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PROCEEDINGS AND DEBATES OF THE 87th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES

WEDNESDAY, SEPTEMBER 6, 1961

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

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

From the prophecy of Isaiah (Isaiah 35: 4): *Say to them who are of a fearful heart, Be strong, fear not.*

O Thou who art always seeking to enlighten and encourage us with the supply and strength of Thy divine guidance and goodness, bless our President and the Congress, who, in this time of grave peril, are burdened with heavy responsibility and facing the arduous task of safeguarding our freedom.

Gird their minds and hearts with that intrepid and indomitable faith which will enable them to meet fearlessly and valiantly the forces of tyranny and aggression striving to enslave us.

Grant that, in this time of world tragedy and tension, we may have the grace of heart to pray even for our enemies who, in their blindness and brutality, are threatening and terrorizing mankind with indescribable suffering and sorrow.

Inspire us with the dynamic virtues of love and forgiveness and show us how we may lift humanity into that higher spiritual unity where all antagonism and antipathies are transcended by the spirit of brotherhood and good will. Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

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 a bill of the following title, in which concurrence of the House is requested:

S. 2481. An act to amend the National Aeronautics and Space Administration Authorization Act for the fiscal year 1962.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 7916) entitled "An act to expand and extend the saline water conversion program being conducted by the Secretary of the Interior," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. BIBLE, Mr. CARROLL, Mr. KUCHEL, and Mr. ALLOTT to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1540) entitled "An act to amend the law establishing the Indian revolving loan fund," agrees to the conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CHURCH, Mr. GRUENING, Mr. BURDICK, Mr. GOLDWATER, and Mr. ALLOTT to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7576) entitled "An act to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes."

STATEMENT OF REP. CARL ALBERT ON PROPOSAL THAT LAKE TO BE FORMED BY EUFAULA DAM, NOW UNDER CONSTRUCTION, LOCATED ON THE CANADIAN RIVER, 12 MILES EAST OF EUFAULA IN McINTOSH COUNTY, BE NAMED "LAKE OF THE FIVE CIVILIZED TRIBES"

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

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

There was no objection.

Mr. ALBERT. Mr. Speaker, I have introduced a bill today to designate a great new lake now being constructed on the Canadian River in Oklahoma, the "Lake of the Five Civilized Tribes." Since this lake will be located in the very heart of the country occupied by the five civilized tribes in eastern Oklahoma prior to statehood, no more appropriate name could be proposed for it than the "Lake of the Five Civilized Tribes." This lake will be one of the largest manmade lakes in the world. Probably no other manmade monument of equal dimension ever will be constructed in Oklahoma. There does not now exist an adequate monument to the five civilized tribes whose contributions have been indispensable to the life and character of Oklahoma. The lake will become one of the great playgrounds of the Nation. It deserves a name which will be an attraction to tourists from all parts of the country, many of whom still identify Oklahoma in terms of its Indian heritage.

COMMITTEE ON APPROPRIATIONS, PUBLIC WORKS APPROPRIATION BILL

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the public works appropriation bill.

Mr. HALLECK. Mr. Speaker, reserving the right to object, I would like to inquire of either the chairman of the Appropriations Committee or the acting majority leader as to when it is expected this bill will be taken up. If I remember correctly, the chairman of the Appropriations Committee obtained consent for the consideration of the bill tomorrow, and in connection with that indicated that the vote would go over until Friday. I have now been informed that it is proposed to delay the consideration longer. If that is the plan, and I certainly hope it is not the plan, but if it is, I do not know what all the rush is about regarding the filing of the report. I would hope that the matter could be taken up tomorrow as was originally planned and programed for action by the House. That measure has to be acted on so that we may adjourn sine die. I see no reason why it should not be called up tomorrow as originally planned. It is one of the last obstacles to a sine die adjournment, and I would express the hope under this reservation that it could be called up tomorrow.

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

Mr. HALLECK. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Of course the leadership is anxious in connection with this matter to cooperate with the House membership and with the Committee on Appropriations. The leadership will only change the date on which the bill is programed if the chairman and members of the Committee on Appropriations desire a change to be made.

Mr. HALLECK. I would like to inquire of the chairman of the committee if this request is granted when do you propose to call up the bill, and if it is not called up tomorrow, why?

Mr. CANNON. That is a matter which rests with the majority leader.

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

Mr. HALLECK. Mr. Speaker, further reserving the right to object, if I am in error about my recollection that this measure was programed for tomorrow, I would like to have someone so inform me.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. ALBERT. The chairman of the Committee on Appropriations has advised me, and he is here, that the committee will not be ready tomorrow. It is only on that basis that we have considered postponing consideration of this bill.

Mr. HALLECK. Mr. Speaker, the committee could be ready tomorrow, without any question. This matter has been before the committee for a long, long time. I fail to see any real reason why it could not have been brought to the floor of the House a long time ago, unless there were some extraneous matters under consideration.

I am constrained to believe that is the real reason, but I want the Members of the House generally to know, those who hope for an early sine die adjournment, that this sort of delay only postpones the date of adjournment and, in my opinion, is not right. Of course there is nothing further I can do about it.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

Mr. JENSEN reserved all points of order against the bill.

CALL OF THE HOUSE

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 186]

Alger	Davis, Tenn.	McSween
Ashley	Diggs	Milliken
Baker	Evins	Pilcher
Bell	Gubser	Rabaut
Boykin	Hall	Reece
Brooks, La.	Hébert	Santangelo
Broyhill	Holland	Siler
Buckley	Johnson, Md	Van Pelt
Cramer	Kilburn	Westland
Dague	McDowell	

The SPEAKER pro tempore. On this rollcall, 406 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERSONAL ANNOUNCEMENT

Mr. BONNER. Mr. Speaker, on rollcall No. 180, I was unavoidably absent from the House on official business. Had I been present, I would have voted for the resolution prohibiting the entry of Red China into the United Nations.

THERE SHOULD BE NO PENALTY FOR DELAYED FILING FOR OLD-AGE INSURANCE BENEFITS

Mr. YATES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. YATES. Mr. Speaker, I am today introducing a bill which will correct a gross inequity in the social security law. In the spring of 1952 a resident of my district called at his local social security office in Chicago to inquire whether he would be eligible for benefits at age 65 and was told that he was not fully insured. When he reached 65 years of age in 1954, he again called at the social security local office and was once more informed that he was not fully insured, and no application for benefits was taken.

In 1961 this gentleman attended a meeting where a representative of the Social Security Administration spoke, and he was advised at that time to file a claim inasmuch as the speaker believed he was qualified for benefits. His claim was filed in February 1961, at which time his earnings record was obtained and he was found to have been fully insured as of the month in which he became 65 years of age in 1954. Under the law, since no written claim for benefits was filed, his social security annuity payments could be retroactive only to February 1960.

Mr. Speaker, it seems to me that this is a very unfair situation and I believe the law should be amended. Certainly, this is not an isolated case. I have, therefore, introduced a bill to amend title II of the Social Security Act to provide that an individual who is otherwise qualified but delays filing his application for old-age insurance benefits—or for wife's, husband's, or child's benefits in certain cases—should be entitled to such benefits from the time he originally became so qualified.

THE CONSENT CALENDAR

The SPEAKER pro tempore. This is Consent Calendar Day. The Clerk will call the first bill on the calendar.

PRACTICABILITY OF ADOPTING THE METRIC SYSTEM

The Clerk called the bill (H.R. 2049) to provide that the National Bureau of Standards shall conduct a program of investigation, research, and survey to determine the practicability of the adoption by the United States of the metric system of weights and measures.

Mr. GROSS. Mr. Speaker, reserving the right to object——

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

Mr. GROSS. I yield.

Mr. FULTON. May I ask the gentleman what is his particular objection to the bill? Is it because two investigations will be going on at the same time, each of which will be expensive? If so, I would like to take up that matter with the committee and eliminate his objection.

Mr. GROSS. My objection to the bill is that it provides half a million dollars for a study of the metric system. I am not opposed to the establishment of the metric system as the standard of weights and measures for the country, but I know of no reason why we should spend half a million dollars for a study. As I have said before, if it is decided that we should go to the metric system, then let a firm date be fixed, say 5, 7, or 10 years hence; let the children be educated in the metric system and information about it disseminated throughout the country.

Mr. FULTON. Would the gentleman object to the sum of $50,000 for an information program to promote the changeover to the metric system?

Mr. GROSS. I would not object to an appropriation of $50,000 for that purpose, but I think it ought to be provided in a different bill. This bill calls for an investigation and study, which in my opinion are unnecessary.

Mr. GEORGE P. MILLER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. GEORGE P. MILLER. May I point out to the gentleman that this changeover to the metric system would create a great impact upon American industry. Desirable as the metric system is, it is something that is going to cause a great deal of confusion and expense. The best way of approaching it is to let those who are competent in this field make this study and report back to the House.

I am convinced in my own mind that the metric system is very desirable, but who am I to tell the automobile industry, or the aircraft industry, that the great changeover that must take place is going to be made upon my judgment? I do not think anyone can question the competency of the Bureau of Standards to do this work.

May I point out to the gentleman that whereas there is a money factor in this bill, it does provide for this investigation by the Bureau of Standards; but they would have to come to the Appropriations Committee next year and ask for money and justify the way they would spend it. I feel we are generous in providing $500,000, but on the other hand I do not want this thing put over under any false pretenses.

Mr. GROSS. Mr. Speaker, I have no doubt that the Bureau of Standards can give us the answer to this question today. It is unnecessary to spend half a million dollars for a study.

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

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

There was no objection.

ISSUE CERTIFICATES OF HONORABLE DISCHARGE

The Clerk called the bill (H.R. 2292) to authorize the Secretary of the Treasury to issue certificates of honorable discharge in lieu of certificates of disenrollment to certain persons who served as temporary members of the U.S. Coast Guard Reserve during World War II.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 21 of title 14, United States Code, be amended by inserting therein after section 762 the following new section:

"§ 763. Honorable discharge of temporary members

"In recognition of the service of temporary members of the Reserve during World War II, the Secretary may upon request issue a certificate of honorable discharge in lieu of a certificate of disenrollment issued to any person following disenrollment under honorable conditions from service as a temporary member during the period from December 7, 1941, to July 1, 1946, both dates inclusive. Issuance of a certificate of honorable discharge to any person under this section does not entitle him to any rights, privileges, or benefits under any law of the United States."

(b) The analysis of chapter 21 of title 14, United States Code, is amended by inserting following

"762. Women's Reserve"

the following:

"763. Honorable discharge of temporary members."

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 REVERSIONARY RIGHTS TO JASPER COUNTY, GA.

The Clerk called the bill (H.R. 4939) to provide for the conveyance of all right, title, and interest of the United States in a certain tract of land in Jasper County, Ga., to the Jasper County Board of Education.

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

Mr. GROSS. Mr. Speaker, reserving the right to object——

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

Mr. GROSS. I yield to the gentleman from Georgia.

Mr. VINSON. I may say to the gentleman from Iowa if there is no objection, I propose to offer an amendment on page 2, line 1, inserting the words "at fair market value." The bill would then read in part:

The Farmers Home Administration, is authorized and directed to convey by quitclaim deed to the Board of Education of Jasper County, State of Georgia, its successors and assigns, at fair market value, all of the right, title, and interest retained by the United States of America.

Mr. GROSS. In other words, the gentleman's amendment would provide that the county in Georgia would pay the fair market value for the property to be conveyed, as well as for the improvements, whatever they may be.

Mr. VINSON. Yes, whatever the fair market value would be for the interest the Government has, and that will have to be paid before the county gets the property.

Mr. GROSS. I thank the gentleman for offering the amendment, and I regret that I had to ask that the bill be passed over last time.

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon the written consent of the assistant secretary of the Georgia Development Authority, a public corporation organized and existing under the laws of the State of Georgia, the United States of America, acting through the Administrator of the Farmers Home Administration, is authorized and directed to convey by quitclaim deed to the Board of Education of Jasper County, State of Georgia, its successors and assigns, all of the right, title, and interest retained by the United States of America in its quitclaim deed to the Board of Education of Jasper County, Georgia, dated the 26th day of April 1940, and recorded on the 18th day of June 1940, in deed recorded in book A–6, pages 160, 161, and 162, in the office of the clerk of the superior court of Jasper County, Georgia, covering a tract of land containing 42.65 acres, more or less, in Jasper County, Georgia, and more particularly described as follows:

Beginning at the point of intersection of the northern right-of-way line of Benton Road with the eastern right-of-way line of road "A" and running along the eastern right-of-way line of said road "A" north 44 degrees 52 minutes east 1,384.33 feet to the point of curvature of a curve to the right having a degree of curvature of 22 degrees 00 minutes;

Thence, along the said curve through the arc whose chord is north 55 degrees 40 minutes 30 seconds east 99.22 feet to a point of tangency; thence along said eastern right-of-way line north 66 degrees 37 minutes east 632.90 feet; thence, leaving said right-of-way line south 12 degrees 05 minutes for a distance of 891.10 feet; thence south 34 degrees 28 minutes west 1,290.76 feet to a point on the northern right-of-way line of Benton Road;

Thence along said northern right-of-way line north 63 degrees 28 minutes west 271.25 feet to the point of curvature of a curve to the right, having a degree of curvature of 04 degrees 04 minutes; thence along said curve through the arc whose chord is north 61 degrees 57 minutes west 74.52 feet to a point of tangency; thence north 60 degrees 26 minutes west 392.32 feet to the point of curvature of a curve to the right, having a degree of curvature of 04 degrees 04 minutes;

Thence along said curve through the arc whose chord is north 58 degrees 13 minutes west 108.90 feet to a point of tangency; thence north 56 degrees 00 minutes 426.48 feet to the point of beginning; all of which is more clearly shown on a plat thereof prepared by the United States Department of Agriculture, Farm Security Administration, dated March 17, 1938, together with all buildings and other improvements thereon, including all equipment of whatsoever nature therein.

With the following committee amendments:

Page 1, line 3, strike out "of the Assistant Secretary".

Page 2, line 21, after the word "minutes" insert "east".

Page 3, line 9, after the word "minutes" insert "west".

Page 3, line 13, after "1938" insert "and revised November 14, 1939, and designated as plan numbered 3003–PP,".

The committee amendments were agreed to.

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

The Clerk read as follows:

Amendment offered by Mr. VINSON: On page 2, line 1, after the word "assigns," insert the words "at fair market value".

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.

RECOGNIZING OFFICIALLY SAN DIEGO AS THE BIRTHPLACE OF NAVAL AVIATION

The Clerk called House Resolution 208.

The SPEAKER pro tempore. Is there objection to the present consideration of House Concurrent Resolution 208?

Mr. STRATTON. Mr. Speaker, reserving the right to object, this is a relatively innocent looking bill that provides for designating a historical site; namely, the birthplace of naval aviation. This bill would put the House in the position of writing history. If this legislation were to be passed, we would in fact be rewriting history and indeed distorting it. The bill passed the Committee on Armed Services on the basis of inadequate information. I voted against the bill at the time, and one other member of the committee, if my recollection is correct, voted against it also.

The bill was based on the basis of a letter from the Navy Department which agreed that some early flight of the first naval aviator had taken place in San Diego, Calif. But, as a matter of fact, Mr. Speaker, as the RECORD for August 23 will disclose, there are two important bits of information bearing on this subject which the Navy did not disclose in its letter to the committee that which I uncovered later on through careful investigation.

One of them is that the first aircraft ever owned by the Navy first flew on the 1st of July 1911, not in San Diego, Calif., but in the great Empire State of New York at Hammondsport. The second fact that the Navy did not disclose to the committee at the time this legislation was under consideration was the fact that way back in 1948 the Navy had already officially designated the birthday of naval aviation as May 8, 1911. Now that day happens to be the day when Glen Curtiss was conducting his flying operations in the great Empire State of New York at Hammondsport, not at San Diego. It was in fact the day on which the first naval plane was requisitioned by the Navy, the famous A–1, built and flown in New York State, not California.

So it is quite clear, Mr. Speaker, that the birthplace of naval aviation is not San Diego but is in New York State, at Hammondsport, to be exact, and I think we would be making a great mistake if we were to pass this bill today and thereby to distort the actual record of our Nation's history.

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

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

Mr. ROBISON. Mr. Speaker, I would like to join with the gentleman from New York [Mr. STRATTON] in behalf of the good people of Hammondsport, N.Y.,

which is located in my congressional district, and who have, I think, a sound and responsible claim for being recognized as the birthplace of naval aviation. In fact, they are planning to commemorate that occasion this October.

Mr. STRATTON. I think there may be some confusion here, because there were, of course, a number of birth pangs of naval aviation that took place in other locations around the country. But it is quite clear, as I have shown, that the actual birth itself took place in New York State.

Mr. WILSON of California. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from California.

Mr. WILSON of California. Mr. Speaker, I would point out that many sections of the country contributed to the birth pangs of naval aviation. There is no question about that. But in California—and I really hate to bring this up—the fact that Glen Curtiss came out to San Diego in January to conduct his first flight experiments with a seaplane is obvious; he could fly in January there, whereas he could not fly in New York in January. So, climate became a very important factor in the fact that the very first birthplace of aviation was in San Diego.

Mr. Speaker, we have the best place for it, the Armed Services Committee considered this carefully and passed it, with only two votes against it. It is obvious, Mr. Speaker, that we are backing up the Navy's position that San Diego is truly the birthplace of naval aviation. I would ask the House to support the Navy's point of view in this regard.

Mr. GEORGE P. MILLER. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from California.

Mr. GEORGE P. MILLER. Mr. Speaker, I want to get into this birth pang business, too; after all, the first airplane to fly off the deck of a battleship took place in San Francisco Harbor when the U.S.S. *Pennsylvania* was anchored in battleship row, if I am not mistaken, this took place in the portion of the bay that lies in Alameda County.

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

Mr. STRATTON. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Speaker, I do not want this occasion to get by without associating Pensacola with all of this activity. After all, the Navy's air arm did not amount to anything until it got down to Pensacola and started making Pensacola its principal training area.

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

Mr. STRATTON. I yield to the gentleman from North Carolina.

Mr. BONNER. Mr. Speaker, with reference to all of this discussion about the birthplace of aviation of the Army, the Navy, and so forth, I want to call to the attention of the House again, lest it be overlooked and forgotten in this turmoil, that the Wright brothers were the first aviators to fly, at Kitty Hawk on the coast of North Carolina.

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

Mr. STRATTON. I yield to the gentleman from Maryland.

Mr. LANKFORD. Mr. Speaker, may I add one word to this? There are many places that are the birthplace of naval aviation. I would like to add Annapolis, Md., to these claims, because the first naval aviation camp ever established was established on Greenbury Point just across the Severn River in Anne Arundel County.

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

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

Mr. HARDY. Mr. Speaker, reserving the right to object, let me make a few observations. I have listened intently to these claims of my colleagues from widely separated localities, and I must observe that the mother of naval aviation must have been extremely ubiquitous. I do not contest the statement of my friend from California [Mr. WILSON] that the first naval aviator training was conducted in San Diego. Likewise, I would concede the contention of my friend from New York [Mr. STRATTON] that naval aviator No. 1 was so designated in Hammondsport, and perhaps my colleagues who have participated in this discussion can support their claims if we let each of them provide a separate definition of what the term "birthplace" connotes.

But now let me put all of these claims to rest. History accurately records that the Navy's early interest in aviation prompted the construction of a 57-foot platform on the deck of the U.S.S. *Birmingham*. By my definition it was here that naval aviation was born on November 14, 1910, for that was the date on which the Navy arranged for the takeoff of an aircraft from this platform on the U.S.S. *Birmingham* while she was in Hampton Roads, 2½ miles from the shore of what is now the city of Norfolk. The record of this historic flight indicates that the plane dipped dangerously close to the water, but the pilot had made a successful takeoff and landed safely on the Norfolk shore.

Mr. Speaker, since this was the first actual naval flight from a Navy ship, and since it predates all of these claims of my colleagues, the Members will understand why I must object both to the request that the bill be passed over without prejudice and to the consideration of the bill.

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

Mr. HARDY. Mr. Speaker, I object.

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

Mr. HARDY. Mr. Speaker, I object.

THE JOHN A. BLATNIK LOCK IN MICHIGAN

The Clerk called the bill (H.R. 947) to designate the new lock on the St. Mary's River at Sault Ste. Marie, Mich., as the John A. Blatnik lock.

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

Mr. PELLY. Mr. Speaker, at the request of another Member I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

NATIONAL BOTANIC GARDEN, HAWAII

The Clerk called the bill (H.R. 5628) to provide for a study and investigation of the desirability and feasibility of establishing and maintaining a National Tropical Botanic Garden.

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

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

There was no objection.

PROTECTION OF CERTAIN COMMUNICATIONS FACILITIES

The Clerk called the bill (S. 1990) to amend section 1362 of title 18 of the United States Code so as to further protect the internal security of the United States by providing penalties for malicious damage to certain communications facilities.

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

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

There was no objection.

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

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

There was no objection.

Mr. DOWDY. Mr. Speaker, I support this legislation, and urge that it be given serious consideration by the House.

The bill S. 1990 was passed by the other body on June 29, 1961. The House Judiciary Committee, at my request reported the Senate bill as a substitute for my bill, H.R. 3749, on the same subject. I preferred my own proposal, but, realizing the immediate need for legislation, was and am willing to accept this.

Its purpose is to correct certain deficiencies in section 1362 of title 18 of the United States Code to provide more adequate penalties for willful and malicious damage to or interference with communication facilities of the United States, and extends the coverage of the statute to include communication facilities used or intended to be used for military or civilian defense functions of the United States.

When we discuss war, we immediately associate tanks, planes, guns, and ships; men, materiel, transport, and production. All of these are essential elements of waging war. All are vital to the outcome of a battle. So indeed, are generals

and admirals, vital to the outcome of a military operation. Yet none of these essential elements of defense or combat could be utilized to fulfill its assigned mission without adequate, available, and efficient communications. Military strategists from Von Clausewitz to MacArthur have made particular note of the overriding importance of communications in military operations. Field commanders consider personnel, intelligence, operational plan, logistics, and communications in that order because the success or failure of their mission ultimately rests on their communications capability.

Even at the risk of being dubbed an armchair tactician, I urge we do not overlook the possibility that should war again be our fate, it may well be fought here in these United States, and should that war come, communication facilities, as we know and enjoy them, will be our most precious asset. Nothing is more vital to our modern defense effort.

Section 1362 of title 18 United States Code currently provides that the willful or malicious injury to or destruction of communication facilities operated or controlled by the United States, is a criminal offense. The bill under consideration would extend this definitive coverage to include communication facilities used or intended for use in military or civilian defense functions of the United States.

The current statutes provide maximum penalties on conviction under this statute of a fine of $1,000, or imprisonment for not more than 3 years, or both. The bill under consideration would impose a maximum fine of $10,000, or imprisonment for not more than 10 years, or both. I would have welcomed objection on the basis these penalties were insufficient for the enormity of the crime, however, a step in the right direction is a constructive step.

Mr. Speaker, there is no question this legislation is needed and warranted. The Defense Department has this to say on the issue:

> The Defense Department is one of the largest users of commercial communications in the United States. Commercial circuits are utilized for the aircraft and warning network, ground observer telephone system, military air raid warning system, Strategic Air Command communication network, and other systems and networks necessary for weather reporting, command and logistical support. In view of the responsibility of the Department of Defense, the disruption, by willful or malicious acts, of any commercial communications system so employed, could gravely endanger the national existence.
>
> The Department of Defense feels that enactment (of this legislation) would establish a deterrent which would do much to protect the integrity of commercial communications systems utilized by the military departments.

I submit that Congress must afford the safeguard of Federal criminal sanctions against willful and malicious disruption and destruction of these facilities, without which, the core of our defense effort would be paralyzed. In the past, the Congress has seen fit, and I believe wisely, to extend the protection of a Federal criminal law to include the major commercial modes of transportation. Today, when time is expressed in microseconds, when a delay or even a second's pause might spell the difference between the destruction of an enemy missile or the destruction of an American city and its entire population, we would be negligent to our responsibility were we to fail to afford protection to this vulnerable facet of our defense system. In taking final action on the bill before us, we are faced with the choice of protecting our defense communications system, or inviting espionage, sabotage and the possible defeat of this Nation by an invader. There is no other consideration or deliberation germane to this issue.

Let us therefore think long and hard on the consequences before objecting to or passing over this proposal. Should it fall by the wayside, our very lives may well fall with it. Adjournment may likely foreclose possibility of another opportunity to consider the bill during this session.

Mr. Speaker, this bill should pass.

RECREATION FACILITIES IN RESERVOIR AREAS

The Clerk called the bill (S. 48) to authorize the Secretary of the Army to modify certain leases entered into for the provision of recreation facilities in reservoir areas.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chief of Engineers, under the supervision of the Secretary of the Army, is authorized to amend any lease entered into before November 1, 1956, providing for the construction, maintenance, and operation of commercial recreational facilities at a water resource development project under the jurisdiction of the Secretary of the Army so as to provide for the adjustment, either by increase or decrease, from time to time during the term of such lease of the amount of rental or other consideration payable to the United States under such lease, when and to the extent he determines such adjustment or extension to be necessary or advisable in the public interest. No adjustment shall be made under the authority of this Act so as to increase or decrease the amount of rental or other consideration payable under such lease for any period prior to the date of such adjustment.

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.

FUNDS OF CONFEDERATED TRIBES OF COLVILLE RESERVATION

The Clerk called the bill (H.R. 8236) to authorize the use of funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Colville Tribe, San Poells-Nespelem Tribe, Okanogan Tribe, Methow Tribe, and Lake Tribe (certain constituent groups of the Confederated Tribes of the Colville Reservation) that were appropriated to pay a judgment of the Indian Claims Commission dated March 1, 1960, in docket numbered 181, and the funds which may be deposited in the Treasury of the United States to the credit of the said constituent groups or any other constituent groups of the Confederated Tribes of the Colville Reservation to pay any judgments arising out of proceedings presently pending before the Indian Claims Commission in dockets numbered 161, 179, 181–A, 181–B, 181–C, 222, and 224, and the interest on said judgments, after payment of attorney fees and expenses, shall be credited to the account of the Confederated Tribes of the Colville Reservation, and may be advanced or expended for any purpose that is authorized by the tribal governing body of the Confederated Tribes of the Colville Reservation and approved by the Secretary of the Interior. Any part of such funds that may be distributed per capita to the members of the tribes shall not be subject to Federal or State income tax.

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.

FUNDS TO THE NEZ PERCE TRIBE OF IDAHO

The Clerk called the bill (S. 322) to make certain funds available to the Nez Perce Tribe of Idaho.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask a question about this bill. Is it true that this provides for a payment of $6,455 to the Nez Perce Indians, money that has been due them for 60 years?

Mr. HALEY. Mr. Speaker, if the gentleman will yield, that is correct.

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

Mr. GROSS. I am happy to yield.

Mr. ASPINALL. These are moneys which under previous commitments have gone to individuals of the tribe and they were never picked up. These are interest moneys. They have been held in this account.

Mr. GROSS. Mr. Speaker, all I want to say is, having established that fact, if these were a bunch of foreigners they would have been paid $6,455,000, and in 60 minutes, not 60 years.

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

Mr. GROSS. I yield to the gentleman.

Mr. HALEY. Mr. Speaker, I would like to say to the gentleman from Iowa [Mr. GROSS] that I was trying to get these moneys disbursed to the Indians of the United States before they paid out those billions of dollars abroad. I wanted to get this money to them before the Treasury was completely cleaned out because of spending on the foreigners.

Mr. GROSS. Mr. Speaker, I compliment the gentleman in his efforts to provide justice for these Indians; I withdraw my reservation of objection.

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

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That the Secretary of the Interior make available the unexpended balances of funds in the Treasury of the United States under the following symbols and titles:

(1) 14X7063 Nez Perces of Idaho fund;

(2) 14X7563 interests and accruals on interest, Nez Perces of Idaho fund;

to the Nez Perce Tribe of Idaho for purposes the tribe requests and approved by the Secretary of the Interior.

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

AMENDING THE SENECA LEASING ACT

The Clerk called the bill (S. 344) to amend the Seneca Leasing Act of August 14, 1950 (64 Stat. 442).

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of August 14, 1950 (64 Stat. 442), be, and hereby is, amended to read as follows: "The money so received shall be available for disposal and expenditure by the council of the Seneca Nation in accordance with the constitution and laws of the nation. The council of the Seneca Nation shall keep complete and detailed records of all payments and disbursements from the funds under its control, and shall make such records available for inspection by members of the Seneca Nation at all reasonable times."

SEC. 2. Section 5 of the Act of August 14, 1950 (64 Stat. 442), is amended by inserting after "to lease" the last time the verb appears the words "or grant easements or rights-of-way on".

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.

Mr. FORD. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GOODELL], may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. GOODELL. Mr. Speaker, the purpose of S. 344 is to amend the act of August 14, 1950 (64 Stat. 442) by allowing the Seneca Nation more discretion in the handling of its affairs. The bill would remove the limitation of $5,000 on the amount of expenditures from lease income, permitting the nation to use all or part of that income for expenditures, for accumulation or for per capita distribution.

The bill is similar to H.R. 6298 which I introduced on April 13, 1961. The Senate bill was introduced by Senator KENNETH B. KEATING, of New York.

The Council of the Seneca Nation, by formal resolutions dated December 8, 1959, and again in December 1960, supported the removal of the expenditure limitation.

At the suggestion of the Department of the Interior, the respective committees in the House and Senate amended the respective bills to eliminate the original provision which would have required the per capita distribution of those amounts of lease income not actually expended. In addition and again at the suggestion of the Department, the bills were amended to permit the Senecas to grant easements and rights-of-way without prior departmental approval. By resolution dated June 9, 1961, the Seneca Council endorsed both these amendments.

As amended the bills have the support of the Bureau of Indian Affairs of the Department of the Interior.

Passage of this measure will do much to aid the Seneca Nation which has been sorely beset with tribulation caused by the violation of its treaty with the United States and the flooding of its lands by the Allegheny River project.

DISPOSITION OF JUDGMENT FUNDS OF OMAHA INDIANS

The Clerk called the bill (S. 1518) providing for the disposition of judgment funds of the Omaha Tribe of Indians.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed, pursuant to such regulations as may be issued by him, to prepare a roll of Omaha Indians whose names appear on the Omaha allotment rolls finally approved pursuant to the Acts of Congress of August 7, 1882 (22 Stat. 341) and March 3, 1893 (27 Stat. 612), and who are living on the date of this Act, and the descendants of such allottees who are born and living on the date of this Act and who possess Omaha blood of the degree of one-fourth or more regardless of whether such allottees are living or deceased: *Provided,* That no person who is enrolled with any other tribe of Indians or who has received an allotment of land on any other reservation shall be enrolled under the provisions of this Act unless the application for enrollment by such person is approved by a two-thirds vote of the governing body of the Omaha Tribe of Nebraska. Applications for enrollment must be filed with the area director of the Bureau of Indian Affairs, Aberdeen, South Dakota, within four months after the date of this Act. For a period of three months thereafter, the Secretary shall permit the examination of the applications by the governing body of the Omaha Tribe of Nebraska for the purpose of lodging protests against any application. The determination of the Secretary regarding the eligibility of an applicant shall be final.

SEC. 2. The roll prepared pursuant to section 1 of this Act shall constitute the membership roll of the Omaha Tribe of Nebraska as of the date of this Act, notwithstanding the provisions of article II, section 1 of the tribal constitution, and children who are born after the date of this Act may be enrolled if they meet the requirements of section 1(b) of article II of the tribal constitution, applicable to children born after the date that amendment I to said constitution was approved, or any amendment thereof.

SEC. 3. Of the funds on deposit in the Treasury of the United States to the credit of the Omaha Tribe of Nebraska that were appropriated to pay a judgment by the Indian Claims Commission dated February 11, 1960, and the interest thereon, after payment of attorneys' fees and expenses, the Secretary of the Interior shall make a per capita distribution of a sum up to a maximum of $750, to the extent available, to each person whose name appears on the roll prepared pursuant to section 1 of this Act; and the balance of such funds after making payment of or provision for such per capita distribution and accrued and accruing interest, if any, may be advanced or expended for any purpose that is authorized by the tribal governing body and approved in writing by the Secretary. The funds so distributed shall not be subject to Federal or State income taxes.

SEC. 4. (a) Except as provided in subsection (b) of this section, the Secretary shall distribute a per capita share payable to a living enrollee directly to such enrollee, and the Secretary shall distribute a per capita share payable to a deceased enrollee directed to his next of kin or legatees as determined by the laws of the place of domicile of the decedent upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive.

(b) A share payable to a person under twenty-one years of age or to a person under a legal disability shall be paid in accordance with such procedures as the Secretary determines will adequately protect the best interests of such persons.

SEC. 5. No part of any of the funds which may be so distributed shall be subject to any lien, debt, or claim of any nature whatsoever against the tribe or individual Indians except delinquent debts owed by the tribe to the United States or owed by individual Indians to the tribe or to the United States.

SEC. 6. All costs incurred by the Secretary in the preparation of the roll and in the payment of the per capita shares in accordance with provisions of this Act shall be paid by appropriate withdrawals from the judgment fund.

SEC. 7. The Secretary is authorized to prescribe rules and regulations to carry out the provisions of this Act.

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

RESTORATION TO TRIBES OF CERTAIN TRUST FUNDS

The Clerk called the bill (S. 1768) to provide for the restoration to Indian tribes of unclaimed per capita and other individual payments of tribal trust funds.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That unless otherwise specifically provided by law, the share of an individual member of an Indian tribe or group in a per capita or other distribution, individualization, segregation, or proration of Indian tribal or group funds held in trust by the United States, or in an annuity payment under a treaty, heretofore or hereafter authorized by law, shall be restored to tribal ownership if for any reason such share cannot be paid to the individual entitled thereto and remains unclaimed for a period of six years from the date of the administrative directive to make the payment, or one year from the date of this Act, whichever occurs later: *Provided,* That if such individual is a member of an Indian tribe or group that has no governing body recognized by the Secretary of the Interior as authorized to act on behalf of the tribe or group, such unpaid share shall be regarded as not

capable of restoration to a tribal or group entity and shall be deposited in the general fund of the Treasury of the United States.

With the following committee amendments:

Page 1, line 8, after the word "law," insert the following: "and any interest earned on such share that is properly creditable to the individual".

Page 2, line 6, after the word "share" insert "and interest".

Page 2, after line 8, add a new section to read as follows:

"SEC. 2. The Secretary shall not restore to tribal ownership or deposit in the general fund of the Treasury any funds pursuant to this Act until 60 calendar days (exclusive of days on which either the Senate or the House of Representatives is not in session because of an adjournment of more than three days to a day certain) after he has submitted notice of his proposed action to the Committees on Interior and Insular Affairs of the Senate and House of Representatives unless each of said Committees has theretofore notified him that it has no objection to the proposed action."

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.

CRIMINAL OFFENSES NOT COMMITTED IN ANY DISTRICT

The Clerk called the bill (H.R. 7037) to amend section 3238 of title 18, United States Code.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3238 of title 18, United States Code, is amended to read as follows:

"§ 3238. Offenses not committed in any district

"The trial of all offenses begun or committed upon the high seas, or elsewhere out of the jurisdiction of any particular State or district, shall be in the district in which the offender, or any one of two or more joint offenders, is arrested or is first brought; but if such offender or offenders are not so arrested or brought into any district, an indictment or information may be filed in the district of the last known residence of the offender or of any one of two or more joint offenders, or if no such residence is known the indictment or information may be filed in the District of Columbia."

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.

BAR TRANSPORTATION OF FRAUDULENT STATE TAX STAMPS

The Clerk called the bill (H.R. 1777) to amend title 18 of the United States Code to prohibit the counterfeiting of State obligations in certain cases, and for other purposes.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 25 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§ 510. Obligations of States

"(a) Whoever makes any thing which appears or is intended to appear to be an obligation of any State, with reasonable grounds for belief that such thing will be used for a fraudulent purpose, and with reasonable grounds for belief that such thing will be transported in interstate commerce, shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"(b) Whoever makes any thing which appears or is intended to appear to be an obligation of any State, and which shows on its face the probable nature of such obligation and the identity of such State, in any other State, without lawful authorization by the apparent issuer, shall be presumed to have done so with reasonable grounds for belief that it would be used for a fraudulent purpose and that it would be transported in interstate commerce.

"(c) Whoever willfully makes or possesses any plate, die, stone, or other thing used or intended to be used in the commission of a violation of subsection (a) of this section, shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"(d) For the purposes of this section—

"(1) The term 'obligation' includes a bond, note, certificate of indebtedness, tax stamp, tax token, or other similar evidence of an obligation running to or from a State, or evidence of the discharge thereof.

"The term 'an obligation of any State' includes an obligation of the District of Columbia, the Commonwealth of Puerto Rico, and the several territories and possessions of the United States, and any political subdivision of any of them."

SEC. 2. The analysis at the beginning of chapter 25 of title 18 of the United States Code is amended by adding at the end thereof the following:

"510. Obligations of States."

Amend the title so as to read: "A bill to amend title 18 of the United States Code to prohibit the transportation of fraudulent State tax stamps in interstate and foreign commerce, and for other purposes."

With the following committee amendment:

Strike all after the enacting clause and insert:

"That section 2311 of title 18 of the United States Code is amended by inserting, immediately before the last paragraph, the following new paragraph:

"' "Tax Stamp" includes any tax stamp, tax token, tax meter imprint, or any other form of evidence of an obligation running to a State, or evidence of the discharge thereof;'

"SEC. 2. Section 2314 of title 18 of the United States Code is amended as follows:

"(a) by inserting after the word 'securities' in the third paragraph thereof, the words 'or tax stamps', and

"(b) by inserting after the word 'security' in the fourth paragraph thereof, the words 'or tax stamp', and

"(c) by amending the heading of section 2314 to read as follows:

"'§ 2314. Transportation of stolen goods, securities, monies, fraudulent State tax stamps, or articles used in counterfeiting.'

"SEC. 3. Section 2315 of title 18 of the United States Code is amended as follows:

"(a) by inserting after the word 'securities' wherever it appears in the second paragraph thereof, the words 'or tax stamps', and

"(b) by inserting after the word 'security' wherever it appears in the third paragraph thereof, the words 'or tax stamp', and

"(c) by amending the heading of section 2315 to read as follows:

"'§ 2315. Sale or receipt of stolen goods, securities, monies, or fraudulent State tax stamps.'

"SEC. 4. The section analysis of chapter 113 of title 18 of the United States Code is amended to read as follows:

"'CHAPTER 113.—STOLEN PROPERTY

"'Sec.
"'2311. Definitions.
"'2312. Transportation of stolen vehicles.
"'2313. Sale or receipt of stolen vehicles.
"'2314. Transportation of stolen goods, securities, monies, fraudulent State tax stamps, or articles used in counterfeiting.
"'2315. Sale or receipt of stolen goods, securities, monies or fraudulent State tax stamps.
"'2316. Transportation of cattle.
"'2317. Sale or receipt of cattle.'"

The committee amendment was agreed to.

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

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

There was no objection.

Mr. McCULLOCH. Mr. Speaker, I rise to support H.R. 1777 as amended by the Committee on the Judiciary. As amended this bill will permit Federal authorities to be of assistance to State and local officials in apprehending the counterfeiters of State tax stamps and other State obligations.

Very exhaustive hearings were held before Subcommittee No. 2 of the Judiciary Committee. Many State tax officials including the tax commissioner of the State of Ohio, testified concerning the need to strengthen criminal law enforcement in the field of forged and counterfeited State obligations.

The States are able to cope with this problem in those instances in which the entire illegal operation is carried out within the jurisdiction of the State. But, as with some of the other criminal activities with which the Judiciary Committee has concerned itself this year, these operations often are conducted across State boundaries. Therefore, State officials acting alone are under a great handicap in apprehending and arresting the individuals who are principally responsible.

H.R. 1777, as amended by the Judiciary Committee, will be of great assistance to State officials. It will add a new classification, that of counterfeited State tax stamps and other counterfeited obligations of the States, to the offenses specified in title 18 of the United States Code. The bill will make knowingly transporting or knowingly concealing, storing or selling counterfeited State tax stamps or other counterfeited State obligations which have been transported across a State line a Federal offense. The bill will also make transportation of equipment used in counterfeiting a Federal offense.

Again referring to my own State of Ohio, the evidence before the subcommittee revealed that Ohio sustained a

loss approximating a million and a half dollars on counterfeit cigarette tax stamps and that the State has also sustained a loss, the full extent of which has not been yet determined, on forged bonds of the Ohio Turnpike Authority.

The enactment of H.R. 1777 would be at least a deterrent to this type of operation and would be of great assistance to local authorities in seeking and obtaining the cooperation of Federal authorities.

I, therefore, urge the House to pass the bill as amended.

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

The title was amended so as to read: "A bill to amend title 18 of the United States Code to prohibit the transportation of fraudulent State tax stamps in interstate and foreign commerce, and for other purposes."

A motion to reconsider was laid on the table.

RELIEF OF MEMBERS OF THE NATIONAL GUARD

The Clerk called the bill (S. 935) for the relief of certain members of the Army National Guard of the United States and the Air National Guard of the United States.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 15 through 20, inclusive, of the Federal Employees' Compensation Act, as amended (U.S.C., title 5, secs. 765–770), are hereby waived with respect to cases involving those members of the Army National Guard and the Air National Guard of the United States alleged to have suffered disability or death from compensable causes which arose during the period from August 7, 1947, to December 31, 1956, inclusive, and their claims or the claims of their dependents for compensation by reason of the Act of July 15, 1939 (5 U.S.C. 797, 797a), are authorized and directed to be considered and acted upon under the remaining provisions of the Federal Employees' Compensation Act, as amended and extended to members of military reserve components, if filed with the Department of Labor (Bureau of Employees' Compensation) within one year from the date of enactment of this Act.

SEC. 2. Notwithstanding the provisions of section 206(b)(1) of the Servicemen's and Veterans' Survivor Benefits Act any person whose rights may be affected by section 1 of this Act may receive any benefits to which he should be found eligible under the Federal Employees' Compensation Act provided he makes the election required under section 7 thereof. In the event of such an election, any benefit amounts received under any other Act for the same death shall be deducted from amounts payable for similar purposes under the Federal Employees' Compensation Act.

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

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

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

There was no objection.

Mr. LANE. Mr. Speaker, the bill, S. 935 would, by a waiver of applicable time limitations, extend to members of the Army National Guard and the Air National Guard of the United States alleged to have suffered disability or death from compensable causes which arose in the scope of their duty during the period from August 7, 1947, to December 31, 1956, authority to file their claims or the claims of their dependents for compensation under the Federal Employees' Compensation Act, as amended and extended to members of military Reserve components, provided that the claim is filed within 1 year from the date of enactment of this act.

S. 935 was originally introduced in the Senate as a private bill for the relief of Lillian Frank Sclavi, to permit her to file under the Federal Employees' Compensation Act for benefits arising out of the death of her husband, Lt. William Joseph Frank, on April 8, 1951, while serving on active Federal duty as a member of the Air National Guard.

The bill was amended in the Senate to grant general relief to similarly situated persons by providing for a waiver of applicable time limitations as to claims under the Federal Employees' Compensation Act.

The compensation provided for in the Federal Employees' Compensation Act is paid for disability or death of an employee resulting from injury sustained while in the performance of his duty as an employee of the United States. The committee in reporting this bill noted that the claims filed in accordance with the waiver of limitations contained therein are to be considered under the otherwise applicable provisions of the Federal Employees' Compensation Act. It is therefore clear that this bill merely provides for a waiver of the time requirements relating to such claims, and each of such claims must be established in accordance with the same provisions of the law that would have been applicable had the claims been filed in time.

The benefits of the Federal Employees' Compensation Act were extended by the act of July 15, 1939, to include "members of the Officers' Reserve Corps and the Enlisted Reserve Corps of the Army." Commissioned officers and enlisted men in the Air Force Reserve received derivative coverage of the act by operation of the various statutes concerning the Air Force. From the period August 7, 1947, to December 1955, the Bureau of Employees' Compensation ruled that National Guard officers were not members of the Officers' Reserve Corps and, consequently, not entitled to the benefits of the Federal Employees' Compensation Act. In December 1955 the Employees' Compensation Appeals Board set aside this long-established rule and held that Air National Guard officers, when on active Federal duty, were Reserve officers within the meaning of the Federal Employees' Compensation Act and therefore entitled to its benefits.

The Secretary of Labor suggested in his transmittal to the Senate committee that although no statistics are available, that it is a safe assumption there are numbers of instances involving National Guard officers and their survivors who were precluded from filing a timely claim because of this prior ruling of the Bureau. It was the Secretary's feeling that legislation covering all cases similar to that covered by the private bill before it would be preferable to a bill which would provide relief merely in an individual case. He therefore recommended the substitute language which is now incorporated in S. 935.

The committee was of the opinion that members or survivors of members of the Army National Guard and the Air National Guard of the United States who would have been entitled to assert their claims for benefits during the time period involved should now be given the opportunity so to do. The method suggested by the Secretary of Labor in the proposed bill is the fairest and most equitable way in which this purpose can be achieved. It is, therefore, recommended that S. 935 be favorably considered.

In addition, I think that it should be made clear that coverage extended to these officers by this bill is intended to extend only to those cases where the disabilities or deaths for which claims are filed under the act are alleged to have been caused by service on active Federal duty.

VALIDATING CERTAIN SALARY OVERPAYMENTS

The Clerk called the bill (H.R. 6535) to validate the salary overpayments made to certain officers and employees incident to the salary adjustment provisions of the Federal Employees Salary Increase Act of 1955, and for other purposes.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the payments of compensation, including overtime, holiday, and other compensation, heretofore received by any officer or employee of the United States or the District of Columbia for the period beginning with the first day of the first pay period which began after February 28, 1955, and ending on June 28, 1955, and which were based upon erroneously retroactive wage increases administratively granted in addition to the retroactive salary adjustments authorized by section 2(c) of the Federal Employees Salary Increase Act of 1955, are hereby validated. In any case in which the amount of any such payment has heretofore been refunded to the United States, the head of the agency concerned, upon application therefor filed within two years after the enactment of this Act, shall pay out of any money currently available for the payment of compensation of employees to the officer or employee making the refund, or in the event of his death to the person entitled thereto in accordance with section 1 of the Act of August 3, 1950 (5 U.S.C. 61F), an amount equal to the amount so refunded. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States or of the municipal government of the District of Columbia, full credit shall be given for the amount of any payments validated by this Act.

With the following committee amendment:

Page 2, line 11, strike out "61F" and insert "61f".

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.

AMENDING THE ACT OF SEPTEMBER 2, 1958

The Clerk called the bill (H.R. 8490) to amend the act of September 2, 1958, establishing a Commission and Advisory Committee on International Rules of Judicial Procedure, as amended.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to know from someone on the committee whether this is going to cost us any money in the future.

Mr. WALTER. I think the gentleman will be very pleased to know that this will not cost the United States a single penny. It is being financed by various foundations. This is an effort on the part of lawyers throughout the world to devise means of settling matters like decedents' estates, procurement of evidence, and so forth. It is not costing the taxpayer a penny.

Mr. GROSS. I thank the gentleman. I withdraw my reservation of the right to object, Mr. Speaker.

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second paragraph of subsection (b) of section 7 of the Act of September 2, 1958, "An Act to establish a Commission and Advisory Committee on International Rules of Judicial Procedure" (72 Stat. 1743, 1745), as amended by the Act of September 16, 1959 (73 Stat. 567), is further amended to read as follows:

"The Commission shall submit its final report and the Commission and the Advisory Committee shall terminate prior to December 31, 1963."

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.

CENTENNIAL OF ENACTMENT OF HOMESTEAD ACT

The Clerk called the joint resolution (S.J. Res. 98) to provide for the observance of the centennial of the enactment of the Homestead Act.

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

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is requested (1) to issue a proclamation designating the calendar year 1962 as the centennial of the enactment of the Homestead Act, and calling upon the Governors of the States, mayors of cities, and other public officials, as well as other persons, organizations, and groups, particularly in the States most directly affected by the Homestead Act, to observe such centennial by appropriate celebrations and ceremonies; and (2) to provide, in such manner as he deems appropriate, for participation by Federal agencies and officials in such observance.

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

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

There was no objection.

Mr. WEAVER. Mr. Speaker, I welcome this opportunity to express my support and urge passage of Senate Joint Resolution 98, a bill to authorize and request the President to proclaim 1962 Homestead Act Centennial Year. This resolution is identical with one I introduced in the House, House Joint Resolution 442 but to save time and expedite matters, it was felt by the Committee on the Judiciary that the Senate resolution should be taken up at this time instead of my bill. I would like to say that I worked closely with those interested in the Homestead Act celebration and that the two bills were introduced the same day.

The need for passage during this session of Congress stems from two facts. First of all, the centennial celebration would be proclaimed for the entire year, 1962, and this session will be our last opportunity to request this proclamation. Second, I know there are yearlong celebrations planned to commemorate this historic event and enactment of this resolution must come now in order to lend the support of the Congress, the Executive, and the American people to these celebrations.

Mr. Speaker, I have a special interest in this legislation because the first homestead patent was issued to one Daniel Freeman, a Union soldier on leave, in Gage County which lies within the First Congressional District of Nebraska. However, this matter goes far beyond sectionalism of any kind. The significance of the Homestead Act is that, by all standards, it was one of the most forward-looking, far-reaching pieces of legislation enacted by any parliamentary body in the civilized world.

For instance, it is significant that the first patent, issued to Daniel Freeman, went to a soldier serving his Nation. Freeman was the forerunner of thousands upon thousands of veterans who have been rewarded by their country for the services they rendered in time of war. To these veterans acceptance of a land patent under the Homestead Act meant the beginning of a new life, a life of freedom which gave them full opportunity to express their individualism and to develop to their fullest potential.

Between issuance of that first patent to Daniel Freeman in Gage County and June 30, 1960, 1,466,033 patents were issued. They cover some 248,015,473 acres. The significant figure here is not the vast acreage covered but rather the tremendous number of patents issued. The million and more Americans who received these patents were the men and women who became the backbone of our American development, economically, socially, and to a great extent, morally, during the decades which followed.

During the past 100 years there has been a great deal of talk about land reform. It has been the slogan of revolutionary parties in all parts of the world. And yet, right here in America there developed quietly but effectively—without slogan—the greatest, most magnificent and lasting land reform in the history of mankind.

The Homestead Act was no mere means of disposing of land. It was a vehicle by which our Congress and Government provided new hope, new inspiration to the artisan and laborer faced with the devastating effects of the industrial revolution. It provided hope and inspiration for the small landholder deeply concerned by the trend to plantation and absentee landlord agriculture.

The Homestead Act fulfilled that hope and promise. For those who availed themselves of the opportunity, a new life opened. This new life not only benefited them; it led in large part to the greatness of our land.

Mr. Speaker, I do not believe that many persons in the uncommitted and backward nations of the world fully comprehend the significance of this act of greatness. I doubt seriously if many of their leaders even know that the Homestead Act was even written. They should know about it because it would, I think, give a real boost to the regard in which free institutions of our American society are held in these areas.

The operation of the Homestead Act which provided homes and farms for over a million Americans provides a clear contrast between democracy at work and the brutal collectivization which is presented as land reform by the Communist world.

This resolution, if enacted, would provide our country with a dramatic, effective method to bring home to these uncommitted millions the difference in approach between free men and totalitarians.

For these reasons, Mr. Speaker, I most respectfully urge prompt and favorable action on Senate Joint Resolution 98.

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

RESIDUAL RIGHTS IN LAND IN FLORIDA

The Clerk called the bill (H.R. 7932) to amend the act of July 2, 1948, so as to repeal portions thereof relating to residual rights in certain land on Santa Rosa Island, Fla.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraph e of the first section and the first sentence of section 3 of the Act entitled "An Act to authorize the Secretary of the Army to sell and convey to Okaloosa County,

State of Florida, all the right, title, and interest of the United States in and to a portion of Santa Rosa Island, Florida, and for other purposes", approved July 2, 1948 (62 Stat. 1229), are hereby repealed.

(b) The Secretary of the Army shall issue such written instruments as may be necessary to bring the conveyance made to Okaloosa County, Florida, on May 22, 1950, under authority of the Act of July 2, 1948, into conformity with the amendment made by subsection (a) of this section.

SEC. 2. The first section of this Act shall take effect on the date the county of Okaloosa, Florida, shall pay to the Secretary of the Army the fair market value, as of May 22, 1950 (as determined by the Secretary), of the property interest authorized to be conveyed to such county under the first section of this Act.

With the following committee amendment:

Page 1, strike out all of lines 3 through 9 and insert in lieu thereof the following:

"That (a) the first sentence in the first section of the Act entitled 'An Act to authorize the Secretary of the Army to sell and convey to Okaloosa County, State of Florida, all the right, title, and interest of the United States, including any restriction on use thereof, in and to a portion of Santa Rosa Island, Florida, and for other purposes', approved July 2, 1948 (62 Stat. 1229), is hereby amended by striking the words 'for recreational purposes'. Subparagraphs a, e, and g of the first section, and all of sections 2 and 3 of the Act are thereby repealed."

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.

AMENDING THE NATIONAL SCIENCE FOUNDATION ACT

The Clerk called the bill (H.R. 8556) to amend the National Science Foundation Act of 1950 to require certain additional information to be filed by an applicant for a scholarship or fellowship, and for other purposes.

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

Mr. FORD. Reserving the right to object, Mr. Speaker, I would like to ask the author of the bill or some other member of the committee why in this proposal we are abolishing or limiting the non-Communist declaimer affidavit whereas in another bill that is to be before us this afternoon to extend the Defense Education Act we are retaining such a provision?

Mr. GEORGE P. MILLER. The only reason is that this bill arises from an unfortunate incident where a young man was awarded a scholarship, but without the knowledge of the National Science Foundation had been in contempt of Congress and had been convicted. The committee worked very hard and very long and worked out a plan whereby it would be a felony to withhold any information of this nature including any previous convictions. In this case we have eliminated misdemeanors where fines of less than $25 were involved where there was no penalty invoked. It is ironclad now. Under provision of the bill we cannot have a repetition of this case. It was established by the committee that the oath is not necessary.

Mr. FORD. I would like to ask two questions: One, Will the provision that is included in the proposed legisation permit the remedial action against the young man who was involved in this instance mentioned by the gentleman from California?

Mr. GEORGE P. MILLER. It was already revoked. The scholarship was revoked before it went into effect.

Mr. FORD. But this legislation will not in any way whatsoever impede executive action against incidents of this kind?

Mr. GEORGE P. MILLER. In no way that I know of.

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

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

Mr. FULTON. I have asked the National Science Foundation to bring to the attention of the Justice Department that this Edward Yellin, at the time that he applied for a job with the steel corporation, had said he was a mechanic's assistant in Lansing, Mich. When he applied for a National Science Foundation scholarship, he swore he was then attending the College of the City of New York in New York in the same period, which would seem on its face to be a violation of our statutes and he is guilty of perjury. There has been no action taken on that yet by the Justice Department. I hope there is.

In answer to the gentleman's first question, I would like to refer him to page 2 of the report, which says under "section I" that we have substituted a new provision, subsection (d)(2), "which would make it a crime punishable by a fine of not more than $10,000, or imprisonment not more than 5 years, or both, for any member of any organization registered or ordered to register under section 3 of the Subversive Activities Control Act of 1950, with knowledge or notice of such registration or order, to apply for, use, or attempt to use any National Science Foundation scholarship or fellowship award."

We have made specific provision that if even the application is made, let alone the scholarship be granted or used, there is this criminal penalty.

Mr. FORD. My second question is whether this new provision conforms to the amendment which was made in the Taft-Hartley Act in 1959.

Mr. GEORGE P. MILLER. Yes, it does.

Mr. FORD. It is identical.

Mr. GEORGE P. MILLER. The precedent for this provision of criminal penalties for an affidavit is contained in the provisions of the 1959 amendments to the Taft-Hartley Act, after which it is patterned.

Mr. FULTON. It is the 1959 amendments and not the Taft-Hartley Act.

Mr. GEORGE P. MILLER. Yes, as I said, it is contained in the provisions of the 1959 amendments to the Taft-Hartley Act.

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

Mr. GROSS. Mr. Speaker, further reserving the right to object, in reading the report, I was shocked by the language of the telegram which the National Science Foundation sent to this man, in view of his record, in which the National Science Foundation said, "We regret to advise you that your scholarship has been revoked." That is strange language to a man who is in contempt of the Congress, and who refused to answer questions with respect to whether he is a Communist or associated with subversives.

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

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

Mr. WALTER. I think if the gentleman would read the hearings conducted by the Committee on Un-American Activities concerning the manner in which the National Science Foundation operates, he will conclude, as I have, that the National Science Foundation just does not care whom they select or what the background of the selected individual is. They take the position that this man's "politics" is none of their concern.

Mr. GROSS. I certainly appreciate the statement of the gentleman.

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

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

Mr. FULTON. It must be said that the National Science Foundation does not favor the passage of this bill. The Science and Astronautics Committee drew up the bill without, shall we say, the concurrence of the National Science Foundation.

When questioning the Director of the National Science Foundation, I asked him if, under present law, the Foundation knew that Edward Yellin had been convicted of refusing to answer the House Committee on Un-American Activities whether he was a Communist and was later convicted of contempt of Congress, would they again give him a fellowship? The answer was, "Yes, we would give him the fellowship."

My comment was that we must then change the statutory provisions to make clear the intent of the Congress. We must make it clear that people of this type are not to get such awards. In fact, the National Science Foundation said at the time that the only reason Edward Yellin was not getting the fellowship, after being convicted of contempt of Congress and sentenced to the Federal penitentiary for a year, is not the fact that he was convicted, it was because he could not serve out the fellowship at the same time that he was serving time in the Federal penitentiary.

That is quite a remarkable statement. It was because of the man's inability to take the fellowship because he might be confined, that the National Science Foundation revoked the fellowship. It was not revoked because it was wrong to be held in contempt of Congress. I asked was it not prima facie that a man, held to be in contempt of Congress and sentenced to the Federal penitentiary for a year, should be denied the right to receive a Federal grant or fellowship of

$3,800. The National Science Foundation could not answer that question. I should like to ask the gentleman from Pennsylvania, my good friend, Mr. WALTER, if he agrees with me on this unfortunate attitude of the National Science Foundation?

Mr. WALTER. I do not think the gentleman from Pennsylvania has gone as far as I would go as to their attitude, if having had these people before you, you had the opportunity to deal adequately with, shall we say, the lax attitude that they showed toward people who are undoubtedly card-carrying, hard-boiled Communists. This fellow, Yellin, was not one of those frustrated idealists. He was an agent of Soviet Russia.

Mr. FULTON. So far as I know, the Department of Justice has taken no action against this man by bringing charges against him, even though the National Science Foundation, at our prodding, called the case to the attention of the Department some weeks ago.

I have one other question I would like to ask the gentleman from Pennsylvania.

How many other people, such as Edward Yellin, who belong to subversive organizations listed by the Attorney General, to your knowledge as chairman of the House Committee on Un-American Activities, have been considered or have received fellowships or scholarships from the National Science Foundation?

Mr. WALTER. Our inquiry has not been completed, but there are others, I think three, that we have discovered, and we are going to continue to find out who they are.

Mr. FULTON. Therefore, in addition to Edward Yellin, there are still pending three cases of people belonging to subversive organizations, who have received fellowships from the National Science Foundation; is that correct?

Mr. WALTER. That is correct.

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

Mr. GROSS. I yield to the gentleman from Indiana.

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

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

There was no objection.

Mr. ROUDEBUSH. Mr. Speaker, I rise in support of H.R. 8556, a bill to amend the National Science Foundation Act of 1950. The provisions of this bill will tighten controls against Communists and assorted fellow travelers who apply for scholarship and fellowship scientific study grants.

Members of this body are well aware of the openly announced Communist objective of internal subversion and infiltration of our youth centers and organizations. America's college and university campuses are a prime target of these Red advances.

H.R. 8556 will give the National Science Foundation the legislative tools it requires to weed out these students before they can infect our schools while at the same time receive extraordinary scientific educations from our best schools at taxpayer expense.

This bill provides a severe criminal fine and penal sentence for any Communist who applies for a fellowship or scholarship award from the National Science Foundation. A prison term of not more than 5 years and a fine up to $10,000 or both can result for a Communist who makes an unlawful application for an award.

Another provision of this bill to amend the 1950 act gives the National Science Foundation the needed authority to reject any application it deems not in the best interests of the United States.

The bill provides, furthermore, that every scientific award applicant swear allegiance to the United States and the Constitution. Persons seeking awards also will be required to furnish full statements on past criminal convictions punishable by 30 days or more imprisonment, and any information on any criminal charges pending at the time of the application.

When it is realized that, since 1950, a total of 18,000 National Science Foundation grants costing the taxpayers of this country $54 million have been parceled out, we readily realize what a tremendous weapon this gives the Communists if they can deflect some of these scholarships to their coconspirators.

The dire need for this legislation was shockingly proved recently when it was disclosed that one Edward Yellin, a graduate student at the University of Illinois, had received a National Science Foundation grant of $3,800 for 2 years' advanced engineering study.

I am most familiar with Mr. Yellin's record in the State of Indiana. Yellin was summoned as a witness by the House Un-American Activities Committee during hearings at Gary, Ind., in February 1958. Yellin refused to answer whether he belonged to the Communist Party and was later convicted of contempt of Congress. These hearings were designed to investigate Communist infiltration and colonization in the highly industrialized northern Indiana steel mill area.

Following Yellin's conviction by the Federal court in Hammond, Ind., the conviction was upheld by the U.S. circuit court of appeals.

Nearly 2 years after this episode in Indiana, which received widespread publicity during 1958, Mr. Yellin's name turned up again on June 8 of this year.

That was the date I learned from the House Un-American Activities Committee that this same Mr. Yellin, whose background and court record was so widely known, had been awarded a $3,800 grant to continue his higher education at taxpayer expense.

I immediately brought this shocking situation to the attention of the House Committee on Science and Astronautics, and hearings were instituted as a result. The committee was just as appalled as myself to learn of this highly undesirable award to a person of questionable loyalty.

Two days of hearings on the Yellin grant exhibited a most urgent need for remedial legislation to give the National Science Foundation Board unquestioned authority to refuse grants to persons whose faith and allegiance to the United States are questionable.

There was an expression from National Science Foundation officials during the hearing that under the present law their authority to reject applicants is limited, and their selections are based solely on merit and ability without reference to criminal or subversive background. This body, I am sure, is cognizant of the need to preserve intellectual freedom and furtherance of our scientific endeavors through the advanced education of our best young scientific minds. However, I do not subscribe to the proposition that men of science constitute some special or privileged class.

By the same token Members of this body are equally aware that there is an internal danger that rivals our security as surely as foreign military might. Without proper safeguards at the academic and scientific levels, we not only risk the loss of valuable secrets vital to our security but the more far-reaching danger of Communist infiltration and subversion on our college campuses where young, pliable minds may fall victim to insidious propaganda efforts of the enemy.

By enactment of this bill, we can give the National Science Foundation the tools to implement an anti-Communist award program that will forestall further cases of the Yellin type and insure that tax money goes to students of not only outstanding scientific ability and promise but of unquestioned loyalty to the United States of America.

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

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

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

There was no objection.

CAPE HATTERAS RECREATIONAL AREA, N.C.

The Clerk called the bill (H.R. 6729) to provide for the disposal of certain lands held for inclusion in the Cape Hatteras National Seashore Recreational Area, N.C., and for other purposes.

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

Mr. FORD. Mr. Speaker, reserving the right to object, could the gentleman from North Carolina, the author of the bill, tell me whether or not in the disposition of this land currently owned by the Federal Government there is a safeguard that this land will only be sold at a fair market value?

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

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

Mr. RUTHERFORD. In response to the gentleman's question, this bill only encompasses releasing the Secretary of the Interior of ownership in this land

and reverting it to the General Services Administration, and they will, in turn, dispose of it in the normal procedure.

Mr. FORD. I notice in the summary of the legislation which I have before me that the land will be disposed of in accordance with the Federal Property and Administrative Services Act. I do not have a copy of that act before me. I only raise the question under that act, if this land is sold, will it be sold at the fair market value to the highest competitive bidder?

Mr. RUTHERFORD. I presume it will, but the purpose of this bill is not to sell or dispose of the land. It is to dispossess the Secretary of the Interior from further operation of the land. This is to release the land from ownership by the Secretary of the Interior and turn it over to the General Services Administration. They can either retain it or sell it, but the purpose of this bill is not to sell the land.

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

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the tract of Federal property comprising eight and one-tenth acres of land situated in Dare County, North Carolina, approximately two miles north of Kitty Hawk, which was transferred to the administrative jurisdiction of the Department of the Interior by the Act of June 3, 1948 (62 Stat. 301; 16 U.S.C. 459a–4), to be administered as a part of the Cape Hatteras National Seashore Recreational Area, may be disposed of by the Administrator of General Services in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

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.

TEMPORARY APPOINTMENTS IN U.S. COAST GUARD

The Clerk called the bill (H.R. 8719) to amend the act of July 23, 1947, chapter 301, as amended, to extend for 2 years the authority to make temporary appointments and promotions in the U.S. Coast Guard.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 16 of the Act of July 23, 1947, chapter 301 (61 Stat. 413; 14 U.S.C. 435, note), as amended, is amended, to read as follows:

"SEC. 16. Nothwithstanding the limitations contained in subsection (a) of section 435, and subsection (a) of section 436, of title 14, United States Code, the authority granted by those sections may be exercised until—

"(1) such time as the Secretary of the Treasury determines that the number of officers holding permanent appointments on the active list of the Coast Guard is equal to 95 per centum of the number of such officers authorized by law, exclusive of extra numbers; or

"(2) January 1, 1964;

whichever occurs earlier."

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.

REPEALING PART OF THE ACT OF MARCH 2, 1889

The Clerk called the bill (S. 931) to repeal that part of the act of March 2, 1889, as amended, which requires that grantors furnish, free of all expenses to the Government, all requisite abstracts, official certifications and evidences of title.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso in the third full paragraph on page 941 of volume 25 of the Statutes at Large, in the Act of March 2, 1889, as amended (40 U.S.C. 256), is hereby repealed.

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

AUTHORIZING EASEMENTS IN REAL PROPERTY OF THE UNITED STATES

The Clerk called the bill (H.R. 8355), to authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes.

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

Mr. McINTIRE. Mr. Speaker, reserving the right to object, this bill is one of which there are a number of bills before our House Subcommittee on Forestry, and because of the fact that there are some areas here in which there is some common interest, I ask unanimous consent that the bill may be passed over without prejudice.

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

There was no objection.

GOVERNMENT-OWNED ELECTRIC AND TELEPHONE LINES

The Clerk called the bill (S. 1501) to authorize the Secretary of the Interior to contract for the sale, operation, maintenance, repair, or relocation of Government-owned electric and telephone lines and other utility facilities used for the administration of the Bureau of Indian Affairs.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, except for electric utility systems constructed and operated as a part of an irrigation system, the Secretary of the Interior is authorized to contract under such terms and conditions as he considers to be in the best interest of the Federal Government for the sale, operation, maintenance, repairs, or relocation of Government-owned utilities and utility systems and appurtenances used in the administration of the Bureau of Indian Affairs. The Secretary shall not execute a contract pursuant to this Act until he has submitted to the Committees on Interior and Insular Affairs of the Senate and the House of Representatives a copy of the contract and a statement of his reasons for proposing the contract, and until such materials have lain before the committees for sixty days (excluding the time during which either House is in recess for more than three days) unless prior thereto the Secretary is notified that neither committee has any objection to the proposed contract.

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.

LAND OF CHILOCCO INDIAN INDUSTRIAL SCHOOL, OKLAHOMA

The Clerk called the bill (S. 1807) to authorize the disposition of land no longer needed for the Chilocco Indian Industrial School at Chilocco, Okla.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any part of the lands that were reserved by section 10 of the Act of March 3, 1893 (27 Stat. 640), for the Chilocco Indian Industrial School until further action by Congress, and the improvements thereon, that become excess to the needs of the Bureau of Indian Affairs may be transferred or disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended or supplemented.

SEC. 2. The Secretary of the Interior is authorized to convey, without consideration, to Charlie Gray, his successors or assigns, and to Esau Greenwood, his successors or assigns, respectively, title to the homestead sites within the Chilocco Indian Industrial School Reserve that are described below when all payments required by their homestead agreements have been paid:

(a) Charlie Gray homestead: Beginning at a point 39 rods south of the northeast corner of the northeast quarter section 17, township 29 north, range 2 east, Indian meridian; thence 24 rods south, thence 33⅓ rods west, thence 24 rods north, thence 33⅓ rods east to point of beginning, containing 5 acres.

(b) Esau Greenwood homestead: Beginning at a point 67 rods north of southeast corner of the northeast quarter section 20, township 29 north, range 2 east, Indian meridian, thence north 20 rods, thence west 50 rods, thence south 10 rods, thence east 20 rods, thence south 10 rods, thence east 30 rods to point of beginning, containing 5 acres.

With the following committee amendments:

Page 1, lines 3 through 10, strike out all of section 1.

Page 1, line 11, strike out "SEC. 2. The" and insert in lieu thereof the words "That the".

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.

GIVING RESERVED MINERALS TO WALKER RIVER PAIUTE TRIBE

The Clerk called the bill (S. 2016) to give to the Walker River Paiute Tribe the reserved minerals underlying its reservation.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands set aside and added to the Walker River Indian Reservation, Nevada, by the Secretary of the Interior under the authority of section 2 of the Act of June 22, 1936 (49 Stat. 1806), are hereby withdrawn from all forms of exploration, location, and entry under the public land mining laws and the minerals underlying such lands are hereby made a part of the reservation to be held in trust by the United States of America subject to valid existing rights, and such minerals shall be subject to lease for mining purposes pursuant to the provisions of the Act of May 11, 1938 (52 Stat. 347; 25 U.S.C. 396a–g) as amended or supplemented.

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.

FORT BELKNAP INDIAN IRRIGATION PROJECT

The Clerk called the bill (S. 2216) to authorize the transfer of three units of the Fort Belknap Indian irrigation project to the landowners within the project.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to transfer to an association or organization of the landowners whose lands are served by the following units of the Fort Belknap Indian irrigation project all of the right, title, and interest of the United States in the irrigation project works of each unit:

(1) Upper Peoples Creek (Hays) unit, located in township 26 north, ranges 23 and 24 east, P.M.M., about 24 miles south of the Fort Belknap agency headquarters.

(2) Big Warm unit, located along the east boundary of the Fort Belknap Reservation in township 27 north, range 26 east, P.M.M., about 36 airline miles from the Fort Belknap agency headquarters.

(3) Lower Peoples Creek (Ereaux) unit, located in the northeast corner of the Fort Belknap Reservation in townships 30 and 31, range 26 east, P.M.M., about 21 airline miles from the Fort Belknap agency headquarters.

The transferees shall thereafter have sole responsibility for the care, operation, and maintenance of the irrigation works of the units, and the United States shall have no responsibility therefor. The transfer of each unit shall be made in such form and under such conditions as the Secretary deems adequate to protect the interests of each landowner served by the unit, and shall include the rights-of-way for canals, laterals, and other project works that are transferred.

SEC. 2. The Secretary of the Interior is authorized to cancel all accrued operation and maintenance charges at the time a transfer authorized by section 1 of this Act is made.

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

AMENDING THE FREEPORT HARBOR PROJECT, TEXAS

The Clerk called the bill (H.R. 8320) to amend the Freeport Harbor project, Texas.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the existing project for Freeport Harbor, Texas, is hereby modified by revoking the provision of local cooperation set forth at paragraph 12(a) of the report of the Board of Engineers for Rivers and Harbors as contained in House Document Numbered 1469, Sixty-third Congress, insofar as it requires the town of Freeport to own in perpetuity the strip of land specifically referred to therein and to maintain a dock thereon. The assurance heretofore furnished by the town in compliance with this requirement is hereby nullified.

SEC. 2. The Freeport Harbor project shall be subject to a condition that local interests shall maintain adequate public terminal facilities at the harbor.

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.

MODIFY PROJECT FOR DULUTH-SUPERIOR HARBOR

The Clerk called the bill (H.R. 7854) to modify the project for the Duluth-Superior Harbor, Minn. and Wis., to provide for the abandonment of the 21st Avenue West Channel, and for other purposes.

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

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That the project for the Duluth-Superior Harbor, Minnesota and Wisconsin, authorized by the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1028, 1035), and the project for such harbor authorized by the River and Harbor Act of 1960, are each modified to abandon those portions of the Twenty-first Avenue West Channel more particularly described in section 2 of this Act, and that portion of the Duluth-Superior Harbor in the Twenty-first Avenue West Channel area bounded by harbor lines as approved by the Secretary of War on November 17, 1899, more particularly described in section 2 of this Act, is hereby declared to be a nonnavigable water of the United States within the meaning of the Constitution and laws of the United States. The right to alter, amend, or repeal this section is expressly reserved.

SEC. 2. The area to be abandoned referred to in the first section of this Act is more particularly described as follows:

About the northerly 1,250 feet of the 3,300-foot-long Twenty-first Avenue West Channel authorized by the Act of August 30, 1935, as described in House Document Numbered 482, Seventy-second Congress, second session, 1932; and about the northerly 500 feet of the 2,500-foot-long Twenty-first Avenue West Channel authorized by the River and Harbor Act of 1960, as described in House Document Numbered 196, Eighty-sixth Congress, first session, 1960; and the harbor area beginning at harbor line point 40, situated south 62 degrees 25 minutes 49 seconds west, 1,375.00 feet from a point on city monument line of Garfield Avenue produced 1,462.50 feet northerly from a granite city monument, situated 25 feet southerly from centerline of Ash Avenue and 25 feet easterly of centerline of Garfield Avenue;

thence south 62 degrees 25 minutes 49 seconds west, a distance of 793.40 feet to harbor line point 42;

thence south 27 degrees 34 minutes 11 seconds east, parallel with city monument line of Garfield Avenue and 2,168.40 feet therefrom, a distance of 654.00 feet to harbor line point 42a, to be established;

thence south 56 degrees 28 minutes 40 seconds east, a distance of 620.60 feet to harbor line point 40b, to be established;

thence south 49 degrees 52 minutes 29 seconds east, a distance of 1,300.00 feet to harbor line point 40a; situated on the harbor line between points 38 and 40, as approved by Secretary of War, November 17, 1899;

thence on said approved harbor line north 27 degrees 34 minutes 11 seconds west, for a distance of 2,400.00 feet to harbor line point 40, the point of beginning.

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.

CHANGE NAME OF PLAYA DEL REY INLET, VENICE, CALIF.

The Clerk called the bill (H.R. 157) to change the name of the Playa del Rey Inlet and Harbor, Venice, Calif., to the Marina del Rey Small Craft Harbor, Los Angeles, Calif.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the body of water designated as the Playa del Rey Inlet and Harbor, Venice, California, by section 101 of the River and Harbor Act of 1954 (68 Stat. 1252; Public Law 780, Eighty-third Congress), shall be known and designated hereafter as the "Marina del Rey Small Craft Harbor, Los Angeles, California". Any law, regulation, map, document, record, or other paper of the United States in which such body of water is referred to shall be held to refer to it as the "Marina del Rey Small Craft Harbor, California".

With the following committee amendments:

Page 1, line 7, strike "Small Craft Harbor."
Page 2, line 1, strike "Small Craft Harbor."

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 of the bill was amended to read: "A bill to change the name of the Playa del Rey Inlet and Harbor, Venice, California, to the 'Marina del Rey, Los Angeles, Calif'."

A motion to reconsider was laid on the table.

LANDS HELD IN TRUST FOR THE PUEBLOS

The Clerk called the bill (S. 203) to declare that the United States holds in trust for the pueblos of Santa Ana, Zia,

Jemez, San Felipe, Santo Domingo, Cochiti, Isleta, and San Ildefonso certain public domain lands.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title to the following public domain lands and improvements thereon, situated within Sandoval County in the State of New Mexico, is hereby declared to be held by the United States in trust for the pueblo of Santa Ana:

NEW MEXICO PRINCIPAL MERIDIAN

Township 13 north, range 3 east:
Section 5, that portion of the section situated west of New Mexico Highway 44;
Section 6, lots 4, 5, 6, 7, 11, 12, and 13, southeast quarter northwest quarter, south half northeast quarter east half southwest quarter, southeast quarter.
Township 14 north, range 3 east:
Section 1, lots 1, 2, 3, 4, 5, 6, and 7, south half north half, north half south half, southeast quarter southeast quarter;
Section 3, lots 1, 2, 3, 4, 5, 6, 7, and 8, south half north half, north half south half;
Section 4, lots 1, 2, 3, 4, 5, 6, 7, and 8, south half north half, north half south half;
Section 5, lots 1, 2, 3, 4, 5, 6, 7, and 8, south half north half, north half south half;
Section 6, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, south half northeast quarter, northeast quarter southeast quarter;
Section 7, lots 3, 4, 5, 6, 11, 12, 13, and 14;
Section 12, lots 1, 4, 5, and 8, east half east half;
Section 13, lots 1, 4, 5, and 8, east half east half;
Section 18, lots 2, 3, 4, 5, 8, 9, 10, and 11;
Section 19, lots 2, 3, 4, 5, 8, 9, 10, and 11;
Section 24, lots 1, 4, 5, and 8, east half east half;
Section 25, lots 1, 4, 5, and 9, east half east half;
Section 30, lots 2, 3, 4, 5, 8, 9, 10, and 11;
Section 31, lots 2, 3, 4, 5, 8, 9, 10, and 11.
Township 14 north, range 4 east:
Section 6, lots 3 and 4, south half northwest quarter, southwest quarter;
Section 7, west half;
Section 18, west half, west half east half;
Section 19, west half, west half east half;
Section 30, northwest quarter, west half northeast quarter, southwest quarter, west half southeast quarter;
Section 31, northwest quarter northeast quarter, northeast quarter northwest quarter.
Township 15 north, range 3 east:
Section 5, lots 7 and 8;
Section 10, lots 1, 3, and 4, southeast quarter southwest quarter;
Section 11, lots 1, 2, 3, and 4;
Section 12, lots 1, 2, 3, and 4;
Section 13, all;
Section 14, all;
Section 15, all;
Section 17, all;
Section 18, east half;
Section 19, east half;
Section 20, all;
Section 21, all;
Section 22, all;
Section 23, all;
Section 24, all;
Section 25, all;
Section 26, all;
Section 27, all;
Section 28, all;
Section 29, all;
Section 30, lot 4, east half, southeast quarter southwest quarter;
Section 31, all;
Section 33, all;
Section 34, all;
Section 35, all.
Township 15 north, range 4 east:
Section 7, lots 2 and 3;
Section 18, west half;
Section 19, west half;
Section 30, west half;
Section 31, west half; containing 22,975.87 acres, more or less.

SEC. 2. Title to the following described public domain lands and improvements thereon, situated within Sandoval County in the State of New Mexico, is hereby declared to be held by the United States in trust for the pueblo of Zia:

NEW MEXICO PRINCIPAL MERIDIAN

Township 14 north, range 1 east:
Section 11, west portion of section not included in Zia Pueblo trust land described in Act of August 13, 1949 (63 Stat. 604);
Section 12, all;
Section 14, all;
Section 15, all;
Section 22, all;
Section 23, west portion of section not included in Zia Pueblo trust land described in Act of August 13, 1949 (63 Stat. 604);
Section 24, all;
Section 26, all;
Section 27, all.
Township 14 north, range 2 east:
Section 1, lots 11, 12, 13, 14, 15, 16, and 17, south half southwest quarter, southwest quarter southeast quarter;
Section 4, lots 9, 10, 11, and 12, south half south half;
Section 6, lots 10, 11, 12, 13, 14, 15, 16, 17, and 18, south half southeast quarter, southeast quarter southwest quarter, northeast quarter southwest quarter, southeast quarter northwest quarter;
Section 8, all;
Section 10, all;
Section 11, east half east half;
Section 12, all;
Section 13, all;
Section 14, all;
Section 18, all;
Section 20, all;
Section 22, all;
Section 23, east half east half;
Section 24, all;
Section 25, all;
Section 26, all;
Section 28, lots 1, 2, and 5, north half, north half southeast quarter, southeast quarter southeast quarter;
Section 30, all;
Section 34, all;
Section 35, lot 1, east half northeast quarter, northeast quarter southeast quarter.
Township 15 north, range 2 east:
Section 1, lots 1, 2, 3, and 4;
Section 4, lots 1, 2, 3, and 4;
Section 6, lot 1;
Section 8, lots 1, 2, 3, and 4, north half north half;
Section 10, lots 1, 2, 3, and 4, north half north half;
Section 11, lot 1, northeast quarter northeast quarter;
Section 12, lots 1, 2, 3, 4, 5, and 6, north half north half;
Section 13, lots 1, 2, 3, and 4;
Section 18, west half west half;
Section 24, lots 1, 2, 3, and 4;
Section 25, lots 1, 2, 3, and 4;
Section 30, lots 1, 2, 3, and 4, west half.
Township 15 north, range 3 east:
Section 6, lots 3, 4, 5, and 6;
Section 7, all;
Section 8, all;
Section 9, lots 1, 2, 3, and 4, west half, south half southeast quarter;
Section 10, lot 2, southwest quarter southwest quarter;
Section 18, west half;
Section 19, west half;
Section 30, lots 1, 2, and 3, east half northwest quarter, northeast quarter southwest quarter, containing 20,163.41 acres, more or less.

SEC. 3. Title to the following described public domain lands and improvements thereon, situated within Sandoval County in the State of New Mexico, is hereby declared to be held by the United States in trust for the pueblo of Jemez:

NEW MEXICO PRINCIPAL MERIDIAN

Township 15 north, range 3 east:
Section 4, lots 1, 2, 3, 4, 5, and 6, southwest quarter, south half northwest quarter;
Section 5, lots 1, 2, 3, 4, 5, 6, and 9, south half northeast quarter, north half southeast quarter, southeast quarter southeast quarter, southeast quarter northwest quarter;
Section 6, lots 1 and 2.
Township 16 north, range 2 east:
Section 12, lots 1, 2, 3, and 4, east half east half;
Section 13, lots 1, 2, 3, and 4, east half east half;
Section 24, lots 1, 2, 3, and 4, east half east half;
Section 25, lots 1, 2, 3, and 4, east half east half.
Township 16 north, range 3 east:
Section 17, north half, southeast quarter, north half southwest quarter, southeast quarter southwest quarter;
Section 18, north half, southwest quarter, north half southeast quarter, southwest quarter southeast quarter;
Section 19, south half, south half northeast quarter, northwest quarter northeast quarter, northwest quarter;
Section 20, south half, northeast quarter, south half northwest quarter, northeast quarter northwest quarter;
Section 21, lots 1, 2, 3, and 4, west half;
Section 28, lots 1, 2, 3, and 4, west half;
Section 29, all;
Section 30, all;
Section 31, lots 1, 2, and 3, north half, north half southeast quarter, southeast quarter southeast quarter, northeast quarter southwest quarter;
Section 33, lots 1, 2, 3, and 4, west half, containing 7,819.28 acres, more or less.

SEC. 4. Title to the following described public domain lands and improvements thereon, situated within Sandoval County in the State of New Mexico, is hereby declared to be held by the United States in trust for the pueblo of San Felipe:

NEW MEXICO PRINCIPAL MERIDIAN

Township 14 north, range 4 east:
Section 2, lots 11, 12, 13, 14, and 15, southwest quarter southwest quarter;
Section 11, lots 5, 6, 7, and 8;
Section 14, lots 5, 6, 7, and 8, west half west half;
Section 15, all;
Section 21, east half;
Section 22, all;
Section 23, lots 5, 6, 7, and 8, west half west half.
Section 26, lots 5, 6, 7, and 8, west half west half;
Section 27, north half, southeast quarter, north half southwest quarter, southeast quarter southwest quarter;
Section 28, northeast quarter;
Section 34, north half northeast quarter;
Section 35, lots 6, 7, and 8, west half northwest quarter.
Township 15 north, range 4 east:
Section 14, lots 1, 2, 3, and 4, southwest quarter northwest quarter, west half southwest quarter;
Section 15, east half east half;
Section 22, east half;
Section 23, lots 1, 2, 3, and 4, west half west half;
Section 26, lots 1, 2, 3, and 4, west half west half;
Section 27, east half east half;
Section 35, lots 1, 2, 3, and 4, west half west half, containing 5,347.73 acres, more or less.

SEC. 5. Title to the following described public domain lands and improvements thereon, situated within Sandoval County in the State of New Mexico, is hereby declared to be held by the United States in trust for the pueblo of Santo Domingo:

NEW MEXICO PRINCIPAL MERIDIAN

Township 15 north, range 4 east:
Section 4, lots 1, 2, 3, and 4, west half;
Section 5, lots 1, 2, 3, 4, and 5, southeast quarter northeast quarter, east half southeast quarter;
Section 8, lot 1.
Township 16 north, range 4 east:
Section 16, lots 5, 6, 7, and 8, west half;
Section 17, lots 1, 4, 5, and 6, northeast quarter northeast quarter;
Section 20, lots 1, 2, 3, and 4;
Section 21, lots 5, 6, 7, and 8, west half;
Section 28, lots 5, 6, 7, and 8, west half;
Section 29, lots 1, 2, 3, and 4;
Section 32, lots 1, 2 3, and 4;
Section 33, lots 5, 6, 7, 8, 9, and 10, northwest quarter, north half southwest quarter, containing 3,022.87 acres, more or less.

SEC. 6. Title to the following described public domain lands and improvements thereon, situated within Sandoval County in the State of New Mexico, is hereby declared to be held by the United States in trust for the pueblo of Cochiti:

NEW MEXICO PRINCIPAL MERIDIAN

Township 16 north, range 5 east:
Section 8, all;
Section 9, all;
Section 10, lots 1, 2, 3, and 4, west half;
Section 15, lots 1, 2, 3, and 4 west half;
Section 17, all;
Section 20, lots 1, 2, 3, and 4, north half, north half southeast quarter;
Section 21, all;
Section 22, lots 1, 2, 3, and 4, west half;
Section 27, lots 1, 2, 3, 4, 5, and 6, northwest quarter, northeast quarter southwest quarter;
Section 28, lots 1, 2, 3, and 4, north half northeast quarter, southeast quarter northeast quarter, northeast quarter northwest quarter;
Section 29, lot 1;
Section 34, lot 1, containing 5,384.49 acres, more or less.

SEC. 7. Title to the following described public domain lands and improvements thereon, situated within Bernalillo and Valencia Counties in the State of New Mexico, is hereby declared to be held by the United States in trust for the pueblo of Isleta:

NEW MEXICO PRINCIPAL MERIDIAN

Township 7 north, range 1 west:
Section 4, lots 1, 2, 3, and 4, southwest quarter southwest quarter, north half southwest quarter, northwest quarter;
Section 6, all;
Section 8, all;
Section 16, lots 1, 2, 3, and 4;
Section 18, lots 1, 2, 3, and 4.
Township 7 north, range 2 west:
Section 12, northeast quarter, east half southeast quarter.
Township 8 north, range 1 west:
Section 4, lots 1, 2, 3, 4, 13, 14, 15, and 16, south half northeast quarter;
Section 6, lots 1, 8, and 9.
Township 8 north, range 1 east:
Section 4, lots 1, 2, 3, 4, 13, 14, 15, and 16, south half north half;
Section 6, lots 1, 2, 12, 13, 14, and 15, northeast quarter east half northwest quarter.
Township 8 north, range 2 east:
Section 3, northwest quarter;
Section 4, north half;
Section 6, lots 1, 2, 12, 13, 14, and 15, northeast quarter, east half northwest quarter, containing 4,559.74 acres, more or less.

SEC. 8. Title to the following described lands and improvements thereon, situated within Santa Fe County in the State of New Mexico, is hereby declared to be held by the United States in trust for the pueblo of San Ildefonso:

NEW MEXICO PRINCIPAL MERIDIAN

Township 20 north, range 8 east:
Section 26, lots 1, and 2;
Section 27, lot 5;
Section 34, lots 1, 4, 5, and 8;
Section 35, lots 3, 4, 5, and 6, west half west half, containing 433.27 acres, more or less.

SEC. 9. Nothing in this Act shall affect valid rights existing at the date of approval of this Act.

SEC. 10. (a) For the purpose of improving the land tenure pattern and consolidating Pueblo Indian lands, the Secretary of the Interior is authorized, under such regulations as he may prescribe, to acquire by exchange any lands or interests therein, including improvements and water rights, within the Pueblo land consolidation areas, and to convey in exchange therefor not to exceed an equal value of unappropriated public lands within the State of New Mexico, or, with the consent of the Pueblo authorities any Pueblo tribal lands or interest therein, including improvements and water rights.

(b) Either party to an exchange under this section may reserve minerals, easements, or rights of use.

(c) The Secretary may execute any title documents necessary to effect the exchanges authorized by this section.

(d) Title to all lands acquired under the provisions of this section shall be taken in the name of the United States in trust for the respective Pueblo Indian tribes.

SEC. 11. The lands held or acquired for the pueblos pursuant to this Act shall be administered the same as other trust or restricted Indian lands subject to regulations prescribed by the Secretary of the Interior for the protection and conservation of the soil, proper utilization of the land, and other purposes, and shall be a part of the respective Pueblo reservations.

SEC. 12. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

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.

MINERAL DEPOSITS ON NORTHERN CHEYENNE RESERVATION

The Clerk called the bill (S. 2224) to grant minerals, including oil, gas, and other natural deposits, on certain lands in the Northern Cheyenne Indian Reservation, Mont., to certain Indians, and for other purposes.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of June 3, 1926 (44 Stat. 690), as amended by the Act of July 24, 1947 (61 Stat. 418), is hereby amended to read as follows:

"SEC. 3. (a) The coal or other minerals, including oil, gas, and other natural deposits, on said reservation are hereby reserved for the benefit of the tribe and may be leased with the consent of the Indian council for mining purposes in accordance with the provisions of the Act of May 11, 1938 (52 Stat. 347; 25 U.S.C. 396 a–f), under such rules, regulations, and conditions as the Secretary of the Interior may prescribe: *Provided,* That at the expiration of fifty years from the date of the approval of this Act, the coal or other minerals, including oil, gas, and other natural deposits, of said allotments shall become the property of the respective allottees or their heirs or devisees, subject to any outstanding leases, regardless of any prior conveyance by such allottee, heirs, or devisees of the land overlying such minerals, oil, gas, or other natural deposits and regardless of the form of reference in such conveyance, or lack of reference, to the minerals, oil, gas, or other natural deposits reserved by this Act.

"(b) Title to the minerals so granted shall be held by the United States in trust for the Indian owners, except that if upon the expiration of said fifty years the entire Indian interests in the minerals within any allotment or parcel thereof is granted by this Act to a person or persons who at that time hold an unrestricted title to the lands overlying such minerals, oil, gas, or other natural deposits, then the Secretary of the Interior shall by fee patent transfer to such person or persons the unrestricted fee simple title to such minerals, oil, gas, or other natural deposits, which title shall vest in such person or persons as of the date of the patent.

"(c) The unallotted lands of said tribe of Indians shall be held in common, subject to the control and management thereof as Congress may deem expedient for the benefit of said Indians."

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.

DONATE LAND TO THE JICARILLA APACHE TRIBE

The Clerk called the bill (S. 2241) to donate to the Jicarilla Apache Tribe of the Jicarilla Reservation, N. Mex., approximately 391.43 acres of federally owned land.

Mr. LAIRD. Mr. Speaker, reserving the right to object, I would like to direct a question to the chairman of the Indian Affairs Subcommittee of the House Committee on Interior and Insular Affairs regarding another important piece of legislation which has to do with the Menominee Indian Tribe of Wisconsin. H.R. 4130, was discussed under a rule here on the floor in the House of Representatives. There was adequate discussion. Members of the House unanimously supported the approach recommended by the Interior and Insular Affairs Committee, a very fine approach in handling a tribe that has been terminated from Federal supervision, in that it continued the educational, health, and welfare aid on a 100 percent reimbursable basis for the first year, 80 percent for the second year—60, 40, 20, and 10 percent in each succeeding year.

The Menominee Indian Tribe was one of the first tribes to be terminated, and this termination took place in April of this year. This bill went to conference on June 13, and I would like to find out, if I could, the progress that has been made in the conference committee on this important piece of legislation.

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

Mr. LAIRD. I yield.

Mr. HALEY. The gentleman, of course, knows the attitude of the gentleman from Florida, chairman of the subcommittee. I think we worked out a very fine bill.

Mr. LAIRD. I agree with the gentleman that the House worked a fine bill and commend the gentleman and members of the Interior and Insular Affairs Committee for their outstanding work.

Mr. HALEY. I think the bill did justice to the Indians; I think it did justice to the taxpayers. In that conference I listened for 30 minutes to the conferees on the other side and the firm attitude they took on the position of the Senate. The bill has not got beyond that stage. I thought a conference was for the purpose of adjusting differences between the two Houses.

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

Mr. LAIRD. I yield to the gentleman from Colorado, the chairman of the Interior and Insular Affairs Committee.

Mr. ASPINALL. The gentleman from Wisconsin will remember that when we went to conference we had suggested to Members of the House that we would attempt to get agreement on the bill as it passed the House. The bill, as the gentleman knows, is really a termination, is a part of so-called termination legislation. But when we went to conference, the conferees of the other body wanted to treat it as a relief bill. The House conferees did not desire to treat it that way. So we reached a stalemate, we cannot get together. We feel that our approach is not only logical but will be effective. We are waiting for consideration by the other body.

Mr. LAIRD. I thank my friend from Colorado for his help. I hope the other body will give consideration to compromising their position. This is important legislation. I shall not object to this Senate bill presently before us. I have been assured that the other body will make an effort to compromise their differences with the House on the direct aid features contained in H.R. 4130.

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

Mr. LAIRD. I yield to the gentleman from South Dakota.

Mr. REIFEL. Mr. Speaker, I have a bill similar to this one which was passed by unanimous consent by this body. The Senate added some general legislation to it. It came back to the Interior Committee. I wonder if some explanation might be given of that?

Mr. ASPINALL. We are in a somewhat similar situation as far as that legislation is concerned. We feel that the bill we have sent over to the other body will take care of a certain situation that should be taken care of at once. Then we could consider general legislation which has been introduced. We do not feel that a general rider on a House bill, which is sponsored to take care of a specific instance, should cause the House bill the burden of carrying the whole responsibility of an approach to a general problem.

Mr. REIFEL. I thank the gentleman. I wanted to have this information to inform my folks back home.

May I ask the gentleman, will this bill be considered further in the next session?

Mr. ASPINALL. It is our hope it will be. We have not thrown any particular blocks against the bill.

Mr. REIFEL. I appreciate the excellent consideration by the committee and what the chairman has given to this bill. The appropriate Indians back home are giving consideration to the bill.

Mr. ASPINALL. The committee feels that the U.S. Senate and the House of Representatives are coordinate bodies, that we in the House have certain responsibilities, and when we go to conference we are obliged to hold out for what we consider to be our authority and responsibilities.

Mr. REIFEL. I appreciate the gentleman's position, and I know he is going to maintain it.

Mr. Speaker, I withdraw my reservation of objection.

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right, title, and interest of the United States in the following described land containing 391.43 acres, more or less, situated in the State of New Mexico and now in use by the Jicarilla Apache Tribe of the Jicarilla Reservation—

Township 32 north, range 1 west, New Mexico principal meridian:

Section 31, lots 1, 2, 3, east half northwest quarter, northeast quarter southwest quarter, containing 234.38 acres, more or less;

Section 30, lot 4, northeast quarter southwest quarter, lot 3, southeast quarter southwest quarter, containing 156.20 acres, more or less;

Beginning at corner numbered 1, from which the northwest corner of section 30, township 32 north, range 1 west, New Mexico principal meridian, bears north 57 degrees 40 minutes west a distance of 2,676 feet;

Thence from corner numbered 1 south 53 degrees 33 minutes west a distance of 396 feet to corner numbered 2; thence south 36 degrees 27 minutes east a distance of 100 feet to corner numbered 3;

Thence north 53 degrees 33 minutes east, a distance of 352 feet to corner numbered 4; thence north 12 degrees 32 minutes west, a distance of 112 feet to point of beginning, containing 0.85 acres, more or less;

is hereby declared to be held by the United States in trust for the Jicarilla Apache Tribe of the Jicarilla Reservation, New Mexico, subject to a reservation of the right of the United States to use so much of said land, together with all facilities now thereon or hereafter installed by the United States, as shall in the opinion of the Secretary of the Interior be needed for the administration of the affairs of the tribe, and subject to a reservation in the United States of a right-of-way across any part of said land which the Secretary of the Interior deems desirable in connection with the administration of the affairs of the tribe.

With the following committee amendment:

Page 3, after line 4, add a new section to read:

"SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission."

The amendment was agreed to.

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

SALUTING "UNCLE SAM" WILSON, OF TROY, N.Y.

The Clerk called Senate Concurrent Resolution 14, saluting "Uncle Sam" Wilson, of Troy, N.Y., as the progenitor of America's national symbol of "Uncle Sam."

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

Mr. ADAIR. Mr. Speaker, because there is some controversy about the birthplace and place of death and burial of the man who was the progenitor of the figure we know as Uncle Sam, and because it is such an important matter to the Nation, I rise to ask some questions of the gentleman from New York [Mr. O'BRIEN].

By way of preface, let me say there are those, including myself, who believe that the "Uncle Sam" who was born in the State of Delaware, who lived for a period of time in Troy, N.Y., and is buried in Indiana, is the progenitor of "Uncle Sam." I know the gentleman from New York and many others like him, have a somewhat different point of view.

My first question, Mr. Speaker, is: Does the resolution, as now worded, fix a birthplace or a burial place for Samuel Wilson?

Mr. O'BRIEN of New York. Mr. Speaker, I may say the resolution before us now has nothing to do with the birthplace of Samuel Wilson. It falls squarely upon the one matter, on which the gentleman and I are in agreement, that the gentleman did live in Troy, N.Y. That is where he acquired the name "Uncle Sam."

I may say that the other matters on which we are in disagreement are still to be determined by the historians, and I would not suggest that the House try to decide them today.

Mr. ADAIR. No memorial is provided for in this resolution as now worded?

Mr. O'BRIEN of New York. I would say that all we do in this resolution is to tip our hat in the general direction of Samuel Wilson.

Mr. ADAIR. I thank the gentleman.

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

Mr. ADAIR. I yield to the gentleman from Iowa.

Mr. GROSS. I wondered if the gentleman from Indiana was going to let New York get away with a victory over Massachusetts, Delaware, and Indiana? Apparently that is about what would happen here.

Mr. ADAIR. We believe that Samuel Wilson, who is buried in Indiana, did for a time live in Troy, N.Y., as he was on

his way westward through Pennsylvania, and eventually into Indiana. I think we are in agreement on that point.

Mr. Speaker, I ask that all Members be permitted to extend their remarks on the resolution under present consideration.

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

There was no objection.

Mr. BASS of New Hampshire. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from New York why the committee struck out from Senate Concurrent Resolution 14 all reference to Uncle Sam's connection with New Hampshire, in particular, the fact that he spent 20 years of his younger life in Mason, N.H.

Mr. O'BRIEN of New York. I might say to the gentleman from New Hampshire that I personally agree that Samuel Wilson lived for a considerable period of time in Mason, N.H. I also felt if we attempted to argue at this time about where the gentleman lived before he went to Troy and where his bones rest now, we would get nothing, and the historians would have, not a field day, but a field year.

Mr. BASS of New Hampshire. If the gentleman will yield further, is there any chance that the committee would accept an amendment restoring that language which was put in by the Senate?

Mr. O'BRIEN of New York. May I say to the gentleman I would hope that the gentleman would be satisfied with the expression on my part that I am convinced that the progenitor of Uncle Sam did live in Mason, N.H. As long as the gentleman and I are trying to honor the same man, I think we can accomplish that by passing this resolution. At the same time, we will not be closing the door to Indiana or any place that might claim at some future time to be his final resting place.

Mr. GROSS. If the gentleman will yield, I cannot help but ask the gentleman from New York which Samuel Wilson he is referring to. There seems to be two or three of them.

Mr. O'BRIEN of New York. I think there were quite a number of them. I think one of the unfortunate things in those days was the multiplicity of Samuel Wilsons. I think that after one of them acquired the title of "Uncle Sam" many of the others thought it might impress their children or their grandchildren to say that they were really the one, just as some of us try to impress our grandchildren by telling them we were much better baseball players in our younger days than we really were.

Mr. BASS of New Hampshire. Mr. Speaker, reserving the right to object, I regret very much the parliamentary situation is such that an amendment to this resolution is not in order recognizing the fact that "Uncle Sam" Wilson spent 20 years as a young man in the town of Mason, N.H. The Wilson farm, including the original house, still remains in excellent condition and very little changed from the time it was "Uncle Sam" Wilson's boyhood home for over 20 years.

In the book "Uncle Sam, the Man and the Legend," by Alton Ketchum, published by Hill and Wang, New York, there is not only an account of Wilson's life in Mason, but on page 49 is a photograph of the Uncle Sam house in Mason Valley.

The family register of Edward Wilson, father of "Uncle Sam" Wilson, taken from the family Bible, passed down through his youngest son, Capt. Thomas Wilson, a lifetime resident of Mason, shows: Edward Wilson, father of "Uncle Sam," born July 6, 1734, West Cambridge, Mass., died June 17, 1816, Troy, N.Y., aged 82 years; Lucy Francis (mother of "Uncle Sam"), born March 21, 1739, Medford, Mass., died December 8, 1835, Mason, N.H., aged 97 years.

They were married in November 1757. The family moved to Mason in 1780, staying 20 years. The family moved to Troy in 1804.

Children of Edward and Lucy Wilson: Joseph, born October 9, 1759; Lucy, born January 12, 1761, died December 23, 1819; Edward, born April 4, 1762, died March 7, 1843, Milton, N.Y.; Ebenezer, born August 18, 1763, died July 1825; Rachel, born February 13, 1765, died October 16, 1846; Samuel, born September 16, 1766, died July 31, 1854; Nathaniel, born February 10, 1768, died August 19, 1854; William, born October 25, 1769; Aron, born March 10, 1771; Andrew, born January 1, 1777, died April 23, 1841; Thomas, born October 23, 1778.

Edward, Jr. and Samuel—"Uncle Sam"—went to Troy in 1800 and for many years were actively engaged in meat packing business there. Notice of the death of Sam Wilson and history of how the United States derived the name "Uncle Sam" is given in the New England Historical and Genealogical Register, volume 8, page 277, as well as in the History of Mason, published in 1858.

In view of these facts, I would like to have the comments of the gentleman from New York.

Mr. CONTE. Mr. Speaker, this country has many symbols that reflect portions of its national purpose, of its history, and of its traditions. Uncle Sam, however, is the only personification of the United States and it is fitting that the Congress should recognize Samuel Wilson of Troy, N.Y., as the progenitor of America's national symbol of "Uncle Sam."

Let us reflect for a moment on the characteristics that this figure embodies—Uncle Sam is of a Lincolnian stature and his garb is of the same basic design as the American flag. He radiates a certain superhuman power, a ruggedness of build and a sterness of face. Our conception of an individual largely self-sustaining and certainly self-made could not be better portrayed in any other figure. So I say that the image presented by Uncle Sam accurately corresponds to the history and development of our Nation, for we are proud that the individual man has stood as the cornerstone for America's strength.

Whether or not it was a coincidence that Samuel Wilson was called "Uncle Sam" is unimportant—it is, however, significant. Many nations have given their symbols a parental association. For instance, Mother India, Little Father of all the Russians and the jolly father figure of Great Britain, John Bull. Having certain difficulties with the system under which a monarch represented the benevolent father, Americans are not too anxious to acquire another powerful parent. It is significant, therefore, that we should adopt an uncle figure to personify our Nation. What does an uncle represent in an American family? An uncle to his nephews and nieces seems aloof, but nevertheless vitally concerned about their well-being. When all other sources have been tapped and run dry, an uncle is always there to provide. While he does not possess or exert the absolute authority of a parent, his influence over the young is considerable. In a word, his relationship is more genial and less strict than the parental association.

It is fair to compare this form of relationship with the attitude of Americans toward their Government. We have never wanted a government to bear down upon us, supervise our daily lives, or dictate our actions. Yet we have the security of the knowledge that a strong protecting national uncle keeps our freedom safe. Our people want their full rein of social and economic liberty although they fully expect to be reprimanded by their influential uncle when they overstep the bounds of law. It is this rather oblique and remote functioning of the Government that was built into our system by the Founding Fathers.

We should strive to establish and maintain a similar viewpoint of America by our friends abroad. If they look at us as an uncle in the background rather than as a dominant, know-all type of parent, our world respect will increase widely. We should aid them with sagacity and stand behind them protectively. So the uncle figure is indeed appropriate for the United States in her association with its citizens and with the people of other nations.

United States policy in all its aspects increasingly takes on more of the characteristics of the traditional uncle. Therefore, it is right that Samuel Wilson who began his early life in Arlington, Mass., but who spent the greater part of it in Troy, N.Y., should be officially recognized as the progenitor of America's national symbol of Uncle Sam.

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

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

There was no objection.

CONVEYANCES OF RIGHTS-OF-WAY BY RAILROAD COMPANIES

The Clerk called the bill (H.R. 6630) to amend the act of May 25, 1920, relating to conveyances of certain parts of rights-of-way by railroad companies.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask if this is the bill that was recommended by the Department of the Interior, and does it meet the original objections of the Department of the Interior?

Mrs. PFOST. If the gentleman will yield to me——

Mr. GROSS. Yes; I am glad to yield to the gentlewoman.

Mrs. PFOST. The bill has been amended and does meet the objections of the Department of the Interior.

Mr. GROSS. Will the grantee pay the Federal Government the fair market value for any land it takes?

Mrs. PFOST. A fair market value is not provided in the legislation. As the gentleman knows, rights-of-way were granted, or given to the railroad companies many years ago, ranging in width from 60 feet to 400 feet. Where the rights-of-way are wide and there are no multitract installations, there are considerable areas within the rights-of-way which are not needed for railroad purposes.

Mr. GROSS. These lands were originally donated?

Mrs. PFOST. These lands were originally donated to the railroad companies to facilitate the settlement of the West.

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

Mrs. PFOST. Mr. Speaker, in bringing H.R. 6630 to the floor today, the Committee on Interior and Insular Affairs has taken a large step toward clearing up a harassing problem that has been with us for many years.

The development of the West was materially assisted by the construction of railroads induced by land grants from Congress. These grants were of several kinds and I will not attempt to distinguish among them. It suffices to say at this time that the courts have found that the railroads do not have authority to convey good title to third parties.

This has meant, over the years, that when an occupant of railroad right-of-way land required a grant of title in order to qualify for a loan, or otherwise to permit productive use of the right-of-way, we have had to enact enabling legislation either to validate a group of conveyances or validate conveyances on a case-by-case basis. In either event it has been bothersome and time-consuming. In this Congress alone three bills were introduced and referred to the Committee on Interior and Insular Affairs for validation of conveyances made by the Central Pacific Railroad Co. and the Southern Pacific Railroad Co.

Enactment of H.R. 6630 with the committee amendment will eliminate the need to act on individual private bills now and in the future. In this connection I should like to call my colleagues' attention to the fact that, while three bills are pending in this Congress, we have been told that many more would probably be introduced in the near future if general legislation is not enacted.

Among the difficulties in considering general legislation were the conflicting views concerning the real estate interest or title held by the railroads and the extent of any reversionary interest of the United States. We have not solved this problem. Nonetheless, we have a bill that adequately safeguards the interests of the United States whatever those interests might be.

The Subcommittee on Public Lands, of which I have the honor to be chairman, held extensive hearings on this and related legislation concerned with railroad right-of-way grants. Despite the need for additional time in which to consider and solve the underlying problem, we were impressed with the fact that the United States had no need for the lands involved in the three private bills now pending and that Congress had in the past on several occasions been similarly impressed with specific situations and had enacted validating legislation. Accordingly, we concluded that it would be in the public interest, and an act of fairness to the individuals whose bills are pending, to develop a solution that will permit the individual cases to be handled expeditiously without requiring the fulfillment of the complete legislative process for each conveyance.

H.R. 6630 as amended and reported by the Committee on Interior and Insular Affairs authorizes a railroad company, with the concurrence of the Secretary of the Interior, to convey any portion of its right-of-way or station grounds previously granted to it by the United States subject to the reservation of oil, gas, and other minerals in the United States. Concurrence of the Secretary of the Interior would be withheld if the grantor railroad receives payment above reimbursement for administrative costs or if, in the judgment of the Secretary, the interests of the United States are adversely affected. These provisions, on the one hand, preclude any windfall to the railroads and at the same time protect the interests of the United States.

Because H.R. 6630 presents a reasonable approach to these problems I urge all Members to support its enactment.

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of May 25, 1920 (ch. 197, 41 Stat. 621; 43 U.S.C. 913), is amended by the addition of the following new section:

"SEC. 2. Any railroad company to which a grant for a right-of-way through the public lands has been made by Congress, or its successor in interest or assign, is authorized to convey any portion of that right-of-way, except any right, title, and interest of the United States in and to the oil, gas, and other minerals underlying such right-of-way, which traverses or occupies a legal subdivision of the public land surveys, title to which is no longer in the United States except for a reversionary interest in the right-of-way, to the party holding title to the lands adjoining that portion or to the State or to the county, municipality, or other political subdivision containing that legal subdivision: *Provided,* That no conveyance under this section shall have the effect of decreasing the width of any right-of-way to less than fifty feet on each side of the centerline of the main track or tracks of railroad as established and maintained upon the date of approval of this section: *Provided further,* That any conveyance made under this section shall be subject to any right, title, and interest of the United States in and to the oil, gas, and other minerals in the land conveyed, with the right to prospect for, mine, and remove those minerals."

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That the Act of May 25, 1920 (ch. 197, 41 Stat. 621; 43 U.S.C. 913), is amended by the addition of the following new section:

"'SEC. 2. Any railroad company to which a grant for a right-of-way through the public lands or a site for station grounds has been made by Congress, or its successor in interest or assign, may, with the concurrence of the Secretary of the Interior, convey any portion of that right-of-way or station grounds, except any right, title, or interest of the United States in and to the oil, gas, and other minerals underlying such right-of-way or station grounds, which traverses or occupies a legal subdivision of the public land surveys, title to which is no longer in the United States except for a reversionary interest in the right-of-way or station grounds, to the patentee or purported patentee of the portion of the legal subdivision occupied by such right-of-way or station grounds or to the patentee's successor in interest, or to the State, county, municipality, or other political subdivision containing that legal subdivision. No conveyance under this section shall have the effect of decreasing the width of any right-of-way to less than fifty feet on each side of the centerline of the main track or tracks of railroad as established and maintained upon the date of approval of this section, and every conveyance made under this section shall be subject to any right, title, or interest of the United States in and to the oil, gas, and other minerals in the land conveyed, with the right to prospect for, mine, and remove those minerals. A copy of each instrument of conveyance, other than for a public highway or street, proposed to be executed and delivered under authority of this section 2, and a verified statement of the amount of compensation which has been or will be paid to the railroad company for the same shall be filed in the Land Office of the United States in the district in which the land described in the conveyance is located. The Secretary shall not concur in any proposed conveyance with respect to which he concludes that the grantor has received or will receive compensation in excess of the administrative costs and expenses incurred in connection with the issuance of such conveyance nor shall he concur in any proposed conveyance which will, in his judgment, adversely affect the interests of the United States.'"

The committee amendment was agreed to.

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

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

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, I strongly support the bill H.R. 6630 and urge its immediate passage. This legislation is necessary and is long overdue. With the adoption of the committee amendment, H.R. 6630 will authorize railroad companies, subject to certain

limitations, to convey portions of rights-of-way, over, or station grounds on, public lands. However, conveyances could be made only with the concurrence of the Secretary of the Interior, and would be limited to those instances where the rights-of-way or station grounds are within surveyed areas where the United States does not have title to the underlying land, could be made only to the patentee of such underlying land or his successor in interest, and would be subject to a reservation in the United States of minerals.

Mr. Speaker, the Subcommittee on Public Lands of the Interior Committee of the House, of which I am the ranking minority member, has held extensive hearings on this legislation. We heard all interested parties and this bill is the result of those hearings. In addition to the bill before us, H.R. 6630, I introduced an identical bill, H.R. 6945 which is referred to in the committee report.

H.R. 6630, as amended, does not solve all of the problems in this complicated field of railroad rights-of-way but it is a long step in the right direction. I urge its adoption.

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

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

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, as author of H.R. 6630, I first would like to point out that the Committee on Interior and Insular Affairs and its Subcommittee on Public Lands reported this bill only after careful consideration of its importance and I would like to say here and now that I personally appreciate the attention given to this matter by the committee's distinguished chairman, the gentleman from Colorado [Mr. ASPINALL] and the gracious chairman of the subcommittee, the gentlewoman from Idaho [Mrs. PFOST].

H.R. 6630, as amended, adds another section to the act of May 25, 1920, 43 United States Code, section 913, providing that a railroad company holding such congressional grant right-of-way or station grounds may, with the concurrence of the Secretary of the Interior, convey a portion of that right-of-way or station grounds—except any oil, gas, and other mineral rights of the United States—to the patentee of the underlying subdivision or his successor, or to the State, county, or municipality in which the subdivision is located. H.R. 6630, as amended, is an additional provision allowing grants to patentees in cases where the Secretary of the Interior joins in the conveyance, and does not in any way affect or limit the right of the railroads to make conveyances of granted right-of-way for public highway or street purposes.

This bill includes several other provisions. The right-of-way may not be decreased below 100 feet in width, that is, 50 feet on either side of the centerline. Conveyances may be made only subject to any oil, gas, and other mineral rights of the United States. Also, a copy of the proposed conveyance is required to be filed in the U.S. Land Office together with a verified statement showing the compensation the railroad is receiving for the conveyance. The Secretary of the Interior is not authorized to concur in any proposed conveyance if the railroad, in his opinion, has received or will receive greater compensation than administrative costs and expenses. In addition, he is not authorized to concur in any conveyance he believes will adversely affect the interests of the United States.

This bill has been introduced as a general measure which would make unnecessary the introduction in Congress of numerous private bills. Such bills have been introduced from time to time to enable individual landowners to clear title to land owned by them but clouded by railroad right-of-way grants. These situations have arisen in a number of cases because owners of land adjoining railroad rights-of-way had inadvertently encroached on right-of-way or for some other reason needed their title cleared. In some such cases the railroads have given deeds to convey their interests to aid in clearing title for the owner. However, the people to whom such deeds were granted found in many cases that to secure a good title it was necessary also to have a release from the U.S. Government of any reversionary interest it might have. This arose from the fact that the U.S. Government might claim such an interest in the land underlying the right-of-way after its use for railroad purposes had ended.

There are several precedents for this bill. In addition to the act of May 25, 1920—43 United States Code, section 913—which I have mentioned, Congress provided in the act of March 8, 1922—43 United States Code, section 912—that whenever the use of public lands granted a railroad for railroad purposes ceased to be used for such purpose and a competent court or Congress declared a forfeiture or abandonment, then the interest of the United States in such land included in the right-of-way passed to the owner of the underlying subdivision, except for any oil, gas, or other minerals, and except when such land was in a municipality, in which case the title of the United States went to the municipality.

H.R. 6630, as amended, was favorably reported by the House Committee on Interior and Insular Affairs without dissent on August 23, 1961. I understand that the Interior Department and the Bureau of the Budget have no objection to the proposed legislation and have so indicated.

I hope that H.R. 6630 will be approved by this Congress and respectfully request your approval of this measure.

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

AMENDING FLOOD CONTROL ACT OF 1958

The Clerk called the bill (H.R. 7888) to amend the Flood Control Act of 1958 to extend the time within which land in certain reservoir projects in Texas may be reconveyed to the former owners thereof.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (i) of section 205 of the Flood Control Act of 1958 is amended by striking out "three" and inserting in lieu thereof "four".

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.

CONCERNING THE WHITE HOUSE AND ITS CONTENTS

The Clerk called the bill (H.R. 7997) to establish the White House as a national monument.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I have read the report and I still do not understand the necessity for this legislation unless it is to be found on page 2 of the report, from which I quote:

> History records many examples of carelessness in the handling and disposition of such objects which ought not to be repeated.

Is that the reason for this legislation?

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

Mr. GROSS. I am glad to yield.

Mr. KYL. Perhaps I should first say what this bill does not do. What we are actually considering is a substitute which was also presented to the committee by the able subcommittee chairman, the gentleman from Texas [Mr. RUTHERFORD]. This amendment does not designate the White House as a national monument. There is no money involved. There is no departmental jurisdiction which is altered at all. It does not alter the residential or business use by the President or his family of the White House. All it does, as the gentleman suggests, is provide that if White House furnishings are removed from use—these objects which are of historic interest shall be loaned to the Smithsonian Institution so that they will not be lost. There have been instances in which there have been such losses.

For instance, there is a President Madison table which was removed from the White House and put into the basement and was actually used as a sawhorse. This was a fine piece of furniture and it is presently being restored or resurrected. There was a set of dishes which had historic interest, which was put away in barrels in the basement of the White House. These would now be transferred to the Smithsonian Institution so that they would not be lost.

Mr. GROSS. Will this change the appropriations procedure?

Mr. KYL. It changes no appropriations procedure nor does it alter any jurisdiction of any department.

Mr. GROSS. I thought that under the provisions of this bill the Department

of the Interior would administer the property in the White House.

Mr. KYL. No. All we are actually considering is a substitute to the original bill, and the only purpose which is involved is indicated on page 1 of the report, in section 2, which says:

Articles of furniture, fixtures, and decorative objects of the White House, when declared by the President to be of historic or artistic interest—

And so on, shall be loaned to the Smithsonian Institution until such time as they will be returned to the White House.

Mr. GROSS. Mr. Speaker, I thank the gentleman and I withdraw my reservation of objection.

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

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that an identical Senate bill, S. 2422, be considered in lieu of the House bill.

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of that portion of reservation numbered 1 in the city of Washington, District of Columbia, which is within the President's park enclosure, comprising eighteen and seven one-hundredths acres, shall continue to be known as the White House and shall be administered pursuant to the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–3), and Acts supplementary thereto and amendatory thereof. In carrying out this Act primary attention shall be given to the preservation and interpretation of the museum character of the principal corridor on the ground floor and the principal public rooms on the first floor of the White House, but nothing done under this Act shall conflict with the administration of the Executive offices of the President or with the use and occupancy of the buildings and grounds as the home of the President and his family and for his official purposes.

SEC. 2. Articles of furniture, fixtures, and decorative objects of the White House, when declared by the President to be of historic or artistic interest, together with such similar articles, fixtures, and objects as are acquired by the White House in the future when similarly so declared, shall thereafter be considered to be inalienable and the property of the White House. Any such article, fixture, or object when not in use or on display in the White House shall be transferred by direction of the President as a loan to the Smithsonian Institution for its care, study, and storage or exhibition, and such articles, fixtures, and objects shall be returned to the White House from the Smithsonian Institution on notice by the President.

SEC. 3. Nothing in this Act shall alter any privileges, powers, or duties vested in the White House Police and the United States Secret Service, Treasury Department, by section 202 of title 3, United States Code, and section 3056 of title 18, United States Code.

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.

A similar House bill (H.R. 7997) was laid on the table.

AUTHORIZING THE POSTMASTER GENERAL TO DISPOSE OF CERTAIN LAND

The Clerk called the bill (H.R. 7890) to authorize the Postmaster General to dispose of certain land, and for other purposes.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 2103(b) of title 39, United States Code, the Postmaster General is authorized to dispose of the following described real property:

Beginning at the southwest corner of the intersection of West Lexington Avenue and South Osage Street; thence south 0 degrees 09 minutes 47 seconds east along the west side of South Osage Street 215.17 feet more or less to a point; thence south 90 degrees 00 minutes 00 seconds west 235.79 feet more or less to a point; thence north 0 degrees 06 minutes 46 seconds west 215.17 feet more or less to a point; thence north 90 degrees 00 minutes 00 seconds east 235.62 feet more or less to the place of beginning.

as provided in section 2103(a)(2)(B) of title 39, United States Code.

With the following committee amendments:

Page 1, line 5, strike out "of the following described real property" and insert in lieu thereof the following: "of, as provided in section 2103(a)(2)(B) of title 39, United States Code, the following-described real property situated in Independence, Jackson County, Missouri:".

Page 2, lines 11 and 12, strike out "as provided in section 2103(a)(2)(B) of title 39, United States Code.".

The committee amendments were agreed to.

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

MIGRATION AND REFUGEE ASSISTANCE

The Clerk called the bill (H.R. 8291) to amend the act of July 14, 1960, enabling the United States to participate in the resettlement of certain refugees, and for other purposes.

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

Mr. FASCELL. Reserving the right to object, Mr. Speaker, I should like to ask the distinguished chairman of the Subcommittee on Immigration and Nationality of the Committee on the Judiciary several questions. Under this legislation, would it be necessary that an individual determination be made before assistance could be provided?

Mr. WALTER. No, it would not be. We did, I think, develop in the course of the hearings and also indicated in the report that there should be a continuance of the present practice of obtaining all the information possible concerning the refugees that are coming from Cuba, their economic condition and, of course, the security aspects. Actually all this bill does is to restate three provisions of existing law that are contained in other statutes, which should have been within the jurisdiction of the Committee on the Judiciary, plus one novel matter in which the gentleman is interested, the assistance to the refugees from Cuba.

Mr. FASCELL. I appreciate that. Of course the legislation is highly essential and desirable. I just want to be sure we are not creating any administrative problems. That is the reason for my question.

A further question is, Does this legislation in any way make necessary assistance payments to an individual? I have in mind specifically the case of cooperative agreements with the county on matters of education and other matters, whereunder the present administrative arrangement a lump-sum payment is made by the Federal Government without the necessity for individual payments.

Mr. WALTER. If the gentleman will refer to the hearings he will see that the Secretary of Health, Education, and Welfare has indicated the system he will employ in the disbursement of funds to the several school districts in the State of Florida to relieve them, at least partially, from the burden created by the influx of the many refugee children of school age.

Mr. FASCELL. I thank the gentleman. Many of these refugees who came in subsequent to the Castro administration in January of 1959 under our policy at that time came in on visa. I just want to be sure that the language of the legislation does not preclude those people from receiving assistance because the present practice in many of the cases, as the chairman well knows, is to make payments to people coming in under visas. At the present time these people although they have visas are considered also refugees escaping from the Communist tyranny. I want to be certain the language of this bill does not preclude assistance to those who are in fact refugees from the Castro administration, but may have entered under visa for permanent residence.

Mr. WALTER. All they need to do is establish their status as refugees and apply for the appropriate type of assistance which could then be granted under the discretionary authority of the Secretary of Health, Education, and Welfare.

Mr. FASCELL. Notwithstanding the fact that they may have been admitted for permanent residence in the United States under a visa?

Mr. WALTER. Yes, that is correct, subject, of course, to the provisions of the bill which will have to be administered in conjunction with the permanent law.

Mr. FASCELL. I thank the gentleman very much. I withdraw my reservation of objection, Mr. Speaker.

Mr. WIDNALL. Reserving the right to object, Mr. Speaker, is this the bill that has to do with the Korean orphans, or is that bill coming up under suspension?

Mr. WALTER. No; that bill will come up under suspension.

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of July 14, 1960 (74 Stat. 504) is hereby redesignated as section 1(a) and the following is added thereto:

"(b) The President is hereby authorized to continue membership for the United States in the Intergovernmental Committee for European Migration in accordance with its constitution approved in Venice, Italy, on October 19, 1953. For the purpose of assisting in the movement of refugees and migrants and to enhance the economic progress of the developing countries by providing for a coordinated supply of selected manpower, there is hereby authorized to be appropriated such amounts as may be necessary from time to time for the payment by the United States of its contributions to the Committee and all necessary salaries and expenses incident to United States participation in the Committee:

"(c) There is hereby authorized to be appropriated such amounts as may be necessary from time to time (1) for contributions to the activities of the United Nations High Commissioner for Refugees for assistance to refugees under his mandate or in behalf of whom he is exercising his good offices; (2) for assistance to or in behalf of refugees, escapees, and selected persons from Communist-dominated or Communist-occupied areas, or to or in behalf of refugees, escapees, and selected persons from other areas, except as may be otherwise provided for by the Act for International Development or other Acts, whenever the President shall determine that such assistance would be in the interest of the United States, or (3) for a special emergency fund to meet unexpected refugee and migration developments when the President shall determine that such assistance is in the interests of the United States. Funds appropriated for the purpose of this Act shall remain available until expended."

SEC. 2. The Act of July 14, 1960 (74 Stat. 504), is amended by adding a new section 12 to read as follows:

"SEC. 12. (a) Unobligated and unexpended balances of funds made available under authority of the Mutual Security Act of 1954, as amended, and allocated or transferred for the purpose of providing assistance to or in behalf of refugees, migrants, escapees, and selected persons are hereby authorized to be continued available for such purposes and may be consolidated with appropriations authorized by subsections (b) and (c) of section 1.

"(b) The President may exercise any functions or authority conferred upon him by subsections (b) and (c) of section 1 of this Act through such agency or officer of the United States Government as he shall direct. The head of any such agency or such officer may from time to time promulgate such rules and regulations as may be necessary to carry out such functions or authority, including, if he shall so specify, the authority to redelegate to any of his subordinates.

"(c) The President may allocate or transfer to any agency of the United States Government any part of any funds available for carrying out the purposes of subsections (b) and (c) of section 1 of this Act. Such funds shall be available for obligation and expenditure for the purposes for which authorized in accordance with authority granted in this Act or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred. Funds allocated or transferred pursuant to this subsection to any such agency may be established in separate appropriation accounts on the books of the Treasury.

"(d) Whenever the President determines it to be in furtherance of the purposes of this Act, the functions authorized under subsections (b) and (c) of section 1 of this Act may be performed without regard to such provisions of law (other than the Renegotiation Act of 1951 (65 Stat. 7), as amended), regulating the making, performance, amendment, or modification of contracts and the expenditure of funds of the United States Government as the President may specify.

"(e) Notwithstanding the provisions of title 10, United States Code, section 3544(b) and 8544(b), personnel of the Department of Defense may be assigned or detailed to any civil office for the purpose of enabling the President to furnish assistance under this Act.

"(f) Except as otherwise specifically provided in this Act, the President may make loans, advances and grants to, make and perform agreements and contracts with, or enter into other transactions with, any individual, corporation, or other body of persons, government or government agency, whether within or without the United States, and international and intergovernmental organizations in furtherance of the purposes of this Act.

"(g) The President may accept and use in furtherance of the purposes of subsections (b) and (c) of section 1 of this Act money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for such purpose.

"(h) Funds made available for the purposes of subsections (b) and (c) of section 1 of this Act shall be available for—

"(1) compensation, allowances, and travel of personnel, including Foreign Service personnel whose services are utilized primarily for the purpose of this Act, and without regard to the provisions of any other law, for printing and binding, and for expenditures outside the United States for the procurement of supplies and services and for other administrative and operating purposes (other than compensation of personnel) without regard to such laws and regulations governing the obligation and expenditures of Government funds as may be necessary to accomplish the purposes of this Act;

"(2) contracting with individuals for personal services abroad;

"(3) exchange of funds without regard to section 3651 of the Revised Statutes (31 U.S.C. 543), and loss by exchanges;

"(4) expenses authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.), not otherwise provided for;

"(5) expenses authorized by the Act of August 1, 1956 (70 Stat. 890–892), as amended; and

"(6) all other expenses determined by the President to be necessary to carry out the purposes of this Act.

"(i) Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law contained in the Mutual Security Act of 1954, as amended, whether repealed or not, shall continue in full force and effect until modified by appropriate authority."

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That this Act may be cited as the 'Migration and Refugee Assistance Act of 1961'.

"SEC. 2. (a) The President is hereby authorized to continue membership for the United States in the Intergovernmental Committee for European Migration in accordance with its constitution approved in Venice, Italy, on October 19, 1953. For the purpose of assisting in the movement of refugees and migrants and to enhance the economic progress of the developing countries by providing for a coordinated supply of selected manpower, there are hereby authorized to be appropriated such amounts as may be necessary from time to time for the payment by the United States of its contributions to the Committee and all necessary salaries and expenses incident to United States participation in the Committee;

"(b) There are hereby authorized to be appropriated such amounts as may be necessary from time to time—

"(1) for contributions to the activities of the United Nations High Commissioner for Refugees for assistance to refugees under his mandate or in behalf of whom he is exercising his good offices;

"(2) for assistance to or in behalf of refugees in the United States whenever the President shall determine that such assistance would be in the interest of the United States: *Provided,* That the term 'refugees' as herein used means aliens who (A) because of persecution or fear of persecution on account of race, religion, or political opinion, fled from a country of the Western Hemisphere; (B) cannot return thereto because of fear of prosecution on account of race, religion, or political opinion; (C) have not been admitted for permanent residence under the Immigration and Nationality Act; and (D) are in urgent need of assistance for the essentials of life, or for education, or for transportation; and

"(3) for assistance to escapees from the Soviet Union, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Lithuania, Latvia, and Estonia, or the Communist-dominated or Communist-occupied areas of Germany, or any Communist-dominated or Communist-occupied areas of Asia and any other countries absorbed by the Soviet Union, either to form such persons into elements of the military forces supporting the North Atlantic Treaty Organization or in furtherance of the objectives of the foreign policy of the United States when the President determines that such assistance will contribute to the defense of the North Atlantic area or to the security of the United States.

"Funds appropriated for the purposes of this subsection shall remain available until expended;

"(c) Of the funds made available for use under section 451 of the Act for International Development of 1961, not to exceed $10,000,000 may be used in any fiscal year in order to meet unexpected refugee and migration developments, when the President determines such use to be important to the national interest;

"(d) The President shall keep the appropriate committees of Congress currently informed of the use of funds and the exercise of functions authorized in this Act;

"(e) Unobligated and unexpended balances of funds made available under authority of the Mutual Security Act of 1954, as amended, and allocated or transferred for the purpose of providing assistance to or in behalf of refugees, migrants, escapees, and selected persons are hereby authorized to be continued available for the purposes of this section and may be consolidated with appropriations authorized by this section.

"SEC. 3. (a) In carrying out the purpose of this Act, the President is authorized—

"(1) to make loans, advances, and grants to, make and perform agreements and contracts with, or enter into other transactions with, any individual, corporation, or other body of persons, government or government agency, whether within or without the United States, and international and intergovernmental organizations;

"(2) to accept and use money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for such purposes;

"(b) Whenever the President determines it to be in furtherance of the purposes of this Act, the functions authorized under this Act may be performed without regard to such provisions of law (other than the Renegotiation Act of 1951 (65 Stat. 7)), as amended, regulating the making, performance, amendment, or modification of contracts and the expenditure of funds of the United States Government as the President may specify.

"SEC. 4. (a) Subject to the provisions of section 301 of title 3, United States Code, the President is authorized to designate the head of any department or agency in the executive branch, or any official thereof who is required to be appointed by the President by and with the advice and consent of the Senate, to perform any functions conferred upon the President by this Act. Any individual so designated by the President under this subsection shall prescribe such regulations as may be necessary to carry out such functions. If the President shall so specify, any individual so designated under this subsection is authorized to redelegate to any of his subordinates any functions authorized to be performed by him under this subsection, except the function of prescribing regulations or exercising any action or authority specified in section 3 of this Act.

"(b) The President may allocate or transfer to any agency of the United States Government any part of any funds available for carrying out the purposes of this Act. Such funds shall be available for obligation and expenditure for the purposes for which authorized in accordance with authority granted in this Act. Funds allocated or transferred pursuant to this subsection to any such agency may be established in separate appropriation accounts on the books of the Treasury.

"SEC. 5. (a) Funds made available for the purposes of this Act shall be available for—

"(1) compensation, allowances, and travel of personnel, including Foreign Service personnel whose services are utilized primarily for the purpose of this Act, and without regard to the provisions of any other law, for printing and binding, and for expenditures outside the United States for the procurement of supplies and services and for other administrative and operating purposes (other than compensation of personnel) without regard to such laws and regulations governing the obligation and expenditure of Government funds as may be necessary to accomplish the purposes of this Act;

"(2) employment or assignment of Foreign Service Reserve officers for the duration of operations under this Act;

"(3) exchange of funds without regard to section 3651 of the Revised Statutes (31 U.S.C. 543), and loss by exchanges;

"(4) expenses authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.), not otherwise provided for;

"(5) expenses authorized by the Act of August 1, 1956 (70 Stat. 890–892), as amended; and

"(6) all other expenses determined by the President to be necessary to carry out the purposes of this Act.

"(b) Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements and other actions issued, undertaken, or entered into under authority of any provision of law contained in the Mutual Security Act of 1954, as amended, whether repealed or not shall continue in full force and effect until modified by appropriate authority.

"SEC. 6. Subsections (a), (c), and (d) of section 405 of the Mutual Security Act of 1954, as amended, are hereby repealed."

The committee amendment was agreed to.

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

The title was amended so as to read: "A bill to enable the United States to participate in the assistance rendered to certain migrants and refugees."

A motion to reconsider was laid on the table.

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

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

There was no objection.

Mr. WALTER. Mr. Speaker, the bill H.R. 8291 proposes to enact the Migration and Refugee Assistance Act of 1961, recommended by the President in a message dated July 21, 1961.

The original bill, as introduced by myself, contained the language suggested by the administration. After an extensive hearing was held and the subject matter thoroughly examined, the committee proposed to amend the original version of the bill mainly for the purpose of clarification but also in order to use a more precise language of those provisions which refer to the administration of the various programs authorized under this legislation. The Committee on the Judiciary recommends unanimously that the House adopt the amendment in lieu of the language of the original bill.

The purpose of this legislation is, basically, to reenact three provisions of the old Mutual Security Act for which a substitute was approved last week in the form of the Foreign Assistance Act of 1961.

These provisions authorize the continuation of the participation by the United States in two internationally concerted programs administered by the Intergovernmental Committee for European Migration and the United Nations High Commissioner for Refugees, respectively. The third authorization relates to an assistance program administered unilaterally by the United States for the purpose of aiding the escapees from Communist-dominated or Communist-occupied countries.

The fourth assistance program authorized by this legislation—assistance to Cuban refugees in the United States—is a necessity which arises out of the fact that the United States has become a country of first asylum. Since the end of World War II this country has admitted close to 1 million displaced persons, refugees, and escapees from countries of first asylum. Now, we have not only opened the doors, but assumed heavy responsibilities in behalf of escapees from Cuba coming across that narrow body of water which, in fact, became an extension of the Iron Curtain established by international communism in the Western Hemisphere.

The President in requesting this legislation has stressed the necessity for the continuation of refugee and migration activities hitherto authorized and financed by the Congress through the mutual security program. The President has, however, deemed it necessary to recommend that these programs be eliminated from the recently reshaped foreign-aid legislation.

The main reason for this, as explained to us by the Deputy Under Secretary of State for Administration, Mr. Roger W. Jones, was to return to the jurisdiction of the Committee on the Judiciary matters which have traditionally been the concern of that committee, but which in recent years have been, for a variety of reasons, or as Mr. Jones put it—"as a matter of convenience," included in the mutual security legislation.

My colleagues on the Committee on the Judiciary appreciate the President's thoughtfulness in recommending that this legislation remain within the jurisdiction of the committee of the House which is responsible for legislation, and continuing supervision of problems, relating to migration, immigration, refugees, and escapees. The Committee on the Judiciary has, since 1947, remained in close touch with all the problems reflected in this legislation and it, therefore, is fully qualified to pass on the merits of it and make the proper recommendation to the House.

In that connection, it should be noted that H.R. 8291, as introduced, or as amended, is not an immigration bill. Not one additional person will be permitted to enter the United States under this legislation.

However, this legislation may permit a great many people fleeing their enslaved countries, or simply desiring to leave their native lands in quest for a better life, to reach countries other than the United States and find their new homes, new employment opportunities and a new chance to enjoy freedom and happiness.

Thus, the main purpose of the two principal programs authorized to be continued under this legislation is for the United States not to go it alone in the effort of solving the economic and social problems of manpower which is in surplus in one country and in demand in another. Similarly, the purpose of these provisions is to participate in an international—and not a unilateral—effort to provide relief and resettlement opportunities for refugees driven out of their abodes by the oppressive forces of tyranny. Our participation in existing, multilateral, successfully operating programs appears to be the most important and compelling feature of this legislation.

As far as the two unilateral programs are concerned, one of them—the problem of Cuban refugees—has been imposed upon this country practically overnight by the seizure of neighboring Cuba by Communist forces. The State of Florida, Dade County, and the city of Miami, have incurred heavy burdens and demonstrated magnificent generosity of their citizens in providing assistance to the needy Cuban refugees. Florida's activities in this field will for a long time remain not only an example of hospitality for a neighbor in need, but will shine as a beacon of hope and the monument of a big human heart which is a truly American characteristic.

However, Florida and its political and administrative subdivisions could not be expected to bear the burden alone. Shortly before the end of his term, President Eisenhower had allocated certain funds to relieve the suffering of Cuban refugees and to assist the citizens of Florida in their humanitarian task. Soon after his inauguration, President Kennedy has done likewise and placed the supervision of the program in the trusted hands of the distinguished Secretary of Health, Education, and Welfare, Mr. Ribicoff. The Committee on the Judiciary agrees fully with the President and with Secretary Ribicoff, that if further assistance is to be rendered to Cubans, funds for that purpose ought not to be taken from the President's emergency or contingency funds. We are of the opinion that it is much more preferable to have the financing of the assistance program for Cuban refugees placed under the regular congressional authorization and appropriations proceedings. This is precisely what this legislation will achieve.

The other unilaterally operated assistance program relates to escapees from countries whose misfortune it was to be enslaved by Communist tyranny. This provision of the instant legislation represents a continuation of the concept and the program first authorized under the Mutual Security Act of 1951 pursuant to a provision generally referred to as the Kersten amendment.

In authorizing the continuation of this program, the committee has included in the report—House Report No. 1066, pages 26 and 27—certain recommendations designed to prevent the further erosion, misconstruction, and misapplication of the program as originally conceived. We are convinced that political and defense aspects of the escapee program are the sole justification for its existence. If strictly humanitarian and social welfare aspects of the escapee program were to remain as manifest in its operations as they are evident now, the entire program could be placed in the hands of the United Nations High Commissioner for Refugees and the Intergovernmental Committee for European Migration operating jointly. The only reasons why the committee recommends that the program be continued, are considerations of the national interest in its political and defense aspects, not readily ascertainable within the last several years of the programs operations. The committee pledges to the House its continuous supervision of that particular program and wishes to serve notice that the tenor of further recommendations as to the continuation of this effort will depend on the results of an urgently needed full and complete review of the policies and operations.

The administrative provisions of this legislation follow closely the pattern of the Foreign Assistance Act of 1961, approved by the House and the Senate. The important difference, contained in section 4(a), relates to a limitation of the President's authority to delegate the powers vested in him. In view of the highly sensitive human, political, and financial elements involved in this legislation, the President would not be authorized to delegate his powers, as specified, below the level of an officer or officers appointed by him with the advice and consent of the Senate.

In the light of the committee's experience in observing and studying the operation of the programs authorized in this legislation, I feel fully justified to recommend that the bill, H.R. 8291, as amended, be approved.

EMPOWERING ADMINISTRATOR OF GENERAL SERVICES TO APPOINT NONUNIFORMED SPECIAL POLICEMEN

The Clerk called the bill (S. 541) to amend the act of June 1, 1948 (62 Stat. 281), to empower the Administrator of General Services to appoint nonuniformed special policemen.

The Clerk read the title of the bill.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, does not this create still another police force in the District of Columbia?

Mr. JONES of Alabama. No, it does not.

Mr. GROSS. Will it mean an increase in personnel?

Mr. JONES of Alabama. No, it is not anticipated that there will be additional employees.

Mr. GROSS. I understand.

Mr. JONES of Alabama. The reason for this request is, if the gentleman will recall, last year we had a numbers racket going on at the Pentagon, so it is to abate this kind of practice.

Mr. GROSS. Mr. Speaker, may I say to my colleague, I do not care to prolong this discussion. My questions have been answered, that it will not mean another police force or a substantial increase in personnel. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 1, 1948 (62 Stat. 281), is amended by adding at the end thereof the following new section:

"SEC. 5. Officials or employees of the General Services Administration who have been duly authorized to perform investigative functions may be empowered by the Administrator of General Services, or officials of General Services Administration duly authorized by him, to act as nonuniformed special policemen in order to protect property under the charge and control of the General Services Administration and to carry firearms, whether on Federal property or in travel status. Such officials or employees who are empowered to act as nonuniformed special policemen shall have, while on real property under the charge and control of the General Services Administration, the power to enforce Federal laws for the protection of persons and property and the power to enforce rules and regulations made and published for such purposes by the Administrator or duly authorized officials of the General Services Administration. Any such special policeman may make arrests without warrant for any offense committed upon such property if he has reasonable ground to believe (1) the offense constitutes a felony under the laws of the United States, and (2) that the person to be arrested is guilty of that offense."

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.

ORGANIZATION OF BUREAU OF PUBLIC ROADS

The Clerk called the bill (H.R. 8558) to amend section 303(a) of title 23, United States Code, relating to the organization of the Bureau of Public Roads, and for other purposes.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 303 of title 23, United States Code, is hereby amended to read as follows:

"(a) The Bureau of Public Roads shall be in the Department of Commerce as a primary unit administered by the Federal Highway Administrator, appointed by the President by and with the advice and consent of the Senate. The Administrator shall receive basic compensation at the rate prescribed by law for Assistant Secretaries of executive departments and shall perform such duties as the Secretary of Commerce may prescribe or as may be required by law. There shall be a Deputy Federal Highway Administrator, who shall be appointed by the Secretary and perform such duties as may be prescribed by the Federal Highway Administrator. The Deputy Federal Highway Administrator shall receive basic compensation at a rate $1,000 less than the rate provided for the Federal Highway Administrator."

SEC. 2. Section 107(a) of the Act approved July 31, 1956 (70 Stat. 739), is hereby amended by deleting the paragraph which reads:

"(16) Commissioner of Public Roads."

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.

NATIONAL POISON PREVENTION WEEK

The Clerk called the joint resolution (H.J. Res. 358) authorizing the President to issue annually a proclamation designating the third week in March as "National Poison Prevention Week," in order to aid in bringing to the American people the dangers of accidental poisoning.

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

Whereas eight hundred and twenty-two thousand persons in all age groups are accidentally poisoned in the United States annually; and

Whereas daily almost one thousand five hundred children under the age of five years ingest products containing harmful chemicals; and

Whereas household products sometimes are not adequately marked so as to warn of their poisonous properties, with the result that

they sometimes are not stored out of the reach of children; and

Whereas there is a great need for the education of the American people as to the dangers of accidental poisonings, and of the need to keep from the reach of children all household products which contain harmful chemicals: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue annually a proclamation designating the third week in March as "National Poison Prevention Week," to aid in encouraging the American people to learn of the dangers of accidental poisoning and to take such preventive measures as are warranted by the seriousness of the danger.

With the following committee amendment:

On page 1 and 2 of the bill strike out all the whereas clauses.

The committee amendment was agreed to.

The join 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.

PROHIBITING THE USE OF SLUGS AND SIMILAR DEVICES

The Clerk called the bill (H.R. 8038) to amend section 491 of title 18, United States Code, prohibiting certain acts involving the use of tokens, slugs, disks, devices, papers, or other things which are similar in size and shape to the lawful coins or other currency of the United States.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 491 of title 18, United States Code, is amended by striking out all of that section and inserting in lieu thereof the following:

"§ 491. Tokens or paper used as money

"(A) Whoever, not lawfully authorized, makes, issues, or passes any coin, card, token, or device in metal, or its compounds, which may be intended to be used as money, or whoever, with intent to defraud, makes, utters, inserts, or uses any card, token, slug, disk, device, paper, or other thing similar in size and shape to any of the lawful coins or other currency of the United States, or any coin or other currency not legal tender in the United States, to procure anything of value, or the use or enjoyment of any property or service from any automatic merchandise vending machine, postage-stamp machine, turnstile, fare box, coin-box telephone, parking meter, or other receptacle, depository, or contrivance designed to receive or to be operated by lawful coins or other currency of the United States, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(B) Whoever manufactures, sells, offers, or advertises for sale, or exposes or keeps with intent to furnish or sell any token, slug, disk, device, paper, or other thing similar in size and shape to any of the lawful coins or other currency of the United States, or any token, disk, paper, or other device issued or authorized in connection with rationing or food and fiber distribution by any agency of the United States, with knowledge or reason to believe that such tokens, slugs, disks, devices, papers, or other things may be used unlawfully or fraudulently to procure anything of value, or the use or enjoyment of any property or service from any automatic merchandise vending machine, postage-stamp machine, turnstile, fare box, coin-box telephone, parking meter, or other receptacle, depository, or contrivance designed to receive or to be operated by lawful coins or other currency of the United States shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(C) Knowledge or reason to believe, within the meaning of subsection (B) of this section, may be shown by proof that any law enforcement officer has, prior to the commission of the offense with which the defendant is charged, informed the defendant that tokens, slugs, disks, devices, papers, or other things of the kind manufactured, sold, offered, or advertised for sale by him or exposed or kept with intent to furnish or sell, are being used unlawfully or fraudulently to operate certain specified automatic merchandise vending machines, postage-stamp machines, turnstiles, fare boxes, coin-box telephone, parking meters, or other receptacles, depositories, or contrivances designed to receive or to be operated by lawful coins or other currency of the United States."

With the following committee amendments:

No. 1: On page 1, line 7, strike out "A" within the parentheses and insert instead "a".

No. 2: On page 2, line 1, strike out "which may be".

No. 3: On page 2, line 5, insert a "comma" after "United States".

No. 4: On page 2, line 10, after the word "other" insert "lawful".

No. 5: On page 2, line 12, insert a "comma" after "United States".

No. 6: On page 2, line 15, strike out "B" within the parentheses and insert instead "b".

No. 7: On page 2, line 23, strike out "may be" and insert instead "are intended to be".

No. 8: On page 3, line 3, after the word "other" insert "lawful".

No. 9: On page 3, strike out line 7 through line 20 and insert the following new subsection (c):

"(c) Nothing contained in this section shall create immunity from criminal prosecution under the laws of any State, Commonwealth of Puerto Rico, territory, possession, or the District of Columbia."

The committee amendments were agreed to.

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. SULLIVAN. Mr. Speaker, in the few minutes set aside for consideration of H.R. 8038 I want to briefly give the background of this legislation. I have received some inquiries as to why Congress should be worrying about slugs in automatic vending devices, and it is to that point I want to direct my remarks.

As the Members know—particularly those who have served with me for any length of time—I try to give every constituent of mine who has a problem involving Federal agencies or Federal law as much help as I can, and this sometimes gets me into issues far removed from my own committee work. This bill is a good illustration.

A firm in St. Louis with extensive interest in vending machines called my attention last year to the fact that it is—and has long been—a Federal crime to use counterfeit slugs or tokens intended to be used as money for any 1-cent, 2-cent, 3-cent, or 5-cent pieces, with a penalty of fines up to $1,000 and/or imprisonment up to 1 year. However, at the time this law was enacted in 1944, vending machines were not in very great use. The volume of business in coin-operated machines and devices of various kinds—excluding illicit ones, of course—was about $500 million a year. In 1960, it was estimated at $2.5 billion, or five times as much, and at the present rate of expansion and with the progress of automation, it is estimated that by 1965 this volume will reach $4 billion. And we are no longer dealing only with coin equivalents of 1-cent, 2-cent, 3-cent, or 5-cent pieces, but with dimes, quarters, half dollars, and currency up to $20.

Hence, while it is a Federal crime to use counterfeit coins or metal slugs to defraud these automatic devices of a penny, or 2 cents, or 3 cents, or a nickel, anything over that is all right as far as the Federal Government is concerned. Obviously, this is a situation which requires correction.

The telephone industry reported it loses $1 million a year in slugs. As more and more items are dispensed by machines, more and more industries are going to suffer substantial losses. Currency-changing machines now in use or coming into operation change bills up to $10 or $20, and while they are rather sophisticated devices and often able to reject counterfeit, nevertheless, it is strange that it is not a Federal crime to attempt to pass counterfeit paper for currency when the attempt involves feeding it into a machine rather than handing it to a person.

The Treasury had some reservations about the language in a few particulars of a similar bill which I introduced in the previous Congress. The bill as it now stands conforms to the Treasury Department's recommendations. The Justice Department, however, questions whether this kind of cheating should be a Federal offense.

The answer to that is twofold: first, it is now a Federal offense when it involves a token or slug used to obtain something of very small value—a penny, 2 cents, 3 cents, or a nickel—hence the principle of having cheating of larger proportion made a Federal offense is not out of line; second, the Congress and the Federal Government are traditionally concerned over the integrity of coins and currency and this is definitely part of that responsibility. As the committee report states, a slug designed to deceive a machine is as much a counterfeit as a device intended to deceive the eye. This bill merely brings existing law up to date with present day economic reality.

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.

PROVIDING FOR CONVEYANCE OF A PORTION OF HENRY G. SHIRLEY MEMORIAL HIGHWAY AND OTHER HIGHWAYS ON PENTAGON ROAD NETWORK TO THE COMMONWEALTH OF VIRGINIA

The Clerk called the bill (H.R. 8678) to provide for the conveyance of a portion of the Henry G. Shirley Memorial Highway and other highways on the Pentagon road network to the Commonwealth of Virginia, and for other purposes.

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

Mr. PELLY. Mr. Speaker, reserving the right to object, could someone give us an explanation as to the cost of this bill. As Members know, the official Objectors Committee have a rule which sets a limit on the cost of any bill going through under this procedure. The limit is $1 million and I note that the cost involved in this bill is stated as $2,500,000.

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

Mr. PELLY. I yield to the gentleman from California.

Mr. BALDWIN. Actually, this will not involve any appropriations from the U.S. Treasury. The sum involved comes from the highway trust fund and, therefore, will not involve any new appropriations. This will actually save money to the Government of the United States because under the present circumstances, the Federal Government is responsible for the full maintenance and repair of all roads in the vicinity of the Pentagon network. This will authorize the State of Virginia to take over the responsibility, and in the long run it will be to the financial advantage of the Federal Government.

Mr. PELLY. Mr. Speaker, in view of the fact that this measure does not violate the rule of the Committee of Objectors on the Consent Calendar, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Commerce may convey to the Commonwealth of Virginia all the right, title, and interest of the United States in and to that portion of the Henry G. Shirley Memorial Highway in Arlington County, Virginia, as described in subsection (b) of this section, if the Commonwealth of Virginia agrees to promptly undertake the necessary project or projects to bring such highway up to the standards of the National System of Interstate and Defense Highways. The Federal share payable on account of such project on the Interstate System shall be 95 per centum of the total cost of such project.

(b) That portion of the Henry G. Shirley Memorial Highway in Arlington County, Virginia, authorized to be conveyed to the Commonwealth of Virginia by subsection (a) of this section shall be deemed to include the following roads, together with such pertinent bridges, interchanges, approaches, connections, and other facilities as may be agreed upon by the Secretary of Commerce and the Secretary of the Army:

(1) United States Route 1 from the vicinity of bridge 21 as may be agreed upon by the District of Columbia Highway Department and the Secretary of Commerce to the present northerly limit of State maintenance on such route in the vicinity of Army and Navy Drive (G road), approximately seven-tenths mile (NS road);

(2) The Henry G. Shirley Memorial Highway (State Route 350) from United States Route 1 to State Route 7, approximately four miles (CD road); and

(3) Connecting road, between the Henry G. Shirley Memorial Highway and Arlington Ridge Road, approximately two-tenths mile (JK road).

SEC. 2. (a) The Secretary of Commerce may convey to the Commonwealth of Virginia, together with interchanges, frontage roads, structures, and other facilities appurtenant thereto, the following routes:

(1) Jefferson Davis Highway from United States Route 1 to the intersection with Arlington Ridge Road near Wilson Boulevard, approximately two and three-tenths miles (H. road);

(2) Connecting road, from the Henry G. Shirley Memorial Highway along the south boundary of Fort Myer, to a point near Arlington Boulevard, approximately one and three-tenths miles (AB road);

(3) Connecting road, from the Henry G. Shirley Memorial Highway to Columbia Island, approximately one mile (AB road); and

(4) Columbia Pike Extension, from old Arlington Ridge Road to connecting road between Henry G. Shirley Memorial Highway and Columbia Island, approximately four-tenths mile.

(b) There is hereby authorized to be appropriated to the Department of Commerce an amount not to exceed $2,500,000 to improve the routes authorized to be conveyed to the Commonwealth under subsection (a) of this section to adequate standards for current traffic. Such sums shall be available until expended for the purposes of this section: *Provided,* That no funds authorized under this section shall be used to improve the routes under subsection (a) of this section until the Commonwealth has agreed to accept the conveyance of these routes after the improvements herein authorized.

With the following committee amendments:

Page 2, strike out lines 13 through 18 and substitute in lieu thereof the following:

"(1) United States Route 1 from the boundary line between the District of Columbia and the Commonwealth of Virginia established by section 101 of the Act approved October 21, 1945 (59 Stat. 552; sec. 1–101 note, D.C. Code, 1951 ed.), to the present northerly limit of State maintenance on such route in the vicinity of Army and Navy Drive (G road), approximately one mile (NS road);".

Page 3, strike out line 19 and all that follows down through and including line 4 on page 4, and insert in lieu thereof the following:

"(b) There is authorized to be appropriated, out of the Highway Trust Fund created by the Highway Revenue Act of 1956, not to exceed $2,500,000 to be expended by the Secretary of Commerce without regard to sections 104 and 120 of title 23 of the United States Code to pay the full cost of improving to adequate standards for current traffic the routes authorized to be conveyed under subsection (a) of this section. Such sum shall be available until expended. No funds authorized by this subsection shall be used until the Commonwealth of Virginia has agreed to accept conveyance of these routes and until such routes shall have been selected and designated by the Commonwealth and approved by the Secretary of Commerce as part of one of the Federal-aid highway systems. Amounts authorized by this subsection shall be in addition to and not in lieu of any other amounts otherwise authorized to be appropriated for expenditure on such Federal-aid highway systems."

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.

REQUIRING SUBMISSION OF A REPORT TO CONGRESS CONCERNING ELIGIBLE PUBLIC BUILDING PROJECTS

The Clerk called the bill (H.R. 7477) to repeal section 409 of the Public Buildings Act of 1949, requiring the submission of a report to the Congress concerning eligible public building projects.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, do I understand from reading the report that this would repeal the law which makes it necessary for the Committees on Public Works of the House and Senate to come in with resolutions, if the construction is to cost more than $100,000? In other words, if I read this proposal correctly, you are simply making it much easier to authorize more buildings in Washington and elsewhere.

Mr. JONES of Alabama. No, I will say to the gentleman from Iowa, it discontinues the reporting under the General Services Act of 1948, for the simple reason that under the Public Buildings Act of 1959 they are required to give more exact accounts to the Congress. It does not change any of the substantive law in regard to authorizations and appropriations for projects.

Mr. GROSS. This deals only with reporting; is that correct?

Mr. JONES of Alabama. That is correct. It just relieves the General Services Administration from reporting under the General Services Act but makes them report under the Public Buildings Act of 1959. That is the only change and the only thing that this bill accomplishes.

Mr. GROSS. Does this change the requirement that the Administrator of General Services provide a prospectus?

Mr. JONES of Alabama. It does not change in any respect the reporting to the Congress of the proceedings that GSA must follow under the law in reporting to the Congress.

Mr. GROSS. This does not change section 11(a)?

Mr. JONES of Alabama. No, it does not change anything except to discontinue the request of their reports under the 1948 act, since they report under the 1959 act.

Mr. GROSS. It does not make it any easier for the House Committee on Public Works or its counterpart in the other

body to come before the Congress to squeeze some more new Federal buildings?

Mr. JONES of Alabama. No, sir; there is no squeeze to it.

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

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 409 of the Public Buildings Act of 1949 (40 U.S.C. 355) is hereby repealed.

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

SURVEYS OF WATERSHED AREAS FOR FLOOD PREVENTION

The Clerk called the bill (H.R. 3801) to authorize the Secretary of the Army and the Secretary of Agriculture to make joint investigations and surveys of watershed areas for flood prevention or the conservation, development, utilization, and disposal of water, and for flood control and allied purposes, and to prepare joint reports on such investigations and surveys for submission to the Congress, and for other purposes.

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

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

There was no objection.

WAIVING SECTION 142, TITLE 28, UNITED STATES CODE

The Clerk called the bill (H.R. 7259) to waive section 142 of title 28, United States Code, with respect to the U.S. District Court for the Western District of Louisiana, Lafayette Division, holding court at Lafayette, La.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the limitations and restrictions contained in section 142 of title 28, United States Code, shall be waived with respect to the holding of court at Lafayette, Louisiana, by the United States District Court for the Western District of Louisiana.

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.

CONTINUING HOUSE RESOLUTION 190 AND HOUSE RESOLUTION 386, 83D CONGRESS

The Clerk called the resolution (H. Res. 417) to continue in effect House Resolution 190 and House Resolution 386, 83d Congress.

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

Resolved, That effective from January 3, 1961, the provisions of H. Res. 190, Eighty-third Congress, agreed to March 26, 1953, and H. Res. 386, Eighty-third Congress, agreed to August 1, 1953, are continued in effect.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INCREASE UNDER WAR HAZARDS COMPENSATION ACT

The Clerk called the bill (H.R. 4357) to increase certain compensation benefits payable pursuant to the War Hazards Compensation Act.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law the disability and death compensation benefits payable pursuant to the War Hazards Compensation Act shall, with respect to injuries or deaths occurring prior to July 1, 1946, be increased by 15 per centum.

SEC. 2. The increase authorized by this Act shall be effective only with respect to disability and death compensation benefits payable on and after the date of enactment of this Act.

With the following committee amendments:

Page 1, line 3, after "the" insert "monthly".

Page 1, line 4, strike "benefits" and insert "section 101(a) of" following "to".

Page 1, line 6, strike "occurring" and insert "resulting from injury sustained".

Page 1, line 10, strike "benefits" and insert following "payable" the words "for periods commencing".

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 to increase monthly disability and death compensation payable pursuant to the War Hazards Compensation Act."

A motion to reconsider was laid on the table.

INDIAN RESERVATION ROADS

The Clerk called the bill (S. 1719) to amend title 23 of the United States Code with respect to Indian reservation roads.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 208 of title 23 of the United States Code is amended by adding at the end thereof the following new subsection:

"(d) Cooperation of States, counties, or other local subdivisions may be accepted in such construction and improvement, and any funds received from a State, county, or local subdivision shall be credited to appropriations available for Indian reservation roads."

With the following committee amendment:

Page 1, line 10, after "roads" insert "and bridges".

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.

LICENSING INDEPENDENT OCEAN FREIGHT FORWARDERS

The Clerk called the bill (H.R. 2488) to amend the Shipping Act, 1916, to provide for licensing independent ocean freight forwarders, and for other purposes.

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

There was no objection.

Mr. LENNON. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 1368, be considered in lieu of the House bill.

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Shipping Act, 1916 (46 U.S.C. 801), is amended by adding at the end thereof the following new paragraphs:

"The term 'carrying on the business of forwarding' means the dispatching of shipments by any person on behalf of others, by oceangoing common carriers in commerce from the United States, its Territories, or possessions to foreign countries, or between the United States and its Territories or possessions, or between such Territories and possessions, and handling the formalities incident to such shipments.

"An 'independent ocean freight forwarder' is a person carrying on the business of forwarding for a consideration who is not a shipper or consignee or a seller or purchaser of shipments to foreign countries, nor has any beneficial interest therein, nor directly or indirectly controls or is controlled by such shipper or consignee or by any person having such a beneficial interest."

SEC. 2. The Shipping Act, 1916, is further amended by redesignating section 44 as section 45, and inserting immediately after section 43 the following new section:

"SEC. 44. (a) No person shall engage in carrying on the business of forwarding as defined in this Act unless such person holds a license issued by the Federal Maritime Commission to engage in such business: *Provided, however,* That a person whose primary business is the sale of merchandise may dispatch shipments of such merchandise without a license.

"(b) A forwarder's license shall be issued to any qualified applicant therefor if it is found by the Commission that the applicant is, or will be, an independent ocean freight forwarder as defined in this Act and is fit, willing, and able properly to carry on the business of forwarding and to conform to the provisions of this Act and the requirements, rules, and regulations of the Commission issued thereunder, and that the proposed forwarding business is, or will be, consistent with the national maritime policies declared in the Merchant Marine Act, 1936; otherwise such application shall be denied. Any independent ocean freight forwarder who, on the effective date of this Act, is carrying on the business of forwarding under a registration number issued by the Commission may continue such business for a period of one hundred and twenty days thereafter without a license, and if application for such license is made within such period, such forwarder may, under such regulations as the Commission shall prescribe, continue such business until otherwise ordered by the Commission.

"(c) The Commission shall prescribe reasonable rules and regulations to be observed by independent ocean freight forwarders and no such license shall be issued or remain in force unless such forwarder shall have furnished a bond or other security approved by the Commission in such form and amount as in the opinion of the Commission will insure financial responsibility and the supply of the services in accordance with contracts, agreements, or arrangements therefor.

"(d) Licenses shall be effective from the date specified therein, and shall remain in effect until suspended or terminated as herein provided. Any such license may, upon application of the holder thereof, in the discretion of the Commission, be amended or revoked, in whole or in part, or may upon complaint, or on the Commission's own initiative, after notice and hearing, be suspended or revoked for willful failure to comply with any provision of this Act, or with any lawful order, rule, or regulation of the Commission promulgated thereunder.

"(e) A common carrier by water may compensate a person carrying on the business of forwarding to the extent of the value rendered such carrier in connection with any shipment dispatched on behalf of others when, and only when, such person is licensed hereunder and has performed with respect to such shipment the solicitation and securing of the cargo for the ship or the booking of, or otherwise arranging for space for, such cargo, and at least two of the following services:

"(1) The coordination of the movement of the cargo to shipside;

"(2) The preparation and processing of the ocean bill of lading;

"(3) The preparation and processing of dock receipts or delivery orders;

"(4) The preparation and processing of consular documents or export declarations;

"(5) The payment of the ocean freight charges on such shipments:

Provided, however, That where a common carrier by water has paid, or has incurred an obligation to pay, either to an ocean freight broker or freight forwarder, separate compensation for the solicitation or securing of cargo for the ship or the booking of, or otherwise arranging for space for, such cargo, then such carrier shall not be obligated to pay additional compensation for any other forwarding services rendered on the same cargo. Before any such compensation is paid to or received by any person carrying on the business of forwarding, such person shall, if he is qualified under the provisions of this paragraph to receive such compensation, certify in writing to the common carrier by water by which the shipment was dispatched that he is licensed by the Federal Maritime Commission as an independent ocean freight forwarder and that he performed the above specified services with respect to such shipment. Such carrier shall be entitled to rely on such certification unless it knows that the certification is incorrect."

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.

A similar House bill (H.R. 2488) was laid on the table.

RELATING TO EXCHANGE OF VESSELS

The Clerk called the bill (H.R. 8632) to amend section 510(i) of the Merchant Marine Act, 1936, relating to the exchange of vessels.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of paragraph (3) of subsection (i) of section 510 of the Merchant Marine Act, 1936 (46 U.S.C. 1160), is amended to read as follows: "In determining said fair and reasonable value the Secretary shall consider the cost of placing the vessel in class with respect to hull and machinery."

With the following committee amendment:

On page 1, following line 8, add a new section 2 as follows:

"SEC. 2. The amendment made by this Act shall not affect applications for the exchange of vessels pursuant to subsection (i) of section 510 of the Merchant Marine Act, 1936, filed with the Secretary of Commerce prior to August 11, 1961."

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.

The SPEAKER pro tempore. That concludes the call of the Consent Calendar.

AMENDING THE NATIONAL SCIENCE FOUNDATION ACT

Mr. GEORGE P. MILLER. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Consent Calendar No. 282, the bill (H.R. 8556) to amend the National Science Foundation Act of 1950 to require certain additional information to be filed by an applicant for a scholarship or fellowship, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. GEORGE P. MILLER]?

There was no objection.

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

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 16(d) of the National Science Foundation Act of 1950 is amended to read as follows:

"(d)(1) No part of any funds appropriated or otherwise made available for expenditure by the Foundation under authority of this Act shall be used to make payments under any scholarship or fellowship awarded to any individual under section 10, unless such individual—

"(A) has taken and subscribed to an oath or affirmation in the following form: 'I do solemnly swear (or affirm) that I bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic'; and

"(B) has provided the Foundation (in the case of applications made on or after October 1, 1961) with a full statement regarding any crimes of which he has ever been convicted (other than crimes committed before attaining sixteen years of age and minor traffic violations for which a fine of $25 or less was imposed) and regarding any criminal charges punishable by confinement of thirty days or more which may be pending against him at the time of his application for such scholarship or fellowship. The provisions of section 1001 of title 18, United States Code, shall be applicable with respect to the oath or affirmation and statement herein required.

"(2)(A) When any Communist organization, as defined in paragraph (5) of section 3 of the Subversive Activities Control Act of 1950, is registered or there is in effect a final order of the Subversive Activities Control Board requiring such organization to register, it shall be unlawful for any member of such organization with knowledge or notice that such organization is so registered or that such order has become final (i) to make application for any scholarship or fellowship which is to be awarded from funds part or all of which are appropriated or otherwise made available for expenditure under the authority of section 10 of this Act, or (ii) to use or attempt to use any such award.

"(B) Whoever violates subparagraph (A) of this paragraph shall be fined not more than $10,000, or imprisoned not more than five years, or both."

SEC. 2. Section 10 of the National Science Foundation Act of 1950 is amended by adding at the end thereof the following new sentence: "Nothing contained in this Act shall prohibit the Foundation from refusing or revoking a scholarship or fellowship award, in whole or in part, in the case of any applicant or recipient, if the Board is of the opinion that such award is not in the best interests of the United States."

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

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

There was no objection.

Mr. CORMAN. Mr. Speaker, I rise in support of H.R. 8556. When the circumstances of the Yellin case were brought to the attention of the Science and Astronautics Committee, it became apparent that the security or loyalty provisions of the National Science Foundation program warranted careful study and possible change. In my opinion, the proposed amendment substantially improves the existing law from two points of view:

The first purpose is the matter of security, or drafting an enforceable statute which prevents taxpayers' money being awarded to persons seeking to overthrow the U.S. Government. The second purpose of the proposed amendment is entirely separate from the matter of security, and concerns itself with the criminal record of applicants for Federal scholarships and fellowships. The two should be, and in the following are, dealt with separately.

We deal first with the matter of security, or an earnest effort on the part of the committee to make certain that federally subsidized scholarships or fellowships would not be awarded to Communists or others knowingly attempting to overthrow the constitutional form of government of this Nation. It seems to me that the first objective of legislation of this nature is to precisely define the persons whom we wish to eliminate from consideration. This precision is essential if prosecutors are to be able to prosecute those who violate the law. Second, the law should be so drafted that it constitutes a minimum imposition on the academic world, subject, of course, to the primary objective of safeguarding our security.

A strong case can be made for the fact that the disclaimer affidavit is an undue imposition on the academic world without being an effective tool to prevent Communists from receiving the benefits which we are attempting to deny them. A more practical, simple, and, I believe—after studying recent Supreme Court decisions—constitutional method of accomplishing the objective is to eliminate the disclaimer affidavit completely, providing that membership in a Communist organization, or any other organization required to register under the Subversive Activities Control Act, shall constitute ineligibility, and that the mere act of applying for fellowship or scholarship with knowledge that such organization is required to register shall constitute a felony.

For the loyal student, nothing other than a normal, affirmative declaration of loyalty to his country is required. For the Communist, the mere act of application shall constitute the crime and enable the prosecutor to proceed without the additional burden of making a case of perjury.

I believe this statute takes a long step forward, both in the area of enforcible security measures and in the protection of the civil liberties of the truly innocent. It would be my hope that the House and Senate Education Committees give careful consideration to amending the National Defense Education Act at their earliest opportunity, so that those Federal fellowships, scholarships and other academic subsidies may be administered under an identical security provision.

The second subject matter considered by the committee, and covered by the proposed amendment, has to do with the criminal record of an applicant. There was a strong feeling by all members of the committee that the National Science Foundation should take into account prior criminal convictions, in ascertaining the ability of an applicant to carry out scientific research. It is to be noted, however, that this portion of the amendment requires only disclosure, and—assuming one is honest in his application—he is not disqualified merely because of his criminal record.

At this point, I would call to the attention of the House the fact that there was much discussion concerning the kind of criminal record which would require disclosure. At one point, the committee considered the possibility of requiring only felonies to be disclosed by the applicant. The theory was that a felony was of such magnitude that the National Science Foundation would be obligated to take such conviction into consideration without inquiring further into the facts of the case. This is my own view, and I would say for the record that it would be difficult for me to imagine a convicted felon qualifying under the terms of the National Science Foundation fellowship or scholarship program.

However, the final determination was made by the committee that all crimes should be disclosed, down to but excluding those offenses committed prior to the 16th birthday, and those in which a fine of $25 or less was imposed. It seems to me that in the area of misdemeanors, the National Science Foundation is obligated to look beyond the mere conviction, to ascertain the gravity of the crime, the punishment which was inflicted, and make an independent determination as to whether this particular crime so affected the ability of the applicant that it would influence an award.

Witnesses testifying for the Foundation indicated great reluctance in having to undertake any kind of investigation, other than the rather broad one as to ability, which was to be indicated principally by those in the universities recommending the applicants. In my opinion, the Congress in adopting this amendment will place upon them the obligation to make an independent investigation as to convictions of misdemeanors as disclosed by the applicant. It is to be noted that the committee went one step beyond requiring disclosure of conviction of crime, and required the applicant to disclose pending criminal charges. In supporting this portion of the statute, I would like to make it crystal clear that I do not, and I believe the committee did not, intend to prejudge and punish one who is merely charged with an offense. However, the wisdom of requiring disclosure of pending criminal action is clear when it is realized that should that prosecution result in confinement the applicant is obviously in no position to take advantage of the fellowship or scholarship. In the event of disclosure of such pending prosecution, it would be incumbent, it seems to me, on the National Science Foundation to scrutinize the facts and without reaching a nonjudicial determination of guilt or innocence, accept the very practical fact that a conviction might lead to confinement, and thus the applicant should not be considered until the charge is determined judicially.

Again, Mr. Speaker, I commend this portion of the proposed amendment to the consideration of the House Education and Labor Committee, in conjunction with their review of similar provisions in the National Defense Education Act. I urge adoption of H.R. 8556.

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.

EXTENSION OF FEDERAL AIRPORT ACT GRANTS

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8102) to amend the Federal Airport Act so as to extend the time for making grants under the provisions of such act, and for other purposes, with Senate amendments thereto, disagree to the amendments of the Senate and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

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

The Chair hears none and appoints the following conferees: Messrs. HARRIS, WILLIAMS, FRIEDEL, JARMAN, BENNETT of Michigan, SPRINGER, and COLLIER.

COMMUNITY HEALTH SERVICES AND FACILITIES ACT OF 1961

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4998) to assist in expanding and improving community facilities and services for the health care of aged and other persons, and for other purposes, with Senate amendments thereto, disagree to the amendments of the Senate and request a conference with the Senate.

The Clerk read the title of the bill.

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

The Chair hears none and appoints the following conferees: Messrs. HARRIS, ROBERTS, RHODES of Pennsylvania, O'BRIEN of New York, BENNETT of Michigan, SCHENCK, and NELSEN.

EXTENSION OF PUBLIC LAWS 815 AND 874 OF 81ST CONGRESS AND THE NATIONAL DEFENSE EDUCATION ACT OF 1958

Mr. POWELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9000) to extend for 2 additional years the expired provisions of Public Laws 815 and 874, 81st Congress, and the National Defense Education Act of 1958, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EXTENSION OF PUBLIC LAWS 815 AND 874, EIGHTY-FIRST CONGRESS

Amendments to Public Law 815

SEC. 101. (a) The first sentence of section 3 of the Act of September 23, 1950, as amended (20 U.S.C. 633), is amended by striking out "1961" and inserting in lieu thereof "1963".

(b) Subsection (b) of section 14 of such Act is amended (1) by striking out "1961" each time it appears therein and inserting in lieu thereof "1963", and (2) by striking out "$40,000,000" and inserting in lieu thereof "$60,000,000".

(c) Paragraph (15) of section 15 of such Act is amended by striking out "1958–1959" and inserting in lieu thereof "1960–1961".

Amendments to Public Law 874

SEC. 102. (a) The Act of September 30, 1950, as amended (20 U.S.C. 236–244), is amended by striking out "1961" each place where it appears in sections 2(a), 3(b), and 4(a) and inserting "1963" in lieu thereof in each such place.

Effective date

SEC. 103. The amendments made by this title shall be effective for the period beginning July 1, 1961.

TITLE II—EXTENSION OF NATIONAL DEFENSE EDUCATION ACT OF 1958

Amendments to title II (loans to students in institutions of higher education)

SEC. 201. (a) Section 201 of the National Defense Education Act of 1958 is amended by striking out "for the fiscal year ending June 30, 1962, and such sums for the fiscal year ending June 30, 1963, and each of the three succeeding fiscal years as may be necessary to enable students who have received a loan for any school year ending prior to July 1, 1962" and inserting in lieu thereof the following: "each for the fiscal year ending June 30, 1962, and for the two succeeding fiscal years, and such sums for the fiscal

year ending June 30, 1965, and each of the three succeeding fiscal years as may be necessary to enable students who have received a loan for any school year ending prior to July 1, 1964".

(b) Section 202 of such Act is amended by striking out "1962" each place where it appears therein and inserting in lieu thereof "1964".

(c) Section 206 of such Act is amended by striking out "1966" each place where it appears therein and inserting in lieu thereof "1968".

Amendments to title III (financial assistance for strengthening science, mathematics, and modern foreign language instruction)

SEC. 202. (a) Section 301 of the National Defense Education Act of 1958 is amended by striking out "three succeeding fiscal years" both places where it appears therein and inserting in lieu thereof "five succeeding fiscal years".

(b) The last sentence of section 302(a)(2) of such Act is amended by striking out "two fiscal years in the period beginning July 1, 1960, and ending June 30, 1962" and inserting in lieu thereof the following: "four fiscal years in the period beginning July 1, 1960, and ending June 30, 1964".

(c) The second sentence of section 304(b) of such Act is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "four succeeding fiscal years".

Amendment to title IV (national defense fellowships)

SEC. 203. Section 402 of the National Defense Education Act of 1958 is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years".

Amendments to title V (guidance, counseling, and testing; identification and encouragement of able students)

SEC. 204. (a) Section 501 of the National Defense Education Act of 1958 is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years".

(b) The second sentence of section 504(a) of such Act is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof "four succeeding fiscal years".

(c) The first sentence of section 504(b) of such Act is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years".

(d) The first sentence of section 511 of such Act is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years".

Amendments to Title VI (language development)

SEC. 205. (a) Section 601 of the National Defense Education Act of 1958 is amended by striking out "1962" both places where it appears therein and inserting in lieu thereof "1964".

(b) Section 611 of such Act is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years".

Amendment to title VII (research and experimentation in more effective utilization of educational media)

SEC. 206. Section 763 of the National Defense Education Act of 1958 is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five suceeding fiscal years".

Amendment to title VIII (area vocational education programs)

SEC. 207. Section 301 of the Vocational Education Act of 1946 is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years".

Amendment to section 1009 (improvement of statistical services)

SEC. 208. Section 1009(a) of the National Defense Education Act of 1958 is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years".

The SPEAKER pro tempore. Is a second demanded?

Mr. HIESTAND. Mr. Speaker, I demand a second.

Mr. ROOSEVELT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ROOSEVELT. Is the gentleman entitled to demand a second if he is not opposed to the bill?

The SPEAKER pro tempore. Is the gentleman from California opposed to the bill?

Mr. HIESTAND. No, I am not.

Mr. ROOSEVELT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Is the gentleman from California opposed to the bill?

Mr. ROOSEVELT. I am opposed to the bill.

The SPEAKER pro tempore. The gentleman qualifies. Without objection a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. POWELL. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks following mine.

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

There was no objection.

Mr. POWELL. Mr. Speaker, in presenting H.R. 9000 to you today, I am trying, as the chairman of the Committee on Education and Labor, to save minimal education for this year of Congress. In these last days when we are tired and tense, it is utterly impossible to bring before this body any piece of legislation that demands calm and measured judgment. It was a mistake to have pressed for the Federal aid to school construction last week, and I so conveyed my opinions concerning this to the proper individuals involved. I have been here for going on 18 years, and I know the climate of this House in the last days is not conducive to anything that borders on the controversial.

Now, what I am doing today is entirely on my own initiative. It is true that I have talked to most of the members of the Committee on Education and Labor, but there has been no formal action and this bill is being called up under suspension of the rules by me, on my own initiative, because I believe that this is the maximum we are going to be able to pass this year, 1961. I have conferred with the leadership on both sides of this House and they agree to go along with me.

In brief, we have before us a package containing two time-tested and proven education acts that have expired or will expire very shortly. Important provisions of Public Laws 815 and 874 expired on June 30, 1961; and the National Defense Education Act will expire on June 30, 1962.

Let me briefly trace Public Laws 815 and 874, authorized by that great pioneer in the field of Federal aid to education, my distinguished colleague, the gentleman from West Virginia [Mr. BAILEY]. Public Law 815, for the construction of minimum school facilities in impacted areas, was enacted in September 1950. From its enactment through the 1961 fiscal year, a total of $908,781,575 has been appropriated. Under my bill, an estimated additional appropriation of $37,150,000 will be required to take care of the extended portion of this public law for the fiscal year 1962. While there is no way of estimating fiscal year 1963 requirements at this time, at least the same amount and possibly more will be required, making an approximated estimated total for the 2 years of $74,300,000.

Public Law 874, authorizing cost of maintenance and operation, including teachers' salaries, in impacted areas, was also enacted in September 1950. The total amount expended from its enactment through June 30, 1961, is $1,162,551,312. Under H.R. 9000, an estimated additional appropriation of $164,346,000 will be required to take care of the extended portion of this public law for the fiscal year 1962. Here again, we cannot now estimate for the fiscal year 1963, but we do know that at least the same amount and possibly more will be needed, making an approximate estimated total for the 2 years of $328,692,000.

In connection with this, I wish to point out that approximately two-thirds of the expenditure under Public Law 874 has been spent for teachers' salaries, or a total of approximately $775 million. Now, all this hue and cry against teachers' salaries has been raised by many Members of this House on both sides of the aisle who have received tremendous sums from this legislation. While the money has been spent for teachers' salaries in their districts, they have never uttered one word of complaint. In fact, this is indisputable: not one single Member of Congress has complained, in the 11 years of operation of these two public laws, about Federal control or teachers' salaries.

CALL OF THE HOUSE

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 187]

Alger	Hall	Morrison
Anderson, Ill.	Hébert	O'Konski
Bolton	Holland	Pilcher
Boykin	Jarman	Rabaut
Broyhill	Johnson, Md.	Santangelo
Buckley	Keith	Siler
Carey	Kilburn	Thompson, La.
Coad	Landrum	Westland
Dague	McSween	Willis
Davis, Tenn.	Madden	
Evins	Milliken	

The SPEAKER pro tempore. On this rollcall 404 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EXTENSION OF PUBLIC LAWS 815 AND 874 OF 81ST CONGRESS AND THE NATIONAL DEFENSE EDUCATION ACT OF 1958

The SPEAKER pro tempore. The gentleman from New York may proceed.

Mr. POWELL. Mr. Speaker, now, as regards the National Defense Education Act, authored by our distinguished colleague from Alabama, formerly a member of the committee of which I am the chairman, now a member of the Rules Committee, the Honorable CARL ELLIOTT, this is the extension of a very vital phase of our American educational life.

I would like to point out briefly what each title of this act has accomplished and what my proposed bill will do:

Title II—Loans to students in institutions of higher education: In the first 3 years, 1959, 1960, and 1961, 230,000 students received loans totaling $130,100,000; $75 million is being appropriated by this Congress for the fiscal year 1962, which should aid more than 100,000 additional students. My 2-year extension authorizes up to $180 million for 1963 and 1964 to continue this vital program, and should aid approximately 250,000 additional students.

Title III—Financial assistance for strengthening science, mathematics and modern foreign language instructions: The estimated total for the 4 years, 1959 through 1962, is $239,800,000. My bill would authorize an additional $150 million for 1963 and 1964.

Title IV—National defense fellowships: In the first 3 years, 4,000 graduate students have been aided; and another 1,500 are expected to be granted aid in 1962, and the total amount in fellowships through 1962 will be $61,500,000. My bill would authorize a continuation at the present level of 1,500 fellowships per year, at an estimated 2-year cost of $50 million.

Title V—Guidance, counseling, and testing; identification and encouragement of able secondary school students; and training of counselors: At the end of 4 years, approximately $74,900,000 will have been spent. My bill authorizes approximately $44,500,000 to continue the program at its present level for 2 years.

Title VI—Language development: We will have spent, in the 4 years 1959–62, approximately $44,700,000. An additional $30,500,000 is authorized by my bill to continue this program at its present level.

Title VII—Research and experimentation in more effective utilization of audiovisual media for educational purposes: In the first 4 years, approximately $14,200,000 will have been spent. My bill authorizes an additional $10 million for the next 2 years.

Title VIII—Area vocational educational programs: Approximately $31,600,000 will have been spent over the 4 years. My bill authorizes up to an additional $30 million for 1963 and 1964.

Section 1009 of title X—Improvement of statistical services: Over the 4 years, approximately $4,700,000 will have been spent. My bill authorizes continuation of this program at an estimated total of $5,200,000 for 1963 and 1964.

In summary, this package carries a total for education in the United States for the next 2 years of approximately $902,992,000.

I am extremely sorry that the Powell amendment banning funds to schools in defiance of the Supreme Court decision is not a part of the impacted areas portion of this legislation. Federal money is being spent for totally Federal projects in areas that have become impacted because of Federal work, most of them due to defense installations. It is shocking and totally inexcusable to have the children segregated in these schools. At the proper time next year, I shall press for action. I also believe that this entire phase should be carefully reexamined by my committee during the forthcoming year, because it is in danger of becoming an education pork barrel rather than really reaching the children who need this assistance; namely, school construction, maintenance, and teachers' salaries.

I regret, too, that the forgiveness clause, as written, is a part of the National Defense Education Act because I, for one, would like to see this forgiveness clause completely changed, so that all people who obtain loans under this act and who teach for 5 years in public or private schools shall be forgiven their loan. This would encourage more teachers to go into private and public teaching. The way it is now constituted, it waives 50 percent of the loan for those who go into public school teaching only.

Also, I believe that the disclaimer affidavit should be abolished; and here, the gentleman from California [Mr. HIESTAND] offered in committee an amendment which will take care of this problem without forcing our educators to be placed in an untenable position.

I promise that during the coming year proper study and consideration will be given to both of these important portions of NDEA.

As chairman of the Committee on Education and Labor, may I say that our sights for 1962 have been aimed at a tremendous increase of legislation in the field of higher education. I am not going to initiate any legislation in the field of school construction for elementary and secondary schools, nor teachers' salaries, unless I am directly requested by the President, as I was this time, or unless the majority of my colleagues of the committee so decide. It is my personal opinion, and I may be totally wrong, that the temper of this House is of such nature that Federal aid to school construction, per se, is dead for at least the next year. I think it is deplorable, but we must face the stark, brutal, and disheartening fact and not dissipate the energies of this committee nor this House on that which will bring no results whatsoever.

I do think the mood of this House, in this era of atomic energy and astronauts, is keyed to higher education. For this purpose, our committee has brought out several bills, especially the higher education bill of the gentlewoman from Oregon [Mrs. GREEN] which received bipartisan support. We intend to press for passage of this bill during the remaining days of this year or the early days of next year.

It is most important that we institute a crash program for training American young people in the sciences. Upon the basis of statistics prepared for me by the Department of Health, Education, and Welfare, and my very capable professional staff, I would like to announce the startling fact that by 1970, just 8 years from now, the Soviet bloc will have 15 million students enrolled in colleges and universities, and the free world will have only 7,500,000. They are outproducing us each year, and we will automatically become a second-class educational power.

I know what I am about to say will be heartbreaking to those who believe in the humanities and the liberal arts, but I believe we cannot afford to continue to spend money disproportionately in those fields. The crisis is one of science. We are rapidly being lost sight of in the technological race for world survival. Therefore, whether we like it or not, we must, for a while, emphasize the sciences, even if it means deemphasizing the humanities. Otherwise, we might wake up one day to find that we have no humanity.

In connection with this, a bipartisan study group of individual members is going to Soviet Russia as soon as Congress concludes, and they will bring back to our committee a detailed analysis of the Soviet system versus ours.

Also, I would like to announce that I am appointing the young members of the Committee on Education and Labor on both sides as a special task force to advise the chairman on new insights and new emphasis on the New Frontier of scientific education for the year 1962.

The great philosopher, Alfred North Whitehead, put it concisely when he said:

> In the conditions of modern life, the rule is absolute, the race which does not value trained intelligence is doomed. Not all your heroism, not all your social charm, not all your wit, not all your victories on land or at sea can move back the finger of Fate. Today we maintain ourselves. Tomorrow science will have moved forward yet one more step, and there will be no appeal from the judgment which will then be pronounced on the uneducated.

Mr. ROOSEVELT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, it may be recalled—and I am sure the gentleman from West Virginia [Mr. BAILEY], the legislative father of the so-called Federal impacted school district bills, Public Laws 815 and 874, will recall—that when the original legislation was enacted back in 1950

I joined in support of that measure as best I could, from this side of the aisle. These two laws were enacted.

I have supported extensions of these two public laws ever since, because in my opinion neither Public Law 815 nor 874 can in any way be termed Federal aid to education legislation. Instead, we are simply providing by law that the Central Government shall make payments, in lieu of taxes, to the school districts that are federally impacted, that is, where many additional children have been sent into existing schools as a result of the establishment of some Federal installation or military base within, or near a public school district. If any large privately owned industry should locate near or in any established school district, thus greatly increasing school enrollments, such industry would automatically be required to pay taxes in and to such affected school districts to help them meet the increased cost of operating such school. Therefore the enactment and extension of this legislation is amply justified in my opinion and I hope it will receive the full support of the House.

I also, of course, favor the extension of the National Defense Education Act, especially so far as the provisions that permit colleges and universities to make loans to students, loans that will be repaid by the students later, are concerned.

I appreciate fully the need for this legislation. I hope it will be enacted.

Mr. ROOSEVELT. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. REUSS].

Mr. REUSS. Mr. Speaker, there is much that is good in this bill—for example, the renewal of the National Defense Education Act.

But there is also much which deserves very serious examination. I am particularly thinking of that part of the impacted areas aid which has gone way beyond the original concept of trying to help communities whose school systems are genuinely hurting because of the sudden influx of Federal employees who pay no local taxes.

Let us take the case of nearby Montgomery County, where I happen to live when Congress is in session, and where my children go to school. Montgomery County is filled with high-income white-collar workers for the Federal Government who live in the metropolitan area. They pay their full share of local taxes, and Montgomery County is delighted to have them. Yet Montgomery County receives Federal aid to education based upon the number of children in the Montgomery County schools whose parents are employed by the Federal Government.

There are some scores of communities like this around the country, receiving Federal aid to education without regard to need. But here is the pity—there are thousands of counties throughout the country whose school districts are desperately in need of help to fill a need the local real estate taxpayers, who pay the local school tax, cannot meet. They get no Federal aid to education.

The present system of aid to impacted areas has become capricious, whimsical, and arbitrary. The whole subject should be restudied and remedies applied to correct the inequities.

I also hope that when a properly drawn impacted areas bill comes to the floor, it will come under a parliamentary situation where it is capable of being amended, and that it will come accompanied by a report, as it is not accompanied today, so that we may be fully informed in the matter.

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

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

Mr. FRELINGHUYSEN. I agree, as a member of the Committee on Education and Labor, that a thorough examination should be made of this whole question regarding the scope of the impacted program. Unfortunately, the specific proposals along these lines which President Kennedy made earlier this year were not even considered by our committee. Neither, I might add, were earlier proposals previously made by President Eisenhower.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. POWELL. Mr. Speaker, I yield myself such time as I may consume. I stated in my prepared manuscript that a study would take place next January.

Mr. Speaker, I now yield 4 minutes to the gentleman from New Jersey [Mr. THOMPSON].

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include an editorial.

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

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, I am in the unhappy position today of finding myself in support of this bill in its present form. But I would like to call the attention of the House to certain facts.

First of all, Public Laws 815 and 874 are in fact, and to a very large extent, Federal aid to education. To the full extent to which the moneys received by impacted districts exceed the actual loss in ratables, you have Federal aid to education.

Incidentally, Public Laws 815 and 874 were amended 3 years ago, in a bill offered by myself, making permanent the putting of the Federal Government in the education business; the education of the category (a) children whose parents live and work on military establishments. There can be no other assumption, there can be no other hypothesis except to take this bill today as a proposition that this is Federal aid to education. No other equation or logic would be acceptable.

The vote will be interesting today, if there is one, for the House in its wisdom the other day rejected consideration of legislation which was identical except that it would have added one thing in addition to that which is in this legislation—it would have added a school construction section. The House exercised its will. As the author of the bill which was refused consideration, my initial reaction was one of anger and frustration, and I thought, "Well, I will oppose this," which I am not going to do today, not because of Public Laws 815 and 874 but because of title II of the National Defense Education Act. Under title II some 30,000 youngsters going to college would be unable to get loans in the next fiscal year. So that you see they are wrapped in here in such a way that either you support them and their desire for education, so badly needed, or else you prevent them, at least for the coming year, from realizing their aspirations.

The remainder of the National Defense Education Act could very well wait until it expires next year. I rather doubt that there will be much action on this next year, however, for reasons which are known to all of us.

We are in the unique position today of asking those of you who voted against consideration of an almost identical bill last Wednesday to vote for just a bit less of Federal aid this week. Many of you will, on this Wednesday avail yourselves of the opportunity to fatten up your own districts. I remind you that the impacted districts in this land are not confined by any means to those surrounding military establishments or Government agencies. I consider that a district is impacted if its children are on double or triple shifts, even if there is not a military establishment within 500 miles.

Education should be the principle busines of this body and of our great Nation, since our very survival depends upon it. The great classroom shortage has been established, as has the fact that the States and municipalities cannot keep up with it. Please consider these facts between now and the next time you have the opportunity to alleviate that shortage. Between now and that time we shall redouble our efforts to find a solution acceptable to a majority of you.

By this action today in extending for 2 years help to those now covered by Public Laws 815 and 874, we are discriminating against all of those not covered; those who must attend schools on part-time sessions in classrooms which are totally inadequate; those who are taught by poorly paid teachers.

Perhaps last week the vehicle was the excuse or the parliamentary situation was the excuse for your refusal to consider school construction legislation, but the fact is that the refusal of this body to consider a bill under circumstances which would have allowed it to come out with anything in the form of substitutes or amendments did a great, a permanent, and a terrible injustice to the schoolchildren of the United States, except those who benefit from this narrow piece of Federal aid to education.

I shall include, following these statements, an editorial from this morning's New York Times which I consider most worthy of your attention. Our situation here in the Congress appears to me to make impossible the Times' suggestion that a combination of impacted areas grants with general Federal aid to education be passed before we adjourn. Indeed, there is time remaining but the unhappy fact seems to me to be that we have not found a formula acceptable to

a majority of this House. The bill, H.R. 7300, contained such a formula but is hopelessly bogged down in the Committee on Rules. This is a tragic set of circumstances. The editorial follows:

SCHOOL AID: HYPOCRISY

Senator MCNAMARA, of Michigan, is quite correct in rebelling against the hypocrisy that has impelled Congress to turn its back on genuine and general Federal aid to education while it shows great eagerness to renew assistance to the local federally impacted areas.

The hypocrisy is documented by well over a hundred votes which are regularly cast for aid to the impacted areas by Members who, with equal regularity, help to defeat nationally distributed Federal aid to the schools. The impacted-area grants are based on the theory that school districts which feel the unusually heavy impact of children of parents working in defense establishments and other Federal projects need such help. They probably do, although it should not be overlooked that Federal projects, even though they take real estate off the local tax rolls, contribute heavily to the nearby communities' economic well-being. At any rate, there are many nonimpacted areas whose schools are in far greater need of help.

Congressmen, in the interest of legislative decency and national responsibility, ought to think of what they can do for the country, not merely what the country can do for them, by supporting their local vote-getting interests. Let the politically popular impacted-area grants be continued—provided that they can be made part and parcel of straightforward, nonpolitical, generalized Federal aid to education wherever it is needed. There is no satisfactory reason why this cannot be done in this session. If there is time to pass impacted-area aid, there is time to pass general aid to the public schools.

It is intolerable for legislators to cash in on their pseudo support of education when it suits local vote-getting expediency while they continue to block real aid to the public schools. The time to drive this home—by insisting on general public school aid, along with renewal of the grants to the impacted areas—is now. But the failure of leadership, in the White House, in the Department of Health, Education, and Welfare, and in the House of Representatives gives little cause for hope. Compromise has been the order of the day—and the result has been a fiasco for Federal aid to education and a disaster for the Nation's public schools.

Mr. ROOSEVELT. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. PUCINSKI].

Mr. PUCINSKI. Mr. Speaker, I rise in opposition to this legislation. I think it is bad in principle. I think it is bad in equity. It is tragic that this legislation comes before the House under the peculiar rule of suspension, where we are denied extensive debate, we are denied extensive amendments, and under which the House of Representatives of the United States is denied an opportunity to work its will in meeting the problems of all the children in this country in the field of education.

Mr. Speaker, Congress properly enacted legislation in 1950 to pay to local school communities an assistance from the Federal Treasury for children whose parents live and work on military installations. That law is on the books today and is in no way affected by the legislation now before us. Then, in 1958, Congress amended the original impacted areas bill to pay an additional sum to local communities for children who go to public schools and whose parents merely work on a Federal installation, but do not necessarily live on the Federal installation. That first part of the bill, that $100 million, I emphasize, will remain available to impacted areas regardless of what we do here today. What is in question here today is whether or not we want to make available an additional $200 million a year to those school districts who have youngsters who live off the installations and go to public schools. I say this legislation before us today is unfair. It discriminates against the overwhelming majority of American schoolchildren. I say federally employed parents of children in impacted areas are making a contribution to the local community. If we say to nonimpacted area taxpayers that they cannot get any Federal aid for education; that they should carry out their responsibility through local taxes, then, Mr. Speaker, I say this same principle should be applied to impacted areas whose economy is substantially improved on the presence of these Federal employees. Proponents of this legislation are in effect saying to local taxpayers that they must pay more for maintaining their school system out of their own pockets because they have no Federal employees in their community.

Mr. Speaker, this bill discriminates against large cities. We in Chicago must provide facilities for an additional 16,000 elementary grade students in public schools this year at a cost of several million additional dollars to my constituents. But because Chicago is not a federally impacted area, we will not get a penny under this bill. This is nothing more than a vast pork-barrel bill for those communities which already are getting the bulk of the Federal tax dollar.

Mr. Speaker, I regret this bill has tied into it continuation of the National Defense Education Act, which I consider to be one of the greatest pieces of legislation ever passed in this Congress. This is a most desirable law but since its enactment 3 years ago, experience has shown that several technical changes are necessary if it is to be applied with fairness to all who can benefit under it.

Because of the closed rule under which this legislation is being considered today, I regret that I will not be able to offer an amendment which would permit our private schools to obtain loans for 40 years instead, as the bill now provides, loans for only 10 years of science and mathematics. Private schools have not been able to benefit from this legislation because under the present law limiting loans to 10 years, most private schools can get better terms for similar loans from private banks. If we are to pass any legislation in the form of Federal aid to education, certainly this legislation should not discriminate against children attending private schools consistent with constitutional limitations. I regret also that I will not be permitted to offer an amendment which would permit teachers trained under the NDEA to have 50 percent of their loans written off if they go into teaching in private schools. The present bill permits teachers who go into public schools to write off 50 percent of their loans. Why should we discriminate against private schoolteachers who are also doing a magnificient job of training and educating young Americans. Yet, under the procedure here today, I am forbidden from offering an amendment to eliminate this inequity. Nor am I permitted, under the steamroller procedure being used here today, to offer an amendment which would permit a private schoolteacher to get the same stipend for postgraduate seminars that we now pay public schoolteachers. Under the NDEA which we are expected to continue today, a public schoolteacher gets $75 a week from the Federal Government while attending summer seminars but the private schoolteacher gets nothing. Is it not time we stopped treating our private schoolteachers like second-class citizens? Yet, you would expect me to vote for this bill today and perpetuate this brazen discrimination against the Nation's private schoolteachers who are doing such a magnificent job of training our youngsters.

Mr. Speaker, I say that this bill does not help the majority of the country. Based upon the figures at the committee table, this bill is going to help only 10 percent of the 38,000 school districts in America. Of that number, 3,800 school districts that do benefit under this legislation, 10 percent get 40 percent of all the money. I say that this is not fair; it is discriminatory. Take, for instance, the State of Illinois, with 94 school districts benefiting under this impacted-areas bill, they will get only $3 million under this bill. These same 94 school districts spend a total of $54 million annually for operating costs and facilities.

Mr. Speaker, if the legislation is defeated today we may then come back and try and bring to the Congress a bill that will help all of the youngsters in this country whether they live in impacted areas or not. I am confident that Congress can pass a bill based on the needs of the local school districts where the local school districts demonstrate they cannot meet these additional needs with local funds. These would include school districts that have children attending double-shift classes; where they have other problems that cannot be met with local tax resources.

Mr. Speaker, this present legislation will continue to discriminate against decent taxpayers all over America if it is renewed today. I say there are thousands of school districts in the country that have reached their saturation point on local taxes for school needs. If we are to help education let us help all the children who are today forced to get their education in substandard facilities and not only those who live in areas where there happens to be a concentration of Federal employees. I hope this bill will be rejected so Congress can then make a sincere effort toward meeting the problems of all the youngsters in this country in the educational field, both in public and, consistent with the Constitution, in private schools.

Mr. ROOSEVELT. Mr. Speaker, I yield 3 minutes to the distinguished

ranking minority member of the committee, the gentleman from Pennsylvania [Mr. KEARNS].

Mr. KEARNS. Mr. Speaker, I rise to urge that the House approve H.R. 9000. This body cannot afford to adjourn without keeping faith with all the school districts that are burdened because of Federal activities. Neither can we afford to let the National Defense Education Act expire. The NDEA programs initiated under the Eisenhower administration have been highly successful. Therefore, I think every Member in this Chamber knows that extension of this act is most essential to defense now and in the crucial times ahead.

This bill, Mr. Speaker, simply embodies titles I and II of the bill which I introduced on August 16, H.R. 8748. Unfortunately, it does not embody title III of my bill which would have authorized a program to help our colleges and universities build necessary academic facilities for the huge increase in college enrollment which we face. Therefore, I cannot understand why the Secretary of Health, Education, and Welfare, as well as the chairman of the Education and Labor Committee, the gentleman from New York [Mr. POWELL], did not incorporate title III of my bill, in H.R. 9000 and thus provide facilities for higher education at this critical period in our American life.

Then, too, I regret that the present bill does not provide for needed amendments to the NDEA which easily could have been made had the administration supported H.R. 4253, which I introduced back on February 3 of this year. In view of all the controversial issues injected into the administration's education proposals, however, it is obvious that justifiable action on such amendments had to be ruled out at this time.

May I remind my colleagues on the other side of the aisle that it will be wise henceforth to refrain from legislative maneuvering such as we have seen during the past 8 months, so that we can enact proper legislation that is clearly defined in the national interest.

We cannot delay longer, so I urge all the Members on my side of the aisle to join with me in supporting the bill which is now before us.

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

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

Mr. FRELINGHUYSEN. Mr. Speaker, I should like to commend the gentleman from Pennsylvania for his statement. He has made some sound comments. I regret there is not more time for more of us members of the Education and Labor Committee as well as others, to speak on this legislation.

Mr. Speaker, in my opinion it is essential that we pass this bill today. After 8 months, this session of Congress still has done nothing of consequence in the field of education. It is of crucial importance, at least, that we extend the impacted school program, as well as the various titles of the NDEA.

Why, several Members have asked, has no more been done? Why, apparently, is no aid to be given to colleges so they may expand their facilities? Why should we not be considering a possible expansion, rather than a simple extension of NDEA? Why, as others have suggested today, are we not considering, though not necessarily accepting a possible cutback in Public Laws 815 and 874?

Answers are not easy to give. Let me simply say that time is working against us. Months of inaction cannot be overcome by feverish last-minute efforts to develop legislation. At least in the field of education, legislative proposals all too often have a controversial flavor. Unless the ground is carefully prepared prior to their consideration, such bills face an uncertain fate.

Mr. Speaker, it may not be particularly tactful but I personally feel that the most glaring failure of the Kennedy administration, so far as legislative accomplishments are concerned, is in the field of education. The President himself has described education as "the most urgent domestic issue" facing Congress. Yet virtually nothing has been done during the past 8 months. The death knell of Democratic hopes was sounded when this body on August 30 decisively defeated a last-minute proposal, H.R. 8890, hastily put together in an effort to avoid disaster. This action by the House Mr. Kennedy described as a "clear defeat" for his administration.

Why have the Democrats failed so egregiously in an area which they feel to be so important? Is it true, as Mr. Kennedy asserts, that the real losers are the Nation's schoolchildren, "who need this assistance"? To what extent, if any, did the opposition of Republicans to Democratic efforts contribute to the lack of action?

First of all, the Democrats unquestionably bear the basic responsibility for action, controlling both the executive branch and the House and Senate. In my opinion they have failed miserably in their leadership responsibility. They have muffed their opportunities with astonishing ineptitude.

To begin with, President Kennedy asked for so much that his original proposals bogged down in Congress. Furthermore, the specific bills in each case contained very controversial features along with unobjectionable provisions. This set the stage for the stalemate which resulted. Then weeks were wasted in a futile search for compromise proposals. Belatedly there was brought up last week H.R. 8890, a bill of questionable value. To make matters worse, by highhanded tactics an attempt was made to ram this bill through the House, almost literally overnight. All this was attempted without any regard for regular legislative procedure. This effort deserved to fail. Indeed, it might be called more accurately merely a gesture.

Does failure to enact new programs deprive the schoolchildren of the Nation of assistance they need? I doubt it. The impact of new Federal programs would not have had any great significance, except insofar as they defined the Federal responsibilities. Certainly the bill rejected would have done very little. On the other hand, if Congress fails to authorize a program to help colleges build needed facilities, real hardships may result. Yet here again, apparently there is no plan to do anything.

It is perhaps unwise, if not impossible, to assess accurately who is to blame. Yet I do feel compelled to say that Republicans have sought consistently for enactment of essential educational programs, such as extension of aid to federally impacted areas. We have urged extension of the National Defense Education Act, and a broadening of Federal responsibility with respect to college facilities. Admittedly on controversial subjects, such as subsidies for teachers, we have not been enthusiastic. Understandably, opinion has been divided on issues such as the advisability of Federal scholarships, and the responsibility of the Federal Government for aid in construction of classrooms. At all times, however, we have sought to avoid developing issues at the expense of needed programs. The Democrats, on the other hand, while presumably not seeking issues, obviously have been unsuccessful in securing enactment of new programs. Now we have no choice but to undertake what is essentially a salvage operation.

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

Mr. KEARNS. I yield to the gentleman from California.

Mr. ROOSEVELT. Is it not true, however, that the committee did consider the NDEA bill and we did make certain amendments which at this time are completely ruled out; we are now being asked to pass for 2 years—not 1 year, but 2 years—without the amendments which everybody agrees are now necessary. Would it not be better for us to come back in January of next year and enact considered legislation?

Mr. KEARNS. Mr. Speaker, may I say to the gentleman from California, whom I thank for yielding me this time, that he will remember that we amended the National Defense Education Act, but the amendments were not agreeable to the committee.

Mr. POWELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to say to the gentleman from California that he knows full well that in January we are going to bring before the committee full consideration of higher education, amendments to NDEA, and a complete study of impacted areas.

Mr. Speaker, I now yield 2 minutes to the gentleman from West Virginia, the distinguished author of Public Laws 815 and 874.

Mr. BAILEY. Mr. Speaker, almost 2 months ago the majority of the House Committee on Rules in effect said they did not even wish to discuss education. Last week 241 of my colleagues agreed that they did not wish to discuss education. Without impugning the motives behind any one of the 8 members of the Committee on Rules or any one of my 241 colleagues, I say that these two actions were tragic. Had I voted against education I would dislike what I had to look at in the morning when I shave. Today we have a bill that keeps going

two programs with which all the Members of the House are familiar. I am speaking now to Public Law 815 and Public Law 874. I am also speaking of the extension of the National Defense Education Act.

It just so happened that I was the original author of Public Laws 815 and 874 and have been an ardent supporter of the program for 11 years. I also cosponsored the legislation, along with our distinguished Member of the House from Alabama, that set up the National Defense Education Act. It cleared through the joint action of the two subcommittees of the House.

Today, Mr. Speaker, the least we can do is to pass this bill. If we are not going to move education forward, for Heaven's sake do not let us send it backward. The time for talking is long since passed. The time for action is today. I am sure the House will approve this partial program for education.

Mr. ROOSEVELT. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BALDWIN].

Mr. BALDWIN. Mr. Speaker, I rise in support of H.R. 9000. I think the principles on which the Congress passed Public Laws 815 and 874 quite a few years ago have quite definitely been established as needed and should be continued. In fact, I think it is unfortunate that we are this late in the session and this late in date in extending these two laws. Actually, many of the school districts have already begun sessions, and they have begun sessions in an uncertain atmosphere when they have not known whether the category (b) allocations would be available to them as they have been during the past 10 to 12 years.

I think this legislation merits passage on its own merits. I was one of those who voted last week for a broader bill, but I actually think we should have passed the extension of Public Laws 815 and 874 at a much earlier stage in this session so that the school districts throughout the country that have looked to these bills for support could have counted on them in planning their budgets for the school year 1961-62.

Mr. ROOSEVELT. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GOODELL].

Mr. GOODELL. Mr. Speaker, I rise reluctantly in support of this legislation. I want to make it clear that I enthusiastically am in favor of the National Defense Education Act, but I would have preferred that we had a revised bill expanding the present act. I would support with enthusiasm even a straight extension of the National Defense Education Act, but I want to make it clear that I am very much in opposition to the impacted areas program as it stands today. Because the two programs are combined in the same bill I must vote for both of them in order to support the NDEA program.

It should be pointed out that the impacted areas program started with a very simple formula which has now been made permanent law, providing aid where children's parents worked and lived on Federal property. If parents both worked and lived on federally owned property a payment was made, actually 90 percent of the average cost per pupil in that area. This legislation does not have anything to do with the situation where the parents live and work on the Federal installation. That is permanent law. This legislation does not even affect that. It refers to children whose parents either work or live on Federal property, and I emphasize the word "either." It also applies to children whose parents are employed by companies primarily engaged in defense contracts. In rare instances, such Federal aid might be justified, especially when a national emergency causes a sudden influx of defense workers into an area, thus overburdening the school system temporarily. Both the categories of aid covered by this bill are badly abused, however, and I cannot favor them in their present form.

I want to make it clear that I have no quarrel with the category (a), permanent impacted-areas program. I think it is justified. In that case there is a clear Federal impact and the Federal Government is responsible. As to category (b), we have departed far from the original purpose of the act. Parents may work in a Federal Army camp, for instance, and live in the town. In such a case they own houses or pay rent on property in the town and thus pay taxes to support the schools. In spite of this fact, full impacted-area aid is given to those school systems by the Federal Government. It is wrong. It is a boondoggle program in its present form. We badly need to revise it and I hope our committee can do so next year.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POWELL. Mr. Speaker, I yield the balance of my time to the distinguished gentlewoman from Oregon [Mrs. GREEN], chairman of the Special Committee on Education.

Mrs. GREEN of Oregon. Mr. Speaker, it seems to be abundantly clear to the membership of the House that there must be something terribly wrong with this bill which is before us for consideration today. There has not been one speaker for this legislation who has given it his unqualified endorsement. The chairman of the Committee on Education and Labor, in presenting the bill, said he was very unhappy to be in this situation today. The gentleman from New Jersey [Mr. THOMPSON] expressed his regrets about the bill in every particular except with respect to continuing student loans under the National Defense Education Act. The ranking Republican member of the Committee on Education and Labor expressed his regrets that the bill does not contain any amendments to the National Defense Education Act or any additional provision for higher education. The gentleman from New York who just spoke said he was in favor of extending the National Defense Education Act, but that he was opposed to the section of the bill regarding federally impacted school districts. The gentleman from California [Mr. ROOSEVELT], who has always been a leader in the continuing fight for better schools, for Federal aid, now finds himself forced to oppose this inadequate bill.

Mr. Speaker, with everybody so unhappy about this legislation, it seems to me all of us would ask ourselves: Why, then, should we consider it? I would suggest that if there are so many Members who are so unhappy about this legislation, it would be most unwise to freeze in that unhappiness for a period of 2 years, and that we should at least consider the possibility of an extension of aid to federally impacted areas for only 1 year and thus give the subcommittees and the full committee time to really work on this bill. I wish every Member would read a recent report by the Comptroller General on the operation of the impacted areas program.

I most certainly am not suggesting, Mr. Speaker, that the members of the Committee on Education and Labor have not given many, many hours of serious consideration to legislation in this field. Certainly, the chairman of the committee has given excellent leadership on various bills that have been before us. He has shown untiring interest in the passage of educational legislation to meet the demands of our times. May I say, however, that the particular bill before us today never has been considered for one moment either by the subcommittees or by the full committee. This particular bill comes before you without any consideration by the committee designated and authorized by the House of Representatives to consider legislation in this vital area of Federal aid to education.

May I also say that the committee approved a number of amendments to the National Defense Education Act when that act was considered separately by the committee. This fact, certainly, should be given consideration by the House. There is a provision in the National Defense Education Act, which I am sure you all know about, that if a person who received a student loan goes into public school teaching, he is forgiven 50 percent of the loan that he obtained under the act. This could be a forgiveness of as much as $2,000. However, there is no such forgiveness of any part of the loan for those teachers who go into private schools. I submit that this is very unfair. This House should not continue such inequitable treatment to these teachers for 2 more years.

Mr. Speaker, I need not point out to anyone that the religious issue has been a major factor in the consideration of legislation affecting education. Everyone of us in the House of Representatives knows that that is true. But we are not avoiding the religious issue this year or next year by voting on this bill today.

In one part of the bill it says: We will forgive loans to teachers if they go into the public schools, but we will not forgive loans to teachers who go into private schools who are also desperately needed in the teaching profession. Then, we turn around and say in another provision in this bill: We will lend money to private schools for special equipment. I repeat, Mr. Speaker, the so-called religious issue is not being avoided by bringing this bill up under suspension and preventing any amendments or in fact even a full discussion of the issues involved.

and cultural aspects of our exchange programs, and yet we find in the report and the same paragraph, that this bill does not touch many other exchange programs of Government agencies, such as ICA, AEC, and NIH.

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

Mr. GROSS. No, I cannot yield, because my understanding is that time for debate on this side is going to go to the proponents of the bill when it ought to go to the opposition.

Mr. HAYS. The gentleman is exactly right. We could not cover the waterfront.

Mr. GROSS. Why not cover the waterfront—I do not make that in the form of a question—if there is to be a revision, then it ought to cover the waterfront of all these cultural outfits. Here is a bill that calls for initial spending of $40 million. On page 2 of the bill the President is authorized to provide, by grant, contract, or otherwise, for cultural exchanges by financing:

> Visits and interchanges between the United States and other countries of leaders, experts in fields of specialized knowledge or skill, and other influential or distinguished persons.

Whoever they may be.

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

Mr. GROSS. No, I cannot yield.

Mr. HAYS. I will yield the gentleman an extra minute.

Mr. GROSS. Yes, I yield if you will give me an extra minute.

Mr. HAYS. I will say to the gentleman that all the things he has read are in present law.

Mr. GROSS. I do not care whether it is in law past, present, or future. What is important is what we vote on today.

And then the bill goes on to provide financing for "U.S. representation in international artistic, dramatic, musical, sports, and other cultural festivals, competitions, meetings, and like exhibitions and assemblies." This is unlimited.

Then on page 18 this shotgun provision. This is section 108(a) I am reading:

> SEC. 108.(a) Whenever the President determines it to be in furtherance of this act, the functions authorized in section 102(a) (2) and (3) may be performed without regard to such provisions of law or limitations of authority regulating or relating to the making, performance, amendment, or modification of contracts, the acquisition and disposition of property, and the expenditure of Government funds, as he may specify.

Mr. HAYS. Mr. Speaker, will the gentleman yield again?

Mr. GROSS. If you will give me another minute.

Mr. HAYS. I have already yielded you 1 minute and have used only 10 seconds.

Mr. GROSS. All right.

Mr. HAYS. I will say again that language is in the present Cultural Exchange Act; it only continues what is the present law.

Mr. GROSS. Also you provide for a board, a commission, and a committee——

Mr. HAYS. All of which are provided for already and are already permanent law.

Mr. GROSS. With unlimited authority to spend money on important people or prominent foreigners, whoever they may be. You not only bring thousands of foreigners to this country but you are going to transport them back home and give them money after they resume their residences in a foreign country.

The bill contains unlimited authority for the President to spend money. This entire $40 million scheme is unlimited. Do I understand that an amendment will be offered to strike just a few of the high-priced employees out of the bill?

Mr. HAYS. I said that in my opening remarks, that I had sent such an amendment to the desk and asked that it be included in the bill.

Mr. GROSS. The bill also provides for the hiring and transportation anywhere in the world of members of the creative arts, performing artists. This should take care of Tom Two Arrows and a host of other so-called performers.

Mr. HAYS. That is in the present law, too.

Mr. GROSS. What we need to do is get rid of the present law and also get rid of a few Tom Two Arrows, who have been chasing around all over the world at the taxpayers' expense. This bill is not going to do it. This bill simply perpetuates it with a shotgun proposal to give the President power to spend money any way he sees fit.

Then I note this little gem on page 5 of the report:

> As an assurance against indiscriminate use of this new authority, the committee has inserted language that the President must determine that the activities carried out under this subparagraph are in the national interest.

Now, that is just wonderful. Is there anything the President cannot determine to be in the national interest? Can you think of anything that he cannot or will not determine to be in the national interest?

Mr. BENNETT of Michigan. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. BENNETT of Michigan. If the things the gentleman is talking about are in present law what is the need of this legislation?

Mr. GROSS. You tell me; I do not know. The gentleman from Michigan has asked a most pertinent question and it will not be answered.

Mr. Speaker, this bill to promote one-worldism in the name of so-called culture, at a first cost of $40 million a year, will take us just that much deeper into the mire of deficit and debt. Where is it proposed to get the money to pay the bills for all these international tourists? Someday those who pay the bills in this country will rise up in their wrath and demand an end to some of this nonsense.

Mrs. ST. GEORGE. Mr. Speaker, I yield 5 minutes to the gentlewoman from Ohio [Mrs. BOLTON].

Mrs. BOLTON. Mr. Speaker, it is rather delightful to have the opportunity of speaking for a bill which does not try to engulf everything in the world.

We very purposely did not put in this bill great numbers of cultural activities. The distinguished gentleman from Iowa mentioned three that were not put in—the ICA, AEC, and NIH I believe. We did not attempt to put those in. They can be put in next year if this works out well, could they not?

I wonder so often, Mr. Speaker, are we never going to have the breadth of view and the intelligence to try a little of something before we endeavor to do it all at once? It seems to me that we would be very wise with a number of these bills that are being brought here in the last hot days of a weary summer, when there is very little opportunity and less inclination to do any deep thinking, why not have some delayed effort, some trial matters, instead of trying to do it all at once in a great big bang? So I am glad we have not done that with this bill.

Mr. HAYS. Mr. Speaker, will the gentlewoman yield?

Mrs. BOLTON. I yield to the distinguished gentleman from Ohio.

Mr. HAYS. I would like to point out that what the gentlewoman says is true, and it would be my guess if we had included the things which the gentleman from Iowa criticized us for not including, he would have criticized us for putting them in.

Mrs. BOLTON. That might be. In any event, the situation is as it is. But we do give in this bill clear and positive legislative support to an area that is relatively new in the foreign affairs field—all that is embraced within education, science, and culture.

The bill reduces the multiplicity of bureaucratic offices involved in one exchange program. It puts the direction of some of our most important educational and cultural programs under the jurisdiction of the Assistant Secretary of State for Educational and Cultural Affairs.

It effectively relates the efforts of our Government with those of private institutions and organizations in order that all of them may direct their resources toward a strengthening of our educational exchange programs.

One of the ironies of the present day is that the greater our understanding and learning, the poorer are the means by which we can share this enlarged knowledge with others. This bill will improve our communications, not with governments but with people.

Mr. Speaker, I would suggest this is one of the wisest of courses. It has its problems, and it has probably its mistakes, but it is an honest effort to simplify.

Mr. LINDSAY. Mr. Speaker, will the gentlewoman yield?

Mrs. BOLTON. I yield to the gentleman from New York.

Mr. LINDSAY. Mr. Speaker, I should like to compliment the gentlewoman from Ohio for her very fine statement. I have examined this bill, from the first day it was introduced in the other body, with great care. I know the history of it,

it for the United States and its foreign policy than any particular piece of legislation we might consider. This bill gets at the young people by promoting exchanges, by permitting some of them to come to the United States to be educated, and by permitting our students and teachers to go abroad for language and other essential training.

I would point out to you, and I hope not to take too much time although I want to answer any questions if I can, that less than 10 percent of the foreign students in the United States come here under any kind of exchange program. The other 90 percent come under various private capacities, under grants from universities and colleges, under private foundations, and thousands of them come on their own. The only thing this bill does for the 90 percent that do not come under the Government program is to provide that there can be set up some counseling and guidance services, which I think are essential in order that we get the most good out of the 90 percent who are coming here under their own power.

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

Mr. HAYS. I yield to the gentleman from Illinois.

Mr. DERWINSKI. If I understood the gentleman correctly, there are committee amendments that are going to be offered to the bill, as we now have it, in other words, perfecting amendments?

Mr. HAYS. That is correct. Most of those amendments I would say to the gentleman are technical amendments with the exception of one amendment which I discussed with the gentleman from Georgia [Mr. JAMES C. DAVIS]. The bill did have provision for 8 supergrades. Judge DAVIS tells me he is bringing a bill out of his committee to provide for a number of overall supergrades throughout the entire Government. Therefore, we have included the amendment striking out the supergrades involved in the bill with the exception of three that are already there that the State Department has, but which are not new positions but are only involved in the transfer under the present title under this particular piece of legislation.

Mr. DERWINSKI. I thank the gentleman.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

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

Mr. THOMPSON of New Jersey. Mr. Speaker, I think the gentleman has done a great service in bringing this bill up in this form. One part of it is actually an extension of what was a temporary program initiated by President Eisenhower which was called the President's emergency fund for cultural exchange. This was made permanent. The rest of this legislation is, in my estimation, soundly conceived and is a great and permanent part of our foreign policy.

Mr. HAYS. I thank the gentleman from New Jersey for his contribution.

Mr. Speaker, in concluding my remarks at the moment, I would point out that this bill was considered and hearings were had before the subcommittee. I want to thank the members of the subcommittee for their good attendance at the hearings. We never failed to have a quorum and it was not difficult to get a quorum. No one appeared in opposition to the bill. The bill was read line by line and word by word by the subcommittee through five long sessions. Amendments were offered and discussed.

I would like to pay tribute to my colleagues on the minority side, the gentlewoman from Ohio [Mrs. BOLTON], the gentleman from Indiana [Mr. ADAIR], and the gentleman from Connecticut [Mr. SEELY-BROWN]. Amendments were offered in the subcommittee which it was thought would strengthen the bill, and they were adopted. My fellow members on the committee whom I have mentioned along with my colleagues on the Democratic side were unanimous in support of the bill. The bill was reported out of the full committee unanimously.

Mr. Speaker, there are two other matters I think I should touch upon. There was a provision in the bill for certain changes in the Immigration Act. We sent the language down to the Subcommittee on Immigration headed by the gentleman from Pennsylvania [Mr. WALTER]. His committee studied the language and rewrote the language and our committee adopted it in its entirety without any change whatever.

There were some changes in the Internal Revenue Act, but we were unable because of the limitations of time to work that out with the Committee on Ways and Means so we struck that out entirely.

Mr. Speaker, there has been a great deal of criticism around here about bills being sent up from downtown. This bill was not sent up from downtown. This bill was written here on the Hill, largely under the direction of Senator FULBRIGHT and the staff of the Foreign Relations Committee of the Senate. The bill came to the House from the other body. We changed it substantially in some respects. We have what we think is a sound bill, and one that anybody can conscientiously support.

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

Mr. HAYS. I yield to the gentleman from Illinois.

Mr. COLLIER. I notice in the report it says that 53,107 foreign students are in the United States plus 1,858 who are studying, I presume, under a Government-administered program. Has any survey or study been made of what these students do when they return to their respective countries? In other words, do they perform basically the function that the Peace Corps proposes to perform?

Mr. HAYS. I am glad the gentleman brought that point up because this is a matter that is of considerable concern to the committee. We have written in language to provide for exactly that, so that we can keep in contact with these people who come in, as to where they are when they go back home, so that they just do not disappear from sight forever.

We hope to think that of this number that the gentleman has read, the great majority that came here under private sponsorship, that they are a great potential source of good for our country. And, we have provided that the State Department can use some of their funds to keep in touch with them. They have the authority to send a year's subscription to one of our magazines or something of that kind and try to use this great potential source that we may have in any particular country.

Mr. COLLIER. I have no quarrel with that. I was simply curious to know. Let me say to the gentleman from Ohio, because I have had, as I think many Members of this House have had, these students come in, and after they have been here for a while ask for private bills so that they can stay here.

Mr. HAYS. We have taken care of that. The language is identical as it was; that they have to go back if they come in under Government auspices; they must return for 2 years before they can be eligible under any circumstances as permanent residents.

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

Mr. HAYS. I yield to the gentleman from North Carolina.

Mr. JONAS. Has the gentleman read the recent book entitled "A Nation of Sheep," by William J. Lederer, the man who wrote "The Ugly American"?

Mr. HAYS. No; I have not. I have heard of the book and I hope to get hold of it. I read "The Ugly American," and I have a good deal of regard for the author.

Mr. JONAS. I am moved to ask the question because the author of this book is quite critical of the way the exchange program operates. He charges that many of the exchange students brought to this country come from politically prominent families or people with influence, or from the so-called uppercrust of society and few, if any, from ordinary families from the rural communities, and therefore when they go back home they do not take the American story to the remote sections of their countries where the masses live.

Mr. HAYS. We have tried to write in the language of the bill language which would improve the selection. But, I would say to the gentleman as to the 90 percent who come here under their own power, there is no way in the world that we, as a government, can influence that selection. But, we certainly have tried to write in language which would improve our selection program.

Mr. SEELY-BROWN. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Connecticut.

Mr. SEELY-BROWN. I might point out that what the gentleman has said is very true, because 90 percent of our exchange students are privately financed and only 10 percent come here by way of outside governments and by ourselves.

Mrs. ST. GEORGE. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, 5 minutes is not a great deal of time to do very much with this bill.

According to the report, this bill claims to pull together existing laws that are primarily concerned with the educational

be made by the Secretary of State. In making such appointments due consideration shall be given to the recommendations for nomination submitted by leading national organizations in the major art fields.

(2) The members of the Committee shall be individuals whose knowledge of or experience in, or whose profound interest in, one or more of the arts will enable them to assist the Commission, the President, and other officers of the Government in performing the functions described in paragraph (3) of this subsection.

(3) The Committee shall, in connection with activities authorized under subsection 102(a)(2) of this Act—

(A) advise and assist the Commission in the discharge of its responsibilities in the field of international educational exchange and cultural presentations with special reference to the role of the arts in such fields;

(B) advise other interested officers of the Government in the discharge of their responsibilities in connection with such activities and in connection with other international activities concerned with the arts;

(C) provide such other advice and assistance as may be necessary or appropriate.

(4) The term of office of each of the members of the Committee shall be three years.

(d) The President is authorized to create such interagency and other advisory committees as in his judgment may be of assistance in carrying out the purposes of this Act, and from time to time to convene conferences of persons interested in educational and cultural affairs to consider matters relating to the purposes of this Act.

(e) The provisions of section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691), shall be applicable to any interagency committee created pursuant to the provisions of this Act. Members of the Board, the Commission, the Committee, and other committees provided for in this section shall receive no compensation for their services as such, but they shall be entitled to transportation expenses and per diem in lieu of subsistence at the rate prescribed by or established pursuant to section 5 of the Administrative Expense Act of 1946, as amended (5 U.S.C. 73b–2), while away from home in connection with attendance at meetings or in consultation with officials of the Government or otherwise carrying out duties as authorized.

(f) The President is authorized to provide for necessary secretarial and staff assistance for the Board, the Commission, and the Committee, and such other committees as may created under this section.

SEC. 107. The Board, the Commission, and the Committee shall submit annual reports to the Congress and such other reports to the Congress as they deem appropriate, and shall make reports to the public in the United States and abroad to develop a better understanding of and support for the programs authorized by this Act.

SEC. 108. (a) Whenever the President determines it to be in furtherance of this Act, the functions authorized in section 102(a)(2) and (3) may be performed without regard to such provisions of law or limitations of authority regulating or relating to the making, performance, amendment, or modification of contracts, the acquisition and disposition of property, and the expenditure of Government funds, as he may specify.

(b) The President shall submit annual reports to the Congress of activities carried on and expenditures made in furtherance of the purposes of this Act. Each such report shall include the texts of agreements made with other nations during the period covered by the report, a full description of the program and the funds expended with respect to each country in which activities have been carried on in furtherance of the purposes of this Act.

(c) In connection with activities authorized by section 102(a)(2) and (3) of this Act, the President is authorized to provide for all necessary expenditures involved in the selection, purchase, rental, construction, or other acquisition of exhibits and materials and equipment therefor, and the actual display thereof, including but not limited to costs of transportation, insurance, installation, safekeeping and storage, maintenance and operation, rental of space, and dismantling.

(d) The President is authorized to utilize the provisions of title VIII of the United States Information and Educational Exchange Act of 1948, as amended, to the extent he deems necessary in carrying out the provisions and purposes of this Act.

SEC. 109. The Immigration and Nationality Act, as amended, is hereby amended as follows:

(a) In section 101(a)(15)(I) change the period to a semicolon at the end thereof and add the following:

"(J) an alien having a residence in a foreign country which he has no intention of abandoning who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, who is coming temporarily to the United States as a participant in a program designated by the Secretary of State, pursuant to the Mutual Educational and Cultural Exchange Act of 1961, for the purpose of teaching, instructing or lecturing, or studying, observing or conducting research, or receiving training, and the alien spouse and minor children of any such alien if accompanying him or following to join him."

(b) in Section 212 redesignate subsection "(e)" to read "(f)" and add a new subsection "(e)" to read:

"(e) No person admitted under section 101(a)(15)(J) or acquiring such status after admission shall be eligible to apply for an immigrant visa, or for permanent residence, or for a nonimmigrant visa under section 101(a)(15)(H) until it is established that such person has resided and been physically present in the country of his nationality or his last residence, or in another foreign country for an aggregate of at least two years following departure from the United States: *Provided*, That such residence in another foreign country shall be considered to have satisfied the requirements of this subsection if the Secretary of State determines that it has served the purpose and the intent of the Mutual Educational and Cultural Exchange Act of 1961: *Provided further*, That upon the favorable recommendation of the Secretary of State, pursuant to the request of a Government agency desiring to obtain the alien's services for the prospective benefit to the national defense, economy, welfare, or cultural interest, or of the Commissioner of Immigration and Naturalization after he has determined that departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien), the Attorney General may waive the requirement of such two-year foreign residence abroad in the case of any alien whose admission to the United States is found by the Attorney General to be in the public interest: *And provided further*, That the provisions of this paragraph shall apply only to those persons acquiring such status subsequent to June 4, 1956"; and

(c) In section 248, after the language "paragraph (15(C)", in both instances, add "or (J)".

SEC. 110. (a) There are hereby repealed—

(1) Section 32(b)(2) of the Surplus Property Act of 1944, as amended (60 Stat. 754, 50 U.S.C. App. Sec. 1641);

(2) Sections 2(2), 201, 203 insofar as it relates to schools, 601, 602 and 603 insofar as they relate to the Advisory Commission on Educational Exchange, 1001 insofar as it relates to persons employed or assigned to duties under this Act, and 1008 and 1009 insofar as they relate to educational exchange activities, of the United States Information and Educational Exchange Act of 1948, as amended (62 Stat. 6; 22 U.S.C. sections 1431(2); 1434, 1439, 1440, 1446, 1448, 1466, 1467, and 1468);

(3) The International Cultural Exchange and Trade Fair Participation Act of 1956 (70 Stat. 778; 22 U.S.C. 1991–2001);

(4) The joint resolution of August 24, 1949, authorizing the use of Finnish World War I debt payments available for educational and technical instruction, and so forth (63 Stat. 630; 20 U.S.C. 222–224).

(b) All Executive orders, agreements, determinations, regulations, contracts, appointments, and other actions issued, concluded, or taken under authority of any provisions of law repealed by subsection (a) of this section shall continue in full force and effect, and shall be applicable to the appropriate provisions of this Act until modified or superseded by appropriate authority.

(c) Any reference in any other Act to the provisions of law listed in subsection (a) shall hereafter be considered to be references to the appropriate provisions of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mrs. ST. GEORGE. Mr. Speaker, I demand a second.

Mr. GROSS. Mr. Speaker, is the gentlewoman opposed to the bill?

Mrs. ST. GEORGE. I am opposed to the bill, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman qualifies.

Mr. HAYS. 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 Ohio?

There was no objection.

Mr. HAYS. Mr. Speaker, this bill, H.R. 8666, is essentially a codification of laws already on the books: The Fulbright amendment to the Surplus Property Act of 1944; the U.S. Information and Educational Exchange Act of 1948; the International Cultural Exchange and Fair Trade Participation Act of 1946; the Finnish Debt Payments Act of 1949; and parts of Public Law 480. The latter two, strange as it may seem, the Finnish Debt Payments Act and the parts involved of Public Law 480, are those which deal with the exchange of students and teachers.

The President has set up in the Department of State the Bureau of Educational and Cultural Affairs, headed by an Assistant Secretary. The administration of all of these laws is now under his jurisdiction. Pulling them together would not change his jurisdiction.

The bill does not set a ceiling on appropriations, it merely provides the authorization. Each year the Appropriations Committee and the Congress will determine how much is to be appropriated. In fiscal 1961 appropriations for various programs covered by this bill amounted to about $37 million.

I might say to you that I think this bill probably has more potential good in

fore the President implements any proposal for the delegation of any such powers to another officer, that proposal shall be submitted to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, and thereafter a period of not less than sixty days shall have elapsed while Congress is in session. In computing such sixty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days.

(b) The President is authorized to employ such personnel as he deems necessary to carry out the provisions and purposes of this Act and fix their compensation in accordance with the Classification Act of 1949, as amended.

(c) For the purpose of performing functions under this Act outside the United States, including participation in binational or multinational foundations or commissions, the Secretary of State may employ or assign or authorize the employment or assignment for the duration of operations under this Act of persons in or to the Foreign Service Reserve or Foreign Service Staff and alien clerks and employees in accordance with applicable provisions of the Foreign Service Act of 1946, as amended (22 U.S.C. 801).

(d) For the purpose of performing functions under this Act outside the United States, the President is authorized to provide that any person employed or assigned by a United States Government agency shall be entitled, except to the extent that the President may specify otherwise in cases in which the period of employment or assignment exceeds thirty months, to the same benefits as are provided by section 528 of the Foreign Service Act of 1946, as amended (22 U.S.C. 928), for persons appointed to the Foreign Service Reserve and, except for policymaking officials, the provisions of section 1005 of the Foreign Service Act of 1949, as amended (22 U.S.C. 807), shall apply in the case of such persons.

(e)(1) In providing for the activities and interchanges authorized by section 102 of this Act, grants may be made to or for individuals, either directly or through foundations or educational or other institutions, which foundations or institutions are public or private nonprofit, and may include funds for tuition and other necessary incidental expenses, for travel expenses from their places of residence and return for themselves, and, whenever it would further the purposes of this Act, for the dependent members of their immediate families, for health and accident insurance premiums, emergency medical expenses, costs of preparing and transporting to their former homes the remains of any of such persons who may die while away from their homes as participants or dependents of participants in any program under this Act, and for per diem in lieu of subsistence at rates prescribed by the President, for all such persons, and for such other expenses as are necessary for the successful accomplishment of the purposes of this Act.

(2) Funds available for programs under this Act may be used (i) to provide for orientation courses, language training, intercultural seminars, counseling, or other appropriate services and materials for persons traveling out of the countries of their residence for educational and cultural purposes which further the purposes of this Act, whether or not they are receiving other financial support from the Government, and (ii) to provide or continue services to increase the effectiveness of such programs following the return of such persons to the countries of their residence.

(3) For the purpose of assisting foreign students in making the best use of their opportunities while attending colleges and universities in the United States, and assisting such students in directing their talents and initiative into channels which will make them more effective leaders upon return to their native lands, the President may make suitable arrangements, by contract or otherwise, for the establishment and maintenance at colleges and universities in the United States attended by foreign students of an adequate counseling service.

(4) The President is authorized to provide for publicity and promotion abroad of activities of the type provided for in this Act.

(f) All persons employed or assigned to duties under this Act shall be investigated with respect to loyalty and suitability in accordance with standards and procedures established by the President.

SEC. 105.(a) Appropriations to carry out the purposes of this Act, to remain available until expended, are hereby authorized, and this authorization includes the authority to grant, in any appropriation Act, the authority to enter into contracts, within the amounts so authorized, creating obligations in advance of appropriations.

(b) Funds appropriated for programs under this Act may, without regard to section 3651 of the Revised Statutes (31 U.S.C. 543), be used for the acquisition from any source of foreign currencies in such amounts as may be necessary for current expenditures and for grants, including grants to foundations and commissions in accordance with international agreements providing for the accomplishment of the purposes of this Act.

(c) The President is authorized—

(1) to reserve in such amounts and for such periods as he shall determine to be necessary to provide for the programs authorized by subsections 102(a)(1) and 102(a)(2)(i), and

(2) notwithstanding the provisions of any other law except the Mutual Defense Assistance Control Act of 1951, to use in such amounts as may from time to time be specified in appropriation Acts, to the extent that such use is not restricted by agreement with the foreign nations concerned, for any programs authorized by this Act,

any currencies of foreign nations received or to be received by the United States or any agency thereof—

(i) under agreements disposing of surplus property or settling lend-lease and other war accounts concluded after World War II;

(ii) as the proceeds of sales or loan repayments, including interest, for transactions heretofore or hereafter effected under the Agricultural Trade Development and Assistance Act of 1954, as amended;

(iii) in repayment of principal or interest on any other credit extended or loan heretofore or hereafter made by the United States or any agency thereof; or

(iv) as deposits to the account of the United States pursuant to section 115(b)(6) or section 115(h) of the Economic Cooperation Act of 1948, as amended, or any similar provision of any other law.

(d) The President is further authorized to reserve and use for educational and cultural exchange programs and other activities authorized in subsections 102 (a) and (b) of this Act, in relation to Finland and the people of Finland, all sums due or paid on and after August 24, 1949, by the Republic of Finland to the United States as interest on or in retirement of the principal of the debt incurred under the Act of February 25, 1919, as refunded by the agreement dated May 1, 1923, pursuant to the authority contained in the Act of February 9, 1922, or of any other indebtedness incurred by that Republic and owing to the United States as a result of World War I.

(e) Foreign governments, international organizations and private individuals, firms, associations, agencies, and other groups shall be encouraged to participate to the maximum extent feasible in carrying out this Act and to make contributions of funds, property, and services which the President is hereby authorized to accept, to be utilized to carry out the purposes of this Act. Funds made available for the purpose of this Act may be used to contribute toward meeting the expenses of activities carried out through normal private channels, by private means, and through foreign governments and international organizations.

SEC. 106. (a)(1) For the purpose of selecting students, scholars, teachers, trainees, and other persons to participate in the programs authorized under section 102(a)(1) of this Act, and of supervising such programs and the programs authorized under section 102(b) (4) and (6), there is hereby continued the authority of the President to appoint a Board of Foreign Scholarships (hereinafter referred to as the "Board") consisting of ten members. In connection with appointments to such Board, due consideration shall be given to the selection of distinguished representatives of cultural, educational, student advisory, and war veterans groups, and representatives of the United States Office of Education, the United States Veterans' Administration, public and private nonprofit educational institutions.

(2) In the selection of American citizens for participation in programs under this Act, preference shall be given to those who have served in the Armed Forces of the United States, and due consideration shall be given to applicants from all geographical areas of the United States.

(b)(1) The United States Advisory Commission on International Educational and Cultural Affairs (hereinafter referred to as the "Commission") is hereby established to replace the United States Advisory Commission on Educational Exchange. The Commission shall formulate and recommend to the President policies for exercising his authority under this Act and shall appraise the effectiveness of programs carried out pursuant to it. The Commission shall make a special study of the effectiveness of past programs with emphasis on the activities of a reasonably representative cross section of past recipients of aid and shall submit a report to the Congress not later than December 31, 1962.

(2) The Commission shall consist of nine members, who shall be appointed by the President, by and with the advice and consent of the Senate. Not more than five members of the Commission shall be from any one political party.

(3) The members of the Commission shall represent the public interest and shall be selected from a cross section of educational, cultural, scientific, technical, and public service backgrounds.

(4) The term of each member shall be three years except that, of the first nine appointments, three shall be for a term of one year and three shall be for a term of two years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor is appointed shall be appointed for the remainder of such term. Upon the expiration of his term of office any member may continue to serve until his successor is appointed and has qualified.

(5) The President shall designate a Chairman from among members of the Commission.

(6) The Commission is authorized to adopt such rules and regulations as it may deem necessary to carry out the authority conferred upon it by this Act.

(c)(1) There is hereby continued the Advisory Committee on the Arts (hereinafter referred to as the "Committee") created under section 10 of the International Cultural Exchange and Trade Fair Participation Act of 1956, consisting of a Chairman and nine other members of whom at least one shall be a member of the Commission. Appointment of all members and selection of the Chairman of this Committee shall hereafter

Mr. Evins and Mr. Coad for, with Mr. Alger against.

Until further notice:

Mr. Brooks of Louisiana with Mr. Westland.

Mr. Davis of Tennessee with Mr. Taber.

Mr. Williams with Mr. Siler.

Mr. GRAY, Mr. FENTON, and Mr. SCHERER changed their vote from "yea" to "nay."

Mr. WIDNALL, Mr. BOGGS, and Mr. WILLIS changed their vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

PUBLIC WORKS APPROPRIATION BILL

Mr. HALLECK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HALLECK. Mr. Speaker, some days ago, at the request of the chairman of the Committee on Appropriations, permission was given for consideration on tomorrow of the public works appropriation bill. It was so listed on the whip notice we all received. Today permission was granted to the Committee on Appropriations to have until midnight tonight to file a report on the bill. Mr. Speaker, this is my parliamentary inquiry. Would it be in order on tomorrow for the chairman of the Committee on Appropriations to move for consideration of that appropriations bill as it was scheduled on the whip notice, and when we thought it would be considered?

The SPEAKER pro tempore. In reply to the parliamentary inquiry the present occupant of the Chair will say that if such a report is made on a privileged matter and if the chairman of the Committee on Appropriations sought recognition on such a privileged matter, the Chair would recognize the chairman of the Committee on Appropriations.

Mr. HALLECK. I certainly would express the hope that the chairman of the Appropriations Committee would so move tomorrow.

Mr. CELLER. Will there be a vote tomorrow, because the New York delegation has a very important primary.

Mr. HALLECK. May I say to the gentleman, further making a parliamentary inquiry, that when the chairman of the Appropriations Committee asked for the consideration of the bill on tomorrow, Thursday, he at that time said, if I remember correctly, and I am sure I so remember, that if there was a vote it would have to go over to Friday. It is all right with me, also.

The SPEAKER pro tempore. The Chair will state that the gentleman from Indiana answers his own parliamentary inquiry. Also, the majority whip made a unanimous-consent request that any rollcall tomorrow go over to Friday.

MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961

Mr. HAYS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8666) to provide for the improvement and strengthening of the international relations of the United States by promoting better mutual understanding among the peoples of the world through educational and cultural exchanges, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mutual Educational and Cultural Exchange Act of 1961".

SEC. 101. STATEMENT OF PURPOSE.—The purpose of this Act is to enable the Government of the United States to promote a better understanding of the United States in other countries; to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchange; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations, and the contributions being made toward a peaceful and more fruitful life for people throughout the world; to promote international cooperation for educational and cultural advancement; and thus to assist in the development of friendly, sympathetic, and peaceful relations between the United States and the other countries of the world.

SEC. 102. (a) The President is authorized, when he considers that it would strengthen international cooperative relations, to provide, by grant, contract, or otherwise, for—

(1) educational exchanges, (i) by financing studies, research, instruction, and other educational activities—

(A) of or for American citizens and nationals in foreign countries, and

(B) of or for citizens and nationals of foreign countries in American schools and institutions of learning located in or outside the United States;

and (ii) by financing visits and interchanges between the United States and other countries of students, trainees, teachers, instructors, and professors;

(2) cultural exchanges, by financing—

(i) visits and interchanges between the United States and other countries of leaders, experts in fields of specialized knowledge or skill, and other influential or distinguished persons;

(ii) tours in countries abroad by creative and performing artists and athletes from the United States, individually and in groups, representing any field of the arts, sports, or any other form of cultural attainment;

(iii) United States representation in international artistic, dramatic, musical, sports, and other cultural festivals, competitions, meetings, and like exhibitions and assemblies;

(iv) participation by groups and individuals from other countries in nonprofit activities in the United States similar to those described in subparagraphs (ii) and (iii) of this paragraph, when the President determines that such participation is in the national interest.

(3) United States participation in international fairs and expositions, including trade and industrial fairs and other public or private demonstrations of United States economic accomplishments and cultural attainments.

(b) In furtherance of the purposes of this Act, the President is further authorized to provide for—

(1) interchanges between the United States and other countries of handicrafts, scientific, technical, and scholarly books, books of literature, periodicals, and Government publications, and the reproduction and translation of such writings, and the preparation, distribution, and interchange of other educational and research materials, including laboratory and technical equipment for education and research;

(2) establishing and operating in the United States and abroad centers for cultural and technical interchanges to promote better relations and understanding between the United States and other nations through cooperative study, training, and research;

(3) assistance in the establishment, expansion, maintenance, and operation of schools and institutions of learning abroad, founded, operated, or sponsored by citizens or nonprofit institutions of the United States, including such schools and institutions serving as demonstration centers for methods and practices employed in the United States;

(4) fostering and supporting American studies in foreign countries through professorships, lectureships, institutes, seminars, and courses in such subjects as American history, government, economics, language and literature, and other subjects related to American civilization and culture, including financing the attendance at such studies by persons from other countries;

(5) encouraging and promoting medical, scientific, cultural, and educational research and development;

(6) promoting modern foreign language training and area studies in United States schools, colleges, and universities by supporting visits and study in foreign countries by teachers and prospective teachers in such schools, colleges, and universities for the purpose of improving their skill in languages and their knowledge of the culture of the people of those countries, and by financing visits by teachers from those countries to the United States for the purpose of participating in foreign language training and area studies in United States schools, colleges, and universities;

(7) encouraging independent research into the problems of educational and cultural exchange.

SEC. 103. (a) The President is authorized to enter into agreements with foreign governments and international organizations, in furtherance of the purposes of this Act. In such agreements the President is authorized, when he deems it in the public interest, to seek the agreement of the other governments concerned to cooperate and assist, including making use of funds placed in special accounts pursuant to agreements concluded in accordance with section 115(b)(6) of the Economic Cooperation Act of 1948, or any similar agreements, in providing for the activities authorized in section 102, and particularly those authorized in subsection 102(a)(1), of this Act with respect to the expenses of international transportation of their own citizens and nationals and of activities in furtherance of the purposes of this Act carried on within the borders of such other nations.

(b) Such agreements may also provide for the creation or continuation of binational or multinational educational and cultural foundations and commissions for the purpose of administering programs in furtherance of the purposes of this Act.

(c) In such agreements with international organizations, the President may provide for equitable United States participation in and support for, including a reasonable share (not in excess of 25 percent) of the cost of, educational and cultural programs to be administered by such organizations.

SEC. 104. (a) The President may delegate, to such officers of the Government as he determines to be appropriate, any of the powers conferred upon him by this Act to the extent that he finds such delegation to be in the interest of the purposes expressed in this Act and the efficient administration of the programs undertaken pursuant to this Act: *Provided,* That where the President has delegated any of such powers to any officer, be-

upon which they could depend in the event of litigation (87th Cong., H. Rept. 998, p. 4).

If H.R. 8723 is enacted, the Welfare and Pension Plan Disclosure Act will bear a close resemblance to the Senate bill of 1958.

This measure puts teeth into the 1958 act by giving to the Secretary of Labor the power to investigate, make regulations, issue rulings, and bring violators to court. Section 15(b) of H.R. 8723 amends the act to include the following new section:

Whenever it shall appear to the Secretary that any person is engaged in any violation of the provisions of this act, he may in his discretion bring an action in the proper district court of the United States or U.S. court of any place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted.

The present measure provides for criminal penalties for kickbacks, embezzlement, theft, fraud, and false statements.

In 1958 the Congress attempted to protect the rights of employees through voluntary disclosure on the part of the administrators of welfare and pension plans. After 2½ years of nondisclosure and employee nonprotection, it is apparent that "to continue the law in its present form in the belief that it assures adequate protective safeguards is a shameful illusion"—former Secretary of Labor Mitchell, 87th Congress, House Report No. 998, page 3.

It is time to end the illusion and enact H.R. 8723.

Mr. POWELL. Mr. Speaker, in closing I should like to point out five inaccuracies.

In the first place, the gentleman from California said the States do have such laws now. Only 5 have these laws, and 45 do not.

The gentleman from Missouri said he would not vote for this bill because it had not been considered in committee. In his colloquy on the preceeding bill he made the same statement, but he voted for the impacted area bill.

There have been two convictions in New York, one on February 26, 1959, of a trade union trustee, and again on November 18, 1960, of the president of a trade union, both convicted of larceny.

The last thing I should like to refer to is that the gentleman referred to this as a blank check to the Secretary of Labor.

This is a blank check for dishonesty as long as you let this continue. Not one single organization opposed this bill. The President of the United States wants it. Former President of the United States, Mr. Eisenhower, wanted it. Former Secretary of Labor Mitchell wanted it. The present Secretary of Labor Goldberg wants it.

This bill came out of the subcommittee of the Committee on Education and Labor unanimously. It came out of the full committee on a voice vote with only one vote against it. I say this is the time now, to stop any further action that might lead to larceny or dishonesty. We are responsible for this today and what happens between now and January, if it happens, and we hope it does not happen, but if we do not pass this bill, the guilt will be in the hands of those who are here.

The SPEAKER pro tempore. The time of the gentleman from New York has expired. All time has expired.

The question is, Will the House suspend the rules and pass the bill, H.R. 8723.

The question was taken; and on a division (demanded by Mr. HIESTAND), there were—yeas 76, nays 52.

Mr. POWELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 244, nays 161, not voting 31, as follows:

[Roll No. 190]

YEAS—244

Addabbo	Fogarty	Mack
Addonizio	Frazier	Magnuson
Albert	Frelinghuysen	Mahon
Andersen, Minn.	Friedel	Mailliard
Ashley	Fulton	Marshall
Aspinall	Gallagher	Martin, Mass.
Auchincloss	Garland	Martin, Nebr.
Avery	Garmatz	Mathias
Ayres	Gavin	Merrow
Baldwin	Giaimo	Miller, George P.
Baring	Gilbert	Mills
Barrett	Glenn	Moeller
Barry	Goodell	Monagan
Bass, Tenn.	Granahan	Montoya
Bates	Green, Oreg.	Moorhead, Pa.
Battin	Green, Pa.	Morris
Beckworth	Griffin	Morse
Bennett, Fla.	Griffiths	Moss
Bennett, Mich.	Hagen, Calif.	Moulder
Blatnik	Halpern	Multer
Boggs	Hansen	Murphy
Boland	Harding	Natcher
Bolling	Harris	Nix
Brademas	Harsha	Norblad
Breeding	Healey	O'Brien, Ill.
Brewster	Hechler	O'Brien, N.Y.
Brooks, Tex.	Hemphill	O'Hara, Ill.
Broomfield	Holifield	O'Hara, Mich.
Burke, Ky.	Holtzman	O'Konski
Burke, Mass.	Huddleston	Olsen
Byrne, Pa.	Hull	O'Neill
Cahill	Ikard, Tex.	Osmers
Carey	Inouye	Ostertag
Casey	Jarman	Patman
Cederberg	Jennings	Pelly
Celler	Joelson	Perkins
Chamberlain	Johnson, Calif.	Peterson
Chelf	Johnson, Wis.	Pfost
Clark	Jones, Ala.	Philbin
Cohelan	Judd	Pike
Conte	Karsten	Pirnie
Corbett	Karth	Poage
Corman	Kastenmeier	Powell
Cramer	Kearns	Price
Cunningham	Keith	Pucinski
Curtin	Keogh	Quie
Curtis, Mass.	Kilday	Rains
Daddario	Kilgore	Randall
Daniels	King, Calif.	Reuss
Dawson	King, Utah	Rhodes, Ariz.
Delaney	Kirwan	Rhodes, Pa.
Diggs	Kluczynski	Riehlman
Dingell	Kowalski	Rivers, Alaska
Donohue	Kunkel	Roberts
Dooley	Kyl	Rodino
Doyle	Lane	Rogers, Colo.
Dulski	Lankford	Rooney
Durno	Latta	Roosevelt
Dwyer	Lesinski	Rostenkowski
Edmondson	Libonati	Roush
Elliott	Lindsay	Rutherford
Ellsworth	Loser	Ryan
Fallon	McCormack	St. Germain
Farbstein	McDowell	Saund
Fascell	McFall	Schneebeli
Feighan	McIntire	Schweiker
Finnegan	Macdonald	Schwengel
Fino	MacGregor	Seely-Brown
Shelley	Machrowicz	Wallhauser
Sheppard	Sullivan	Watts
Shipley	Thomas	Weaver
Sibal	Thompson, N.J.	Weis
Sikes	Thompson, Tex.	Wickersham
Sisk	Thornberry	Widnall
Smith, Iowa	Toll	Willis
Smith, Miss.	Tollefson	Wright
Spence	Trimble	Yates
Springer	Tupper	Young
Stafford	Udall, Morris K.	Zablocki
Steed	Ullman	Zelenko
Stratton	Vanik	
Stubblefield	Van Zandt	
	Vinson	

NAYS—161

Abbitt	Fisher	Moore
Abernethy	Flood	Moorehead, Ohio
Adair	Flynt	Morgan
Alexander	Ford	Mosher
Alford	Forrester	Murray
Anderson, Ill.	Fountain	Nelsen
Andrews	Gary	Norrell
Arends	Gathings	Nygaard
Ashbrook	Goodling	Passman
Ashmore	Grant	Pillion
Bailey	Gray	Poff
Baker	Gross	Ray
Bass, N.H.	Gubser	Reece
Becker	Hagan, Ga.	Reifel
Beermann	Haley	Riley
Belcher	Halleck	Rivers, S.C.
Bell	Hardy	Robison
Berry	Harrison, Va.	Rogers, Fla.
Betts	Harrison, Wyo.	Rogers, Tex.
Blitch	Harvey, Ind.	Roudebush
Bolton	Harvey, Mich.	Rousselot
Bonner	Hays	St. George
Bow	Henderson	Saylor
Bray	Herlong	Schadeberg
Bromwell	Hiestand	Schenck
Brown	Hoeven	Scherer
Bruce	Hoffman, Ill	Scott
Burleson	Hoffman, Mich.	Scranton
Byrnes, Wis.	Horan	Selden
Cannon	Hosmer	Short
Chenoweth	Ichord, Mo.	Shriver
Chiperfield	Jensen	Slack
Church	Johansen	Smith, Calif.
Clancy	Jonas	Smith, Va.
Collier	Jones, Mo.	Staggers
Colmer	Kee	Stephens
Cook	King, N.Y.	Taylor
Cooley	Kitchin	Teague, Calif.
Curtis, Mo.	Knox	Teague, Tex.
Davis, James C.	Kornegay	Thomson, Wis.
Davis, John W.	Laird	Tuck
Dent	Langen	Utt
Denton	Lennon	Van Pelt
Derounian	Lipscomb	Walter
Derwinski	McCulloch	Whalley
Devine	McDonough	Wharton
Dole	McMillan	Whitener
Dominick	McVey	Whitten
Dorn	Mason	Wilson, Calif.
Dowdy	Matthews	Wilson, Ind.
Downing	May	Winstead
Everett	Meader	Younger
Fenton	Michel	
Findley	Miller, N.Y.	
	Minshall	

NOT VOTING—31

Alger	Hall	Milliken
Anfuso	Hébert	Morrison
Boykin	Holland	Pilcher
Brooks, La.	Johnson, Md.	Rabaut
Broyhill	Kelly	Santangelo
Buckley	Kilburn	Siler
Coad	Landrum	Taber
Dague	McSween	Thompson, La.
Davis, Tenn.	Madden	Westland
Evins	Miller, Clem	Williams

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert and Mr. Morrison for, with Mr. Pilcher against.

Mr. Buckley and Mr. Santangelo for, with Mr. Landrum against.

Mr. Madden and Mr. Rabaut for, with Mr. Hall against.

Mr. Anfuso and Mr. Johnson of Maryland for, with Mr. Kilburn against.

Mrs. Kelly and Mr. Thompson of Louisiana for, with Mr. Broyhill against.

Mr. McSween and Mr. Clem Miller for, with Mr. Holland against.

meet most of the objections regarding possible Federal-State problems in this area.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. CORMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CORMAN. Mr. Speaker, I support H.R. 8723.

It was about this time of year 3 years ago that the House was considering the problem of welfare and pension funds. At that time there were two principal bills which dealt with this subject, H.R. 13507 and S. 2888.

Congressional concern over this subject began in May 1954, when the Senate established a subcommittee to conduct studies and investigations of the management and operation of pension and welfare funds. The subcommittee held hearings and conducted extensive investigations and published a final 365-page report on April 6, 1956. The subcommittee report recommended congressional action in this area.

The Senate report accompanying S. 2888 stated, "numerous instances have been disclosed by previous investigations, ranging from outright looting of the funds of employee-benefit plans and corrupt administration on the part of the administrators or trustees of such plans, to waste, indifference, ineptness, lack of know-how, and downright disregard for the rights of employee beneficiaries"—85th Congress, Senate Report No. 1440, page 11.

The committee report accompanying H.R. 8723, which we are considering today, indicates the vast importance of these funds. The report states:

Figures relating to pension plans show that their number grew from 7,400 in 1945 to an estimated 25,000 in 1960, while the number of persons covered moved from 5.6 million to approximately 80 million.

Tabulations introduced into the record of the subcommittee hearings show that in 1959 the assets of both welfare and pension plans amounted to over $50 billion; and that they were growing at a rate of from $4 to $5 billion a year (87th Cong., H. Rept. 998, p. 4).

A brief comparison of the main differences of the two bills which were before the Congress in 1958 is helpful in analyzing the measure before us today.

The Senate bill, S. 2888, provided for registration with the Secretary of Labor of welfare and pension plans and for the filing of annual reports. The accuracy of these reports was to be certified by an independent accountant after an audit. The Secretary of Labor was given authority to issue regulations to implement the statutory provisions. He was also given the powers to investigate violations and to institute proceedings in the Federal court to enjoin violations. The bill declared unlawful such practices as embezzlement and kickbacks and provided for criminal penalties for these offenses.

The House bill, H.R. 13507, contained many of the reporting provisions of the Senate bill but eliminated the enforcement powers of the Secretary of Labor; and it did not contain the provisions concerning embezzlement and kickbacks. The House bill reduced the function of the Secretary of Labor to that of a custodian of reports. The Secretary had no power to investigate, examine, audit. The single most important omission in the House bill was that, unlike the Senate version, the Secretary was not empowered to institute judicial proceedings to compel compliance with the act. Instead, enforcement was primarily the responsibility of the employee participant.

In the House debate Mr. Teller, one of the principal architects of the House bill, after admitting that H.R. 13507 provided "solely for disclosure" attempted to justify the House version as follows:

When we addressed our attention to the provisions of S. 2888, the bill of the other body, one of the things that concerned us was that under that bill vast delegations of power were given to the Secretary of Labor, subpoena powers, hearing powers, powers to make rules and regulations almost without limit, powers of enforcement and investigation. This was delegation running riot in which the Congress diminished its own sense of responsibility in favor of somebody else not a congressional officer or agent. Our special subcommittee felt, and the full committee felt, that the Secretary of Labor ought not to be given these broad and unspecified powers, but that such powers should reside in the Congress, and that the enforcement of the rights given to the employees under this proposed law should be left primarily to the employees who, after all, are the primary beneficiaries. In this bill we propose rights for employees, not for the Secretary of Labor or any other Government official. Throughout, the concept of H.R. 13507 provides for enforcement by the employees. They have a right to bring a private action in court if the administrator refuses to give the employee the information" (CONGRESSIONAL RECORD, vol. 104, pt. 13, p. 16421).

Instead of providing for the employee's protection by the Secretary of Labor, it left the employee to shift for himself.

The gentlewoman from Oregon, [Mrs. GREEN], was alert to this deficiency and brought it to the attention of the House. Mrs. GREEN stated during the debate:

Mr. Chairman, it has been said that the enforcement provisions of this bill have been and should be left up to the employee—that if he is not satisfied, he can sue the employer.

Let us see how real this remedy is.

The employee can take it to court and advance the costs of the litigation—if he has the money to advance—in the hopes of winning the lawsuit and getting attorneys' fees and costs.

On the other hand, as soon as he starts to sue, the employer can fire him—in which case he no longer has any standing to sue, since such legal actions can only be brought by one who is an employee. Or we have been told if the employee is afraid to ask the employer to see the plan, he can see the plan filed with the Secretary of Labor. I submit, Mr. Chairman, that according to the present language in the bill this means the employee must, at his own expense, take a trip to Washington to inspect the plan in the public document room of the Department of Labor. This is a ridiculous provision. The gentleman from New York argues that the Secretary of Labor could mail a copy of the plan and annual report to the employee. As to that, I point to the clear language of the bill which refers only to the Secretary of Labor making them available in the public document room of the Department of Labor.

I submit, Mr. Chairman, that these are not effective enforcement provisions by any stretch of the imagination (CONGRESSIONAL RECORD, vol. 104, pt. 13, p. 16442).

The House passed its version, and the Senate passed S. 2888. When the bill came out of conference it closely resembled H.R. 13507.

Senator John F. Kennedy, one of the principal sponsors of the Senate bill, stated:

Many Members of the other body preferred no bill at all to the bill which had been passed by the Senate. Therefore, the Senate conferees negotiated under considerable difficulties, for they recognized that if they did not agree to make substantial concessions, no bill at all would be enacted. Therefore, the Senate conferees gave way on substantial points in disagreement, although we greatly regretted the necessity to do so (CONGRESSIONAL RECORD, vol. 104, pt. 14, p. 17963).

The conference bill passed both Houses.. William J. Isaacson, a leading New York lawyer, commented on H.R. 13507 as follows:

One need not be a cynic to suspect that strong political pressures, not wholly apparent in the debate, manifested themselves in the final results. These pressures did not eminate from labor unions. Labor unions were early on record in favor of welfare fund legislation at the Federal level, and the AFL–CIO had already expressly endorsed the Senate bill (William J. Isaacson, "Employee Welfare and Pension Plans," 59 Columbia Law Review 96, 121).

When President Eisenhower signed the law on August 29, 1958, he stated that he was approving the act "because it establishes a precedent of Federal responsibility in this area. It does little else. If the bill is to be at all effective, it will require extensive amendment at the next session of Congress—87th Congress, House Report No. 998, page 2.

President Kennedy, in a letter transmitting his proposed amendments to the House and Senate, stated:

Since the enactment of the act in 1958 we have had an opportunity to observe its operation and effect. This has disclosed several serious deficiencies. The act is designed to prevent repetition of abuses and irregularities in the administration of employees' benefit plans. I believe these amendments are necessary to carry out that purpose (87th Cong., H. Rept. 998, p. 3).

In an accompanying letter Secretary of Labor Goldberg stated that the law's "reliance on the concept of self-policing" had proved unsuccessful and that the Labor Department is now "virtually powerless to uncover abuses"—New York Times, May 20, 1961, page 21.

According to the present committee report:

Secretary of Labor Goldberg and other Department representatives in testimony on the administration bill before the Special Subcommittee on Labor, showed clearly that many thousands of covered plans had not been filed; that over 25,000 plans for both 1959 and 1960 were delinquent in reporting on their finances and operations; and that the lack of power to interpret the law left plan administrators with no authoritative agency to turn to for advice and assistance

dividual participant * * * is expected to detect maladministration and invoke legal remedies to protect his own interest, whereas experience has shown that employee suits alone are inadequate as enforcement remedies.

This Commission consisting of many who are considered conservative businessmen also recommended regulating these funds. We do not propose to go that far.

The weaknesses have been recognized by President Kennedy, former President Eisenhower, Secretary of Labor Goldberg, and former Secretary of Labor Mitchell.

I also would point out that in a recent report the Appropriations Committee in discussing the budget for the Bureau of Labor Standards which receives these reports, noted that:

Activities required of this Bureau by the * * * act costs approximately $500,000 per year. * * * The committee does not like to see funds wasted and hopes that legislative action will be taken.

I also would emphasize, Mr. Speaker, that under the proposed bill, the act would remain a disclosure law. These funds would not be regulated in any way; nor would they be controlled. Both the bill and the committee report so state. Nor would it infringe upon State action in this field. Facts show there are only five States which have any regulation; and in most of them the disclosure is limited. The record shows that the Federal and State authorities have worked harmoniously to cut costs of administration and repetitive filings. Indeed most of the States accept the Federal forms.

In conclusion I would point out that present Federal statutes are inadequate to provide needed protection in this field. The Internal Revenue Code deals mainly with income tax purposes, nor is there any provision against embezzlement or kickbacks. It is of interest that in 1958 upon this point, the Service testified that its procedures do not insure against abuse, or provide means for the disclosure of information to the participants or beneficiaries.

Regarding the Landrum-Griffin law, I note that this statute is concerned only with union funds, and approximately 90 percent of welfare and pension plans are employer-managed plans.

The bill merely seeks to remedy a disclosure statute regarded almost universally as inadequate in a very moderate and reasonable way.

It has been claimed by the minority views in the report, that there is no demonstration of need for further legislation—that is, no abuses. The fact is that the Douglas subcommittee indicated that because of lack of time it did not spend much time investigating level of benefit plans. Rather, its investigations were confined chiefly to jointly administered plans. It should be noted that in his testimony on S. 2888, Mr. Meany pointed out a number of level of benefit plans in which there were alleged abuses. Similarly, in the 1961 hearings before the Roosevelt subcommittee in the House, Mr. Carey pointed out a number of alleged abuses. Under the present law, however, it is almost impossible for the Department of Labor to uncover and bring to light such abuses.

It would appear that there has been little congressional investigation into employer-managed plans. The Senate committee report on S. 2888, stated, page 2, that the committee confined its field investigations to collectively bargained and jointly administered welfare funds. This is reiterated on page 11 of the same report where it is stated that most of the abuses were disclosed in jointly administered employer-union plans where most of the investigations were conducted, noting here that there was evidence of abuse in employer-administered plans. Again on page 12, it is said that most of the field investigations have been conducted on jointly administered employer-union plans. This all points to the fact that there was insufficient investigation of employer-run plans rather than a finding that there were no abuses in such plans.

It has been claimed by a few that the amendments contemplate the establishment of a vast bureaucracy, the cost of which would be exorbitant.

The problems of employee benefit plans are intimately connected to the responsibility the Federal Government has for the national welfare. The impact of these plans on the economy of this country is tremendous. The manner in which such plans supplement and are interrelated with the Government's social security programs, the billions of dollars in favorable tax treatment yearly accorded to such plans, the interstate and national character of so many plans plus the fact that powerful and frequently conflicting interests have created a variety of overwhelming problems in regard to welfare and pension programs, are all factors which indicate that the only practical means of affording adequate protection to plan participants and beneficiaries and to assure honest and effective administration of all such plans is to provide for a strengthened Federal reporting and disclosure act. The benefits derived by the country from this legislation are well worth the cost.

In addition, it is to be noted that the proposed bill is not a regulatory statute but retains the essential character of the present Act as a disclosure measure. Basically, all the bill does is add the teeth to make the Act enforcible and to discourage wrongdoing. The proposed legislation does not contemplate a gigantic bureaucracy. Most of the policing will still be done by employees, the public, and other parties in interest. More important, plan participants and beneficiaries would finally be afforded the rights and protections they are entitled to. Therefore, whatever the additional costs—and increased manpower—they would be greatly outweighed by the protection that would be afforded to participants and beneficiaries and by other benefits, direct and indirect, flowing out of the legislation.

It has been said that the costs and increased burdens to plan administrators which would result from passage of the amendments, especially in regard to administrators of small plans, are excessive; however, the proposed amendments would not unduly burden plan administrators since, for the most part, administrators already have available to them in the ordinary course of their operations the information required to be disclosed under the act. It may be noted that in this connection, the proposed bill would permit the Secretary of Labor to relieve plan administrators from unreasonable burdens which, in some instances, they must bear under the present act without relief. In regard to small plans it has been demonstrated that this is the area where the greatest lack of information exists. Certainly, the amendments would not be any more burdensome on small plans than the Landrum-Griffin Act was on small unions and there can be no doubt that any additional burdens or costs imposed by the amendments would be more than outweighed by the benefits derived from having such information reported.

It has also been said that the amendments infringe upon State laws; States are the proper authority to legislate in this area; the amendments impose multiple and duplicatory burdens on plans subject to both State and Federal laws; however, it is difficult to infringe upon State laws that do not exist. It should be pointed out that up to the present time, Federal and State authorities in this area have worked together on a mutually compatible basis to avoid duplication of reporting obligations insofar as the few States that have laws covering part of the subject matter is concerned. Most States have no legislation whatsoever in this area. There are only five States that do and many of these statutes are severely limited in their scope of coverage. For example, New York only requires disclosure from jointly administered funds. In addition, there are many multistate plans which would be burdened if required to report on a State-by-State basis. In this regard, it is to be noted that in an attempt to strike a balance between the interests of the Federal Government and the interests of the States, and in order to avoid duplication in reporting to the two governments, proposed section 13 of the amendments retains section 10 of the act. This section provides that in the case of an employee welfare or pension benefit plan providing benefits to employees employed in two or more States, no person shall be required by reason of any law of any such State to file with any State agency—other than an agency of the State in which such plan has its principal office—any information included within a description of the plan or an annual report published and filed pursuant to the provisions of the act, if copies of such description of the plan or annual report are filed with the State agency and are distributed to participants and beneficiaries in accordance with the requirements of such State law with respect to scope of distribution. It is also provided that this provision shall not be construed to prevent any State from obtaining such additional information relating to any such plan as it may desire or from otherwise regulating such plan. This provision would appear to

act these individuals are bonded for the faithful discharge of their duties.

Accordingly, union officers and employees are exempted from the more onerous bonding provisions of the Landrum-Griffin Act by the bonding provisions of the proposed bill.

Mr. HIESTAND. Mr. Speaker, I yield myself the remainder of the time on this side.

Mr. JONAS. Mr. Speaker, will the gentleman yield for a question?

Mr. HIESTAND. I yield.

Mr. JONAS. Is it true that this bill would cover all plans even though the employers pay all of the money that goes into the program?

Mr. HIESTAND. Certainly.

Mr. JONAS. And with no contributions from the employees?

Mr. HIESTAND. That is correct.

Mr. Speaker, in addition to the numerous ambiguities and technical points in the bill, pointed out by the gentleman from Missouri and others, I would like to direct the attention of the House to what I believe to be a flagrant bid for increased and unnecessary authority and power on the part of the Secretary of Labor. Despite the amendments that were put in, the bill still remains a bad bill and I oppose it.

The need for this bill, Mr. Speaker, has never been proven—indeed, cannot be proven. The Secretary in his testimony before the Education and Labor Committee stated:

> I think we can all assume that there are still areas where abuses are occurring.

There were some abuses 5 or 10 years ago. This need is based upon suspicion, this is assumption not based upon facts, because there are no such facts. The Secretary does not have any actual cases of abuses. What he wants, apparently, is a blank check to carry in his pocket.

Mr. Speaker, this blank check could cost the taxpayers of this country, already the overburdened taxpayers, anywhere from $42 million to $60 million a year. These figures are not just suspicion. They are based on facts. The experience of two States in administering similar laws would so show.

In New York, for instance, the cost of administering their State law runs $280 per fund, per year. In Wisconsin the costs runs $350 to $400 per fund per year. When it is estimated that we have 150,000 funds or plans operating in this country it is easy to see the cost runs up.

Mr. Speaker, our taxpayers do not want to spend that kind of money on suspicion. The need has not been shown.

Now, let us look at the other side of the coin. Are there presently laws on the books which could take care of these suspected abuses?

Indeed, there are. We have both Federal and State laws which govern operations of pension and welfare funds. The Congress itself passed one in 1958, and since that time 118,660 pension and welfare plans have filed annual reports. Here is the D–2 form. It is vast and it is complete. I see no reason for multiplying this a good many times. Beneficiaries of these plans were given authority by the Congress in 1958 to "self police" their funds. And, Mr. Speaker, one important fact about this new request for power on the part of the Secretary is that he is the only one complaining—the pension and welfare plan beneficiaries have not complained. They are satisfied. If they become dissatisfied, both the Congress and the States now have provided legal remedies.

Even in those States which do not have a State law specifically addressed to pension and welfare plans, they do have other laws which cover criminal fraud, larceny, embezzlement, even breach of contract, negligence, misrepresentation, or unlawful possession.

Mr. Speaker, we have the laws we need. We simply cannot further burden our people to give the Secretary of Labor this blank check, this power that even he says is needed only because of his suspicions.

There are a lot of things about this bill that are doubtful. I suggest the Members turn to pages 20 and 21 of the bill and try to make sense out of section 1027. It would make somebody apparently punishable for not doing what is not in the existing law, and that is rather vague.

I have read this thing many times and studied it. There are a good many weaknesses in this bill, including the fact that the vast majority of these funds, maybe up to 90 percent of them, are administered by private coverage companies, and so forth. They have good management. There has been no case yet brought of improper management on the part of a company. The only company that failed to live up to its obligation was a small company that failed years ago. This bill will not correct their situation. This is a bad bill, Mr. Speaker, and it should be defeated.

Mr. POWELL. Mr. Speaker, I yield 3 of the remaining 4 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I want to thank the chairman of the committee for referring this bill to me and permitting me to offer it. Before coming to Congress, I helped to develop some of these plans for joint committees and have been very interested in this field. I also want to thank the chairman of the subcommittee for the skillful manner in which he handled this bill in subcommittee, and all the people on both sides of the aisle who have very much helped in a very constructive manner to develop this bill to its present form.

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

Mr. SMITH of Iowa. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I should like to commend the gentleman from Iowa for his contributions in developing this bill, and to reiterate what I said to the chairman of the committee, that there was strong bipartisan support in committee for the objectives of this bill. While there may have been minor differences as to the kind of power to be given to the Secretary, and so forth, really in substance there was a general agreement that a bill of this kind is desirable and should be adopted.

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

Mr. SMITH of Iowa. I yield to the gentleman from Minnesota.

Mr. QUIE. I support the bill, and did in committee. I want to commend the gentleman on his work, and the work of the gentleman from New York [Mr. GOODELL], on this subject. I think what will be worked out in connection with the Senate will be a very acceptable bill.

Mr. SMITH of Iowa. I thank the gentleman. I am grateful for the wide support this bill has received from almost all quarters. I know there are few in Congress who are very conscientiously against this bill but I do not think very many. As far as I can find out, the opposition from outside of Congress is largely limited to those people who do not want to be caught by the criminal provisions of this bill. Naturally, the thieves and cheaters do not like the criminal provisions of this bill. Naturally those who do not want to be subject to the bonding requirements and also the bribery requirements in the bill do not want this bill. That is only natural. But I think most people want the bill.

The bill gives authority to the Secretary to interpret the law. The bill makes it a crime to embezzle, bribe, file false statements and conceal facts. I think this bill merely seeks disclosure of information already that would be in the file of any competent administrator of any of these plans. It seeks to compel him to disclose this information so that those interested can see it.

I would like to emphasize what the gentleman from California has said, relating to the need for this legislation. The assets in pension and welfare benefit plans totals at present $50 billion, and is increasing at the rate of $4 to $5 billion annually. The number of persons having a direct interest in such funds approximates 80 million. It is clear therefore that these plans have become on the one hand a cornerstone of the protection of many millions of our citizens, and on the other a vast and continuously increasing body of funds which exercises a most significant effect upon our national economy.

The basic weakness in the present statute is that it makes the Department only a repository for the plan descriptions and annual reports. There is no authority for the Department to render authoritive interpretations of the provisions of even the present law. There is no authority for ascertaining the accuracy of the filed forms; nor is there any authority to prescribe uniform reporting forms. There is not even any bonding requirement, to protect the beneficiaries against theft or embezzlement.

Rather, the basic policing power rests upon suits by beneficiaries. Upon this point, the President's Commission on Money and Credit stated in its recent report:

> More effective safeguards also should be provided for the protection of beneficiaries of pension funds against mismanagement and maladministration. * * * The underlying premise of the Federal Welfare and Pension Plans Disclosure Act of 1958 is that the in-

more favorable and more liberal in this respect than the bill that is now before us. The Senate made three major additions to this bill. One, they have exempted plans covering 100 or fewer employees, except under unusual circumstances. This will eliminate the filing of a great number of plans, and it will reduce the administrative burden considerably.

Another is to give the Secretary discretion to allow simplified reports where a detailed report would be unduly burdensome. This is in the same tradition as the Landrum-Griffin Act where a similar provision was made to cut down burdensome details. Is that correct, may I ask the gentleman from California? The Senate bill also would require full annual reports by the Secretary of Labor to the Congress. Does the gentleman have any comment on these amendments?

Mr. ROOSEVELT. If the Speaker would appoint me to the conference committee, I will join with my friends in hoping we can agree to those amendments.

Mr. HIESTAND. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS of Missouri. Mr. Speaker, I am glad that someone who is opposed to this can have an opportunity maybe of explaining in a few minutes why this is an inopportune time to present a matter of this depth to the House. The very fact the speaker just preceding me stating some amendments—I happen to have these amendments—will be adopted in conference demonstrates that the House cannot possibly understand this bill under suspension of the rules. The only way we could possibly debate is under a rule which would give us a chance of getting into this in depth.

I happen to think this is an area in which we need legislation, and we need it badly. I have read enough of the bill and of the report, some 35 pages, and the hearings consisting of some several hundred pages, and think that essentially this looks good, but we cannot legislate here in the House, or should not, on the basis of faith.

A committee has the responsibility to the House to come before us and give us the information.

Mr. Speaker, this matter which appears on page 4 of the committee report clearly shows it has become sizable because the Government tax structure made it possible to deduct contributions to pension plans and thus significantly minimize their cost.

Mr. Speaker, the Ways and Means Committee is very much concerned about this whole area of pension trusts and what has developed in their regulation to some degree. Essentially, the regulation must come under the Secretary of the Department of Labor, it is true. But in flipping through these hearings I have not noticed a single witness from the Bureau of Internal Revenue who was brought before this committee to gain an understanding of their requirements under the law now—the tax laws now, at any rate—as to what qualifications there are and how the pension plans have to continue to qualify. I again say that the bill itself, or the subject matter, is something we should legislate upon.

Mr. Speaker, I would like to ask the chairman of the committee who says it is so urgent, why have we not had a rule? This House has been sitting week after week, month after month, doing nothing. Why could we not have had this bill on the floor of the House under a rule where those who are interested in this subject could have developed the situation through questions, and possibly there should have been some amendments other than those which could have been accepted, possibly in conference? Why is it not better on a major thing like this, which is going to affect $50 billion of our people's investment, to have it brought out next year early in January when the House can really get into it and debate it?

Mr. POWELL. If the gentleman will yield, I should like to state that that question should be directed to the gentleman from Virginia [Mr. SMITH]. I am not a member of the Rules Committee. All I know is that for 7 weeks I have been asking the Rules Committee for a hearing.

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

Mr. CURTIS of Missouri. I yield to the gentleman from North Carolina.

Mr. JONAS. The date on the bill shows it was not even introduced until August 15.

Mr. CURTIS of Missouri. I know it does.

Mr. JONAS. I would like to congratulate the gentleman upon what he is saying. I think this bill is too important to be rushed through the House under suspension of the rules procedure which allows only 40 minutes for explanation debate and consideration. I have some questions I would like to ask, but I cannot get any time to ask them because time is simply unavailable under this procedure. I do not think this is a good way to legislate and it is not necessary in this instance because a rule should have been obtained to allow adequate time to consider this bill in detail.

Mr. CURTIS of Missouri. I think the Rules Committee has been unfairly accused of a lot of things. I notice the hearings concluded on June 28, 1961. It is true that the bill was introduced on August 15. Surely, the Rules Committee was not holding up this bill. What happened between the closing of the hearings and the executive session, I do not know. However, I suggest that we vote this down.

Mr. HIESTAND. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. ASHBROOK].

Mr. ASHBROOK. Mr. Speaker, I rise in opposition to this bill. Good reasons have already been given but two additional points need to be made. First, the proposed bill would provide, in section 9(e), the following subpena powers:

> For the purposes of any investigation provided for in this act, the provisions of section 307 (relating to the attendance of witnesses and the production of books, records, and documents) of the Federal Power Act of June 10, 1920, as amended (16 U.S.C. 825f), are hereby made applicable to the jurisdiction, powers, and duties of the Secretary or any officers designated by him.

On the other hand, section 601(b) of the Landrum-Griffin Act provides for the following subpena powers:

> For the purpose of any investigation provided for in this act, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49, 50), are hereby made applicable to the jurisdiction, powers, and duties of the Secretary or any officers designated by him.

The provision of the subpena powers under the Federal Power Act which are to be duplicated in the proposed bill are much broader than the provisions of the Federal Trade Commission Act which are incorporated in the Landrum-Griffin Act. For instance, under the FTC provisions the power of access shall be only at reasonable times and against any corporation being investigated or proceeded against. This could be interpreted to mean that the subpena powers would be valid only if there was a valid basis for investigation as provided in the bill.

The Federal Power Act provisions state the Commission may investigate any facts, conditions, practices, or matters which it may find necessary or proper in order to determine whether any person has violated or is about to violate any provision of this chapter or any rule, regulation, or order thereunder or to aid in the enforcement of the provisions of this chapter, or in prescribing rules or regulations thereunder, or in obtaining information to serve as a basis for recommending further legislation.

Mr. Speaker, it is obvious that this legislation very easily lends itself to any type of fishing expedition that the Secretary of Labor might wish to make. Much has been made of the word "reasonable" by the proponents of this bill. Let them try to define "reasonable" and I feel they will be forced to admit that as far as Washington bureaucracy is concerned, "reasonable" is synonymous to anything and everything.

While powers of subpena available to Secretary of Labor are more stringent on the one hand, the bonding provisions regarding unions are relaxed at the same time.

Section 13(a) of the bill provides:

> Such bond or other security or insurance shall provide protection to the plan against loss by reason of acts of fraud or dishonesty on the part of any administrator, officer, or employee of such plan directly or through connivance with others.

Section 13(d) of the bill provides:

> Nothing in any other provision of law shall require any person, required to be bonded as provided in subsection (a) because he handles funds or other property of an employee welfare benefit plan or of an employee pension benefit plan, to be bonded insofar as the handling by such person of the funds or other property of such plan is concerned.

The above provision therefore exempts the union officers and employees from the bonding provisions of section 502 of the Landrum-Griffin Act. In this

The basic point in all this, is that even where the right of investigation is provided, abuses of the trust relationship continue to be uncovered. Under the present Federal law, there is no right of investigation, no protection for these 80 million participants, and their interests in this $50 billion in assets in these plans.

An analogy would be the provisions in Landrum-Griffin, dealing with unlawful trusteeships in title III, but providing no investigatory right to the Secretary; or those provisions relating to union elections.

The realistic fact, of course, is, as every single Member of this House knows, filing reports with the Department, without the right to make sure that the reports are accurate and honest, is an empty protection to the participants of these plans and to the public; or as former Secretary of Labor Mitchell stated, a "shameful illusion."

I would also note that those who say the aim of the bill is to control or regulate these plans, ignore the plain facts of the record. The bill itself in section 9(h) clearly states that nothing in the law shall authorize the Secretary to regulate, or interfere in the management of, any of these plans. The committee report on page 9 reiterates this clear statement of intention. And the Secretary himself in his testimony stated on page 18 of the printed record that:

It is not the desire or the reach of this proposal to subject these plans to Federal control. These proposals have a very simple objective and that is to make known to the beneficiaries of these plans and to the public what the contents of these plans are and to give the Secretary the necessary authority to investigate the reports that the statute calls for.

I note that under the Landrum-Griffin law, the Secretary is given authority, but I don't recall the argument that he therefore, would be able to control or regulate union internal processes and business, or that of employers or labor relation consultants.

Similarly, the contention that these amendments would require a staff of 8,550 people and $45 million, is another illustration of flagrant disregard for the facts. The Secretary plainly testified an appropriation of $2,500,000 and a total staff of 290 would be adequate. I am now advised that because of the amendments made by the committee, the actual budget would be reduced to $1,500,000 and a total staff of 171—only 86 more than the present staff.

With respect to use of departmental forms, I have here two examples of reports received by the Department, and note that on the first there is no information filled in concerning the date of the plan year ending; or when the annual report is due; what kind of plan it is; or who is the administrator.

Looking at the second form, there is no information showing how the plan is financed; how much money goes into the plan; or even how many employees are covered by the plan.

The argument, therefore, that most plans use the Department forms, becomes meaningless, unless the information requested by the form is given; and the Department has the right to make sure that the information is accurate and honest.

Further along this line, the testimony before the subcommittee showed that over 12 percent of the forms received by the Department of Labor had deficiencies on their face; that is, there were omissions of such critical information as the name of the plan administrator, what type of workers were covered and information indicating when the annual report should be filed. As a matter of fact, a considerable number of reports were not even signed by the plan administrator and many others were not sworn to as required by the legislation.

In conclusion I would refer the Members to an editorial in the Washington Daily News, of May 26, 1961, dealing with the need for this legislation. It stated:

TEETH FOR PENSION FUND LAW

Scandalous abuses of union pension funds, as revealed by the McClellan committee, inspired passage of a sham law which provides no real protection.

Labor Secretary Goldberg used strong but well-justified language this week in discussing this law before a committee of Congress.

It is, he said, confusing, toothless and widely ignored. It is a betrayal of the 85 to 100 million Americans who have money estimated at nearly $50 billion in these funds.

He considers it likely that many of the abuses discovered before passage of the law, 2 years ago, still are taking place.

Mr. Goldberg thus backs the criticism of President Eisenhower, when he signed the act, and of his Labor Secretary, James P. Mitchell.

The law requires pension fund administrators to file reports showing sources of the funds and their uses; but the process stops there. The Labor Department, which receives the reports, can't do anything much about them. There are no effective criminal penalties in the law for such things as embezzlement and kickbacks.

What Mr. Goldberg wants is power to subpena witnesses and seek injunctions to compel compliance with honest standards. For embezzlement he would fix a Federal penalty of $10,000 fine and 5 years imprisonment.

These provisions—or even stiffer—should have been in the original law. Congress should not wait to act until there are new revelations of callous theft and misuse of these funds, accumulated from the dues of union members.

Mr. HIESTAND. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. GOODELL], a member of the committee.

Mr. GOODELL. Mr. Speaker, I rise in favor of this bill. I will try to clarify some further points with reference to its provisions.

I would like to point out first of all that the original Welfare Pension Plan Disclosure Act was passed in 1958. When President Eisenhower signed the bill, which was cut back considerably here in Congress, he made this statement. It was on August 29, 1958. He said he was approving the act, and I quote:

Because it establishes a precedent for Federal responsibility in this area. It does little else. If the bill is to be at all effective, it will require extensive amendment at the next session of Congress.

It was not amended in the next session; it has gone to this time to be amended and have some teeth put into it so that the Secretary of Labor may require those who are administering the pension and welfare plans to file a report with him to make the disclosures. We wrote a provision in here that the Secretary of Labor may not use this subpena power or investigatory power without first having reasonable cause to believe there had been a violation. The violation is that they refuse to disclose in what categories their funds are invested.

We went further and wrote in a limitation in this bill that the Secretary could not explore the types of stock, the types of bonds, the kind of companies these funds are invested in except on reasonable cause to believe that the original filing was inaccurate. That means that the filing which is called for here is to inform beneficiaries of pension and welfare plans: How much money do you have invested in Government bonds? How much in corporate bonds? How much in common stocks? How much in preferred stocks? How much in real estate? The general categories are written right into the act to be sure that that is the power of the Secretary of Labor and no more. Then if the Secretary of Labor has reasonable cause to believe that that company is inaccurate in its report and has thus violated the law, then and only then may he request a filing of a full schedule of assets and liabilities in regard to the pension or welfare plan.

May I ask the gentleman from California if he will not confirm what I have said in this respect?

Mr. ROOSEVELT. Not only can I confirm it but I can specify exactly where it is. It is on page 5, line 17, where it is clearly stated:

The Secretary, when he has determined that an investigation is necessary in accordance with section 9(d) of this act, may require the filing of supporting schedules of assets and liabilities.

Mr. GOODELL. One other point. In the early stages there was some suspicion that this was an attempt to control the investment of these funds, that maybe the Secretary of Labor or somebody else wants to tell the administrators where they can invest funds. Some union leaders appear to have such an objective, particularly one Mr. Carey, who was quoted in a newspaper as saying:

It is our belief that the nature of the pension funds may yet require the establishment of rules by the Congress to govern the way such money is invested.

Does not the gentleman from California agree that we wrote specifically and clearly in this legislation that there is no power anywhere for anybody to tell the Administrator where he may invest these funds?

Mr. ROOSEVELT. May I read from page 8, line 19, where it is stated:

Nothing contained in this act shall be so construed or applied as to authorize the Secretary to regulate, or interfere in the management of, any employee welfare or pension benefit plan, * * *

Mr. GOODELL. I have one other question. The Senate has passed a bill in this matter and its bill is generally

together, did accomplish its purpose, and that while the administration's original proposals were essentially the same as those of the prior administration, nevertheless the committee in its wisdom—and we were backed by the full committee with very few dissenting votes—made certain amendments which are not only necessary but which will definitely define the powers of the Secretary and limit him to doing the job which needs to be done without allowing any fishing expedition or any abuse of power.

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

Mr. ROOSEVELT. I yield to the gentleman from West Virginia.

Mr. BAILEY. I would like to ask the gentleman from California if his subcommittee, in considering this legislation, heard the protests of the UMWA; what was the nature of that protest, and to what extent did your committee eliminate the objectionable features of the bill?

Mr. ROOSEVELT. I would say to the gentleman that there were two labor organizations which appeared against the bill. One was the United Mine Workers of America and the other was the Teamsters Union. In both instances they joined in saying that their primary purpose was not to destroy the bill but to demand that the Secretary only be allowed to act upon reasonable cause. And, we did write into the bill that he must have reasonable cause before he could launch any investigation. Upon general agreement among the members of the committee that this was proper, we wrote that specifically into the bill.

It was also stated, if my memory is correct, by a representative of the United Mine Workers that they felt we should specifically provide that the Secretary had no power to run the plan itself or to decide the investment of the plan.

Mr. BAILEY. Did you write that proviso in the bill?

Mr. ROOSEVELT. We wrote that in specifically, and I will refer to it at a later time. Perhaps the gentleman from New York has it. But, it was written in, in very precise form.

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

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

Mr. GOODELL. The gentleman is correct, and I think this is very clearly stated in the report. The whole record indicates that there was no intent here to have him have any say whatsoever about where these funds are invested. This is a disclosure act. It is to make sure that the investments are disclosed through the Secretary of Labor, and that is all.

Mr. ROOSEVELT. I thank the gentleman.

Mr. BAILEY. Mr. Speaker, if the gentleman will yield for one more question, was the action of the committee in any way indicated by advising these people who had testified of the changes made in the original bill as introduced?

Mr. ROOSEVELT. We made it known to every witness that the so-called blue sheet, describing the bill, would be available and was available. However, as far as I know, we did not send it to anybody who did not ask for it.

Mr. BAILEY. I thank the gentleman. I will not impose any more on your time.

Mr. ROOSEVELT. I thank the gentleman.

Mr. GOODELL. Mr. Speaker, if the gentleman will yield further, you mentioned the question of reasonable cause. I would be glad to have you explain that if you have sufficient time. I think that is a very vital part of this bill, and I would like to have it clarified. May I proceed now?

Mr. ROOSEVELT. Please.

Mr. GOODELL. Under 7(b) reports, as I understand, these are the annual reports that must be filed. Now, they may be sworn to but not necessarily certified by an accountant of some kind. It is my understanding that the Secretary of Labor, if he finds reasonable cause to believe there is something wrong with the annual report, must find that reasonable cause exists before he does anything, and he may then require the report to be certified; is that correct?

Mr. ROOSEVELT. That is absolutely correct.

Mr. GOODELL. He must have it certified before he takes any other action?

Mr. ROOSEVELT. If the report has not been certified, he must do that before he can make any investigation.

Mr. GOODELL. Going further, assuming that a report is filed and then the Secretary of Labor requires it be certified, if the Secretary of Labor then wants to subpena any documents, I understand, it is provided in section 9(e); he still, at that stage, must have a continuing reason, reasonable cause, to believe there is a violation; is that correct?

Mr. ROOSEVELT. That is correct, sir, and anybody would have that defense if he believed he did not so have reasonable cause.

Mr. GOODELL. On page 19 of the report, which is the text of the bill, there is the section giving the Secretary of Labor the power under sections 6 and 7 to require the filing in such form and detail as the Secretary shall by regulation prescribe. I would just like to clarify that by saying that this also requires that the Secretary make a determination that there is reasonable cause to believe there has been a violation before he makes this requirement upon the plan concerned.

Mr. ROOSEVELT. The gentleman is correct; and, if the gentleman will permit—and again it is suggestion—we wrote in the specifics of what could be required in any report in order again not to allow the Secretary to ask for extraneous matter.

Mr. GOODELL. The gentleman realizes I am asking these questions to establish a bona fide unquestionable legislative history as to what the Secretary's powers are. I appreciate the gentleman's yielding. These are mostly amendments I proposed in the subcommittee.

One other question: In the bill there is a provision giving the Secretary—it is on page 21 of the report:

> The Secretary when he has determined that an investigation is necessary in accordance with section 9(d) of this act may require the filing of supporting schedules of assets and liabilities.

Once again, this power in the Secretary's hands can be exercised only upon a determination that there is reasonable cause to believe a violation has occurred.

Mr. ROOSEVELT. The gentleman is correct; and we wrote it in there so there could be no misunderstanding on that point.

Mr. GOODELL. I appreciate the gentleman's responses and thank him.

Mr. ROOSEVELT. May I just say in the very few seconds I have left, that I will put into the RECORD a rather detailed description of the need. The immediate need arises largely from the New York law which covers 3,500 out of 17,000 cases and shows very clearly that there is an immediate need to protect these plans. I would refer to testimony before the subcommittee where facts show that in New York, which has a disclosure law, with the right of investigation, an examination of a welfare fund was begun on September 4, 1958. Subsequently, the fund bookkeeper was convicted on February 26, 1959, of grand larceny first degree. On March 4, 1960, she received a suspended sentence with probation. The union president and a fund trustee also were indicted on November 19, 1959, in connection with the receipt of payments and loans from the welfare fund. On November 18, 1960, he received a $500 fine or 30-day jail sentence, and both of these persons are no longer connected with the fund.

An examination of the reports filed with the Labor Department was made, and on their face, disclosed no information which would indicate larceny, forgery, or illegal loans. It was disclosed, however, that the report was verified by the administrator only of the fund, who was an employee of the fund, whereas regulations request that each member of the board of trustees attest to the D–1 report. Not only that, but there was a discrepancy in the figures on the reporting D–2 form. At one place, employer contributions were listed as $43,775; whereas in another place, contributions were put at $33,509.12.

I emphasize to the Members, that under present law, the Department has no right to inquire into these matters.

Another case investigated by the New York authorities, disclosed withdrawal of welfare funds, for the benefit of certain trustees and union officials. The grand jury on June 29, 1959, indicated the trustees on two counts, grand larceny, first degree, and forgery in the third degree.

An investigation of filings with the Labor Department disclosed no plan descriptions or annual reports made by this fund. Subsequent investigation has revealed some question concerning coverage of the Federal law of this plan.

to which they and their employers have contributed.

During the course of the hearings on this bill, a very distinguished member of the other body came before our subcommittee to document a number of abuses in the operation of these funds which his own investigations had revealed. He was not able to report that any of these irregularities, to his knowledge, had been corrected since they were disclosed in a legislative hearing. An official of the New York State Welfare Fund Bureau also testified that under their law, which subjects these plans to a more detailed type of scrutiny than has been possible under our present law, abuses and irregularities have been found in the plans operating in that State. Some opponents of this legislation state that need for these amendments has not been shown because the Department of Labor has no mass of evidence indicating irregularities exist. What these opponents have not told you is that, under the present law—without these proposed amendments—there is no way in the world for the department to find out whether the funds are or are not properly administered.

This can truly be called a bipartisan measure. As I stated earlier in these remarks, former President Eisenhower and his Secretary of Labor requested such legislation from the last Congress and a distinguished member of our committee, from the minority, sponsored a bill for this purpose. The deliberations of our Special Subcommittee on Labor, under the very capable guidance of the gentleman from California [Mr. ROOSEVELT] took careful note and adopted many of the suggestions made by the minority members—and a majority, two out of three Republican members of this subcommittee, supported the measure as it was finally reported out. The third member was not recorded in subcommittee. The subcommittee also sought guidance and counsel from representatives of labor, industry, insurance companies, investment counselors, and pension and welfare plan experts. All of their meritorious suggestions and recommendations have been incorporated in the measure before you this afternoon.

Your vote for and support of H.R. 8723 is now solicited to close a glaring loophole in the present law.

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

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

Mr. FRELINGHUYSEN. I would like to thank the gentleman from New York for his kind remarks about the bill which I introduced in the 86th Congress, providing him with what he charitably describes as a model for the bill which he introduced at this session. I should like also to say that I do support this bill, because I feel that this legislation is needed and will be beneficial.

I think it should be pointed out, however, that 3 years have elapsed since the legislation which we are now considering amending was first enacted. Actual experience during that period has not demonstrated any major or flagrant abuse or scandal. The gentleman from New York indicated that a major scandal might break at any time and, of course, with a toothless law that could be the case. I might say I am surprised, with the passage of time, that more abuses have not developed. At least there were very few that were called to the attention of the committee. For that reason I think this legislation is not so urgently needed, as I felt it was 2 years ago when I first introduced a bill along these lines. For some reason or other no action was taken at that time. Nonetheless, I should like to repeat once again that I do feel that this bill is a step in the right direction, Mr. Speaker.

Mr. HIESTAND. Mr. Speaker, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. KEARNS] ranking minority member of the committee.

Mr. KEARNS. Mr. Speaker, I would like to commend the gentleman from California [Mr. ROOSEVELT] and the members of his subcommittee, for the marvelous job they have done with respect to this bill, H.R. 8723.

CALL OF THE HOUSE

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. WALTER). 156 Members are present, not a quorum.

Mr. BROOKS of Texas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 189]

Alger	Diggs	Morrison
Anfuso	Evins	Pilcher
Arends	Hall	Rabaut
Auchincloss	Harding	Riehlman
Blatnik	Hébert	Rivers, S.C.
Boykin	Hemphill	Santangelo
Bray	Holland	Shelley
Brooks, La.	Johnson, Md.	Siler
Broyhill	Kelly	Teague, Tex.
Buckley	Kilburn	Thompson, La.
Celler	Landrum	Weaver
Coad	McSween	Westland
Curtis, Mass.	Madden	Wilson, Ind.
Dague	Martin, Nebr.	
Davis, Tenn.	Milliken	

The SPEAKER pro tempore (Mr. WALTER). On this rollcall, 390 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

WELFARE AND PENSION PLAN AMENDMENTS OF 1961

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. KEARNS] is recognized.

Mr. KEARNS. Mr. Speaker, I had just finished congratulating the gentleman from California [Mr. ROOSEVELT] on the fine work his committee had done on this bill, H.R. 8723, when we had the quorum call. I might say all interested parties were afforded an opportunity to appear and to testify.

At the conclusion of the hearings, a number of executive sessions were held and all of the provisions of this bill were carefully analyzed and considered.

As a result of the subcommittee work, many important amendments were made and the bill which is before us today is much superior to the bill which was first assigned to the subcommittee.

The growth of private welfare and pension benefit plans has been phenomenal. At the present time there are approximately 150,000 such plans which have assets totaling $50 billion. It is estimated that by 1970 there will be 300,000 such plans with assets totaling $100 billion. Certainly everyone is agreed that these plans must be adequately safeguarded so that the benefits which are so important to so many people can be fully realized.

In my opinion there are two very important provisions in this bill which merit special mention. The first provision, which is section 9(d), limits the Secretary of Labor's investigatory powers to those situations where there has been a complaint of violation or he has reasonable cause to believe investigation may disclose violations of the act. This means that the Secretary of Labor is prohibited from conducting fishing type investigations or investigations which are not supported by a valid complaint or a reasonable belief that a violation has occurred. Moreover, it is also my understanding that the investigations conducted by the Department of Labor will be only in the nature of preliminary inquiries and in the event there is any evidence of a violation of the criminal offenses or a willful violation of the reporting or publication provisions, the case will be forwarded to the FBI for final investigation. I believe that these restrictions on the investigatory power of the Secretary of Labor meet the honest criticism that this bill unjustifiably broadens the scope and investigatory power of the Secretary of Labor.

The second important provision is section 15(h) which provides that nothing in this act shall authorize the Secretary of Labor to regulate or interfere in the management of any plan. It is not the intent of this bill that the Secretary of Labor be given supervisory powers with respect to welfare and pension plans. This provision specifically states this fact and thus effectively meets the criticism that this legislation provides the Secretary of Labor with the power to regulate these plans.

Therefore, although I, too, am reluctant to see the powers of the Secretary of Labor expanded, even in this limited manner, whether it be a Republican or a Democratic administration, I believe that the need for this type of legislation has been demonstrated. Accordingly, I recommend its adoption.

Mr. POWELL. Mr. Speaker, I yield to the gentleman from California [Mr. ROOSEVELT], chairman of the subcommittee, such time as he may require.

Mr. ROOSEVELT. Mr. Speaker, may I first express my appreciation to the members of the subcommittee and particularly the ranking members, the gentleman from Ohio [Mr. AYRES], the gentleman from New York [Mr. GOODELL], and the gentleman from New Jersey [Mr. FRELINGHUYSEN], who joined the subcommittee in our endeavors to try to write as constructive a bill as we possibly could. I think it can be said that the majority and the minority did work

any employee welfare benefit plan or employee pension benefit plan, or a person providing benefit plan services to any such plan, or an employer any of whose employees are covered by such a plan, or officer or employee or agent of such employee, or an officer or agent or employee of an employee organization having members covered by such a plan, receives or agrees to receive any money or thing of value because of, or with intent to be influenced with respect to, any of his actions, decisions, or other duties relating to any question or matter concerning such plan, or any person who directly or indirectly gives or offers, or promises to give or offer, any payment or delivery of money or other thing of value prohibited by this section, shall be fined not more than $10,000 or imprisoned not more than three years, or both: *Provided,* That this section shall not prohibit the payment to or acceptance by any person of bona fide salary, compensation, or other payments made for goods or facilities actually furnished or for services actually performed in the regular course of his duties as such administrator, officer, trustee, custodian, counsel, agent, or employee of such plan, employer, or employee organization, or person providing benefit plan services to such plan.

"As used in this section, the term 'any employee welfare benefit plan or employee pension benefit plan' means any such plan subject to the provisions of the Welfare and Pension Plans Disclosure Act.

"(b) Whenever in the judgment of a United States attorney the testimony of any witness, or the production of books, papers, or other evidence by any witness, in any case or proceeding before any grand jury or court of the United States involving any violation of this section, or any conspiracy to violate such section, is necessary to the public interest, he, upon the approval of the Attorney General, shall make application to the court that the witness shall be instructed to testify or produce evidence subject to the provisions of this subsection, and upon order of the court such witness shall not be excused from testifying or from producing books, papers, or other evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no such witness shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor shall testimony so compelled be used as evidence in any criminal proceeding (except prosecution described in the next sentence) against him in any court. No witness shall be exempt under this subsection from prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this subsection."

(b) The analysis of chapter 11, title 18, United States Code, immediately preceding section 201 thereof, is amended by adding at the end thereof the following new item:

"224. Offer, acceptance, or solicitation to influence operations of employee benefit plan."

(c) Chapter 31 of title 18, United States Code, as amended, is amended by adding a new section captioned and reading as follows:

"§ 664. Theft or embezzlement from employee benefit plan

"Any person who embezzles, steals, or unlawfully and willfully abstracts or converts to his own use or to the use of another, any of the moneys, funds, securities, premiums, credits, property, or other assets of any employee welfare benefit plan or employee pension benefit plan, or of any fund connected therewith, shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"As used in this section, the term 'any employee welfare benefit plan or employee pension benefit plan' means any such plan subject to the provisions of the Welfare and Pension Plans Disclosure Act."

(d) The analysis of chapter 31, title 18, United States Code, immediately preceding section 641 thereof, is amended by adding at the end thereof the following new item:

"664. Theft or embezzlement from employee benefit plan."

(e) Chapter 47 of title 18, United States Code, as amended, is amended by adding a new section captioned and reading as follows:

"§ 1027. False statements and concealment of facts in relation to documents required by the Welfare and Pension Plans Disclosure Act

"Whoever, in any document required by the Welfare and Pension Plans Disclosure Act (as amended from time to time) to be published, or kept as part of the records of any employee welfare benefit plan or employee pension benefit plan, or certified to the administrator of any such plan, makes any false statement or representation of fact, knowing it to be false, or knowingly conceals, covers up, or fails to disclose any fact the disclosure of which is required by such Act or is necessary to verify, explain, clarify or check for accuracy and completeness any report required by such Act to be published or any information required by such Act to be certified, shall be fined not more than $10,000, or imprisoned not more than five years, or both."

(f) The analysis of chapter 47, title 18, United States Code, immediately preceding section 1001, is amended by adding at the end thereof the following new item:

"1027. False statements and concealment of facts in relation to documents required by the Welfare and Pension Plans Disclosure Act."

SEC. 18. The Welfare and Pension Plans Disclosure Act is further amended by substituting the term "Secretary" for the term "Secretary of Labor" wherever the latter term appears in such Act.

SEC. 19. The amendments made by this Act shall take effect January 1, 1962, except that section 13 of the Welfare and Pension Plans Disclosure Act shall take effect July 1, 1962.

The SPEAKER pro tempore. Is a second demanded?

Mr. HIESTAND. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HIESTAND. I am, Mr. Speaker.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. POWELL. Mr. Speaker, I yield myself such time as I may desire.

GENERAL LEAVE TO EXTEND

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks.

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

There was no objection.

Mr. POWELL. Mr. Speaker, before this Congress opened, when we were examining the tasks that lay ahead of the committee, one of the obvious tasks was the amendment of the Welfare and Pension Plans Disclosure Act. Just 2 years of experience with that statute confirmed what many of us knew when it was passed. The statute, as passed in 1958, was a misrepresentation and sham.

Former President Eisenhower and his Secretary of Labor had both asked the previous Congress to tighten this legislation to provide sorely needed protection. I would like to say that the gentleman from New Jersey [Mr. FRELINGHUYSEN] introduced a bill in the 86th Congress for that purpose. His bill was the model from which I drew my own legislative recommendations submitted as H.R. 4929 early in the year. The legislation before you today draws heavily upon those Frelinghuysen recommendations and also incorporates the best thinking of the executive branch of our Government on this subject.

I have been concerned for a number of years about the awesome responsibility placed in the hands of trustees of the pension and welfare funds which now cover over 85 million Americans. These funds have been growing at an astronomical rate. Today the annual payments into these funds, which are the subject matter of these amendments and the basic statute, exceed the budgets of the State of New York, the State of California, and 1 dozen other States combined. Annual payments into such funds exceed the amounts invested by individuals in all the corporate securities of the United States of America. These fund reserves now far exceed $50 billion and are increasing at the rate of well over $5 billion a year.

This Congress must assure the 85 million workingmen and women in the United States, who are the beneficiaries or covered by these plans, that their interests and benefits are properly handled and safeguarded. How the fiduciary relationship to these wage earners is carried out must be guided and scrutinized. This is not done by the present law. The present law is toothless. The 1958 statute merely makes the Secretary of Labor the depository for "summary" reports of plan operations. He may study these vague and concealing statements, but he can do nothing about abuses, even if he were to find them.

Before our committee embarked upon an inquiry on this subject this year, earlier legislative inquiries had disclosed flagrant disservice to the fiduciary relationship by fund trustees. Yet, not one single instance of prosecution has resulted under the present provisions of the law. We did not need further disclosures to underscore the need for amendment. Requiring an accounting from all types of plans, singly or jointly administered, level of benefit, insurance type, and so forth, will establish for the trustees and imbue in their operations a code of conduct which will act as a deterrent for those who require supervision lest they transgress.

Some confusion still exists about this type of legislation. It should be dispelled. It is not meant to regulate union-management relations. It is not a Taft-Hartley or a Landrum-Griffin Act. It is designed to protect a much broader public—all the policyholders, beneficiaries, and others who have a stake in receiving the full benefits from the funds

SEC. 16. (a) Such Act is further amended by renumbering sections 10, 11, and 12 as sections 16, 17, and 18, respectively, and by adding the following new sections to the Act:

"REPORTS MADE PUBLIC INFORMATION

"SEC. 10. The contents of the descriptions and reports filed with the Secretary pursuant to this Act shall be public information, and the Secretary may publish any information and data which he obtains pursuant to the provisions of this Act. The Secretary may use the information and data for statistical and research purposes, and compile and publish such studies, analyses, reports, and surveys based thereon as he may deem appropriate.

"RETENTION OF RECORDS

"SEC. 11. Every person required to file any description or report or to certify any information therefor under this Act shall maintain records on the matters of which disclosure is required which will provide in sufficient detail the necessary basic information and data from which the documents thus required may be verified, explained, or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions, and shall keep such records available for examination for a period of not less than five years after the filing of the documents based on the information which they contain.

"RELIANCE ON ADMINISTRATIVE INTERPRETATIONS AND FORMS

"SEC. 12. In any action or proceeding based on any act or omission in alleged violation of this Act, no person shall be subject to any liability or punishment for or on account of the failure of such person to (1) comply with any provision of this Act if he pleads and proves that the act or omission complained of was in good faith, in conformity with, and in reliance on any written interpretation or opinion of the Secretary, or (2) publish and file any information required by any provision of this Act if he pleads and proves that he published and filed such information in good faith, on the description and annual report forms prepared by the Secretary and in conformity with the instructions of the Secretary issued under this Act regarding the filing of such forms. Such a defense, if established, shall be a bar to the action or proceeding, notwithstanding that (A) after such act or omission, such interpretation or opinion is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect, or (B) after publishing or filing the description and annual reports, such publication or filing is determined by judicial authority not to be in conformity with the requirements of this Act.

"BONDING

"SEC. 13. (a) Every administrator, officer, and employee of any employee welfare benefit plan or of any employee pension benefit plan subject to this Act who handles funds or other property of such plan shall be bonded as herein provided; except that where such funds or property are not segregated for the purposes of such plan, the Secretary in his discretion may accept the filing of other security or certificate of insurance in lieu of the bonding requirements set out herein. The amount of such bond shall be fixed at the beginning of each calendar, policy, or other fiscal year, as the case may be, which constitutes the reporting year of such plan. Such amount shall be not less than 10 per centum of the amount of funds handled, determined as herein provided, except that any such bond shall be in at least the amount of $1,000 and no such bond shall be required in an amount in excess of $500,000: *Provided*, That the Secretary, after due notice and opportunity for hearing to all interested parties, and after consideration of the record, may prescribe an amount in excess of $500,000. For purposes of fixing the amount of such bond, the amount of funds handled shall be determined by the funds handled by such administrator, officer, or employee and their predecessor or predecessors, if any, during the preceding reporting year, or if the plan has no preceding reporting year, the amount of funds to be handled during the current reporting year by such administrator, officer, or employee, estimated as provided in regulations of the Secretary. Such bond or other security or insurance shall provide protection to the plan against loss by reason of acts of fraud or dishonesty on the part of any administrator, officer, or employee of such plan, directly or through connivance with others. Any bond shall have as surety thereon a corporate surety company which is an acceptable surety on Federal bonds of like amount under authority granted by the Secretary of the Treasury pursuant to the Act of July 30, 1947 (6 U.S.C. 6–13). Any bond, other security, or insurance shall be in a form or of a type approved by the Secretary. The Secretary may, in lieu of individual bonds, approve the use of schedule or blanket forms of bonds to cover individuals required to be bonded as herein provided.

"(b) It shall be unlawful for any administrator, officer, or employee to whom subsection (a) applies, to receive, handle, disburse, or otherwise exercise custody or control of any of the funds or other property of any employee welfare benefit plan or employee pension benefit plan, without being bonded as required by subsection (a), or without the Secretary having accepted other security or insurance under the provisions of subsection (a), and it shall be unlawful for any administrator, officer, and employee of such plan, or any other individual having authority to direct the performance of such functions, to permit such functions, or any of them, to be performed by any such individual, with respect to whom the requirements of subsection (a) have not been met.

"(c) It shall be unlawful for any person to procure any bond, other security, or insurance, required by subsection (a) for the protection of funds and property of any employee welfare benefit plan or of any employee pension benefit plan, from any surety, insurance, or other company or through any agent or broker in whose business operations such plan or any party in interest in such plan has any significant control or financial interest, direct or indirect.

"(d) Nothing in any other provision of law shall require any person, required to be bonded as provided in subsection (a) because he handles funds or other property of an employee welfare benefit plan or of an employee pension benefit plan, to be bonded insofar as the handling by such person of the funds or other property of such plan is concerned.

"(e) The Secretary shall from time to time issue such regulations as may be necessary to carry out the provisions of this section. When in the opinion of the Secretary other bonding arrangements covering the Administrator, officers, and employees, of a plan are adequate for the protection of the beneficiaries and participants, he may, in his discretion, exempt such Administrator, officers, and employees, from the bonding requirements of this section.

"ADVISORY COUNCIL

"SEC. 14. (a) There is hereby established an Advisory Council on Employee Welfare and Pension Benefit Plans (hereinafter referred to as the 'Council') which shall consist of thirteen members to be appointed in the following manner: One from the insurance field, one from the corporate trust field, two from management, four from labor, and two from other interested groups, all appointed by the Secretary from among persons recommended by organizations in the respective groups; and three representatives of the general public appointed by the Secretary.

"(b) It shall be the duty of the Council to advise the Secretary with respect to the carrying out of his functions under this Act, and to submit to the Secretary recommendations with respect thereto. The Council shall meet at least twice each year and at such other times as the Secretary requests. At the beginning of each regular session of the Congress, the Secretary shall transmit to the Senate and House of Representatives each recommendation which he has received from the Council during the preceding calendar year.

"(c) The Secretary shall furnish to the Advisory Council an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business. The Secretary may call upon other agencies of the Government for statistical data, reports, and other information which will assist the Council in the performance of its duties.

"(d) Appointed members of the Council shall be paid compensation at the rate of $50 per diem when engaged in the work of the Council, including travel time, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

"(e)(1) Any member of the Council is hereby exempted, with respect to such appointment, from the operations of sections 281, 283, and 1914 of title 18 of the United States Code, and section 190 of the Revised Statutes (5 U.S.C. 99), except as otherwise specified in paragraph (2) of this subsection.

"(2) The exemption granted by paragraph (1) of this subsection shall not extend—

"(A) to the receipt or payment of salary in connection with the appointee's Government service from any source other than the private employer of the appointee at the time of his appointment, or

"(B) during the period of such appointment, to the prosecution or participation in the prosecution, by any person so appointed, of any claim against the Government involving any matter with which such person, during such period, is or was directly connected by reason of such appointment.

"ADMINISTRATIVE PROCEDURE ACT

"SEC. 15. The provisions of the Administrative Procedure Act shall be applicable to this Act."

(b) Subsection (b) of the section renumbered as section 16 by this Act, is amended by inserting after "of this section" the following: "and section 13".

(c) The table of contents of the first section of such Act is amended by striking out the last three lines and inserting in lieu thereof the following:

"Sec. 10. Reports made public information.
"Sec. 11. Retention of records.
"Sec. 12. Reliance on administrative interpretations and forms.
"Sec. 13. Bonding.
"Sec. 14. Advisory Council.
"Sec. 15. Administrative Procedure Act.
"Sec. 16. Effect of other laws.
"Sec. 17. Separability of provisions.
"Sec. 18. Effective date."

CRIMES

SEC. 17. (a) Chapter 11 of title 18, United States Code, as amended, is amended by adding a new section captioned and reading as follows:

"§ 224. Offer, acceptance, or solicitation to influence operations of employee benefit plan

"Whoever, being an administrator, officer, trustee, custodian, counsel, or employee of

Mr. MACK. Mr. Speaker, I was incorrectly recorded on the last rollcall. I am wondering if the RECORD will show that I was incorrectly recorded or whether it will show that I changed my vote.

The SPEAKER pro tempore. All the Chair can state is that the RECORD will show what actually transpired.

Mr. MACK. Mr. Speaker, I ask unanimous consent that I be recorded as having voted "aye" on the last rollcall.

The SPEAKER pro tempore. The Chair will state that according to the information given the Chair the gentleman is recorded as voting "aye."

WELFARE AND PENSION PLAN AMENDMENTS OF 1961

Mr. POWELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8723) to amend the Welfare and Pension Plans Disclosure Act with respect to the method of enforcement and to provide certain additional sanctions, and for other purposes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Welfare and Pension Plans Disclosure Act Amendments of 1961".

SEC. 2. The first line of section 3 of the Welfare and Pension Plans Disclosure Act is amended by striking out "(a)".

SEC. 3. Paragraph (1) of section 3 of such Act is amended by striking out the word "to" after the word "communicated".

SEC. 4. Paragraph (9) of section 3 of such Act is amended to read as follows:

"(9) The term 'State' includes any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343)."

SEC. 5. Section 3 of such Act is further amended by striking out paragraph (11) and adding the following new paragraphs (11), (12), and (13):

"(11) The term 'industry or activity affecting commerce' means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry 'affecting commerce' within the meaning of the Labor-Management Relations Act, 1947, as amended, or the Railway Labor Act, as amended.

"(12) The term 'Secretary' means the Secretary of Labor.

"(13) The term 'party in interest' means any administrator, officer, trustee, custodian, counsel, or employee of any employee welfare benefit plan or employee pension benefit plan, or a person providing benefit plan services to any such plan, or an employer any of whose employees are covered by such a plan or officer or employee or agent of such employer, or an officer or agent or employee of an employee organization having members covered by such plan."

SEC. 6. Paragraphs (3) and (4) of subsection (b) of section 4 of such Act are amended to read as follows:

"(3) such plan is administered by an organization which is exempt from taxation under the provisions of section 501(a) of the Internal Revenue Code of 1954 and is administered as a corollary to membership in a fraternal benefit society described in section 501(c)(8) of such Code or by organizations described in sections 501(c)(3) and 501(c)(4) of such Code: *Provided*, That the provisions of this paragraph shall not exempt any fraternal benefit society or organization which represents its members for purposes of collective bargaining; or

"(4) such plan covers not more than twenty-five participants."

SEC. 7. Subsection (a) of section 5 of such Act is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "Such description and such report shall contain the information required by sections 6 and 7 of this Act in such form and detail as the Secretary shall by regulations prescribe and copies thereof shall be executed, published, and filed in accordance with the provisions of this Act and the Secretary's regulations thereunder. No regulation shall be issued under the preceding sentence which relieves any administrator of the obligation to include in such description or report any information relative to his plan which is required by section 6 or 7. Notwithstanding the foregoing, if the Secretary finds, on the record after giving interested persons an opportunity to be heard, that specific information on plans of certain kinds or on any class or classes of benefits described in section 3(a) (1) and (2) which are provided by such plans cannot, in the normal method of operation of such plans, be practicably ascertained or made available for publication in the manner or for the period prescribed in any provision of this Act, or that the information if published in such manner or for such period would be duplicative or uninformative, the Secretary may by regulations prescribe such other manner or such other period for the publication of such information as he may determine to be necessary and appropriate to carry out the purposes of this Act."

SEC. 8. Subsection (b) of section 6 of such Act is amended by adding at the end thereof the following new sentence: "Any change in the information required by this subsection shall be reported to the Secretary within sixty days after the effective date of such change."

SEC. 9. (a) Section 7(a) of such Act is amended by striking out "twenty" and inserting in lieu thereof "fifty".

(b) Section 7(b) of such Act is amended by striking out the first sentence of the second paragraph and inserting in lieu thereof the following: "The amount contributed by each employer; the amount contributed by the employees; the amount of benefits paid or otherwise furnished; the number of employees covered; a statement of assets specifying the total amount in each of the following types of assets: cash, Government bonds, non-Government bonds, and debentures, common stocks, preferred stocks, common trust funds, real estate loans and mortgages, operated real estate, other real estate, and other assets; a statement of liabilities, receipts, and disbursements of the plan; a detailed statement of the salaries and fees and commissions charged to the plan, to whom paid, in what amount, and for what purposes. The Secretary, when he has determined that an investigation is necessary in accordance with section 9(d) of this Act, may require the filing of supporting schedules of assets and liabilities."

(c) Section 7(b) is further amended by adding at the end thereof the following new sentence: "In the case of reports sworn to, but not certified, the Secretary, when he determines that it may be necessary to investigate the plan in accordance with section 9(d) of this Act, shall, prior to investigation by the Department of Labor, require certification of the report by an independent certified or licensed public accountant."

SEC. 10. Subparagraph (B) of paragraph (1) of subsection (f) of section 7 of such Act is amended by striking out "summary" and by striking out "broken down by types, such as cash investments in governmental obligations, investments in nongovernmental bonds, and investments in corporate stocks" and inserting in lieu thereof the following: "as required by section 7(b)".

SEC. 11. Subparagraph (C) of paragraph (1) of subsection (f) of section 7 of such Act is amended by striking out "total fund" and inserting "total funds", by striking out "by reason of being an officer, trustee, or employee of such fund," and by striking out "listed at their aggregate cost or present value, whichever is lower" and inserting in lieu thereof "valued as provided in subparagraph (B)".

SEC. 12. Subparagraphs (D) of paragraph (1) of subsection (f) of section 7 of such Act is amended by striking out the words "by reason of being an officer, trustee, or employee of such fund".

SEC. 13. Section 7 of such Act is amended by adding thereto the following new subsection (g):

"(g) If some or all of the benefits under the plan are provided by an insurance carrier or service or other organization, such carrier or organization shall certify to the administrator of such plan, within one hundred and twenty days after the end of each policy year, such reasonable information determined by the Secretary to be necessary to enable such administrator to comply with the requirements of this Act."

SEC. 14. Section 8(a)(2) of such Act is amended by striking out "a summary" and inserting in lieu thereof "an adequate summary".

SEC. 15. (a) Section 9(a) of such Act is amended by striking out "of section 5 or 8".

(b) Section 9 of such Act is amended by striking out subsections (d) and (e) and inserting in lieu thereof the following new subsections:

"(d) The Secretary may, after first requiring certification in accordance with section 7(b), upon complaint of violation not satisfied by such certification, or on his own motion, when he continues to have reasonable cause to believe investigation may disclose violations of this Act, make such investigations as he deems necessary, and may require or permit any person to file with him a statement in writing, under oath or otherwise, as to all the facts and circumstances concerning the matter to be investigated.

"(e) For the purposes of any investigation provided for in this Act, the provisions of section 307 (relating to the attendance of witnesses and the production of books, records, and documents) of the Federal Power Act of June 10, 1920, as amended (16 U.S.C. 825f), are hereby made applicable to the jurisdiction, powers, and duties of the Secretary or any officers designated by him.

"(f) Whenever it shall appear to the Secretary that any person is engaged in any violation of the provisions of this Act, he may in his discretion bring an action in the proper district court of the United States or United States court of any place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted.

"(g) The United States district courts and the United States courts of any place subject to the jurisdiction of the United States shall have jurisdiction, for cause shown, to restrain violations of this Act.

"(h) Nothing contained in this Act shall be so construed or applied as to authorize the Secretary to regulate, or interfere in the management of, any employee welfare or pension benefit plan, except that the Secretary may inquire into the existence and amount of investments, actuarial assumptions, or accounting practices only when it has been determined that investigation is required in accordance with section 9(d) of this Act."

Mr. ROOSEVELT. It has not been voted out; it has not been before the committee even for discussion, and I think the gentleman will agree that is not a very wise way to legislate.

Mr. CURTIS of Missouri. With that I agree.

Mr. ROOSEVELT. May I just say that speaking for myself, I would be for an extension of 1 year for the impacted areas bill in spite of the fact—and I say this to my friends over on this side of the aisle, that both President Eisenhower and President Kennedy have each said this act also needs amendment; yet here we are going ahead with the same bill exactly as it is. I say to my friend from California I am a little astonished by his point of view, because I know what a truly conservative gentleman he is, yet he would act in contravention both of the President of his party and the President of my party and freeze it for 2 years, not even limit it to a period of 1 year.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. ROOSEVELT. I yield.

Mr. HOFFMAN of Michigan. Who brings this bill here?

Mr. ROOSEVELT. The bill was introduced by the gentleman from New York [Mr. POWELL].

Mr. HOFFMAN of Michigan. But who brings it to the floor?

Mr. ROOSEVELT. The leadership, of course, has the right to bring it up for consideration, and it has done so. I do not argue with their right; I think it is not wise, but they certainly have the right.

Mr. HIESTAND. Mr. Speaker, will the gentleman yield since he has mentioned my name?

Mr. ROOSEVELT. I yield.

Mr. HEISTAND. Does not the gentleman agree that the most important issue is whether the Federal Government has a responsibility or not?

Mr. ROOSEVELT. I certainly do, but the gentleman and I know in our hearts that the Federal Government's responsibility no longer exists in many areas. That has been pointed out by President Eisenhower and President Kennedy. The gentleman would carry it out where it no longer exists, not for 1 year but for 2 years. My good friend, how can you do that?

Mr. HEISTAND. But the gentleman says that nationally we do have that responsibility.

Mr. ROOSEVELT. I did not say that. I say we have a responsibility in those impacted areas where the need is demonstrated, not in those areas where the need no longer exists or which are no longer impacted. We should be given a reasonable opportunity to legislate properly.

The SPEAKER pro tempore. The time of the gentleman from California has expired. All time has expired.

The question is, Will the House suspend the rules and pass the bill H.R. 9000?

Mr. THOMPSON of New Jersey. Mr. Speaker on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken and there were—yeas 378, nays 32, not voting 27, as follows:

[Roll No. 188]

YEAS—378

Abbitt	Dorn	Kirwan
Abernethy	Dowdy	Kitchin
Adair	Downing	Kluczynski
Addabbo	Doyle	Knox
Addonizio	Dulski	Kornegay
Albert	Durno	Kowalski
Alexander	Dwyer	Kunkel
Alford	Edmondson	Kyl
Andersen, Minn.	Elliott	Lane
	Ellsworth	Langen
Anderson, Ill.	Everett	Lankford
Andrews	Fallon	Latta
Anfuso	Farbstein	Lennon
Arends	Fenton	Lesinski
Ashbrook	Findley	Libonati
Ashmore	Finnegan	Lindsay
Aspinall	Fino	Lipscomb
Auchincloss	Fisher	Loser
Avery	Flood	McCormack
Ayres	Flynt	McCulloch
Bailey	Fogarty	McDonough
Baker	Ford	McDowell
Baldwin	Forrester	McFall
Baring	Fountain	McIntire
Barrett	Frazier	McMillan
Barry	Frelinghuysen	McVey
Bass, N.H.	Friedel	Macdonald
Bass, Tenn.	Fulton	MacGregor
Bates	Gallagher	Mack
Battin	Garland	Magnuson
Becker	Garmatz	Mahon
Beckworth	Gary	Mailliard
Beermann	Gathings	Marshall
Belcher	Gavin	Martin, Mass.
Bell	Gilbert	Martin, Nebr.
Bennett, Fla.	Glenn	Mason
Bennett, Mich.	Goodell	Mathias
Berry	Goodling	Matthews
Betts	Granahan	May
Blatnik	Grant	Meader
Blitch	Gray	Merrow
Boggs	Green, Pa.	Miller, Clem.
Boland	Griffin	Miller, George P.
Bolling	Gubser	
Bolton	Hagan, Ga.	Miller, N.Y.
Bonner	Hagen, Calif.	Mills
Bow	Haley	Minshall
Brademas	Halleck	Moeller
Bray	Halpern	Monagan
Breeding	Hansen	Moore
Brewster	Harding	Moorehead, Ohio
Bromwell	Hardy	
Brooks, Tex.	Harris	Moorhead, Pa.
Broomfield	Harrison, Wyo.	Morgan
Brown	Harsha	Morris
Bruce	Harvey, Ind.	Morrison
Burke, Ky.	Harvey, Mich.	Morse
Burke, Mass.	Healey	Mosher
Burleson	Hechler	Moss
Byrne, Pa.	Hemphill	Moulder
Cahill	Henderson	Multer
Cannon	Herlong	Murphy
Carey	Hiestand	Murray
Casey	Hoeven	Natcher
Cederberg	Hoffman, Ill.	Nelsen
Chamberlain	Hoffman, Mich.	Nix
Chelf	Holifield	Norblad
Chenoweth	Holtzman	Norrell
Chiperfield	Horan	Nygaard
Church	Hosmer	O'Brien, Ill.
Clark	Huddleston	O'Brien, N.Y.
Cohelan	Hull	O'Hara, Ill.
Collier	Ichord, Mo.	O'Hara, Mich.
Colmer	Ikard, Tex.	O'Konski
Conte	Inouye	Olsen
Cook	Jarman	O'Neill
Cooley	Jennings	Osmers
Corbett	Jensen	Ostertag
Cramer	Joelson	Patman
Cunningham	Johnson, Calif.	Pelly
Curtin	Johnson, Wis.	Perkins
Curtis, Mass.	Jonas	Peterson
Curtis, Mo.	Jones, Ala.	Pfost
Daddario	Jones, Mo.	Philbin
Daniels	Judd	Pike
Davis, James C.	Karsten	Pillion
	Karth	Pirnie
Davis, John W.	Kastenmeier	Poage
Delaney	Kearns	Poff
Dent	Kee	Powell
Denton	Keith	Price
Derounian	Kelly	Quie
Derwinski	Keogh	Rains
Devine	Kilday	Randall
Dole	Kilgore	Reece
Dominick	King, Calif.	Reifel
Donohue	King, N.Y.	Rhodes, Ariz.
Dooley	King, Utah	Rhodes, Pa.
Riehlman	Shriver	Tupper
Riley	Sibal	Udall, Morris K.
Rivers, Alaska	Sikes	Ullman
Rivers, S.C.	Sisk	Utt
Roberts	Slack	Vanik
Robison	Smith, Calif.	Van Pelt
Rodino	Smith, Miss.	Van Zandt
Rogers, Colo.	Smith, Va.	Vinson
Rogers, Fla.	Spence	Wallhauser
Rogers, Tex.	Springer	Watts
Rooney	Stafford	Weaver
Roudebush	Staggers	Weis
Roush	Steed	Whalley
Rousselot	Stephens	Wharton
Rutherford	Stratton	Whitener
St. George	Stubblefield	Whitten
St. Germain	Taber	Wickersham
Saund	Taylor	Widnall
Schadeberg	Teague, Calif.	Williams
Schenck	Teague, Tex.	Willis
Schneebeli	Thomas	Wilson, Calif.
Schweiker	Thompson, La.	Wilson, Ind.
Schwengel	Thompson, N.J.	Winstead
Scott	Thompson, Tex.	Wright
Scranton	Thomson, Wis.	Young
Seely-Brown	Thornberry	Younger
Selden	Toll	Zablocki
Shelley	Tollefson	Zelenko
Shipley	Trimble	
Short	Tuck	

NAYS—32

Ashley	Griffiths	Reuss
Byrnes, Wis.	Gross	Roosevelt
Clancy	Harrison, Va.	Rostenkowski
Corman	Hays	Ryan
Dawson	Johansen	Saylor
Diggs	Laird	Scherer
Dingell	Machrowicz	Smith, Iowa
Fascell	Michel	Sullivan
Feighan	Passman	Walter
Giaimo	Pucinski	Yates
Green, Oreg.	Ray	

NOT VOTING—27

Alger	Evins	Milliken
Boykin	Hall	Montoya
Brooks, La.	Hébert	Pilcher
Broyhill	Holland	Rabaut
Buckley	Johnson, Md.	Santangelo
Celler	Kilburn	Sheppard
Coad	Landrum	Siler
Dague	McSween	Westland
Davis, Tenn.	Madden	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Landrum and Mr. Pilcher for, with Mr. Hébert against.

Mr. Buckley and Mr. Santangelo for, with Mr. Brooks of Louisiana against.

Until further notice:

Mr. Johnson of Maryland with Mr. Hall.
Mr. Evins with Mr. Broyhill.
Mr. Rabaut with Mr. Alger.
Mr. Madden with Mr. Siler.
Mr. Coad with Mr. Westland.
Mr. McSween with Mr. Kilburn.

Mr. MACK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The Chair cannot recognize the gentleman for a parliamentary inquiry during a rollcall.

Mr. MACK. I am incorrectly recorded. I would like to be recorded as having voted "aye."

Mr. JENNINGS changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. MACK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

procedure and the law must be extended in its present form, until such time as Congress has an opportunity to correct these laws at a later date.

Likewise I do not approve of the NDEA provisions, but because of the fact the extension of this act is attached to the impacted areas bills there is no opportunity to make any change in this law. We must take both without change and live with them during this session of Congress.

I trust Members of the House will join me in extending these laws now and then correct them at a later date.

Mr. JOELSON. Mr. Speaker, H.R. 9000 will provide hundreds of millions of dollars in Federal aid in the form of funds for both school construction and teachers' salaries in federally impacted school districts. By the device of tying to the bill the extension of the valuable National Defense Education Act containing a scholarship loan program for college students, its sponsors have made opposition most difficult. Furthermore, by a parliamentary maneuver, the offer of amendments has been made impossible.

It is interesting to examine the position of Congressmen who only a week ago voted against even considering a bill to provide Federal aid merely for school construction in overcrowded areas. These same gentlemen now urge millions in expenditures for federally impacted areas. Absent are the anguished cries that such aid will result in the destruction of local school systems, Federal interference with local education, and all the other dire eventualities heretofore predicted concerning Federal aid generally.

It is also interesting to hear the gentlemen talk about the hardships caused to their districts by Federal installations. Nowhere was mention made of the fact that Army bases and Federal installations greatly stimulate local economies, and that any attempt to pry loose a Federal installation invariably results in violent protests from local residents and their representatives.

Finally, there was a deafening silence from those so-called friends of civil rights who originally advocated tacking on nonsegregation provisions to a general aid to education bill in order to insure its ultimate defeat. How strangely silent they were on segregated schools in federally impacted areas. Although it is the policy of our Armed Forces that military personnel be racially integrated, no protest has been heard against educational segregation for the children of our soldiers, sailors, and airmen. No attention was given to the fact that many of these children who must move from integrated sections of our country are required to take a humiliating step backwards in attending segregated schools.

Mr. ROSTENKOWSKI. Mr. Speaker, it is most unfortunate that the membership of this House has been subjected to make a decision on a measure that was put together during the waning days of this session of the 87th Congress—a time when expediency takes precedence over genuine principle. I refer to H.R. 9000, a bill to extend Public Laws 815 and 874, which provide Federal funds for the construction of minimum school facilities in impacted areas and authorizing cost of maintenance and operation, including teachers' salaries; and extends the National Defense Education Act of 1958 for 2 years.

The haste in bringing these measures to the floor of the House as one package under suspension has resulted, I believe, in poor legislation with no opportunity for improvement at this time.

The two programs condensed in this bill are vastly different, and yet, we are asked to submit to acceptance of the impacted area program if we favor the National Defense Education Act, for there is no choice under the rules of suspension. Proponents of the sport of boxing would agree this to be the best one-two punch ever delivered because the defense of extended debate and amendments are overruled.

The New York Times eloquently revealed the true nature of this proposal when they titled it "Hypocrisy." For, in analyzing the course of events regarding Federal aid to education in this Congress, how else can we describe what has happened in this Chamber? If there is such overwhelming support to assist impacted areas, then this same support should be given to nationally distributed Federal aid to schools, for there are many nonimpacted areas whose schools are in far greater need of help.

I have publicly announced my support for a general aid to education program and I strongly favor it. There is a great need for advancing our educational programs at all levels, which has been revealed by many surveys that have been taken.

But I object to H.R. 9000, for we sacrifice those amenities which spell civilized living for local vote-getting interests. The defeat of this bill would not impair the National Defense Education Act, which I fully support, since it does not expire until 1962. The impacted area provision of H.R. 9000 turned me against the bill. Federal aid to education is needed nationally, not only in impacted areas. Refusing to support those select areas may result in the needed support of a national program. Expediency can work both ways.

Mr. COHELAN. Mr. Speaker, I will vote for H.R. 9000—which will extend the expired provisions of Public Law 815 and 874, and the National Defense Education Act for another two years—but I will do so with great reluctance. In fact, if this legislation were not of such great financial importance to my district, I would vote against it.

Let me make it clear that I fully recognize the importance of this legislation in its own right. I believe, however, that it is a sad commentary on our perception of the crucial problems confronting us nationally in the field of education today when legislation as limited as this is the maximum effort which can be brought before the Congress. To be blunt, Mr. Speaker, I am sorely disappointed that the constructive proposals for dealing with our serious shortage of classrooms and qualified teachers—have been sidetracked.

I can only say that I am very hopeful that legislation of a similar magnitude will be brought before the House in the second session of this Congress, and that it will be passed.

Mr. Speaker, it is my best judgment that legislation of this nature is absolutely essential if we are to meet one of our fundamental commitments as a Nation—a commitment of insuring every child the opportunity for an education that will develop him to the fullest of his abilities. These are crucial times in which we live and nothing short of such an effort will enable us to remain strong and free as a nation—nothing short of such an effort will enable us to remain the leader of the free world in these troubled and difficult times.

Mr. ROOSEVELT. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. ROOSEVELT. I will be happy to yield to the gentleman from Iowa.

Mr. GROSS. I have tried to get a copy of the report here at the desk, and I find no copy of the report. Can the gentleman tell me why there is no report on this bill?

Mr. ROOSEVELT. The gentleman has asked me why he could not get a report on this bill. May I make very clear to the Members of this House that the reason for that is that this bill was never considered by the committee in any way, shape, or form. There have been various elements of it that have been considered, but this bill, a 2-year extension, was never considered by the committee, I have to tell the gentleman. And, as far as I am concerned, I think it is rather unfortunate that we have to proceed with legislation on suspension day when the committee has never even been presented with an opportunity to work its will and to offer amendments to the bill.

I think, too, it is important to point out, as has been pointed out many times today, that there can be no question with respect to the NDEA, which is the National Defense Education Act; that with respect to the National Defense Education Act the committee did consider it. It was widely recognized that it needed amendments. The committee adopted amendments, and yet today we are being asked to freeze this act, with all its imperfections, not for 1 year but for 2 years. And, I do not see how anybody, in the interest of good legislation, can want to do that, particularly when this NDEA Act does not expire until the 1st of July next year.

If my good friend the gentleman from New York, chairman of the committee, says his committee is going to consider these things next year, why then do we now have to get into the business of freezing it for 2 years? It is not logical, it does not make any sense.

Mr. CURTIS of Missouri. If the gentleman will yield, has the committee voted the bill out?

Mr. ROOSEVELT. The committee never considered the bill.

Mr. CURTIS of Missouri. What was the reason it was not acted on? It was referred to your committee.

so essential to higher education, but passage of H.R. 9000 clearly is not necessary to avoid these perils. When it is demanded of me to vote to continue for 2 years a so-called Federal-aid bill, sole justification for which is correction of a local tax inequity, when that tax inequity is as severe in my district as in any district in this land, and when the taxpayers I represent are cut off without one cent, I say too much is demanded. So that the record may be perfectly clear, I would observe that there is one tiny school district within my congressional district, which lies outside the Los Angeles City School District, which does qualify for assistance—assistance in the sum of $3,300 per year. If the Los Angeles City School District were treated similarly, the Federal payments would be something in excess of $5 million a year. I am hardly persuaded by the argument that so little help to so few warrants my support of a bill so patently unfair to so many in my congressional district.

I urge the defeat of H.R. 9000.

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

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

There was no objection.

Mr. QUIE. Mr. Speaker, I rise in support of H.R. 9000. It is extremely important that we extend Public Law 815 and Public Law 874, which expired on June 30 of this year. It is under these laws that the Federal Government fulfills its obligation to help finance the education of children whose parents either work in establishments owned by the Federal Government or live on Federal property.

The other part of H.R. 9000 would be extension for 2 years of the present National Defense Education Act. Title II is of greatest importance because it is necessary to program longer than 1 year in advance in order to provide the monies for student loans.

It is advisable also that the remainder of the National Defense Education Act be extended in order that those who administer these programs might be insured of their continuance. It is unfortunate that the House has been placed in the position that we are forced to legislate in this manner. If it had not been that efforts all through this session were being made by the majority to: First, use impacted school districts' extension as a "gimmick" to force the more than 300 Members of Congress, who have impacted school districts within their congressional districts, to vote for the unwise and unnecessary general aid to elementary and secondary schools bill, H.R. 7300, which was earlier reported by our committee but stopped in the Rules Committee; and, second, use the National Defense Education Act as a legislative vehicle to promote Federal aid for private and parochial schools in the amendments in that act, this would never have happened.

Last week both laws were again used to force consideration of a completely unacceptable Federal aid to school construction bill. This is a deplorable way to legislate. However, it is my hope that next year we will immediately give further study to these two operating programs and consider amendments which are greatly needed.

I might point out one statement made by Secretary Ribicoff on page 16 of the hearings entitled "Federal Aid to Schools," stating that, "The draft bill would repeal categories of Federal payments under both Public Law 815 and Public Law 874 which are not based on the school attendance of children whose parents live or work on Federal property." As it has been stated by others, this and other amendments have been recommended by both President Kennedy and former President Eisenhower. This law should definitely receive thorough study. It is unfortunate that our committee neglected to do so this year. Amendments should be considered on their own merits in order that proper continuance of this program be insured for future years.

The National Defense Education Act received thorough study this year, and had it not been for the attempt to add a section providing for aid to private and parochial schools without similar aid to public schools, I believe that the many beneficial amendments, which were thoroughly discussed, would have been adopted with the extension of this law.

Two points I would mention today which I hope will receive serious thought by all of my colleagues as we look forward to the day that this program will be considered on the floor again are these: First, the present division under student loans in title II providing for forgiveness up to 50 percent of the loan for students who go into teaching should be repealed. The reason for this is that many of the students, whose advisers recommend they not go into teaching, have chosen that profession because it gives them an opportunity to receive the 50 percent forgiveness on their loans. If this is continued, it may influence more teachers to go into the profession, but not necessarily the high-quality teachers which we are looking for.

Present statistics point to the fact that during this decade there will be an adequate supply of teachers due to the fact that the huge increase in birth rate after World War II will be hitting the colleges during the 1960's while the rate of increase in elementary and secondary schools will drop from 1,400,000 during the first 5 years to 655,000 in the last 5 years of this decade. If college graduates continue to go into the teaching profession at the present rate of 31 percent, quite a surplus of teachers will develop.

Of the students who now receive loans under the National Defense Education Act, 47 percent have indicated they will go into the teaching profession. This means approximately 24 percent of the loan made is actually a grant while 76 percent is repaid.

I believe it would be a wise change in the law so the moneys provided for financial assistance to needy students will be made available, 25 percent for grants and 75 percent for loans, no matter which profession a student pursues.

I believe the entire program should be administered exactly the way the National Defense Education Act loans are presently administered through the colleges. This would keep the administrative costs low, and from present experience, we know that most colleges and universities are now quite expert in choosing the able and needy student.

It is significant to note that in the bill considered last week, only title II of the National Defense Education Act was to be extended. However, the forgiveness was to be broadened rather than reduced.

Second, the special assistance given for math, science, and modern foreign languages may eventually lead to overemphasis in these subjects.

Either much of these special programs should eventually be phased out or else it will be necessary to give assistance to other languages and other courses of study. It is true that in prior years, there was considerable lack of emphasis given to science, math, and modern foreign languages. I believe it would be equally undesirable if overemphasis were given to these subjects in our schools.

In conclusion, I believe that both laws, the one providing Federal aid to impacted school districts, and the National Defense Education Act are basically good pieces of legislation, and I am looking forward to working with the other members of the committee and our colleagues to perfect these laws in order that we might accomplish the work that they were set out to do.

Congress should consider future Federal aid to federally impacted school areas and changes in the National Defense Education Act on their own merits.

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

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

There was no objection.

Mr. BERRY. Mr. Speaker, I rise in support of this bill providing an extension of the impacted areas laws and the National Defense Education Act.

I dislike the method by which these extensions come to the floor. Public Laws 815 and 874 should be amended. As presently written there are many inequities in these two laws. There is, for instance, no logical reason why school districts in the District of Columbia or the adjoining counties in Maryland or Virginia should be benefiting from these laws.

By the same token, however, where there is actual impaction of school districts created by the Federal Government through defense installations or through Government construction contracts where the impaction is of short duration or with no definite period of termination, there the Federal Government has a definite responsibility to assist local school districts in the education of the children of families who move into these areas for short periods.

In spite of the fact that the present law should be amended there is no opportunity to do so under the present

tee on Education for President-elect Kennedy.

James R. Killian, chairman of the corporation of the Massachusetts Institute of Technology; formerly, Special Assistant to the President of the United States for Science and Technology; formerly, Chairman, President's Scientific Advisory Committee.

George B. Kistiakowsky, professor of chemistry, Harvard University; formerly, Special Assistant to the President of the United States for Science and Technology; formerly, Chairman, President's Scientific Advisory Committee.

W. A. Noyes, chairman of the department of chemistry and dean of the graduate school, University of Rochester.

Thomas Park, president, American Association for the Advancement of Science; professor of zoology, University of Chicago.

J. A. Stratton, president, Massachusetts Institute of Technology.

Mr. ELLIOTT. Mr. Speaker, this is a great day for American education when we propose to extend the National Defense Education Act for 2 years, and when we propose to extend Public Laws 815 and 874 for the benefit of schools and schoolchildren in areas that are affected by or "impacted" by the activities of the Federal Government.

The National Defense Education Act, passed just 3 years ago, has already become a landmark in the field of education. Its extension here, for 2 full years, without changing a word, is a great testimonial to the good it has done.

I am proud to have been the author in the House of the National Defense Education Act in 1958. I worked nearly 10 years working with my colleagues, staff members, and other interested parties in fashioning this act. I am proud of the good the act has done. I continue to be thrilled at the prospect of all the good that it can do in the future.

I like to think of the National Defense Education Act as a reservoir of needed educational opportunities for America's young people. More than 230,000 young people have received loans with which to attend college. Thousands of science laboratories in America's high schools have been greatly improved. About 3,000 fellowships have been granted to train needed college teachers. There are several other programs. I wish I had time to discuss them all.

I urge the adoption of this bill. I hope we can give it an overwhelming vote. This is an opportunity for the Congress to reaffirm its interest in these two great educational laws.

Mr. CORMAN. Mr. Speaker, I rise in opposition to H.R. 9000. If I may paraphrase an old saying, a Member's stand on this bill may well depend on whose taxpayers are being gored. In this instance, the taxpayers of the 22d District of California, whom I represent, are being gored unreasonably by H.R. 9000, and thus I vigorously object.

I would hasten to point out that I have never attempted to evaluate legislation based solely on the effect of that legislation in my own district. I have supported a great number of legislative proposals designed to strengthen this Nation, to promote the general welfare, to deal with specific problems in specific areas of the Nation—all of which were remotely, or not at all, to the direct benefit of my district.

This legislation I oppose because it purports to solve a problem which is an acute problem in the 22d District of California but which it does not solve at all so far as my district is concerned. The distinguished gentleman from Ohio [Mr. BROWN] pointed out very candidly that Public Laws 815 and 874, which are to be perpetuated for 2 years by H.R. 9000 are not, and are not intended to be, Federal aid to education. They purport to be in lieu of taxes to be paid to that branch of government providing education which has lost a portion of its tax base because of Federal activity. Parenthetically, I would like to state that I favor the principle of Federal participation in the cost of education on the condition that such legislation is drafted to raise the general level of education in this Nation, gives consideration to the burden being borne by the local taxpayers and gives equitable assistance to the real property taxpayer by shifting a portion of the high cost of education to the broader base of Federal taxes.

Second, I favor the general theory that the Federal Government should pay in lieu taxes to compensate local governments when tax base is lost because of Federal activity. It is to be noted that the only in lieu taxes contemplated by this bill are to offset the cost of education. I know from experience, as do the real property taxpayers in my district, that this is only one of a great number of municipal services which must be performed, which are very expensive, and which become unbearably expensive in a community which has lost a substantial part of its tax base because of the tax exemption of federally owned property.

Now to my specific objection to Public Laws 815 and 874 the impacted areas statute which would be continued for 2 additional years. It purports to be both Federal aid to education and in lieu taxes and so far as my district is concerned, it is neither, because of the manner in which the legislation has been drafted. Every taxpayer in the county of Los Angeles is acutely aware of the tax burden which falls on him as a homeowner caused in part by the fact that a substantial portion of the industrial community is not subjected to ad valorem taxes because it is held in Federal ownership. This problem has been wrestled with by the State of California for a number of years but has not been resolved. At one point the Los Angeles County Board of Supervisors assumed it had the capacity to tax Federal properties held in ownership by the Federal Government but used by private industry. When the Supreme Court determined to the contrary, it became necessary to refund collected taxes well in excess of $20 million. The impact on the taxpayers of the 22d District was cruel. Briefly, I would call to your attention that in my congressional district 13 percent of the students educated in the public schools are within the definition of "impacted students." The tax rate for public education is extremely high. We have a very high bonded indebtedness, and we have 22,000 schoolchildren in the Los Angeles School District who will be on half-day sessions starting next Monday morning.

With all this, because of the formula set up in this statute, the Los Angeles School District, of which the 22d Congressional District is a part, gets not one penny under this bill. It is to be noted that other school districts within this same county, because of their size, get substantial assistance under Public Law 874, even though their loss of tax base is substantially less, their tax rate is less, their comparative bonded indebtedness is less, and they have had no children on half-day sessions during their history. A Federal proposal so drafted that it creates this kind of inequity within a single county is in my opinion indefensible.

Others who have spoken before me have pointed out that normal procedure has not been followed in bringing H.R. 9000 to the floor. On studying this matter, I became aware of the serious inequities. I discussed with the chairman of the committee and a number of other members the possibility of appearing and offering proposed changes which would at least make this bill a true in-lieu tax bill. Unfortunately, no such opportunity was presented. Should this bill fail of adoption, I would hope that those of us whose districts are so adversely affected might have an opportunity to appear before the committee and discuss this dilemma.

Should H.R. 9000 fail of adoption, I would be willing to concede to continuation of Public Laws 815 and 874 for 1 year to permit careful review of proposed changes plus a consideration of a more direct and honest approach of providing in lieu taxes to finance all of the services provided by local governments including education. So far as the NDEA provisions which would be continued under H.R. 9000, I certainly support them in principle. As has been pointed out by the distinguished Congresswoman from Oregon, the committee itself recognizes the necessity for substantial changes in the present law. As I had occasion to point out earlier today, in discussing the National Science Foundation statute, it seems to me that the security provisions of the existing NDEA are far from satisfactory. This is only one of many changes which this Congress should be permitted to review. Again should H.R. 9000 fail, I would be pleased to support the continuation of the existing NDEA for 1 year. This the House can easily do, and considering the fine record of the Education Committee during this first session, it is more than obvious that constructive legislative proposals would be before this Congress during the second session. I do not wish, and I am certain no Member of this House wishes, to cut off from an honestly impacted school district funds to which they are entitled, nor do we wish for a semester, a month or a day to interrupt those portions of the National Defense Education Act which are

two major items of legislation affecting higher education:

Higher education bill: By consensus in higher education, a program of Federal assistance in construction of academic facilities—classrooms, laboratories, and libraries—should have a top priority. Even when all potential private, State, and local support is taken into account, these capital needs cannot be met by the institutions. The American Council for several years has advocated optional Federal grants or loans for this purpose. We have recommended a Federal program of about $1 billion a year, based on a 1960 council survey of demand among its member institutions. While legislation now before Congress provides only $300 million annually, this amount with required matching funds would provide tremendous stimulus and encouragement to the institutions. Postponement of action for at least another year will mean delay at a critical time for the Nation's educational and scientific progress.

Scholarships provided by the higher education bill are also strongly supported by the council. The loss of student talent for lack of educational opportunity, by reason of financial inadequacy, can no longer be afforded by this country. With college costs rising rapidly, the loan program under the NDEA has helped many families in the middle-income brackets, but qualified students at the very low income levels are finding the financing of college more and more difficult.

Now that hearings have been concluded on this legislation we urge the Congress to give it early and favorable consideration.

National Defense Education Act: There can be no question as to the substantial contribution the programs under the NDEA have made in the last 3 years to the improved quality of education, and the broadened opportunity for education, in the United States. The American Council strongly recommends extension during the 1st session of the 87th Congress of a revised and strengthened NDEA. Careful study by educational organizations and by committees of Congress over many months has resulted in approval of two bills by the responsible Senate and House committees. These bills contain all the essential elements for a fully acceptable piece of legislation.

It is of the greatest urgency that action be taken in this first session not only to make appropriate changes in the NDEA, but also to insure that programs now successfully under way will suffer no loss of continuity or momentum. If action on a revised and expanded NDEA is finally determined by congressional leadership to be impossible the council will support in the emergency a 1-year extension of the existing programs. In any event, we urge that action be taken this year. Delay will be costly to the Nation.

We are encouraged to read in the papers that a new effort is under way toward passage of educational legislation. Your personal interest and assistance will be greatly appreciated.

Sincerely yours,

JOHN W. LEDERLE,
President.

Mr. Speaker, I also ask permission to have included with my remarks a letter from the Citizens Committee for Extension of the National Defense Education Act, signed by Chairman George J. Hecht, an identification list of eminent American scientists headed by Dr. James B. Conant, president emeritus of Harvard University, and the statement of the scientists. The letter and statement follow:

CITIZENS COMMITTEE
FOR EXTENSION OF THE
NATIONAL DEFENSE EDUCATION ACT,
Washington, D.C., August 25, 1961.

HON. EDWARD P. BOLAND,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BOLAND: It is imperative, we believe, that you consider carefully the enclosed statement about the National Defense Education Act issued by a group of our Nation's most distinguished scientists headed by Dr. James B. Conant, president emeritus, of Harvard University.

Their statement points to the "confusion, uncertainty, and partial loss of the gains already made" under the NDEA which they feel will result if the Congress fails to extend the act before adjournment of the 1961 session.

For our Citizens Committee, may I stress that it is extremely alarming that measures are being introduced to single out one title of the NDEA for renewal while abandoning the other nine titles for this year. This act is actually an interdependent series of programs which were carefully balanced to produce the essential scientific and technical manpower our Nation needs.

School superintendents, teachers of science, mathematics and foreign languages, vocational guidance personnel, college presidents, vocational educational teachers, and heads of State departments of education—those who bear grassroots responsibility for carrying out the objectives of the NDEA—assure us that no valid educational purpose is served by this proposed piecemeal approach which they feel would scuttle the most successful and crucial weapon in the educational arsenal of the United States.

We urge you to extend every power and influence at your command to prevent the dismemberment of the NDEA and to support, at the very least, a simple 1-year extension of the entire act this year.

May we have your reassurance?

Cordially,

GEORGE J. HECHT, *Chairman.*

P.S.—The scientists issuing the enclosed statement made their statement as individuals and not in affiliation with any organization. You may, however, wish to have the attached page of indentification notes.

Members of Citizens Committee for extension of the National Defense Education Act: William Benton, A. B. Bonds, James B. Conant, Arthur S. Flemming, Marion B. Folsom, Richard G. Folsom, John W. Gardner, George J. Hecht, Gaylord P. Harnwell, Frederick L. Hovde, Bernard Locker, Earl J. McGrath, M. D. Mobley, Elmo Roper, Anna M. Rosenberg, George N. Shuster, and Charles P. Taft.

A STATEMENT TO THE AMERICAN PEOPLE AND TO THE U.S. CONGRESS URGING IMMEDIATE EXTENSION OF THE NATIONAL DEFENSE EDUCATION ACT

We, the undersigned, are disturbed by the serious damage which will be done to the vital program of the National Defense Education Act if the Congress fails to extend that act before adjournment of the 1961 session. If action is delayed until 1962, State legislatures which must appropriate matching funds, school and university officials who must now plan for the 1962–63 academic year, and students whose educational plans are in part dependent on NDEA programs will be unable to plan with confidence. Unless the act is extended now, the school year of 1961–62 will inevitably be one of confusion, uncertainty, and partial loss of the gains already made.

The National Defense Education Act, enacted by Congress in 1958, provided major help toward the improvement of science and mathematics instruction in the Nation's schools and colleges. Specifically it has:

1. Enabled thousands of high schools to secure laboratory equipment, library books, and teaching facilities in science and mathematics that they would not otherwise have obtained.

2. Enabled many States to engage the services of science and mathematics supervisors or scientific consultants to help classroom teachers improve their teaching of science and mathematics. These supervisors and consultants have been particularly helpful in introducing new and improved texts and teaching materials in science and mathematics.

3. Offered financial help to high school graduates who have the desire and ability, but not the money, to go to college. Among these students, preference has been given to those who want to specialize in science, mathematics, engineering, or foreign languages.

4. Helped universities—widely scattered over the United States—to develop new or improved programs for graduate students.

5. Aided graduate students who want to become college teachers, and who will be needed for the much larger college enrollment that must be expected in the next few years.

6. Provided similar improvements in the teaching of foreign languages.

These results of the National Defense Education Act have benefited students who wish to become scientists, mathematicians, or engineers. They have benefited students who plan on careers in other fields but to whom a knowledge of science is an essential part of education for intelligent participation in the affairs of a scientific and technically oriented world. In benefiting these two groups the National Defense Education Act has started to make an important contribution toward strengthening the Nation that both groups will serve.

The job is well started, but far from complete. The National Defense Education Act has been in effect for only 3 years. The first year was largely one of tooling up. The second and third were years of growth and improvement. There is good momentum now. However, failure to extend the National Defense Education Act this year will bring many of the gains to a halt. Extending the act this year will enable the Nation to continue to build upon the improvements that have already been started. These improvements in science education are too vital to the welfare of the Nation to allow the act to be weakened.

Detlev W. Bronk, James B. Conant, Lee A. Du Bridge, Frederick L. Hovde, James R. Killian, George B. Kistiakowsky, W. A. Noyes, Thomas Park, J. A. Stratton.

IDENTIFICATION NOTES

Detlev W. Bronk, president, National Academy of Sciences; president, Rockefeller Institute; formerly, president, Johns Hopkins University.

James B. Conant, presently engaged in a study of the American public schools under a grant from the Carnegie Corp. of New York; president emeritus, Harvard University formerly, U.S. Ambassador to the Federal Republic of Germany.

Lee A. DuBridge, president, California Institute of Technology; formerly, member of the President's Scientific Advisory Committee.

Frederick L. Hovde, president, Purdue Univeristy; Chairman of the Task Force Commit-

have already budgeted for the newly commencing school year in reliance upon an extension of Public Laws 815 and 874. To do other than to pass the legislation now before us would create a fiscal fiasco in school districts all over America. Neither do we wish to disappoint several thousand college students counting on the availability of student loans for this school year which phase is also provided for in H.R. 9000. I urge passage of this legislation.

Mr. DOMINICK. Mr. Speaker, I rise in support of H.R. 9000, not because I think that this is the best bill that could be put together, but because I believe that it is the best bill which can be passed at this late date in the session when schools all over the country have already reopened and have included in their operating budgets sums which they reasonably and confidently expected to receive under proposed extension of Public Law 815, Public Law 874, and NDEA introduced as early as January of this year.

All other school proposals have been beaten down either in committee or in the newly reorganized Rules Committee or on the floor of the House. They have been poorly drawn or have become embroiled in religious controversy or have simply been unacceptable to the majority of the Members of this great body, but the basic question of the degree of responsibility of the Federal Government for local education has neither been determined by this Congress or even thoroughly debated. The bill before us at least provides a measure of Federal responsibility for Federal activities; namely, payments to public school districts providing education for children of Federal employees. Furthermore, the provisions of this bill extending these activities for 2 years instead of one should reduce election pressures in later consideration of education legislation.

Finally, passage of this Act extending relatively noncontroversial programs should eliminate the practice of using them as sweetners for other legislation which might be otherwise unacceptable to many Members.

For all these reasons, Mr. Speaker, I urge the adoption of H.R. 9000.

Mr. HAGEN of California. Mr. Speaker, I rise in support of H.R. 9000, to extend the expiring portions of the Federal impactment school assistance program and to continue in effect the National Defense Education Act.

I am certain that a majority of the Members of the House agree with me as to the value of these two programs and the necessity for their continuation.

Should the impactment provisions not be extended, thousands of school districts which have been swollen populationwise due to the proximity of Federal activity will face disastrous budgetary problems. There are at least 12 affected school districts in the 14th Congressional District, which I am privileged to represent, and I have been informed by officials of these districts of the great necessity for this legislation.

This bill affects only those children in impacted areas who reside off the Federal installation on which their parents are employed. Those who reside on Federal facilities are taken care of in permanent legislation. Since the same classroom facilities and teachers are required for students in both categories it is only equitable that the pending legislation to extend the expiring portion of the program for 2 years be enacted.

We are all aware that the Congress recognized in 1950 the need for Federal aid to impacted areas when it enacted Public Laws 815 and 874, the basic Federal impactment laws. H.R. 9000 merely extends expiring portions of this program, for which there is ample precedent and justification, and I urge that the bill be approved.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BOLAND], may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BOLAND. Mr. Speaker, I rise in support of H.R. 9000, a bill providing for a 2-year extension of so-called federally impacted school aid laws, Public Law 874 and Public Law 815; and a 2-year extension of titles II, III, IV, V, VII, and VIII of the National Defense Education Act.

The extension of the federally impacted school aid laws is vital not only to 11 school districts in my Second Congressional District of Massachusetts, but to thousands of other school districts in some 315 congressional districts in the United States.

These school districts are planning their local budgets for the current 1961–62 school year, starting today. These budgets are being based in part on estimates the school districts will receive under Public Laws 874 and 815 because of the number of pupils whose parents work and live on a military installation or Federal reservation; are employed at the military base or reservation but live in a nearby community; or have moved into the community because of employment in a strategic defense industry.

Mr. Speaker, the Federal Government has been making payments for 12 years under Public Law 874 to school districts to defray the cost of educating these students. The Government has been giving grants, under Public Law 815, over the same number of years to these school districts, toward the cost of constructing new schools because of the influx of these pupils. Many of the school districts are planning new school construction now and financing is based on Public Law 815 grants. Only last week School Supt. John Fitzpatrick, of Chicopee, Mass., in my district, came to Washington to tell me how important it is to his school district that these laws be extended. He was also representing the Massachusetts Superintendents Association. Chicopee is the home of Westover Air Force Base, headquarters of the 8th Air Force, Strategic Air Command. Mayor Edward Lysek, of Chicopee, also came down here earlier this summer to appeal for the extension of these laws, which have actually already expired, as of June 30, 1961. Today I received the following telegram from Springfield:

Urgently request your support to extend Public Laws 874 and 815 for new 2 years.

JOSEPH E. BUCKLEY,
Assistant Superintendent of Schools.

Mr. Speaker, the Chicopee School District received $623,217 in Public Law 874 funds during the last school year, 1960–61, and $483,322 in Public Law 815 funds for the construction of a new comprehensive high school. Superintendent Fitzpatrick told me Chicopee will have to begin planning for another new elementary school within the next 2 years and Public Law 815 funds will be sought.

The Springfield school district received $299,580 in Public Law 874 funds during the 1960–61 school year. Other school departments in my district and the amounts received during the law year under this law are: Ludlow, $34,505; Wilbraham, $8,908; Hampden-Wilbraham, $3,421; Northampton, $52,631; Granby, $19,892; South Hadley, $42,254; Hatfield, $4,169; Hadley, $6,430; and Amherst, $5,419. These communities are all depending on Congress extending these laws so that they can plan budgets for the current school year.

Mr. Speaker, it is also very important that Congress extend provisions of the National Defense Education Act before it adjourns, so as to insure continuity of its programs and to allow young people completing their high school education to plan for college training. I would like to include with my remarks a letter I received from President John W. Lederle of the University of Massachusetts on this subject. President Lederle also refers to the need for Federal assistance in construction of academic facilities—classrooms, laboratories, and libraries. The letter follows:

COMMONWEALTH OF MASSACHUSETTS,
UNIVERSITY OF MASSACHUSETTS,
Amherst, August 31, 1961.

Hon. EDWARD P. BOLAND,
House Office Building,
Washington, D.C.

MY DEAR REPRESENTATIVE BOLAND: As president of the University of Massachusetts I am writing to express our deep concern about the widely accepted belief that Congress may adjourn this year without approving either of the two major items of legislation affecting higher education. We are convinced that if this happens, at least three serious results may be expected to follow:

1. Many of our young men and women will be deprived of opportunities for college or university education which rightfully are theirs, and which are essential to the strength and continuing leadership of the United States.

2. The colleges and universities, struggling to meet demands for a higher standard of education for greater numbers of students, will have to face a responsibility for which they simply do not have the resources.

3. A world convinced that the future lies with the best educated peoples will wonder about the vision, the wisdom, and the determination of the people of the United States.

Knowing that you share our concern in this matter, I am writing to set forth the position of the American Council on the

the national interest, which is to stimulate education in the subjects of mathematics, science, and languages. Since we are dealing with people rather than schools, there should be nothing that precludes participation by all teachers.

We are considering this bill under suspension of rules, so it is not possible to offer amendments. We have the choice of taking the bill as written or voting against it.

With this explanation I shall vote for the bill, and it is my hope that this discrimination can be eliminated.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. FOGARTY], may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. FOGARTY. Mr. Speaker, I rise in support of H.R. 9000, a bill to extend for 2 additional years the programs of Federal assistance to school districts burdened by Federal activities and the program of loans to needy college students.

This bill, if enacted, will provide urgently needed relief to 3,800 school districts for the school year which is now beginning throughout the country. These districts educate 12.5 million schoolchildren including 1.8 million of whose parents are employed in Federal projects. The districts depend on Federal payments for the normal operation and construction of school facilities which have been provided by Federal appropriations since 1950. Unless the bill is enacted in this session, school programs in these districts will be curtailed and hundreds of thousands of children will receive a diluted education program.

In my home State of Rhode Island some 21 federally impacted school districts received approximately $1,117,000 in the 1960 fiscal year on account of some 7,851 children residing with a parent employed on Federal property—the so-called B category of Federal impact, now expired, but which H.R. 9000 would extend for 2 additional years. These districts would be unable at this late date to raise the additional revenues to make up this loss—and as a result, unless the Congress acts promptly, would be under the necessity of curtailing the school program, increasing the size of classes, and in other ways restricting necessary school expenditures at a time when enrollments are continuing to increase because of the presence nearby of major Federal projects vital to the national defense:

Public Law 874 entitlements, State of Rhode Island, fiscal year 1961 [1]

Project No.	Applicant	Pupils in attendance		Entitlements paid		Total entitlements [2]
		Permanent provisions	Temporary provisions	Permanent provisions	Temporary provisions	
1	Newport School System	285	2,123	$100,408	$373,977	$474,385
2	Town of Middletown School Committee	592	1,032	184,704	160,992	345,696
3	Town of Tiverton School Committee		150		18,655	18,655
4	Town of East Greenwich School Department.	3	256	880	37,550	38,430
5	Town of North Kingstown School Department.	736	1,138	258,373	199,747	458,120
6	Town of Portsmouth School Committee	41	446	12,549	68,253	80,802
7	Town of Jamestown School Committee		151		21,380	21,380
8	Coventry School Department	13	400	3,445	53,000	56,445
9	Warwick School Committee		1,047		155,207	155,207
501	Town of Westerly School Committee		300		43,482	43,482
502	Town of Charlestown School Committee	9	30	2,624	4,374	6,998
601	Richmond School Committee, Shannack		23		3,313	3,313
602	Town of Narragansett School Committee		92		13,026	13,026
603	Hopkinton School Department		101		14,446	14,446
701	West Greenwich School Department		25		2,576	2,576
801	Town of West Warwick School Department		265		35,148	35,148
802	Town of Smithfield Department of Public Schools		65		7,457	7,457
804	Bristol School Committee	3	85	795	11,261	12,056
805	Exeter School Department		34		5,222	5,222
806	South Kingston School Committee		275		39,057	39,057
901	Foster School Department	13	16	3,840	2,363	6,203
1,201	Chariho Regular High School Department, Richmond		69		9,939	9,939
	Total	1,695	8,123	567,618	1,280,425	1,848,043

[1] Data based on initial processing of fiscal year 1961 applications.
[2] Based on estimated data for the Nation as a whole, it is estimated that school districts in the State of Rhode Island will receive under Public Law 874, for fiscal year 1962, $732,110 for A category children (permanent provisions of the act) and $1,353,890 for the B category children (if temporary provisions of the act are extended). This makes for a combined estimated total of $2,086,000.

As the Members of Congress know, I have been a consistent supporter of this Federal impact legislation in the past because I believe it is right in principle. It is based on the concept that the Federal Government as the Nation's largest real property owner—over 750 million acres of tax-exempt property—should make payments, in the nature of in-lieu-of-tax payments, for the support of free public education in those school districts in or near which its property holdings are located—thus accepting the role of a local property taxpayer in support of these essential educational services. In so doing the Federal Government has only accepted and discharged its equitable obligation. I believe that it should continue to do so.

This program has received the enthusiastic bipartisan support of the Congress for the past 10 years and is fully justified as a Federal contribution reimbursing communities who are deprived of local revenues by the tax-exempt status of Federal property.

As in the past, I will give my full support to the appropriation of supplemental funds needed to support this program for the fiscal year 1962 totaling $201 million.

Another emergency need met by the bill is the 2-year extension of the popular program of Federal assistance to student loan programs aiding needy college students, along with all other titles of the National Defense Education Act. Some 1,500 colleges and universities participate in this program and 220,000 college students are continuing their college education with the Federal support given under the National Defense Education Act. With this extension, the Congress could appropriate funds to enable the colleges to plan programs of assistance for some 36,000 high school students who will graduate next spring and who will need loans to enroll in college in the fall of next year. I will support appropriation requests needed to bring the program up to its full authorized strength of $90 million in fiscal year 1962 and again in fiscal year 1963.

Mr. GEORGE P. MILLER. Mr. Speaker, I shall vote for H.R. 9000, a bill to extend for 2 additional years the expired provisions of Public Laws 815 and 874, 81st Congress, and the National Defense Education Act of 1958.

My vote will be a matter of expediency because most of the school districts in my area are greatly dependent on this Federal aid for their respective programs. The public laws have been on the statute books for many years and it would be deleterious to public schools throughout the Nation to see the financial provisions lapse at this time.

Naturally, I was hopeful that Congress would pass a comprehensive Federal aid program for schools. Since this is not possible in the current session, we must endeavor to take minimal action now, to extend existing aid provisions and at the same time continue our efforts to realize a more complete aid-to-education plan in the near future.

With the Soviet Union offering renewed challenges to the United States in every facet of our way of life, we can ill afford to weaken our educational institutions by depriving them of financial support. Also, with property owners straining under increasing local tax rates and assessments, it would be disastrous to place extra burdens on them to fill the revenue vacuum which would be created if Public Laws 815 and 874 funds were not available.

Mr. Speaker, these are the reasons which motivate my vote for H.R. 9000.

Mr. RIVERS of Alaska. Mr. Speaker, I rise in support of H.R. 9000 introduced by the distinguished gentleman from New York [Mr. POWELL]. Inasmuch as the administration's general program for Federal aid to education has become so controversial as to preclude legislative action thereon during the short remaining period of the present session, I see no alternative other than to extend the federally impacted school area laws, Public Laws 815 and 874, and the National Defense Education Act.

In greater or less degree 319 of the Nation's 437 congressional districts contain impacted school areas, and the schools involved throughout the country

Mr. Speaker, it seems to me we cannot act upon this bill today and claim, that by doing so, we are solving the problems of education; nor can we fool ourselves by thinking we have found an easy way out. Some argue for this 2-year extension to avoid considering an adequate educational program next year—election year. If this is the purpose, then the boys and girls of this country are the ones who are going to be shortchanged.

Mr. Speaker, I urge the defeat of this legislation, not because I am opposed to Federal aid for our schools—but rather because I am convinced of the desperate need of an adequate program, a better program, carefully worked out, carefully considered and designed to meet the challenges of the space age in a more comprehensive way.

Let me also say if this bill is defeated today, certainly the leadership of this House can make it possible for us to vote on a 1-year extension of the federally impacted area bill, but we do not need to vote for this 2-year extension which has never, I repeat, never been considered by the Education and Labor Committee and which really does not have the wholehearted support of a single person who has spoken.

May I conclude by inserting an editorial from today's New York Times:

SCHOOL AID: HYPOCRISY

Senator MCNAMARA of Michigan is quite correct in rebelling against the hypocrisy that has impelled Congress to turn its back on genuine and general Federal aid to education while it shows great eagerness to renew assistance to the local federally impacted areas.

The hypocrisy is documented by well over a hundred votes which are regularly cast for aid to the impacted areas by Members who, with equal regularity, help to defeat nationally distributed Federal aid to the schools. The impacted-area grants are based on the theory that school districts which feel the unusually heavy impact of children of parents working in defense establishments and other Federal projects need such help. They probably do, although it should not be overlooked that Federal projects, even though they take real estate off the local tax rolls, contribute heavily to the nearby communities' economic well-being. At any rate, there are many nonimpacted areas whose schools are in far greater need of help.

Congressmen, in the interest of legislative decency and national responsibility, ought to think of what they can do for the country, not merely what the country can do for them, by supporting their local vote-getting interests. Let the politically popular impacted-area grants be continued—provided that they can be made part and parcel of straightforward, nonpolitical, generalized Federal aid to education wherever it is needed. There is no satisfactory reason why this cannot be done in this session. If there is time to pass impacted-area aid, there is time to pass general aid to the public schools.

It is intolerable for legislators to cash in on their pseudosupport of education when it suits local vote-getting expediency while they continue to block real aid to the public schools. The time to drive this home—by insisting on general public school aid, along with renewal of the grants to the impacted areas—is now. But the failure of leadership, in the White House, in the Department of Health, Education, and Welfare and in the House of Representatives gives little cause for hope. "Compromise" has been the order of the day—and the result has been a fiasco for Federal aid to education and a disaster for the Nation's public schools.

Mr. ROOSEVELT. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from California [Mr. HIESTAND].

Mr. HIESTAND. Mr. Speaker, I rise in support of this bill. I am opposed to Federal aid to education, promiscuously, universally, and in principle. Here, however, we have a real issue before us. Education of children in federally impacted areas is clearly a Federal responsibility. The Federal Government has moved into these areas, taken large acreage off the tax rolls, and simultaneously multiplied the school population. As I say, this is a Federal responsibility, and therefore I feel that we are justified in supporting this bill because it is a Federal responsibility to help these children be educated. That, in my judgment, is the real issue.

Now, speaking generally, Mr. Speaker, I am convinced that the Nation as a whole does not want general Federal aid to education. The people have so demonstrated repeatedly. Likewise, they are now becoming conscious of the fact that the school districts have over the years done a perfectly magnificent job in building classrooms and in raising teachers' salaries. That is not a Federal matter. This is. And, I feel we are justified in supporting the renewal before us of Public Laws 815 and 874.

Some people have some objections to the operation of these two measures, and to a degree they undoubtedly are justified. May I suggest that they are justified by the administration of the measures which are, grantedly, quite difficult but not to the principle that the Federal Government has this responsibility.

Mr. Speaker, because so many Members are asking for time and would like to be heard on this subject, I ask unanimous consent that all Members be given permission to extend their remarks at this point in the RECORD.

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

There was no objection.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHLEY], may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ASHLEY. Mr. Speaker, I will vote against the bill now under consideration because I think it is poor legislation on its merits and because I disapprove of the manner in which it is being considered.

The bill, which involves an expenditure of some $1 billion, lumps together the extension of two very different programs, each of which is subject to considerable question as far as their details are concerned. Yet under the procedure of suspending the rules as we are being asked to do today, neither is subject to amendment and the entire bill is limited to 40 minutes debate. This simply does not meet even the shabbiest test of a sound legislative process.

As far as the substantive aspects of the bill are concerned, I find myself in substantial agreement with the statement of President Eisenhower in 1959 with respect to Federal assistance to schools in federally impacted areas. He stated at that time:

> The substantial increase in Federal employment during World War II, which led to the enactment of this legislation in 1950, has been superseded by a relatively stable Federal establishment. In many cases, the presence of Federal installations in the communities adds to rather than detracts from the revenue base for the support of schools. * * * The pressing need now is not for aid to federally affected districts on the basis initiated in 1950 but for general aid to help localities with limited resources to build public schools.

In short, I feel the formula by which Federal funds are distributed to impacted areas is in need of a complete overhauling and I think a thoroughly wrong result will be achieved if we extend the program 2 years on its present basis. Certainly consideration should be given communities where the Federal Government has come in and established a base or facility, thereby eliminating valuable land from the tax roles. Generally speaking, however, I would say that any assistance which goes beyond compensating for the loss of tax revenue from such land gives these so-called impacted areas a form of Federal aid which is not available to other communities, many of which may actually have a far greater need.

I believe strongly in the need for a general aid to education program but this is not the right approach. The right approach was contained in the education bill which came before the House last week and which was defeated by the votes of Members who today will vote for funds for their own particular district.

The record will show, Mr. Speaker, that I have always been a strong supporter of the National Defense Education Act. However, this program, too, needs reconsideration to make it more responsive to the national interest. In my view, it, too, deserves a better fate than to be considered under a procedure which allows only the briefest discussion and no possibility of refinement—especially since it does not expire until 1962.

Mr. DELANEY. Mr. Speaker, the impacted areas bill and the National Defense Education Act, which are combined in the bill H.R. 9000, have many worthwhile features. This bill merely provides an extension of both acts as they are now written into law.

In the NDEA we have discriminatory legislation, with one very discriminatory clause.

For example, take two students who are making teaching a career. They could even be classmates in college and graduate together. If one should teach in a public school he would be granted forgiveness of 50 percent of the amount he borrowed. If the other one taught in a nonpublic school, he would not receive this benefit. This should not be.

Not only are these features discriminatory, but they are not compatible with

how carefully it has been drawn. In my judgment, it is the best bill that the Committee on Foreign Affairs has reported to the House up to this time.

Mr. Speaker, I rise today to commend to my colleagues the proposed Mutual Educational and Cultural Exchange Act of 1961. This excellent legislation has already been enacted by the other body. Its purpose is to consolidate, expand, and simplify both the scope and the administration of our international educational and cultural exchange program.

The significance and rationale of international education lie in the fact that its principal purpose is to enhance mutual understanding between peoples, which in turn is an overridingly important factor in our foreign relations. The importance of cultural exchange for our foreign policy is increasingly appreciated both within our Government and among the American people. This, however, has not always been so, and existing law in large measure reflects the inadequate attitudes and concepts of the 1940's.

Our approach to educational and cultural exchanges has been piecemeal and sporadic. Existing legislation has not been brought in line with the fact that these programs are an essential part of our foreign relations. Yet if the need for mutual understanding between peoples was great 15 years ago, it is immeasurably greater now when many new nations have emerged to self-awareness and the hostility of great powers armed with nuclear weapons threatens to end in the destruction of our civilization. It has been said—and there is more truth than ever in it today—that "civilization is a race between education and catastrophe."

Our Communist adversaries are vitally aware of the possibilities for advancing their foreign policy objectives through educational exchange. A rapidly expanding effort by the Communist bloc in the exchange field is being heavily concentrated on the underdeveloped countries, particularly those of Africa and Latin America. The activities of the Soviet bloc in the use of education as an instrument of foreign policy are certainly not a valid reason for the United States to embark upon a crash program. Our educational exchange policies must be wisely and deliberately designed to advance our own positive interest in mutual understanding and not as an arid and panic-stricken reaction to Communist initiative. Nontheless, Communist activities do serve as a reminder of the foreign policy significance of educational and cultural exchange.

Our objective is sharply to be distinguished from the Communist design of shaping men's minds by education, by which they mean rigorous training in the sciences coupled with indoctrination in the canons of a harsh and fanatical ideology. Our international education program must indeed emphasize the practical and scientific knowledge which is so urgently needed by the peoples of new and underdeveloped countries, but it is even more important that our educational program undertake to develop men's critical faculties, to nurture the spirit of free inquiry, to teach men how, not what to think. The basic goal of our education, in our international exchanges as at home, is the cultivation of the free mind—free of ignorance and taboos, free of narrow conditioning and rigid dogma, free of shibboleth and blind tradition.

We have as much to learn as to teach in our educational exchanges with foreign nations. Our own survival and well-being in an interdependent world require an intimate knowledge of the politics, the cultures, the history, and the peoples of hitherto strange and distant lands, now brought close by the worldwide political and scientific revolutions of the 20th century.

It is my firm belief that the programs consolidated in H.R. 8666, sponsored by the gentleman from Ohio [Mr. HAYS], and in H.R. 8363, sponsored by myself, are wisely rooted in the realities of our time, in a basic recognition of the foreign policy significance of educational and cultural exchanges and of the mutual understanding which they foster.

Both we and the world have come a long way in getting to know each other in the years since World War II. The educational exchange program launched by the Fulbright Act of 1946 has been a relatively small-scale but significant effort to open new and urgently needed channels of communication and understanding between our own and foreign peoples. We have come far but attainment of worldwide mutual understanding is still a vague and distant goal. Ignorance and misconceptions of the United States still prevail in many parts of the world. We in turn are still neophytes in the world and our attitudes retain much of arrogance and parochialism.

Our current cultural exchange program has been successful and rewarding but it was shaped in a world that seemed far safer and simpler for Americans than the world of the 1960's. The Fulbright program launched in 1946 has been an exemplary success but, as Senator FULBRIGHT himself has said:

> An educational exchange program that was adequate to the world of 1946 must be substantially revised to adjust to the realities of the 1960's.

The peoples of the world—especially those of the emergent nations of Asia, Africa, and Latin America—are demonstrating an unexampled hunger for knowledge, for understanding, and for spiritual fulfillment. Our national interests are as intimately related to the intellectual aspirations of these peoples as to their hopes for a better material life. It is not an oratorical flourish but an assertion of cold reality to stress the fact that education and cultural communication are as fundamental an instrument of our foreign policy as is our massive program of economic assistance.

Since the adoption of the Fulbright Act by Congress in 1946, our educational exchange program has made it possible for more than 40,000 people to study the arts, the sciences, the histories, the languages, and the cultures of foreign lands. The program now covers 40 countries where it has served both to cement bonds of historic friendships and to forge new bonds where none had existed.

The exchange program was launched in 1946 on a modest scale. Foreign currencies acquired by the United States by the sale of surplus American war equipment were made available to finance study by Americans in the countries where such funds were acquired, and also to pay travel costs—but only travel costs—for foreign students and scholars to visit the United States.

Congress strengthened the program greatly, and especially its mutual aspect, by the enactment of the Smith-Mundt Act of 1948. This legislation authorized the appropriation of dollars to provide funds for foreign students in the United States. Previously, with financing limited to foreign currencies under the Fulbright Act, only transportation costs could be provided for foreign scholars coming to this country. The program was further bolstered by the Agricultural Trade Development and Assistance Act of 1954, which authorized the use for exchange programs of local currencies accruing from sales of agricultural surpluses abroad.

The exchange program enables Americans to go abroad and foreigners to come to the United States to engage in study at the graduate level, to teach in elementary and secondary schools, to lecture in colleges and universities, and to conduct postdoctoral research. It also provides for study by foreign nationals in American-sponsored schools abroad.

The educational exchange program is a joint governmental and private effort. The financial support provided by nongovernmental organizations in 1958, for example, matched Government expenditures. Moreover, many universities have come to count on Fulbright travel grants as supplements to their own scholarship programs for foreign students. Fully three-fourths of the Department of State's grantees receive only travel grants and rely on private American scholarships for most of the funds needed for tuition payments and living costs. In addition, the administration of the program depends not only on Government organs but on a number of private organizations such as the Institute for International Education with its offices in New York City.

In terms of generating good will, knowledge, and understanding the exchange program has been a better than partial success. What is needed now is an expanded program that builds on the accomplishments made possible by the Fulbright Act of 1946 and by the Smith-Mundt Act of 1948. The necessity for a revised and expanded program rests on the enormous changes in the world which have occurred since the 1940's—the mounting conflict between the Communist powers and the free nations, the proliferation of new weapons and new delivery systems which pose the threat of destroying civilization and perhaps all life on this planet, and the explosive awakening of the long quiescent peoples of Asia, Africa, and Latin America.

Our cultural and educational programs must be increasingly reoriented to the peoples of these underdeveloped lands. They may very well hold the key to the future shape of the world and their desire for knowledge, for enlightenment, and for a better life is as powerful a force as exists in the world of the 1960's. We are provided thus with a formidable challenge—and an unexampled opportunity—to assist the emergent peoples in the attainment of their legitimate and worthy aspirations. It cannot be emphasized too strongly that our own interests are inseparable from their success.

It is thus imperative that we substantially revise and expand our educational exchange programs. Despite the dollar appropriations authorized by the Smith-Mundt Act, the programs are still forced to rely heavily on foreign currency holdings. The result of this has been a heavy emphasis on exchanges with Western European countries and insufficient programs for Asia, Africa, and Latin America. In the fiscal year 1960, for example, exchange programs were carried out with only 23 out of a total of 72 non-Communist countries outside Europe. There were no exchanges whatever with any of the independent countries of Africa south of the Sahara.

It is imperative that we act promptly to assist the countries in development in meeting their urgent needs for teachers, technicians, scientists, engineers, agronomists, and trained persons in many other fields. Without sacrificing valuable exchange programs with Western Europe and without cutting back the extremely important outflow of American students abroad, we must focus our exchange effort in the 1960's on bringing to the United States substantially greater numbers of qualified students and scholars from the developing countries of Asia, Africa, and Latin America.

For all of the compelling reasons that I have here attempted to set forth, I recommend strongly to my colleagues the prompt enactment of the new educational and cultural exchange legislation already adopted by the other body and sponsored in the House by the gentleman from Ohio [Mr. HAYS] and by myself. The purposes of this bill are to consolidate many disparate provisions of law governing the exchange program, to increase the size and scope of the program—especially with respect to the countries of Asia, Africa, and Latin America, and to provide means of financing the program that are both more flexible and more adequate. The bill will reinforce the reciprocal character of the exchange programs by encouraging financial contributions from prosperous friendly foreign nations. One of the most useful, and economical, provisions of the bill is its specific authorization of appropriations for long-term programs, thus overcoming the difficulties posed by the existing requirement that obligations be fulfilled during a single fiscal year. Another very constructive provision of the bill is the authorization of small additional expenditures for payments to educational institutions for assistance in language training, orientation, and counseling programs for foreign students. This provision will help to overcome the difficulties and hardships which many foreign students have encountered in adjusting to life in a strange land, in using English as a language of instruction, and in such problems as finding adequate housing at reasonable rentals.

Among other wise and significant provisions of this legislation is its recognition of the importance of the dramatic arts as an integral part of cultural exchange. The bill provides for the continuation of the existing Advisory Committee on the Arts, with the responsibility, among others, to advise on the role and use of the arts in cultural exchange programs. In addition, the President is authorized to provide for foreign tours by creative and performing artists and athletes, American participation in international artistic, dramatic, musical, sports and other cultural events abroad, and also for participation by foreigners in similar programs in the United States.

A particularly needed improvement in the exchange program is provided by the amendment of the Immigration and Nationality Act so as to allow the spouses and children of visiting students and scholars to come into the United States under visa provisions similar to those applying to the grantees themselves. Under existing law members of a grantee's family must enter on visitors', as distinguished from student, visas, which frequently means that they may not be admitted for periods of the same duration as the grantees. The act would be amended so as to remove this cause of hardship and thus permit grantees and their families to come and remain in the United States together.

Educational and cultural exchange is as fundamental—though far less costly—an instrument of foreign policy as our massive programs of defense and foreign aid. More perhaps than any other instrument of our foreign policy, educational exchange aims directly toward the realization of our highest purpose—the building of a community of free and enlightened nations.

Mr. HAYS. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. FARBSTEIN].

Mr. FARBSTEIN. Mr. Speaker, in listening to the debate here today it would seem because we are trying to show our way of life to some people in foreign countries, you would think that we were guilty of subversion.

What we are seeking to do here is best shown by a letter which was sent to the committee by the Secretary of State. I shall read a paragraph of this letter, which shows how necessary this legislation is:

> The legislative base on which these programs have been operating is a patchwork of laws passed at different times during the last 15 years to meet varying requirements. The need for a consolidation of these laws into an orderly rational pattern was never more urgent than now. H.R. 8666 will satisfy that need. It will strengthen existing programs and provide for flexibility in administration. It will also give the executive branch the additional authority it needs to maintain the advantage that the United States now has in this field, where competitive efforts by the adversaries of a free society are continually increasing.

Now, let me suggest to the House that there will be very little in the way of funds used. Counterpart funds which have been generated through the years will be used wherever possible. It will cost this government little in comparison to the monies that are expended in the normal course of events in foreign assistance. Let me repeat to the membership of the House that much of the money spent will be counterpart funds.

Mr. Speaker, we have heard a lot about checking on these people once they have returned to their native land. All we intend to do under those circumstances is to help one who has come here and has studied in this country and who has returned to his own home, to try to get together with others in his community who have done similar work so we can send them some of our periodicals in order that they may disseminate information about our way of life to those who reside in the nation where they live. All we are seeking to do is to advertise the fact that we in this country run a decent country, and that we live in as free a way as possible.

Mr. Speaker, it seems to me that this bill should pass unanimously.

Mrs. ST. GEORGE. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. DERWINSKI].

Mr. DERWINSKI. Mr. Speaker, since H.R. 8666, along with numerous other bills today, is being processed under suspension of the rules, an amendment would be out of order. I feel it necessary to call to the attention of the House certain inconsistencies in the operation of the cultural exchange program that I hope the committee will consider and I certainly hope will adopt in the coming years.

I wish to direct your attention to section 109, amending the Immigration and Nationality Act, and I call your particular attention to subsection (e) which provides that a foreign exchange student who acquires his training and skill in the United States may return to this country for admission as a permanent resident after spending 2 years out of the country upon his departure after completing his training program.

Mr. Speaker, we have been told on numerous occasions that the purpose of training foreign students here in the United States is that they will return to their native lands and use their newly acquired skills and knowledge to advance living standards in their native countries. Certainly, when they acquire permanent residence in the United States to practice their skill they in effect violate the intention of the cultural exchange and education program.

I am positive that many Members of the House have shared my experience in receiving requests to introduce private legislation to establish permanent residence for exchange students here in the United States. Many of them come to this country with no intention of returning to their native lands once educated here and use every conceivable gimmick to remain.

Mr. Speaker, had this bill been brought to the House under normal procedure, I was prepared to offer an amendment requiring that the student reside in his native country for at least 5 years following his departure from the United States so that for at least that nominal amount of time the people of his native land could benefit from his acquired skill.

I certainly hope the Foreign Affairs Committee will give this matter its earnest consideration so that a practical solution could be forthcoming to adjust the abuses now prevalent in this program.

Actually, Mr. Speaker, I support the bill, although I feel, in the spirit of constructive criticism, that some of the demerits or the weaknesses ought to be pointed out to the House in the hope that perhaps in years to come they might be perfected. For example, there is the question of exchanges of artists and the American performers. We could take the American Olympic track team and send it throughout the world. Their tour would be of benefit in creating good will of people toward our country. I am not so sure that sending a few of our eccentric artists or characters from the entertainment world around other parts of the world at Government expense is helpful to the image that we want people to have of the United States. I merely point that out as a constructive thought.

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

Mr. DERWINSKI. I yield to the gentleman from Ohio.

Mr. HAYS. I think there is room for debate about certain art exhibitions—I mean by that the theater arts and so on. I would say to the gentleman that we did put in the report the expression that the committee understands that when these are sent abroad the only expense the Government would pay would be the difference between the official fees and what it actually cost to send them. In other words, we are not going to subsidize them and have them make a lot of gravy on the side.

Mr. DERWINSKI. Mr. Speaker, I would like to point out on page 16 of the committee report the language wherein there is discussed the Immigration Act amendments. During the 3 years that I have served in the Congress, I have been requested on four occasions to introduce private bills to keep in this country doctors who have come from abroad, studied in American schools, and then decided they did not wish to go back to their native lands. I can understand if a man reaches this country and studies, for example, English, and then is offered a job as a professor teaching history in this country at one of the outstanding universities—I say this is fine, and he should stay here. But if he gets admitted into this country and we educate him in the humanitarian sciences such as medicine, dentistry, and so forth, I think we should write into the law sufficient safeguards so that he does return to his country and works in his particular field.

I see, for example, according to the committee report, that students from the Philippines, Iran, and Turkey go to Canada to serve their 2-year period rather than return to the United States.

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

Mr. DERWINSKI. I yield to the gentleman.

Mr. WALTER. The matter the gentleman mentions is adequately dealt with in this bill. The language employed was recommended by the Committee on the Judiciary for the purpose of eliminating the evasions of obligation to serve the basic aims of the program. The language of section 109 of this bill is consistent with the basic Immigration and Nationality Act. Under it an exchange student cannot have his immigration status adjusted, he cannot become a permanent resident until after he had returned to his own land and remained there for a period of 2 years thus complying with what we believe is his obligation freely assumed when he accepted assistance in order to come and study in this country. If he goes to some other land instead, this Government will determine, before readmitting him, whether that has served the purpose of the bill before us.

Mr. HAYS. Mr. Speaker, I yield myself 2 minutes to answer a question of the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. On page 10, line 22, there is the language:

> Appropriations to carry out the purposes of this Act, to remain available until expended, are hereby authorized—

Then I find in the report on page 3 that the estimate is $40 million. What appropriations are authorized?

Mr. HAYS. It is an open-end appropriation which is not unusual, and the Committee on Appropriations determines the amount. We just say appropriations are authorized to carry out the act. This year I do not know what they asked for, but what they got from the committee was $37 million. The $40 million figure is in there merely because that is what they told us they were going to ask for next year.

Mr. HOFFMAN of Michigan. But there is no limit in the bill?

Mr. HAYS. No; but I have every confidence in the gentleman from New York [Mr. ROONEY] and his committee, that they will not exceed the bounds of propriety.

Mr. COOLEY. Mr. Speaker, will the gentleman yield for a question?

Mr. HAYS. I yield to the gentleman.

Mr. COOLEY. We have had these exchange programs in operation for many years, as the gentleman has said. Reference has been made to the language in this bill. I would like to inquire whether or not we have had a program of exchange of legislators or parliamentarians?

Mr. HAYS. I would say that under the distinguished persons section as the gentleman knows, there are parliamentarians coming here all the time. I have them in my office every month, and sometimes it seems like every week.

Mr. COOLEY. I understand, then, the gentleman is saying that under this language in the bill it would be possible to have an exchange of parliamentarians between different countries?

Mr. HAYS. I think it would.

Mr. COOLEY. But have we ever had any parliamentarians abroad visit here? I know we have had some each year, but have we ever sent any group of parliamentarians from this country to other countries?

Mr. HAYS. We have sent them to meetings; for example, the British Commonwealth Association meeting. We have sent them unofficially from the Committee on Foreign Affairs, but not on an official basis.

Mr. COOLEY. I might say that I am prompted to ask this question because of correspondence I have had recently with a friend of mine in North Carolina who suggested that it would be well to have such a program of exchange of parliamentarians.

Mr. HAYS. I thank the gentleman for his suggestion.

Mrs. ST. GEORGE. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. Mr. Speaker, in my opinion, this is a good piece of legislation. In addition to the reasons which have heretofore been set forth in support of it there are some others that might be mentioned. In the first place, this does encourage person-to-person contacts which I happen to think are very valuable. This is one of the effective means by which we can establish understanding and good relations with other nations and their people.

Secondly, mention has been made of the fact that there has been an Assistant Secretary in the Department of State assigned to Educational and Cultural Affairs. He will bring together in his office most of the matters relating to this bill, so there will be one place to which people can turn for information in this respect.

Thirdly, it has been pointed out that we have extended services to students and other such persons who come to this country. An amendment offered in the committee provides that we give counseling and guidance service to students from foreign countries who come to our Nation. And not only that, but we will follow those students and try to maintain contact with them, when they return to their native lands, as a reservoir of people who understand our Nation, its philosophies, and our love of freedom.

Next, we have also written in an additional provision which would permit the sending of our teachers abroad to make studies of languages, and those studies which are grouped together under the term "area studies." This will permit them to return to this country qualified to be better and more proficient teachers and instructors.

Then, too, I think not sufficient mention has been made of the fact that in this legislation we do continue aid to American-sponsored schools abroad. Certainly those schools, of which the American University at Beirut is an outstanding example, have contributed notably to our foreign relations. They permit students there to get a feeling for American philosophy, the American way

of life. In many instances they permit the student to get information and education much nearer to his native land than would be possible if he had to travel to the United States.

So, Mr. Speaker, for these and other reasons I feel that this drawing together of several existing laws is a notable step in the right direction. It provides an excellent piece of legislation and should have our support.

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

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

Mr. FRELINGHUYSEN. Mr. Speaker, I would like to commend the gentleman from Indiana for a fine statement. I too would like to express my interest in, and support for, this bill. Serving as I do as with the Committee on Foreign Affairs, which considered the provisions of this bill in detail, and on the Committee on Education and Labor, I have a particular interest in the programs provided for under this bill.

As has already been said, this bill is essentially a certification of a variety of laws already on the books. As such, it should generate little opposition, for here is wide understanding of, and strong support for, the different kinds of person-to-person contacts envisaged. This codification of a number of these programs will facilitate better consideration and increase their effectiveness.

With the cold war apparently with us indefinitely, a greater understanding of the American way of life by citizens of other countries can be of real value. Even were international tension to relax—and I regret that this does not seem likely—it will be important for the United States to continue to provide educational opportunities for our young friends overseas, and to develop cultural exchanges between this country and others.

These programs, coupled with far more intensive efforts of a nongovernmental character, form part of an accepted and essentially constructive national tradition in which we all can take justifiable pride.

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

Mr. ADAIR. I yield to the gentleman from Ohio.

Mr. BOW. Can the gentleman tell us how much the cost of the program has been increased by this legislation?

Mr. ADAIR. The cost of the programs in the last years has been approximately $36 million.

Mr. BOW. The Subcommittee on Appropriations, of which the present occupant of the chair [Mr. ROONEY] is the chairman, and the gentleman from Ohio, the ranking minority member, have passed on these appropriations in the past, but does this add anything additional?

Mr. ADAIR. We have estimated that the cost of this program might be $40 million a year.

Mr. BOW. Where does that additional expenditure come in?

Mr. ADAIR. It could be spent anywhere within the provisions of the bill.

Mr. BOW. Have you any new programs?

Mr. ADAIR. There are some new programs.

Mr. BOW. That is what I want. What are the new programs?

Mr. ADAIR. I just pointed out some. For example, there is increased authority to send teachers abroad to further their education, particularly in the field of languages. I do not believe this bill appreciably, using that term in a comparative sense, will increase the cost of the programs. We are relying upon the gentleman's subcommittee to use its very sound discretion in the amount of money that is to be made available.

Mr. BOW. The gentleman has made some remarks about the Assistant Secretary of State. That is not under this bill, but that already is in existing law; is it not?

Mr. ADAIR. Yes.

Mr. HAYS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALTER].

Mr. WALTER. Mr. Speaker, I wish to congratulate the Committee on Foreign Affairs and particularly the chairman of the subcommittee, the author of the bill, the gentleman from Ohio [Mr. HAYS] for an excellently done job.

It so happens that legislation pertaining to international educational exchange is within the jurisdiction of the Committee on Foreign Affairs. However, the Committee on the Judiciary continuously has private legislation before it affecting exchange students and exchange visitors admitted to this country under legislation of this type. It is most gratifying that the Committee on Foreign Affairs had found it appropriate to consult with the Committee on the Judiciary regarding the immigration provisions of this legislation as they are contained in section 109 of the bill before us. We were most happy to cooperate and we feel certain that the provisions of the House bill, free of the many deficiencies of the Senate companion bill, S. 1154, will be placed on the statute books. I wish to encourage my friends on the Committee on Foreign Affairs to insist in conference on the provisions of section 109 of this bill which will eventually, under the terms of this legislation, become a part of the Immigration and Nationality Act for which the Committee on the Judiciary is responsible.

Mr. COOLEY. Under the present program, if I understand it, they are not permitted to remain in this country. I had a case exactly in point recently of a young doctor who was educated here and wanted to remain here.

Mr. WALTER. Of course, the young doctor, the gentleman is speaking of came here at the expense of his own government or our Government, and was educated at the expense of his own government, or our public or private institutions and he certainly had an obligation to go back and serve his countrymen for at least 2 years.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mrs. ST. GEORGE. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut [Mr. SEELY-BROWN].

Mr. SEELY-BROWN. Mr. Speaker, during my congressional service probably no bill has given me a greater sense of satisfaction than the mutual educational and cultural exchange bill now under consideration. I am a member of the subcommittee that heard the testimony of educators and members of the performing arts as well as executive branch personnel who handle the numerous administrative tasks connected with our exchange programs. This bill has had the unanimous endorsement of all these individuals. Those who could not appear submitted statements for the record. After the testimony was completed, the subcommittee considered the bill section by section. It is a carefully considered measure and merits the support of this House.

It was not alone the unanimity of expression by the witnesses that determined my support. My support stems in large part from my own experience. I grew up on a college campus where I had an opportunity to sense the quest for knowledge, the desire to sharpen thought through the exchange of ideas. Later, as a student and then as a teacher, I shared these attitudes that I had seen as a boy on a college campus.

As others have noted, this is a comprehensive bill. Much of existing legislation that is now scattered through numerous statutes is brought together. Some provisions are new; others are an expansion of authority to carry out particular programs.

One of the most important features is the coordination and responsibility it provides for our multiple exchange efforts. The bill does not disturb the many exchange relationships that our private institutions have developed. But it does offer the services of the Government, should they be desired, to make these relationships more effective and meaningful. Some may criticize the bill because it sets no dollar ceiling on the programs. I would only remind these critics that the money must be appropriated annually, thus assuring Congress control of the dimensions of the programs.

I think it important for the House to have some idea of the exchange programs in which we are presently engaged in order that there may be a better understanding of what this bill hopes to accomplish. The word "exchange" is one of convenience rather than of precision for the larger flow is to the United States. While there is an element of reciprocity, it is not a 1-for-1 arrangement. Last year about 54,000 foreign students came to the United States. They comprised about 1.5 percent of our college and university population. By way of comparison, foreign students in Britain and France made up 12 percent of the student body; in Switzerland and Austria the figure was 30 percent. The reverse flow saw about 16,000 Americans go abroad for university study, less than one-half of 1 percent of our students.

The foreign students came to the United States from 141 countries and political areas and attended more than 1,700 institutions in this country. The largest group, as might be expected,

came from Canada. But the next seven largest nationality groups came from Asia and the Middle East. At the bottom of the list was Africa. Engineering and the humanities were the principal fields of study, followed in order by the natural and physical sciences, social sciences, business administration, medical services, education, and agriculture.

One noticeable trend directly related to this bill is the decline in recent years of self-supporting foreign students. About 90 percent of those who came to the United States received no assistance from our Government. About one-third were fully self-supporting. The balance received their support from their own government, from private organizations and foundations and from our institutions that admit them. This is a serious situation if we believe that our exchange programs are important to our national interest. It becomes more so if we consider that the less-developed countries with limited or no foreign exchange will have to rely on external assistance to send abroad their promising youth. All of our technical assistance to these countries will be of little value if we do not provide the underpinning of education that will make their development effective.

Figures for American students abroad are more difficult to obtain. The most recent study shows that American students were in attendance at more than 500 institutions in 62 countries. But 70 percent were studying in Europe, 12 percent in Canada, and 10 percent in Latin America. Almost half were studying in some branch of the humanities.

No less significant is the exchange of advanced scholars—professors, lecturers, and researchers. More than 2,500 were in the United States last year affiliated with 278 colleges and universities. They came from 79 countries, but about half were Europeans. American scholars abroad totaled about 1,800 from 339 American institutions. They went to institutions in 87 countries, but again about half were in Europe.

A more recent exchange trend is that of teachers in primary and secondary schools. About 200 will teach in American schools across the country this year while an equal number of American teachers will teach abroad. This is a type of exchange that gives great promise not only in educational benefits but in community understanding. The bill we are considering will strengthen that particular program.

I have mentioned briefly only the larger and perhaps better known exchange activities. They are the ones that will be most affected by the provisions of H.R. 8666. But they do not exhaust the list of our Government's exchange programs. Last year, under the International Cooperation Administration's specialist and leader programs, about 6,800 foreigners came to the United States for travel and observation or study in a field of learning of immediate importance to them, for example, mining, agriculture, health, and public administration. On a more modest scale the Atomic Energy Commission, the Department of Health, Education, and Welfare, and the Federal Aviation Agency, to suggest a few, conduct programs for foreigners. Lastly, one must not overlook the role of the Department of Defense which has brought as many as 20,000 foreign military personnel to the United States in a single year. While their training is primarily military, many of the things they learn have an application in civilian life. Congress has recognized the role that the military can play. In the Mutual Security Act of 1959, it included this observation:

> Administrators of the military assistance program shall encourage the use of foreign military forces in underdeveloped countries in the construction of public works and other activities helpful to economic development.

In supporting this bill my major interest is not upon increasing the number of individuals we bring to the United States or that we send abroad. There will, of course, be some increment as the educational requirements of the outside world mount. But I do not believe that the mere migration of bodies will achieve our national objectives. My concern is with the quality of the individuals we bring here and the quality of the education they receive. The Assistant Commissioner of International Education recently stated:

> The success of exchanges, as an instrument of international policy, depends on many factors, including the kind of people selected, their orientation, and the programs planned for them.

I share these views.

English is a world language; this gives us an advantage over the Soviets who must first teach a language generally regarded as difficult and which does not have the currency of English. Many foreign students have a command of English sufficient for their daily life at home. But their competence is frequently insufficient for the level of instruction they seek in this country. Our first task then is to make certain that exchanges have a mastery of English. Where that it not readily available, it will be to our advantage to set up or strengthen existing programs of English instruction.

The newer countries can spare only a limited number of their best people for the educational experiences offered by the United States. We must, therefore, guide their choice of studies into areas that will give a sense of national rather than personal satisfaction. The individual who wants to study comparative literature may be far less essential to his country's development than the student of agriculture; the theoretical physicist must give way to the primary school teacher. These are problems that are complicated by the diversity of educational patterns in this country. For the foreigner they can be handled only through adequate counseling and guidance. One of the strongest features of this bill is the emphasis it gives to these essential services, not only for those coming under Government sponsorship but to those who come under auspices.

This bill is not a cure-all for the present shortcomings of the exchange programs. Our committee report makes this clear. But it is a necessary first and modest step toward strengthening them. It gives clear and positive responsibility and direction to them. After the program has had a chance to shake down, we will make an appraisal of its accomplishments. I know our subcommittee will follow closely its operations. Should further legislative action be necessary, the House may be assured that our subcommittee will make recommendations to that effect. We are determined that our exchange efforts will be responsive to our national objectives.

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

Mr. SEELY-BROWN. I yield to the gentleman from New York.

Mr. BARRY. Mr. Speaker, lack of understanding is the greatest threat to pacific relations among members of the human race. It is lack of understanding that creates fear, fear of the unpredictable. When we understand our fellow man fear gives way to concern.

The greatest impediments to understanding in the present world are lack of education and the existence of closed societies—societies which will not permit their educated members to learn to understand the rest of the world. Every ray of comprehension, every chink in the wall, should be expanded to the greatest possible extent. We must maximize every opportunity to get through to those who lack educational sophistication or contact with our way of life. If these impediments can be overcome, we will have a different and a much more quiet world.

It is lack of understanding, too, that causes a nation to fail to meet the challenge which the times present. We, too, must learn—we must learn so that we can better meet this challenge. If all of us would truly come to understand this world's problems, our efforts in the cold war would be more effective and crowned with more immediate success.

The basic purposes of this bill are to enable others to better understand us and to give us a better understanding of the needs and philosophies of other people. It is in most regards an improvement on the legislation that presently exists in this field. It simplifies that legislation and adapts it to better meet the present needs. It is another step along the path to mutual human understanding. It deserves our support.

Mrs. ST. GEORGE. Mr. Speaker, I yield 2 minutes to the distinguished majority leader, the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, I have asked for this time to make a very brief statement about the remaining legislative business that is expected to be considered under suspension of the rules today. We have had very fine discussion of the measures that have been before us. One matter was objected to on the Consent Calendar, but I think we can dispose of that. There are five more bills, as I understand from the Members of their respective committees on our side of the aisle on which there is quite substantial agreement. One bill is from the Committee on the Judiciary having to do with the entry of eligible alien orphans. There are two bills from the

Committee on Banking and Currency which our people on the committee tell me should only take a few minutes to explain. There is one bill with reference to the education of war orphans on which I likewise understand there is substantial agreement. There is also a bill on railroad retirement which our people on the committee tell me should only take a little while to dispose of.

Mr. Speaker, I just mention this to indicate that we could get through within a reasonable time this evening and, of course, all these bills should be explained and understood by the membership. I do not know what further arrangements might be worked out with regard to suspension on other measures, but it would seem to me we could within a reasonable time this evening conclude action on at least the measures I have mentioned.

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

Mr. HALLECK. I yield to the gentleman from Florida.

Mr. HALEY. Did the gentleman include the bill, S. 200 in his statement? I think that bill could be disposed of very quickly.

Mr. HALLECK. So far as I am concerned, if we do not continue to too late an hour, I will say to the gentleman from Florida it is perfectly all right with me to consider a number of bills that could be disposed of quickly tonight. As I said, Mr. Speaker, I have not taken this time to shut off debate. Of course, no one has any such intention. I merely wish to indicate that on these matters on which there is substantial agreement where full explanation is made of the bills, if we could proceed with expedition, we could conclude our deliberations tonight at a fairly reasonable hour. Of course, it is not up to me to limit the list, but I just had some conversations and I have taken this time in the hope that we could get through here in a reasonable time tonight.

Mr. HALEY. I think if the gentleman will talk with members of the Subcommittee on Indian Affairs, he will find that this matter was unanimously reported out of the committee and was supported by the members on the gentleman's side.

Mr. HALLECK. They have spoken to me and I will say to the gentleman that I, for one, can see no reason why it could not be disposed of very quickly.

Mr. HALEY. I thank the gentleman.

Mr. HAYS. Mr. Speaker, I yield to the gentleman from Ohio [Mr. COOK].

Mr. COOK. Mr. Speaker, I rise in support of H.R. 8666, a bill designed to promote better mutual understanding among the peoples of the world through educational and cultural exchanges.

In the current struggle between the forces of democracy and communism throughout the world, no single instrument of foreign policy has as great a potential for good as does the educational and cultural exchange program. This program has promoted good will for the United States of America among those students who have visited our country and also among those abroad who have had occasion to meet the American exchange students who have visited their countries. Those in the State Department who have so efficiently carried out this program in the past are to be commended for the excellent job they have done.

However, the national interest now requires that the various programs, both public and private, be brought into a closer partnership. This bill will pull together the existing laws that are primarily concerned with the educational and cultural aspects of our various exchange programs. The result of this legislation should be a more effective program in this field of international relations and should continue to reap benefits for our country throughout the world.

Mr. HAYS. Mr. Speaker, I yield to the gentleman from Delaware [Mr. McDOWELL].

Mr. McDOWELL. Mr. Speaker, we note with especial satisfaction that the Department of State has lately been putting more emphasis in its program of the performing arts on academic groups. For experience has shown that our young university students can be among our best ambassadors. Not only can we astound the world with their cultural proficiency, which is a great gain in itself, but they are quick to make friends and give intelligent answers offstage.

In a little over a year, the State Department reported, they have sent academic groups to almost every part of the world, with tremendous results. One of our best choral groups, the Howard University Choir right here in Washington, went to 37 cities in Latin America and were hailed not only for their singing but for their splendid comportment and their lively interest in that continent. Other groups have gone to the Soviet Union and to the Far East, and another, the very professional Eastman Philharmonic of that famous School of Music at Rochester, will this fall begin a tour of Europe and we hope the U.S.S.R. that will extend for 14 weeks. Others have gone to the Far East, and everywhere we have sent our young athletes they have done us proud in all of their competitions and demonstrations.

This trend, the Department tells us, is increasing and many more will be fanning out in all directions in the year ahead. This is the way to show how democracy works, to send young America with its verve and skills and interest and intelligence. We applaud this trend, and think its volume must be increased.

In the field of the performing arts, which is one of the best ways to demonstrate abroad our cultural accomplishments, we have a huge potential which is just beginning to be recognized. That is the use of our academic groups—university students who excel as musicians, actors, and dancers.

We have tried groups like this, and have proof of their tremendous reception. When the Michigan University Symphonic Band went to Moscow last spring, young Russian students mobbed them with enthusiasm, standing late in the streets with them, asking questions about the United States. The Soviet papers reported that "the day the Michigan band spent at the Leningrad Conservatory will not soon be forgotten." The Russians were astounded at these representatives of young America, and could hardly believe their ears when they continued their triumphal tour of Minsk, Kiev, Odessa, and seven other Soviet cities—the most cities any sort of American group has ever played in. Our embassies in Moscow, in the satellites, in capitals of the Near East unanimously reported that these boys and girls were the best representatives, the best-disciplined, most courteous and most intelligent, of any performing arts group that had come their way.

Other groups have gone before, and their numbers are being stepped up for the year ahead. This is the way to reach the hearts and minds of the restless students of many doubtful lands. Let us be sure that we utilize our greatest natural resource—the leaders of tomorrow.

The State Department has long held the conviction that educational and cultural exchange is one of the most important and effective means available to this Nation in our continuing struggle to build a peaceful world in which freedom and justice under law will be the lot of all mankind.

I am proud to have been, together with the distinguished and able gentleman from Ohio [Mr. HAYS], one of the two House sponsors of this significant and enduring legislation.

My bill H.R. 5204, was identical to H.R. 5203 offered by our colleague from Ohio who has so splendidly and capably handled this legislation on the floor for the Committee on Foreign Affairs.

I include as part of my remarks a letter which a former colleague, now the Assistant Secretary of State, Brooks Hays, addressed to the chairman of our committee endorsing this legislation on behalf of the Department of State and the President:

DEPARTMENT OF STATE,
Washington, August 31, 1961.

Hon. THOMAS E. MORGAN,
Chairman, Committee on Foreign Affairs,
U.S. House of Representatives.

DEAR MR. CHAIRMAN: I have received your letter of August 29, 1961, requesting the views of the Department on H.R. 8666, to provide for the improvement and strengthening of the international relations of the United States by promoting better mutual understanding among the peoples of the world through educational and cultural exchanges.

The Department has long had the conviction that educational and cultural exchange is one of the most important and effective means available to this Nation in our continuing struggle to build a peaceful world in which freedom and justice under law will be the lot of all mankind. This conviction is shared by the President and his administration. In order to carry out these programs effectively and to achieve the maximum impact, the executive branch must have a sound base of legislative authority from which to operate.

The legislative base on which these programs have been operating is a patchwork of laws passed at different times during the last 15 years to meet varying requirements. The need for a consolidation of these laws into an orderly, rational pattern was never more urgent than now. H.R. 8666 will satisfy that need. It will strengthen existing programs and provide for flexibility in administration. It will also give the executive

branch the additional authority it needs to maintain the advantage that the United States now has in this field, where competitive efforts by the adversaries of a free society are continually increasing.

In the Department's comments on earlier versions of the bill, H.R. 5203 and H.R. 5204, we recommended certain changes, many of which have been made in H.R. 8666. While in some respects H.R. 8666 in its present form does not fully accord with the views expressed by the Department, nonetheless it is a much-needed advance over existing law, and has our support.

On behalf of the State Department, I therefore strongly urge the enactment of H.R. 8666, whether or not the further adjustments favored by the Department are made, although we hope that in the course of the remaining consideration of the bill, the Congress will see fit to make these adjustments. I wish to take this opportunity to express the Department's appreciation and my own for the long and careful consideration which members of your committee have given to this most important legislation.

Time has not permitted us to obtain the advice of the Bureau of the Budget as to the relationship of the views expressed here to the President's program.

With high regards.

Sincerely,

BROOKS HAYS,
Assistant Secretary.

Mr. HAYS. Mr. Speaker, I yield to the gentleman from Connecticut [Mr. MONAGAN].

Mr. MONAGAN. Mr. Speaker, I rise in support of this legislation.

May I, at the beginning, congratulate the chairman of our subcommittee, the gentleman from Ohio [Mr. HAYS], for the skill with which he has brought this legislation through committee and to the floor. At the hearings and at the markup of the bill, he has been fair and tolerant and he has demonstrated a profound knowledge of this legislation and the foreign policy problems of the United States.

In the current contest with the Communists, guns and bombs are not the only weapons that are employed. We are also waging a war of ideas.

One of the insidious tactics of the Communist powers has been to create in the minds of uninformed people an image of the United States which portrays this Nation as a country of crass, worldly, and mercenary culture. In the struggle for survival, it is, therefore, our problem to dispel this misinformation and to make clear to the world the fundamentals upon which this Nation is based and to demonstrate the unique and profound culture that is characteristic of the United States.

It is just this sort of demonstration that will be brought about through the medium of this cultural and educational exchange program. There will be an exchange of teachers, of artists, of learned men, and of leaders. Through this exchange of culture and ideas, the people of the nations involved will get to know and appreciate one another better.

As an example of this exchange, I think of the tour which Hal Holbrook, the noted American actor and portrayer of Mark Twain, made through many of the countries in Europe and of the warm and enthusiastic response which his portrayal evoked in these countries, even in cases where the audience could not understand English.

I think also as another example, of a French schoolteacher from Paris who lived in Waterbury, Conn., for a year and taught in a high school in that city. She brought to Connecticut students a touch of the great culture of France and she, in turn, learned to know and appreciate American students and American families.

With a continuation of exchanges of this sort, the understanding between peoples will grow and the respect for one another will increase. And through this agency, the misrepresentation of our ideals and institutions which has been fostered by the Communists will lose its influence in the minds of other nations of the world.

Mr. KEARNS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. KEARNS. Mr. Speaker, I would like to take this occasion to support the Department of State in its use of talented young people from our colleges and universities in our cultural exchange programs.

I was astounded to find that not a single leader from the music, drama, and other fine arts departments of our colleges and universities was recorded as testifying on this bill before the House Foreign Affairs Committee, or the Senate Committee on Foreign Relations.

Father Gilbert Hartke, of Catholic University's famed drama department; Prof. C. Robert Kase, of the University of Delaware's drama department; Dr. Jack Morrison, of the theater arts department of the University of California at Los Angeles; Dr. Howard Hanson, director of the famed Eastman School of Music at the University of Rochester; these and many other distinguished educators from the fine arts departments were either not invited, or no attempt was made by the committee to see that this important aspect of our Nation's educational life was heard. But what purpose did these committees have in hearing only from the professional aspects of the cultural exchange programs and in not hearing from a single great cultural leader who teaches in our colleges and universities?

We are fortunate, indeed, in having young people of great talent and ability in our leading educational institutions who can serve our country well in our cultural exchange programs—and we must use them.

Our Ambassadors report that these young Americans are the best representatives we have, that they are very well disciplined, that they are most courteous, and that they are unusually intelligent—that they do, in fact, compare most favorably with our great professional artists who are sent over at such expense by the Department of State.

Van Cliburn was the first young American artist who became an international celebrity by his prowess in taming the Soviet leaders with his music.

As Congreve once declared—

> Music hath charms to soothe a savage beast. To soften rocks, or bend a knotted oak.

The Howard University Choir traveled through South America, where Vice President Richard M. Nixon once was stoned, and was wildly acclaimed in concert appearances in 37 cities.

The University of Michigan Symphony Band was highly successful in its recent tour of the Soviet Union.

The Scarsdale, N.Y., school troupe was highly successful in its European tour and presented 18 performances of Thornton Wilder's "Our Town" in London, Amsterdam, West Berlin, Warsaw, and Oslo.

Dr. Howard Hanson, distinguished and brilliant president and chairman of the board of the congressionally chartered National Music Council has declared that student groups "contribute even more importantly to the cultural exchange program than the exchange of commercial professional groups."

President Eisenhower stated it best, I think, when he said, in an internationally acclaimed speech at the University of Delhi in December 1959:

> More enduringly than from the deliberations of high councils, I believe mankind will profit when young men and women of all nations and in great numbers study and learn together. In so doing, they will concern themselves with the problems, possibilities, resources, and rewards of their common destiny.
>
> Through the centuries nations have sent their youth armed for war to oppose their neighbors. Let us in this day look on our youth, eager for a larger and clearer knowledge, as forces for international understanding; and send them, one nation to another, on missions of peace.

I think it is most regrettable that so few groups from our educational life have been utilized in the important cultural exchange programs by the Department of State.

The cultural exchange program has had an overwhelming professional and Broadway bias and emphasis.

There has been extensive discussion and newspaper headlines about the high salaries paid by the State Department for some of the well-known professional artists who have been sent abroad by the State Department as part of its cultural exchange program.

There were several lengthy exchanges as to whether these well-known artists were paid $1,500 a week or $2,500 a week.

Some concern was expressed at the time by some of my colleagues on the Democratic side of the aisle.

Let us, for a moment, take the lower figure of $1,500 a week which comes out at $75,000 a year.

This is several times what our most distinguished and battle-scarred generals and admirals, Cabinet officers, Supreme Court Justices, and Members of the Senate and House make.

I think it is high time that some rationality was shown by the managers of this cultural exchange program at the State Department.

The argument has been advanced by some people in the theater that the Congress is not interested in the arts, that it does not understand the arts, and that, in any event, this matter of the cost of talent is not the proper business of Congress.

Some people in the theater, some even closely connected with the American National Theater and Academy, and with these State Department cultural exchange programs, argue in favor of these swollen salaries by declaring that the headline artists who are paid at the rate of $75,000 a year and more by the State Department could exceed this sum in private life.

Doubtless they could make more money in private life, for there are really some astounding salaries paid to some of our well-known artists.

Indeed, a few of these well-known artists, to show their appreciation for such affluence, live abroad, and make their movies abroad—for the purpose of escaping taxation at home in the United States altogether.

I suggest that U.S. artists, who are interested in participating in our Government's cultural programs, study the government-supported and government-aided art programs of Europe.

In European countries, when a well-known artist appears on a government-sponsored program it is considered a high honor both by the artist and by his friends.

In the government-supported and government-aided theaters and opera houses of Europe the greatest artists consider themselves privileged to appear.

They work for but a fraction of what they would make in commercial theaters, music halls, the movies, and on television.

What they get in exchange is the great honor of serving the government and all of the people.

Great restraint and intelligence must be displayed by our leading artists in their demands upon the Federal Government.

If they want the Government to establish meaningful art programs then they must exercise the same self-restraint that the great artists of Europe show in their relations with their national governments.

Perhaps as a result of the continuing public outrage at the high, and unjustified, salaries paid to headline artists by the Department of State in recent months more emphasis is now being put on young artists from our colleges and universities.

In recent months, under the brilliant leadership of the Assistant Secretary of State for Educational and Cultural Affairs, Philip H. Coombs, a new appreciation of these matters has been shown.

There is a new awareness of the contribution that our young unknown artists can make in reaching the young people of other countries—and we in the Congress must do all that we can to encourage and support these person-to-person contacts of the leaders of tomorrow's world.

Our young people are indeed our very best ambassadors.

All that is needed is the willingness by Government officials to give them the chance.

The President and the Secretary of Labor have recently been giving a great deal of attention to the problems of the Metropolitan Opera Co.

The musicians who play in the Metropolitan Opera orchestra are being criticized in some quarters for the wage demands which they are making.

Yet these musicians make under $10,000 a year.

Without them the Metropolitan Opera cannot continue, the great Met stars could not perform.

Let us be clear, there is a world of difference between the $10,000 a year which the members of the Metropolitan Opera orchestra are paid and the $75,000 a year some of our stars, and have-been stars, are paid by the State Department.

I have tried in the brief time at my disposal to shed some light on the subject of Government and the arts, and to take up briefly some of the facts which must be borne in mind in this connection.

The SPEAKER pro tempore. The question is, Will the House suspend the rules and pass the bill, H.R. 8666, as amended?

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 329, nays 66, not voting 52, as follows:

[Roll No. 191]

YEAS—329

Adair	Burke, Ky.	Dulski
Addabbo	Burke, Mass.	Durno
Addonizio	Byrne, Pa.	Dwyer
Albert	Byrnes, Wis.	Edmondson
Andersen, Minn.	Cahill	Elliott
Andrews	Cannon	Ellsworth
Arends	Carey	Fallon
Ashbrook	Casey	Farbstein
Ashley	Cederberg	Fascell
Aspinall	Celler	Fenton
Avery	Chamberlain	Findley
Ayres	Chelf	Finnegan
Bailey	Chenoweth	Fino
Baldwin	Chiperfield	Flood
Barrett	Church	Fogarty
Barry	Clancy	Ford
Bass, N.H.	Clark	Forrester
Bass, Tenn.	Cohelan	Fountain
Bates	Collier	Frazier
Battin	Conte	Frelinghuysen
Becker	Cook	Friedel
Beckworth	Cooley	Fulton
Beermann	Corbett	Gallagher
Bell	Corman	Garland
Bennett, Fla.	Cramer	Garmatz
Bennett, Mich.	Cunningham	Gary
Betts	Curtin	Gathings
Blatnik	Curtis, Mass.	Gavin
Boggs	Curtis, Mo.	Giaimo
Boland	Daddario	Gilbert
Bolling	Daniels	Glenn
Bolton	Davis, John W.	Goodell
Bonner	Delaney	Goodling
Bow	Denton	Granahan
Boykin	Derounian	Gray
Brademas	Derwinski	Green, Oreg.
Bray	Devine	Green, Pa.
Breeding	Dingell	Griffin
Brewster	Dole	Griffiths
Bromwell	Dominick	Gubser
Brooks, Tex.	Donohue	Hagan, Ga.
Broomfield	Dooley	Hagen, Calif.
Brown	Downing	Halleck
	Doyle	Halpern
Hansen	Martin, Nebr.	Rogers, Fla.
Harding	Mathias	Rooney
Hardy	Matthews	Roosevelt
Harris	May	Rostenkowski
Harrison, Va.	Meader	Roush
Harsha	Merrow	Rutherford
Harvey, Ind.	Michel	Ryan
Harvey, Mich.	Miller, George P.	St. Germain
Hays	Miller, N.Y.	Saund
Hechler	Mills	Schenck
Hemphill	Moeller	Scherer
Hoeven	Monagan	Schneebeli
Holifield	Montoya	Schweiker
Holtzman	Moore	Schwengel
Horan	Moorehead, Ohio	Scranton
Hosmer	Moorhead, Pa.	Seely-Brown
Huddleston	Morgan	Selden
Hull	Morris	Shelley
Ichord, Mo.	Morse	Sheppard
Ikard, Tex.	Mosher	Shipley
Inouye	Moss	Shriver
Jarman	Moulder	Sibal
Jennings	Multer	Sikes
Joelson	Murphy	Sisk
Johnson, Calif.	Natcher	Slack
Johnson, Wis.	Nelsen	Smith, Iowa
Jones, Ala.	Nix	Smith, Miss.
Jones, Mo.	Norblad	Spence
Judd	Norrell	Springer
Karsten	Nygaard	Stafford
Karth	O'Brien, Ill.	Staggers
Kastenmeier	O'Brien, N.Y.	Stephens
Kearns	O'Hara, Ill.	Stratton
Kee	O'Hara, Mich.	Stubblefield
Keith	Olsen	Sullivan
Kilday	O'Neill	Teague, Calif.
King, Calif.	Osmers	Thomas
King, N.Y.	Ostertag	Thompson, N.J.
King, Utah	Patman	Thompson, Tex.
Kirwan	Pelly	Thomson, Wis.
Kluczynski	Perkins	Thornberry
Knox	Peterson	Toll
Kornegay	Pfost	Tollefson
Kowalski	Philbin	Trimble
Kunkel	Pike	Tupper
Kyl	Pillion	Udall, Morris K.
Laird	Pirnie	Ullman
Lane	Poage	Vanik
Langen	Poff	Van Pelt
Lankford	Price	Van Zandt
Latta	Pucinski	Wallhauser
Lesinski	Quie	Walter
Libonati	Rains	Watts
Lindsay	Randall	Weaver
McCormack	Reece	Weis
McDonough	Reifel	Whalley
McDowell	Reuss	Wickersham
McFall	Rhodes, Ariz.	Widnall
McIntire	Rhodes, Pa.	Willis
McVey	Riehlman	Wilson, Calif.
Macdonald	Rivers, Alaska	Wright
MacGregor	Roberts	Yates
Mack	Robison	Young
Magnuson	Rodino	Younger
Mahon	Rogers, Colo.	Zablocki
Mailliard		Zelenko
Martin, Mass.		

NAYS—66

Abbitt	Henderson	Rivers, S.C.
Abernethy	Herlong	Rogers, Tex.
Alexander	Hiestand	Roudebush
Alford	Hoffman, Ill.	Rousselot
Anderson, Ill.	Hoffman, Mich.	St. George
Ashmore	Jensen	Saylor
Auchincloss	Johansen	Schadeberg
Baring	Jonas	Scott
Belcher	Kilgore	Short
Berry	Kitchin	Smith, Calif.
Blitch	Lennon	Smith, Va.
Burleson	Lipscomb	Taber
Colmer	Loser	Taylor
Dorn	McCulloch	Teague, Tex.
Dowdy	McMillan	Tuck
Everett	Marshall	Utt
Feighan	Mason	Wharton
Flynt	Murray	Whitener
Grant	O'Konski	Whitten
Gross	Passman	Williams
Haley	Ray	Wilson, Ind.
Harrison, Wyo.	Riley	Winstead

NOT VOTING—52

Alger	Diggs	Madden
Anfuso	Evins	Miller, Clem
Baker	Fisher	Milliken
Brooks, La.	Hall	Minshall
Broyhill	Healey	Morrison
Bruce	Hébert	Pilcher
Buckley	Holland	Powell
Coad	Johnson, Md.	Rabaut
Dague	Kelly	Santangelo
Davis, James C.	Keogh	Siler
Davis, Tenn.	Kilburn	Steed
Dawson	Landrum	Thompson, La.
Dent	McSween	Vinson
	Machrowicz	Westland

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert and Mr. Keogh for, with Mr. Hall against.

Mr. Broyhill and Mr. Anfuso for, with Mr. Alger against.

Mr. Powell and Mr. Buckley for, with Mr. Kilburn against.

Until further notice:

Mrs. Kelly with Mr. Westland.

Mr. Dent with Mr. Siler.

Mr. Evins with Mr. Minshall.

Mr. Morrison with Mr. Baker.

Mr. Thompson of Louisiana with Mr. Bruce.

Mr. TABER changed his vote from "yea" to "nay."

The vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

AMENDING THE IMMIGRATION AND NATIONALITY ACT

Mr. WALTER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2237) to permit the entry of certain eligible alien orphans, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(b) of the Immigration and Nationality Act (8 U.S.C. 1101) is hereby amended by adding the following new subparagraph (6):

"(6) The term 'eligible orphan' means any alien child under the age of fourteen at the time at which the visa petition is filed pursuant to section 205(b) who is an orphan because of the death or disappearance of both parents, or because of abandonment, or desertion by, or separation or loss from, both parents, or who has only one parent due to the death or disappearance of, abandonment, or desertion by, or separation or loss from the other parent, and the remaining parent is incapable of providing care for such orphan and has in writing irrevocably released him for emigration and adoption."

SEC. 2. Section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101) is hereby amended by adding the following:

"(F) a child who is an eligible orphan, adopted abroad by a United States citizen and spouse or coming to the United States for adoption by a United States citizen and spouse: *Provided,* That no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage be accorded any right, privilege, or status under this Act."

SEC. 3. (a) Section 205(b) of the Immigration and Nationality Act (8 U.S.C. 1155) is hereby amended to read as follows:

"(b) Any citizen of the United States claiming that any immigrant is his spouse or child and that such immigrant is entitled to a nonquota immigrant status under section 101(a)(27)(A), or any citizen of the United States claiming that any immigrant is his parent or unmarried son or unmarried daughter and that such immigrant is entitled to a quota immigrant status under section 203(a)(2), or any alien lawfully admitted for permanent residence claiming that any immigrant is his spouse or his unmarried son or his unmarried daughter and that such immigrant is entitled to a quota immigrant status under section 203(a)(3), or any citizen of the United States claiming that any immigrant is his brother or sister or his married son or his married daughter and that such immigrant is entitled to a preference under section 203(a)(4) may file a petition with the Attorney General. No petition for quota immigrant status or a preference in behalf of a son or daughter under paragraph (2), (3), or (4) of section 203(a) of the Immigration and Nationality Act shall be approved by the Attorney General unless the petitioner establishes that he is a parent as defined in section 101(b)(2) of the Immigration and Nationality Act of the alien in respect to whom the petition is made, except that no such petition shall be approved if the beneficiary thereof is an alien defined in section 101(b)(1)(F). No petition for nonquota immigrant status in behalf of a child as defined in section 101(b)(1)(F) shall be approved by the Attorney General unless the petitioner establishes to the satisfaction of the Attorney General that the petitioner and spouse will care for such child properly if he is admitted to the United States, and (i) in the case of a child adopted abroad, that the petitioner and spouse personally saw and observed the child prior to or during the adoption proceedings, and (ii) in the case of a child coming to the United States for adoption, that the petitioner and spouse have complied with the preadoption requirements, if any, of the State of such child's proposed residence. The petition shall be in such form and shall contain such information and be supported by such documentary evidence as the Attorney General may by regulations prescribe. The petition shall be made under oath administered by any individual having authority to administer oaths, if executed in the United States, but, if executed outside the United States, administered by a consular officer."

(b) The second sentence of section 205(c) of the Immigration and Nationality Act (8 U.S.C. 1155) is hereby amended to read: "Not more than two such petitions may be approved for one petitioner in behalf of a child as defined in section 101(b)(1)(E) or (F), unless necessary to prevent the separation of brothers and sisters."

SEC. 4. The first sentence of section 221(c) of the Immigration and Nationality Act (8 U.S.C. 1201) is hereby amended to read: "An immigrant visa shall be valid for such period, not exceeding four months, as shall be by regulations prescribed, except that any visa issued to a child lawfully adopted by a United States citizen and spouse while such citizen is serving abroad in the United States Armed Forces, or is employed abroad by the United States Government, or is temporarily abroad on business, shall be valid until such time, for a period not to exceed three years, as the adoptive citizen parent returns to the United States in due course of his service, employment, or business."

SEC. 5. (a) Title I of the Immigration and Nationality Act (8 U.S.C. 1101) is hereby amended by adding the following:

"JUDICIAL REVIEW OF ORDERS OF DEPORTATION

"SEC. 106. (a) The procedure prescribed by, and all the provisions of the Act of December 29, 1950, as amended (64 Stat. 1129; 68 Stat. 961; 5 U.S.C. 1031 et seq.), shall apply to, and shall be the sole and exclusive procedure for, the judicial review of all final orders of deportation heretofore or hereafter made against aliens within the United States pursuant to administrative proceedings under section 242(b) of this Act or comparable provisions of any prior Act, except that—

"(1) a petition for review may be filed not later than six months from the date of the final deportation order or from the effective date of this section, whichever is the later.

"(2) the venue of any petition for review under this section shall be in the judicial circuit in which the administrative proceedings before a special inquiry officer were conducted in whole or in part, or in the judicial circuit wherein is the residence, as defined in this Act, of the petitioner, but not in more than one circuit;

"(3) the action shall be brought against the Immigration and Naturalization Service, as respondent. Service of the petition to review shall be made upon the Attorney General of the United States and upon the official of the Immigration and Naturalization Service in charge of the Service district in which the office of the clerk of the court is located. The service of the petition for review upon such official of the Service shall stay the deportation of the alien pending determination of the petition by the court, unless the court otherwise directs;

"(4) except as provided in clause (B) of paragraph (5) of this subsection, the petition shall be determined solely upon the administrative record upon which the deportation order is based and the Attorney General's findings of fact, if supported by reasonable, substantial, and probative evidence on the record considered as a whole, shall be conclusive;

"(5) whenever any petitioner, who seeks review of an order under this section, claims to be a national of the United States and makes a showing that his claim is not frivolous, the court shall (A) pass upon the issues presented when it appears from the pleadings and affidavits filed by the parties that no genuine issue of material fact is presented; or (B) where a genuine issue of material fact as to the petitioner's nationality is presented, transfer the proceedings to a United States district court for the district where the petitioner has his residence for hearing de novo of the nationality claim and determination as if such proceedings were originally initiated in the district court under the provisions of section 2201 of title 28, United States Code. Any such petitioner shall not be entitled to have such issue determined under section 360(a) of this Act or otherwise;

"(6) if the validity of a deportation order has not been judicially determined, its validity may be challenged in a criminal proceeding against the alien for violation of subsection (d) or (e) of section 242 of this Act only by separate motion for judicial review before trial. Such motion shall be determined by the court without a jury and before the trial of the general issue. Whenever a claim to United States nationality is made in such motion, and in the opinion of the court, a genuine issue of material fact as to the alien's nationality is presented, the court shall accord him a hearing de novo on the nationality claim and determine that issue as if proceedings had been initiated under the provisions of section 2201 of title 28, United States Code. Any such alien shall not be entitled to have such issue determined under section 360(a) of this Act or otherwise. If no such hearing de novo as to nationality is conducted, the determination shall be made solely upon the administrative record upon which the deportation order is based and the Attorney General's findings of fact, if supported by reasonable, substantial and probative evidence on the record considered as a whole, shall be conclusive. If the deportation order is held invalid, the court shall dismiss the indictment and the United States shall have the right to appeal to the court of appeals within thirty days. The procedure on such appeals shall be as provided in the Federal rules of criminal procedure. No petition for review under this section may be filed by any alien during the pendency of a criminal proceeding against such alien for violation of subsection (d) or (e) of section 242 of this Act; and

"(7) nothing in this section shall be construed to require the Attorney General to

defer deportation of an alien after the issuance of a deportation order because of the right of judicial review of the order granted by this section, or to relieve any alien from compliance with subsections (d) and (e) of section 242 of this Act. Nothing contained in this section shall be construed to preclude the Attorney General from detaining or continuing to detain an alien or from taking him into custody pursuant to subsection (c) of section 242 of this Act at any time after the issuance of a deportation order.

"(8) it shall not be necessary to print the record or any part thereof, or the briefs, and the court shall review the proceedings on a typewritten record and on typewritten briefs.

"(9) any alien held in custody pursuant to an order of deportation may obtain judicial review thereof by habeas corpus proceedings.

"(b) Notwithstanding the provisions of any other law, any alien against whom a final order of exclusion has been made heretofore or hereafter under the provisions of section 236 of this Act or comparable provisions of any prior Act may obtain judicial review of such order by habeas corpus proceedings and not otherwise.

"(c) An order of deportation or of exclusion shall not be reviewed by any court if the alien has not exhausted the administrative remedies available to him as of right under the immigration laws and regulations or if he has departed from the United States after the issuance of the order. Every petition for review or for habeas corpus shall state whether the validity of the order has been upheld in any prior judicial proceeding, and, if so, the nature and date thereof, and the court in which such proceeding took place. No petition for review or for habeas corpus shall be entertained if the validity of the order has been previously determined in any civil or criminal proceeding, unless the petition presents grounds which the court finds could not have been presented in such prior proceeding, or the court finds that the remedy provided by such prior proceeding was inadequate or ineffective to test the validity of the order."

(b) This section shall take effect on the thirtieth day after its approval and, notwithstanding the provisions of any other law, including section 405 of the Immigration and Nationality Act, shall then be applicable to all administrative proceedings involving deportation or exclusion of aliens notwithstanding (1) that the person involved entered the United States prior to the effective date of this section or of the Immigration and Nationality Act or (2) that the administrative proceeding was commenced or conducted prior to the effective date of this section or of the Immigration and Nationality Act. Any judicial proceeding to review an order of deportation which is pending unheard in any district court of the United States on the effective date of this section (other than a habeas corpus or criminal proceeding in which the validity of the deportation order has been challenged) shall be transferred for determination in accordance with this section to the court of appeals having jurisdiction to entertain a petition for review under this section. Any judicial proceeding to review an order of exclusion which is pending unheard on the effective date of this section shall be expedited in the same manner as is required in habeas corpus. All laws or parts of laws inconsistent with this section are, to the extent of such inconsistency, repealed. If any particular provision of this section, or the application thereof to any person or circumstance, is held invalid, the remainder of this section and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 6. Section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is hereby amended by deleting from subsection (a) the language "race and ethnic classification;", and by deleting from subsection (c) the language "his race and ethnic classification;".

SEC. 7. (a) Section 101(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1101) is hereby amended by inserting immediately after "December 31, 1946," the following: "or from June 25, 1950, to July 1, 1955,".

(b) Section 101(d)(2) of the Immigration and Nationality Act (8 U.S.C. 1101) is hereby amended (1) by striking out "and (C)" and inserting in lieu thereof "(C)", and (2) by inserting immediately after "December 31, 1946" the following: "; and (D) the term 'Korean hostilities' relates to the period from June 25, 1950, to July 1, 1955".

SEC. 8. (a) Section 329(a) of the Immigration and Nationality Act (8 U.S.C. 1440) is amended by inserting after "December 31, 1946," the following: "or during a period beginning June 25, 1950, and ending July 1, 1955,".

(b) Section 329(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1440) is hereby amended by inserting after "December 31, 1946," the following: "or during a period beginning June 25, 1950, and ending July 1, 1955,".

SEC. 9. Section 202(e) of the Immigration and Nationality Act (8 U.S.C. 1152) is hereby amended to read as follows:

"(e) After the determination of quotas has been made as provided in section 201, revision of the quotas shall be made by the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, whenever necessary, to provide for any change of boundaries resulting in transfer of territory from one sovereignty to another, a change of administrative arrangements of a colony or other dependent area, or any other political change, requiring a change in the list of quota areas or of the territorial limits thereof. In the case of any change in the territorial limits of quota areas, not requiring a change in the quotas for such areas, the Secretary of State shall, upon recognition of such change, issue appropriate instructions to all consular offices concerning the change in the territorial limits of the quota areas involved. Whenever one or more colonies or other component or dependent areas overseas from the governing country, or one or more quota areas have been subject to a change of administrative arrangements, a change of boundaries, or any other political change, the annual quota of the newly established quota area or the number of visas authorized to be issued under section 202(c)(1), notwithstanding any other provisions of this Act, shall not be less than the sum total of quotas in effect or number of visas authorized for the area immediately preceding the change of administrative arrangements, change of boundaries or other political change."

SEC. 10. Section 205(c) of the Immigration and Nationality Act (8 U.S.C. 1155) is hereby amended by adding at the end thereof the following new sentence: "Notwithstanding the provisions of this subsection, no petition shall be approved if the alien previously has been accorded, by reason of marriage determined by the Attorney General to have been entered into for the purpose of evading the immigration laws—

"(1) a nonquota status under section 101(a)(27)(A) as the spouse of a citizen of the United States, or

"(2) a preference quota status under section 203(a)(3) as the spouse of an alien lawfully admitted for permanent residence."

SEC. 11. Section 212(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1182) is hereby amended to read as follows:

"(6) Aliens who are afflicted with any dangerous contagious disease;".

SEC. 12. Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is hereby amended by adding the following additional subsection:

"(f) Any alien afflicted with tuberculosis in any form who (A) is the spouse or the unmarried son or daughter, or the minor unmarried lawfully adopted child, of a United States citizen, or of an alien lawfully admitted for permanent residence, or of an alien who has been issued an immigrant visa, or (B) has a son or daughter who is a United States citizen, or an alien lawfully admitted for permanent residence or an alien who has been issued an immigrant visa, shall, if otherwise admissible, be issued a visa and admitted to the United States for permanent residence in accordance with such terms, conditions, and controls, if any, including the giving of a bond, as the Attorney General, in his discretion after consultation with the Surgeon General of the United States Public Health Service, may by regulations prescribe."

SEC. 13. Section 212(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1182) is hereby amended by changing the semicolon at the end to a period, and adding thereafter the following: "Any alien who would be excludable because of the conviction of a misdemeanor classifiable as a petty offense under the provisions of section 1(3) of title 18, United States Code, by reason of the punishment actually imposed, or who would be excludable as one who admits the commission of an offense that is classifiable as a misdemeanor under the provisions of section 1(2) of title 18, United States Code, by reason of the punishment which might have been imposed upon him, may be granted a visa and admitted to the United States if otherwise admissible: *Provided*, That the alien has committed only one such offense, or admits the commission of acts which constitute the essential elements of only one such offense."

SEC. 14. Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is hereby amended by adding the following additional subsection:

"(g) Any alien, who is excludable from the United States under paragraphs (9), (10), or (12) of this section, who (A) is the spouse or child, including a minor unmarried adopted child, of a United States citizen, or of an alien lawfully admitted for permanent residence, or (B) has a son or daughter who is a United States citizen or an alien lawfully admitted for permanent residence, shall, if otherwise admissible, be issued a visa and admitted to the United States for permanent residence (1) if it shall be established to the satisfaction of the Attorney General that (A) the alien's exclusion would result in extreme hardship to the United States citizen or lawfully resident spouse, parent, or son or daughter of such alien, and (B) the admission to the United States of such alien would not be contrary to the national welfare, safety, or security of the United States; and (2) if the Attorney General, in his discretion, and pursuant to such terms, conditions, and procedures as he may by regulations prescribe, has consented to the alien's applying or reapplying for a visa and for admission to the United States."

SEC. 15. Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is hereby amended by adding the following additional subsection:

"(h) Any alien who is the spouse, parent, or child of a United States citizen or of an alien lawfully admitted for permanent residence and who is excludable because (1) he seeks, has sought to procure, or has procured, a visa or other documentation, or entry into the United States, by fraud or misrepresentation, or (2) he admits the commission of perjury in connection therewith, may be granted a visa and admitted to the United

States for permanent residence, if otherwise admissible, if the Attorney General in his discretion has consented to the alien's applying or reapplying for a visa and for admission to the United States."

SEC. 16. Section 241 of the Immigration and Nationality Act (8 U.S.C. 1251) is hereby amended by adding the following:

"(f) The provisions of this section relating to the deportation of aliens within the United States on the ground that they were excludable at the time of entry as aliens who have sought to procure, or have procured visas or other documentation, or entry into the United States by fraud or misrepresentation shall not apply to an alien otherwise admissible at the time of entry who is the spouse, parent, or a child of a United States citizen or of an alien lawfully admitted for permanent residence."

SEC. 17. Section 310 of the Immigration and Nationality Act (8 U.S.C. 1421) is hereby amended by adding the following additional subsection:

"(e) Notwithstanding the provisions of section 405(a), any petition for naturalization filed on or after the enactment of this subsection shall be heard and determined in accordance with the requirements of this title."

SEC. 18. (a) Section 340(a) of the Immigration and Nationality Act (66 Stat. 260; 8 U.S.C. 1451(a)) is hereby amended by inserting, following the language "that such order and certificate of naturalization" the language "were illegally procured or".

(b) Section 340(b) of the Immigration and Nationality Act (66 Stat. 260; 8 U.S.C. 1451(b)) is hereby amended by inserting, immediately preceding the word "procured", the language "illegally procured or".

SEC. 19. Section 349 of the Immigration and Nationality Act (8 U.S.C. 1481) is hereby amended by adding the following subsection:

"(c) Whenever the loss of United States nationality is put in issue in any action or proceeding commenced on or after the enactment of this subsection under, or by virtue of, the provisions of this or any other Act, the burden shall be upon the person or party claiming that such loss occurred, to establish such claim by a preponderance of the evidence. Except as otherwise provided in subsection (b), any person who commits or performs, or who has committed or performed, any act of expatriation under the provisions of this or any other Act shall be presumed to have done so voluntarily, but such presumption may be rebutted upon a showing, by a preponderance of the evidence, that the act or acts committed or performed were not done voluntarily."

SEC. 20. Section 354(4) of the Immigration and Nationality Act (8 U.S.C. 1486) is hereby amended to read as follows:

"(4) who has attained the age of sixty years, and has had a residence outside of the United States and its outlying possessions for not less than ten years, during all of which period he has been engaged in an occupation of the type designated in paragraphs (1), (2), or (4) of section 353, or paragraph (2) of this section, and who is in bona fide retirement from such occupation; or who is the spouse or child of the national described in this paragraph and who has his residence abroad for the purpose of being with such American citizen spouse or parent; or".

SEC. 21. The language "CHAPTER 3—ISSUANCE ON ENTRY DOCUMENTS" of the table of contents of the Immigration and Nationality Act, as amended, is hereby amended to read as follows:

"CHAPTER 3—ISSUANCE OF ENTRY DOCUMENTS"

SEC. 22. (a) The title preceding section 212 of the Immigration and Nationality Act, as amended, is hereby amended to read as follows:

"GENERAL CLASSES OF ALIENS INELIGIBLE TO RECEIVE VISAS AND EXCLUDED FROM ADMISSION; WAIVERS OF INADMISSIBILITY"

(b) The title preceding section 329 of the Immigration and Nationality Act, as amended, is amended to read as follows:

"NATURALIZATION THROUGH ACTIVE-DUTY SERVICE IN ARMED FORCES DURING WORLD WAR I OR WORLD WAR II OF THE KOREAN HOSTILITIES"

SEC. 23. (a) The table of contents (TITLE I—GENERAL) of the Immigration and Nationality Act is hereby amended by adding the following:

"SEC. 106. Judicial review of orders of deportation."

(b) Section 212 of the table of contents of the Immigration and Nationality Act is hereby amended to read as follows:

"SEC. 212. General classes of aliens ineligible to receive visas and excluded from admission; waivers of inadmissibility."

(c) Section 329 of the table of contents of the Immigration and Nationality Act, is hereby amended to read as follows:

"SEC. 329. Naturalization through active-duty service in Armed Forces during World War I or World War II or the Korean hostilities."

SEC. 24. (a) The following Acts and all amendments thereto and parts of Acts and all amendments thereto are repealed:

(1) Section 4 of the Act of September 3, 1954 (68 Stat. 1145; 8 U.S.C. 1182a);

(2) Section 4 of the Act of September 11, 1957 (71 Stat. 639–640; 8 U.S.C. 1205).

(3) Sections 5, 6, and 7 of the Act of September 11, 1957 (71 Stat. 640–641; 8 U.S.C. 1182b; 8 U.S.C. 1182c; 8 U.S.C. 1251a).

(4) Section 15 of the Act of September 11, 1957 (71 Stat. 643–644; 50 U.S.C. App. 1971a, note);

(5) Sections 9 and 12 of the Act of September 11, 1957 (71 Stat. 641–642; 8 U.S.C. 1255a; 8 U.S.C. 1153, note);

(6) Section 2 of the Act of August 21, 1958 (72 Stat. 699; 8 U.S.C. 1255; 8 U.S.C. 1153, note);

(7) Sections 4 and 6 of the Act of September 22, 1959 (73 Stat. 644–645; 8 U.S.C. 1153, note).

(b) Paragraphs (5), (6), and (7) of subsection (a) of this section shall take effect upon the expiration of the one hundred and eightieth day immediately following the date of enactment of this Act.

SEC. 25. (a) Any alien eligible for a quota immigrant status under the provisions of section 203(a) (2) or (3) of the Immigration and Nationality Act on the basis of a petition approved by the Attorney General prior to June 30, 1961, shall be held to be a nonquota immigrant and, if otherwise admissible under the provisions of that Act, shall be issued a nonquota immigrant visa: *Provided*, That, upon his application for an immigrant visa, and for admission to the United States, the alien is found to have retained his relationship to the petitioner, and status, as established in the approved petition.

(b) At any time prior to the expiration of the one hundred and eightieth day immediately following the enactment of this Act a special nonquota immigrant visa may be issued to an eligible orphan as defined in section 4 of the Act of September 11, 1957, as amended (8 U.S.C. 1205; 71 Stat. 639, 73 Stat. 490, 74 Stat. 505), if a visa petition filed in behalf of such eligible orphan was (A) approved by the Attorney General prior to June 30, 1961, or (B) pending before the Attorney General prior to June 30, 1961, and the Attorney General approves such petition.

The SPEAKER pro tempore. Is a second demanded?

Mr. POFF. I demand a second, Mr. Speaker.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. WALTER. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, this legislation grew out of the Judiciary Committee's continuous observation and studies of the administration of the basic immigration code, the Immigration and Nationality Act, enacted on June 27, 1952.

RESULTS OF EXPERIENCE

In the course of the 9 years which elapsed since the first codification of immigration and nationality laws in the history of the United States, several related laws were placed on the statute books. Most of those, beginning with the Refugee Relief Act of 1953, were temporary in nature and designed to meet events of an emergency nature. Other laws enacted in the field of immigration during that time were statutes providing relief for certain defined categories of U.S. citizens and aliens. Those laws stemmed from the rather exacting work which the Judiciary Committee has before it continuously in connection with private relief legislation. These, together with the special emergency laws I mentioned a while ago, served to test the effect of this type of legislation upon the individuals affected and upon the national interest, first and foremost in our minds.

The effects of these enactments—I can assure the House—were carefully observed, reviewed, and investigated by the committee.

Conclusions based on the experience gained over the years, were carefully drawn. The results of this labor are today before the House.

EXISTING LAWS CODIFIED

Several of the enactments, not originally included in the basic Walter-McCarran Act for the purpose of testing their effects as well as giving the administrators of the law the opportunity to develop proper practices and procedures, are now proposed to be made part of the permanent code.

Sections 11, 12, 13, 14, 15, and 16 contain provisions of the 1954 and 1957 statutes now proposed to be properly codified, with minor revisions fully explained in the rather extensive report—House Report No. 1086—accompanying this legislation.

ADOPTED ORPHANS

Another temporary statute, extended periodically in the last few years on an annual basis and now proposed to be made part of the permanent law is contained in sections 1, 2, 3, and 4 of the bill. These provisions are designed to facilitate the entry of alien orphans adopted by U.S. citizens.

The eligibility requirements would, under the proposed amendment, remain virtually unchanged except for the rules governing a carefully worked out petition procedure prescribed in section 3 of

the amendatory language. The purpose of the changes is to eliminate abuses and hardships resulting from the regrettable practice of adopting abroad a child, or children, never seen by the adoptive parents and heretofore coming to the United States on the strength of a "proxy" adoption secured in a foreign country through the intercession of agents without compliance with the applicable provisions of the adoption laws effective in the State of the child's future residence.

The procedure set forth in the bill clearly differentiates between (a) the alien child who, prior to the institution or during the pendency of adoption proceedings abroad, has been seen and observed by the adoptive parents, and (b) the child who may have been selected abroad, possibly through the good offices of a third party, and would be coming to the United States for adoption in accordance with applicable State statutes. A full and complete investigation conducted by the Immigration and Naturalization Service would be required in either case.

The Department of Health, Education, and Welfare has strongly recommended the enactment of this procedure. Obviously, the Department was prompted by the same experience which motivated the committee to recommend it. The principal reason for redesigning the admission procedures affecting adopted orphans was to eliminate the reprehensible practice which crept into the administration of the temporary statute. Instances of outright racketeering, including actual sale of alien children for adoption, were revealed in criminal proceedings where convictions occurred.

The credit for bringing to the attention of the Congress these and other similarly abhorrent practices goes to Hon. Janet Hill Gordon, member of the Senate of the State of New York and the chairman of the New York State Joint Legislative Committee on Matrimonial and Family Laws. We are indebted, indeed, to Senator Gordon and to her colleagues and staff assistants for bringing to our attention not only the practices of the shady dealers in proxy adoptions, but for submitting to our counterpart committee in the Senate the important information relating to the legal difficulties already visible in several States where lack of compliance with the applicable State law has caused untold hardship to the adoptive parents and to-be-adopted field.

I wish to include at this point a list of State departments of public welfare and many reputable public and private organizations fully endorsing the provisions of this bill as they relate to sight unseen adoptions:

1. Department of Public Welfare, State of Georgia.
2. Department of Public Welfare, Commonwealth of Massachusetts.
3. Department of Public Welfare, State of Wisconsin.
4. Department of Public Welfare, State of Delaware.
5. Department of Public Welfare, State of Minnesota.
6. Commission on Children and Youth, State of Iowa.
7. Department of Public Welfare, State of Maryland.
8. Division of Public Welfare, State of Nebraska.
9. General Assembly, State of Connecticut.
10. Department of Public Welfare, State of Pennsylvania.
11. Department of Public Welfare, State of Illinois.
12. Department of Public Welfare, State of Mississippi.
13. Department of Pensions and Security, State of Alabama.
14. Department of Welfare, State of Connecticut.
15. United Charities of Chicago.
16. International Social Service (American and foreign branches).
17. Child and Family Service, Springfield, Ill.
18. Maryland Children's Aid Society, Baltimore, Md.
19. Family and Children Service of Berkshire County, Mass.
20. Worcester Children's Friend Society.
21. Family Service Agency, California.
22. Family Service of Hamilton, Ohio.
23. National Association of Social Workers.
24. Child and Family Services, Knoxville, Tenn.
25. Family and Children's Service, Tulsa, Okla.
26. Children's Home Society, St. Paul, Minn.
27. United Church of Christ, Huntsville, Ala.
28. Family and Children's Service, Pittsburgh, Pa.
29. Children's Aid Association, Northampton, Mass.

And the Departments of State, Justice, and Health, Education, and Welfare.

JUDICIAL REVIEW

Section 5 of the bill contains provisions of legislation which the House is well familiar with, having approved it in the past on three separate occasions without, so far, having the benefit of concurrent action in the other body.

This section of the bill incorporates provisions relating to judicial review of orders of deportation and exclusion of aliens entered by the Attorney General. The purpose of this legislation is to put order in a field where the ability to pay high attorney's fees for thwarting the administration of our immigration laws has permitted the most undesirable alien element—the alien racketeer and the subversive—to remain in this country, in violation of the law, practically indefinitely by abusing judicial processes.

I have stated before, and I wish to restate my belief that the Congress owes the American people the enactment of this legislation simply as a measure of self-defense and a reassertion of the people's inherent right to refuse to extend our hospitality to those who skillfully use the American legal system for the very purpose of destroying it. The enactment of this law is a most urgent necessity.

CHANGE IN APPLICATION FORMS

Section 6 of the bill removes the designation of "race and ethnic classification" from visa applications. Inasmuch as race and ethnic classification have no bearing on admission into the United States, this language, apparently offensive to some of the aliens desiring to visit us, is proposed to be eliminated.

VETERANS OF KOREAN HOSTILITIES

The veterans of Korean hostilities are being granted, under sections 7 and 8 of the bill, the same naturalization rights as enjoyed under existing law by veterans of World War I and World War II. An identical bill, introduced by the gentleman from California [Mr. SHELLEY], passed the House more than a year ago but was not acted upon in the other body due to early adjournment.

NEW INDEPENDENT COUNTRIES

Section 9 of the bill proposes to bring the basic law in accordance with certain events which occurred since its enactment. This provision would permit the realinement of certain immigration quotas necessitated by the emergence of new, independent nations in the Western as well as in the Eastern Hemisphere.

Inasmuch as there are now 20 independent countries, recognized by the United States, in the geographical area described by law as the "Asia-Pacific triangle," the existing 2,000 quota ceiling imposed on that area as a whole, is proposed to be removed so that in the event that an additional independent country located in that area obtains U.S. recognition, a quota of 100 annually could be proclaimed for its nationals. The proclamation of independence of Western Samoa is expected in January 1962.

Similarly, anticipating the forthcoming assumption of an independent status by the West Indies Federation, this section of the bill proposes to assure to this, or similar new political entities, an immigration quota equal to the total of subquotas or quotas now available for each of the component parts of such a new entity.

To cite an example, upon the merger of Syria and Egypt into the United Arab Republic, the new entity was allocated only 100 quota numbers annually, while prior to the merger each of the two component parts had a 100 quota for itself. This situation will be corrected under section 9 of this legislation.

ELIMINATION OF ABUSES AND LAXITIES

Sections 10, 17, 18, and 19 are designed to correct (a) abuses resorted to by unscrupulous aliens who desire to obtain preferential status by resorting to fraudulent marriages and (b) to correct laxities stemming from judicial and administrative misrepresentations or misapplications of the spirit and the letter of title III of the Immigration and Nationality Act, the title related to nationality and naturalization.

The main purpose of the latter proposals—sections 17, 18, and 19—is to uphold and preserve the dignity and the priceless value of U.S. citizenship with all the attendant obigations incumbent upon a citizen of this country regardless of whether such citizenship was acquired at birth or by legal processes. The committee strongly recommends the enactment of these provisions as it sees in them a legal instrumentality designed to forestall the gradual erosion of our nationality laws.

REUNITING FAMILIES

Section 20 of the amended bill will serve to preserve family unity by permitting the spouse and the children of a naturalized, retired U.S. citizen over 60 years of age to remain with the spouse or parent, respectively, without losing U.S. citizenship, if such was acquired by naturalization.

Section 25, uncodified, consists of two subsections. Subsection (a) contains special relief provisions enabling nonquota entry of parents and unmarried sons and daughters of U.S. citizens, and spouse and the unmarried children of lawfully residing aliens where separation of families results in hardship. Subsection (b) authorizes the processing to completion within 6 months of those cases of adopted orphans in which applications for entry were filed with the Attorney General prior to the expiration of the temporary law on June 30, 1961.

TECHNICAL PROVISIONS

Sections 21, 22, 23, and 24 are strictly technical in nature. Their purpose is to incorporate new law into the proper titles, chapters, and sections of the basic act and to repeal laws now becoming obsolete or proposed to be made part of the Immigration and Nationality Act.

Mr. Speaker, I hope we may have unanimous action on this legislation.

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

Mr. WALTER. I yield to the gentleman from California.

Mr. ROOSEVELT. Mr. Speaker, I would like to say to the gentleman from Pennsylvania that I think this is a very fine bill in every respect. I congratulate the gentleman. This bill will serve many humanitarian purposes without in any way hurting the security of our country. Again, Mr. Speaker, I wish to congratulate my colleague.

Mr. WALTER. I thank the gentleman from California. We have spent several years on these amendments, and we believe we have met whatever legitimate criticism we have heard with respect to our immigration laws.

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

Mr. WALTER. I yield to the gentleman from California.

Mr. SHELLEY. With reference to the Korean war veterans, has the committee used the dates that were in the bill last year?

Mr. WALTER. Yes, I will say to the gentleman from California, we took his bill in toto and this language in sections 7 and 8 is exactly the same as the Shelley bill which passed the House the last Congress—by unanimous consent, I might add.

Mr. SHELLEY. I thank the chairman of my committee and extend my compliments and commendations to the gentleman and his committee for the way they have worked this bill out. I think it is an improvement in our immigration laws.

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

Mr. WALTER. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I want to commend the distinguished chairman of the Committee on Immigration, Mr. WALTER, for bringing this measure from his committee. It includes many facets of immigration legislation which I have long favored and advocated. Not only does this bill include a measure concerning alien orphans, but also it includes provisions for reuniting families long separated by residence in different nations.

If this body approves S. 2237, it will have taken a step in amending our immigration and naturalization laws which I have advocated for some time. I refer to section 2 of S. 2237 which incorporates as permanent law a provision of our immigration laws which in the past has been handled by temporary extensions enacted by the Congress. This is the provision dealing with the immigration and adoption of alien orphans.

For the past several years, the Congress has continued in force the alien orphan provisions of our immigration laws, but in all instances the provision was in effect for a period of not more than 2 years. Under this portion of the law, thousands of orphans have entered the United States having been adopted by American citizens. They have provided a home for these parentless children who, in many cases, would otherwise lead a life of despair, lacking the love and affection that only a parent can give. I am indeed happy that the Committee on the Judiciary has seen fit to recommend the passage of this piece of humanitarian legislation, and I hope that this great body, representing all the people of these United States of ours, will concur in the committee's recommendations. The lives of thousands of helpless little children, as well as many American couples, will be brightened by the enactment of S. 2237.

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

Mr. WALTER. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, I commend the gentleman from Pennsylvania and the members of the committee for bringing this bill in. I am particularly pleased that you kept the age at 14. I note that the other body had reduced the age to 10, which I think would have worked terrible hardships on families and would have split up families. I am delighted to see that you kept the age at 14.

Mr. WALTER. Of course, when we were studying this problem, we found that many of our military personnel who had been abroad for long periods of time had adopted children who had gotten older than 10 years, the age limit originally contemplated. We certainly did not want to exclude them and that is why we decided upon the age as it appears now in the bill. Section 4 of the bill provides further relief in this type of situations by extending the time of validity of the child's visa.

Mr. BOLAND. I thank the gentleman.

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

Mr. WALTER. I yield to the gentleman from Texas.

Mr. MAHON. How many aliens or non-American citizens may probably be admitted under this provision to which the gentleman has referred? How big is this number of people involved?

Mr. WALTER. Except for the adopted orphans, this bill does not provide for the admission of one more person than would ultimately be admissible. It does not increase the total intake of aliens over the years.

Mr. MAHON. It would expedite the admission of probably how many people?

Mr. WALTER. I think it involves 11,000 people in second and third preference categories all over the world. These are spouses and unmarried children of lawfully admitted aliens and parents and unmarried sons, and daughters of U.S. citizens.

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

Mr. WALTER. I yield to the gentleman from Minnesota.

Mr. JUDD. May I commend the gentleman from Pennsylvania for his leadership in this as well as in so many other important fields. I am gratified that he and the other members of his committee have brought out this bill. I, too, have introduced legislation on the orphan matter. But I want to speak, particularly, of the provision which will allow families to be united in cases where the spouses and dependent children would ultimately be admitted anyway because the alien now here has been lawfully admitted for permanent residence. This will remove a really terrible hardship in many, many cases, and will benefit, not injure, our country.

Mr. Speaker, this is a very meritorious bill and I am glad that the gentleman has taken this farsighted step in preparing and sponsoring it.

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

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

Mr. WIDNALL. Mr. Speaker, I, too, would like to commend the chairman of the committee for bringing out a very progressive bill and for taking several steps forward that are very badly needed in this field. I am disturbed about one section of the bill, and I would like to ask a few questions about it. I am particularly familiar with the program that has been carried on with Korean orphans through the Harry Holt Orphanage in Korea, and there are a number of people in my district that have adopted children through proxy adoptions from that orphanage. Would this bill kill that program?

Mr. WALTER. No; it would not. However, the adoptions must be made in accordance with the laws of the State of the child's future residence. In your instance, the adoption would have to be in accordance with the laws of the State of New Jersey.

Mr. WIDNALL. If it was to take effect, it would really kill the bill in New Jersey. What I am disturbed about is this: I have seen firsthand so many instances of fine little children brought in from Korea and a happy family life created for them; children of GI's over in Korea. They have been screened through the Harry Holt Orphanage over there. And, there has been a very real close community developed, such as the gathering they have every year on the Lehrke farm up in my district. This past year they had 200 parents and children, and it is really a people-to-people humanitarian effort, a voluntary effort, without any Government expense.

And, I do not know of any abuses in that program.

Mr. WALTER. Well, I could tell the gentleman about many abuses, but I will not. The good cases that you are talking about would not be affected by the new law. However, those cases where children have been brought to the United States that are imbeciles and insane and not placed in proper homes, and not subject to adoption in the State, which has happened, would not happen now because the State departments of welfare will have a voice in this matter together with State courts.

Mr. WIDNALL. Well, is it not true that under the current program they have to be screened as to health before they are admitted and also checked through the immigration authorities?

Mr. WALTER. That is fully covered in the bill and in the report on pages 7 and 8. It was also covered in my remarks explaining the bill.

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

Mr. WALTER. I yield to the gentleman from California.

Mr. BALDWIN. On this same point, there are a considerable number of families in my district that have adopted Korean orphans under this Harry Holt adoption program, and in practically every case it has worked out extremely well. If I understand correctly, I think the California laws are basically the same as the New Jersey laws. They cannot adopt them under California laws until they are actually in California.

Mr. WALTER. The gentleman is not correct. The child in category (ii) on page 6 of the bill does not have to be adopted by "proxy" in order to be brought here for adoption.

Mr. BALDWIN. I have received some wires on this bill, wires that imply that if this bill is passed it would be necessary for any future adoptive parents in California to fly over to Korea before they actually could carry through one of these Korean orphanage admissions; is that correct?

Mr. WALTER. That is either deliberate misinformation or ignorance of the bill, one or the other. It is entirely incorrect.

Mr. BALDWIN. In other words, then, the person desiring to adopt the orphan would not have to go to Korea but the orphan could come to the United States and then the person proceed to adopt under California law.

Mr. WALTER. That is right.

Mr. POFF. Mr. Speaker, I want to underscore the importance of section 5. The provisions of that section have heretofore on three separate occasions been approved by this House. That section would for the first time establish a single, specific statutory procedure for judicial review of orders of exclusion and deportation of ineligible and undesirable aliens.

A series of Federal court decisions has precipitated chaos in the channels of appellate procedure. This chaos has been skillfully exploited by astute lawyers employed by subversive and criminal aliens with funds acquired in criminal and un-American pursuits. By shopping about for legal forums with congested dockets, by filing frivolous and dilatory pleas, and by calculated abuse of the Habeas Corpus Act these undesirable aliens with ill-gotten gains have been able to delay and sometimes to thwart altogether the enforcement of lawful deportation and exclusion orders.

Section 5 of this bill confines venue to the jurisdiction in which the alien resides or in which the administrative order was entered. A petition for a review of such an order must be filed within 6 months of its entry in the circuit court of appeals serving that jurisdiction. The writ of habeas corpus is preserved specifically to an alien under an order of exclusion and to an alien held in custody under an order of deportation. However, a subsequent petition for habeas corpus will not be entertained unless the alien show, first, that he has exhausted all administrative remedies, and second, that the validity of the order of deportation has not previously been judicially determined. This is merely an affirmation of the time-honored doctrine of res judicata.

Mr. Speaker, the provisions of section 5 were recommended by former President Eisenhower in two separate messages. President Kennedy, speaking through the Deputy Attorney General, has also urged "the early enactment of the bill." In summary, I think it is fair to say that section 5 will adequately protect every legitimate right of every alien and most certainly will promote the legitimate interests and national security of the United States.

Mr. Speaker, I ask unanimous consent that all Members may have permission to insert their remarks in the RECORD at this point on this bill. I have no further requests for time.

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

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

There was no objection.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BOLAND] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. BOLAND. Mr. Speaker, I rise in support of S. 2237, as amended, to permit the entry into the United States of certain eligible alien orphans, and to provide legislation designed to facilitate the reunification of certain families of U.S. citizens and immigrants experiencing hardship due to separation.

I want to take this opportunity to compliment members of the Immigration Subcommittee, under the distinguished chairmanship of the gentleman from Pennsylvania, Congressman WALTER, for taking action and favorably reporting this legislation so that Members of the House can act in this session of Congress on these important and humane matters.

I am particularly pleased that the Walter amendment to the bill makes permanent the admittance of eligible alien orphans. The subcommittee members are to be commended for also providing for the 14-year-old age limit of eligible orphans rather than the previous age limit of 10 years.

Since 1948 Congress has provided for some form of orphan program. During this time some 17,000 orphaned or abandoned children have been able to acquire a home and proper care with American couples. The legislation makes the program permanent and provides that not more than two special nonquota immigrant visas may be issued to orphans adopted by any one U.S. citizen and spouse, unless necessary to prevent the separation of brothers and sisters. This is a sound program and it will mean much in the lives of the persons affected.

The legislation also authorizes the issuance of nonquota immigrant visas to aliens who have been accorded preferential status under the Immigration and Nationality Act pursuant to petitions filed by their relatives and approved by the Attorney General prior to last June 30. This provision is designed to expedite the reunification of certain families of citizens of the United States and immigrants admitted for permanent residence.

Aliens benefiting from the enactment of this proposal are the parents and unmarried sons and daughters of U.S. citizens; and spouses and unmarried sons and daughters of immigrants lawfully admitted for permanent residence. Some of the most heart rending appeals made to me as a Congressman are from constituents who are separated by oceans from their husbands or wives, parents, sons and daughters. Some of these people have been striving for years to have their family reunited, but their loved ones have had to remain overseas and await their turn on a quota list. Enactment of this bill will hasten the day when these relatives can come to American shores to take up permanent residence under the one roof where they ought to be.

Mr. Speaker, I urge that the legislation be enacted.

The SPEAKER pro tempore. The question is, Will the House suspend the rules and pass the bill S. 2237?

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 title of the bill was amended to read: "An Act to amend the Immigration and Nationality Act; and for other purposes."

AMENDMENT OF SMALL BUSINESS INVESTMENT ACT OF 1958

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 902) to amend the Small Business Investment Act of 1958, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this

Act may be cited as the "Small Business Investment Act Amendments of 1961".

SEC. 2. Section 103 of the Small Business Investment Act of 1958 is amended—

(1) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) the terms 'small business investment company', 'company', and 'licensee' mean a company approved by the Administration to operate under the provisions of this Act and issued a license as provided in section 301 (c);"; and

(2) by striking out "and" at the end of paragraph (5), by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and", and by adding after paragraph (6) the following new paragraph:

"(7) the term 'license' means a license issued by the Administration as provided in section 301(c)."

SEC. 3. (a) Section 302(a) of the Small Business Investment Act of 1958 is amended by striking out the second sentence and inserting in lieu thereof the following: "In order to facilitate the formation and growth of small business investment companies, the Administration is hereby authorized, notwithstanding any other provisions of law (but only to the extent that the necessary funds are not available to the company involved from private sources), to purchase the debentures of any such company in an amount not to exceed the lesser of $500,000 or the amount of the paid-in capital and surplus of the company from other sources; but debentures of a small business investment company may be purchased by the Administration under this subsection only during such period (in no case ending more than three years after the date of the issuance of its license under section 301(c) or the date of the enactment of the Small Business Investment Act Amendments of 1961, whichever is later) as may be fixed by the Administration."

(b) Section 302(b) of such Act is amended by striking out "1 percent of its capital and surplus" and inserting in lieu thereof "2 percent of its capital and surplus".

SEC. 4. (a) The first sentence of section 303(b) of the Small Business Investment Act of 1958 is amended by inserting after "is authorized" the following: "(but only to the extent that the necessary funds are not available to the company involved from private sources)".

(b) The second sentence of section 303 (b) of such Act is amended to read as follows: "The total amount of obligations of any one company which may be purchased and outstanding at any one time by the Administration under this subsection (including commitments to purchase such obligations) shall not exceed 50 percent of the paid-in capital and surplus of such company or $5,000,000, whichever is less."

(c) Section 303(b) of such Act is further amended by adding at the end thereof the following new sentence: "All loans made by the Administration under this subsection shall be of such sound value as reasonably to assure repayment."

(d)(1) Section 303 of such Act is further amended by adding at the end thereof the following new subsection:

"(c) The proceeds of loans made by the Administration to small business investment companies under subsection (b) shall not be used by such companies for investments and loans aggregating more than $500,000 in the case of any single enterprise. Accordingly, so long as any portion of a loan made by the Administration to a small business investment company under subsection (b) remains unpaid, such company shall maintain assets consisting of cash, eligible Government obligations, and portfolio investments and loans which do not exceed $500,000 in the case of any single enterprise equal in total face value to no less than the unpaid principal amount of the loan under subsection (b)."

(2) The amendment made by paragraph (1) shall apply only with respect to loans disbursed by the Small Business Administration under section 303(b) of the Small Business Investment Act of 1958 on or after the date of the enactment of this Act; except that such amendment shall not apply with respect to any such loan disbursed pursuant to a commitment or loan authorization issued by the Administration before such date.

SEC. 5. Section 304 of the Small Business Investment Act of 1958 is amended by adding at the end thereof the following new subsection:

"(d) Equity capital provided to incorporated small business concerns under this section may be provided directly or in cooperation with other investors, incorporated or unincorporated, through agreements to participate on an immediate basis."

SEC. 6. Section 305(b) of the Small Business Investment Act of 1958 is amended by striking out "other lending institutions" and inserting in lieu thereof "other lenders, incorporated or unincorporated,".

SEC. 7. Section 308(a) of the Small Business Investment Act of 1958 is amended to read as follows:

"(a) Wherever practicable the operations of a small business investment company, including the generation of business, may be undertaken in cooperation with banks or other investors or lenders, incorporated or unincorporated, and any servicing or initial investigation required for loans or acquisitions of securities by the company under the provisions of this Act may be handled through such banks or other investors or lenders on a fee basis. Any small business investment company may receive fees for services rendered to such banks and other investors and lenders."

SEC. 8. Title III of the Small Business Investment Act of 1958 is amended by adding after section 308 the following new sections:

"ENFORCEMENT PROCEDURES

"SEC. 309. (a) A license may be revoked by the Administration—

"(1) for false statements knowingly made in any written statement required under this title, or under any regulation issued under this title by the Administration, for the purpose of obtaining the license;

"(2) because of facts coming to the attention of the Administration which existed prior to the time the license was issued and which, if known at that time, would have justified the Administration in refusing to issue the license;

"(3) for willful or repeated violation of, or willful or repeated failure to observe, any provision of this Act;

"(4) for willful or repeated violation of, or willful or repeated failure to observe, any rule or regulation of the Administration authorized by this Act; or

"(5) for violation of, or failure to observe, any cease and desist order issued by the Administration under this section.

"(b) Where a licensee has not complied with any provision of this Act, or of any regulation issued under this Act by the Administration, the Administration may order such licensee to cease and desist from such action or failure to act; and the Administration may further order such licensee to take such action or to refrain from such action as the Administration deems necessary to ensure compliance with the Act and the regulations. The Administration may also suspend the license of such licensee until the licensee has complied with such order.

"(c) Before revoking a license pursuant to subsection (a), or issuing a cease and desist order or suspending a license pursuant to subsection (b), the Administration shall serve upon the licensee involved an order to show cause why an order revoking the license or a cease and desist order or an order suspending the license should not be issued. Any such order to show cause shall contain a statement of the matters of fact and law asserted by the Administration and the legal authority and jurisdiction under which a hearing is to be held, and shall inform the licensee that a hearing will be held before the Administration at a time and place stated in the order. If after hearing, or a waiver thereof, the Administration determines on the record that an order revoking the license or a cease and desist order or an order suspending the license should issue, it shall issue such order, which shall include a statement of the findings of the Administration and the grounds and reasons therefor and specify the effective date of the order, and shall cause the order to be served on the licensee.

"(d) The Administration may require by subpena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to the hearing from any place in the United States. Witnesses summoned before the Administration shall be paid by the party at whose instance they were called the same fees and mileage that are paid witnesses in the courts of the United States. In case of disobedience to a subpena, the Administration, or any party to a proceeding before the Administration, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents.

"(e) An order issued by the Administration under this section shall be final and conclusive unless within thirty days after the service thereof the licensee appeals to the United States court of appeals for the circuit in which such licensee has its principal place of business by filing with the clerk of such court a petition praying that the Administration's order be set aside or modified in the manner stated in the petition. After the expiration of such thirty days, a petition may be filed only by leave of court on a showing of reasonable grounds for failure to file the petition theretofore. The clerk of the court shall immediately cause a copy of the petition to be delivered to the Administration, and the Administration shall thereupon certify and file in the court a transcript of the record upon which the order complained of was entered. If before such record is filed the Administration amends or sets aside its order, in whole or in part, the petitioner may amend the petition within such time as the court may determine, on notice to the Administration. The filing of a petition for review shall not of itself stay or suspend the operation of the order of the Administration, but the court of appeals in its discretion may restrain or suspend, in whole or in part, the operation of the order pending the final hearing and determination of the petition. The proceedings in such cases in the court of appeals shall be made a preferred cause and shall be expedited in every way. The court may affirm, modify, or set aside the order of the Administration. If the court determines that the just and proper disposition of the case requires the taking of additional evidence, the court shall order the Administration to reopen the hearing for the taking of such evidence, in such manner and upon such terms and conditions as the court may deem proper. The Administration may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file its modified or new findings and the amendments, if any, of its order, with the record of such additional evidence. No objection to an order of the Administration shall be considered by the court unless such objection was urged before the Administration or, if it was not so urged, unless there

were reasonable grounds for failure to do so. The judgment and decree of the court affirming, modifying, or setting aside any such order of the Administration shall be subject only to review by the Supreme Court of the United States upon certification or certiorari as provided in section 1254 of title 28, United States Code.

"(f) If any licensee against which an order is issued under this section fails to obey the order, the Administration may apply to the United States court of appeals, within the circuit where the licensee has its principal place of business, for the enforcement of the order, and shall file a transcript of the record upon which the order complained of was entered. Upon the filing of the application the court shall cause notice thereof to be served on the licensee. The evidence to be considered, the procedure to be followed, and the jurisdiction of the court shall be the same as is provided in subsection (e) for applications to set aside or modify orders. The proceedings in such cases shall be made a preferred cause and shall be expedited in every way.

"INVESTIGATIONS

"SEC. 310. The Administration may make such investigations as it deems necessary to determine whether a licensee or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act, or of any rule or regulation under this Act, or of any order issued under this Act. The Administration shall permit any person to file with it a statement in writing, under oath or otherwise as the Administration shall determine, as to all the facts and circumstances concerning the matter to be investigated. For the purpose of any investigation, the Administration is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena issued to, any person, including a licensee, the Administration may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Administration, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found.

"INJUNCTIONS AND OTHER ORDERS

"SEC. 311. (a) Whenever, in the judgment of the Administration, a licensee or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act, or of any rule or regulation under this Act, or of any order issued under this Act, the Administration may make application to the proper district court of the United States or a United States court of any place subject to the jurisdiction of the United States for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, rule, regulation, or order, and such courts shall have jurisdiction of such actions and, upon a showing by the Administration of such licensee or other person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order, shall be granted without bond. The proceedings in such a case shall be made a preferred cause and shall be expedited in every way.

"(b) In any such proceeding the court as a court of equity may, to such extent as it deems necessary, take exclusive jurisdiction of the licensee or licensees and the assets thereof, wherever located; and the court shall have jurisdiction in any such proceeding to appoint a trustee or receiver to hold or administer under the direction of the court the assets so possessed."

SEC. 9. Section 502 of the Small Business Investment Act of 1958 is amended—

(1) by striking out "$250,000" in paragraph (3) and inserting in lieu thereof "$350,000"; and

(2) by striking out "ten" where it first appears in paragraph (5) and inserting in lieu thereof "twenty-five".

SEC. 10. (a) Section 301(a) of the Small Business Investment Act of 1958 is amended to read as follows:

"(a) A small business investment company shall be an incorporated body, organized and chartered under State law solely for the purpose of performing the functions and conducting the activities contemplated under this title, which has succession for a period of not less than thirty years unless sooner dissolved by its shareholders and possesses the powers reasonably necessary to perform such functions and conduct such activities. The area in which the company is to conduct its operations, and the establishment of branch offices or agencies (if authorized by the articles of incorporation), shall be subject to the approval of the Administration."

(b)(1) The second sentence of section 301(c) of such Act is amended by striking out "In determining whether to approve the establishment of such a company and its proposed articles of incorporation" and inserting in lieu thereof "In determining whether to approve such a company's articles of incorporation and permit it to operate under the provisions of this Act".

(2) The last sentence of section 301(c) of such Act is amended to read as follows: "After consideration of all relevant factors, if it approves the company's articles of incorporation, the Administration may in its discretion approve the company to operate under the provisions of this Act and issue the company a license for such operation".

(3) Section 301 of such Act is further amended by striking out subsections (d) and (e).

(c) The second sentence of section 308(b) of such Act is amended by striking out "organized under this Act" and inserting in lieu thereof "operating under the provisions of this Act".

(d) Section 308 of such Act is amended by striking out subsections (d), (e), and (f) and redesignating subsection (g) as subsection (d), and by striking out "organized under this Act" in the subsection so redesignated and inserting in lieu thereof "operating under the provisions of this Act".

(e) Section 309 of such Act (relating to approval of State chartered companies for operations under this Act) is repealed.

(f) Title IV of such Act is repealed.

(g)(1) The table of contents of such Act is amended by striking out

"Sec. 309. Approving State chartered companies for operations under this Act."

and inserting in lieu thereof

"Sec. 309. Enforcement procedures.

"Sec. 310. Investigations.

"Sec. 311. Injunctions and other orders."

(2) The table of contents of such Act is further amended by striking out

"TITLE IV—CONVERSION OF STATE CHARTERED INVESTMENT COMPANIES AND STATE DEVELOPMENT COMPANIES."

(h)(1) Section 202 of such Act is amended by striking out subsection (b).

(2) Section 20 of the Small Business Act is repealed.

(3) The first sentence of section 4(c) of the Small Business Act is amended by inserting after "by law" the following: "(including the payment of administrative expenses)".

SEC. 11. Section 4(c) of the Small Business Act is amended—

(1) by striking out "$1,000,000,000" each place it appears and inserting in lieu thereof "$1,150,000,000"; and

(2) by striking out "$250,000,000" in the eighth sentence and inserting in lieu thereof "$400,000,000".

The SPEAKER pro tempore. Is a second demanded?

Mr. McDONOUGH. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection a second will be considered as ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, I yield myself such time as I may need.

Mr. Speaker, H.R. 8870 amends the Small Business Investment Act of 1958, to strengthen two programs established under that act to help small business concerns. The first program relates to small business investment companies, licensed under the 1958 act by the Small Business Administration to supply equity capital and long-term loans to small businesses. The second program is one under which the Small Business Administration makes loans to State and local development companies to finance plant construction for small business concerns.

H.R. 8870 is a clean bill, unanimously reported by the Banking and Currency Committee, after hearings on its predecessor, H.R. 6672, were held by Subcommittee No. 2, of which I serve as chairman. During our consideration of this legislation, figures were furnished to the subcommittee by the Small Business Administration showing that the number of small business investment companies licensed under the act has grown rapidly in recent months, and the capital attracted by the program for investment in small business concerns is now reaching sizable proportions. The first two companies were licensed in March of 1959. By June 30 of that year 16 licenses had been issued; by June 30, 1960, the number was 109; by June 30 of this year it had shot up to 303; at the time the committee reported this bill it was 354; and it seems that almost every day a new licensee is announced. Figures furnished for July 7 of this year show these companies were then capitalized at more than $232 million. As of July 31 of this year, public offerings of the stock of these companies were in progress which would bring in another $58 million, and notices had been filed with the Securities Exchange Commission for further stock offerings totaling $87 million.

To me, these are impressive figures, indicating that this new, experimental

program is well underway. At the same time, experience under the 1958 act, limited though it is, indicates that some changes are needed. Basically, the bill makes three changes in the program, to encourage increased capitalization of the minimum-size companies, place some limitations on operating loans made by the Small Business Administration to these companies under section 302 of the 1958 act, and strengthen enforcement procedures.

About 90 percent of the companies formed thus far are capitalized at the minimum amount required by the 1958 act—$300,000—or barely above this minimum. We need a certain amount of these minimum-size companies, but testimony during our hearings on this legislation indicated clearly that as a general rule small business investment companies will operate more economically and efficiently with a larger capital. Larger capital is needed to generate enough earnings to attract capable management. It is also needed because under the 1958 act a small business investment company cannot invest more than 20 percent of its capital and surplus in any one small business concern. With a capital and surplus of only $300,000, investments are therefore limited to $60,000, which is obviously not enough to meet the need in many cases.

To stimulate more capital for these minimum-size companies, the bill would authorize the Small Business Administration to invest up to $500,000, in any small business investment company, on a 50–50 matching basis; that is, SBA could supply a dollar of capital for each private dollar invested, up to the $500,000 limit.

This broadens the present authority in two respects. Today, the amount SBA may invest for this purpose is limited to $150,000, rather than $500,000. Also, the bill permits these investments to be made to encourage companies already in existence to increase their capital, whereas under present law this kind of SBA investment may be made only to provide the initial capital needed to form a company. Although this will undoubtedly mean more Government funds will be invested in SBIC's, it will also automatically mean an equal amount of private funds will be invested. This should produce better management, more efficient operations, and an increased ability to attract additional private investment. This in turn will protect the Government's investment, and should hasten the day it will be repaid. This process will benefit the Government, the companies, and, above all, the small business concerns this program is designed to help.

The bill contains another provision to help increase the flow of capital into small business investment companies. The 1958 act authorized commercial banks, to the extent they are subject to Federal law, to make limited investments in these small business investment companies. The existing limit is 1 percent of the bank's capital and surplus. This bill raises this limit to 2 percent, to encourage further participation by banks in this program, particularly smaller banks.

The second change the bill would make in the SBIC program relates to operating loans by the Small Business Administration to small business investment companies under section 303 of the 1958 act. Today, SBA is authorized to make such loans, in an amount not over 50 percent of the capital and surplus of the small business investment company concerned. As these companies have grown, it has become evident that a dollar limit on these loans is needed, as well as the present 50 percent limit. For example, one small business investment company today has reached a size where the 50 percent limit would permit a loan of $16 million. When this program was established, we had no intention of authorizing loans of such large amounts. Accordingly, the bill imposes a limit of $5 million on the amount of section 303 loans which may be outstanding to any one SBIC. This is the figure recommended by the Small Business Administrator during the hearings.

The bill also contains a provision designed to channel these section 303 loan funds into investments of $500,000 or under. This is desirable both from the standpoint of encouraging these companies to invest in the small business concerns that need them the most, and from the standpoint of spreading these funds out in a diversified portfolio. In order to avoid tracing problems, and to avoid undue restrictions on the use of funds obtained from other sources, the bill provides that an SBIC may satisfy this requirement by maintaining a portfolio of investments of $500,000 or under, plus cash and Government securities, equal to the outstanding balance of the section 303 loans.

The third principal change the bill makes in the SBIC program is to strengthen the procedures by which the Small Business Administration and the courts may enforce compliance with the 1958 act. The 1958 act now contains two enforcement provisions, both involving suits in the Federal district courts, one to revoke a license upon proof of violation and the other to enjoin existing or threatened violations. The bill provides for a wider range of enforcement procedures, administrative as well as judicial, to permit the Small Business Administration to ensure compliance with the act while preserving for all parties the safeguards provided in the Administrative Procedure Act, including proper notice and hearings and judicial review of any administrative orders issued under the new procedures.

The bill would also expand a second program established under the 1958 act, that of loans under section 502 of the act to State and local development companies. These section 502 loans are made by the Small Business Administration to development companies to finance plants and other facilities, where the loans will assist identifiable small business concerns in accomplishing sound business purposes. They cover construction, conversion, or expansion of plants and other facilities, including acquisition of land. During our hearings the Small Business Administrator supplied a table showing that through June 20, 124 of these loans had been made in 30 States, for projects costing a total of $21 million. The SBA share of the loans was $13 million. It is estimated that 7,400 jobs will be provided as a result of these loans.

These figures show this loan program has gotten off to a fine start. The bill would make two changes to make it even more useful. Today, loans are limited to $250,000 for each small business concern assisted; the bill would raise this limit to $350,000 to conform to the regular SBA business loan program. Section 502 now specifies a maximum term of 10 years for these loans; the bill would raise this to 25 years, which is geared to the depreciation period for the facilities involved, and approximates the maturities available on commercial loans of the same type.

Finally, the bill would increase the existing ceiling on loans which may be outstanding under the 1958 act, by $150 million. The present ceiling of $250 million will not be sufficient, according to SBA estimates, which indicate that if the bill is enacted, approximately $300 million will be outstanding at the end of this fiscal year. To insure that sufficient authorization will be available to continue these programs, the bill would raise the ceiling to $400 million.

Mr. McDONOUGH. Mr. Speaker, I rise in support of the explanation of the bill by the chairman of the Subcommittee on Banking and Currency. This is added authority to the Small Business Investment Corporation, which is an excellent institution. This supplies working capital to small industries and provides employment for many hundreds of people.

GENERAL LEAVE TO EXTEND REMARKS

Mr. McDONOUGH. Mr. Speaker, I ask unanimous consent that all Members of the House may have the privilege of extending their remarks at this point in the RECORD.

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

There was no objection.

ANTITRUST VIOLATIONS CAUSE ABSENTEE OWNERSHIP AND LEAD TO DEPRESSION, ACCORDING TO THURMAN ARNOLD

Mr. PATMAN. Mr. Speaker, a very interesting and significant article appeared in the Washington Post of September 3, 1961, on the subject of how our antitrust laws work. This article was in the form of a series of questions posed to Judge Thurman Arnold, who was responsible for putting life into antitrust enforcement in the 1930's.

I think this article should be read by businessmen throughout the Nation for it destroys some false notions that have been spread by certain groups that are really in favor of promoting business cartels in this country. Such groups cloud the issue and try to make people believe that antitrust enforcement promotes inefficiency. On the contrary, as Judge Arnold points out, the antitrust laws promote business efficiency and local enterprise. The antitrust laws are not designed to protect small businessmen at the expense of efficiency, but, on the contrary, hold the doors open to new business and "prevent the inevitable inefficiency which occurs in a big business which has taken over all or most of its competitors."

ANTITRUST PROMOTES NEW ENTERPRISE

Judge Arnold describes how price-fixing and market-sharing cartels, which are outlawed by the antitrust laws, are destructive of new business opportunities. The purpose of the antitrust laws, Judge Arnold says, "is to permit new enterprise freely to enter any field of production and distribution and to succeed if it is more efficient than those already in the industry."

This in the long run—

He points out—

tends to give the consumer a better deal but it does not protect inefficient small business. It was the cartel system that protected the small businesses already in the market by assuring them of the continuance of their limited share.

ANTITRUST A BARRIER TO ABSENTEE OWNERSHIP

One of Judge Arnold's most significant observations, it seems to me, is that monopoly destroys local enterprise and causes depressions. A common violation, he says, has been for big business to use a dominant position in one product to destroy local business which depends upon that product for its existence. This has created a system of absentee ownership of local industry, which, according to Judge Arnold, "was certainly one of the causes of the great depression." This point is so important that I wish to quote the entire passage from which it is taken:

ABSENTEE OWNERSHIP

Two of the most commonly occurring violations of the antitrust laws, apart from mergers, are the following: (1) Conspiracies to fix prices; (2) the use of a dominant position in the market for one product to destroy local business which depends upon that product for its existence.

The second is illustrated by the motion picture cases prosecuted before the last war. The major producers who controlled the feature films would not supply those films to independent theaters. Thus they got control over the purely local business of motion picture exhibitions.

This process, repeated in industry after industry during the period between World War I and the depression, created a system of absentee ownership of local industries which made industrial colonies out of the West and South, prevented the accumulation of local capital and siphoned the consumers' dollars to the few industrial centers like New York and Chicago.

CAUSE OF DEPRESSION

When big business is not restrained by antitrust enforcement, it expands not through efficiency but through the ruthless use of financial power. It wants to sell without buying; it thus destroys the purchasing power of its own customers. This absentee ownership of local industry was certainly one of the causes of the great depression.

I should like to offer the entire article by Judge Arnold for the RECORD:

[From the Washington Post, Sept. 3, 1961]

EXPERT EXPLAINS HOW ANTITRUST LAWS WORK

(By Thurman Arnold)

(Vigorous enforcement of the antitrust laws in recent years has brought considerable publicity to that highly complex area of the law. Some of the questions which occur to nonlawyers are seldom discussed and the laws are rarely explained. The Washington Post put a series of the questions which arise to Thurman Arnold, a renowned trustbuster in the Roosevelt days and a legal philosopher and practitioner in Washington ever since. Here are the questions and his answers.)

Question. To many persons, antitrust cases seem to have two basic purposes—to bring down prices (cases against price fixing) or to keep business small (cases against mergers and monopolies). If this is true, there seems to be a contradiction in the laws. Laws aimed at price fixing seem designed to protect the old capitalistic society in which the most efficient producer is rewarded. Laws which block mergers and monopolies seem to protect the little businessman at the expense of efficiency. Is there a contradiction? What kinds of business activity are the antitrust laws designed to control? How do they achieve that control?

THE LEGAL MONOPOLY

Answer. The purpose of the antitrust laws is to insure freedom of business opportunity. They are not designed to protect small business from larger and more efficient competitors. They are not designed to prevent the growth of nationwide business enterprises so long as that growth is a product of industrial efficiency.

Even if, through greater efficiency in operation and distribution, a corporation achieved a monopoly, that in itself would not violate the Sherman Act. But this has never yet happened. Monopolies have been built up by using financial strength to buy out competitors or to force them out of business. It is this sort of growth and only this sort that the antitrust laws are designed to penalize.

Take, for example, the prohibition against mergers. If a nationwide concern which dominated the market in a single product should choose to diversify and purchase a corporation which made some other product, there would not be the substantial lessening of competition required to make the merger illegal.

Thus Coca-Cola recently acquired the business of Minute Maid without objection from the Department of Justice. This was because the Department did not believe that in any real sense orange juice, predominantly a breakfast drink, competed with Coca-Cola. Had Coca-Cola acquired Pepsi-Cola, it is certain that the merger would have been attacked.

Thus the antimerger provisions are not designed to protect the small businessman at the expense of efficiency. Instead, they are to prevent the inevitable inefficiency which occurs in a big business which has taken over all or most of its competitors.

ABSENTEE OWNERSHIP

Two of the most commonly occurring violations of the antitrust laws, apart from mergers, are the following: (1) conspiracies to fix prices; (2) the use of a dominant position in the market for one product to destroy local business which depends upon that product for its existence.

The second is illustrated by the motion picture cases prosecuted before the last war. The major producers who controlled the feature films would not supply those films to independent theaters. Thus they got control over the purely local business of motion picture exhibitions.

This process, repeated in industry after industry during the period between World War I and the depression, created a system of absentee ownership of local industries which made industrial colonies out of the West and South, prevented the accumulation of local capital and siphoned the consumers' dollars to the few industrial centers like New York and Chicago.

CAUSE OF DEPRESSION

When big business is not restrained by antitrust enforcement, it expands not through efficiency but through the ruthless use of financial power. It wants to sell without buying; it thus destroys the purchasing power of its own customers. This absentee ownership of local industry was certainly one of the causes of the great depression.

In Europe, the result of the lack of an antitrust policy was the complete cartelization of industry. The markets were divided by international cartels. Hitler was able to manipulate the cartel system to his own advantage while the same system sapped the industrial vitality of England and France.

Even in America during the period of nonenforcement in the twenties, many of our great industrial concerns joined international cartels. An example of how this hurt us can be taken from the rubber industry.

One of our great oil companies entered into an agreement with our German cartel that it would not manufacture rubber if the German cartel would not compete in oil and gasoline. As a result, America entered the war far behind Germany in the production of a synthetic rubber.

The antitrust laws are not directly concerned with the lowering of consumers' prices. Their purpose is to permit new enterprise freely to enter any field of production and distribution and to succeed if it is more efficient than those already in the industry.

This in the long run tends to give the consumer a better deal but it does not protect inefficient small business. It was the cartel system that protected the small businesses already in the market by assuring them of the continuance of their limited share.

Concentration of economic power achieved by putting artificial restraints on new business, or by the purchase of competitors, or by division of the market, draws the vigor out of the industrial system. The excuse of the cartel system is always that it protects respectable industry from so-called ruinous competition. The United States has adopted that policy only once, and that was in the days of the NRA, and that did not last long.

To illustrate what happens in any field where the principles of the antitrust laws are abandoned, one needs only to look at Jimmy Hoffa and his Teamsters Union. Hoffa is able to control the bottleneck of transportation without effective deterrents from anyone. The result is what could have been expected in advance when labor was first freed by an unfortunate decision of the

Supreme Court from any restrictions under the Sherman Act.

Question. In recent months, there have been many criminal indictments for price-fixing, particularly in the consumer goods field. Will this affect the price which the consumer pays? How can prices on consumer goods be so consistently identical if they are not fixed? How deeply should the Government involve itself in pricing?

Answer. There have been probably more price-fixing cases than any other type of prosecution under the antitrust laws. Those prosecutions, however, have not prevented the administration of prices by large corporations through the device of price leadership in such commodities as steel.

The difficulty may be illustrated by the following example: When I was a member of President Roosevelt's Temporary National Economic Committee, we were examining an industry in which the prices were almost always identical. One of the presidents of a smaller concern was on the stand. I asked him why he invariably followed the prices of the large company in the field.

He explained that Mr. X of the large company had been to MIT. He had studied economics, he had vast experience in prices. "Therefore," said the president of the smaller company, "I have confidence in him and believe that the price he fixes after study is the price that I should use."

When the hearing was over I took him to one side and asked him what would happen if he didn't follow the price of the large company. "That, Mr. Arnold," he said, "is something which I never expect to learn from actual experience."

In such a situation, there need be no conspiracy in order to establish identical prices. The great problem of administered prices today in the United States is to this extent beyond the reach of the present antitrust laws. And for this reason, we can observe that in many of our great industries, prices remain the same or are even raised when demand is falling off.

Question. The first antitrust laws were passed late in the 19th century. Are they still valid for a 20th century economy. Do we need a wholesale revision of the antitrust laws?

Answer. If by "wholesale revision of the antitrust laws" you mean the abandonment of the principle of the act in favor of what is often called rationalized production and distribution, such an effort would be unmitigated evil. It is not true that the Sherman Act was designed for a 19th century economy. It did not become effective in the United States until the 20th century.

Today the principal policy of antitrust is spreading all over the world. Ehrhard, the German Minister of Finance, has a vigorous antitrust policy which succeeded because during the occupation the great German combinations that existed before the war were broken up by the American decartelization program.

In the long run, we have only two choices: either the curbing of restraints of trade and monopoly power, or the rejection of the cartel system whose evils are today belatedly recognized even in Europe.

AMENDMENT OF SMALL BUSINESS INVESTMENT ACT OF 1958

The SPEAKER pro tempore. The question is, Will the House suspend the rules and pass the bill S. 902, as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

Mr. FULTON. Mr. Speaker, I object to the vote on the ground a quorum is not present, and I make the point of order that a quorum is not present.

Mr. HALLECK. Mr. Speaker, the point comes too late. The Chair had declared the bill passed by a two-thirds vote.

The SPEAKER pro tempore. The Chair did not hear the gentleman from Pennsylvania.

Mr. FULTON. I was on my feet, but I could not interrupt the Chair.

The SPEAKER pro tempore. Of course the Chair is not responsible for that.

Mr. FULTON. Mr. Speaker, I was on my feet.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas [Mr. PATMAN].

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. HARRIS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 192]

Alger	Healey	Peterson
Anfuso	Hébert	Pilcher
Ashley	Holland	Powell
Aspinall	Hosmer	Rabaut
Auchincloss	Johnson, Md.	Santangelo
Baker	Kearns	Siler
Bolling	Kelly	Steed
Brooks, La.	Kilburn	Tuck
Broyhill	Kirwan	Udall, Morris K.
Buckley	Kluczynski	Vinson
Dague	Landrum	Westland
Davis, Tenn.	Lindsay	Whitten
Dawson	McSween	Wickersham
Dent	Madden	Williams
Derwinski	Mason	Willis
Diggs	Miller, Clem	Winstead
Evins	Milliken	Zelenko
Green, Oreg.	Morrison	
Hall	O'Hara, Mich.	

The SPEAKER pro tempore. On this rollcall, 380 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMITTEE ON RULES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tomorrow to file certain privileged reports.

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

There was no objection.

AMENDING SMALL BUSINESS ACT TO INCREASE AMOUNT AVAILABLE FOR REGULAR BUSINESS LOANS

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8762) to amend the Small Business Act to increase the amount available for regular business loans thereunder, with amendments.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(c) of the Small Business Act is amended—

(1) by striking out "$1,020,000,000" each place it appears and inserting in lieu thereof "$1,150,000,000"; and

(2) by striking out "$595,000,000" and inserting in lieu thereof "$725,000,000".

The SPEAKER pro tempore. Is a second demanded?

Mr. McDONOUGH. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. ALBERT].

Mr. ALBERT. Mr. Speaker, I take this time to advise that if Members can remain on the floor, we can expedite the business of the House today and adjourn at a reasonable hour. Most bills to be called up can be handled very quickly, I understand, provided we can keep a quorum on the floor. We would like to complete consideration of those bills that have been programed, and we would respectfully request the cooperation of all Members to that end.

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

Mr. ALBERT. I yield to the gentleman from Indiana.

Mr. HALLECK. I would like to say so far as I am concerned, I trust we can keep our Members on the floor. These bills that ought to be considered should be properly considered, of course, and that is what we want to do and if a quorum will remain on the floor, in my opinion, the bills that need to be considered this evening can be disposed of very quickly.

Mr. PATMAN. Mr. Speaker, this bill would increase the Small Business Administration's authority to make regular business loans to small business concerns by $130 million, the amount estimated as necessary to carry this loan program through the current fiscal year.

President Kennedy today signed into law H.R. 8922, which provided an interim increase of $20 million in this loan authority, needed to keep the program in business this month. The current Small Business Administrator, John Horne, is doing a fine job for small business. He is vigorously promoting this program and I know the Members of the House will support this bill to give the Administrator the authority he needs.

This bill came out of the Banking and Currency Committee by a unanimous vote. It is absolutely essential that the SBA business loan authority be increased before this session ends, and this $130 million is the minimum needed, in my judgment, to keep the program going at a level that will truly meet the need.

Mr. McDONOUGH. Mr. Speaker, I rise in support of the statement made by the chairman of the Subcommittee on Small Business of the Committee on Banking and Currency.

There is only one point I would like to clear up, if possible. This is an authority for increasing funds for the operation of the Small Business Administration for the next year. The bill that is being considered by the Senate contains a controversial section that was a matter of discussion in the conference on this same bill a year ago, and that section has to do with the requirement that the Secretary of Defense submit to small business in the United States all contracts within a certain category, all moneys involved in the contracts, and there is a great deal of opposition to that section of the bill. Now, it is my hope, if the House passes this bill, that the Senate will accept it in its present form without the controversial section 7 of the Senate bill. I do not know whether the chairman of the committee can give me any assurance of that, but is it your hope that they will also concur?

Mr. PATMAN. Mr. Speaker, I share the views of the gentleman from California, and I, too, express the hope that this bill can go through as the House is expected to pass it, relating only to increasing the authorization.

Mr. McDONOUGH. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. CHAMBERLAIN].

KIT CLARDY

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent to speak out of order and to revise and extend my remarks.

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

There was no objection.

Mr. CHAMBERLAIN. Mr. Speaker, I am saddened, indeed, to report to my colleagues in the House who served during the 83d Congress that their friend and colleague in that Congress, Kit Clardy, died after an operation last night in California, where he had recently retired.

Mr. Clardy was elected to the 83d Congress from Michigan's Sixth District after an outstanding business and legal career. He received his law degree at the University of Michigan and was eminently successful in the practice of law before becoming assistant attorney general for the State of Michigan and subsequently a member and chairman of the Michigan Public Utilities Commission.

As a member of the House Un-American Activities Committee, Kit Clardy devoted himself to the bitter struggle against communism and his many friends in Washington will best remember him for his relentless efforts to protect and preserve our country from this insidious threat to our form of Government. He was a man of integrity, a true public servant and a loyal American.

I have known Mr. Clardy for many years and join his hosts of friends in Michigan, in California, and in Washington who mourn his passing today and convey to his wife my deepest sympathy and condolence.

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

Mr. CHAMBERLAIN. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Speaker, not many days ago I had a very pleasant visit in my office with a former colleague who distinguished himself in the 83d Congress as a fearless foe of those who would undermine our system of Government.

On that visit, Kit Clardy evidenced the same vim and vigor that characterized his activities as a Member of this House. I shall not soon forget his cheerfulness on that occasion, though today the shadow of sorrow dims those memories as I received the word of his passing.

Kit Clardy and I came to Congress in the same year and we had many of the same legislative interests. As a member of the Michigan delegation, he made many valuable contributions to our discussions and activities. We developed a warm personal friendship that extended to his untimely death yesterday. Although he served but one term in the House, he proved himself a statesman through and through. He had a keen mind and was a talented lawyer.

During his career in Congress, his courage became known to all. His service on the House Committee on Un-American Activities was at a time when we were rooting out the Communists who had entrenched themselves in important places in and out of Government during the war years. Devoted as he was to the principles of our form of Government, he never faltered under enemy fire but struck forceful blows against those who had espoused alien ideologies contrary to ours.

He was admired and respected by those with whom he served and was held in profound esteem by members of his staff to whom he endeared himself as an associate in the daily routines of a congressional office.

Kit Clardy was born in Missouri and educated in the grade schools of that State. He received his law degree at the University of Michigan and began the practice of law in Ionia, Mich. Later he was chosen assistant attorney general for the State of Michigan. Subsequently he was made a member of the Michigan Public Utilities Commission and also served as its chairman. He served Michigan ably and with dignity.

I wish to extend my deep personal sympathy to Kit's devoted wife, Dorothy, in her bereavement.

Alexander Pope must have had in mind a man of Mr. Clardy's stature when he wrote:

Statesman, yet friend to truth, of soul sincere,
In action faithful, and in honor clear;
Who broke no promise, serv'd no private end,
Who gain'd no title, and who lost no friend.

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent that all Members who so desire may extend their remarks at this point in the RECORD.

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

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Speaker, our former colleague, Kit Clardy, came to Congress in January of 1953, but my acquaintance with him, though we lived in different sections of the State, began when I was first a candidate in 1934.

A comparative stranger, he nevertheless volunteered to help. He spoke many times in my behalf and in behalf of the party. He held deep convictions and never failed to adhere to and support every move which tended to retain our constitutional Government.

He was an uncompromising advocate, always logical, always eloquent, and, understandable, a trait which some of us sometimes seem to lack.

Serving here, he never missed an opportunity to emphasize the necessity of retaining our form of government, fighting every move, no matter how insidious, to destroy us.

His services on the Committee on Un-American Activities were recognized as outstanding.

In his passing, our State and our country has lost an able, vigorous, uncompromising advocate of sound principle, clean thinking, and commonsense methods.

Mr. McDONOUGH. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Speaker, on these small business bills the question has come up as to the progress of the present Administrator of the Small Business Administration on his policies: Is he doing right when he has greatly expanded the number of loans and is giving out a greater percentage of the authorized funds?

In my view, and I believe in that of the Congress, it is wise that the Administrator, John Horne, go ahead and service small business as he is now doing. I want to put it on record that we in Congress feel that way and that we in Congress are passing this legislation for the purpose of having the authorized funds used; and I would like to ask the chairman of the subcommittee if that is not the case.

Mr. PATMAN. Yes, that is the intention, as I understand, for these funds to be used.

Mr. FULTON. And might I ask the minority senior member of the subcommittee if that is not his understanding as well.

Mr. McDONOUGH. It is.

Mr. FULTON. So Congress disagrees with the criticism that has been made in some quarters that the Small Business Administration is getting too big for its size, shall we call it; and, secondly, that it is not operating in accordance with congressional wishes.

Might I say that on a previous rollcall I felt we should put the House on record that we are unanimously in favor of this Small Business Administration. I shall, therefore, ask for a division when the vote is taken on this bill, and want to give notice to the Chair of my intention so I will not be overlooked.

Mr. McDONOUGH. Mr. Speaker, I ask unanimous consent that all Members may be permitted to insert their remarks in the RECORD at this point on this bill.

Mr. Speaker, I have no further requests for time and yield back the balance of my time.

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

There was no objection.

The SPEAKER pro tempore. The question is, Will the House suspend the rules and pass the bill H.R. 8762 as amended?

The question was taken; and on a division (demanded by Mr. FULTON) there were—yeas 222, nays 0.

So (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 SPEAKER pro tempore. Without objection, H.R. 8870 will be laid on the table, a similar bill to the one just recently passed by the House.

There was no objection.

AFFORDING CHILDREN OF CERTAIN DECEASED VETERANS BENEFITS OF THE WAR ORPHANS EDUCATIONAL ASSISTANCE ACT OF 1956

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2051) to afford children of certain deceased veterans who were eligible for the benefits of the War Orphans Educational Assistance Act of 1956 but who, because of residence in the Republic of the Philippines, were unable to receive such assistance prior to enactment of Public Law 85–460, additional time to complete their education, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the period referred to in section 1712 of title 38, United States Code, shall not end before June 18, 1963, with respect to pursuit of a program of education or special restorative training under chapter 35 of such title 38 by an eligible person who (1) had not reached his twenty-third birthday, on June 29, 1956, and (2) resided in the Republic of the Philippines during all, or part of the period June 29, 1956, through June 18, 1958.

SEC. 2. (a) Section 314 of title 38, United States Code, is amended—

(1) by striking out "$19" in subsection (a) and inserting in lieu thereof "$20";

(2) by striking out "$36" in subsection (b) and inserting in lieu thereof "$38";

(3) by striking out "$55" in subsection (c) and inserting in lieu thereof "$58";

(4) by striking out "$73" in subsection (d) and inserting in lieu thereof "$77";

(5) by striking out "$100" in subsection (e) and inserting in lieu thereof "$106";

(6) by striking out "$120" in subsection (f) and inserting in lieu thereof "$127";

(7) by striking out "$140" in subsection (g) and inserting in lieu thereof "$148";

(8) by striking out "$160" in subsection (h) and inserting in lieu thereof "$169";

(9) by striking out "$179" in subsection (i) and inserting in lieu thereof "$190";

(10) by striking out "$225" in subsection (j) and inserting in lieu thereof "$245";

(11) by striking out "$450" in subsections (k), (o), and (p) and inserting in lieu thereof "$500";

(12) by striking out "$309" in subsection (l) and inserting in lieu thereof "$335";

(13) by striking out "$359" in subsection (m) and inserting in lieu thereof "$385";

(14) by striking out "$401" in subsection (n) and inserting in lieu thereof "$435";

(15) by striking out "$150" in subsection (r) and inserting in lieu thereof "$200"; and

(16) by striking out "$265" in subsection (s) and inserting in lieu thereof "$285".

(b) The Administrator may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation pursuant to chapter 11 of title 38, United States Code.

SEC. 3. (a) Subsection (r) of section 314 of title 38, United States Code, is further amended by striking out "for all periods during which he is not hospitalized at Government expense" and inserting in lieu thereof the following: ", subject to the limitations of section 3203(f) of this title".

(b) Section 3203 of title 38, United States Code, is amended by adding at the end thereof the following:

"(f) Where any veteran in receipt of an aid and attendance allowance described in section 314(r) of this title is hospitalized at Government expense, such allowance shall be discontinued from the first day of the second calendar month which begins after the date of his admission for such hospitalization for so long as such hospitalization continues. In case a veteran covered by this subsection leaves a hospital against medical advice and is thereafter readmitted to hospitalization, such allowance shall be discontinued from the date of such readmission for so long as such hospitalization continues."

SEC. 4. Section 312(4) of title 38, United States Code, is amended by striking out "three" and inserting in lieu thereof "seven".

Sections 2, 3, and 4 of this Act shall take effect on the first day of the second calendar month which begins after the date of enactment of this Act, but no payments shall be made by reason of such sections for any period before such first day.

The SPEAKER pro tempore. Is a second demanded? If not, the question is, Will the House suspend the rules and pass the bill S. 2051, as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

GENERAL LEAVE TO EXTEND REMARKS

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed.

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

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, the effect of this bill would be to afford all eligible persons under age 23 on June 29, 1956, the date of enactment of the War Orphans Educational Assistance Act, a full 5 years after the effective date of Public Law 85–460—June 18, 1958—in which to avail themselves of the benefits of this program. Thus, while under existing law the eligibility period for many trainees in the Philippines ended June 29, 1961, this bill would automatically extend this period to June 18, 1963.

The original act of 1956 did not authorize the taking of training in the Republic of the Philippines. Subsequently, Public Law 85–460, effective June 18, 1958, permitted such training. That law, however, did not make any exception to the deadlines for residents of the Philippines. Thus, a number of eligible persons who were within the age limits when the original law became effective had, in practical effect, only 3 years and 11 days instead of the intended 5 years in which they could use their 36 months' educational entitlement. This is due to the fact that the pursuit of training under the basic law is generally limited to the ages between 18 and 23.

After the enactment of Public Law 85–460, two other amendments to the basic law have been made extending the program to children of the veterans of the Spanish-American War and to children of certain peacetime veterans whose deaths resulted from service. In these two amendments, a provision was contained to the effect that persons under 23 years of age on the date of enactment and who first became eligible as the result of the amendment would have a full 5 years thereafter to pursue their program of education.

The Veterans' Administration reports that in 1962 there would be a monthly average of 1,730 trainees at a direct annual cost of $2,850,000 and that in 1963 the monthly average would drop to 570 at the annual cost of $940,000, or a total cost of $3,790,000.

Mr. Speaker, the amendment to this bill is the text of H.R. 879, without any change whatsoever, as passed by the House by unanimous vote on June 5, 1961, under suspension of the rules.

The amendment, as the original bill did, provides an increase in the rates of service-connected disability compensation to reflect changes which have occurred in the cost of living since the last increase in 1957. In addition, it will more adequately compensate the more severely disabled veteran. The minimum increase provided by this amendment is 5.3 percent increase and the highest increase is 16.7 percent increase, which applies to those veterans who are entitled today to the $450 a month rate, plus $150 while they are not being hospitalized at Government expense. Since the last compensation increase in 1957 there has been a 5.4 percent increase in the cost of living. The overall average increase provided by this amendment is 9.2 percent.

The exact effect of this amendment and the number of cases affected is shown in the table which I wish to include as a part of my remarks:

Degree and paragraph	Cases, wartime	Cases, peacetime	Current wartime rate	Amendment to S. 2051	Percent of increase, amendment over current rate	Current peacetime rate	As amendment, peacetime rate	Total costs of amendment
10(a)	752,739	47,724	$19	$20	5.3	$15	$16	$9,605,556
20(b)	285,824	14,410	36	38	5.6	29	30	7,032,696
30(c)	271,120	15,985	55	58	5.5	44	46	10,143,960
40(d)	157,989	6,866	73	77	5.5	58	62	7,913,040
50(e)	105,202	4,885	100	106	6.0	80	85	7,867,644
60(f)	82,416	4,090	120	127	5.8	96	102	7,217,424
70(g)	41,203	2,180	140	148	5.7	112	118	4,112,448
80(h)	25,261	1,010	160	169	5.6	128	135	2,813,028
90(i)	7,122	190	179	190	6.1	143	152	960,624
100(j)	74,987	9,626	225	245	8.9	180	196	19,845,072
(l)	2,775	292	309	335	8.4	247	268	939,384
(m)	2,094	295	359	385	7.2	287	308	727,668
(n)	377	16	401	435	8.5	321	348	159,000
(o)	142	45	450	500	11.1	360	400	106,800
(p)	2,194	160						1,393,200
(q)+(r)	3,085	705	150(600)	200(700)	16.7	480	560	4,378,800
(s)	10,600	900	265	285	7.5	212	228	2,716,800
Total								87,933,144

(k) Anatomical loss, or loss of use of a creative organ, or 1 foot, or 1 hand, or both buttocks, or blindness of 1 eye, having only light perception, rates (a) to (j) increased monthly by $47 additional to basic compensation paid monthly for veteran with these disabilities (this $47 rate unchanged).

Anatomical loss, or loss of use of a creative organ, or 1 foot, or 1 hand, or both buttocks, or blindness of 1 eye, having only light perception, in addition to requirement for any of rates in (l) to (n), rate increased monthly for each loss or loss of use by $47 additional to basic compensation paid monthly for veteran with these disabilities (this $47 rate unchanged).

(l) Anatomical loss, or loss of use of both hands, or both feet, or 1 hand and 1 foot, or blind both eyes with 5/200 visual acuity or less, or is permanently bedridden or so helpless as to be in need of regular aid and attendance, monthly compensation.

(m) Anatomical loss, or loss of use of 2 extremities at a level, or with complications, preventing natural elbow or knee action with prosthesis in place or has suffered blindness in both eyes having only light perception, or has suffered blindness in both eyes, rendering him so helpless as to be in need of regular aid and attendance, monthly compensation.

(n) Anatomical loss of 2 extremities so near shoulder or hip as to prevent use of prosthetic appliance, or suffered anatomical loss of both eyes, monthly compensation.

(o) Suffered disability under conditions which would entitle him to 2 or more rates in (l) to (n), no condition being considered twice, or suffered total deafness in combination with total blindness with 5/200 visual acuity or less, monthly compensation.

(p) In event disabled person's service-incurred disabilities exceed requirements for any of rates prescribed, Administrator, in his discretion, may allow next higher rate, or intermediate rate, but in no event in excess of $450.

(q) Minimum rate for arrested tuberculosis (this $67 monthly rate is unchanged).

(r) If entitled to compensation under (o), or the maximum rate under (p), and in need of regular aid and attendance, while not hospitalized at Government expense, additional monthly aid and attendance allowance.

(s) If total y disabled and (1) has additional disability independently rated at 60 percent or more, or, (2) is permanently housebound.

The amendment also provides that those veterans who are receiving the statutory award of $450 monthly, plus additional compensation of $150 while not in a hospital, will have their compensation continued until the first day of the second month which begins after they are hospitalized.

The amendment also provides for an increase for the presumptive period of multiple sclerosis from 3 to 7 years. This action was taken on the recommendation of the Director, National Institute of Neurological Diseases and Blindness, Dr. Richard L. Masland.

The action which I am taking today in offering this amendment is another effort to obtain a service-connected increase for those veterans and to avoid the parliamentary entanglements which have developed as a result of the action of the other body.

The first year cost of this amendment is $87,933,144.

AMENDMENT TO RAILROAD RETIREMENT ACT OF 1937

Mr. HARRIS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2395) to amend the Railroad Retirement Act of 1937 to provide reduced annuities to male employees who have attained age 62, and for other purposes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(a)3 of the Railroad Retirement Act of 1937 is amended to read as follows:

"3. Men who will have attained the age of sixty and will have completed thirty years of service, or individuals who will have attained the age of sixty-two and will have completed less than thirty years of service, but the annuity of such men or such individuals shall be reduced by 1/180 for each calendar month that he or she is under age sixty-five when the annuity begins to accrue."

SEC. 2. Section 2(f) of the Railroad Retirement Act of 1937 is amended by striking "three years" and inserting in lieu thereof "one year" and by inserting after the word "filed" where it first appears the following: ", or in the month prior to her or his marriage to such annuitant or pensioner was eligible for an annuity under subsection (a) or (d) of section 5 of this Act or, on the basis of disability, under subsection (c) thereof".

SEC. 3. Section 5(l)(1) of the Railroad Retirement Act of 1937 is amended by inserting before the semicolon at the end thereof the following: ". Where a woman has qualified for an annuity under this section as a widow, and marries another employee who dies within one year after the marriage, she shall not be disqualified for an annuity under this section as the widow of the second employee by reason of not having been married to the employee for one year".

SEC. 4. The amendments made by this Act shall be effective with respect to annuities beginning to accrue in calendar months after the calendar month of enactment thereof.

The SPEAKER pro tempore. Is a second demanded?

Mr. SPRINGER. Mr. Speaker, I demand a second.

Mr. HARRIS. 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 Arkansas?

There was no objection.

Mr. HARRIS. Mr. Speaker, the bill S. 2395 is identical to H.R. 8597, which was reported unanimously by the Committee on Interstate and Foreign Commerce to amend the Railroad Retirement Act.

Mr. Speaker, the purpose of H.R. 8597 as reported by the Committee on Interstate and Foreign Commerce is to make certain changes in the eligibility requirements for benefits under the railroad retirement system to bring them into line with recent changes in the eligibility requirements for benefits under the social security system in four areas:

First. Male employees with less than 30 years of creditable service would be permitted to retire at age 62 on a reduced annuity. Women employees already have this right.

Second. A spouse, if otherwise qualified, would become eligible for a spouse's benefit after being married only 1 year instead of 3 years under present law.

Third. A recipient of a survivor annuity who marries a retired railroad worker age 65 years or more would become entitled to a spouse's benefit immediately upon such remarriage if he or she is at least 62 years old.

Fourth. A woman who is qualified for an annuity as a widow and married another employee who dies within 1 year after the marriage would not be disqualified for an annuity as the widow of a second employee by reason of not having been married to him for 1 year.

H.R. 8597, as introduced, provided for the first three items enumerated above. It is supported by the Railway Labor Executives' Association and by the Railroad Retirement Board. The Association of American Railroads advised the committee that it interposes no objection to the enactment of the measure. At the conclusion of my remarks I am inserting a joint letter dated August 9, 1961, from these two associations explaining their positions on this bill.

The Bureau of the Budget filed a letter with the committee indicating that the bringing of early retirement benefits to railroad workers into line with those under the social security system was appropriate and desirable but suggested a change in the formula for providing the reduced benefits.

Item 4, above, is a committee amendment and consists of the provisions of H.R. 5027.

H.R. 5027 is supported by the Railway Labor Executives' Association and by one member of the Railroad Retirement Board. The other two members of the Board indicated recognition of the merit of the bill and of removing a discrimination but objected to it on the ground of cost.

BACKGROUND AND NEED FOR LEGISLATION

Over the years it has been general policy to provide that benefits accruing under the Railroad Retirement Act to a

railroad employee as a result of railroad service would be not less than those which would have been provided were railroad service to be covered by the Social Security Act. In 1959 we amended the Railroad Retirement Act to provide that railroad retirement benefits payable to a family should be not less than 110 percent of the benefits, or additional benefits, which would have been payable under the Social Security Act on the basis of railroad service involved. However, recent amendments to the Social Security Act have resulted in certain inequities and discrepancies in favor of the social security system as against the railroad retirement system.

There is need in certain areas, accordingly, for certain changes in the benefits provided by the Railroad Retirement Act to bring them into line with those provided by these amendments to the Social Security Act.

Under the Railroad Retirement Act at present, full retirement annuities are available to men and women at age 65. Reduced annuities are available to men between the ages of 60 and 65 if they have 30 years of service. These earlier accruing annuities are reduced by one one-hundred-and-eightieth for each calendar month the man is under age 65 when the annuity begins to accrue.

Women with 30 years of service may now receive an annuity at age 60 without a reduction because of age, and women with less than 30 years of service may retire on annuity as early as age 62, but such annuity will be reduced by one one-hundred-and-eightieth for each month the woman is under age 65.

The Social Security Act was recently amended—Public Law 87–64—to allow men to retire at age 62 with a reduced old-age insurance benefit. Section 1 of H.R. 8597 would permit railroadmen with less than 30 years of service to retire at age 62 with an annuity, reduced, as in the case of women, by one one-hundred-and-eightieth for each month the man is under age 65.

Under the Railroad Retirement Act at present, the wife—or husband—of a retirement annuitant or pensioner may qualify as a spouse if—among other requirements—she, or he, was married to such annuitant or pensioner for a period of not less than 3 years immediately preceding the day on which the application for a spouse's annuity is filed, or is the parent of such annuitant's or pensioner's son or daughter.

Section 2 of H.R. 8597 would change the alternative requirement first above described, of a marriage of 3 years' duration, to a requirement of a marriage of only 1 year's duration. H.R. 8597 would add another provision at this point; namely, a wife, or husband, could qualify as a spouse if, among other requirements, she, or he, although not married to the annuitant or pensioner for 1 year, and although not the parent of the annuitant's or pensioner's son or daughter, was eligible, in the month prior to the marriage, for a widow's annuity, a parent's annuity, or a child's disability annuity under the Railroad Retirement Act.

These changes conform with similar rights which the Social Security Act affords by provisions which were incorporated into subsections (b) and (f) of section 216 of that act by the 1958 amendments—Public Law 85–840—and the 1960 amendments—Public Law 86–778.

The following is quoted from pages 5 and 6 of House Report No. 216, the report of the Committee on Ways and Means, House of Representatives, to accompany H.R. 6027—which was enacted as Public Law 87–64, the Social Security Amendments of 1961:

> The provision of benefits at age 62 for men will help to alleviate the hardships faced by that group of men who, because of ill health, technological unemployment, or other reasons, find it impossible to continue working until they reach 65. It is well known that older workers who lose their jobs find it more difficult to get new jobs than do younger unemployed workers. The plight of the older unemployed man is particularly bad. It is, of course, worse during periods of recession and in areas of chronic unemployment. Even with relatively high employment there will always be individuals nearing age 65 who will lose their jobs and find it impossible to get new ones. Adoption of this amendment will make the program, to which these people have made contributions over the years in expectation of receiving benefits when they are too old to work, flexible enough to provide a degree of protection for them when they find themselves unable to get work because of conditions beyond their control when they are getting along in years, even though they have not reached the age of 65.
>
> Provisions for optional retirement before 65 are quite common in private pension plans. A study of the pension programs of 230 companies, made by the Bankers Trust Co. of New York in 1960, showed that among the collectively bargained plans 96 percent permitted early retirement and among the noncollectively bargained plans 88 percent permitted early retirement. In another 1960 study (by the Bureau of Labor Statistics) it was found that early retirement provisions were included in 224 of the 300 plans studied (75 percent), and covered about 3 million of the 4.6 million workers who were members of these plans (12 of these plans covering about 350,000 workers provided early retirement for women only). Moreover, it appears that the number of plans providing for optional early retirement is increasing; in a comparable 1952 study (by the Bureau of Labor Statistics) only 166 of the 300 plans which were included had early retirement provisions."

The same considerations which were applicable to the liberalization of the Social Security Act in respect of the time relative to marriage at which a wife's or husband's benefit may begin are applicable to the amendment provided in section 2 of the bill as to the time relative to marriage at which a spouse's annuity may begin.

As the Railroad Retirement Act stands today a widow's annuity is payable to the widow of a completely insured employee provided she has reached age 60 and has not remarried. To qualify as a widow she must have been living with the employee and have been married to him for at least 1 year before his death. If the widow marries another railroader she would lose her present pension upon remarriage. She would not become eligible for an annuity based on her second husband's earnings until they had been married 1 year. Thus, if he died within the first year of marriage she would be left without income.

On the other hand if the widow's first husband had been covered by social security instead of railroad retirement she would face no loss of protection upon remarriage to a railroad beneficiary. She would become eligible for a railroad annuity upon his death even if it occurred immediately after their marriage.

The committee amendment included as section 3 of the reported bill intends to correct this inequity in the Railroad Retirement Act. As now written, this act discriminates against a railroad worker's widow who remarries and whose new spouse is himself a retired railroad worker. The widow, in such a circumstance, loses retirement protection for a full year after her remarriage. This is inconsistent with the fact that a social security annuitant faces no such loss in protection in event of a remarriage with a man receiving railroad retirement benefits.

COSTS OF THE BILL

The costs of the amendments provided by section 1 of the bill to permit men without 30 years of service to receive reduced annuities upon attainment of age 62 are estimated to be about 0.04 percent of taxable payroll—assumed to be $4.3 billion a year—or about $2 million a year on a level basis.

As of the end of 1959, there were about 10,000 employees in the 62–64 age group with 10–29 years of service who had withdrawn from the railroad industry. How many of these people will apply for reduced annuities is hard to predict. The 1956–58 experience on withdrawals in this employee category was as follows: 850 withdrawals in 1956; 1,100 in 1957; and 1,300 in 1958. Except for those among them who died before 1960, these employees are included in the 10,000 figure previously cited.

The following is an estimate of the effect on the first year of the provisions for reduced annuities for men after age 62 who have less than 30 years of service:

Number to be awarded reduced annuity	5,000
Average reduced annuity on an annual basis	$1,000
Total to be paid in year	$5,000,000

Of the $5 million, the major part will be reimbursable under the financial interchange provisions of section 5(k)(2) of the Railroad Retirement Act.

The costs of the amendments provided by section 2 of the bill respecting the time relative to marriage at which a spouse's annuity could be payable would be insignificant. The reduction from 3 years to 1 year in the time which must elapse after marriage before a spouse's annuity can be paid would extend eligibility to a very small group of persons who have been denied spouse's annuities because they have been married less than 3 years.

The cost of the amendment provided by section 3 of the bill making inapplicable the 1-year requirement for a widow, if prior to her new marriage she had qualified for a widow's annuity, is

insignificant. One member of the Board put it at a few thousand dollars, and the Chairman of the Board indicated that at the outside it could not run over $100,000.

The estimated additional actuarial deficiency resulting from the provisions of H.R. 8597 to bring certain railroad retirement system benefits into line with those of the social security system would be 0.04 percent of payroll on a level premium basis or some $2 million per year.

This cost, however, must be considered in the light of the current actuarial deficiency of the system. This has risen from 0.61 percent of payroll in 1959 to 1.69 percent of payroll, or $73 million per year on a level basis, according to data from the Railroad Retirement Board's eighth actuarial valuation. The burden borne by the system can be illustrated by the fact that the number of people on the beneficiary rolls is some 825,000 as compared to recent covered employment of 831,000.

In connection with the cost of this bill, Howard W. Habermeyer, Chairman of the Railroad Retirement Board, testified:

The Board normally does not favor measures which would liberalize the benefit provisions without providing for the financing of the added costs. However, we understand that the Railway Labor Executives' Association which represents the employee group which pays one-half of the costs of the system favors the bill and the Association of American Railroads, which represents the employers who pay the other half do not object to it. In view of this fact, and because of the unquestioned good that would be done the Board urges that the bill be enacted.

In response to questions, Mr. Habermeyer further stated:

Let me assure you that the Board will take up its responsibilities, and if the additional financing is not provided within the very near future we will have a program to make that financing sound.

In this connection, Mr. Lester P. Schoene, counsel for the Railway Labor Executives' Association, testified:

We have a deficit problem on the order of $73 million now as compared with $2 million involved in this particular item.

Relating it another way, I think the estimate in terms of percentage of payroll is 0.04 percent of the payroll as against the 1.69 percent involved in the present deficit.

Unquestionably, the entire matter of the deficit financing we have been experiencing in recent years will require very serious attention. Both the railroads and the organizations for whom I am speaking this morning are committed to maintaining this fund on an overall long-range actuarially sound basis.

The Committee on Interstate and Foreign Commerce in its consideration of this proposed legislation cannot but be mindful of the fact that provision is not being made for financing the additional benefits here provided. The committee has ever been zealous as those who participate in and those who administer the railroad retirement fund in maintaining the financial soundness of that fund.

In this connection, it is appropriate to iterate what we said in connection with reporting an increase in benefits a few years ago:

In the consideration of all these bills, however, the committee has placed great emphasis on the effect of the proposed amendments on the financial soundness of the railroad retirement account. The committee is unanimously of the opinion that, regardless of the desirability of certain proposals for the liberalization of benefits under the Railroad Retirement Act, no amendments to the law should be made which would jeopardize the financial soundness of the railroad retirement system. The principle is accepted by all the standard railway labor organizations as well as railroad management.

This committee has every desire to be helpful to retired railroad workers and their dependents. We are also mindful of our grave responsibility toward the currently active railroad workers and those who will follow and who will retire in the future. We must make certain that when they retire from the railroad industry, the reserves in the railroad retirement account plus the income into the system will be adequate to pay the benefits due them (H. Rept. 2418, 84th Cong., 2d sess, June 25, 1956, H.R. 9065).

Early in 1959 the actuarial deficiency in the railroad retirement account was 3.81 percent of taxable payroll, or $213 million a year on a level cost basis. In March of 1959 the Committee on Interstate and Foreign Commerce reported a bill, H.R. 5610, which became Public Law 86–28 on May 19, 1959. This law made extensive revisions in the Railroad Retirement Act and the Railroad Retirement Tax Act, the net effect of which was to reduce the actuarial deficiency to 0.61 percent of payroll or $34 million a year. The changes in the Tax Act consisted of first, an increase in the maximum taxable compensation from $350 to $400 a month; second, an increase in the combined employer-employee tax rate from 12½ percent to 13½ percent from June 1959 through December 1961, and 14½ percent thereafter through 1964; and third, a further increase in the tax rate after 1964 equal to the number of percentage points by which the then current social security rate on employers and employees combined exceed 5½ percentage points.

The most recent—eighth—actuarial valuation of the railroad retirement system which was completed last July indicates that the actuarial deficiency has risen to 1.69 percent of taxable payroll, or $73 million a year on a level basis. The principal reason for this change in the deficiency is the continuous and substantial decrease in railroad employment in the last several years.

The estimate of a 0.61 percent deficiency made immediately after the enactment of Public Law 86–28 was based on an annual taxable payroll of $5.6 billion on a taxable base of $400 monthly limit per employee. Now, the chief actuary of the Railroad Retirement Board, has adopted, for the eighth actuarial valuation, an annual taxable payroll of $4.3 billion, a figure roughly corresponding to the actual experience during the last several months of 1960.

The cost of financing incurred by this bill, however, is relatively small and quite minor when considered in relation with the current actuarial deficiency of the railroad retirement system. The committee is of the opinion as stated by the witnesses quoted above that it is the problem of the current actuarial deficiency which requires serious attention.

I urge the passage of S. 2395.

The joint letter from the Railway Labor Executives' Association and the Association of American Railroads follows:

RAILWAY LABOR EXECUTIVES' ASSOCIATION,
Washington, D.C., August 9, 1961.

HON. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce, House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The Railway Labor Executives' Association favors H.R. 8597, a bill to amend the Railroad Retirement Act to permit male employees who have attained age 62 but have less than 30 years of service to receive a reduced annuity and to enable the payment of spouses' annuities within a shorter period after marriage than is at present possible. These amendments would bring the Railroad Retirement Act into accord with the 1961 amendments to the Social Security Act in the areas involved. The Association of American Railroads interposes no objection to enactment of the measure.

Section 1 of the bill would make men who have attained age 62 and who have less than 30, but at least 10, years of service, eligible for an annuity on an actuarially reduced basis. Women already have this right under the Railroad Retirement Act. Under the Social Security Act, men and women who have at least the minimum of service needed to qualify for old-age benefits can receive such benefits on a reduced basis after attainment of age 62.

The proposed amendments in section 2 would permit a spouse's annuity to begin at the same time, relative to marriage, as can a wife's or husband's benefit under the Social Security Act. Thus, section 2 of the bill would shorten from 3 years to 1 year the maximum time which must elapse after marriage before a spouse's annuity could be payable.

It would also permit a wife or dependent husband, if eligible in the month before marriage for a widow's, widower's, or parent's annuity, to receive a spouse's annuity immediately upon marriage if then of sufficient age or immediately upon attainment of the required age; and this would also be true of a spouse so eligible for a child's disability annuity. For example, if a women who was eligible for such an annuity in January marries an annuitant (who is 65 or more) in February and is then 65 or more years of age, she could receive a full spouse's annuity beginning in February.

If such a woman were only 64 in February, but became 65 in June, she could receive a full spouse's annuity beginning in June. In the first case, if she were 62 in February, she could receive a reduced spouse's annuity beginning in February. In the second case, if she were only 61 in February but became age 62 in June, she could receive a reduced spouse's annuity beginning in June.

The proposed amendments would affect the spouse's annuity only as to the time, relative to marriage, at which it could begin. The age of eligibility and other qualifying conditions would remain as they are now.

The proposed amendment in section 1 would result in a relatively small charge of approximately $2 million a year against the railroad retirement account.

The Railway Labor Executives' Association urges that the proposed bill be reported favorably by your committee at this session of

the Congress. The Association of American Railroads raises no objection to such action.

Sincerely yours,

ASSOCIATION OF AMERICAN RAILROADS,
By R. E. HOLLAR,
Vice President, Assistant to the President.

RAILWAY LABOR EXECUTIVES' ASSOCIATION,
By A. E. LYON, *Executive Secretary.*

RAILWAY LABOR EXECUTIVES' ASSOCIATION,
By A. E. LYON, *Executive Secretary.*

Mr. SPRINGER. Mr. Speaker, I have no objection to this bill. The committee held extensive hearings, everybody who appeared before the committee recommended the bill. The bill is in the public interest, I believe a good bill, and ought to be passed.

Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. BENNETT] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. BENNETT of Michigan. Mr. Speaker, I urge the adoption of H.R. 8597.

This bill provides for amendments to the Railroad Retirement Act in three respects: First, male employees who do not have 30 years of service would be permitted to elect retirement at age 62 on a reduced annuity. Under present law, male employees with 30 years of service may retire at age 60 or any time subsequent thereto on a reduced annuity but those who do not have 30 years of service must wait until they are 65 years old. Female railroad employees already have the right to retire at age 62 on a reduced annuity.

Second, a spouse would become eligible for a spouse's annuity after 1 year of marriage instead of having to wait for 3 years under existing law.

Third, anyone entitled to a survivor benefit who marries a retired annuitant would immediately upon such marriage become entitled to a spouse's benefit, if then of sufficient age.

I understand that all the standard railway labor organizations, being represented here by the Railway Labor Executives' Association, heartily endorse this bill and will so testify. Also, I am advised that the railroads will not object to these amendments.

Mr. Speaker, having served on this great committee for many, many years I am well aware of the attitude of the committee toward liberalization of retirement benefits without provisions for the adequate financing of the costs of the proposed benefits. On many occasions the committee has expressed the view that in the consideration of all bills to amend the Railroad Retirement Act great emphasis would be placed on the effect of the proposed amendments on the financial soundness of the railroad retirement account. The Committee has stated that it was unanimously of the opinion that, regardless of the desirability of certain proposals for the liberalization of benefits under this act, no amendments should be made which would jeopardize the financial soundness of the railroad retirement system. A great number of people depend on their retirement and survivor benefits for a livelihood and many more who will retire in the future are counting on these benefits. Hence, the Congress must proceed with great caution in providing new benefits without adequate cost considerations.

I am advised that the cost of this legislation is approximately $2 million a year. The bill does not propose any change in the tax structure. Hence enactment of this legislation will increase the deficiency in the railroad retirement account by approximately $2 million a year.

This is not a large sum and it would not place the retirement system in jeopardy since the balance in the account exceeds $3.5 billion. Nevertheless at some time in the not too distant future the Congress will have to tackle this problem and make provision for additional financing of the system.

The benefits we are providing in this legislation are no more than what employees covered by the Social Security Act already have achieved under the 1961 and previous amendments to this act. In fairness and justice to the railroad workers we must meet these advances by the prompt enactment of H.R. 8597.

GENERAL LEAVE TO EXTEND REMARKS

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that all Members may have the privilege of extending their remarks in the RECORD at this point on the bill under consideration.

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

There was no objection.

Mr. POFF. Mr. Speaker, I will support H.R. 8597 for two reasons, namely, first, less than this Congress could not in conscience do; and, second, more than this Congress obviously will not do before adjournment.

Congress could not do less because Congress has already done as much for social security annuitants. That Congress will not do more is a reproach unto itself. Congress cannot excuse itself with the plea of a crowded schedule. This has been one of the longest sessions in peacetime history. Many weeks have passed with the House in session only 3 days. A host of bills to improve the Railroad Retirement Act has been pending since Congress convened in January.

This bill accomplishes little enough. It reduces the voluntary retirement age, but it also reduces the annuity. Already under the present law, a worker with more than 30 years' service can retire on a reduced annuity. All this bill does is to extend that privilge to workers at age 62 when they have worked less than 30 years and more than 10 years.

Those of us who are alarmed at the steady decline in employment on the Nation's railroads feel that something must be done to increase job opportunities for young people and promote job security for those who have already invested most of their productive years in the railroad industry. This can be done by making retirement more attractive. A worker with a tenure of 30 years or more has little incentive to retire before 65 on a reduced annuity. A full annuity at 60 or 62 would be a substantial inducement. Other inducements would be the establishment of the 5-best-years rule and the repeal of the "last employer" clause.

I repeat, I am going to support this bill, but only with the feeling that it is too little and too late and only with the determination to renew the demand for committee hearings and affirmative action on the other bills when Congress reconvenes next January.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BOLAND], may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. BOLAND. Mr. Speaker, I rise in support of H.R. 8597 to amend the Railroad Retirement Act of 1937 to provide reduced annuities to male employees who have attained age 62. I filed a similar bill, H.R. 8843, which was also considered by the Committee on Interstate and Foreign Commerce before reporting favorably on the legislation.

The purpose of this legislation is to make changes in the eligibility requirements for benefits under the railroad retirement system to bring them into line with recent changes in the eligibility requirements for benefits under the social security system.

Mr. Speaker, I urge my colleagues in the House to pass this bill and give railroad employees the same opportunity for benefit eligibility as provided by the Social Security Act.

Mr. HARSHA. Mr. Speaker, I rise in support of S. 2395 and H.R. 8597, companion bills to amend the Railroad Retirement Act of 1937.

The purpose of these bills is to make changes in the eligibility requirements for benefits under the railroad retirement system to bring them into line with recent changes in the eligibility requirements for benefits under the social security system.

Over the years it has been general policy to provide that benefits accruing under the Railroad Retirement Act to a railroad employee as a result of railroad service would be not less than those which would have been provided, were railroad service to be covered by the Social Security Act. Recent amendments to the Social Security Act have resulted in certain inequities and discrepancies in favor of the social security system as against the railroad retirement system.

There is need in certain areas, accordingly, for certain changes in the benefits provided by the Railroad Retirement Act to bring them into line with those provided by these amendments to the Social Security Act.

The Social Security Act was recently amended—Public Law 87-64—to allow men to retire at age 62 with a reduced

old-age insurance benefit. H.R. 8597 and S. 2395 would permit railroadmen with less than 30 years of service to retire at age 62 with an annuity, reduced, as in the case of women, by one one-hundred-and-eightieth for each month the man is under age 65.

Under the Railroad Retirement Act at present, the wife, or husband, or a retirement annuitant or pensioner may qualify as a spouse if—among other requirements—she, or he, was married to such annuitant or pensioner for a period of not less than 3 years immediately preceding the day on which the application for a spouse's annuity is filed, or is the parent of such annuitant's or pensioner's son or daughter.

H.R. 8597 and S. 2395 would change the alternative requirement first above described, of a marriage of 3 years' duration, to a requirement of a marriage of only 1 year's duration. H.R. 8597 would add another provision at this point; namely, a wife, or husband, could qualify as a spouse if—among other requirements—she, or he, although not married to the annuitant or pensioner for 1 year, and although not the parent of the annuitant's or pensioner's son or daughter, was eligible, in the month prior to the marriage, for a widow's annuity, a parent's annuity, or a child's disability annuity under the Railroad Retirement Act.

The provision of benefits at age 62 for men will help to alleviate the hardships faced by that group of men who, because of ill health, technological unemployment, or other reasons, find it impossible to continue working until they reach 65. It is well known that older workers who lose their jobs find it more difficult to get new jobs than do younger unemployed workers.

The plight of the older unemployed man is particularly bad. It is, of course, worse during periods of recession and in areas of chronic unemployment, and in recent years there has been considerable furloughing of railroad employees in the 6th Congressional District of Ohio. This district has recently been designated by the Department of Commerce as an area of substantial and persistent unemployment. Contributing greatly to this status is the fact that many of our railroad workers have been furloughed. Even with relatively high employment there will always be individuals nearing age 65 who will lose their jobs and find it impossible to get new ones. Adoption of this legislation will make the program, to which these people have made contributions over the years in expectation of receving benefits when they are too old to work, flexible enough to provide a degree of protection for them when they find themselves unable to get work because of conditions beyond their control when they are getting along in years, even though they have not reached the age of 65.

It seems only fair to these men and women who have so much at stake that they be given the same consideration as those who are covered by the Social Security Act. I strongly recommend to my colleagues the passage of this legislation.

Mr. MACK. Mr. Speaker, I join with my distinguished chairman in support of this bill which would amend the Railroad Retirement Act to provide retirement at the age of 62 for male employees. This, of course, would be permitted on a reduced annuity basis.

I also support the other provisions of this bill which liberalize this retirement system, so that the provisions accruing under this act would not be less than those which are provided by the Social Security Act.

I am particularly interested in section 3 of this bill which is an amendment I offered when the bill was being considered by the Interstate and Foreign Commerce Committee. This amendment is in fact H.R. 5027 a bill which I introduced early this year. I testified in favor of this bill when the hearings were being held and because it is so closely related to the subject matter contained in this bill I felt it was important to have this provision included in this bill.

This amendment is designed to correct a glaring inequity in the remarriage provision of the Railroad Retirement Act. As now written, this act discriminates against a railroad worker's widow who remarries and whose new spouse is himself a retired railroad worker. The widow, in such a circumstance, loses retirement protection for a full year after her remarriage. This is inconsistent with the fact that a social security annuitant faces no such loss in protection in event of a remarriage with a man receiving railroad retirement benefits.

For example, I have an elderly constituent who is drawing railroad retirement benefits and who wants to marry the widow of another railroader. She would, of course, lose her present pension upon remarriage. She would not become eligible for an annuity based on her second husband's earnings until they had been married a year. Thus, if he died within the first year of marriage, she would be left without income. On the other hand, if her first husband had been covered by social security instead of railroad retirement, she would face no such loss of protection upon remarriage to a railroad retirement beneficiary. She would become eligible for a railroad retirement annuity upon his death, even if it occurred immediately after their marriage.

Mr. Speaker, my amendment does not liberalize the railroad retirement program but merely corrects a glaring inequity in the law. For this reason it is highly important that we include this provision in the bill.

The SPEAKER pro tempore. The question is, Will the House suspend the rules and pass the bill S. 2395?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The SPEAKER pro tempore. Without objection, a similar House bill (H.R. 8597) will be laid on the table.

There was no objection.

EMPLOYMENT FOR CERTAIN ADULT INDIANS

Mr. HALEY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 200) to amend the act entitled "An act relative to employment for certain adult Indians on or near Indian reservations," approved August 3, 1956, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act relative to employment for certain adult Indians on or near Indian reservations", approved August 3, 1956 (70 Stat. 986), is amended by striking out "$3,500,000" and inserting in lieu thereof "$7,500,000" and by striking out "$500,000" and inserting in lieu thereof "$1,000,000".

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

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

There was no objection.

Mr. BERRY. Mr. Speaker, I rise in support of S. 200 and ask every Member of the House to support this measure.

All that is involved in this bill is an amendment to the bill passed by Congress on August 3, 1956—70 Statute 986, 25 U.S.C. 309.

Under that act Congress provided a program of trades training and on-the-job training for Indians similar to the GI on-the-job and trades training law. The legislation has been the greatest assistance to the Indian people of any legislation passed in many years. It has in fact been so popular and so successful that we now need additional funds to provide training for additional Indians who are seeking this training in order to prepare themselves for employment.

As an example of how successful this program has been, on one reservation in western South Dakota, the Pine Ridge Reservation, 280 Indian people are now employed in a fishing tackle industry and the company will take on an additional 120 more just as soon as money is available to give them training to carry on the work. This is only one example.

All the bill does is to increase the authorization for funds for the program from $3,500,000 to $7,500,000 annually. It is needed. It is doing a great work for the Indians of the Nation. I trust everyone will support it. Thank you.

The SPEAKER pro tempore. Is a second demanded?

If not, the question is on the motion of the gentleman from Florida that the House suspend the rules and pass the bill S. 200, 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.

SALUTING "UNCLE SAM" WILSON OF TROY, N.Y.

Mr. O'BRIEN of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Concurrent Resolution 14, as amended.

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

Mr. BASS of New Hampshire. Mr. Speaker, reserving the right to object, I am very much distressed to note that

the committee has struck out the language of the Senate referring to "Uncle Sam" Wilson's New Hampshire connections.

I would like to inquire of the gentleman from New York as to the reason for this language being stricken out.

Mr. O'BRIEN of New York. To be perfectly honest with the gentleman from New Hampshire it was the result of an attempt to reach a common denominator. The distinguished gentleman from Indiana [Mr. ADAIR] claims that Samuel Wilson is buried there. The people of Troy, N.Y., claim that he is buried there. The people of Massachusetts claim that he was born there. The good people of New Hampshire claim he spent 20 years of his life there. But the gentleman from New York found that amid all that controversy there was one central point of agreement, that this gentleman did live in Troy, N.Y., and that that is where he acquired the title of "Uncle Sam." There was no attempt, not the slightest attempt, to downgrade the part which the great State of New Hampshire played in the career of this distinguished gentleman. I might say to the gentleman from New Hampshire that in eliminating reference to his birth in Massachusetts, I had to eliminate the city of Cambridge, Mass., which happens to be the native city of my own wife.

Mr. BASS of New Hampshire. Mr. Speaker, actually he spent 20 years in the town of Mason, N.H., which is right next to where I live. I would hope that the gentleman from New York would recognize that fact, which is a well established fact, according to our town history.

Mr. O'BRIEN of New York. I thoroughly agree with the gentleman from New Hampshire.

Mr. BASS of New Hampshire. Mr. Speaker, I withdraw by reservation.

Mr. ADAIR. Mr. Speaker, reserving the right to object, as the gentleman from New York [Mr. O'BRIEN] said earlier this afternoon, in response to my question, the bill now before us provides, in effect, that a Samuel Wilson lived for a period of time in Troy, N.Y., and that a Samuel Wilson is the progenitor of our "Uncle Sam." As to where "Uncle Sam" was born or where his remains lie buried, the resolution makes no statement, nor takes any position.

Mr. O'BRIEN of New York. If the gentleman will yield, the gentleman has made a very accurate statement.

Mr. GROSS. Mr. Speaker, further reserving the right to object, are we disinterring or are we burying Samuel Wilson?

Mr. O'BRIEN of New York. We are trying to do neither, sir.

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GROSS. Mr. Speaker, after we have disposed of Samuel Wilson, will we have reached the bottom of the legislative barrel for today?

The SPEAKER pro tempore. There is one more suspension after this, I might say to the gentleman.

Is there objection to the request of the gentleman from New York [Mr. O'BRIEN]?

There was no objection.

The Clerk read the concurrent resolution, as follows:

Whereas in a world largely hostile to the idea of freedom we must keep alive the cherished values of our way of life; and

Whereas at a moment in our history when we need all our sense of purpose and capability to match the challenge of disciplined communism some say that our national symbol of "Uncle Sam" is archaic and should be disowned; and

Whereas the symbol of "Uncle Sam" was evoked out of the needs of a young Nation, and is linked to a grassroots character, Samuel Wilson, of Troy, New York, who still represents the strength and idealism that made up the greatest Nation in the world; and

Whereas the years 1766 to 1854, the years in which Samuel Wilson lived, witnessed the birth and glorious progress of the United States, spanning as they did the period before the Declaration of Independence to the emergence of the United States as a world power; and

Whereas no congressional action has ever been taken to make the symbol of that American tradition, the symbol of "Uncle Sam," official and permanent: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Congress salutes "Uncle Sam" Wilson, of Troy, New York, as the progenitor of America's national symbol of "Uncle Sam".

Mr. KING of New York. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. KING of New York. Mr. Speaker, as the Speaker is well aware, Senate Concurrent Resolution 14 expresses the sense of Congress in saluting "Uncle Sam" Wilson, of Troy, N.Y., as the progenitor of America's national symbol of Uncle Sam.

Mr. Speaker, in the early part of the 19th century there was living in Troy, N.Y., a prosperous middle-aged gentleman who was destined to achieve a kind of fame almost unique in history. He was on the way toward becoming a symbol of a new people's conception of its own character and personality.

By direct inheritance he was Scotch-Irish, with a Massachusetts background; by indirect, he was a descendant of Yankee Doodle and a nephew of Brother Jonathan. His name was Samuel Wilson and he was called by the people of Troy, and later on by the State and Nation, as "Uncle Sam."

Wilson's direct descent is naturally a little easier to establish than his indirect. There is no doubt that he existed and that he was generally known as "Uncle Sam." On the other hand, there have been skeptics who could not be convinced that the "Uncle Sam" who once farmed on Mount Ida in Troy which was later made famous by its industrial growth and its collars and cuffs, is the same "Uncle Sam" now universally recognized as the personification of the United States of America.

Proof has been submitted that Samuel Wilson was born in Menotomy, now Arlington, Mass., on September 13, 1766, and who died in Troy on July 31, 1854, is the progenitor of the Nation's symbol of Uncle Sam. He spent some years of his life in Mason, N.H.

Our "Uncle Sam" cannot be disowned by the doubters and disclaimers who vow that as a stereotype he is out of date, because "Uncle Sam" sprang from the needs of the American people and belongs to them. He sums up our best national traits and traditions, embodying our national promise at home and abroad.

If any distortion of "Uncle Sam" exists today, we ourselves must take the blame for having failed to recognize his flesh-and-blood origin.

Passage of Senate Concurrent Resolution 14 will therefore give added meaning to "Uncle Sam" as a representative and uplifting symbol. It will add vitality to his spirit and validity to his historic meaning and mission.

Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MORSE], may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MORSE. Mr. Speaker, I deeply regret that Senate Concurrent Resolution 14 as approved by the other body has been amended to omit recognition of Arlington, Mass., as the birthplace of Samuel Wilson.

As author of a resolution identical to Senate Concurrent Resolution 14 in its original form, I have investigated the origins of "Uncle Sam" Wilson with meticulous care. I am distressed that reference to his birthplace has been stricken from the legislation now before us.

Facts available through the Library of Congress, the Arlington, Mass., Historical Society, and other distinguished and reliable sources, clearly establish that "Uncle Sam" Wilson was born in the town of Old Menotomy, now known as Arlington, in what today is the Fifth District of Massachusetts, which I have the honor to represent.

On September 13, the 195th anniversary of the birth of "Uncle Sam" in 1766 in Old Menotomy—the Troy, N.Y. Area Committee for Uncle Sam will hold an official observance at the grave of this progenitor of our national symbol. Full cognizance of the fact that Uncle Sam had his origins in the Fifth District of Massachusetts will be given at this ceremony. The Troy committee also has carefully researched dusty archives and have emerged with unquestionable supporting evidence that "Uncle Sam" is as much a product of the Fifth District of Massachusetts as are the minutemen, Concord Bridge and Lexington Green. They have dispelled the folktales which would have it that "Uncle Sam" was born elsewhere.

The Reverend Samuel Cook who attended the birth of Samuel Wilson at Old Menotomy on September 13, 1766, records that important fact in his "Abstracts of Births, Deaths, and Marriages." Another source book is Benjamin Cutter's "History of the Town of Arlington, Mass., 1635–1879, with Genealogy," "Vital Records of Arlington,

Through the Year 1850," supports the facts.

Language in paragraph 4 of the preamble of the bill which was approved by the other body, which read:

Whereas the story of Samuel Wilson's life, from his early Colonial beginnings in Old Menotomy (later West Cambridge, now Arlington, Mass.) and Mason, N.H., to his rise in prominence and great public affection and esteem in Troy, N.Y., where the sobriquet of "Uncle Sam" was given him, in an abridged story of America; and

And, the resolving clause, reading:

That the Congress salutes "Uncle Sam" Wilson, of Troy, N.Y., as the progenitor of America's national symbol of Uncle Sam, and also recognizes Arlington, Mass., famed in the history of America's dawning years, as the birthplace of the said Samuel Wilson,

Gave clear expression to established historical fact.

In the interests of recognition, too long denied, of the contribution of Samuel Wilson's life to our culture and our heritage, I urge that Senate Concurrent Resolution 14 be adopted.

Mr. GARMATZ. Mr. Speaker, in connection with the bill before us saluting "Uncle Sam" Wilson, of Troy, N.Y., as the progenitor of Amercia's national symbol of "Uncle Sam," I think the Members of the House will be interested in a broadcast which I wish to insert at this point. This broadcast was made by Al Quinn, veteran Maryland broadcaster over WBAL in Baltimore, in his nightly program Maryland Report, on the subject of "Uncle Sam":

MARYLAND REPORT

Good evening, this is Al Quinn with Maryland Report: So now they're trying to locate the grave where Uncle Sam is buried.

And shucks. I didn't even know he was dead.

And a lot of us who remember the grand old man with the whiskers and the stovepipe hat and red, white, and blue pants, in the Fourth of July parades of our youth just aren't going to believe he passed away. We know he's still alive and always will be as long as the United States of America exists.

And who's trying to declare Uncle Sam interred in the cold earth? The Communists? The Fascists? or some other gang of crackpots?

No, sir. It's certain Members of the U.S. Congress.

The Judiciary Committee of the U.S. Senate already has placed the grave of Uncle Sam in Troy, N.Y. They did that by approving a resolution presented by Senator KEATING of New York, declaring that the original Uncle Sam was a fellow named Samuel Wilson, who lived in Troy back around the Revolutionary time, and had something to do with supplying the Revolutionary troops.

Now Indiana is rarin' up on its hind legs, and claimin' through the voice of Representative ADAIR of that State that the real original Uncle Sam was a Hossier whose final resting place can be found somewhere out there among the corn and soybeans.

And in New York City, there's a fellow named E. D. McMullen who has been communicating with Representative ADAIR and claiming that the real, true Uncle Sam lived and died, not in Troy, N.Y., or out on the banks of the Wabash, but in New York City itself—an old bewhiskered codger of Revolutionary days named Samuel Huntington.

There are rumors that Texas also is getting ready to present a claim of possessing somewhere in its 267,339 square miles the remains of the tall fellow whose initials are the same as those of the United States.

And you can be sure there will be others. Why shouldn't Massachusetts enter the game with the contention that old Samuel Adams was the original Uncle Sam—or the inspiration for the coining of the name. Surely, Sam Adams had a bigger part in the maturing of the Colonies and the birth of the Nation than did those other characters whose names are being bandied about.

And there were Samuels of some prominence all over Virginia, and Pennsylvania, and in all of the other Thirteen Colonies, including Maryland. Like Maryland's Samuel Chase, signer of the Declaration of Independence, Member of the Continental Congress and an Associate Justice of the Supreme Court in the early days of the Republic.

Yes, there were Samuels of note all over the place—and many of them sporting chin whiskers.

But none of these was Uncle Sam. And none of their graves is the grave of Uncle Sam. Because Uncle Sam isn't there. He is here. He isn't dead. He lives.

He was with Patrick Henry in the Virginia House of Burgesses when Patrick defied the British sovereign. He was at the tea party in Boston, and he fanned the blaze that burned the tea ship, Peggy Stewart, in the harbor at Annapolis. He was in Frederick for the repudiation of the British Stamp Act.

Yes Uncle Sam is a spirit who lives where the true spirit of America manifests itself. He was with Washington and his barefoot troops at Valley Forge. And he was at Trenton and Long Island and especially at Yorktown, and he was with the American forces at Fort McHenry and in all the other battles of the War of 1812, and maybe he whispered to Francis Scott Key some of the words of the Star Spangled Banner.

He was with the Yankee troops at Chateau Thiery. And at Belleau Wood. And at the Bulge and all the other great battles of the Second World War.

He stood on the frozen hills of Korea when Americans fought there for the sake of freedom.

And he must have been at the elbow of President Kennedy a few nights ago when the President laid out the true American position in regard to the threats and challenges of Soviet Russia, and he has been at the recruiting offices of the Army, Navy, Air Force, and Marine Corps in all the subsequent days as young Americans have signed up to defend the American way of life and the freedom of humanity.

Yes, Uncle Sam is very much alive today from the rockbound coast of Maine, as they say, to the sunny shores of California, and from the Canadian border to the Mexican. And in all the farflung outposts of the American fighting men who are defending his cause, the cause of human liberty.

He isn't buried in Troy, N.Y., or Manhattan, or Muncie, Ind., or Houston, or Richmond, or Baltimore because he isn't buried at all. He isn't dead.

And it's high time those fellows in the Congress of the United States got wise to themselves and to the facts of the American story. And if they want to go grave hunting, let them find the graves of all the mere mortals who lived and died in the American cause. Let them even place a stone over a rise in the ground and say "Here lies Johnny Appleseed," or "Here are the remains of Paul Bunyan," or even of Paul's great blue or by the name of "Babe."

Let them claim for their localities of their States the dusty bones of Tom Swift and Ragged Dick, and the James brothers and the Merriwell brothers and all the other heroes of fact and fiction—of truth, exaggeration, and simple myth. Maybe there are enough of them to distribute throughout the 50 States and satisfy the ghoulery of all the tombstone huntin' patriots in the Congress.

But not Uncle Sam.

All the resolutions or bills that Congress can adopt or pass will not kill Uncle Sam or place his grave in anybody's buryin' ground.

And it's time for some Congressman with more sense than the average, say some Maryland Congressman, to get up a resolution declarin' that Uncle Sam, the livin' and ever-livin' Uncle Sam, belongs to no particular town or State, but rather to the whole United States. And that the argument over his place of burial is absurd, silly, stupid, and rash, because there is no such place, and, as long as there is a United States, never can be such a place.

Because Uncle Sam has never died.

And thank you for listening; this has been Al Quinn with Maryland Report.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PRESERVATION AND PROTECTION OF LANDS IN PRINCE GEORGES AND CHARLES COUNTIES, MD.

Mr. RUTHERFORD. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 459) to provide for the preservation and protection of certain lands in Prince Georges and Charles Counties, Md., and for other purposes, as amended.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for the benefit of present and future generations the historic and scenic values, the unusual cultural, scientific, and recreational values, and the present open and wooded character of certain lands situated along the Potomac River in Prince Georges and Charles Counties, Maryland, and in order to preserve lands which provide the principal overview from the Mount Vernon Estate and Fort Washington, in a manner that will insure, insofar as practicable, the natural beauty of such lands as it existed at the time of the construction and active use of Mount Vernon Mansion and Fort Washington, the Secretary of the Interior is authorized to acquire and administer lands and interests therein, in the manner hereinafter provided.

SEC. 2. (a) The Secretary of the Interior is authorized to accept donations of lands or interests therein located in Prince Georges and Charles Counties, Maryland, in the vicinity of Piscataway Creek, held by the Accokeek Foundation or other foundations or organizations for public use.

(b) When the Secretary receives a commitment, subject to such conditions as shall be agreeable to the Secretary of the Interior and the potential donor or donors, in accordance with which commitment the property referred to in subsection (a) will be donated to the United States for purposes of this Act, he is authorized to acquire by such means as he finds are in the public interest other land and interests in land lying generally within the area identified as follows:

Beginning at a point on the shoreline of the Potomac River at the intersection of the northerly right-of-way line of Maryland State Route 227 in Charles County, Maryland; thence following the Maryland shoreline of said river in a northeasterly direction to the confluence of Piscataway Creek in Prince Georges County, Maryland;

thence following the shoreline from Mockley Point and proceeding in a generally easterly direction along the south shore of Piscataway Creek to a point 250 feet to the west of the point where the westerly right-of-way line of Farmington Creek Road intersects the shoreline of Piscataway Creek; thence southeasterly along said line approximately 250 feet west of Farmington Creek Road approximately 800 feet; thence westerly generally following the 50-foot contour line to the southeasterly corner of the property of the Accokeek Foundation;

thence westerly along said boundary approximately 1,600 feet; thence southerly with said boundary line approximately 1,800 feet; thence northwesterly on said line approximately 2,200 feet; thence westerly along said line approximately 800 feet; thence generally westerly with the 50-foot contour line to the north side of a private road on the Alice Ferguson Foundation property; thence in a westerly direction along north side of said road to the southeasterly corner of Moyaone Association land;

thence with the boundary line of the Moyaone Association land approximately 900 feet northwesterly; thence with that line approximately 800 feet westerly; thence with that line approximately 500 feet southeasterly to its intersection with the right-of-way of Bryan's Point Road; thence generally westerly with the northern right-of-way line of that road approximately 3,500 feet to its intersection with Cactus Hill Road.

thence northerly along the eastern right-of-way line of Bryan's Point Road approximately 300 feet to the southwesterly property line of the Bryan's Point Farm of the Accokeek Foundation; thence with the southerly boundary line of said property approximately 700 feet; thence with that line approximately 1,000 feet in a southerly direction; thence 1,700 feet in a westerly direction; thence following said boundary line along the easterly side of the area known as Johnson's Gully to a point approximately 4,500 feet from the Potomac River;

thence northerly along said line to the 50-foot contour line; thence northerly along said line to its intersection with Prince Georges-Charles County line; thence in a westerly and southerly direction along the southerly boundary of the Accokeek Foundation lands; leaving the Accokeek Foundation land at a point approximately 2,200 feet from the Potomac River; thence approximately 300 feet in a westerly direction; thence north on a line parallel to and 300 feet from the boundary of the Accokeek Foundation land approximately 800 feet; thence approximately 2,200 feet in a northwesterly direction to the southeasterly corner of the Accokeek Foundation lands;

thence along the southerly border of said lands approximately 1,700 feet in a southwesterly direction to the southwest corner of said lands; thence approximately 1,400 feet to the intersection with the northerly right-of-way of Maryland State Route 227; thence with said right-of-way approximately 1,300 feet to the point of beginning, excluding all that land within the described area now leased and operated by the Marshall Hall Park, Inc., as more specifically described in a deed, recorded in the land records of Charles County, Maryland, in folio 126, liber 131. The property herein described is more particularly depicted on drawing numbered 1961–1, a copy of which is on file with the Secretary of the Interior.

Within the above-described area the Secretary shall not condemn improved residential property. As used herein "improved residential property" means a detached, one-family dwelling and structures accessory thereto, the construction of which was begun before May 1, 1961, which are used solely for noncommercial residential purposes, together with one acre of land on which the improvements are situated, or all of such lesser acreage as the owner may hold.

(c) To further the preservation objective of this Act the Secretary may accept donations of scenic easements in that land within the described area now leased and operated by the Marshall Hall Park, Inc., as more specifically described in a deed, recorded in the land records of Charles County, Maryland, in folio 126, liber 131, and the area lying between the south boundary line depicted in drawing numbered 1961–1, referred to in section 2(b) and a line approximately 3,000 feet south of said boundary. The Secretary may also acquire by other appropriate means scenic easements in the area referred to in this subsection when, in his judgment, such action is necessary in order to assure uniform application of scenic control. To further achieve the purpose of this Act he may cooperate and enter into agreements and covenants with property owners, groups thereof, and nonprofit organizations and may also cooperate with the State of Maryland and the political subdivisions thereof in order to promote and achieve scenic preservation through zoning and such other means as may be feasible.

SEC. 3. Land and interests therein acquired pursuant to this Act shall be administered in accordance with the Act entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535), as amended and supplemented.

SEC. 4. There are hereby authorized to be appropriated such sums but not more than $937,600, to carry out the provisions of this Act.

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. RUTHERFORD. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, House Joint Resolution 459, by Congressman SAYLOR, is designed to protect the view looking from Mount Vernon across the river from commercial exploitation and from the installation of a sewage disposal plant. The authorities have fully explored the possibility of achieving the same result through zoning procedures in Maryland, but the local political subdivision situation there is so thoroughly complicated and confused that this appears to be impossible.

The sewage disposal proposal within sight of the first President's home speaks for itself, but it is only the latest in a series of moves that, though they have fortunately failed or have been frustrated thus far, cannot be regarded as anything but serious. Unless safeguards are taken, other such moves will undoubtedly recur in the future and there is no guarantee that one or more of them will not succeed. One of those that came to the fore a few years ago was a proposal to install an oil tank farm on lands included within House Joint Resolution 459. This was prevented only through the generous purchase of the site by a public-spirited citizen and the gift of the land to a foundation for future preservation. Another, also of recent vintage, was a proposal to run a sewerline across the property and to dump the effluent, raw and untreated, into the Potomac. This also was fortunately warded off.

The resolution calls for the acquisition in fee of approximately 1,186 acres. At least 600 of these will be donated to the United States. The estimated cost of acquiring the remainder is about $938,000. In addition, the resolution provides for the acquisition of scenic easements in the land surrounding the area to be acquired in fee. The committee has been assured that the bulk of these will be donated. The area acquired will be administered as a unit of the National Capital park system under the National Park Service. The terms of House Joint Resolution 459 assure that existing residential property—that is, detached one-family dwellings and surrounding 1-acre tracts—will not be subject to condemnation.

Many public-spirited citizens appeared before the committee in support of the measure. We are assured of the full cooperation of local citizens' groups who have been spearheading the fight against apartment houses, commercial developments and sewage disposal plants that would deface the landscape and make the view unrecognizable both to George Washington and to the millions of Americans who have visited Mount Vernon over the last 100 years.

No witnesses appeared in opposition to the resolution, even though the Chair specifically asked whether any wanted to be heard. One or two witnesses asked that the taking area be extended to include the Fort Washington-Piscataway area. This, however, would probably have run the cost too high and would have included land a little too remote for consideration. I have written letters to those who thought that this should be done, explaining the situation and urging them to take local action if this is at all possible.

Mr. Speaker, I wholeheartedly urge adoption of House Joint Resolution 459.

Mrs. BOLTON. Mr. Speaker, as the vice regent for Ohio of the Mount Vernon Ladies' Association, I am deeply grateful to the Committee on Interior and Insular Affairs and to the House leadership for bringing House Joint Resolution 459 to the floor. I would also like to take this occasion to pay tribute to Congressmen JOHN SAYLOR and WAYNE ASPINALL for their untiring efforts in behalf of this legislation. Also to Congressman J. T. RUTHERFORD, chairman of the Subcommittee on National Parks.

From the time of George Washington until the present day, the Maryland shore which frames the Mount Vernon overlook, has been spared those structural developments and topographical alterations which elsewhere in America have so radically changed the face of the land. Each year a million and more visitors enjoy a prospect which survives essential as it appeared in the 18th century. However, since the close of World War II the Mount Vernon Ladies' Association has realized that this fortuitous condition could not long continue. Yet, as a Virginia corporation charged with a local responsibility and limited by an income equal only to its intramural needs and occasional purchases of relevant memorabilia, it was powerless within itself to forestall what seemed to be an inevitable scenic encroachment.

A recent proposal to install a sewage disposal plant within sight of the first President's home speaks for itself, but it is only the latest in a series of moves that, though they have fortunately failed or have been frustrated thus far, cannot be regarded as anything but serious. Unless safeguards are taken, the sewage plant and other such moves will undoubtedly recur in the future and there is no guarantee that one or more of them will not succeed. All avenues short of enactment of House Joint Resolution 459 have been explored, but none appears to be feasible. Effective zoning regulations cannot be had. Purchase of more land by private persons is too much to ask and in any event, would not furnish the needed protection against bodies with the power of condemnation.

It is therefore most important that the House enact this legislation so that the many millions of Americans who visit the home of their first President may continue to enjoy the panoramic view seen by him—for it is so much a part of full enjoyment of all who visit this, the greatest of all our national shrines. In the words of the founder and first regent of the Mount Vernon Ladies' Association, Ann Pamela Cunningham, "Let one spot in this grand country of ours be saved from change."

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. LANKFORD], may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. LANKFORD. Mr. Speaker, I rise in support of House Joint Resolution 459. The land referred to in this resolution is entirely within the Fifth Congressional District of Maryland.

During the past 6 years, I have worked unceasingly for the completion of that portion of the George Washington Memorial Parkway located in Prince George's County. Recently, the Congress partially fulfilled its commitment by authorizing funds for land acquisition to preserve a portion of the shoreline on the Maryland side of the Potomac.

In addition, I have endeavored by every means available to support the campaign to begin the gigantic cleanup of our Nation's most polluted river, the Potomac. Legislation enacted by the 86th Congress, I believe, was a significant and long-overdue step forward in this direction. I recall well the proposal made several years ago to install an oil tank farm on lands that are to be included in House Joint Resolution 459. Such a development would have not only served to aggravate the existing conditions in the Potomac River, but would, beyond doubt, have marred the magnificent view from Mount Vernon.

I agree with the Committee's statement that the preservation of the area surrounding Mount Vernon cannot be left to generous contributions of individual citizens, for I feel that this is truly a national responsibility, and hence the Federal Government must act.

I note that the Bureau of the Budget indicates its belief that there should be further exploration with the local government units concerned leading toward the development of local zoning controls rather than direct Federal ownership. I am confident that responsible officials of the State of Maryland and Prince Georges County will wholeheartedly cooperate in such an undertaking, for the present large holdings by the Federal Government in Prince Georges County have substantially reduced the County's tax base. I could not support a move to remove still further lands from local development until I am thoroughly convinced that it is the only way this region, steeped in history, can be preserved for the benefit of the entire Nation.

I urge support of House Joint Resolution 459, Mr. Speaker, confident that every effort will be made by the Department of the Interior to cooperate with local officials for the realization of the goals set forth by the Bureau of the Budget.

The SPEAKER pro tempore. The question is, Will the House suspend the rules and pass the joint resolution, House Joint Resolution 459, as amended?

The question was taken; and (two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. RUTHERFORD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the resolution just passed.

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

There was no objection.

LEGISLATIVE PROGRAM FOR THE BALANCE OF THE WEEK

Mr. HALLECK. Mr. Chairman, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. HALLECK. Mr. Speaker, I take this time in order to inquire as to the program for tomorrow and the balance of the week, if we can learn it. I do this principally because, as I understand it, there is scheduled for consideration tomorrow House Resolution 403, providing for an investigation of the Export Control Act of 1949. It now is apparent that the public works appropriation bill will not come up tomorrow as originally scheduled. There is a unanimous-consent agreement that any votes tomorrow, because of the New York primary, will go over until a later time. A number of Members have asked me about whether this vote might come on Friday. As far as I am concerned, I think it would be well if some arrangement could be made as to when that vote might be had if a record vote is required tomorrow.

Mr. ALBERT. Of course, we desire to cooperate with the minority leader and the Members of the House on this matter. While the vote is scheduled to come on Friday, in view of the change in the program it might be an accommodation to Members and would not in any manner defer the ultimate disposition of the business of this session of Congress if the vote were put over on the resolution.

Mr. Speaker, I ask unanimous consent that any rollcall vote on that resolution or on any other matter requested tomorrow might be put over until Wednesday next.

Mr. JONES of Missouri. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Missouri.

Mr. GROSS. Mr. Speaker, a parliamentary inquiry. As I understand it, the gentleman is submitting a unanimous-consent request.

Mr. ALBERT. That any rollcall votes that occur tomorrow will be put over until Wednesday next.

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

Mr. JONES of Missouri. I object, Mr. Speaker.

Mr. FRIEDEL. Mr. Speaker, will the gentleman withhold his objection? I assure the gentleman there is no skullduggery going on here.

Mr. JONES of Missouri. I am glad to hear there is no skullduggery going on here, but I want to get some time here to find out what is going on, and I think a lot of other people do, too.

Mr. FRIEDEL. From Sunday night until Monday and Tuesday there are the Jewish holidays.

Mr. JONES of Missouri. I am in favor of observing the Jewish holidays and all other such days, but I am not in favor of taking Saturday off and losing 5 days when we could accomplish some business around here.

Mr. ALBERT. If the gentleman will yield, the leadership makes this request only in an effort to accommodate Members. The leadership is programing these bills as fast as they are ready to be programed. May I advise the gentleman that the only business on Friday will probably be rollcall votes put over from Thursday?

Mr. JONES of Missouri. Can the gentleman tell me why the public works appropriation bill was put over until next Tuesday and the vote carried over to next Wednesday, when it was announced and programed we were going to have it up here tomorrow? Now we are to get it next week.

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

Mr. JONES of Missouri. I yield to the gentleman from Indiana.

Mr. HALLECK. I have tried all day to get that bill up tomorrow. It was scheduled for tomorrow. I might say in my conversation with the majority leadership, if they had their way I think the bill would be scheduled for tomorrow. I wanted it scheduled for tomorrow. As to why it was not scheduled I do not know, although I have my suspicions about that. As I said earlier in the day, and I say it again, if we did get that bill up and over to the other body

we would be well on the way to a sine die adjournment, and that is what we want.

Mr. JONES of Missouri. I agree with the gentleman 100 percent.

I wonder if the gentleman from Oklahoma can tell us why that bill was carried over?

Mr. ALBERT. The only thing I can say to the gentleman is that the matter of calling up bills from the Committee on Appropriations is within the discretion of the chairman of the Committee on Appropriations. The Speaker of the House has no authority to call up an appropriation bill. The chairman of the committee or the Member responsible for the handling of the bill can call the bill up, if he so desires.

Mr. JONES of Missouri. In other words, we are accommodating everybody around here except the people who live at a distance and who are anxious to get home. Yet, we have taken 5 days out of the time to consider an important part of this legislative program. We are going to take Thursday out; we are going to take Friday out; we are going to take Saturday out; we are going to take Tuesday out; and Monday; and carry over the votes until Wednesday. If that is not 5 days lost, then I do not know what I am talking about.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, all I can say to the gentleman is that the chairman of the Committee on Appropriations has advised that the bill was not ready to be brought up tomorrow.

Mr. JONES of Missouri. If I heard correctly, the chairman of the Committee on Appropriations asked that the bill be programed, and it was programed, and it appeared on the whip notice and everybody in this House expected it to be brought up tomorrow. I would like to know some reason why it cannot be brought up tomorrow because I do not feel that the leadership has been keeping faith with this House in not carrying out their program as announced.

Mr. ALBERT. The gentleman's statement is completely uncalled for. The leadership has nothing to do with it.

Mr. JONES of Missouri. If the leadership has nothing to do with it; who is running this House?

Mr. ALBERT. The chairman of the Committee on Appropriations is the one who has made the decision not to call up this bill tomorrow.

Mr. ARENDS. Mr. Speaker, if the gentleman will yield to me, I suggest he get together with his colleague from Missouri and take him to the woodshed tomorrow and find out what is the matter.

Mr. JONES of Missouri. I do not want to wait until tomorrow. I want this information today.

Mr. Speaker, before I withdraw my objection, I want to say I am opposed to any of these delays and that I will be opposed to any leadership that carries on delays such as we have had, to lose Thursday, and Friday, and Saturday, and Monday, and Tuesday.

Mr. Speaker, I withdraw my reservation of objection.

Mr. COLMER. Mr. Speaker, reserving the right to object, I would like to ask the majority leader about what I think is uppermost in all of our minds. What can the gentleman tell us, if anything, about sine die adjournment?

Mr. ALBERT. All I can say in response to the gentleman is that as soon as we have finished the business of the session, and so far as I am concerned, that will be done as expeditiously as the processes of this House will permit, we will certainly be happy to accommodate the gentleman and all of our colleagues in the matter of adjournment.

Mr. COLMER. The gentleman, of course, has not thrown any light whatever on the subject on which I addressed the question to him. We had understood that there was some possibility of adjournment this week. Then, we were told it was possible or we would most likely adjourn next week. Can the gentleman tell us whether there is a possibility of adjournment next weekend?

Mr. ALBERT. I would say there is a possibility if we can finish the business of the Congress.

Mr. COLMER. Can the gentleman tell us whether the leadership have in mind trying to finish?

Mr. ALBERT. The leadership has in mind finishing the business of this session just as fast as possible and, if that can be done next week, we hope that it will be done.

Mr. COLMER. I thank the gentleman for the nonenlightenment.

Mr. BONNER. Mr. Speaker, reserving the right to object, I would like to ask the majority leader whether there will be any vote in the House between now and Wednesday of next week?

Mr. ALBERT. There will, unless the unanimous-consent request which we have made is granted.

Mr. BONNER. In other words, there will not be any business transacted on Friday?

Mr. ALBERT. There will be business transacted during the remainder of the week. We can probably finish all bills listed on the program by tomorrow.

Mr. BONNER. Will there be any rollcalls on those bills?

Mr. ALBERT. There will be no rollcall votes tomorrow in any event, under an order previously entered.

Mr. BONNER. Will there be any rollcalls on Friday?

Mr. ALBERT. There will be unless this unanimous-consent request which I have made is granted.

Mr. BONNER. And if it is granted, there will not be any rollcalls until Wednesday of next week?

Mr. ALBERT. That is correct.

Mr. BONNER. So, therefore, a Member could be absent in security with respect to rollcalls?

Mr. ALBERT. Security so far as the business of the House is concerned.

Mr. GROSS. Mr. Speaker, further reserving the right to object, do I understand that a rule was granted today on the Peace Corps?

Mr. ALBERT. That is my understanding.

Mr. GROSS. And when would you expect to bring that up? Would you have any idea?

Mr. ALBERT. We want to program that at the very earliest date.

Mr. GROSS. Well, would that be Monday or Tuesday or when?

Mr. ALBERT. May I advise the gentleman that the rule has just been reported on this bill and it will not be filed until midnight tomorrow night. I have not had an opportunity to consult with the chairman of the Committee on Foreign Affairs or the chairman of the Committee on Rules about bringing up that bill, since it is not ready for programing yet. As soon as a request is made by those handling the bill we will program the bill. It is a very important bill and the leadership desires to dispose of it.

Mr. GROSS. Well, then, if it is considered on Monday, then the vote on that would have to go over until Wednesday; is that correct?

Mr. ALBERT. That is correct.

Mr. GROSS. Well, there will be no assurance then that we will have a rollcall on Wednesday. Would the gentleman like to help some of us get a rollcall on Wednesday?

Mr. ALBERT. If the unanimous-consent request is agreed to, there will be no problem in having rollcalls on Wednesday next.

Mr. GROSS. What I cannot understand is how we are going to get through with the business in this session if we are not going to pass bills until next Wednesday.

Mr. ALBERT. The gentleman knows that we pass many bills without rollcalls and we will probably pass some of the bills programed for the balance of the week without rollcall votes. We will finish all the bills except for rollcalls. As far as I am concerned, I can advise the gentleman that I am not making this request for my own benefit. I expect to be here tomorrow and Friday and on Monday and Tuesday of next week.

Mr. HAYS. Mr. Speaker, further reserving the right to object, as I understand the procedure here, we are going ahead with the business that is programed, if the unanimous consent request is granted, but the only thing that will be carried over is a rollcall, which might take 30 minutes; is that right?

Mr. ALBERT. The gentleman is correct.

Mr. SMITH of Virginia. Mr. Speaker, further reserving the right to object, now we have been messing around here all summer and people are getting tired of this session and they want to get home. We are getting to the end of adjournment. Now, we have got a lot of business on the calendar and still more to come. All this talk seems to have centered around one appropriation bill. Let me remind the House that if and when you are going to get out of here, if you ever do, you have a good deal of legislation on the calendar. We have got bills that we could work on Thursday, if you really want to adjourn. And, I cannot see any earthly reason why we should be taking days off now when everybody is tired and irritated and we want to close things up. Now, the other

bills that are in the offing may create some controversy. Why not clean up the docket and go along instead of going over until Monday and then probably waste a couple of days more to have rollcalls? If you really mean it and want to get out of here, this business must be gotten out of the way. We had talked about getting out this Saturday. Now we are talking about getting out next Saturday. If you are going to adjourn over until Wednesday, for all intents and purposes you are not going to get out next Saturday. You might as well face that proposition.

Mr. TABER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

A NATIONAL LOTTERY

Mr. FINO. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the RECORD and include a table.

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

There was no objection.

Mr. FINO. Mr. Speaker, for the last 2 months, I have brought to the attention of this Congress the many foreign national lotteries that are bringing great benefits to their respective nations.

We in the United States stand virtually alone among the nations of the Western World in our hypocrisy in refusing to establish a national lottery. Of the nations of Western Europe and of the Western Hemisphere, only Canada and the United States do not have some form of Government-controlled gambling. Outside of Western Europe and the Western Hemisphere, those nations operating lotteries are primarily the most advanced and Westernized nations; Australia, New Zealand, Israel, Japan, the Philippines, and India. As far as our official attitude toward gambling, the United States is in step only with the Communist nations—who view gambling as something undesirable in the regimented and brainwashed "new Socialist man." We are certainly in rare company.

In 1960, the nations of the Americas and Western Europe, together with the more advanced nations in other parts of the globe, took in gross receipts of $1,369,500,000 from their national lotteries. The total profits accruing to the governments in question came to $411,400,000. Needless to say, similar wisdom on the part of a nation as wealthy as the United States would be rewarded far more amply.

Unhappily, the United States has not yet demonstrated that wisdom. It is high time that we do so, and bring great benefits to our Treasury while at the same time striking a real blow at organized crime. It is never too late to share the sense of the rest of the world.

Mr. Speaker, a national lottery in the United States could easily pump into the coffers of our Treasury $10 billion a year in additional revenue. When are we going to be as smart as our allies and face up to the fiscal facts of life?

Country	Gross receipts	Net income
1. Argentina	$28,400,000	$12,400,000
2. Australia	78,000,000	25,000,000
3. Austria	13,500,000	3,200,000
4. Belgium	14,900,000	6,000,000
5. Bolivia	1,000,000	400,000
6. Brazil	20,000,000	7,000,000
7. Chile	23,000,000	5,400,000
8. Colombia	12,000,000	3,000,000
9. Costa Rica	10,300,000	2,100,000
10. Cuba	35,400,000	11,100,000
11. Czechoslovakia	11,000,000	9,000,000
12. Denmark	6,000,000	300,000
13. Dominican Republic	31,900,000	7,000,000
14. Ecuador	3,100,000	900,000
15. Finland	4,300,000	1,500,000
16. France	133,800,000	42,100,000
17. Germany	240,000,000	48,000,000
18. Greece	19,600,000	4,400,000
19. Guatemala	3,100,000	800,000
20. Haiti	2,000,000	600,000
21. Honduras	15,200,000	1,700,000
22. Ireland	47,000,000	11,000,000
23. India	25,000,000	[1]
24. Italy	71,700,000	40,400,000
25. Israel	14,000,000	4,400,000
26. Japan	11,800,000	4,900,000
27. Mexico	55,100,000	14,200,000
28. Netherlands	9,900,000	1,500,000
29. New Zealand	1,700,000	600,000
30. Norway	14,500,000	4,600,000
31. Panama	27,800,000	4,700,000
32. Paraguay	1,200,000	200,000
33. Peru	2,500,000	500,000
34. Philippines	14,000,000	3,500,000
35. Poland	53,000,000	17,000,000
36. Portugal	23,700,000	7,800,000
37. Puerto Rico	45,500,000	10,000,000
38. Spain	89,300,000	30,200,000
39. Sweden	49,900,000	28,700,000
40. Switzerland	4,800,000	1,200,000
41. Turkey	8,400,000	3,600,000
42. Uruguay	23,400,000	6,800,000
43. Venezuela	48,800,000	18,700,000
44. Yugoslavia	20,000,000	5,000,000
Total	1,369,500,000	411,400,000

[1] Premium bond lottery.

CHICAGO BANK MERGER POINTS UP EVILS OF DIVIDED FEDERAL RESPONSIBILITY—MORATORIUM ON BANK MERGERS A NECESSITY

The SPEAKER pro tempore. Under the previous order of the House the gentleman from Texas [Mr. PATMAN] is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, divided responsibility for bank mergers is creating chaos. Last Thursday, August 31, the district court refused to grant the Attorney General's request for a temporary restraining order and thus opened the way for the de facto merger over the Labor Day weekend of the City National Bank & Trust Co. into the Continental Illinois National Bank & Trust Co., both of Chicago. This brings together the second and sixth largest banks in the Chicago area, with 35 percent of total deposits of all banks in the area.

The practical effect of the court's refusal of the temporary restraining order is to make virtually impossible the resurrection of the competition which the merger has destroyed. While the Antitrust Division can proceed to litigate the case and seek a divestiture, the crucial question is: What of the public interest? What chance is there that after a long, drawn-out trial, the court can ever reconstitute the acquired bank as a substantial independent factor in competition? Management will be interwoven. Accounts—bank deposits and loans—will be scrambled. City National is giving up its present headquarters on South La Salle Street, across the street from Continental Illinois. This site will no doubt be unavailable when, as, and if the court concludes that the merger violated the antitrust laws and a divestiture is ordered.

The pace with which the physical merger took place over the weekend is graphically portrayed in this morning's American Banker:

As of Tuesday morning, the 31,000 customers of City National began using Continental Illinois checks and facilities in Continental's building at 231 South La Salle.

The physical merger of the City National into Continental Illinois was completed over the long Labor Day weekend. The move took place after a Hairbreadth Harry court battle with Attorney General Robert F. Kennedy's Department of Justice from which the banks emerged victorious.

Late Thursday afternoon, U.S. District Judge Miner denied the Justice Department's request for a temporary restraining order to stop the movers from going to work Friday.

The mammoth move across La Salle Street, in the planning stage since early January this year, began last Friday afternoon.

It involved 4 moving companies, 100 movers, 8 moving vans, 20 Chicago policemen, 125 bank guards, 5 Brinks armored cars, and a number of Brinks guards.

They moved and guarded more than $1,500,000 in cash and more than $1.5 billion in securities.

In addition, 600 desks, 1,000 chairs, and 1,500 filing cabinets were transferred from 208 to 231 S. La Salle.

The cash and securities traveled via armored car. Detailed precautions were taken to see that nothing went amiss. Armed guards, for example, were strategically placed in the windows of both banks and at vantage points along the La Salle Street canyon to observe the transfer of securities.

As an extra precaution, the banks took out a $45-million insurance policy to protect them against loss during the move.

GIDNEY'S APPROVAL NULLIFIED ATTORNEY GENERAL'S INJUNCTIVE POWERS

The plain fact is that approval of the merger by the Comptroller of the Currency checkmated the Attorney General. A minimum requirement for securing a temporary restraining order was for the Government to show a prima facie violation of the antitrust laws and damage to the public interest. But Comptroller of the Currency Gidney had already approved the merger as in the public interest—in utter and complete disregard of the adverse opinions of the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Attorney General.

Mr. Gidney knows of the difficulties of restoring competition by divestiture after a bank merger has been consummated. He testified as to these difficulties himself before the Senate Banking and Currency Committee in March 1959. This is what Mr. Gidney said:

To require a separation of the merged bank back into its constituent elements, [is] an almost impossible task in the case of banks.

Certainly the public interest is at stake here. The public interest will suffer untold damage by the elimination of competition in the banking business in Chicago. But the district court gave no consideration whatever to this question and only discussed the extent of the pos-

sible injury to the private interests of the merging banks.

The court concluded that the merger had "progressed too far" and could not be restrained without "irreparable injury" to the merging banks. Referring to the question of the public interest, the court stated:

Section 1828, regulations governing insured banks, confers upon the Comptroller of Currency the right and power to examine and consider proposed mergers of banks and their effects on competition, etc. It provides that the Comptroller shall request a report from the Department of Justice embracing its views, and that it shall not approve any merger unless, after considering all factors, it finds the transaction to be in the public interest. The Comptroller of Currency did act under the said statute and did sanction the merger as being in the public interest after prolonged negotiations and conferences between the banks, the Department of Justice, the Comptroller of Currency, and other governmental agencies.

The court went on to state:

Furthermore, any restraining order would nullify the finding of the Comptroller of Currency that the merger is in public interest without affording the banks an opportunity to litigate it. Also, the uncontradicted testimony before the court is that the merger has been "virtually completed" except for the physical transfer of the assets.

DECISION BIG VICTORY FOR BANKS

The court's refusal to grant the Attorney General's request for a temporary restraining order was hailed as a "big victory for the banks." It is said to have "dramatized the difficulties of dividing responsibility for bank mergers among the Federal bank supervisory agencies and the Department of Justice."

I should like to include here an article appearing in Sunday's New York Times discussing this and other aspects of the Chicago bank merger.

CHICAGO BANK MERGER DISPUTE POINTS UP LACK OF YARDSTICKS

(By Albert L. Kraus)

A Federal judge in Chicago has dramatized the difficulties of dividing responsibility for bank mergers among the Federal bank supervisory agencies and the Department of Justice. By refusing to grant the Department's request for a temporary restraining order, the judge, Julius H. Miner, paved the way for the merger this weekend of the City National Bank & Trust Co. into the Continental Illinois National Bank & Trust Co., both of Chicago.

Two days earlier, the Department of Justice had sued to block this union of the city's second and sixth largest banks, charging that it would "substantially and unreasonably" reduce commercial banking competition in the Chicago area.

Judge Miner said the merger had "progressed too far" and that a restraining order would kill the merger. The court, he said, could not permit such hurt "without a full hearing on the issues."

BIG VICTORY FOR BANKS

For the banks, the decision was a major victory. Judge Miner seconded their view that the Federal bank merger statute enacted last year gave final approval of bank mergers to the appropriate Federal supervisory agency—the Comptroller of the Currency for national banks, the Federal Reserve Board for State-chartered member banks, and the Federal Deposit Insurance Corporation for insured nonmembers. The Department of Justice was required to give its advice on competitive aspects of proposed mergers, but this was only one of several factors to be considered in making the determination.

Under the statute, nothing was done to prevent the Department from challenging in the courts a merger that it considered in violation of the antitrust laws.

Judge Miner did not contradict this point. But he said a restraining order "would nullify the finding of the Comptroller that the merger is in the public interest without affording the banks an opportunity to litigate it."

In arguing for the restraining order, the Department of Justice said that if the merger were permitted and later found to be illegal the only remedy would be to reestablish the two banks as before. Completion of the merger, it said, would so scramble the two banks' assets as to make unscrambling later difficult, if not impossible.

For their part, the banks said that granting of the order would permanently disrupt the merger plans.

There seems little question that the possibility of a long engagement can put the chill on even the most promising corporate marriage plans. Faced with such a prospect 2 years ago, Firstamerica Corp. agreed to a consent decree rather than go ahead with 2 or 3 years of litigation.

Firstamerica, a bank holding company with units in 11 Western States, had sought to acquire the California Bank, Los Angeles, and to merge it with one of its subsidiaries. It was permitted to make the acquisition, but as part of the deal it was required to spin off about one quarter of its assets and one quarter of its branches to form a new bank. Firstamerica has since been renamed the Western Bancorporation.

In such circumstances, it is not impossible to understand the banks' characterization of the restraining order as a bludgeon in the hands of the Department of Justice.

On the other hand, the problem of "restructuring" competition is no simple matter. In Illinois, where branching is prohibited, the task could prove much more difficult than in California, where statewide branching is allowed by law.

The merger of City National into Continental Illinois, for example, would entail the relinquishing of City National's present headquarters on South La Salle Street, across the street from Continental Illinois, a site that might be difficult to obtain again if the bank were required to go back into business on its own.

One part of the problem is the lack of any objective standards in the statutes for deciding when competition becomes inadequate, when concentration becomes excessive, and when big is too big.

Until Congress or the courts establish such standards or resolve the conflict between the Department of Justice and the Federal supervisory agencies, such confusion seems likely to continue.

GIDNEY'S CONCEPT OF COMPETITION ALIEN TO AMERICAN FREE ENTERPRISE

Last Friday—September 1—I called for the resignation of Comptroller of the Currency Ray M. Gidney. It is clear that Mr. Gidney has no interest whatever in preservation of competition in the banking business. He would welcome a giant nationwide branch banking system. I know of no single instance where he has ever disapproved a bank merger on competitive grounds, and he has testified that even if a merger takes place between the only two banks in a community "there is still competition in the community." Mr. Gidney has stated that he would disapprove any bank merger that might jeopardize competition, but this is clearly a hollow promise, for Mr. Gidney's notions of competition in the public interest are more akin to concepts of European cartel systems than anything fundamental to the American free enterprise system.

BANK MERGER MORATORIUM NEEDED NOW

Mr. Speaker, on April 17 last, I introduced a joint resolution calling for a moratorium on bank consolidations, mergers, and acquisitions until December 31, 1964. The resolution, which would prohibit such consolidation, merger, or acquisition unless it can be shown the action is necessary to keep a bank open and in operation, was as follows:

Joint resolution to provide for a moratorium on bank consolidations, mergers, and acquisitions

Whereas bank consolidations, mergers, and acquisitions are occurring at an extremely high rate, with more than 100 bank mergers occurring in every year since 1952, and with 1,358 such mergers occurring during the period 1953 to 1960; and

Whereas such consolidations, mergers, and acquisitions have resulted in a high degree of concentration in the ownership of banking facilities, services, and assets in many communities; and

Whereas in the past there has not been adequate enforcement of existing legislation prohibiting such consolidations, mergers, and acquisitions contrary to the public interest nor adequate legislation to prohibit certain types of bank consolidations, mergers, and acquisitions contrary to the public interest; and

Whereas it may take many months or even years to complete adjudication of the antitrust actions recently initiated against certain bank mergers; and

Whereas, notwithstanding the salutary effects which may result ultimately from these antimerger actions, if the current rate of mergers continues, concentration of ownership in banking will increase to excessive levels and many more local communities will be deprived of adequate banking services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, it is the sense of the Congress further irreparable damage would ensue if bank consolidations, mergers, and acquisitions are continued; and, therefore, that further consolidations, mergers and acquisitions, by national banking institutions and other banking institutions insured by the Federal Deposit Insurance Corporation not be permitted prior to December 31, 1964, unless it be shown that such consolidation, merger, or acquisition is necessary to keep the acquired bank open and in operation.

QUALIFICATIONS FOR NEW COMPTROLLER OF THE CURRENCY

Mr. Speaker, I have called for Comptroller Gidney's resignation. His successor should be one who appreciates the necessity for a competitive banking system, and one who is not satisfied to see a continuation of the rash of mergers and acquisitions and to stand by idly keeping up the barriers to new banking entrants. A new Comptroller of the Currency should be deeply concerned with the fact that today there are less than 13,500 commercial banks as compared with over 31,000 in 1920. In other words, there are only 43 banks today where there were 100 some 40 years ago. The population per bank in the United States was only about 3,400 in 1920. Now the population per bank exceeds

13,000. So the average bank now has 3.8 times the customer potential that prevailed in 1920.

Some proponents of branch banking point to the increase in the number of bank branches from about 1,200 in 1920 to more than 10,000 today and conclude that the availability of banking services is adequate. I would hope that the new Comptroller of the Currency will have the vision to see through this fallacy. It is almost too obvious to bear mentioning that branches of the same banking organization do not compete among themselves in any genuine economic sense. A borrower is obviously restricted in his alternative sources under a branch banking system. But the most serious danger of a branch banking system such as Mr. Gidney would welcome is the fact that local enterprise may be stifled. The local independent banker is interested in promoting local enterprise. He does not have to clear with a home office located in some remote metropolis. He is interested in bringing employment opportunities to the community. The branch bank, however, caters to the large, well-established businesses, and would look with disfavor on any new concern which might represent a competitive threat to its well-established accounts.

DANGERS OF NATIONWIDE BRANCH BANKING SYSTEM

It is quite apparent that there is a widespread campaign underway to promote branch banking. An answer to some of the proponents of branch banking is given to the editor of the American Banker in its issue of September 1, written by R. O. Byerrum, president of the University State Bank of Chicago. According to Mr. Byerrum:

An attempt is also made by the Illinois Council for Branch Banking to link up branch banking with the maintenance of competition in the banking field. It should be stated, however, that branch banking and bank mergers both have one common effect—to reduce competition. With branch banking the number of independent banks would obviously decline.

I would like to include the entire text of Mr. Byerrum's letter to the American Banker at this point:

DOES PUBLIC REALIZE WHAT BRANCH BANKING MEANS?

EDITOR, AMERICAN BANKER: A few days ago there appeared in one of the larger Chicago metropolitan newspapers, and elsewhere, including the American Banker, reports of an article from the chairman of the Illinois Council for Branch Banking, a self-appointed outfit opposed to independent banking.

The public is being misled by its statement that Chicago is underbanked and that its banking facilities are insufficient to take care of our expanding needs, and the chairman stated that this is a clear relationship * * * between Chicago's economic growth * * * and limited branch banking. Unfortunately, the facts hardly support his gloom-and-doom conclusion that metropolitan Chicago is suffering from economic decline.

Let me quote a letter recently received from the Chicago Association of Commerce and Industry: "During the past decade Metropolitan Chicago has enjoyed the greatest industrial expansion and prosperity of any comparable area in history."

During the last decade, factory construction in the Chicago metropolitan region was twice as high as that for any other metropolitan area in the Nation. Industrial development investments, which include both factory and nonfactory expenditures, for the years up to 1960 led the Nation and totaled more than $3.2 billion. At present Metropolitan Chicago has 3.69 percent of the Nation's population, but it produces 5.4 percent of U.S. output. On a per capita basis Metropolitan Chicago output amounts to $3,431 annually or 48 percent above the national average of $2,231.

An attempt is also made by the council to link up branch banking with the maintenance of competition in the banking field. It should be stated, however, that branch banking and bank mergers both have one common effect—to reduce competition. With branch banking the number of independent banks would obviously decline.

The Federal Government is actively seeking to maintain vigorous competition in the banking field. The Federal Bank Merger Statute enacted in 1960 requires approval of bank mergers. The Department of Justice has gone to court to block a pending merger in Chicago, and in Philadelphia a consolidation merger of the second and third largest banks on the grounds that this would create a bank half again as large as the largest bank in Philadelphia. Together, the two banks would then account for approximately 62 percent of the total banking assets of all commercial banks in the city. The Justice Department maintains that this would lessen competitive aspects of banking in Philadelphia. It is also testing the application to banks of section 7 of the Clayton Act which prohibits mergers that "tend to lessen substantially competition in any section of the country."

It is quite possible that our Department of Justice may save capitalism from extinguishing itself because of the acts of a few.

Quite a play has been made on the council's fatuous statement that $3 million in deposits would be created by this system of banking. May I respectfully ask from whence would all this money come?

With 13,000 independent known banks in the United States we have helped to develop the strongest economy ever known by any nation in the world and during the past 15 years or more we have been supporting the economies of most of the major powers of the world—nations whose domestic economy has been strangulated by the old archaic branch banking system. It is estimated that if nationwide branch banking were adopted in the United States, our banking system would be set back at least 75 or 100 years.

Monopoly banking in the hands of a few men always leads to tyranny and dictatorship, and destroys the strong competition that now exists.

Our bank system at the present time is the most progressive and enlightened banking field.

Very truly yours,

R. O. BYERRUM,
President, University State Bank.

CHICAGO, ILL.

EXTENT OF CONCENTRATION IN BANKING IN MAJOR METROPOLITAN AREAS

In practically every community in this country the number of banks has been reduced to the point where only a very few control the business. Here are some figures from the 1960 annual report of the Federal Deposit Insurance Corporation:

In no less than 58 out of a total of 65 metropolitan areas surveyed, the 3 largest commercial banks have more than 50 percent of the deposits in all the banks in the area.

In 33 metropolitan areas, the 3 largest commercial banks have more than 70 percent of the deposits of all commercial banks in the area.

In 22 metropolitan areas, the 3 largest commercial banks own more than 80 percent of the deposits. And in 6 metropolitan areas, the 3 largest commercial banks hold over 90 percent of the deposits.

Superimposed upon all these concentrations in local areas is the dominant position of the largest commercial banks in the country. The top 10 commercial banks—6 of which are located in New York City—on June 30, 1961, held $48.2 billion of deposits. This represents 21.7 percent of the $222 billion of deposits held by all commercial banks in the United States. These few giant commercial banks set the whole pattern of interest rates charged by commercial banks throughout the country.

It is high time that our Federal banking officials incorporate within their concept of the public interest the basic American ideal of a free competitive banking system.

PERSONAL ANNOUNCEMENT

Mr. MONTOYA. Mr. Speaker, on rollcall No. 188 I was absent and recorded as not voting. I would like the RECORD to show that had I been present I would have voted "yea" on that rollcall.

CONGRATULATIONS TO BILL DOHERTY ON 20TH ANNIVERSARY AS PRESIDENT OF THE NATIONAL ASSOCIATION OF LETTER CARRIERS

Mr. LANE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. LANE. Mr. Speaker, ability, initiative and personality are the qualities that make a leader. As an example, I call your attention to William C. Doherty, president of the National Association of Letter Carriers.

Twenty years ago, on September 6, 1941, he was sworn in as head of the largest organization of Federal employees. As a letter carrier himself who trudged many miles each day, serving the people of his route, Bill Doherty knew that strong leadership was required to improve the incomes of carriers, to strengthen their morale, to provide security for retirees, and survivorship benefits for widows and children.

Before he took charge and infused new life into the NALC, letter carriers had been on a treadmill where they had been getting the same inadequate salary for the preceding 16 years. Bill marshaled his forces, gave them goals to work for, and with his organizing genius and persuasive powers got the NALC moving forward again.

Few Members of Congress were aware of the organization in 1941, but Bill soon changed that. He instituted an effec-

tive campaign to bring the plight of the carriers to the notice of Congress and the general public. And things began to happen, for the better. In the past 18 years there have been nine pay raises. The membership of the NALC has increased to 150,000, 2½ times the 1941 level. A $3 million white marble national headquarters was built facing Capitol Hill, and the association is currently building an eight-story annex to house its growing health insurance program. And a $4½ million retirement paradise, Nalcrest, will be built on the shores of central Florida's Lake Walk-in-the-Water.

The progress under Doherty's administration has been impressive. Because of his energetic and inspiring leadership, the following benefits have been won: national life insurance for Federal employees; national health insurance; the enlargement of health benefits; the liberalization of sick benefits; liberalized annual leave provisions; the $100 a year uniform allowance; and a great number of other improvements both in working conditions and work procedures within post offices.

Bill is the type of leader who responds to challenge. The more difficult the task, the harder he works. To overcome legislative hurdles that blocked the way to a pay increase, Bill took on the formidable job of pushing a discharge petition, which is a technique for securing the signatures of 218 Members of the House to force a bill out of the Rules Committee and to a showdown vote in the House.

Sponsors of petitions seldom manage to get the required number of signatures. Only 33 have been successful in 51 years. Six of these were NALC petitions, and every one of them was successful, due to the courage and skill of Bill Doherty in winning over Members to favorable action on the vital problems of the letter carriers.

The leadership of Bill Doherty has helped every Federal employee, because in proving the case for the carriers, he opened the way for pay increases and fringe benefits throughout the Federal service. With commendable foresight he is strengthening the NALC and is training subordinates so that they will be prepared for positions of leadership in the future.

On his 20th anniversary as president of the National Association of Letter Carriers, we congratulate Bill Doherty on his brilliant record of achievements, and look forward to the continuation of his vigorous and productive administration which is the pride of the letter carriers, and the heartening example for all other Federal employees.

CLEARING THE PUBLIC RECORD

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

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

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, on August 29 I placed in the CONGRESSIONAL RECORD, page 17431, a column which had been written by Washington columnist, Drew Pearson, setting forth some reminiscences of Soviet Premier Khrushchev. Mr. Pearson had obtained these from the Soviet Premier during an interview with Khrushchev at a Black Sea resort. They included a reference to a Khrushchev-Ambassador Averell Harriman conversation in which it appeared that the Soviet dictator and the American Ambassador had made some agreement about Khrushchev helping the 1960 Democratic presidential candidate.

Upon reading Mr. Pearson's column, my first reaction was that we had to get to the bottom of this matter, to see if the allegation was true. My previously cited remarks called for Ambassador Harriman to make a statement on this, a request which was supported by the gentleman from New York [Mr. BARRY] in a statement on August 21—CONGRESSIONAL RECORD, page 17864—and for an investigation calling Ambassador Harriman and Mr. Pearson to clear the issue.

I have received a letter from Ambassador Harriman. It reads:

DEAR MR. CURTIS: Thank you for your letter of August 30 and the opportunity to comment on Drew Pearson's article which you inserted into the CONGRESSIONAL RECORD of August 29. My only comment is that I do not control irresponsible remarks made by Khrushchev. I haven't seen him since September 1959 when he came to the United States at the request of President Eisenhower.

Thanks for your good wishes, which I am glad to reciprocate.

Sincerely,

AVERELL HARRIMAN.

In fairness, it should be made clear that it was not necessarily any statement of Ambassador Harriman's or a case of misreporting by Mr. Pearson that is involved. It could be the irresponsible statements of Premier Khrushchev; this is the point that Ambassador Harriman makes and I am happy to have the RECORD reveal this. I think good reporting by Pearson on a subject this important required checking with Ambassador Harriman; had this been done the theme of Pearson's column would have been Khrushchev is a liar, rather than the unfortunate theme it followed.

COMMON PURPOSE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. GALLAGHER] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. GALLAGHER. Mr. Speaker, as the House Foreign Affairs Committee is about to vote on the creation of a U.S. disarmament agency, it is important that we all realize the importance of this issue and its full implication to the U.S. security as well as our rightful role as leader of the free world truly interested in humanity. I think our position is best expressed in an editorial that appeared in the Newark Evening News of Tuesday, September 5, 1961.

In the hope that these thoughts can stimulate the thinking of the Members who will soon be called upon to exercise their judgment on this important matter, I respectfully request that the editorial be made a part of this RECORD:

COMMON PURPOSE

President Kennedy feels that with world opinion aroused against Russia's resumption of nuclear testing, congressional approval of a U.S. disarmament agency would provide a sharp and timely contrast between United States and Soviet policies.

Some members of the Senate Foreign Relations Committee feel establishment of such an agency would be a sign of weakness, and there is growing coolness on Capitol Hill toward disarmament legislation at this session.

This is a shortsighted attitude, for the creation of a disarmament agency has long been administration policy and its implementation now would no more indicate weakness than has the President's decision to have John J. McCloy, his disarmament adviser, keep his previously scheduled appointment this week with Soviet Deputy Foreign Minister Zorin in New York.

Ostensibly the two are to discuss preparations for a broad international disarmament conference that for all practical purposes has already been sabotaged by the Soviet resumption of nuclear testing.

In his reaction to Premier Khrushchev's new terror campaign, Mr. Kennedy has succeeded in projecting a world image of the United States as being soberly confident of its own strength, yet at the same time deeply concerned over the security and well-being of less powerful nations and peoples.

This is an image that Congress should try to strengthen by accepting the President's judgment on the Disarmament Agency.

AMENDING INTERNAL REVENUE CODE RELATIVE TO TAXATION OF CERTAIN INCOME

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. ULLMAN] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. ULLMAN. Mr. Speaker, I am today introducing a bill to amend the Internal Revenue Code relative to the taxation of certain income derived from tribal lands or allotted and restricted land of Indians. My bill deals with what is, on one hand, a rather narrow technical point and aims at clarifying the situation regarding taxation by the Federal Government of different types of Indian income. At the same time there is a substantial policy question involved and I would like to speak briefly on both of these aspects.

In a 1956 ruling the Internal Revenue Service held that income "derived directly" from allotted and restricted Indian trust lands is exempt from Federal income taxes. The ruling expanded on the point by listing as examples of exempt incomes from such allotted and restricted lands, "rentals (including crop rentals), royalties, proceeds from the sales of natural resources, income from the sale of crops, and income from the use of the land for grazing purposes." However, in 1958, in a further ruling on this, the Internal Revenue Service held

that while income from grazing fees for the use of these lands is tax exempt, income from the sale of livestock raised on the lands by the Indians themselves is not.

In other words, Indians who raise crops on their allotted and restricted lands can sell them and the resultant income is tax exempt, but Indians who raise livestock or poultry on such lands must pay Federal income taxes on the proceeds from the sale of the livestock or poultry. The technical question, in view of the Internal Revenue Service is whether or not income from the sale of livestock raised on allotted and restricted lands is "derived directly" from those lands. While ruling that in the case of crops it is, the Service has held that in the case of livestock it is not. After reviewing this restrictive ruling at the request of Members of Congress, the Treasury Department reaffirmed the distinction made and said that "a more liberal interpretation must await further elucidation by judicial interpretation or by Congress itself."

So much for the technical aspect at issue which my bill would clarify by eliminating the narrow distinction between the two types of agricultural production. The policy question seems to me to be of more importance. Aside from the fact that to hold that income from crops raised on allotted and restricted lands is tax-exempt while that from livestock is not, constitutes, in my view, a discrimination against the livestock producers. A major effect of the Treasury ruling is to put a premium on rental rather than operation of such trust-status grazing lands by Indians. This is because the ruling holds that if the Indian rents his allotted land to someone else for grazing purposes, his income from this is tax exempt, but if he carries on a ranching operation on it himself, his income is taxed. Such an effect is directly contrary to our efforts to encourage self-sufficiency on the part of Indians. It results in further decreasing the number of Indians who operate their own lands. It should be noted that most allotments of Indian lands are so small that the rental value for grazing purposes does not constitute an adequate income whereas, if the Indian were able to operate the ranch himself, his prospects of securing an income sufficient to his family's needs would be increased.

Thus, both equity and sound public policy support, in my opinion, the need to eliminate this narrow distinction between the two types of income from Indian trust lands. The bill I have introduced today would achieve that purpose and I hope that it will receive early consideration and favorable action by the Congress.

THE SHARP EDGES OF QUESTIONS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from West Virginia [Mr. STAGGERS] is recognized for 5 minutes.

Mr. STAGGERS. Mr. Speaker, a spokesman for a well-known and highly respected college in the area, in announcing some curricular modifications, has this to say about his program:

> The overriding aim of the program has been, and remains, that the student should confront the tradition embodied in the great books, and through that confrontation learn to clarify his own opinions. To face directly what is problematic in the tradition, to locate the sharp edges of the crucial questions, is no easy task; it is, indeed, a kind of operation bootstrap. The work consists in the repeated effort to raise conflict to the level of rational articulation. Progress means a changing relation to the life of inquiry, a deepening insight into possibility.

Without entering any argument whatsoever as to whether this is or is not an appropriate aim for a college, it occurs to me that it is a singularly astute observation when applied to the matter of international negotiation.

We are disturbed by the seemingly negative results of recent negotiation, the apparent failure of the Geneva conference on nuclear disarmament being the newest example. We are inclined to say that negotiation is useless, and might as well be abandoned. Let us not forget that we are dealing with an entirely new concept in world policy. Our aim is a just and lasting peace. The goal lies at the other end of an unmapped road. We are all like students in a school, seeking something eminently desirable. But in this case we have no tradition to guide us, no body of tested experience to point the way. Our efforts have at least brought us into contact with the sharp edges of crucial questions, two of them being: How to wage war without the actual clash of arms; and, what settlements to make at the end of strife. The tradition of history has been to ignore or avoid both of those questions.

In the world of material things, we expect failure to precede progress. Burbank's ratio of failures to successes, when he was attempting to develop new and more useful plant forms, ran into the thousands. I do not know how many failures attended the efforts to harness the atom, or to put a missile into space, but they were many and expensive. But one success wipes out all antecedent failures.

A recent publication reports that a president of IBM, some years ago, was offering advice to a would-be writer who was discouraged by continued rejection of his manuscripts one after the other. He suggested: Double your rate of failure; somewhere beyond failure lies success, and that is where to look for it. In the field of international relations we can afford to make failures so long as we continue to confront the problematic. Repeated efforts are indeed raising conflict to the level of rational articulation. They are, in fact, driving our opponents from one untenable position after another. They are, in fact, clarifying our own positions in the eyes of the world. Every failure deserves a new and more discerning effort. Step by step we acquire a deepened insight into what is possible.

If we grant the importance of substituting rational settlement of differences for armed conflict in this dangerous world of ours, it is difficult to avoid the conclusion that we should set up appropriate machinery for studying and promoting the arts of peace. A full-scale Department of Peace in the President's Cabinet would provide the needed machinery. It would, in a sense, give us a body of professional experts engaged solely in discovering and applying appropriate procedures in solving difficulties. Our representatives selected for the various conferences in which we have participated are probably the best men available for the job. In most cases, they carry other important responsibilities and duties to which their major attention must be directed. Membership changes from one negotiating team to the next, and there is little opportunity to learn from experience. The value of a permanent group trained in the art of negotiation and dedicated to the problem of resolving conflict can scarcely be questioned.

An incidental virtue in a fully organized and active Department of Peace is that it in no way limits our preparation for war in the case that conflict becomes unavoidable. It remains the duty of a modern society to protect its rights and to promote its interests by force, if necessary, just as such a duty has been accepted by all societies throughout history. But to be abundantly ready to fight in defense of the things we hold precious is only one side of the matter. On it we justifiably expend untold energy and treasure, not to mention rivers of warm human blood. The obverse of the coin calls for a sophisticated contrivance for averting what may well be the ultimate tragedy of the human race.

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. STAGGERS (at the request of Mr. ALBERT) for 5 minutes today, to revise and extend his remarks, and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. MCCORMACK (at the request of Mr. ALBERT) and to include extraneous matter.

(The following Members (at the request of Mr. NELSEN) and to include extraneous matter:)

Mr. HIESTAND.

Mr. BOW.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2481. An act to amend the National Aeronautics and Space Administration Authorization Act for the fiscal year 1962; to the Committee on Science and Astronautics.

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 pro tempore:

H.R. 32. An act authorizing the establishment of the Fort Smith National Historic Site, in the State of Arkansas, and for other purposes; and

H.R. 256. An act to amend the District of Columbia Alcoholic Beverage Control Act.

SENATE ENROLLED BILLS SIGNED

The SPEAKER pro tempore announced his signature to enrolled bills of the Senate of the following titles:

S. 415. An act for the relief of Margaret Jean Dauel;

S. 513. An act to authorize and direct the Secretary of the Treasury to cause the vessel *Acadia*, owned by Robert J. Davis, of Port Clyde, Maine, to be documented as a vessel of the United States coastwise privileges;

S. 888. An act to authorize the Secretary of the Interior to lease certain lands in the State of Utah to Joseph A. Workman; and

S. 1012. An act to direct the Secretary of the Interior to adjudicate a claim of the Greif Bros. Cooperage Corp., to certain land in Marengo County, Ala.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 206. An act to facilitate administration of the fishery loan fund established by section 4 of the Fish and Wildlife Act of 1956, and for other purposes;

H.R. 1098. An act to amend section 901 of title 38, United States Code, to provide that a flag shall be furnished to drape the casket of each deceased veteran of Mexican border service;

H.R. 1337. An act for the relief of Amelia Andreoli D'Attorre;

H.R. 1627. An act for the relief of the Princess Ann County School Board, Virginia;

H.R. 2111. An act for the relief of Benjamin Schoenfeld;

H.R. 2429. An act to prohibit destruction of, or injury to, certain property moving in interstate or foreign commerce, and for other purposes;

H.R. 2457. An act to amend title V of the Merchant Marine Act, 1936, in order to clarify the construction subsidy provisions with respect to reconstruction, reconditioning, and conversion, and for other purposes;

H.R. 3159. An act to permit certain foreign-flag vessels to land their catches of fish in the Virgin Islands in certain circumstances, and for other purposes;

H.R. 3222. An act to amend section 4(a) of the act of April 1, 1942, so as to confer jurisdiction on the municipal court for the District of Columbia over certain counterclaims and crossclaims in any action in which such court has initial jurisdiction;

H.R. 3296. An act to authorize the Secretary of Interior to nominate citizens of the Trust Territory of the Pacific Islands to be cadets at the U.S. Merchant Marine Academy;

H.R. 4539. An act to amend section 723 of title 28 of the United States Code to provide for immediate payment of dividends on insurance heretofore issued under section 621 of the National Service Life Insurance Act of 1940 which has been converted or exchanged for new insurance under such section, and for other purposes;

H.R. 4639. An act for the relief of Rear Adm. Carl H. Cotter;

H.R. 5054. An act for the relief of Wolfgang Stresemann;

H.R. 5180. An act for the relief of Dr. Ferenc Domjan and others;

H.R. 5321. An act for the relief of American President Lines, Ltd., Nitto Shosen Co., Ltd., and Koninklijke Java-China-Paketvaart Lijnen N.V. (Royal Interocean Lines);

H.R. 5647. An act for the relief of David C. Thomas, Robert W. Barber, Milton A. Chace, and Richard F. Turner;

H.R. 5656. An act to provide for reasonable notice of application to the U.S. courts of appeals for interlocutory relief against the orders of certain administrative agencies;

H.R. 6495. An act to amend the Life Insurance Act of the District of Columbia;

H.R. 6798. An act to amend the act incorporating the Washington Home for Foundlings and to define the powers of said corporation;

H.R. 7044. An act to amend section 35 of chapter III of the Life Insurance Act for the District of Columbia;

H.R. 7154. An act to authorize the Commissioners of the District of Columbia to regulate the keeping and running at large of dogs;

H.R. 7265. An act to amend the code of law for the District of Columbia so as to provide a new basis for determining certain marital property rights, and for other purposes;

H.R. 7707. An act for the relief of Andrew Telesfor Kostanecki;

H.R. 8032. An act to amend the Healing Arts Practice Act, District of Columbia, 1928, and for other purposes; and

H.R. 8033. An act to amend section 17 of the Interstate Commerce Act so as to authorize the delegation of certain duties to employee boards.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 41 minutes p.m.) the House adjourned until tomorrow, Thursday, September 7, 1961, 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:

1290. A letter from the Assistant Comptroller General of the United States, transmitting the report on our review of selected activities of the Federal-aid highway program of the Bureau of Public Roads, Department of Commerce, in the States of Maine, New Hampshire, and Vermont; to the Committee on Government Operations.

1291. A letter from the Secretary of the Navy, transmitting a report relating to the construction of a dam immediately below the confluence of De Luz Creek with the Santa Margarita River on Camp Joseph H. Pendleton, San Diego County, Calif., pursuant to (68 Stat. 575); to the Committee on Interior and Insular Affairs.

1292. A letter from the Postmaster General, transmitting a draft of a proposed bill entitled "A bill to amend title 39 of the United States Code to provide for restoration of salary to postmasters in post offices of the fourth class in certain cases"; to the Committee on Post Office and Civil Service.

1293. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, relative to reporting that the appropriation to the Department of the Interior for "Management of lands and resources," Bureau of Land Management, for the fiscal year 1962, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

1294. A letter from the Acting President, Board of Commissioners, District of Columbia, transmitting a draft of a proposed bill entitled "A bill to amend the Street Readjustment Act of the District of Columbia so as to authorize the Commissioners of the District of Columbia to close all or part of a street, road, highway, or alley in accordance with the requirements of an approved redevelopment or urban renewal plan, without regard to the notice provisions of such act, and for other purposes"; to the Committee on the District of Columbia.

1295. A letter from the Secretary of Commerce, transmitting a report of all claims paid by the Department of Commerce during fiscal year 1961, pursuant to section 404 of the Federal Tort Claims Act (28 U.S.C. 2675); to the Committee on the Judiciary.

1296. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of an order together with a list showing the name of the person involved, pursuant to the act of September 11, 1957; to the Committee on the Judiciary.

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. CANNON: Committee on Appropriations. H.R. 9076. A bill making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Valley Authority, and certain study commissions, for the fiscal year ending June 30, 1962, and for other purposes; without amendment (Rept. No. 1125). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee on Banking and Currency. S. 2325. An act to amend the Export-Import Bank Act of 1945; with amendment (Rept. No. 1126). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 399. Resolution to authorize the Committee on the District of Columbia to conduct an investigation and study of the organization, management, operation, and administration of departments and agencies of the government of the District of Columbia; without amendment (Rept. No. 1127). Referred to the House Calendar.

Mr. THORNBERRY: Committee on Rules. House Resolution 451. Resolution providing for the consideration of S. 320, an act to amend the provisions contained in part II of the Interstate Commerce Act concerning registration of State certificates whereby a common carrier by motor vehicle may engage in interstate and foreign commerce within a State; without amendment (Rept. No. 1128). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WALTER: Committee on the Judiciary. S. 262. An act for the relief of Constantinos Georgiou Stavropoulos; without amendment (Rept. No. 1118). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 263. An act for the relief of Guiseppe Glorioso; without amendment (Rept. No. 1119). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 264. An act for the relief of Mr. and Mrs. Franklin Leong; without amendment (Rept. No. 1120). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 553. An act for the relief of Olga G. Coutsoubinas and Spyridon G. Coutsoubinas; without amendment (Rept. No. 1121). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 592. An act for the relief of Nishan Der Simonian; without amendment (Rept. No. 1122). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1934. An act for the relief of Mrs. Chow Chui Ha; without amendment (Rept. No. 1123). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 6226. A bill for the relief of Arlin David English; with amendment (Rept. No. 1124). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANFUSO:

H.R. 9062. A bill to establish a Department of Culture; to the Committee on Government Operations.

By Mr. CEDERBERG:

H.R. 9063. A bill to regulate the foreign trade of the United States by providing safeguards to domestic industry against unfair and destructive imports and to authorize reciprocal trade agreements between the United States and foreign countries; to the Committee on Ways and Means.

By Mr. HARSHA:

H.R. 9064. A bill to deny the use of the U.S. postal service for the carriage of Communist political propaganda; to the Committee on Post Office and Civil Service.

By Mr. KNOX:

H.R. 9065. A bill to regulate the foreign trade of the United States by providing safeguards to domestic industry against unfair and destructive imports and to authorize reciprocal trade agreements between the United States and foreign countries; to the Committee on Ways and Means.

By Mr. ROGERS of Texas:

H.R. 9066. A bill to require loyalty declarations from employees of Government suppliers and from labor organizations representing the employees of such suppliers; to the Committee on the Judiciary.

By Mr. SHRIVER:

H.R. 9067. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer a deduction from gross income for tuition and other expenses paid by him for his education or the education of his spouse or any of his dependents; to the Committee on Ways and Means.

By Mr. ULLMAN:

H.R. 9068. A bill to establish reciprocity between members of the Confederated Tribes of the Umatilla and Warm Springs Indian Reservations and other Indian tribes in the matter of succession by will or inheritance to certain types of restricted or trust properties, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 9069. A bill to amend the Internal Revenue Code of 1954 to provide that income derived by an Indian from tribal lands or allotted and restricted Indian lands shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. YATES:

H.R. 9070. A bill to amend title II of the Social Security Act to provide that an individual who is otherwise qualified but delays filing his application for old-age insurance benefits (or for his wife's, husband's, or child's benefits in certain cases) shall be entitled to such benefits from the time he originally became so qualified; to the Committee on Ways and Means.

By Mr. ALBERT:

H.R. 9071. A bill to designate a certain dam on the Canadian River, Okla., as the Eufaula Dam, and the reservoir created by that dam as the Lake of the Five Civilized Tribes; to the Committee on Public Works.

By Mr. McCORMACK:

H.R. 9072. A bill to amend section 7 of the War Claims Act of 1948; to the Committee on Interstate and Foreign Commerce.

By Mr. MOELLER:

H.R. 9073. A bill to amend the Davis-Bacon Act to make it applicable to certain contracts under which a building is to be constructed or altered and leased to the United States; to the Committee on Education and Labor.

By Mr. ROBERTS:

H.R. 9074. A bill to amend the act approved July 14, 1960 (74 Stat. 526), relating to the establishment of a register in the Department of Commerce of certain motor vehicle operators' licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Mississippi:

H.R. 9075. A bill to amend section 1033 of the Internal Revenue Code of 1954 to permit certain taxpayers whose property was involuntarily converted before 1958, but who were unable to obtain replacement property meeting the requirements then in effect, to obtain nonrecognition of gain through replacement with property meeting the current requirements; to the Committee on Ways and Means.

By Mr. CANNON:

H.R. 9076. A bill making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Valley Authority, and certain study commissions, for the fiscal year ending June 30, 1962, and for other purposes; to the Committee on Appropriations.

By Mr. FULTON:

H.R. 9077. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

By Mr. RHODES of Arizona:

H.R. 9078. A bill to amend the act approved July 14, 1960 (74 Stat. 526), relating to the establishment of a register in the Department of Commerce of certain motor vehicle operators' licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBISON:

H.R. 9079. A bill to amend the Tariff Act of 1930 to place drive calks, drive calk shoes, and certain drive calk tools on the free list; to the Committee on Ways and Means.

By Mr. MOELLER:

H.J. Res. 563. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. ALFORD:

H. Con. Res. 386. Concurrent resolution declaring the sense of the Congress that no further reductions in tariffs be made during the life of the present Reciprocal Trade Agreements Act; to the Committee on Ways and Means.

By Mr. ROBISON (by request):

H. Con. Res. 387. Concurrent resolution, declaring the sense of the Congress that no further reductions in tariffs be made during the life of the present Reciprocal Trade Agreements Act; to the Committee on Ways and Means.

By Mr. HEMPHILL:

H. Con. Res. 388. Concurrent resolution expressing the sense of the Congress with respect to the South Carolina State Student Legislature; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. DOWDY (by request):

H.R. 9080. A Bill to authorize the Philadelphia, Baltimore & Washington Railroad Co. to construct, maintain, and operate branch sidings over First Street SW., in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FINO:

H.R. 9081. A bill for the relief of John Postupak; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 9082. A bill for the relief of Mrs. Moy Ng Shee; to the Committee on the Judiciary.

By Mr. OLSEN:

H.R. 9083. A bill for the relief of Lauren F. Teutsch; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

208. The SPEAKER presented a petition of Mr. Albert C. Lambert, national secretary-treasurer, Sons of Union Veterans of the Civil War, Trenton, N.J., transmitting a copy of a resolution adopted by the 80th Annual Encampment of the Sons of Union Veterans of the Civil War, which met in Indianapolis, Ind., which was referred to the Committee on the Judiciary.

SENATE

WEDNESDAY, SEPTEMBER 6, 1961

The Senate met at 10 o'clock a.m., and was called to order by Hon. J. J. HICKEY, a Senator from the State of Wyoming.

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

O Lord God, who knowest the burdens we bear and the temptations which beset us, grant us the royalty of inward happiness and the composure which comes from living near to Thee. Daily renew in us a sense of joy and let the love that casteth out fear dwell in our hearts that we may carry about the infection of a good courage and may meet all life's ills and disappointments with gallant, highhearted happiness, giving Thee thanks always for all things.

Endue with the spirit of wisdom Thy servants here to whom has been entrusted the responsibility of government. As with righteous wrath we behold the vile treacheries which today foul the earth, give us that personal honor and integrity which shall make us fit to be the