the grant from the United States or successive grants to the ownership, occupancy, or use of the land under applicable Federal or State laws: *Provided, however,* That in cases where any such reservation on acquired lands of the United States has been heretofore released, remised, or quitclaimed subsequent to August 12, 1954, in reliance upon authority deemed to have been contained in the Atomic Energy Act of 1946, as amended, or the Atomic Energy Act of 1954, as heretofore amended, the same shall be valid and effective in all respects to the same extent as if public lands and not acquired lands had been involved. The foregoing release shall be subject to any rights which may have been granted by the United States pursuant to any such reservation, but the releases shall be subrogated to the rights of the United States."

SEC. 4. Section 123 c. of the Atomic Energy Act of 1954, as amended, is amended by substituting a colon for the period at the end thereof and adding the following: *"Provided, however,* That the Joint Committee, after having received such agreement for cooperation, may by resolution in writing waive the conditions of all or any portion of such 30-day period."

SEC. 5. Section 145 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

"g. Whenever the Congress declares that a state of war exists, or in the event of a national disaster due to enemy attack, the Commission is authorized during the state of war or period of national disaster due to enemy attack to employ individuals and to permit individuals access to Restricted Data pending the investigation report, and determination required by section 145 b., to the extent that and so long as the Commission finds that such action is required to prevent impairment of its activities in furtherance of the common defense and security."

SEC. 6. Section 161 d. of the Atomic Energy Act of 1954, as amended, is amended by adding after the word "responsibility" the following sentence: "Such rates of compensation may be adopted by the Commission as may be authorized by the Classification Act of 1949, as amended, as of the same date such rates are authorized for positions subject to such act."

SEC. 7. Section 161 of the Atomic Energy Act of 1954, as amended, is amended by adding the following new subsections:

"t. establish a plan for a succession of authority which will assure the continuity of direction of the Commission's operations in the event of a national disaster due to enemy activity. Notwithstanding any other provision of his act, the person or persons succeeding to command in the event of disaster in accordance with the plan established pursuant to this subsection shall be vested with all of the authority of the Commission: *Provided,* That any such succession to authority, and vesting of authority shall be effective only in the event and as long as a quorum of three or more members of the Commission is unable to convene and exercise direction during the disaster period: *Provided further,* That the disaster period includes the period when attack on the United States is imminent and the post-attack period necessary to reestablish normal lines of command;

"u. enter into contracts for the processing, fabricating, separating, or refining in facilities owned by the Commission of source, byproduct or other material, or special nuclear material, in accordance with and within the period of an agreement for cooperation while comparable services are available to persons licensed under section 103 or 104: *Provided,* That the prices for services under such contracts shall be no less than the prices currently charged by the Commission pursuant to section 161 m.;

"v. (1) enter into contracts for such periods of time as the Commission may deem necessary or desirable, but not to exceed 5 years from the date of execution of the contract, for the purchase or acquisition of reactor services or services related to or required by the operation of reactors;

"(2) (A) enter into contracts for such periods of time as the Commission may deem necessary or desirable for the purchase or acquisition of any supplies, equipment, materials, or services required by the Commission whenever the Commission determines that: (i) it is advantageous to the Government to make such purchase or acquisition from commercial sources; (ii) the furnishing of such supplies, equipment, materials, or services will require the construction or acquisition of special facilities by the vendors or suppliers thereof; (iii) the amortization chargeable to the Commission constitutes an appreciable portion of the cost of contract performance, excluding cost of materials; and (iv) the contract for such period is more advantageous to the Government than a similar contract not executed under the authority of this subsection. Such contracts shall be entered into for periods not to exceed 5 years each from the date of initial delivery of such supplies, equipment, materials, or services or 10 years from the date of execution of the contracts excluding periods of renewal under option.

"(B) In entering into such contracts the Commission shall be guided by the following principles: (i) the percentage of the total cost of special facilities devoted to contract performance and chargeable to the Commission should not exceed the ratio between the period of contract deliveries and the anticipated useful life of such special facilities; (ii) the desirability of obtaining options to renew the contract for reasonable periods at prices not to include charges for special facilities already amortized; and (iii) the desirability of reserving in the Commission the right to take title to the special facilities under appropriate circumstances; and

"(3) include in contracts made under this subsection provisions which limit the obligation of funds to estimated annual deliveries and services and the unamortized balance of such amounts due for special facilities as the parties shall agree is chargeable to the performance of the contract. Any appropriation available at the time of termination or thereafter made available to the Commission for operating expenses shall be available for payment of such costs which may arise from termination as the contract may provide. The term 'special facilities' as used in this subsection means any land and any depreciable buildings, structures, utilities, machinery, equipment, and fixtures necessary for the production or furnishing of such supplies, equipment, materials, or services and not available to the vendors or suppliers for the performance of the contract."

SEC. 8. Section 166 of the Atomic Energy Act of 1954, as amended, is amended by adding the following proviso at the end thereof *"And provided further,* That nothing in this section shall preclude the earlier disposal of contractor and subcontractor records in accordance with records disposal schedules agreed upon between the Commission and the General Accounting Office."

The SPEAKER. Is a second demanded?

Mr. VAN ZANDT. Mr. Speaker, I demand a second.

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

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, this bill was reported unanimously by the Joint Committee on Atomic Energy. It consists of various and sundry amendments requested by the administration and the Atomic Energy Commission and approved by the Bureau of the Budget.

Mr. Speaker, H. R. 13482 is the so-called AEC omnibus bill and amends various sections of the Atomic Energy Act of 1954, as summarized in the committee report. It was reported by the Joint Committee on Atomic Energy with the unanimous recommendation that it be passed.

As chairman of the Subcommittee on Legislation, I would like to make a few comments concerning this bill.

First of all, the Joint Committee held 3 days of hearings on July 10, July 17 and 18, 1958, on the provisions of two prior bills, H. R. 13120 and H. R. 12603, which, after certain revisions, were incorporated into this bill. After the hearings the Subcommittee on Legislation met on July 21, 1958, and after full discussion, voted to approve these bills with certain modifications, and file clean bills. Accordingly on the same day this bill, H. R. 13482, was filed. On July 24, 1958, the full Joint Committee met and voted to report it out with the unanimous recommendation that it be passed.

The committee report on page 1 and the top of page 2 sets out a summary of the bill, with a brief description of the substance of each section. Also, the committee report from pages 5 through 9 contains a more detailed section by section analysis. I refer all of my colleagues to these portions of the committee report, and in addition, I will summarize briefly two of the more important sections.

Section 3 of the bill amends section 68 of the act to provide a general release of reservations of fissionable materials, or source materials, under acquired lands of the United States as well as public lands. The Atomic Energy Act of 1954 contained a similar provision, but this was subsequently interpreted in

some quarters to refer only to conveyances of public lands, and not acquired lands, and numerous problems affecting the title of such conveyances arose.

My colleague, Congressman JOHN F. BALDWIN, JR., of California, had one of these problems in his district and he testified in support of this bill during the public hearing. In addition, the committee was advised that this provision received the support of the Atomic Energy Commission and the Department of Interior, and was approved by the Bureau of the Budget. Also, the committee received letters from the chairman of both the Senate and House Committees on Government Operations recommending that this provision be passed as general legislation to correct a problem which had necessitated numerous individual bills referred to those committees.

I would like also to say a few words about section 7 of this bill, which amends section 161 of the Atomic Energy Act—the general authority section of the act—by adding three new subsections, t, u, and v. Of these, subsection v authorizes the Commission to enter into long-term contracts in certain limited areas. The Subcommittee on Legislation considered this matter very carefully, and received testimony from representatives of the General Accounting Office as well as the Atomic Energy Commission. The subcommittee modified the language originally requested by the Atomic Energy Commission in certain respects in order to incorporate the suggestions of the GAO, and also to add certain determinations which the Commission must make, and certain principles which the Commission should follow in entering into these contracts. The Joint Committee report states as follows at page 8:

> The purpose of the determinations is to require the AEC to explore the use of Government-owned facilities, and other means of short-term contracting, before adopting the procedure of long-term contracts whereby the Government pays the amortization for all or part of the privately owned facilities.
>
> * * * * *
>
> In specifying these principles, the committee did not mean to negative other principles of good contracting, such as obtaining competitive proposals, etc.

Mr. Speaker, I have attempted to describe only two of the sections of the bill. The other sections are mostly minor or technical in nature and are described in the committee report. This bill has the unanimous support of the Joint Committee, and was requested by the Atomic Energy Commission and the administration, and I therefore urge all Members to support H. R. 13482.

Mr. VAN ZANDT. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BALDWIN].

Mr. BALDWIN. Mr. Speaker, I would like to express my appreciation to the gentleman from California [Mr. HOLIFIELD] and members of the Joint Committee on Atomic Energy for including section 3 in this bill, which amends section 68 of the act to provide a general release of reservations of fissionable materials, or source materials, under acquired lands of the United States, as well as public lands.

I happen to have one of those situations in my district in the city of Richmond, Calif. The redevelopment agency of the city of Richmond has found the reservation of fissionable materials a material obstacle in disposing of the land involved, for redevelopment purposes. This action by the Joint Committee will clarify the situation and they will appreciate a great deal the action being taken today.

Mr. HOLIFIELD. The gentleman is correct. This will also take care of several matters throughout the United States that have been brought to the attention of the committee.

Mr. VAN ZANDT. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I join my colleague [Mr. HOLIFIELD], the distinguished chairman of the Subcommittee on Legislation of the Joint Committee, in supporting H. R. 13482.

This bill is the so-called AEC omnibus bill and contains various amendments to the Atomic Energy Act, most of them minor or technical in nature, which are necessary in order to keep the act up to date and capable of providing a framework for our growing atomic energy program. The provisions of this bill follow closely the recommendations of the Atomic Energy Commission and draft bills which were submitted by the AEC with approval by the Bureau of the Budget.

This bill will assist the Atomic Energy Commission to carry out its many important responsibilities, and I therefore urge all Members to approve H. R. 13482.

Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WATERSHED PROTECTION AND FLOOD PREVENTION ACT

The SPEAKER laid before the House the following communication, which was read and referred to the Committee on Appropriations:

JULY 25, 1958.

Hon. SAM RAYBURN,
The Speaker, United States House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture has today considered the work plans transmitted to you by Executive Communication 2136 and referred to this committee and unanimously approved each of such plans. The work plans involved are:

State:	*Watershed*
Georgia	Mill Creek
Kentucky	Obion Creek
Mississippi and Tennessee	Muddy Creek

Sincerely yours,

HAROLD D. COOLEY,
Chairman.

The SPEAKER laid before the House the following communication, which was read and referred to the Committee on Appropriations:

JULY 25, 1958.

Hon. SAM RAYBURN,
The Speaker, United States House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture has today considered the work plans transmitted to you by Executive Communication 2162 and referred to this committee and unanimously approved each of such plans. The work plans involved are:

State:	*Watershed*
California	Adobe Creek
Do	Buena Vista Creek
Do	Central Sonoma
Delaware	Upper Nanticoke River
Kentucky	Donaldson Creek
Nebraska	Mud Creek
Nevada	Peavine Mountain
Tennessee and Mississippi	Indian Creek
Wisconsin	Coon Creek

Sincerely yours,

HAROLD D. COOLEY,
Chairman.

THE LATE LT. GEN. CLAIRE LEE CHENNAULT

Mr. PASSMAN. 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 Louisiana?

There was no objection.

Mr. PASSMAN. Mr. Speaker, while all the Nation joins in mourning the death of Lt. Gen. Claire Lee Chennault, those of us in Louisiana—and particularly the Fifth Congressional District, which was his home—feel a keen sense of personal loss.

There, the "Old Warrior" was fondly cherished as one of our own—in Monroe and Ouachita Parish, where he had maintained residence while in the States during recent years; in Tensas Parish, which earlier had been his home; and in Franklin Parish, where he had spent the period of his youth and, then, a portion of his young manhood, teaching school there part of that time.

Therefore, we of the northeast Louisiana area, as well as multitudes throughout the entire State, now not only pay our respects to the memory of the illustrious life of a great American who made an outstanding contribution to our country, but we bear also the irreplaceable loss of a distinguished neighbor and fellow-citizen—and for myself, as with countless others in the district which it is my great privilege and high honor to represent in the Congress, a friend.

I join now, Mr. Speaker, in extending deep and heartfelt sympathy, in their bereavement, to the wife of the "Old Hero," to his 6 sons, 4 daughters, 3 brothers and others who were near and dear to him. May they be comforted in the certainty that it is by dying that one awakens to eternal life.

UTILIZATION OF SCIENTIFIC AND TECHNICAL PERSONNEL IN THE ARMED SERVICES

Mr. CRETELLA. 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 Connecticut?

There was no objection.

Mr. CRETELLA. Mr. Speaker, for some time I have been directly concerned with a problem which is of the utmost importance to the United States and the security of her people—the proper use of scientific and engineering manpower in the armed services.

First. It has been reliably estimated that the Armed Forces now wastes more than 15,000 men in its technical and scientific ranks. Some of this number are in Reserve officers' training programs, ROTC. This is a startling figure.

Second. The remaining pool of squandered scientific talent is found in the 5,300-man Army scientific and professional personnel program, comprised entirely of enlisted men who qualify under the rigid standards set up for this assignment. The information I have been able to gather seems to confirm the belief of those who are close to this problem that over 30 percent of the men who were or are now in the scientific and professional program were either misassigned, completely misused, or not using to the maximum degree the formal scientific education and training they received as civilians. In terms of numbers, this means that today in the Army enlisted scientist program alone close to 2,000 scientists are not given the chance to fully employ their technical specialties to the benefit of the United States Government. This program typifies the apathetic and hindsighted Army attitude toward its scientists and engineers.

During the last 9 months, literally hundreds of Army scientists and engineers have written or contacted me to support my allegation that this project is run on a badly managed hit-or-miss basis. These men, all of whom have at least one college degree, are engineers, mathematicians, chemists, physicists, geologists, bacteriologists, and others, most of whose services are in nationwide short supply. The scientifically oriented soldier is, to an alarming degree, harassed, belittled, or ignored while the Army continues to justify the existence of the program and the need for such talent in its ranks. These men are supposed to be allocated to the Army scientific laboratories as assistants to the civilian supervisors. Many never see the inside of a laboratory or technical installation during their Army careers.

Those who do are for the most part put to work not at duties for which they have been educated and trained, but in jobs which could easily and efficiently be performed by almost anyone—delivering messages or materials, transferring numbers from one sheet of paper to another, simple grade-school mathematical computations, typing, filing, elementary drafting, and countless other minor tasks. In other words, their skill is unnecessarily being allowed to atrophy while in the Army. As a further disservice, this stagnation will ill equip them for functioning effectively in the rapidly changing scientific fields after their release from service.

Added to this deplorable picture is the disproportionate amount of time the G. I. scientist is required to perform in miltary duties, such as kitchen police, guard duty, prisoner guard, housekeeping, cleaning details, and the like. Up to 35 percent of the scientific and professional's time is spent on these duties. This is while dozens of other groups manage to escape these details, such groups including military police, bandsmen, school instructors, clerks, typists, firemen, first-aid specialists, and hospital assistants. There is no reason to advocate that the scientific and professional soldier should be totally and permanently exempt from military details. But neither is there reason for the blanket exemption of any group, a situation which is widely accepted by the Army even though it is in violation of its own regulations. Last fall I learned that up to two-thirds of the entire noncommissioned enlisted forces at Aberdeen Proving Ground were excused from military details, and at that time I named the groups concerned: Military police, bandsmen, firemen, clerk-typists, hospital attendants, and first-aid specialists. They did not include the scientific and professional soldier. The Army has never denied this to be the case. If this is true it is a clear illustration of Army indifference toward the principle of equality for enlisted personnel and an attitude which scoffs at the potential of skilled scientific manpower.

Scientific and professional personnel is found in over 100 Army installations. The main ones from which I have received information on flagrant misuse or poor treatment of scientists and engineers are Aberdeen Proving Ground, the Army Chemical Center, and Fort Detrick, Md.; Forts Belvoir and Eustis, Va.; Fort Huachuca, Ariz.; Fort Knox, Ky.; White Sands Proving Ground, N. Mex. Fort Monmouth, N. J.; and the Army Map Service, Japan.

The program has been subjected to 20 separate surveys by the Army since 1951. None has brought about a nickel's worth of badly needed revision. Last December on my recommendation the Army launched a critical reexamination of the entire scientific and professional program as noted to me in a letter dated December 6 from the Adjutant General. Since that time more than 7 months have elapsed and the results of that examination have not been made known to me, or, to my knowledge, anyone outside the Army. Over 2 months ago I was advised that the survey was taken but the results not yet tabulated.

It is obvious that in the face of irrefutable facts which document the folly of the scientific and professional personnel program, the Army is hopelessly stalled and has no desire to bring about an improvement of it on its own.

The importance of scientific and technical preparedness becomes increasingly evident every day. It is bad enough that our supply of top scientific manpower is limited, but this problem compounds itself when we find the armed services is not using to full advantage the talent it has. We must do much better if we are to ever match Russia's revolutionary surge in the sciences. When our scientific shortcomings are stated in cold terms of national security and survival they must be recognized as faults which command the urgent attention of our people and their Government.

At this time, the only course of action to take is to urge a full and unbiased Congressional inquiry by the House Committee on Government Operations into the blatant misutilization of technical and scientific manpower in the Armed Forces. This I have done today through the introduction of a resolution in the Congress to authorize such an investigation.

I shall be most willing to cooperate in turning over to the committee on its request at the appropriate time, the records, documents, tape-recorded interviews, and all other information I have in my possession on this subject, provided that all care and discretion is exercised in protecting the names of my correspondents.

Likewise, the Committee on Rules before which this resolution will come shall be entitled to the above information in my files in order that it may have all the available evidence which I am sure will justify the reporting of this authorization to the House.

I regret the circumstances which prevented earlier introduction of this resolution. Despite the fact that authority for an investigation by the Government Operations Committee might not be completed in this Congress, this resolution will I hope help to focus Congressional attention on a timely and important problem and encourage further action in the 86th Congress.

FEDERAL CIVIL DEFENSE SHELTER POLICY

Mr. HOLIFIED. 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 California?

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, last week Gov. Leo Hoegh, Director of the Office of Defense and Civilian Mobilization, transmitted to Congress a request for funds to carry out the administration's new national shelter policy. A total of $13 million was requested for shelter construction and research for the current fiscal year.

Governor Hoegh has indicated that the Federal Government plans to build approximately 40 prototype or sample fallout shelters throughout the country. In addition, plans are being made for the inclusion of fallout protection in new Federal buildings, with the additional costs of such protection being funded by the individual agencies concerned.

As chairman of the Military Operations Subcommittee of the House Committee on Government Operations, I have repeatedly urged the adoption of a Federal shelter construction program. Our studies and investigations during the

past 3 years have convinced me that our survival as a nation may very well depend upon such a program.

I hasten to add, however, that the program now sponsored by the Office of Defense and Civilian Mobilization will not do the job required. In effect, it is a do-it-yourself plan through which the Federal Government will show the public the types of shelters needed and then depend upon the States and localities to build their own.

The proposal to include fallout protection in new Federal buildings is highly commendable. Certainly, the Federal Government should set a good example. But the fact that each agency will be required to finance the protective features of its new buildings means that little real progress can be expected. No agency will curtail its badly needed construction funds for this purpose.

In the past, our subcommittee has found almost a total neglect of civil defense measures on the part of some Federal agencies. Without specific allocations of money for civil defense purposes, these agencies have been so preoccupied with their primary functions that civil defense responsibilities assigned to them have been lost by the wayside.

In other cases, Federal agencies with civil defense delegations have been expected to carry out vast civil defense planning functions with extremely limited funds. The result in most cases has been failure.

Two years ago our subcommittee discovered what happens to civil defense functions assigned to other Federal agencies without adequate funding. The Housing and Home Finance Agency was charged with planning for the reduction of urban vulnerability in the United States, and to perform this important function HHFA had been given a total of $25,000.

Naturally, HHFA had not been able to do the job. Their testimony to our subcommittee was that all they could do was try to decide what might be done at a later date if they should be given more money.

Frankly, I fear that the new plan to include fallout protection in new Federal buildings will meet the same fate. I do not believe each agency will be willing to finance such protection to the extent necessary and desirable.

In one important respect, this shelter policy announcement by Governor Hoegh is extremely worthwhile. Despite the pitfalls standing in the way of success, the announcement represents a formal recognition of the basic requirement for shelter protection in the United States. To my knowledge, this is the first official recognition of this basic requirement by the executive branch since the advent of hydrogen weapons.

Therefore, though it is many years late in coming, it is a commendable step and one which should be supported. For my own part, I shall support every step—however feeble and unsure—in the direction toward a more realistic civil defense for our Nation.

I hope that other Members of Congress will also support this move by the executive branch and that eventually the executive branch in turn may be emboldened to adopt more direct measures to strengthen our civil defense preparedness.

Each time a test missile is launched from Cape Canaveral or across the steppes of the U. S. S. R. we move closer to the time when properly constructed underground shelters will offer the only hope for survival from atomic-hydrogen war heads.

SUSPENSION OF RULES IN ORDER TOMORROW

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it may be in order tomorrow for the Speaker to recognize a Member to suspend the rules on the bill (H. R. 13021) relating to the safety program for longshore and ship repair industries, also on the bill (H. R. 12728) to amend the Longshoremen's and Harbor Workers Compensation Act with respect to the payment of compensation in cases where third persons are liable.

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

There was no objection.

LEGISLATIVE PROGRAM FOR BALANCE OF WEEK

Mr. McCORMACK. Mr. Speaker, I also desire to announce in connection with the further program for this week that if we dispose on tomorrow of the bill H. R. 9020 now on the program and S. 607, the bill H. R. 12751 will be in order for consideration. If not, it will go over until next week.

On Thursday amendments to the Social Security Act will come up for consideration and on Friday the community facilities bill will be considered.

Any further program for the rest of the week I will announce as quickly as I possibly can.

RECORDING LAWFUL ADMISSION FOR PERMANENT RESIDENCE OF CERTAIN ALIENS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 11874) to record the lawful admission for permanent residence of certain aliens who entered the United States prior to June 28, 1940, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 1, line 9, after "application" insert "or, if entry occurred prior to July 1, 1924, as of the date of such entry."

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

Mr. MARTIN. Mr. Speaker, reserving the right to object, as I understand it, this has been cleared with the gentleman from Maryland [Mr. HYDE]?

Mr. CELLER. Yes. Everybody on the gentleman's side who is interested in the bill has approved this amendment.

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ALBERT HYRAPIET

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 1574) for the relief of Albert Hyrapiet, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment at follows:

Strike out all after the enacting clause and insert "That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Albert Hyrapiet shall be held and considered to be the minor alien child of Mr. and Mrs. George Hyrapiet, citizens of the United States."

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

Mr. MARTIN. Mr. Speaker, reserving the right to object, I understand this also has been examined by the minority Members?

Mr. CELLER. The gentleman is correct.

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

HEMISPHERIC PROBLEMS

The SPEAKER. Under previous order of the House, the gentleman from Oregon [Mr. PORTER] is recognized for 60 minutes.

Mr. PORTER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

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

There was no objection.

Mr. PORTER. Mr. Speaker, last Friday the gentleman from Tennessee [Mr. REECE] inserted a six and one-half column speech into the RECORD to deplore my "meddling with our hemispheric problems."

Last year he made 8 statements in the RECORD and I made 5 statements in the course of our controversy. Counting his insertion Friday, he has used more than 32 columns of the RECORD and, not counting this one, I have used less than 13 columns.

I do not begrudge the gentleman the space. Indeed I thank him for his interest and wish more of our colleagues would participate.

I also thank him for his repeated assertions of lack of rancor, for his recognition of my good faith, and for his statement Friday as follows:

The gentleman's obvious talents, if channeled through the cognizant committees of

Congress and responsible officials of the Department of State, could be of help in an area which sadly needs constructive and additional attention.

I am glad to inform the gentleman that I do work with the appropriate committees and officials and shall continue to do so.

REFUSAL TO DEBATE

The gentleman complains that I have not answered his questions. I deny this and I complain that he has never seen fit to make his remarks in person and to notify me in advance so that we might debate these issues personally instead of through insertions in the RECORD.

I telephoned the gentleman yesterday morning immediately after his latest remarks came to my attention. I told him I was taking this hour to reply and that I would reserve time for a colloquy. The gentleman is not on the floor at this time and I regret that he did not see fit to accept my invitation to debate.

QUESTIONS FOR THE GENTLEMAN

I have several questions for the gentleman.

First, why does he fail to notify me in advance of his insertions? Why has he avoided debate on the floor?

Second, the gentleman last year was full of praise for the Dominican Republic and wrathful at me for criticizing its leaders and methods. There has been more criticism this year in Congress and elsewhere about Trujillo, senior and junior. Yet I have not noticed any defense from the gentleman. Has he changed his mind about the Dominican Republic being, as he said last year, our ally, and good neighbor, and friend?

Third, does the gentleman disagree with the Vice President's recommendation, made when he returned from his South American tour, that our policy in Latin America should be a formal handshake for dictators and a warm embrace for democracies?

All the points regarding my actions last year in his remarks Friday have been answered by me previously. If any Member or reader of the RECORD would care to look at our various insertions, the places for the gentleman's insertions into volume 103 of the CONGRESSIONAL RECORD are, part 7, pages 8868–8869; part 7, pages 9219–9220; part 9, pages 11538–11539; part 9, pages 12232–12235; part 11, pages 14285–14287; part 12, page 15667; part 12, pages 15711–15712; part 12, pages 16549–16550.

The places of my insertions are CONGRESSIONAL RECORD, volume 103, part 8, page 10371; part 9, pages 12388–12390; part 12, page 15857; part 12, pages 16792–16793; and part 12, pages 16804–16805.

My final insertion last year in the Appendix applies to the gentleman's latest remarks, and under unanimous consent, I include it at this point in my remarks:

[From the CONGRESSIONAL RECORD, vol. 103, pt. 12, pp. 16804–16805]

LET'S LOOK AT THE RECORD

(Extension of remarks of Hon. CHARLES O. PORTER, of Oregon, in the House of Representatives, Friday, August 30, 1957)

Mr. PORTER. Mr. Speaker, the gentleman from Tennessee [Mr. REECE] has the audacity to state in the CONGRESSIONAL RECORD, volume 103, part 12, page 1511, that I have not given sufficient replies to questions he has asked me July 19 and August 9, 1957.

I invite any Member or other reader of the RECORD to read our respective statements and judge for himself.

I also point out that I have been very willing to debate these matters on the floor of the House, or elsewhere, whereas the intrepid gentleman from Tennessee confines his ill-informed sniping to insertions in the RECORD. I venture to hope he will eventually consent to pose his questions to me personally on the floor of this House, or elsewhere.

For the benefit of those who have not the time or facilities or disposition to read the previous exchanges, let me make these brief comments on the questions the gentleman lists in his August 29, 1957, insertion.

I adhere to my position that dictators should be overthrown and that I, along with most Americans, favor their being toppled by a revolution to bring justice and mercy back into government, peaceful revolution, if possible.

As for what the Costa Rican newspapers reported, if the gentleman objects to any story I will be glad to confirm or deny its accuracy. But I see no point in burdening the RECORD with these clippings. However, the gentleman, or any other person, may see these clippings in my office. I never have refused anyone access, contrary to the gentleman's assertion.

The matter of the trip expenses paid by the Colombian newspaper, El Tiempo, and by the Costa Rican Government has been fully explained and justified in these pages. The Library of Congress has approved every aspect. We have a favorable official legal opinion. I have not, it is true, asked the Attorney General. Why does not the gentleman do this. It is time he consulted some lawyer on this question.

As for the military advantages of the dictator-run countries in Latin America, I am most willing to debate this issue with the gentleman. The real issue is what policies are most effective in fighting international communism in Latin America.

I do not intend to embarrass any employees of the State Department by disclosing which of them favor an end to the "be soft to Latin American dictators" policy of Secretary Dulles and President Eisenhower.

As for the enthusiastic reception I received in Costa Rica, I point out to the gentleman that this was prior to my origination and introduction of an amendment to cut off aid to Nicaragua and other Latin American dictatorships.

As for the defeat (171 to 4) of the amendment in the House, I believe it was largely because it had had no committee hearings. I expect a better result next time.

If the gentleman cared to investigate even cursorily, he would find that I have consulted often with members of the House of Foreign Affairs Committee and the State Department, and I shall continue to do so.

I have not been silent in the face of these questions, contrary to the gentleman's astounding assertion. It is the gentleman who shuns debate and ignores and neglects the most elementary factfinding.

I repeat my request that the gentleman agree to debate these issues in person, on the floor or elsewhere. Let us have an end to his timid hit-and-run unilateral insertions in the RECORD.

On page 15186 of Friday's RECORD the gentleman states that I have "never chosen to answer" the connection between my "fervent reception in Costa Rica and subsequent anti-Nicaraguan proposal. This is not true and I am forced to conclude that the gentleman failed to read my insertion of September 3, 1957, set forth above. This emphasizes the importance of colloquies in such debates as compared to what I have called the gentleman's "timid hit-and-run unilateral insertions in the RECORD."

I shall not take the time of the House to repeat the answers I have made. If the gentleman has read my previous insertions and finds them in any way inadequate, I shall be glad to have his questions at the conclusion of these remarks.

I do want to make these observations, however, on the gentleman's latest insertion.

CARACAS

First, my enthusiastic reception in Caracas earlier this month was no tribute to me personally, but to the United States' democratic antityranny principles which I symbolized. I made certain that I circulated in many public places and never once did I hear an unfriendly word nor did I see a discourteous gesture. Mr. NIXON, on the other had, symbolized the administration's policies of treating Latin American tyrants with a warm embrace instead of a formal handshake.

REVOLUTIONARY ACTIVITIES

The gentleman is disturbed because I sympathize with expatriates of dictator-ridden nations. I do not collaborate with any revolutionary group, but I do make plain that I believe most Americans abhor police states and respect persons who want to replace them with democratic governments.

If I were a Dominican, a Cuban, Czechoslovakian, Hungarian, Chinese, Spaniard, or Russian, I would be a revolutionary. If I had lived in 1776 I would have joined the ranks of those fighting the tyrant George III of England. I believe the gentleman from Tennessee [Mr. REECE] would have done the same.

Recently in Venezuela I rejected invitations to talk on the radio with Fidel Castro and, later, to address a meeting of his adherents in Puerto Rico. I have not identified myself with any particular revolutionary group. Moral support for forces fighting cruel tyrannies by merely reciting our own history and most sacred principles is different from participation with a specific revolutionary group.

If the day ever should come that we cannot publicly call a tyrant a tyrant and praise governments that are based on the consent of the governed, it would be time for another revolution here.

ROMULO BETANCOURT

The gentleman's slurs about Romulo Betancourt are without basis in fact. He is not a Communist or a fellow traveler. He is an enemy of Communists. He is a great democratic leader. The gentleman's allegation regarding a connection between Romulo Betancourt and the Bogotá riots is absurd. I suggest that the gentleman undertake to consult the State Department regarding Betancourt. I did so much earlier.

Moreover, he might consider these remarks of Mr. Betancourt in my presence before 20,000 people and on a nationwide broadcast on July 4, 1958, in Caracas. Under unanimous consent, I include an excerpt of these remarks at this point:

ROMULO ON COMMUNISM AT NUEVO CICCO

A plot is going on against this uniting movement and against the regime of free discussion, of free organization, of respect

for all the ideas which exist in Venezuela; the supporters of dictatorships in this country, the partisans of government by force, the profiteers of disorder and administrative immorality which characterize despotic governments, are raising their heads and are trying to sweep a path, not for the fugitive (Pérez Jiménez), but for any other who will reestablish in Venezuela a system similar to his. And they have reinstituted that same system of anonymous pamphlets and of tossed sheets, before distributed by the police patrol cars and now by speeding automobiles, by mail, using all the other surreptitious methods of circulation.

In this literature it is said that in Venezuela there is social chaos, there is collective anarchy, there is absolute insecurity for investors, only because in Venezuela the people can congregate as we are congregated tonight, without fear of police persecution. And they add as one of the causes of danger in the present situation that all the parties, and especially Acción Democrática, is infiltrated to the marrow by Communist ideology.

On this theme we must speak with the clarity and the responsibility which characterizes our party. We sustain the legitimate right of the Communist Party to act in Venezuela [applause] as a legal organism. When we governed we respected that right. We believe that witch hunts in the 20th century are contrary to the very essence of a democratic government and everyone that holds an idea and propounds a doctrine has a perfect and legitimate right, within a democracy, to organize politically around that idea and around that doctrine. [Applause.] But Acción Democrática, not yesterday, nor today, nor tomorrow, has had, has, or will have ideological connivances with the Communist Party. [Applause.] The Communist Party is organized around an international doctrine; and the doctrine of Acción Democrática has been forged by sounding out and interpreting the national reality, and it is a doctrine of definite, of categorical, of unrevocable national and Venezuelan accent. [Ovation.]

"REVOLUTIONARIES AND RADICAL POLITICAL ELEMENTS"

The gentleman asserts I spent my time in Caracas with "revolutionaries and radical political elements." He is misinformed. I met with all political elements and their leaders. I met with journalists, with distinguished authors, with leading businessmen, with the junta, with student leaders, with labor leaders. I even spent part of an afternoon as the guest of a man who had I was told, just bought the Colonial Trust Co. in New York. His name is Salvadore Salvatierra. He is a friend and supporter of Romulo Betancourt, as are many leading industrialists and businessmen.

I have had only admiration for the reactions of the Vice President and Mrs. NIXON to the violence that erupted around them in Caracas. There is no basis in fact for the gentleman's implication that the ladies with me were less brave or gracious. For some reason of his own the gentleman omits all mention of the presence of my wife on this trip.

COMMUNISM IN VENEZUELA

The gentleman's lack of information about my activities in Caracas is evidenced again by his remarks on the subject of communism. Perhaps the gentleman's advisors or translators are not making all the facts available to him. I have several envelopes in my office filled with clippings from the Venezuelan press which make crystal clear my statements in Caracas regarding communism. I would be glad to let him see them. However, enough has appeared in English to leave no doubt as to my stand.

He could have read in the New York Times for July 5, 1958, as follows:

Mr. PORTER took advantage of his prestige in Venezuela today to warn against the dangers of communism and to emphasize United States friendliness in a television speech. "I am against all dictatorships and tyrannies," he said, "but we must not forget that tyrannies include communism." He applauded the three major political parties here—Acción Democrática, Copel (Catholic Socialist), and U. R. D. (Democratic Republican Union)—that have come out against communism in Venezuela.

In Caracas, the English language daily of July 8, 1958, headlined: "PORTER Warns Students of Communist Danger." The caption under my picture reads:

Congressman CHARLES O. PORTER tells university students and faculty members of the danger of communism in Venezuela. He pointed out at an informal talk yesterday at the vice rector's office at the Central University, that communism could very well mean a return to the tactics and tyranny of the government of deposed dictator Pérez M. Jiménez.

On July 9, the same English language newspaper, in an article by Jules Waldman, stated:

PORTER'S visit, observers agree, certainly helped to reaffirm Venezuela-United States friendship. And it also helped to warn the Venezuelan people against communism, for, respecting and admiring PORTER, they at least listen when he talks.

I would also like to call the gentleman's attention to my Caracas TV address, delivered at 9 p. m., Sunday night, July 5, 1958. It appears on page 14527 of the RECORD.

The gentleman quotes an editorial from a liberal Catholic weekly, with the plain implication that it is in disagreement with my views. This also is not true. I ask the gentleman to consider what La Religion, the leading Catholic daily in Caracas, said about my visit in its issue of July 5, 1958, and which I insert at this point:

[From La Religion of July 5, 1958]

FIRST GLANCES IN CONNECTION WITH THE ARRIVAL OF MR. PORTER

(By Presbipero Jose Hernandez-Chapellin)

The Venezuelan Association of Newspapermen, through its president, Orestes di Giacomo, invited Mr. PORTER, United States Congressman. He was accorded a sincere and enthusiastic welcome early yesterday morning in the international airport of Maiquetia. The reports carried in today's press can give an idea of his reception.

PORTER has to his credit an intense and well-intentioned struggle against the dictatorships which have oppressed and oppress the Spanish-speaking countries. He has known how to focus the various problems which concern us and with accurate vision has presented them before his colleagues in Congress.

This visit will bring, without doubt, a better understanding among the peoples of the United States and Venezuela. There in the north is held, we believe, a very different concept of us, a concept unflattering to us. Such an attitude went from bad to worse with the recent acts occurring upon the arrival of Mr. NIXON. There is an important fact in this respect, a fact which should not be underestimated: Our people do not have a prejudice against everything which comes from the north. Such an assertion would be false, or is false if put in categorical form. The most evident proof is that here no attempts were made, not even on the arrival of NIXON, against the North Americans who live among us. Many of them have spent long years in Venezuela. Never can they say that they have been molested, that life has been made impossible for them.

Our differences are based on certain misunderstandings of the Department of State with relation to our politics and our economy. If there were a change on their part, we could say that we had reached a climate of mutual understanding without the misunderstandings which form a barrier between the two countries. * * *

It is to be hoped that the visit of Mr. PORTER will dissipate the bad opinion which is formed of us in the northern country because of not knowing our points of view with relation to the mistaken policy which, in certain aspects, the Department of State has followed in Latin America.

Welcome, Mr. PORTER.

NIXON AND MILTON EISENHOWER

Within the past week I have been privileged to have personal conversations with the Vice President here and with Dr. Milton Eisenhower in Puerto Rico. I believe that both of them are sincerely interested in improving our Latin American policies. I found that they favor many steps I favor and have advocated. I know that the Vice President's suggestion that we give the formal handshake to dictators and the warm embrace to democracies is valid and should become our official policy. I know we are making headway in that direction, but that we have some distance still to go.

I shall continue to discuss developments with my friends in the State Department and on both sides of Congress. I was briefed in detail by Assistant Secretary Rubottom before I went to Venezuela. Indeed, I have always been ready, and am now ready, to discuss these issues with the gentleman from Tennessee or anyone else. I took the initiative last year in becoming acquainted with him, but since then we have only once exchanged greetings. I shall be glad to talk with the gentleman on or off the floor. Perhaps this could mean an end to insertions in the RECORD, made without the traditional courtesy of advance notice. I sincerely hope so.

SOCIAL SECURITY BENEFITS MUST BE INCREASED

The SPEAKER. Under previous order of the House, the gentleman from West Virginia [Mr. BYRD] is recognized for 10 minutes.

Mr. BYRD. Mr. Speaker, I rise today because I am convinced that one of the most urgent matters awaiting action before this Congress is an increase in the amount of social security benefits paid to our retired population. Surely we cannot overlook the fact that the people now living on social security benefits have had no increase in the amount of these benefits since the 1954 amendments. During the interval the cost of living has increased by 8 percent. It is incumbent, therefore, upon this

Congress to make a corresponding cost-of-living increase for the 11 million persons now receiving social security benefits.

I am especially concerned, Mr. Speaker, because it is becoming increasingly evident that a very large proportion of our older people are dependent almost entirely on social security benefits. According to a recent survey conducted by the Bureau of Old-Age and Survivors Insurance of the Social Security Administration, half of the retired couples living on social security benefits had less than $180 per year—or $15 per month—in addition to their social security benefits, and the lowest fourth had no such income at all. The median total income of aged widow beneficiaries in addition to social security was $270 per year, or, a little over $20 per month. When we couple these figures with the fact that the average old-age benefit paid to a retired worker under social security today is a little under $65 per month—or $840 per year—I do not think it will be necessary for me to point out that our older men and women are simply not getting their fair share. Indeed, in too many cases they are forced to seek additional money from the "need test" old-age assistance programs, to eke out a bare living.

Increased benefits to social-security recipients would help to alleviate the effects of the recession upon the Nation's economy by providing increased purchasing power which would reflect itself in increased sales and services. Virtually every additional dollar that is paid to a recipient of old-age and survivors insurance will find its way readily into the market place. The senior citizen will need to spend it for food, clothing, medical bills, or any one of the many day-by-day necessities.

Mr. Speaker, I wish also to renew my plea for a reduction in the eligibility age to 60 years. This would be a most effective way of combating the recession, too, because many individuals would voluntarily retire if the retirement age were lowered, and this would create new job opportunities for younger citizens who enter the work force each year. The older worker could then feel free to make an independent decision as to whether he should continue to work. Of course, job opportunities for older citizens are becoming more difficult to find, and, as a matter of fact, the finding of employment constitutes a discouraging and baffling problem for almost any individual who has passed the 40th birthday. This is a problem which will tend to be compounded as we continue to move forward into an era of accelerated automation, and it makes imperative a lowering of the retirement age as a partial solution.

ITALIAN PROGRESS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I know that the membership of the House today enjoyed the wonderfully fine speech of Prime Minister Amintore Fanfani, of Italy, as much as I did. It was a speech that showed the tremendous economic progress, the tremendous courage, and the tremendous ability that Italy has demonstrated during the after-the-war period. The steady and successful fight against communism has been remarkable, and this confidence in Italy's stability and future was inspiring. I was in Italy in World War I, and I was in Italy for quite a time in 1944 in World War II. I know how much they have developed since then, and I am particularly pleased with the interest and, I might say, affection the Prime Minister showed for the United States, and a promise of cooperation with us and with the countries of the world that want freedom. He made promises to help turn back world communism, and will give suggested plans in the Middle East. It was a delightful, charming, and heart-warming speech.

I am extremely proud of the people of Italian descent in my District, and I have a great many of them. They have made very great contributions in the different wars. They have made fine contributions in every line of endeavor, in the arts, the sciences, in medicine and the legal professions, and in all kinds of trade, and in civic and national political life. They are wonderfully fine, loyal, and devoted citizens, and I rejoice in having them in my District.

ADDITIONAL BILL ON THE PROGRAM UNDER SUSPENSION OF THE RULES

Mr. McCORMACK. Mr. Speaker, in addition to the two bills for which I asked unanimous consent heretofore that the Speaker may recognize tomorrow under suspension of the rules, I also ask unanimous consent that the Speaker may recognize to suspend the rules tomorrow on the bill H. R. 13451, relating to the immigration status under the Immigration and Nationality Act.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

FTC PLEDGES SECRECY FOR ROBINSON-PATMAN ACT COMPLAINTS

Mr. PATMAN. 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 Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, an announcement has just been made by the Chairman of the Federal Trade Commission in which a pledge was made that there is no need for anyone, who files a complaint with the Federal Trade Commission about alleged unlawful acts of a competitor, to fear that his name will be revealed either to the competitor or the public.

At this point, if there is no objection, I would like to extend and revise my remarks by including the statement in the press regarding that announcement by the Chairman of the Federal Trade Commission. The account of that announcement appeared in the recent issue of Drug Topics. It is as follows:

[From Drug Topics, New York, N. Y., of July 7, 1958]

FTC HEAD PLEDGES SECRECY FOR ROBINSON-PATMAN ACT COMPLIANANTS

WASHINGTON.—There is no need for anyone who files a complaint with the Federal Trade Commission about alleged unlawful acts of a competitor to fear his name will be revealed either to the competitor or the public FTC Chairman John W. Gwynne told Drug Topics. The question arose out of the investigation by the House Subcommittee on Legislative Oversight, headed by Representative OREN HARRIS, Democrat, of Arkansas, into favors received by Presidential Assistant Sherman Adams from Bernard Goldfine, New England industrialist. In answering a query from Mr. Adams about a FTC case involving Mr. Goldfine, former Chairman Edward F. Howrey gave the name of the firm which had complained to FTC about illegal activities of one of Mr. Goldfine's firms.

This set off a controversy as to whether Mr. Howrey had violated FTC's rule about secrecy of complaints. This rule states that "it always has been, and now is, strict Commission policy not to publish or divulge the name of an applicant or complaining party." The FTC designates persons who file complaints as "applicant for complaint."

Mr. Gwynne assured Drug Topics that the rule is strictly observed by the present Commission. He said he knew of no instance of its violation. He emphasized the importance of keeping confidential the names of those who file complaints with FTC. Most of FTC's information about violations of the Robinson-Patman Act and other laws administered by FTC come from complaints from the public, Mr. Gwynne noted.

It appears that this announcement is of such interest and importance that small-business concerns should be fully advised about it. Therefore, I have written to the National Council for the Preservation of the Robinson-Patman Act to advise the membership of that group about it.

The Chairman of the Federal Trade Commission is to be commended for his announcement. Small-business concerns need the assurance he has given them. They do not want to be put in a position of having their larger competitors, against whom they make complaints, retaliate with devastating results.

GEOPHYSICAL YEAR

Mr. BOLAND. Mr. Speaker, less than 6 months remains for the worldwide scientific program known as the International Geophysical Year. Never before in history have so many scientists, numbering well over 10,000 from 64 participating nations, put their minds together to add to the world's basic

knowledge in the geophysical sciences and related disciplines.

The International Geophysical Year began on July 1, 1957, and is due to expire on December 31 next. United States participation in this program is sponsored by the National Academy of Sciences, which created a National Committee for the International Geophysical Year and designated the National Science Foundation to coordinate the interests of the Government to administer Government funds in support of the program.

As a member of the Appropriations Subcommittee for Independent Offices which appropriated funds to the National Science Foundation for the International Geophysical Year, I have listened to interesting and stimulating testimony and progress reports on the work of the scientists. My only regret is that the program is due to expire in December.

Mr. Speaker, I honestly feel that the information these scientists gather is of inestimable value to the human race and I urge the United States Committee and the National Science Foundation seek to have the program extended beyond December 31, 1958. I am sure that if the other participating nations agree to an extension, the Congress will provide the National Science Foundation with the funds necessary for carrying on this worthwhile program.

I would like to call to the attention of my colleagues an editorial from the Springfield (Mass.) Union on July 28 on the International Geophysical Year and include it with my remarks.

GEOPHYSICAL YEAR

The 10,000 scientists who have been combing the earth's surface—land, water, and air—in search of knowledge never heretofore possessed by man, may prove more fruitful for mankind than 90 percent of the efforts that have had the glare of public attention. Toiling in a vast cooperative effort called the International Geophysical Year, they have turned up countless remarkable discoveries in nearly every field of search.

All of them have the intangible merit of sharpening man's thinking about his planet, giving them a broader, deeper grasp of its strange workings and its relation to other planets, the sun and space itself. One of the big surprises, for instance, has been the discovery in the Southeast Pacific that millions of square miles of the ocean floor are strewn with needle-like projections of iron, manganese, nickel, and cobalt worth about $500,000 a square mile and considered recoverable. This is no minor find in a world where growing millions seem to be in a race with the earth's resources.

Long-term trends in climate and weather are vital matters to mankind. They affect what he can produce and where, and how he must live in various areas of the earth. A decisive factor in these trends is the size and depth and spread of the world's ice regions. Thus it is important that these scientists now find they may previously have underestimated by about 40 percent the volume of ice covering the earth—ice on Antarctica up to 14,000 feet deep.

Under the ocean the probers have found great mountain ranges, and flowing eastward through the Pacific a powerful river whose current is 1,000 times stronger than the Mississippi's. There is the amazing discovery of a huge radiation belt in outer space ranging from 600 to 4,000 miles out. The product of great currents of electrically charged particles spewed out of the sun, this band can interrupt radio communications and is believed to cause the celebrated aurora borealis—the northern and southern lights in the sky.

It's a pity these explorations will go on only another 6 months. There is so much more searching to be done everywhere. There should be such a study at least every 10 years. Man needs to know his earth better if he is to make it serve its mounting millions.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MULTER to transfer his special order for today to next Tuesday.

Mrs. DWYER, for 10 minutes, on Monday, August 4, 1958.

Mr. BYRD, today, for 10 minutes.

Mr. COLLIER, for 15 minutes, on Thursday next.

Mrs. ROGERS of Massachusetts, for 10 minutes, on tomorrow.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. MILLER of California and to include proceedings following a luncheon given by the National Historical Publications Commission notwithstanding the cost is estimated by the Public Printer to be $243.

Mr. LESINSKI (at the request of Mr. RABAUT).

Mr. MULTER and to include extraneous matter.

Mr. ROBERTS and to include a newspaper article.

Mr. SHEEHAN and include extraneous matter.

Mr. BYRD and to include extraneous matter.

Mr. BURNS of Hawaii and to include extraneous matter.

(At the request of Mr. MCCORMACK, and to include extraneous matter, the following:)

Mr. DENT in two instances.

Mr. DINGELL.

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 163. An act to extend the period for filing claims under the War Claims Act of 1948; to the Committee on Interstate and Foreign Commerce.

S. 571. An act for the relief of George P. E. Caesar, Jr.; to the Committee on the Judiciary.

S. 761. An act for the relief of Charles C. and George C. Finn; to the Committee on the Judiciary.

S. 765. An act to increase the authorization for the appropriation of funds to complete the International Peace Garden, North Dakota; to the Committee on Interior and Insular Affairs.

S. 1416. An act granting the consent of Congress to a Great Lakes Basin compact, and for other purposes; to the Committee on Foreign Affairs.

S. 1439. An act to amend title 28, United States Code, with respect to fees of United States marshals; to the Committee on the Judiciary.

S. 1450. An act providing a method of determining the amount of compensation to which certain individuals are entitled as reimbursement for damages sustained by them due to the cancellation of their grazing permits by the United States Air Force; to the Committee on the Judiciary.

S. 2001. An act for the relief of AlaLu Duncan Dillard; to the Committee on the Judiciary.

S. 2052. An act for the relief of Heinz Farmer; to the Committee on the Judiciary.

S. 2922. An act to authorize per capita payments to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3112. An act to provide for the appointment of an assistant to the Secretary of State to be known as the Assistant for International Cultural Relations; to the Committee on Foreign Affairs.

S. 3316. An act for the relief of Kiyoshi Ueda; to the Committee on the Judiciary.

S. 3330. An act for the relief of Leopoldo Rodriguez-Meza and Adela Rodriguez Gonzales; to the Committee on the Judiciary.

S. 3448. An act to authorize the acquisition and disposition of certain private lands and the establishment of the size of farm units on the Seedskadee reclamation project, Wyoming, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3615. An act for the relief of Wendy Levine; to the Committee on the Judiciary.

S. 3653. An act to provide for the acquisition of sites and the construction of buildings for a training school and other facilities for the Immigration and Naturalization Service, and for other purposes; to the Committee on Public Works.

S. 3665. An act for the relief of Choe Kum Bok; to the Committee on the Judiciary.

S. 3712. An act to authorize appropriations for continuing the construction of the Rama Road in Nicaragua; to the Committee on Public Works.

S. 3749. An act for the relief of Milan Boric; to the Committee on the Judiciary.

S. 3754. An act to provide for the exchange of lands between the United States and the Navaho Tribes, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3780. An act for the conveyance of certain property in New Mexico to the Pueblo of Santa Domingo; to the Committee on Interior and Insular Affairs.

S. 3790. An act for the relief of Marie Silk; to the Committee on the Judiciary.

S. 3874. An act to amend section 4083, title 18, United States Code, related to penitentiary imprisonment; to the Committee on the Judiciary.

S. 3875. An act to amend section 2412 (b), title 28, United States Code, with respect to

the taxation of costs; to the Committee on the Judiciary.

S. 3876. An act to provide for the relocation of the National Training School for Boys, and for other purposes; to the Committee on Government Operations.

S. 3949. A act to add certain public domain lands in Nevada to the Summit Lake Indian Reservation; to the Committee on Interior and Insular Affairs.

S. 3972. An act for the relief of Knud Erik Didriksen, to the Committee on the Judiciary.

S. 3976. An act for the relief of Salvatore Verderaime; to the Committee on the Judiciary.

S. 4174. An act to authorize the distribution of copies of the CONGRESSIONAL RECORD to former Members of Congress requesting such copies; to the Committee on House Administration.

S. Con. Res. 102. Concurrent resolution accepting the statue of Dr. Florence Rena Sabin, to be placed in the Statuary Hall collection; to the Committee on House Administration.

S. Con. Res. 103—Concurrent resolution to place temporarily in the rotunda of the Capitol a statue of the late Dr. Florence Rena Sabin and authorizing ceremonies on such occasions; to the Committee on House Administration.

S. Con. Res. 104. Concurrent resolution to print the proceedings in connection with the acceptance of the statue of Dr. Florence Rena Sabin; to the Committee on House Administration.

ENROLLED BILLS SIGNED

Mr. BURLESON, 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. 6824. An act for the relief of the family of Joseph A. Morgan;

H. R. 7241. An act to amend section 6 of the act of March 3, 1921 (41 Stat. 1355), entitled "An act providing for the allotment of lands within the Fort Belknap Indian Reservation, Mont., and for other purposes";

H. R. 7267. An act for the relief of Charles J. Jennings;

H. R. 7375. An act for the relief of Edward J. Doyle and Mrs. Edward J. (Billie M.) Doyle;

H. R. 7576. An act to further amend the Federal Civil Defense Act of 1950, as amended, and for other purposes;

H. R. 7660. An act for the relief of Dan Hill;

H. R. 7681. An act to authorize the Secretary of the Interior to convey certain land with improvements located thereon to the Lummi Indian Tribe for the use and benefit of the Lummi Tribe;

H. R. 7684. An act to provide that the Secretary of the Navy shall transfer to David J. Carlson and Gerald J. Geyer certain interests of the United States in an invention;

H. R. 7734. An act to exempt certain teachers in the Canal Zone public schools from prohibitions against the holding of dual offices and the receipt of double salaries;

H. R. 8252. An act to amend section 3237 of title 18 of the United States Code to define the place at which certain offenses against the income-tax laws take place;

H. R. 8282. An act for the relief of James E. Driscoll;

H. R. 8444. An act for the relief of Lloyd Lucero;

H. R. 8645. An act to amend section 9, subsection (a), of the Reclamation Project Act of 1939, and for other related purposes;

H. R. 8875. An act for the relief of Mr. and Mrs. George Holden;

H. R. 9139. An act to amend the law with respect to civil and criminal jurisdiction over Indian country in Alaska;

H. R. 9181. An act for the relief of Herbert H. Howell;

H. R. 9222. An act for the relief of Dr. Edgar Scott;

H. R. 9397. An act for the relief of William T. Manning Co., Inc., of Fall River, Mass.;

H. R. 9885. An act for the relief of Frank A. Gyeseck;

H. R. 10142. An act for the relief of Hugh Lee Fant;

H. R. 10260. An act for the relief of Natale H. Bellocchi and Oscar R. Edmondson;

H. R. 10426. An act to provide that the Federal-Aid Highway Act of 1956 (Public Law 627, 84th Cong., ch. 462, 2d sess.) shall be amended to increase the period in which actual construction shall commence on rights-of-ways acquired in anticipation of such construction from 5 years to 7 years following the fiscal year in which such request is made;

H. R. 11305. An act to authorize the appropriation of funds to finance the 1961 meeting of the Permanent International Association of Navigation Congresses;

H. R. 11549. An act to provide for the preparation of a proposed revision of the Canal Zone Code together with appropriate ancillary material;

H. R. 12293. An act to establish the Hudson-Champlain Celebration Commission, and for other purposes; and

H. R. 13209. An act to provide for adjustments in the lands or interests therein acquired for the Albeni Falls Reservoir project, Idaho, by the reconveyance of certain lands or interests therein to the former owners thereof.

ADJOURNMENT

Mr. METCALF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 52 minutes p. m.) the House adjourned until tomorrow, Wednesday, July 30, 1958, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2171. A letter from the Under Secretary of State, transmitting a report by the Department of State which contains a summary of developments for the calendar year 1957 on the program operating under section 2 of Public Law 584, 79th Congress (H. Doc. No. 427); to the Committee on Government Operations and ordered to be printed.

2172. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, relative to reporting that the appropriation for "Executive Mansion and Grounds" for the fiscal year 1959 has been apportioned on a basis which indicates the necessity for a supplemental or deficiency appropriation, pursuant to section 3679 of the Revised Statutes, as amended; to the Committee on Appropriations.

2173. A letter from the chairman, House Committee on Agriculture, relative to executive communication No. 2136, dated July 17, 1958, relating to plans for works of improvement pertaining to Mill Creek watershed, Georgia, Obion Creek watershed, Kentucky, and Muddy Creek watershed, Mississippi and Tennessee, pursuant to section 2 of the Watershed Protection and Flood Prevention Act, as amended; to the Committee on Appropriations.

2174. A letter from the chairman, House Committee on Agriculture, relative to executive communication No. 2162, dated July 24, 1958, relating to plans for works of improvement pertaining to Adobe Creek, Buena Vista Creek, and Central Sonoma watersheds, California, Upper Nanticoke River watershed, Delaware, Donaldson Creek watershed, Kentucky, Mud Creek watershed, Nebraska, Peavine Mountain Watershed, Nevada, Indian Creek watershed, Tennessee and Mississippi, and Coon Creek watershed, Wisconsin, pursuant to section 2 of the Watershed Protection and Flood Prevention Act, as amended; to the Committee on Appropriations.

2175. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation entitled "A bill to amend section 2 (b) (5), title III of the District of Columbia Income and Franchise Tax Act of 1947, as amended, and for other purposes"; to the Committee on the District of Columbia.

2176. A letter from the Comptroller General of the United States, transmitting a report on the audit of accounts of finance officers of the Air Force for fiscal years ended June 30, 1956 and 1957, pursuant to the Budget and Accounting Act, 1921 (31 U. S. C. 53), and the Accounting and Auditing Act of 1950 (31 U. S. C. 67); to the Committee on Government Operations.

2177. A letter from the Director, Office of Defense and Civilian Mobilization, Executive Office of the President, transmitting a draft of certain amendments to both the bill and title of Senate Joint Resolution 106; to the Committee on Interstate and Foreign Commerce.

2178. A letter from the Under Secretary of the Navy, transmitting a report on the administrative adjustment of tort claims by the Department of the Navy for the fiscal year 1958, pursuant to section 2673 of title 28, United States Code; to the Committee on the Judiciary.

2179. A letter from the Postmaster General, transmitting a draft of proposed legislation entitled "A bill to amend section 3 of the act of March 2, 1931 (46 Stat. 1469), to increase the fees to be paid as compensation to certain persons making delivery of special-delivery mail"; 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. BONNER: Committee on Merchant Marine and Fisheries. S. 2115. An act to amend the act of June 7, 1897, as amended, and section 4233 of the Revised Statutes, as amended, with respect to lights for vessels towing or being overtaken; without amendment (Rept. No. 2289). Referred to the House Calendar.

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 3499. An act to amend the vessel admeasurement laws relating to water ballast spaces; without amendment (Rept. No. 2290). Referred to the House Calendar.

Mr. ASPINALL: Committee on Interior and Insular Affairs. S. 4002. An act to authorize the Gray Reef Dam and Reservoir as a part of the Glendo unit of the Missouri River Basin project; without amendment (Rept. No. 2291). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 3951. An act to amend the act of June 7, 1897, as amended, and section 4233A of the Revised Statutes,

so as to authorize the Secretary of the Treasury to prescribe day signals for certain vessels, and for other purposes; without amendment (Rept. No. 2292). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H. R. 7779. A bill to authorize free transit at the Panama Canal for vessels operated by State nautical schools; without amendment (Rept. No. 2293). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H. R. 7860. A bill to amend section 1 of the act of July 24, 1956 (70 Stat. 625), entitled "To provide that payments be made to certain members of the Pine Ridge Sioux Tribe of Indians as reimbursement for damages suffered as the result of the establishment of the Pine Ridge aerial gunnery range"; with amendment (Rept. No. 2294). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee on Agriculture. H. R. 11581. A bill to remove wheat for seeding purposes which has been treated with poisonous substances from the "unfit for human consumption" category for the purposes of section 22 of the Agricultural Adjustment Act of 1933; with amendment (Rept. No. 2295). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee on Agriculture. H. R. 12494. A bill to authorize the Secretary of Agriculture in selling or agreeing to the sale of lands to the State of North Carolina to permit the State to sell or exchange such lands for private purposes; with amendment (Rept. No. 2296). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'BRIEN of New York: Committee on Interior and Insular Affairs. H. R. 13070. A bill to provide for the disposition of surplus personal property to the Territorial government of Alaska until December 31, 1959; with amendment (Rept. No. 2297). Referred to the Committee of the Whole House on the State of the Union.

Mr. CANNON: Committee on Appropriations. House Joint Resolution 672. Joint resolution amending a joint resolution making temporary appropriations for the fiscal year 1959, and for other purposes; without amendment (Rept. No. 2298). Referred to the Committee of the Whole House on the State of the Union.

Mr. DURHAM: Joint Committee on Atomic Energy. Report pursuant to a proposed agreement for cooperation on the uses of atomic energy for mutual defense purposes (Rept. No. 2299). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 649. Resolution for consideration of S. 607, an act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes; without amendment (Rept. No. 2300). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 650. Resolution for consideration of S. 3497, an act to expand the public facility loan program of the Community Facilities Administration of the Housing and Home Finance Agency, and for other purposes; without amendment (Rept. No. 2301). Referred to the House Calendar.

Mr. THORNBERRY: Committee on Rules. House Resolution 651. Resolution for consideration of H. R. 9521, a bill to amend paragraph (k) of section 403 of the Federal Food, Drug, and Cosmetic Act, as amended, to define the term "chemical preservative" as used in such paragraph; without amendment (Rept. No. 2302). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 652. Resolution for consideration of H. R. 12751, a bill to amend the Shipping Act, 1916; without amendment (Rept. No. 2303). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules. House Resolution 653. Resolution for consideration of H. R. 13549, a bill to increase benefits under the Federal old-age, survivors, and disability insurance system, to improve the actuarial status of the trust funds of such system, and otherwise improve such system; to amend the public assistance and maternal and child health and welfare provisions of the Social Security Act; and for other purposes; without amendment (Rept. No. 2304). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS:

H. R. 13580. A bill to increase the public debt limit; to the Committee on Ways and Means.

By Mr. REED:

H. R. 13581. A bill to increase the public debt limit; to the Committee on Ways and Means.

By Mr. AYRES:

H. R. 13582. A bill to provide for a guaranty program for loans made to students to permit them to attend an institution of higher education, and a program to assist States to acquire laboratory equipment or to pay or supplement the salaries of science teachers in public secondary schools; to the Committee on Education and Labor.

By Mr. FASCELL:

H. R. 13583. A bill to encourage the establishment of voluntary pension plans by self-employed individuals; to the Committee on Ways and Means.

By Mr. HERLONG:

H. R. 13584. A bill to amend the Tariff Act of 1930 to place certain pumice stone on the free list; to the Committee on Ways and Means.

By Mr. HILL:

H. R. 13585. A bill to authorize the coinage of silver dollar pieces in commemoration of the 100th anniversary of the settlement of the State of Colorado and in commemoration of the establishment in Colorado of the United States Air Force Academy; to the Committee on Banking and Currency.

By Mr. McVEY:

H. R. 13586. A bill to appropriate certain amounts for the authorized survey of the Little Calumet River, Ill. and Ind., and its tributaries; to the Committee on Appropriations.

By Mr. MADDEN:

H. R. 13587. A bill to appropriate certain amounts for the authorized survey of the Little Calumet River, Ill. and Ind., and its tributaries; to the Committee on Appropriations.

By Mr. RADWAN:

H. R. 13588. A bill to provide that a special gold star shall be added to the flag of the United States, in honor of the members of the Armed Forces who have died in the service of their country; to the Committee on the Judiciary.

By Mr. SIMPSON of Pennsylvania:

H. R. 13589. A bill to amend section 170 of the Internal Revenue Code of 1954 relating to unlimited deduction for charitable contributions; to the Committee on Ways and Means.

By Mr. WESTLAND:

H. R. 13590. A bill relating to the availability of appropriations for certain rivers and harbors projects commenced under the Public Works Appropriations Acts, 1956 and 1957; to the Committee on Appropriations.

H. R. 13591. A bill relating to the river and harbor project for Anacortes Harbor, Wash.; to the Committee on Appropriations.

By Mr. DENNISON:

H. R. 13592. A bill to provide that production machinery acquired during 1958 and 1959 and used in a trade or business may be depreciated over a 5-year period; to the Committee on Ways and Means.

By Mr. HAGEN:

H. R. 13593. A bill to amend the Agricultural Adjustment Act of 1938, as amended, so as to establish uniform provisions for transfer of acreage allotments; to the Committee on Agriculture.

By Mr. CANNON:

H. J. Res. 672. Joint resolution amending a joint resolution making temporary appropriations for the fiscal year 1959, and for other purposes; to the Committee on Appropriations.

By Mr. HALEY:

H. J. Res. 673. Joint resolution to create the Quadricentennial Anniversary Commission of Florida, Inc., and to set forth the dates and places thereof; to the Committee on the Judiciary.

By Mr. HERLONG:

H. J. Res. 674. Joint resolution to create the Quadricentennial Anniversary Commission of Florida, Inc., and to set forth the dates and places thereof; to the Committee on the Judiciary.

By Mr. BONNER:

H. Res. 647. Resolution to provide additional funds for the studies and investigations to be conducted pursuant to House Resolution 149; to the Committee on House Administration.

By Mr. CRETELLA:

H. Res. 648. Resolution to authorize the Committee on Government Operations to conduct an investigation and study of the utilization of scientific and technical personnel by the Armed Forces; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ANFUSO:

H. R. 13594. A bill for the relief of Gino Bianchini; to the Committee on the Judiciary.

By Mr. COAD:

H. R. 13595. A bill for the relief of Mr. and Mrs. Christian Voss; to the Committee on the Judiciary.

By Mr. DEROUNIAN:

H. R. 13596. A bill for the relief of the North Shore Hospital, Inc.; to the Committee on the Judiciary.

By Mr. HEMPHILL:

H. R. 13597. A bill for the relief of Mrs. Leslie M. Wright; to the Committee on the Judiciary.

By Mr. HERLONG:

H. R. 13598. A bill for the relief of Rolly R. Tatum; to the Committee on the Judiciary.

By Mr. MILLER of California:

H. R. 13599. A bill for the relief of Antonia Martinez; to the Committee on the Judiciary.

H. R. 13600. A bill for the relief of Mrs. Jue Chin Shee; to the Committee on the Judiciary.

By Mr. WALTER:

H. J. Res. 675. Joint resolution to facilitate the admission into the United States of certain aliens; to the Committee on the Judiciary.

H. J. Res. 676. Joint resolution for the relief of certain aliens; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Scholarships, Fellowships, and Other Assistance to Education

EXTENSION OF REMARKS
OF

HON. CLIFFORD P. CASE

OF NEW JERSEY

IN THE SENATE OF THE UNITED STATES

Tuesday, July 29, 1958

Mr. CASE of New Jersey. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a statement I issued yesterday, after the Senate Subcommittee on Education reported favorably a bill providing scholarships, fellowships, and other assistance to education. I ask to have printed with my statement an editorial, from the Christian Science Monitor of Saturday, July 26, 1958, which sets forth cogently the need for legislative action in this vital area.

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

STATEMENT BY SENATOR CASE OF NEW JERSEY

I am happy indeed that the Senate Subcommittee on Education has today reported favorably a bill providing scholarships, fellowships, and other assistance with emphasis on improving the teaching of the physical and social sciences, as well as languages. The next step is up to the full Committee on Labor and Public Welfare, and I am hopeful that the committee will see fit to schedule this bill quickly so that floor action on this needed legislation proposed by the President last January will be taken before Congress adjourns.

The subcommittee still has before it legislation providing Federal assistance for school construction, as well as my own bill providing assistance for the construction of public community colleges. Now that the logjam has been broken in subcommittee, I am hopeful that some action will be taken on these bills also. As long as we have inadequate and overcrowded classrooms at the elementary, secondary, and college levels, American youngsters will be thwarted in their ambition to obtain a good education.

[From the Christian Science Monitor of July 26, 1958]

SCHOOL AID: INDEX OF CONCERN

Up to a year ago the great concern over American schools was about crowded classrooms. Congress readied legislation to aid States and local school districts in overcoming this shortage by a nationwide building program.

This effort was seriously hampered by endeavors to use it as a lever against local school segregation. Fears that Federal control might follow Federal aid were aroused by those who held them sincerely and by those having other axes to grind. The chamber of commerce campaigned against it and perhaps usefully showed that local ability and willingness to solve the problem had been somewhat underestimated.

In the face of all this Congress still would have passed Federal aid had it not been for failure of the White House staff to inform the President that Democratic leadership had swung over to support his insistence on a means-and-effort test in allocating funds among the States. His influence applied in time would have won back enough Republican votes to overcome the five-vote margin by which the measure lost.

Then came sputnik.

THE IMPACT OF SPUTNIK

Almost overnight one would have thought that artificial satellites and ICBM's were being designed and turned out by hordes of precocious youngsters currently ground out of the Soviet school system. Contrariwise, that American youngsters had been spending their school years in snap courses, athletics, and rock 'n' roll. Educators were blamed and both they and Congress were importuned to get academic assembly lines going fast.

Happily, one of America's greatest assets—free discussion—rolled into action. There have come informed and capable reports on Soviet education, and professionally calm assessments of the American. ICBM's and sputniks, it develops, are products of scientists and technicians educated mostly outside Soviet territory and a decade or more ago. However, both Soviet Government and people have turned to schooling with disciplined, deadly earnestness and, characteristically, have turned schooling en masse to serving the current ends of the state: production of researchers and technicians.

NOT ALL DARK

On the other hand, we are responsibly assured that in good American schools—and there are many of them—the sciences and mathematics are being taught as well as anywhere in the world. But that there are too many poor-to-mediocre schools. More high-school pupils, numerically, than ever before are taking these tougher subjects. But there should be much wider training in languages.

Languages, too, discipline the processes of thinking. And in this shrinking world Americans can no longer assume that people among whom they will find themselves a day's journey away will speak a tongue they understand. Businessmen and public servants need increasingly to communicate in more than one language.

Significant achievement in any of these three academic categories calls not only for conscientious effort; it calls for that and for those still little understood qualities called aptitudes and for the interest which usually accompanies them. Americans have not yet done enough to discover these talented youngsters systematically, and to help them develop their talents by financial aid where needed and by making advanced courses available.

THE SECOND LOOK

It boils down to the fact of one nation newly emerging from mass illiteracy and hungry for learning—a nation with a still austere standard of living, a nation which views its people collectively and as servants of the state. And to the fact of another nation which has come to take universal schooling much as a matter of course, a nation which suffers more from a surfeit of things than from the sharp spur of necessity, a nation which in education as in other areas listens to what the individual wishes (but has as yet arrived at no clear consensus on school curriculums which also serve best the common good).

The Soviet nation, on the one hand, having destroyed its aristocracy of birth, finds it not unnatural to exalt an aristocracy of learning; the other, the American, having conquered a wilderness and developed the resources of a subcontinent in a half-dozen generations finds it not unnatural to give preferred status to the doer in commerce and industry above that of the scholar and teacher.

One of the penalties of this imbalance in rewards has been to draw away into business and industry too many of those who should be teaching the businessmen, the industrialists, the researchers, and technicians of the future. This is like eating the seed corn.

THE SAVING TOCSIN

To this second nation—the United States—the advent of sputnik may prove to have been the saving tocsin. For it is only by rivaling the Soviet people's dedication to education, their respect for its practitioners, and the priority they give it in their public spending that Americans will bring their schooling to a standard befitting the world's wealthiest Nation and meeting the imperatives of the 20th century's grim competition.

Could we be sure that the impetus of sputnik would carry through to every school district in the land—and do so fast enough not to lose 4 or 5 school generations of talented youngsters, and lose, perhaps, for all Americans the world competition militarily, economically, and culturally—an American educational renaissance might be built more solidly from the grassroots up.

The fact of this uncertainty introduces the question of a national concern with the education of American youth. The whole history of American democracy says this concern cannot be implemented by any ukase from Washington. It must be expressed by incentives and aid.

MANY TRIES AT HELPING

There are hundreds of aid-to-education bills in this Congress. Of these, less than half-a-dozen are given the slightest chance either of being passed or of being incorporated in some comprehensive bill with a chance of passage this session. Federal aid to classroom construction is not among these few.

What has become of the overcrowded classrooms and the double session schools? Did they vanish between defeat of the latest bill to correct such conditions last July and the appearance of sputnik in the October skies? The chamber of commerce figures gave more reason to hope that States and local school districts could do more of the job than thought at first. But parents and classroom teachers in hundreds of localities can attest that there is quite a job to be done. And unless these local departments and boards accomplish enough within the coming year to alter the picture radically the Nation will likely be confronted with a situation sharpened by cumulative resentment against neglect.

MEASURES WITHIN REACH

The measures given the best prospects for passage are:

1. To make available perhaps 20,000 Federal scholarships a year (twice what the administration believes manageable) to enable talented youngsters to attend college for 4 years, these scholarships to be awarded by State commissions with preference given to those studying science and mathematics and consideration given to financial need. Also Federal loans to students to be administered by the colleges, and aid to States in providing equipment for teaching science, mathematics, and languages. Also aid in training foreign-language teachers, for graduate students and graduate schools, and for testing and guiding high-school students.

2. To permit teachers in both public and private schools to deduct up to $600 a year for income-tax purposes for money spent for professional improvement by college and university study.

AN INDEX OF CONCERN

These measures are all in the right direction, whatever may be the differences in opinion on their details. But it should be

said that their passage, of itself, would not answer the needs of American education. Nor should they fail of enactment would American education stop still. They are, however, indexes—needles on a dial. And they will indicate by the seriousness with which Congress handles them how much importance Congressmen, and likely their constituents, are giving this matter of education in the Nation's future.

Conversely, a wisely framed program of national aids and incentives can carry inspiration to every town and crossroads by its solid evidence that some of the concern for educating American youth anywhere belongs to Americans everywhere.

Army Salutes Anniston

EXTENSION OF REMARKS
OF
HON. KENNETH A. ROBERTS
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 29, 1958

Mr. ROBERTS. Mr. Speaker, the Army's high award to civilian groups has been presented to the Anniston, Ala., Chamber of Commerce's military affairs committee and to the Anniston Star.

Col. William T. Moore, commanding officer of Fort McClellan, at Anniston, presented special certificates of achievement to the two groups in behalf of Secretary of the Army Wilber M. Brucker, in ceremonies at the fort last week.

Receiving the awards were Col. Harry M. Ayers, publisher of the Star; Joe H. Rutledge, president of the chamber of commerce; and Marshall K. Hunter, chairman of the military affairs committee.

These awards were kept secret until the time of presentation and they were received by a surprised body of men. However, it is no surprise to those of us who know these men that they should be singled out for this high honor.

In Anniston, there exists a close cooperative spirit between the civilian and the military communities. In this fine city there is exemplified how both civilian and military personnel can live and work in harmony and cooperation.

Of course, the outstanding daily newspaper and the active and alert chamber of commerce have had much to do with this, and it is fitting that they were saluted.

The Star and Publisher Ayers were cited for—

outstanding and dedicated service to the United States Army and more particularly Fort McClellan, Ala., in a concerted effort to enhance the prestige of the military service and to further public understanding of the Army and its role as a member of the United States defense team.

EDITORIALS, REPORTING LAUDED

Through editorials and factual and fair news articles, the Anniston Star has aided the commanders of Fort McClellan in successfully accomplishing the mission of the installation and it has been a most effective instrument in furthering and maintaining a harmonious relationship among the citizens of Anniston, its industry and the military.

The citation also noted a special edition of the Star in 1955 upon the dedication of the Women's Army Corps Center and support of the Armed Forces Day celebration this year.

The Military Affairs Committee was cited for—

its devoted interest in the progress and accomplishments of Fort McClellan and invaluable assistance to commanders of that installation by its vitally important work of assisting in obtaining housing for military personnel, and enlisting the support of the local citizens in the current military housing construction program.

OTHER FACTORS NOTED

Also noted was the committee's work in sponsoring publication of the Serviceman's Guide to Fort McClellan and Anniston, a program that resulted in Calhoun County school bus facilities being extended to transport children of military personnel to Anniston schools, active liaison between military police and civilian law enforcement bodies and support of Armed Forces Day activities.

By taking such profound interest, the Military Affairs Committee has demonstrated its effectiveness as an instrument for rendering unusual service to the public and the United States Army—

Said the citation.

Nedlog Co., of Chicago, Typifies Small Business Progress

EXTENSION OF REMARKS
OF
HON. TIMOTHY P. SHEEHAN
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 29, 1958

Mr. SHEEHAN. Mr. Speaker, on Monday, July 28, Mr. Abe Golden, president of the Nedlog Co., of Chicago, presented Congressman WRIGHT PATMAN, chairman of the Select Committee on Small Business of the House of Representatives, with a gold bottle cap to commemorate the billionth bottle of fruit drink which his firm had just produced.

In his remarks to Congressman PATMAN, Mr. Golden stressed the idea that the Congress must expand its attention to small business.

Mr. Golden's remarks follow:

Congressman PATMAN, it is a great honor for me to meet you and be able to present you with this small token—the gold bottle cap from the billionth bottle of fruit drink which my firm has just produced.

It seems to me that while this achievement is minor when compared to the output of our industrial giants, this billionth anniversary for the Nedlog Co. is a symbol for all of us of what it means to be an American.

Mr. Congressman, let me tell you a little about how this anniversary came about and what it means to me, the son of a poor immigrant. This is a story that could not come true anywhere except in this great country of ours.

I was born, of Polish immigrant parents, on New York's East Side. As a child, I helped my father with his pushcart which earned our family its meager livelihood. When we moved to Chicago, it was still with the pushcart, but we found opportunity such as no other nation could ever offer.

Over the years, I was able to save up some $500, and in 1930—even though we were in the middle of a real depression—I was bold enough to start a small beverage firm, manufacturing a noncarbonated fruit drink.

We have been able to prosper over these past 28 years, and now have reached the point of production which this bottle cap represents. This is not so much my personal achievement as it is a symbol of how small business can develop in these United States. Although there have been many great lawmakers, you, Mr. PATMAN, have been the guardian angel, trying to protect the best interests of millions of small-business men who represent the backbone of our economy.

Spurred by such lawmakers as you, our Government for many years has focused its attention on the importance of small business to the Nation's welfare.

Certainly we hope that you and others like you will continue to be active in this work. For it seems to me that we will need more of your help in these days when the trend to bigness seems to have invaded every field: Our cities are getting bigger; giant shopping centers dot the countryside around them; in almost every industry a handful of leaders have all but blotted others out of the picture. Yet there is no doubt that the small town will always be a vital part of our national life, and the small-business man will continue to contribute his vital part to our national economy.

The Congress, I think, must expand its attention to small business. With leadership like yours, I hope it will consider some measures which seem to me, as a businessman, to be a vital, six-point program, needed if small business is to continue making its contribution to the Nation's overall welfare:

1. Concerted action by the appropriate Federal agencies, bolstered by whatever legislation is needed, to fight new attempts at evading long-standing statutes which bar monopolies and collusion. No matter how these combinations are concealed, they must be uncovered and dismantled before they swallow up their smaller, independent competitors.

2. To aid small firms which have occasion to seek financial aid, the machinery of the Small Business Administration should be geared, I believe, to provide speedier action. While my firm has never needed such assistance—and I don't foresee that we will—I understand that many firms which have needed financial assistance have been hurt by long delays.

3. Field offices of the Small Business Administration should be staffed with consultants and experts in management techniques, accounting, production methods and the like, who could actually go into a manufacturing plant which needed their advice and help to solve on-the-spot problems.

4. Formation of a pool from which small firms could draw the electronic calculators and other equipment which no one, small plant can afford to maintain, but which would be invaluable in a clearinghouse arrangement. Such physical assistance as this, incidentally, seems a natural extension of the thinking behind the Government's advisory program for small business, and it is needed to bolster that activity.

5. Tax relief, in the form of attention to small business lest it be lost in the shuffle of any tax realinement. Revisions are needed which will balance the small firm's tax contribution in comparison with that of large industry. As Americans, we are willing and anxious to support our Government, but we do not want to do so on the basis of a tax structure weighted in favor of the giants in the business world.

6. Continuation and expansion of Federal efforts to coordinate Goverment needs with the capabilities of small firms, many of which offer a flexibility in production which their larger counterparts cannot achieve. For this reason, they can often fill Government con-

tract requirements most expediently and economically if information continues to be available as to Government needs; certainly the cataloging of small business facilities is, also, a vital activity in terms of our national defense.

These are some of the things we hope for, Mr. Congressman. They would help insure that a man can start a business on a shoestring, as I did, and still hope to succeed to the point of being able to pay his employees adequately, to provide them with some type of future security, to send his youngsters through college and—if he's fortunate—to reach the kind of milestone which this billionth bottle represents to me.

Thank you for your time, sir, and your interest in our problems. You have been for years a real inspiration and hope to small-business men, and I sincerely hope you will be able to continue this important work for many years to come.

Congressman PATMAN responded to the presentation as follows:

Mr. Golden, I am deeply touched by your tribute. And I am honored to take part in celebrating your achievement—Nedlogs. I know that such an achievement does not come easy.

It proves again that individual initiative is the greatest resource this country has; and our future strength—both our economic strength and, I think, our moral strength depends upon what we do now to keep opportunity open for independent enterprise.

We have a great capitalistic system in our country and that is the system we want to keep. I, too, am disturbed by the trend toward giantism, because we all know that this trend stifles individual initiative and even shrinks our freedoms.

We have not always done everything we should to safeguard equality of opportunity for the independent businessman. But progress is being made in this direction, and there are signs of a growing recognition in Congress and on the part of the people that steps to preserve opportunity must be taken, and taken promptly.

For example, just in this past session, Congress has taken at least three important steps to help small business. It made revisions in the Federal tax laws to remove some of the important discriminations and hardships which these laws were placing on small firms. In this session, Congress also passed legislation to make the Small Business Administration a permanent agency of the Government, and gave it increased authority and money to assist small firms.

And, most important of all, Congress has taken a landmark step to assist in the creation of a new private financing system which will give small firms access to venture capital. This step is in the best tradition of our Federal Government in opening new frontiers to private enterprise. Certainly, we are not a capital-short nation. Yet for a nation that is determined that the capitalistic system will outperform and outlast all others, we have been badly remiss in allowing small business to become capital starved. Where is the market where small firms may obtain equity capital and long-term loans such as big business obtains in the central stock and bond markets? There is none. But Congress is now well on the way to correcting this, and this correction will be made in the free-enterprise way—which is to assure no one that he will succeed, but to make sure that everyone has an opportunity to succeed.

These steps do not go as far as they should, but they are long steps in the right direction. Together they make up the most substantial accomplishment for small business that any one Congress has made in my 30 years here. This is most encouraging. It shows that Congress wants to maintain an opportunity for small business, which means that the people at home want this.

Mr. Golden, I accept this gold cap symbolizing the achievement of your small-business firm with all humility. It is accepted as the symbol you present it to be, what opportunity for independent enterprise means to America.

Investigation of Red Atrocities

EXTENSION OF REMARKS
OF
HON. JOHN LESINSKI
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 29, 1958

Mr. LESINSKI. Mr. Speaker, I have today sent letters to the chairman of the House Committee on Foreign Affairs, Secretary of State John Foster Dulles, and United Nations Delegate Henry Cabot Lodge, requesting that an investigation be made into the crimes and atrocities committed by the Communists against individuals.

In my letters I have pointed to the rising tide of communism as illustrated in the recent Middle East situation. We are quite aware that the agitation in the Middle East is being fostered and fomented by Communist elements, and, in particular, by Nasser of Egypt, a Communist-oriented and supported dictator. Let us not delude ourselves that Nasser is merely an Arab nationalist, for his career is closely paralleling that of Mao Tse-tung who at one time was looked upon as a mere agrarian reformer. The Soviet Union helped the Chinese Communist leader with arms, ammunition, military technicians, and cash to take over the country. Similar aid has been sent to Egypt. As a result, not only does communistic rule extend to the Pacific but also, Russia has after centuries of diplomatic and military endeavors to reach the Mediterranean finally succeeded in doing so. We must, therefore, keep ever alert and act firmly as President Eisenhower did in the Middle East, and as President Truman did in Korea. Over and above such actions, we must engage in other activities which are designed to preserve and protect freedom and liberty.

I believe that one effective means by which we can stem the tide of communism and forestall any loss of freedom and liberty in the world is to show clearly to the nations of the world that freedom and liberty do not, and cannot, exist under Communist rule. To that end, I recommend that the United States through the House Committee on Foreign Affairs and the United Nations institute an investigation into the reports of atrocities and crimes against the individuals who are so unfortunate as to live under Communist rule.

Two recent examples of Communist duplicity and viciousness emphasize the need for an investigation of this type.

In June of this year the entire world was shocked and revulsed upon learning of the execution of Imre Nagy and other leaders of the Hungarian revolt against the Russians in 1956. What, in the eyes of the Communists, was the unforgivable crime? Following the initial success of the revolt, Imre Nagy widened his government to include non-Communists, promised free elections, declared Hungary a neutral state, repudiated the Warsaw Pact with Moscow, and placed Hungary under the protection of the United Nations. The Communists, knowing that their system of government cannot exist in the bright light of freedom and truth, hold those principles to be crimes. Congress has adopted a resolution urging that the President and United States delegate to the United Nations seek adoption of the report of the Committee on the Hungarian Revolution and work for measures to bring about freedom of captive nations, and I believe that the investigation I am proposing would carry out the intent of Congress as set forth in the resolution.

Let us provide a forum for such people as Father Cyril Wagner, a priest of the Franciscan order, who after long imprisonment by the Chinese Reds, recently arrived in this country. Upon arrival Father Wagner said that for 5 years he and other Catholic priests were not allowed to talk or even move their lips. The Reds charged they repeated rumors that Chinese Catholics were punished because they associated with Americans.

But I know they shot one Chinese priest who was over 70 years old—

He said.

The Reds turned our churches into courthouses and beat five people to death. So much for the rumors. I want them to know over there I am telling about it now.

I believe all those who have suffered at the hands of the Communists should be given an opportunity to tell the actual story of life under Communist rule, so that the lies and half-truths of the Communist propaganda machine will be shown in their true light and the cause of freedom will be served. If we do this, and expose the evils of communism, we will, I am sure, gain the support and gratitude of all freedom-loving people in the world.

Proceedings Following a Luncheon Given by the National Historical Publications Commission in the Old Supreme Court Chamber, United States Capitol, June 17, 1958, the Honorable Franklin Floete, Administrator of General Services, Presiding

EXTENSION OF REMARKS
OF
HON. GEORGE P. MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 29, 1958

Mr. MILLER of California. Mr. Speaker, I had the pleasure of attending the luncheon given by the National Historical Publications Commission on June 17, in which a most distinguished list of guests participated.

Many members of the Supreme Court, the Senate, and House of Representatives in their presence indicated their interest with the work of the National Historical Publications Commission and its accomplishments.

The highly respected Chief Justice of the Supreme Court, Hon. Earl Warren, and the lovable and distinguished Speaker of the House of Representatives, Hon. SAM RAYBURN of Texas, were present.

I am privileged to make the proceedings following the luncheon part of these remarks:

PROCEEDINGS FOLLOWING A LUNCHEON GIVEN BY THE NATIONAL HISTORICAL PUBLICATIONS COMMISSION IN THE OLD SUPREME COURT CHAMBER, UNITED STATES CAPITOL, JUNE 17, 1958, THE HONORABLE FRANKLIN FLOETE, ADMINISTRATOR OF GENERAL SERVICES, PRESIDING

Mr. FLOETE. Chief Justice Warren, Speaker Rayburn, Justice Frankfurter, members of the Commission, distinguished guests, ladies and gentlemen, may I extend personally on behalf of General Services Administration a most cordial welcome.

This luncheon and the conference are being held in honor of the sponsors, patrons, and editors working with the Commission. When I was talking to Dr. Grover last week about what possible qualifications I had for addressing or presiding at so distinguished a meeting as this, he admitted he had no idea. "Since they are historians," I said, "maybe if I told them that a long time ago I had been a student of Prof. Frederick Jackson Turner, that would explain my presence." He alleged that that was very good, but maybe not enough. So then I told him I had had the great pleasure of going to a tea at Professor Turner's house with his very delightful daughter. "Well," he said, "that fully qualifies you."

We in GSA are very grateful for the fact that we are participating in the splendid work of this historical commission. We fully support its activities and are very proud and happy that we are charged with the responsibility of preserving the important historical documents of our Government and of making them available for purposes such as this. We know that the support this commission's program has is very widespread. It has the strong support of the President, the Congress, and countless Americans in all walks of life. Its progress has been notably fast, far beyond what was expected at the time the Commission was first organized. This sympathetic approach has been largely responsible for this progress.

I would like to digress a moment, for I feel that it is appropriate to do so. I am sure you have all been inspired when, in going to the great hall of Archives, you have been able to see our charters of freedom—the Constitution, the Declaration of Independence, and the Bill of Rights. That opportunity, however, does not extend to the millions of Americans who do not come to Washington. Therefore, we thought it would be very appropriate if we installed in each of the new Federal office buildings we are building throughout the land a dignified type of case to display facsimiles of these three precious documents. We feel this will do much to make it possible for many, many more Americans to see these basic papers.

The purpose of the Commission's program is to assemble, edit, and publish the important historical documents and papers of our Government and the writings and works of prominent Americans who have participated in public life. Its objective is to make these papers readily available to historians and the public generally, thus resulting in a broad comprehension of the basic philosophies and principles of our Government. Such comprehension is particularly important at this time when the United States has the difficult role as leader of the Free World, of endeavoring to resolve the serious issues of peace and freedom. For this reason we are most grateful to all of those who have participated in this work, the editors, the sponsors, and all of the other organizations that are a part of it. You all deserve great credit.

It is impossible for me to introduce all of the distinguished people who are in this meeting. Therefore, I will confine myself to those at this table. First, I would like to introduce the editors who are the spearhead of this important work. Will you please rise as I call your name?

Dr. Julian Boyd, editor of the Jefferson Papers.

Dr. Lyman Butterfield, editor of the Adams Family Papers.

Dr. Leonard Labaree, editor of the Franklin Papers.

Dr. Harold Syrett, editor of the Hamilton Papers.

Dr. William Hutchinson, coeditor of the Madison Papers.

I am happy at this time to announce the start of a new project in this series—a project to publish a documentary history of the ratification of the Constitution and the Bill of Rights, under the editorship of Dr. Robert Cushman. Dr. Cushman, who retired from the political science department of Cornell University in 1957, brings to his editorial position an exceptional knowledge and understanding of the Federal Constitution acquired over more than 40 years of study, teaching, and writing. His Leading Constitutional Decisions is considered a basic work in its field. He served as advisory editor of Cornell University's Studies in Civil Liberties from 1943 to his retirement. He was president of the American Political Science Association in 1943, and was a member of the board of editors of the American Political Science Review from 1923 to 1948. Dr. Robert Cushman.

Associate Justice Felix Frankfurter was one of the earliest members of this commission, and has given without stint to its many accomplishments. He has given of his energy and his brilliancy and has played a very important part in this program. Justice Frankfurter.

We would like to convey our very sincere thanks to the many organizations that have made this work possible, and these I will name: the Massachusetts Historical Society, the American Catholic Historical Association, the American Philosophical Society, the Tennessee Historical Commission, the Woodrow Wilson Foundation, the South Caroliniana Society, Clemson College, and the Universities of South Carolina, Kentucky, Yale, Harvard, Columbia, Princeton, Chicago and Virginia. Likewise the success of this program would hardly have been possible without generous gifts from donors. The sponsors actually rely, must rely, on gifts of this nature. Among these very public-minded organizations who have made such contributions are: The Old Dominion Foundation, the Lilly Endowment, Inc., the Rockefeller Foundation, the Ford Foundation, Time, Inc., and the New York Times. The Commission is deeply indebted to each of these.

We are most fortunate today to have with us a representative of one of the great branches of our Government. This man has served longer as Speaker of the House of Representatives than any man in our Nation's history. When Mr. RAYBURN first came to Congress, he was going home to Bonham, Tex., one day. On the train was Champ Clark, then Speaker of the House. Mr. Clark said to Mr. RAYBURN, "Young man, you can be a leader in these United States." Mr. RAYBURN asked how he might accomplish this high purpose, and Mr. Clark said, "I will give you a list of books to read." Whereupon he gave him the list, which included the biographies of all of the prominent people in public life at that time. Mr. RAYBURN had read some of these books, but he proceeded to read them again and reread them, until he became firmly familiar with them. It is said that he carried that list in his wallet for more than 30 years. I think this illustrates Mr. RAYBURN's basic philosophy—that essentially the development of organizations in the Government are based on humanistic factors and that actually the record of the accomplishments of our Government are, in effect, a study and a record of the people. Mr. Speaker.

Speaker RAYBURN. Mr. Floete, Mr. Chief Justice, members of the Commission, and your guests here today, a while ago I looked over there and I saw a thing that looked like a television outfit, and I said, "They can't do that." Then somebody said, "This is the Senate end of the Capitol," and I said "Oh." So I had to give up, much to my regret.

I have lots of fun going about over the country to various places. I can walk into any hotel lobby in the country with my hat on and nobody recognizes me. But if I take it off, they say "I saw you at the convention."

I am happy to be here with you folks today and to say to you what a great work I think you are doing. George Miller of the House and Mr. Grover of the Archives have kept me pretty well briefed upon what you are doing.

Now, about United States history and its founders and their writings. I am visited in my office by thousands of schoolchildren every year. I always tell them that they are smarter than I was because they have a better opportunity to be smart than I had. It is a long cry from the one-room country school down in Texas with a teacher with about a second grade certificate to the teachers they have now, the buildings that have been built for them, and the instruments inside of them, to demonstrate to them what their teachers are trying to make them understand. And I tell these children that they should study United States history and government in the grade school, in the high school, in college, and in university, and then the rest of their lives. I have been doing that all of my life, and I am frank to say to you that I feel like I have just touched the fringes of those great fundamentals and the great writings of the men who made this country great. And for you to preserve these things for the generations that are to come, with all of the explanations that you can get together for the actions of the early Congresses, is to me a work that is monumental and will serve this country and its citizenship and the citizens of the world, for that matter, for ages to come.

Nobody can know too much about the formation of this Union. To me it is most interesting that 59 men, most of them young men, by the way, gave us our Constitution. There was only one real old man in the Constitutional Convention, and that was Benjamin Franklin at 81. George Washington, full of his honors, who had led a life that seemed long, was only 55. James Madison, who wrote more of the Constitution than any other man, and who went to the Convention having read every constitution that had ever been written, so they tell me in history, was only 36 years of age. Alexander Hamilton was only 30, Pinckney of South Carolina came to the Convention a young man of 29 years of age, with a completed proposal for a constitution in his pocket. And to think that those people went into a room and locked themselves up. How much hell would be raised today if anybody, anywhere—even a committee of Congress—went off and locked themselves up and said we are not going to let anybody in here until we bring this bill out. But they locked themselves up, and

in 4 short months they brought forth this document.

Now there are some people, when something is done by the Court, or by Congress, that they don't like, who say we have changed the form of government, that we are going to the bow-wows, and all this, that, and the other. In all of the amendments that have been adopted to the Constitution of the United States, not one of them touches the fundamental purpose that those people had in mind when they brought forth this Constitution, and that was to have a representative form of government. It was then, it has been, and it is now. Everybody in the United States has an opportunity to change their Representatives in the House of Representatives every 2 years, the Senators each 6 years, and their President every 4 years. You could not be freer than that. There couldn't be a more representative government in the world than that.

So I congratulate you on the wonderful work you are doing. In saying this, I stand with George Miller over there, who is a great historian, and Wayne Grover. And I could not leave out Karl Trever, because I have one of the greatest libraries in the world down in my home town of Bonham, and Karl Trever came down—Wayne Grover loaned him to me—and stayed 3 months, to set that library up. It has as complete a historical background of America in it as any library you can find, because I have all of the published records of the Congresses from 1789 down to now, and then I have the lives and the writings of everybody in those days who made this country great, and the lives and the writings of those who have helped to keep it great. So I congratulate you, I am glad you are here. You are doing a great work, and from a grateful heart, I thank you.

Mr. FLOETE. We sit today in a room that is hallowed by the great events in our Nation's history which have transpired here. This room was occupied by the Senate from 1800 to 1860. During that period, the Louisiana Purchase Treaty was ratified in this room; the treaties ending the War of 1812 and the Mexican War were ratified here. Webster, Calhoun, and Clay debated and talked here; and Clay and Calhoun were buried from this room. From 1860 to 1935 the room was occupied by the Supreme Court. Many of its important decisions were rendered from this room. The framework and foundations of our form of government were continued and strengthened from such decisions; and as we look back upon it the names of these illustrious Chief Justices come immediately to our minds: Taney, Chase, Waite, Fuller, White, Taft, and Hughes. Under them the judicial branch of the Government continued to be strong and independent, and under them the basic concept of the separation of powers was further established. It continues to do so under the inspired guidance of the present Chief Justice of the United States, whose record of selfless public service is known to all of us—the Chief Justice of the United States, the Honorable Earl Warren:

The CHIEF JUSTICE. Mr. Floete, Mr. Speaker, Members of the Congress, members of the Commission, distinguished editors of the historical projects, and ladies and gentlemen, it is always a thrilling experience for me to be in this room. I like to come here at times and sit on the side of the room and conjure about the things that have occurred here in days gone by. But this happens to be the second time that I have ever raised my voice in it in other than a conversational tone. So this is really a thrilling experience for me. The first time was about 28 years ago, when I was admitted to the Supreme Court of the United States and argued my first case before it. At that time the revered Oliver Wendell Holmes was on this bench. I argued my case—I think it was the last case on Friday afternoon—and the next Monday morning, I am told, he laconically remarked to his secretary, "I won't be here tomorrow." When I got home, the word of the retirement of Mr. Justice Holmes had preceded me, and my associates met me with this kind of a greeting: "Now see what you have done. You have driven that dear old soul off the Supreme Court. For 50 years, 30 years of it on the bench of Massachusetts, 20 years of it here, he has seen all kinds of lawyers. He took one look at you and said, 'I quit.' "

I am glad to be able to participate today in activities designed to make better known to the American people the national program for the publication of historical documents that the National Historical Publications Commission is sponsoring. They have a very vital interest in its success. Two Presidents of the United States and the Congress of the United States have endorsed this program. It deserves our continuing support. The Commission is a relatively new agency on which are represented the three branches of the Government of the United States, and historical and other related organizations outside the Government. I am not a member of the Commission, but we have with us today my distinguished colleague, Mr. Justice Frankfurter, who represents the Supreme Court on this Commission, and I think we have a majority of the Court here. There are six members of the Court present, and I think I need not labor the point that it is always a pleasure to have a majority of the Court with me.

The Commission's main purpose, I understand, is not itself to write history but rather to cooperate with and encourage other appropriate Federal, State, and local agencies and nongovernmental institutions in collecting, preserving, editing, and publishing documentary materials, chiefly in manuscript, that are important for an understanding and appreciation of the history of the United States. At its first meeting, a little more than 7 years ago, the Commission recommended strongly the preparation and publication of comprehensive and scholarly editions of the papers of the following five leaders in the early period of our national history: John and John Quincy Adams, Benjamin Franklin, Alexander Hamilton and James Madison. The Commission had in mind as a model the edition of Thomas Jefferson's papers that was already in progress at Princeton University under the editorship of Julian Boyd, himself a member of the Commission. Within a very few years projects for the publication of the papers of these five men, under distinguished sponsorship and with able editors at their heads, were underway. (George Washington's papers were not included because there had recently been extensive publication of his letters by the Federal Government.) The number of projects within the broad framework of the Commission's program has increased steadily over the past few years, as you may note by reference to the program before you.

To the extent that the program is now in operation it represents participation by the Federal Government, State governments, colleges and universities, historical societies and other learned institutions, foundations, business organizations and individuals in what may be looked upon as a common enterprise but operating with each project in the nature of an autonomous unit. This is as it should be.

The Commission has planned for execution under its direct supervision two very important projects: One, a documentary history of the ratification of the Constitution and the Bill of Rights, and the other, a documentary history of the work of the first United States Congress. It is with respect to the first of these that I wish now chiefly to address my remarks.

It will be noted that the Commission has concentrated much of its attention on the papers of great national leaders in the formative period of our Republic. After independence had been won, it was all too clearly evident that the weak government under the Articles of Confederation was inadequate for the infant United States and even more inadequate for the great leader of the Free World that this infant was destined to become. A new and stronger government was clearly needed—one that could defend itself against foreign and domestic enemies and provide for the welfare of all its citizens while at the same time assuring the conduct of that government in accordance with the will of the people; reserving to the States certain governmental authority that might most properly be exercised by them, and protecting the individual against violation by either the National Government or the State governments of the basic rights of free men.

Out of recognition of this need grew the demand for a new constitution. After many days of debate and arduous labor and compromise, the Convention of 1787 in Philadelphia hammered out a constitution that it proposed for ratification by the several States. There then followed the great debate on the nature of government, the relationship of citizens to government, and, in particular, the advisability of ratifying or rejecting the proposed constitution. On the outcome of this debate hung the destiny of our country. As the editor of the Papers of Thomas Jefferson has so eloquently said: "We * * * demonstrated to the world the force of an idea in our philosophy of government, and we carried on * * * one of the most elevated public debates on the nature of free institutions that any country has ever produced."

As we all know now, victory went to the advocates of the new Constitution, but the margin of victory was not great. Much of the opposition was based on a belief that certain rights of individuals were inadequately protected. That was remedied when the First Congress proposed amendments and the States ratified 10 that are well known now as the Bill of Rights.

It is important to us and to the world that we know as completely as possible what was done, what was said, and what was thought in the course of that great debate. For information about the framing of the Constitution, we are fortunate to have Dr. Max Farrand's monumental four-volume work on the Records of the Federal Convention of 1787. I am sure it may be found, dog eared from use, in many law offices throughout the country. But for the contest over the ratification of the Constitution by the States and the addition to it of the first 10 amendments there is no comparable work. That is a situation which the Commission proposes to remedy.

Information about the ratification exists in many different forms and is widely scattered. Much of it has never been published and much that has been published exists in such few issues of fugitive character that it is exceedingly difficult to find. There are the official records of the Continental Congress, in submitting the proposed Constitution to the States and in taking necessary steps to set up the new Government after the new Constitution had been ratified. There are the official journals and official and unofficial reports of debates of the State conventions that decided whether to ratify or not. There is much information in the many contemporary newspapers that were published from what is now Maine to Georgia and to the Far West that is now Kentucky.

There are many pamphlets resulting from the war of ideas, among them the well-known Federalist Papers, but others of importance,

though of lesser note, and numerous broadsides that were used in the attempt to influence voters. There are letters by leaders of the opposing forces that provide information or a record of arguments that were used. There are entries in diaries, sermons, and other discourses that reveal attitudes and actions we need to know about and understand. The Commission proposes to print, in some 6 or 8 volumes, all of these sources of information comprehensively and with careful attention to the exactness of reproduction and explanatory annotation. With the generous assistance of the Ford Foundation, the Commission expects the publication will be completed within the next 5 years.

These volumes will be of very practical value to the Supreme Court of the United States and to other courts and to members of the bar appearing before the courts in cases involving matters of constitutional law. They will throw light upon what those who ratified the Constitution and the Bill of Rights understood those documents to mean. They will take us back to the climate of opinion and to the vocabulary in which the Founding Fathers thought and spoke. It is frequently necessary for the Supreme Court to take these matters into consideration when making decisions that affect the lives of many people. The need to do this has existed throughout the history of the Court and can perhaps be best illustrated by the case of *Chisholm* v. *Georgia* in 1793. That case involved the interpretation of article III of the Constitution as to the jurisdiction of the Federal courts where a State is a party. There was little information available then, although there is much now on what both the framers and the ratifiers of the Constitution intended. The decision sanctioning Federal jurisdiction created a furor, and it required the adoption of the 11th amendment to clarify the atmosphere.

In many cases the Supreme Court finds it necessary to take into consideration the history of a particular clause of the Constitution, going back to contemporary sources in an attempt to determine what was meant by the framers and ratifiers who put a particular clause into the Constitution. The President's power to remove executive officers, for example, was involved in the case of *Myers* v. *United States* (1926). These very long opinions, both majority and dissenting, are devoted largely to a discussion of the history of the removal power. This involved extended analysis of what the framers meant by "executive power" in article II and whether it included the power of removal.

The question of separation of the church and state was involved in *Everson* v. *Board of Education*, the School Bus case. The central issue in the case was what the framers of the first amendment meant by the term "no law respecting an establishment of religion". There are various ways in which the phrase could be interpreted. Did the framers mean no aid at all to religion, or did they mean no preference of one religion over another? The purpose of the documentary history would be to throw light on such nebulous issues.

This project will have even broader values, of course. It will be of inestimable benefit to students of constitutional history, constitutional law and other aspects of our national development, and the understanding that these persons obtain from their use of the records at first hand in these volumes will pass down in books that they and others write to an ever-broadening level of our reading public. There should thus result for the great majority of our citizens a better understanding of the principles upon which our Government today is fundamentally based.

What I have said about the value of this projected compilation of documents on the ratification of the Constitution and the Bill of Rights applies also to the Commission's proposed documentary history of the work of the First Congress of the United States. It was this Congress that took the Constitution as it had been drafted and ratified and put it effectively into operation. It established the judiciary system, which the Constitution had authorized; it established the first executive departments; it provided money for the operation of the new Government; and it took much other action about which we need to have such complete information as the Commission proposes to assemble and publish. And much the same can be said for the records of other early Congresses that are not now conveniently available for use.

With respect to the Commission's whole program, let me say again that I think it highly desirable to press forward with it as energetically as possible, not solely on behalf of scholarship or of the needs of our Nation's bench and bar and legislative assemblies, but also out of consideration of the interests of all of our people and the protection of the democratic society in which we live against hostile ideologies. I am especially glad to note the cooperative character of this program and the extent to which some leading business organizations and foundations have given it support. This is one of the admirable characteristics of this free country in which we live. The costs are high in terms of the thousands of dollars that the various projects will require but we are a great and wealthy nation and the profits that we will receive from this program, tangible and intangible, will be many times worth their cost.

Mr. FLOETE. It is my great privilege and pleasure now to read a letter from President Eisenhower:

"DEAR MR. FLOETE: It is good to learn of the advancing work of the National Historical Publications Commission. This Commission has made splendid progress toward enlarging the basic stock of source materials of American history.

"Written history is as important to civilization as human memory to an individual. The free world must have histories written by men and women in search of the truth—not by those seeking to rewrite the records of the past to their own advantage. This underlines the essential need of a broad and incorruptible supply of our Nation's documentary resources.

"Incidentally, I have ask the Director of the United States Information Agency to consider placing in our overseas libraries the documentary publications resulting from the Commission's work. There is no better way to gain a true understanding of America's traditions and objectives than through a direct study of the writings of our national leaders and the records of our free institutions.

"Please give my congratulations and best wishes to the members of the Commission and to the historical editors assembled in conference here next week. At that time, I want you to give special thanks to the sponsors and donors who are helping in this program.

"Sincerely,

"DWIGHT D. EISENHOWER."

Irwin S. Rhodes, of Cincinnati, chairman of a special committee of the American Bar Association, has an important announcement to make. Mr. Rhodes, will you please come to the microphone?

Mr. RHODES. Mr. Chairman, Mr. Chief Justice, Mr. Speaker, ladies and gentlemen; Mr. Charles S. Rhyne, president of the American Bar Association and the American Bar Foundation, has asked me to announce the sponsorship by the American Bar Foundation of the John Marshall papers project. Thank you.

Mr. FLOETE. Ladies and gentlemen, this concludes our formal meeting. The conference of editors will resume in the Archives Building.

Win Freund's Great Reporting Job

EXTENSION OF REMARKS
OF
HON. WILLIAM E. PROXMIRE
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Tuesday, July 29, 1958

Mr. PROXMIRE. Mr. President, most Americans were shocked by the story of the use of three United States Air Force airplanes to bring Dr. Milton Eisenhower and his daughter from Land O' Lakes, Wis., to Washington a short time ago.

The story was given to the public by the diligence of Win Freund, city editor of the Wausau, Wis., Daily Record-Herald. Mr. Freund got a tip that something was afoot at the Wausau Airport and he went there with his camera. Despite obstacles placed in his way by Air Force officials, he got the facts.

Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the letter which I wrote to Mr. Freund congratulating him upon his news story.

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

JULY 29, 1958.

Mr. WIN FREUND,
City Editor, Wausau Record-Herald,
Wausau, Wis.

DEAR WIN: I want to congratulate you on the splendid job you did covering the story of Milton Eisenhower's trip from Land O' Lakes to Washington in Air Force airplanes. I had read the story, without knowing that you wrote it, and my immediate reaction was that this was exactly the way the story should be handled. It is a job of perfect objective reporting, which lets the facts speak for themselves. I don't see how you could have improved on it.

I have learned that you got the story in spite of real obstacles placed in your way by Air Force officials. I am glad that you persisted, like the first-rate reporter you are, and got the facts. There is no excuse for secrecy in the conduct of government. Every time you defeat secrecy in government you have performed a public service.

With warmest regards,

Sincerely,

WILLIAM PROXMIRE,
United States Senator.

Refugees From Communism Should Be Granted Asylum Here

EXTENSION OF REMARKS
OF
HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 29, 1958

Mr. DINGELL. Mr. Speaker, the United States, a traditional haven for those oppressed by tyranny and dictatorship, has closed her doors to a young seaman who sought asylum here. This is a strong indictment of the United States and a worse indictment of Gen. J. M. Swing, Commissioner of the Immigration and Naturalization Service.

The seaman, Richard Eibel, is a Polish national, aged 24, who jumped his ship, the freighter *Fryderyk Szopen*, when she docked at New York a week ago yesterday. He stated that he did not wish to return to Poland and wanted asylum in the United States. He has made it clear that he faces persecution and heavy punishment for his attempt to flee Poland, and that because of his anti-Communist activities in Poland even his life might be at stake.

It would be well for Commissioner Swing to read the tablet inside the main entrance of the Statue of Liberty on which are engraved the words:

Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tost to me. I lift my lamp beside the golden door.

He might then have a better understanding of our policy of accepting all who seek asylum here. If we accept such unsavory persons as the former dictator of Venezuela, Perez Jimenez, certainly we can do the same for an honest refugee from communism.

The most serious indictment of Commissioner Swing and the Immigration and Naturalization Service is that no hearing was accorded the young man before he was returned to his ship. Only one chance remains for America to redeem herself and that is to remove this young man from the ship, as the British authorities did in 1954 with Antoni Klimowicz, who was permitted to remain in Great Britain as a refugee. If England does this, surely we can do no less.

S. 1869 Should Not Pass

EXTENSION OF REMARKS
OF
HON. ROBERT C. BYRD
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 29, 1958

Mr. BYRD. Mr. Speaker, under leave to extend my remarks, I would like to insert a copy of the statement which I made earlier today before the House Committee on Public Works in opposition to S. 1869, a bill to amend the Tennessee Valley Authority Act. The statement includes a newspaper item which tells the story of how West Virginia recently lost a $75 million industrial plant to the TVA region. The newspaper article was included as a part of my testimony before the House committee. The statement and newspaper story follow:

STATEMENT OF ROBERT C. BYRD IN OPPOSITION TO S. 1869

Mr. Chairman, I am opposed to S. 1869 for a number of reasons, which I shall very briefly state:

1. The bill removes the Tennessee Valley Authority from the provisions of the Government Corporation Control Act of 1945.

That act states that the TVA, as a wholly-owned Government corporation, shall cause to be prepared annually a budget program which shall be submitted to the President through the Bureau of the Budget. The act also provides that the budget program be transmitted by the President to the Congress, and that it shall be considered and, if necessary, legislation shall be enacted making available such funds or other financial resources as the Congress may determine.

Under this bill, therefore, there would be no annual budget program submitted to the President through the Bureau of the Budget nor would there be any budget program transmitted to the Congress by the President as a part of the annual budget required by the Budget and Accounting Act of 1921.

2. This is not the only statutory Congressional control over TVA that would be eliminated by S. 1869. The bill would also remove the TVA from the scope of the Government Corporations Appropriation Act of 1948. That act states: "None of the power revenues of the Tennessee Valley Authority shall be used for the construction of new power-producing projects (except for replacement purposes) unless and until approved by an act of Congress." So, here we find that this bill removes the requirement for approval by the Congress of new projects as stipulated in the portion of the act that I have just read. On the other hand, inaction by the Congress is to be taken as implied approval, under this bill, of any new power-producing projects for TVA, and any disapproving action is restricted to a 90-day period. I think we all recognize that many things can happen through inaction that would certainly not be consummated if action of an affirmative and positive nature were required.

Both statutory bases for Congressional control of the Tennessee Valley Authority are thusly removed by this act.

3. Then, Mr. Chairman, I object to this bill because it tacitly invites, or encourages, an expansion of the Tennessee Valley Authority into areas that are now being adequately served by investor-owned power companies. It is my understanding that there are about 11 power companies, privately owned, now servicing the areas which would be encompassed by the expansion permitted under the provisions of this proposed legislation. Three of the eleven power companies are wholly operating within the new territory that could be added. This, I submit, is an unwarranted excursion into the realms of private and free enterprise. Some individuals take the position that inasmuch as there is now no statutory limitation upon the amount of territory that can be serviced by TVA it could be presently expanded to include an area of 200,000 square miles, whereas it is only serving an area of 80,000 square miles. I wish to respectfully make this observation however, Mr. Chairman: Under the present law and the existing provisions for Congressional control of appropriations Congress would be advised of any such expansion and would have the opportunity to determine whether the financing necessary for such expansion would be approved. Therefore, while TVA might now theoretically expand, from a practical standpoint it must still subject itself to the review provided by budgetary and legislative processes. Under S. 1869 no such Congressional approval would be necessary to permit TVA growth beyond its present service area. This would obviously run counter to the opinion of the Budget Bureau as expressed yesterday, it being the position of that agency that the TVA should be restricted to the territory now served.

4. My fourth objection to this bill lies in the fact that the present 40-year period of amortization is extended to 120 years by setting the repayment sum at $10 million annually. Yesterday we heard the Under Secretary of the Treasury, the Comptroller General, and the representative of the Budget Bureau express opposition to this feature of the bill. Each of the agencies went on record, I believe, as stating that 120 years would be too lengthy a period of amortization, that the power revenues of the TVA are such that a much shorter period of time would be both feasible and advisable, and that a higher figure than $10 million as repayment on the appropriation investment is well within the earning capabilities of the Authority.

5. A fifth objection which I wish to state, Mr. Chairman, is that the interests of the taxpayers of the country are being subordinated to the interests of the bondholders. Before any payment or return can be made on the appropriation investment, the operating costs plus the payments to the bondholders must be made. It is possible, then, that the taxpayers of the country would not receive any return on the appropriation investment in a given year, and, as a matter of fact, the bill provides for payments to be deferred for as much as 2 years when, in the judgment of the Board of Directors, such payment cannot feasibly be made because of certain conditions set forth in the act. One might add at this point that there is no provision for adding the unpaid interest to the debt for subjection to interest in later years. Also, there is no provision for repayment or interest on an additional $470 million of retained earnings which have been reinvested in power facilities, a sum which is, in my judgment, a part of the taxpayers' investment.

Mr. Chairman, I wish to ask permission to include in the RECORD an article which appeared in the Wheeling (W. Va.) News Register on February 20, 1956. The article bears the caption, "$75 Million Plant Lost by West Virginia to TVA Region":

"[From the Wheeling (W. Va.) News Register of February 20, 1956]

"VALLEY TAXPAYERS 'GIVE' INDUSTRY TO ALABAMA—$75 MILLION PLANT LOST BY WEST VIRGINIA TO TVA REGION

"(By Naze Cochran, News-Register staff writer)

"Ohio Valley residents help pay to keep a new $75 million aluminum industry from locating in West Virginia.

"They didn't realize it—but, even if they had, they couldn't have done anything about it.

"The decision was made in Washington.

"It's the age-old story of Government subsidy versus free enterprise and fair competition.

"The News-Register learned today that the Reynolds Metal Co., the second largest aluminum company in the United States, decided to locate a huge aluminum plant in TVA territory rather than along the Ohio River, south of Point Pleasant, probably because of the cheaper Government-subsidized power available at Lister Hill, Ala.

"Philip Sporn, president of the American Gas & Electric Service Corp., told the News-Register his firm was working on locating the new industry in West Virginia.

" 'We were not successful. Reynolds told us that our power rate was too high. I can't say that is the real basis but it was one given.'

"Sporn said the AGE gave Reynolds a good rate, the same rate we offered to Kaiser Aluminum and Olin Mathieson. 'But,' he added, 'there was a large tax component in the AGE rate.

" 'They (the Reynolds officials) told me the TVA rate was lower.'

"Further evidence of the manner in which the Reynolds plant was lost to West Virginia because of a Government-subsidized power project is found in a letter sent West Virginia Senators Matthew M. Neely and Harley M. Kilgore by M. C. Funk, vice president of the Applachian Electric Power Co., a member firm of AGE.

"In his letter, Funk points out that 'I feel sure you will be interested in knowing about the latest instance of the putting of industries into TVA territory. This case greatly concerns West Virginia.'

"According to Funk, the Appalachian Co. has been approached by Reynolds Metal Co., now the second largest aluminum company in the United States, with regard to a proposed aluminum plant in the Ohio Valley.

" 'The required 225,000 kilowatts of electric power was to be furnished by our company. Of course, power is a principal element in aluminum cost.'

"Funk pointed out that the site of the Reynolds aluminum plant was to be at Apple Grove, W. Va., some 10 miles below Point Pleasant.

" 'In the meantime, however,' Funk told the Senators, 'the Reynolds Co. was negotiating with TVA. We know this and did our utmost to land the business for our system and West Virginia.

" 'In fact,' he stated, 'our quoted price for power exceeded the TVA price by only one-third of the difference between the taxes which we have to pay and the grant tax contribution which TVA makes.

" 'Nevertheless,' Funk's letters to NEELY and KILGORE continue, 'the Reynolds Co. has announced that it will locate in Alabama, with power to be supplied by TVA. It is reported that this new Reynolds plant will cost about $75 million.'

"In concluding his letters to the Senators the power firm official notes that as a consequence, TVA will now somehow have to get the money for and to build more steam electric power—which, of course, will enable it to do more of the same sort of thing.

"And the same sort of thing will mean that tax dollars, from residents of the Ohio Valley, West Virginia, and Ohio, as well as the rest of the Nation, will aid the TVA cause.

" 'Competition in which a substantial portion of the tax component is eliminated can be very deadly,' Sporn commented.

"The AGE president pointed out that 20 cents out of every dollar private electric firms receive for power service goes to the Government.

" 'Excluding the tax component, we can give them (industry) a better rate than TVA or any of the public power installations. The people are being asked to develop the power in TVA.

" 'When it comes right to the point,' the head of AGE stated, 'West Virginia is going to have to fight for industry.'

" 'But the State shouldn't have to fight an agency which has the weapons.'

"He explained that the TVA, through Government subsidy, has the weapons to attract industry in the area around such installations.

" 'Why should the Government so equip other States?' he asked.

"Sporn pointed out that West Virginians should naturally be against Government power projects. They are in the disinterest of the State.

"The power official pointed out that West Virginia today is in wonderful shape to attract new industry with its abundant availability of coal and manpower but it is going to have a tough time meeting Government subsidy.

"There has been other instances of new industry being lost to the Ohio Valley and West Virginia because of Government-subsidized power projects. The Reynolds plant is merely most recent.

"In an address delivered as part of the Cooper Foundation series at Swarthmore College in 1954—but which is as valid today as on the day it was made—Sporn pointed out that a basic difficulty with public power is that it is subsidized power and that cannot be in the public interest.

" 'The most common form of subsidy of public power is the tax route. Interestingly enough, it is now being claimed that public power operation is more desirable because it can be carried out without paying taxes.

" 'It is quite clear that tax savings as such do not exist.

" 'So-called savings, by going to a Governmental setup, merely result in the general taxpayers, rather than those benefiting from the project, paying in additional taxes the subsidy granted the tax-free power project. A general application of the tax-free subsidy principle would result in complete disorganization of all Government.'

"Sporn labeled the tax differential an irresistible magnet which draws industries requiring particularly heavy quantities of electric energy from other locations that but for taxes are equally as well situated and might perhaps otherwise be even more favorably situated."

Switzerland: A Land of Liberty and Fraternity

EXTENSION OF REMARKS
OF
HON. ABRAHAM J. MULTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 29, 1958

Mr. MULTER. Mr. Speaker, August 1 marks the anniversary of the first recorded act of the union of Swiss communities.

Switzerland's independence day is an occasion which deserves the attention and the congratulations of the United States. The anniversary of the founding of the Swiss Confederation is both a reminder of our sympathetic attachment to this brave country of the Alps and an inspiration to promote the values and characteristics which the Swiss have, throughout their history, perpetuated.

Their history is, indeed, a long one. The day we celebrate, August 1, carries us back nearly 700 years. On August 1, 1291, the men of Uri, Schwyz, and Lower Unterwalden entered into a defensive league. Three of the twenty-two cantons that make up Switzerland today bear the same names. The qualities which generated this union have been characteristic of the Swiss down through the centuries: independence, courage, mutual support.

Independence on a national level, on a community level, on a personal level is practiced in Switzerland as in few other places in the world. The other countries of Europe have respected the independence of the Swiss nation not only because it suits the self-interest of surrounding rival factions; not only because nature has erected almost insuperable barriers to invasion, but also they respect this island of neutrality because of its eminent self-respect. They know that special opprobrium would fall on the head of one that violated its stanchly defended frontiers, this natural fortress of freedom.

They honor, too, in recent years, the seat of international understanding. Geneva, the home of the League of Nations, the cornerstone of the International Labor Office, the site of the World Health Organization, and of various other monuments of worldwide cooperation, was, characteristically, the birthplace of that great humanitarian organization, the International Red Cross. Significantly, the flag of this organization is simply the reverse of the Swiss flag.

Where but in a country of independence, a country with freedom of speech, freedom of the press, freedom for the individual—where else could such international establishments spring up and flourish? Where else, too, could individuals fleeing oppression of mind or body find such a refuge and a home?

The world looks upon Switzerland as a haven for the escaped, the abandoned, the sick, the lost, the bewildered. It sees there too a host for the happy. Tourist, vacationer, son of intellectual freedom, seeker of spiritual uplift basks together with the weary in Switzerland's clean, clear atmosphere. He enjoys there the protection exemplified for us in our youth by the rescuing St. Bernard dog; the freedom we learned about from the happy, liberty-loving Heide; the independence that calls to us in the stirring strains of Rossini's William Tell. The very name of Switzerland has pleasant connotations. This is a nation which enjoys the utmost respect on an international scale. It merits the love of the world for its freedom-loving and humanitarian principles.

We in America take pride in a bond of kinship with this land of liberty and fraternity.

The Coal Research Program

EXTENSION OF REMARKS
OF
HON. JOHN H. DENT
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 29, 1958

Mr. DENT. Mr. Speaker, in behalf of management and labor in the coal and railroad industries, and also speaking for other residents of coal communities and shipping centers, I should like to thank the members of the Committee on Interior and Insular Affairs as well as the responsible subcommittees for reporting out the bill to establish a Coal Research Commission. While it is not in the precise form of the proposal which I introduced, I am confident that enactment of this legislation will go a long way toward reaching the objective we all hope to attain.

Because coal's vital role in a national emergency and in America's long-range fuels programs is generally understood. I shall not, in my remarks today, dwell on this phase of a coal research program. Having been raised in the coal regions, and speaking from experience as a coal operator, I should like to point out just a few of the potentialities that Pennsylvania and other coal-producing States may look to in the application of science and engineering to coal's production, transportation, and market problems.

We do not anticipate that creation of a coal research commission and subsequent fulfillment of its specified duties will bring new prosperity to our mining camps and adjacent communities. We do, however, detect latent advantages that will accrue to the long-range benefits of our mining people and to coal's customers as well.

Mr. Speaker, the district I represent in Congress does not by any means have a preponderance of mining families among constituents. Our manufacturing industries are highly diversified, and we also have a considerable number of farm families. There, at the foothills of the mountains, the arable soil is the exclusive provider of livelihoods for a good number of families. You will also find many truck gardens in the area; it is, as a matter of fact, unusual for a homeowner not to have at least a small plot for vegetables and perhaps some fruit trees. We appreciate the progress in agriculture that has come about through research and development. The United States Department of Agriculture has led the way toward greater productivity, increased efficiency, and higher nutrition.

What the Department of Agriculture has done for the farmer and his consumer over the years, a Coal Research Commission can undertake to stimulate comparable progress in the mining industry. Methods of extracting coal from the ground have improved sensationally in the past decade. A better product and greatly increased efficiency of consumption have likewise been achieved.

The United States has by far the most efficient coal industry in all the world, yet it would be folly to rest on our laurels. Energy demands will continue to spiral upward at a progressively greater rate as population increases and standards of living improve. The coming decades will require such an enormous amount of energy that coal industry production will of necessity tend ever upward. Meanwhile the tools and the methods of recovering, preparing, and delivering this fuel need to be under constant study to assure maximum efficiency in every operation.

I remember very clearly how coal was mined in the 1920's and early 1930's. Most of it was produced by pick and shovel, and when it came out of the mine the bigger plants had picking tables so that slate could be thrown out before the coal went into the railroad cars or trucks. Cutting machines were coming into popularity in the bigger mines, but there was still very little mechanical loading. Immediately before World War II, hydraulically controlled loading machines and improved cutting machines were introduced. Eventually—along about 10 years ago—the continuous miner began to move up to the face of the coal seams and substitute for the normal mining cycle.

Today working conditions have been improved through the introduction of roof bolting, rock dusting, better lighting facilities, and more adequate ventilating systems. Outside the larger mines are preparation plants, which not only extract slate and other impurities, but also "launder" and sort the product into the sizes desired by consumers.

We have come a long way in a short time in the producing of both bituminous coal and anthracite, but there are so many more secrets to be revealed by the scientist and engineer for the welfare of the miner, the increased efficiency of his operations, and the conservation of this vital natural resource that the national interest demands that we undertake a research program as soon as possible.

I wonder how many of my colleagues recognize coal's role in the development of our railroads? Originally coal mines were opened near streams because erosion of their banks disclosed the whereabouts of coal veins. As a matter of fact, a map drawn up by Joliet after his expedition of 1673–74 listed a deposit of "charbon de terre" along the Mississippi River in northern Illinois. A few years later a member of the LaSalle expedition reported that coal had been observed along the Illinois River.

When the Nation was in its infancy, proximity to a waterway was a prerequisite in the planning of a community. Thus, with mines also located on streams, coal was transported almost exclusively by water. Then came the railroads with a horse-drawn line built in 1827 from the coal mines in Carbon County, Pa., to the Lehigh River. Carrying coal was big business in those days, just as it is at the present time. It is a major source of railroad revenue, accounting for in the neighborhood of 14 percent of all rail freight revenue in the United States. Moving coal brings in upward of $1 billion a year to the railroad industry in freight revenue.

To the trucking industry and the inland waterway system, coal is also vitally important. Trucks carry approximately 50 million tons of coal annually, and almost that much coal is loaded at the mine for shipment by water.

To carry coal from mine to market, railroads have developed larger gondolas and hoppers, larger barges are in operation on our waterways, and a host of innovations for loading, unloading, and transferring coal have been developed. Nevertheless, considerable more research must be continued in this field. The railroads are hopeful that the coal research program which I am advocating will be quickly enacted. Both the rail executives and members of the brotherhoods recognize that, even though new methods of transporting coal are expected to come about, an increase in coal freight is inevitable in the years ahead.

I am sure that most Members of Congress have heard about the coal-carrying pipeline that is now in operation between Cadiz and Eastlake, Ohio. The line is transporting upward of 80,000 tons of coal a month to a generating plant of the Cleveland Electric Illuminating Co. It is an outgrowth of an intense and persistent effort on the part of Pittsburgh Consolidation Coal Co. in cooperation with the public utility.

Yes; a research program will result in improved transportation methods, just as it will contribute to increased production efficiency and to the conservation of coal reserves. What is in store for us in the way of utilization is too wondrous for conjecture. Besides carrying out its primary functions to provide heat and power, coal has become the source of a wide variety of chemical products including sulfa drugs, nylon, plastics, explosives, perfumes, and fertilizers. I remind you that up until 1908—just half a century ago—almost all coke was made in beehive ovens. Thereafter, as chemists began to discover the valuable contents of coal gases and tars, the steel industry constructed byproduct ovens so that there materials might be captured and converted into useful byproducts. The steel industry's use of coal not only offers new materials to be developed in the coking process, but it also provides a starting point for research into new methods of utilization in the actual steelmaking process. To supplement reserves of metallurgical coal, mixtures of other coals are in the experimental stage. Tests of this nature must be encouraged.

Mr. Speaker, there is no limit to what science and engineering may do for coal, for everyone connected with the industry, and for the millions everywhere who stand to benefit by what coal and its products may bring to them. I urge you to pass this legislation. The people of my State will be most appreciative, and in the years to come all America is going to benefit.

The National Defense Education Act of 1958

EXTENSION OF REMARKS
OF

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1958

Mr. DENT. Mr. Speaker, in adding my voice in support of H. R. 13247, the National Defense Education Act of 1958, I do so with full knowledge of the importance of this legislation.

The purpose of this bill, H. R. 13247, is to assist in the improvement and strengthening of our educational system at all levels and to encourage able students to continue their education beyond high school. It is designed to accomplish these objectives by, first, establishing a limited program of Federal scholarships; second, establishing loan programs for students at institutions of higher education; third, providing grants to States for strengthening science, mathematics, and modern foreign language instruction in public schools; fourth, establishing language institutes and area centers to expand and improve the teaching of languages; fifth, assisting in the expansion of graduate education; sixth, assisting in the improvement of guidance, counseling, and testing programs; seventh, providing for research and experimentation

in the use of television, radio, motion pictures, and related mediums for educational purposes; and, eighth, improvement of statistical services of State educational agencies.

The bill contains all of the corresponding proposals recommended in 1958 by the Department of Health, Education, and Welfare, plus two others, the loan program and the provision for research and experimentation in more effective utilization of television, radio, motion pictures, and related mediums for educational purposes.

America is confronted with a serious and continuing challenge in many fields. The challenge—in science, industry, government, military strength, international relations—stems from the forces of totalitarianism. This challenge, as well as our own goal of enlargement of life for each individual, requires the fullest possible development of the talents of our young people. American education, therefore, bears a grave responsibility in our times.

It is no exaggeration to say that America's progress in many fields of endeavor in the years ahead—in fact, the very survival of our free country—may depend in large part upon the education we provide for our young people now.

The primary responsibility for education, in the future as in the past, should remain with the States and local communities and higher educational institutions. The Nation looks primarily to citizens and parents acting in their own communities, to school boards and city councils and State legislatures, to teachers and school administrators, and to the trustees and faculties of our colleges and universities to develop the support and the educational effectiveness needed to bring our educational system more abreast of today's needs.

In an effort which is so critical to the national interest and to national security, however, the Federal Government can and should play a constructive role. This role should be one of encouragement and assistance to the States and communities and higher educational institutions as they strive to meet certain critical national needs.

There is ample precedent for such action. For example, as early as 1862, the Federal Government acted to meet a national need in education by providing aid to land-grant colleges. During World War I, Congress recognized a great national need for more agricultural and mechanical training by enacting the vocational education program. With Federal support and encouragement, the States and communities greatly strengthend their own educational activities in these fields. This program over the years has contributed greatly to individual opportunity and to national strength.

In much the same way, H. R. 13247 is designed to help our educational system meet the grave challenge of our time. Although the bill embraces a variety of approaches, its central purpose is to encourage improvement in the quality of education particularly with respect to those aspects which are most important now to national defense.

A number of provisions in the bill are aimed specifically at reducing the waste of needed talent which results when students with great potential ability drop out of school or college too soon. Several other provisions are designed to encourage an improvement and expansion in the teaching of science, mathematics, and modern foreign languages. Another provision recognizes the need for more college teachers to prepare future scientists, teachers, and leaders in many fields.

It is exceedingly important to maintain a balanced program of instruction in all fields. The committee does not desire that one field of training be developed at the expense of another. It is evident, however, that many of our elementary and secondary schools today are not providing instruction in science, mathematics, and modern foreign languages of sufficient quality or quantity to meet today's increasing needs in these fields. Serious shortages of equipment in all three fields exist. H. R. 13247 provides financial assistance to States for use by local school systems in improving equipment and materials in the fields of science, mathematics, and modern foreign languages, both in quality and in quantity. Grants also are provided to assist State departments of education in expanding their professional services to local schools in these subjects. In addition to grants to the States, the legislation authorizes the establishment of institutes for teachers to improve the quality of instruction of modern foreign languages in the elementary schools, the secondary schools, and the colleges and universities. Language institutes and area study centers would also be established to provide training in the so-called rare languages, many of which are not now taught in the United States, but which are spoken by many millions of people and are essential to the conduct of our economic, cultural, and political relations with other peoples. Grants for basic research in improved instruction and newer methods and materials in the teaching of modern foreign languages are also provided.

In the development of this legislation we have sought to preserve the fundamental principle that education in our country is a State and local responsibility. States and institutions of higher education retain basic responsibility for planning and administering the programs authorized in the bill.

The estimated cost of the bill is approximately $840 million for the basic 4-year period, and an additional $230 million during the next 3 years as the program is phased out on an unusually reduced level.

We believe this is a modest amount when measured against the need and the benefits we can derive from the enactment of this legislation.

In conclusion, I want to pay my respects to Congressman ELLIOTT for his untiring efforts in behalf of this legislation.

His work, in and out of committee, has been a contributing and determining factor in bringing this bill to the floor.

He was ably assisted by others too numerous to mention; however, their work was needed to finish the project headed by Mr. ELLIOTT, the chairman of the subcommittee.

This is a start, not everything we hoped for, but a start on the road of educational opportunity for our children with the ability but lacking the funds to pursue their education without help.

Let us get it started and then add as we go.

Interest in Hawaii Increasing

EXTENSION OF REMARKS
OF

HON. JOHN A. BURNS

DELEGATE FROM HAWAII
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1958

Mr. BURNS of Hawaii. Mr. Speaker, since the passage of the bill to admit Alaska as a State of the Union of States and its signature by the President of the United States, there has been an increasing interest in Hawaii as well as in Alaska.

Members of Congress have questioned me about the social, economic, and political institutions of Hawaii, as well as its historical background. That the interest of the Members of Congress is a reflection of the interest of the American people is demonstrated by the experiences of the Hawaii Visitors Bureau office in San Francisco which reported of the first week of August that "almost the solid week was spent on statistics of every imaginable phase of island trends." This spur in awareness has been marked since Alaska's acceptance into the Union. This office has been literally converted into a research and "Information, Please" laboratory.

The Economic Planning and Coordinating Authority of Hawaii reports that from January through April, the agency had 543 requests for a publication called America's Islands of Opportunity. In the month of June, there were requests for 1,878 copies.

One of the finest and most accurate presentations on Hawaii in words and pictures is contained in the September issue of the House Beautiful magazine. More than 100 pages are devoted to the culture of Hawaii's people, their happy relationships as Americans with people of the East and the West. An article entitled "Hawaii—Showcase for Americanism," starts with an Hawaiian saying, "Maluna o na aupuni a pau o ke ola o ke kanaka," which translated means, "Above all nations is humanity."

The contribution Hawaii is so well equipped to make in the solution of the problems of her country—the United States of America—and to her country's position of world leadership is set forth interestingly and accurately in this article. The ideas are to be commended. Their presentation is recommended to those who want to satisfy their need to know.