SENATE

WEDNESDAY, SEPTEMBER 20, 1961

The Senate met at 12 o'clock meridian, and was called to order by the Honorable BENJAMIN A. SMITH II, a Senator from the State of Massachusetts.

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

O Thou whose throne is justice and truth: Frail creatures of dust, yet stamped with Thine image, serving out our brief stay on the world's vast stage, we would set our little lives in the light of Thine eternity. In that perspective we fear no foe with Thee at hand to bless and to gird us with a strength that is not our own.

As those to whom has been committed the stewardship of the fair and firm fabric of the Nation's life, grant those who here serve the people of the Republic in these dread days of decision a saving experience of inner quiet and serenity.

Knowing that all truth is Thine, and that it is only truth that makes men free, and that fetters of the mind and spirit and body as they desecrate human dignity are an offense to Thee, the Creator, strengthen our will, we beseech Thee, that we may not be browbeaten by threatening evil, or surrender to craven fear, but having done all for a just peace, to stand where honor and duty draw the line from which there can be no retreat without our being recreant to our solemn trust for freedom's cause.

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

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 20, 1961.
To the Senate:

Being temporarily absent from the Senate, I appoint Hon. BENJAMIN A. SMITH II, a Senator from the State of Massachusetts, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. SMITH thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. HUMPHREY, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, September 19, 1961, was dispensed with.

HOUSE BILL REFERRED

The bill (H.R. 9096) to amend the antitrust laws to authorize leagues of professional football, baseball, basketball, and hockey teams to enter into certain television contracts, and for other purposes, passed by the House of Representatives on September 18, 1961, was read twice by its title, and referred to the Committee on the Judiciary.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on September 18, 1961, the President had approved and signed the act (S. 1368) to amend the Shipping Act, 1916, to provide for licensing independent ocean freight forwarders, and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1720. An act for the relief of Paul Vassos (Pavlos Veizis);

H.R. 2640. An act for the relief of Yoko Takayashiki;

H.R. 5324. An act for the relief of Dr. Serafin T. Ortiz;

H.R. 6226. An act for the relief of Arlin David English;

H.R. 8847. An act to amend the Internal Revenue Code of 1954 so as to provide that a distribution of stock made to an individual (or certain corporations) pursuant to an order enforcing the antitrust laws shall not be treated as a dividend distribution but shall be treated as a return of capital; and to provide that the amount of such a distribution made to a corporation shall be the fair market value of the distribution; and

H.R. 9118. An act to establish a U.S. Arms Control Agency.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

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

S. 336. An act to make available to children who are handicapped by deafness the specially trained teachers of the deaf needed to develop their abilities and to make available to individuals suffering speech and hearing impairments the specially trained speech pathologists and audiologists needed to help them overcome their handicaps;

S. 902. An act to amend the Small Business Investment Act of 1958, and for other purposes;

S. 1459. An act to amend the provisions of law relating to longevity step increases for postal employees;

S. 1927. An act to amend further the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, and for other purposes;

S. 1990. An act 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;

S. 2272. An act to disclaim interest in certain rights in certain lands in the State of Nevada;

S. 2393. An act 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;

H.R. 1333. An act for the relief of A. N. Deringer, Inc.;

H.R. 1507. An act for the relief of Capt. Jacob Haberle;

H.R. 2179. An act for the relief of Essie V. Johnson;

H.R. 2334. An act for the relief of Washington George Brodber Bryan;

H.R. 2615. An act for the relief of Dr. Victor Wang Ta Ng and his wife, Alice Siu Har Ng;

H.R. 2666. An act for the relief of Adelina Benedict (nee Rosasco);

H.R. 3007. An act for the relief of Alberto Luciano (Rocchi) Rosasco;

H.R. 3132. An act for the relief of Lucille Collins;

H.R. 4028. An act for the relief of Lennon May;

H.R. 4484. An act for the relief of Miss Liu Lai Ching;

H.R. 4917. An act for the relief of Albany County, N.Y.;

H.R. 5334. An act for the relief of Mrs. Helena Sullivan;

H.R. 5486. An act to prohibit the examination in District of Columbia courts of any minister of religion in connection with any communication made to him in his professional capacity, without the consent of the party to such communication;

H.R. 6729. An act 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;

H.R. 6834. An act to amend section 35 of title 18, United States Code;

H.R. 7259. An act 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.;

H.R. 7358. An act to amend section 4126 of title 18, United States Code, with respect to compensation to prison inmates for injuries incurred in the course of employment;

H.R. 7873. An act for the relief of Mrs. Maria Gonzalez Fernandez Long;

H.R. 8236. An act to authorize the use of funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation;

H.R. 8341. An act to authorize the Secretary of the Interior to conduct a study covering the causes and prevention of injuries, health hazards, and other health and safety conditions in metal and nonmetallic mines (excluding coal and lignite mines);

H.R. 8490. An act to amend the act of September 2, 1958, establishing a Commission and Advisory Committee on International Rules of Judicial Procedure, as amended;

H.R. 8871. An act to amend the Federal Employees' Compensation Act of 1960;

H.R. 9030. An act to amend the act to promote the education of the blind, approved March 3, 1879, as amended, so as to authorize wider distribution of books and other special instruction materials for the blind, and to increase the appropriations authorized for this purpose, and to otherwise improve such act;

H.R. 9080. An act to authorize the Philadelphia, Baltimore & Washington Railroad Co. to construct, maintain, and operate branch sidings over First Street SE., in the District of Columbia; and

H.J. Res. 358. Joint resolution 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.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 1720. An act for the relief of Paul Vassos (Pavlos Veizis);

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

H.R. 2640. An act for the relief of Yoko Takayashiki;

H.R. 5324. An act for the relief of Dr. Serafin T. Ortiz; and

H.R. 6226. An act for the relief of Arlin David English; to the Committee on the Judiciary.

H.R. 8847. An act to amend the Internal Revenue Code of 1954 so as to provide that a distribution of stock made to an individual (or certain corporations) pursuant to an order enforcing the antitrust laws shall not be treated as a dividend distribution but shall be treated as a return of capital; and to provide that the amount of such a distribution made to a corporation shall be the fair market value of the distribution; to the Committee on Finance.

LIMITATION OF DEBATE DURING MORNING HOUR

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following communication and letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL ESTIMATE, EXECUTIVE MANSION AND GROUNDS (S. DOC. NO. 52)

A communication from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1962, in the amount of $165,000, for the Executive Mansion and grounds (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

REPORTS ON REAPPORTIONMENT OF APPROPRIATIONS

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Agriculture for "Forest protection and utilization," Forest Service, for the fiscal year 1962, had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Veterans' Administration for "General operating expenses," for the fiscal year 1962, had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT ON PROGRESS OF LIQUIDATION ACTIVITIES OF RECONSTRUCTION FINANCE CORPORATION

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report on the progress of the liquidation activities of the national defense, war and reconversion activities of Reconstruction Finance Corporation, as of June 30, 1961 (with an accompanying report); to the Committee on Banking and Currency.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

NATIONAL TROPICAL BOTANICAL GARDEN—RESOLUTION OF 10TH PACIFIC SCIENCE CONGRESS

Mr. LONG of Hawaii. Mr. President, recently the 10th Pacific Science Congress was held in the city of Honolulu. Delegates at the science congress numbered 2,746, with 900 from foreign nations. All parts of the mainland United States were represented. Among the matters of importance which were considered by the Pacific Science Congress was a proposal for the establishment of a National Tropical Botanical Garden as contained in my bill, S. 772, which is pending before the Senate Agriculture Committee.

I take this opportunity of calling to the attention of the Senate the resolution unanimously adopted at the closing plenary session of the 10th Pacific Science Congress at the University of Hawaii on September 2, 1961. I ask unanimous consent that a copy of the resolution be printed at this point in the RECORD.

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

RESOLUTION OF 10TH PACIFIC SCIENCE CONGRESS ON BOTANICAL GARDEN IN HAWAII

Whereas the 10th Pacific Science Congress observes that the climate and soil of Hawaii are exceptionally well suited to the growth of tropical vegetation, and therefore Hawaii is an ideal place for a tropical botanical garden; and

Whereas botanical delegates including directors of leading botanical gardens in the Pacific recognize the value of such a garden, both practical and esthetic; and

Whereas botanists at the Fairchild Conference on Tropical Botany in 1960 expressed the need for further facilities in tropical botany, horticulture, and agriculture: Be it

Resolved by the 10th Pacific Science Congress, That it recognizes the need and value, and fully endorses the establishment of a U.S. National Tropical Botanic Garden in the State of Hawaii; and recommends to the authorities, both Federal and State, that they do all in their power to establish such a garden.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

H.R. 2640. An act for the relief of Yoko Takayashiki (Rept. No. 1089);

H.R. 2730. An act to repeal section 791 of title 18 of the United States Code so as to extend the application of chapter 37 of title 18, relating to espionage and censorship;

H.R. 8958. An act to remove the present $5,000 limitation which prevents the Secretary of the Air Force from settling certain claims arising out of the crash of a U.S. Air Force aircraft at Midwest City, Okla. (Rept. No. 1085); and

H.R. 9096. An act to amend the antitrust laws to authorize leagues of professional football, baseball, basketball, and hockey teams to enter into certain television contracts, and for other purposes (Rept. No. 1087).

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

H.R. 6025. An act to confer jurisdiction on the U.S. Court of Claims to hear, determine, and render judgment on the claim of George Edward Barnhart against the United States (Rept. No. 1084).

By Mr. LONG of Missouri, from the Committee on the Judiciary, without amendment:

H.R. 1777. An act 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 (Rept. No. 1086).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with an amendment:

S. Con. Res. 41. Concurrent resolution endorsing the World Economic Progress Exposition (Rept. No. 1088).

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

S. 167. A bill to authorize the Attorney General to compel the production of documentary evidence required in civil investigations for the enforcement of the antitrust laws, and for other purposes (Rept. No. 1090).

By Mr. MANSFIELD, from the Committee on Rules and Administration, without amendment:

S. Res. 208. Resolution to print additional copies of a committee print by the Judiciary Subcommittee on Internal Security, entitled "The Pugwash Conferences" (Rept. No. 1092);

S. Res. 211. Resolution authorizing additional expenditures by the Committee on Appropriations (Rept. No. 1093); and

S. Res. 212. Resolution authorizing additional expenditures for the investigation of juvenile delinquency in the United States (Rept. No. 1094).

By Mr. MANSFIELD, from the Committee on Rules and Administration, with an amendment:

S. Con. Res. 47. Concurrent resolution to print additional copies of report entitled "Freedom of Communications" (Rept. No. 1091).

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

H.R. 8773. An act to amend section 265 of the Armed Forces Reserve Act of 1952, as amended (50 U.S.C. 1016), relating to lump-sum readjustment payments for members of the Reserve components who are involuntarily released from active duty, and for other purposes (Rept. No. 1096).

By Mr. ELLENDER, from the Committee on Appropriations, with amendments:

H.R. 9076. An act 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 (Rept. No. 1097).

ADDITIONAL FUNDS FOR COMMITTEE ON ARMED SERVICES—REPORT OF A COMMITTEE

Mr. RUSSELL, from the Committee on Armed Services, reported an original resolution (S. Res. 215), which was referred to the Committee on Rules and Administration, as follows:

Resolved, That S. Res. 43 agreed to January 31, 1961, authorizing a study by Committee on Armed Services on various areas of na-

tional defense, is amended on page 3, line 10, by striking "$190,000", and inserting in lieu thereof, "$220,000."

PRINTING OF ADDITIONAL COPIES OF HEARINGS ENTITLED "DEFENSE SECRETARY McNAMARA ON SENATE RESOLUTION 191"—REPORT OF A COMMITTEE

Mr. RUSSELL, from the Committee on Armed Services, reported an original resolution (S. Res. 216) to print additional copies of hearings entitled "Defense Secretary McNamara on Senate Resolution 191," which was referred to the Committee on Rules and Administration, as follows:

Resolved, That there be printed for the use of the Senate Committee on Armed Services, twenty-five hundred additional copies of its hearings entitled "Defense Secretary McNamara on S. Res. 191," dated September 6, and 7, 1961.

PRINTING OF ADDITIONAL COPIES OF SENATE DOCUMENT NO. 41, 87TH CONGRESS, ENTITLED "PROPOSED FEDERAL AID FOR EDUCATION"

Mr. MANSFIELD, from the Committee on Rules and Administration, reported an original resolution (S. Res. 217) authorizing the printing of additional copies of Senate Document No. 41, 87th Congress, entitled "Proposed Federal Aid for Education," and submitted a report (No. 1095) thereon; which resolution was placed on the calendar, as follows:

Resolved, That there be printed for the use of the Committee on Labor and Public Welfare, five thousand additional copies of Senate Document No. 41, 87th Congress, entitled "Proposed Federal Aid for Education" (prepared by the Legislative Reference Service of the Library of Congress).

REPORT ENTITLED "THE MIGRATORY FARM LABOR PROBLEM IN THE UNITED STATES"—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 1098)

Mr. WILLIAMS of New Jersey. Mr. President, from the Committee on Labor and Public Welfare, pursuant to Senate Resolution 267, 86th Congress, 2d session, I submit a report entitled "The Migratory Farm Labor Problem in the United States." I ask that the report be printed, together with the individual views of the Senator from New York [Mr. JAVITS].

The ACTING PRESIDENT pro tempore. The report will be received and printed, as requested by the Senator from New Jersey.

BILLS INTRODUCED

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

By Mr. HUMPHREY:

S. 2581. A bill to amend the U.S. Information and Educational Exchange Act of 1948, as amended, so as to provide certain facilities to promote the foreign policy of the United States, to promote increased interest in foreign relations, to promote meetings and contacts among American governmental officials, the diplomatic corps, Members of Congress, representatives of the international agencies, and private citizens in connection with matters having to do with the conduct of foreign relations so as to better establish relationships which will promote international understanding; to the Committee on Foreign Relations.

(See the remarks of Mr. HUMPHREY when he introduced the above bill, which appear under a separate heading.)

By Mr. PASTORE (for himself and Mr. PELL):

S. 2582. A bill to amend section 103(a) of the Housing Act of 1949; to the Committee on Banking and Currency.

(See the remarks of Mr. PASTORE when he introduced the above bill, which appear under a separate heading.)

By Mr. CAPEHART:

S. 2583. A bill for the relief of the Converse Salvage Co.; and

S. 2584. A bill for the relief of Stanko (Stanley) Baresic; to the Committee on the Judiciary.

By Mr. BEALL (by request):

S. 2585. A bill to amend the Life Insurance Act of the District of Columbia to permit certain policies to be issued to members and employees of members of duly organized national veterans' organizations; to the Committee on the District of Columbia.

By Mr. SMATHERS:

S. 2586. A bill for the relief of Alexandra Callas; to the Committee on the Judiciary.

RESOLUTIONS

The following resolutions were submitted or reported and referred as indicated:

MERRITT-CHAPMAN AND SCOTT CORP.—REFERENCE OF SENATE BILL 2572 TO COURT OF CLAIMS

Mr. WILEY submitted the following resolution (S. Res. 214); which was referred to the Committee on the Judiciary:

Resolved, That the bill (S. 2572) entitled "A bill for the relief of the Merritt-Chapman and Scott Corporation", now pending in the Senate, together with all accompanying papers, is hereby referred to the Court of Claims; and the court shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States and the amount, if any, legally or equitably due from the United States to the claimant.

ADDITIONAL FUNDS FOR COMMITTEE ON ARMED SERVICES

Mr. RUSSELL, from the Committee on Armed Services, reported an original resolution (S. Res. 215) to provide additional funds for the Committee on Armed Services, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full, when reported by Mr. RUSSELL, which appears under the heading "Reports of Committees.")

PRINTING OF ADDITIONAL COPIES OF HEARINGS ENTITLED "DEFENSE SECRETARY McNAMARA ON SENATE RESOLUTION 191"

Mr. RUSSELL, from the Committee on Armed Services, reported an original resolution (S. Res. 216) to print additional copies of hearings entitled "Defense Secretary McNamara on Senate Resolution 191," which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. RUSSELL, which appears under the heading "Reports of Committees.")

PRINTING OF ADDITIONAL COPIES OF SENATE DOCUMENT NO. 41, 87TH CONGRESS, ENTITLED "PROPOSED FEDERAL AID FOR EDUCATION"

Mr. MANSFIELD, from the Committee on Rules and Administration, reported an original resolution (S. Res. 217) authorizing the printing of additional copies of Senate Document No. 41, 87th Congress, entitled "Proposed Federal Aid for Education," which was placed on the calendar.

(See the above resolution printed in full when reported by Mr. MANSFIELD, from the Committee on Rules and Administration, which appears under the heading "Reports of Committees.")

BUILDING FOR USE OF DIPLOMATS AND FOREIGN SERVICE PERSONNEL

Mr. HUMPHREY. Mr. President, I introduce for appropriate reference, a bill to authorize a capital contribution in the form of a sale or lease of land and buildings at a nominal sum to a new corporation, membership in which would be open to the diplomats of all foreign countries, as well as to our own personnel engaged in foreign affairs activities. It would provide a facility where persons interested in foreign policy could hold meetings and conferences. It would also meet a pressing need for a place where members of our own Foreign Service could meet and entertain their opposite numbers in the Embassies located here in Washington, D.C.

It is well known that junior- and middle-rank Foreign Service officers simply cannot afford the luxury of membership in the ordinary social club, nor can they afford to entertain in the expensive restaurants in Washington the foreign diplomats with whom they are in daily contact. The military services have long met this problem in the same manner proposed under this bill; that is, the Government provides the basic facility, and the servicemen who are members pay for all furnishings and operating expenses.

The bill provides that the Administrator of the General Services Administration will provide land and a building to a nonprofit corporation. Under the bill the certificate of incorporation of the corporation cannot be changed after

the enactment of the bill, except with the express approval of the Congress. This means that the purposes and activities of the corporation must always coincide with the intent and the provision of the legislation. Membership in the new facility will by law be open to members of each foreign diplomatic mission in Washington, members of missions accredited to the Organization of American States, to personnel of international agencies located in Washington, to appropriate U.S. Government personnel, to Members of Congress, and to other persons having a primary interest in the field of foreign affairs.

It is anticipated that the dues for membership in the new facility will be graduated according to rank and ability to pay.

The subject matter of this proposed legislation has been under study for 2 years. Strong statements of support have come from more than 100 American leaders in the fields of finance, industry, labor, and education. The Department of State has expressed its support.

Mr. President, in my opinion this bill will go far to meet some of the urgent problems facing us in our conduct of foreign relations. It will provide an answer to the frequent criticisms leveled against our treatment of foreign diplomats here in Washington. It will provide increased opportunity for contact between members of the foreign diplomatic missions and our own Government personnel, as well as others having an interest in the field of foreign affairs. It will further stimulate increased interest in the development of stronger bonds between nations.

This proposed legislation is important to the conduct of our foreign policy.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2581) to amend the U.S. Information and Educational Exchange Act of 1948, as amended, so as to provide certain facilities to promote the foreign policy of the United States, to promote increased interest in foreign relations, to promote meetings and contacts among American governmental officials, the diplomatic corps, Members of Congress, representatives of the international agencies, and private citizens in connection with matters having to do with the conduct of foreign relations so as to better establish relationships which will promote international understanding; to the Committee on Foreign Relations, introduced by Mr. HUMPHREY, was received, read twice by its title, and referred to the Committee on Foreign Relations.

AMENDMENT OF SECTION 103(A) OF HOUSING ACT OF 1949

Mr. PASTORE. Mr. President, on behalf of myself, and my colleague, the junior Senator from Rhode Island [Mr. PELL], I introduce, for appropriate reference, a bill to amend section 103(a) of the Housing Act of 1949. The purpose of the bill is to remedy an apparent inequity in the Housing Act of 1961.

Section 301 of the Housing Act of 1961 amended section 103(a) of the Housing Act of 1949 to provide that a locality having a population of 50,000 or less—or 150,000 or less in the case of a community in a redevelopment area—may obtain a three-fourths Federal grant under the urban renewal program.

This is on the same basis that a regular two-thirds grant is available to other communities.

Section 301 expressly limited the application of the three-fourths grant to municipalities situated in areas which have been specified as redevelopment areas at the time the urban renewal contract or contracts are entered into.

The amendment we propose would make one change in the law as it is now in effect. Under this amendment the three-fourths capital grant basis would be available to communities in redevelopment areas without regard to population.

The amendment would apply to any community in a redevelopment area which is undertaking an urban renewal project, if first, at the time the urban renewal contract or contracts are entered into the community is in a redevelopment area designated under the Area Redevelopment Act; second, the contract or contracts involved were entered into after June 30, 1961—date of enactment of the Housing Act of 1961; and third, the contract or contracts are not fully executed.

A brief survey of the situation invites this comment—in the 114 designated redevelopment areas in the Nation there are possibly 2,000 separate cities and towns. However, in this group there are only 5 cities that exceed the 150,000 population figure. They are:

First. Detroit, 1,670,000.
Second. Pittsburgh, 604,000.
Third. San Juan, Puerto Rico, 452,000.
Fourth. Providence, 207,000.
Fifth. Flint, Mich., 197,000.

We feel that the test for Federal participation on a three-fourths basis should be the Federal criteria of high and chronic unemployment. Surely the more massive the maladjustment, the greater the need.

We commend the principle of adequate Federal participation. We would make it not only adequate but equitable as far as these affected cities are concerned.

I ask unanimous consent that the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2582) to amend section 103(a) of the Housing Act of 1949, introduced by Mr. PASTORE (for himself and Mr. PELL), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (B) of section 103(a)(2) of the Housing Act of 1949 is amended to read as follows:

"(B) three-fourths of the aggregate net project costs of any of such projects which are located in (i) a municipality having a population of fifty thousand or less according to the most recent decennial census, or (ii) a municipality situated in an area which, at the time the contract or contracts involved are entered into or at such earlier time as the Administrator may specify in order to avoid hardship, is designated as a redevelopment area under the second sentence of section 5(a) of the Area Redevelopment Act, and".

(b) The amendment made by subsection (a) of this section shall be applicable to any project situated in a municipality described in clause (ii) of section 103(a)(2)(B) of the Housing Act of 1949, if the contract or contracts for capital grants under such title with respect to such project were entered into after the date of enactment of the Housing Act of 1961, and have not been fully executed.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954, RELATING TO DISTRIBUTION OF STOCK MADE TO AN INDIVIDUAL — AMENDMENTS

Mr. GORE submitted amendments, intended to be proposed by him, to the bill (H.R. 8847) to amend the Internal Revenue Code of 1954 so as to provide that a distribution of stock made to an individual (or certain corporations) pursuant to an order enforcing the antitrust laws shall not be treated as a dividend distribution but shall be treated as a return of capital; and to provide that the amount of such a distribution made to a corporation shall be the fair market value of the distribution, which were referred to the Committee on Finance and ordered to be printed.

NOTICES OF MOTION TO SUSPEND THE RULE — AMENDMENTS TO PUBLIC WORKS APPROPRIATION BILL

Mr. YOUNG of North Dakota submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 9076) making appropriations for civil functions administered by 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, the following amendment; namely: On page 4, after line 22, insert after the word "work", ": *Provided further,* That funds herein appropriated shall be available for expenditure, in addition to funds heretofore made available for the Garrison Dam project on the Missouri River, for cooperation with the North Dakota State Conservation Commission to the extent of one-half the cost of the replenishing and freshening Lake Wildwood, N. Dak., which has been interfered with by the construction of the Garrison Dam and Reservoir on the Missouri River."

Mr. YOUNG of North Dakota also submitted an amendment intended to be proposed by him to the bill (H.R. 9076) 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 Val-

ley Authority, and certain study commissions, for the fiscal year ending June 30, 1962, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

Mr. MAGNUSON submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 9076) 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, the following amendment, namely: On page 17, after line 2, insert:

"After October 1, 1961, the position of Administrator, Bonneville Power Administration, shall have the same annual rate of compensation as that provided for positions listed in section 2205(b) of title 5, United States Code, so long as held by the present incumbent."

Mr. MAGNUSON also submitted an amendment, intended to be proposed by him, to the bill (H.R. 9076) 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, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

Mr. MANSFIELD submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 9076) 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, the following amendment, namely: On page 9, after line 18, insert after the word "customer", ": *Provided further*, That not to exceed $192,000 of funds made available for construction and maintenance of access roads in the Yellowtail unit area shall be nonreimbursable."

Mr. MANSFIELD also submitted an amendment, intended to be proposed by him, to the bill (H.R. 9076) 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, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

Mr. HAYDEN submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 9076) 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, the following amendment, namely: On page 9, after line 18, insert after the word "customer", ": *Provided further*, That funds shall be available to complete the construction of and to operate and maintain within and adjacent to the Yuma Irrigation District, in the South Gila Valley, Arizona, those drainage works on which construction has heretofore been initiated pursuant to the Act of June 28, 1946 (60 Stat. 338):".

Mr. HAYDEN also submitted an amendment, intended to be proposed by him, to the bill (H.R. 9076) 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, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

PRESERVATION OF REMAINING SHORELINE RECREATION SITES AND RIVER AREAS—ADDITIONAL COSPONSOR OF CONCURRENT RESOLUTION

Mr. METCALF. Mr. President, on September 14, I introduced Senate Concurrent Resolution 48, which authorizes the Secretary of the Interior to identify and recommend preservation of remaining shoreline recreation sites and river areas chiefly valuable for public park and recreation area programs.

The desirability of this resolution developed during consideration of the shoreline bill—S. 543—by the Senate Committee on Interior and Insular Affairs.

During the course of the hearings on this bill, the junior Senator from Iowa [Mr. MILLER] expressed his keen interest in proper preservation of inland areas for recreational purposes.

I ask unanimous consent that the junior Senator from Iowa be listed as a cosponsor of Senate Concurrent Resolution 48.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF HEARINGS ON NOMINATIONS OF GRIFFIN B. BELL AND WALTER PETTUS GEWIN, OF ALABAMA, TO BE U.S. CIRCUIT JUDGES, FIFTH CIRCUIT

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, September 28, 1961, at 10:30 a.m., in room 2228, New Senate Office Building, on the nominations of Griffin B. Bell, of Georgia, and Walter Pettus Gewin, of Alabama, to be U.S. circuit judges, fifth circuit, new positions.

At the indicated time and place persons interested in the hearings may make such representations as may be pertinent.

The subcommittee consists of the Senator from South Carolina [Mr. JOHNSTON], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

NOTICE OF HEARING ON NOMINATION OF FOWLER HAMILTON TO BE ADMINISTRATOR OF AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. FULBRIGHT. Mr. President, I wish to announce that the Committee on Foreign Relations will hold a public hearing on the nomination of Mr. Fowler Hamilton, of Connecticut, to be Administrator of the Agency for International Development, on Friday, September 22, 1961, at 10:30 a.m., in room 4221, New Senate Office Building.

HEARINGS ON NOMINATIONS TO THE SECURITIES AND EXCHANGE COMMISSION

Mr. ROBERTSON. Mr. President, I wish to give notice that the Committee on Banking and Currency has received two nominations to the Securities and Exchange Commission, Mr. Manuel F. Cohen, of Maryland, and Mr. Jack Melville Whitney II, of Illinois, and that the committee will hold hearings on these nominations at 10 a.m. on Thursday, September 21, in room 5302, New Senate Office Building.

All persons wishing to testify on these nominations should notify Mr. Matthew Hale, chief of staff, Senate Committee on Banking and Currency, 5304 New Senate Office Building, Washington, D.C., telephone Capital 4-3121, extension 3921.

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

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

By Mr. CLARK:

Labor Sunday address delivered by Representative GEORGE M. RHODES, of Pennsylvania, in St. Johns Evangelical Lutheran Church, Reading, Pa.

By Mr. CAPEHART:

Statement entitled "Champion Highway Safety Program," prepared at the request of Senator CAPEHART by Mr. Duane Carter, of Speedway, Ind., a veteran race car driver.

Text of a tribute to the late Gilbert Forbes, veteran Indiana newscaster, recorded by Senator CAPEHART for radio station WFBM and television station WFBM-TV, in Indianapolis.

By Mr. RANDOLPH:

Letter to himself dated September 12, 1961, from Samuel Shaffer, congressional correspondent of Newsweek magazine, regarding the natural beauties of West Virginia; also a letter dated September 19, 1961, from Senator RANDOLPH to Mr. Shaffer, in response to Mr. Shaffer's letter.

A GOOD YEAR FOR AMERICAN AGRICULTURE

Mr. METCALF. Mr. President, this has been one of the worst years in a long time for Montana farmers and for the businessmen of my State whose economic success depends on agriculture. Montana was hard hit by drought and grasshoppers. Some other agricultural States had similar problems this year.

However, over the Nation as a whole, this has been the best year in a long time for farmers. The headline "Best Farm Year Since Korea," summarizes the following account in the "Business Roundup" section of the September 1961 issue of Fortune magazine:

Farmers are enjoying their best year since the end of the Korean war—in some respects their best year ever. Crop prices are up about 3.5 percent—the first increase in 5 years—more than offsetting a 2-percent drop in marketings. Prices of livestock and livestock products—e.g., milk, butter, eggs—on the other hand, are off about 1 percent, but marketings are up more than prices are down—i.e., by nearly 4 percent. Hence farmers' cash receipts from marketings (which include CCC purchases and loans) will increase by about $800 million, or almost 2.5 percent.

This rise in cash receipts, plus an even larger increase in direct Government payments to farmers for not producing, will push gross farm income to an alltime high of about $39.7 billion, 4 percent above the record 1960 level. Net income is up also—from $11.7 billion last year to perhaps $12.8 billion this year.

This is the best net since Korea, though considerably below the earnings of the lush forties and early fifties. The reason, of course, is the inexorable rise in production expenses. Since 1950 expenses have gone up 40 percent—three times as fast as gross income—and they will rise about $500 million this year. Average net per farm, however, is up to a new record of $3,300; the number of farms (adjusted for the change in the 1959 Census of Agriculture) has dropped from 5,150,000 in 1950 to an estimated 3,900,000 this year.

Mr. President, it is important to relate farm commodity prices to food prices. Historically, the price of food increases sharply during wartime. According to the Department of Labor, on the basis of a scale using the 1947–49 average as 100, the food price index was 45 in 1916; 83.6 in 1920; 52.1 in 1941; and 112.6 in 1951.

The food price index for this year, by months, is as follows:

January, 121.3.
February, 121.4.
March, 121.2.
April, 121.2.
May, 120.7.
June, 120.9.
July, 122.0.

The July increase, caused in part by seasonal factors, brings the total increase for the period in which the Kennedy administration has been in power to seven-tenths of a point.

I note that Republican campaign material heralds this seven-tenths of a point increase as the forerunner of another round of inflation. The Republican Congressional Committee Newsletter, in its August 31 edition, under the headline "Cost of Living Rising on the New Frontier," reports as follows:

As the impact of the business recovery combined with the first effects of the New Frontier's deficit spending, the result was what many economists had predicted: an increase in the cost of living and the possibility of a new round of inflation. The Department of Labor reported last week that prices reached a new peak in July—mostly due to the cost of food.

The Republican alarm is somewhat surprising, in view of the facts reported by the Department of Labor. During by January–July period last year, when the Republicans were in power, the food price index rose three points, from 117.6 to 120.6, as compared to the seven-tenths of 1 percent increase during the same period this year.

These figures will come as a great surprise to those citizens who believed the Republican candidate for President during the 1960 campaign, when he said that if the Kennedy farm program were put into effect, the cost of food to the consumers of the United States would go up at least 25 percent.

At the time when Mr. Nixon made his statement, it was pointed out that in 1952, farmers received 100 percent of parity for their products—and that with a Democratic administration it could be done again.

The Fortune magazine figures indicate that we are on the way.

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

Mr. METCALF. I am glad to yield.

Mr. HUMPHREY. I merely wish to state that I am very much pleased that the Senator from Montana has cited this rather creditable record of the Department of Agriculture and our agricultural economy. As we know, this will be about the best year, as the Senator from Montana has said, that agriculture has had during the last 10 years, I believe.

Mr. METCALF. Fortune magazine says it will be the best year for agriculture since the Korean war.

Mr. HUMPHREY. Yes. I think this fact in itself indicates that, whatever may be the views about certain details of the farm program, in the main it has worked for the public good.

Mr. METCALF. And that fact, coupled with the decline in the cost of living, indicates that we are on the way to solving the surplus agricultural commodity crisis, and at the same time making it possible for farmers to have a lower cost of living.

Mr. HUMPHREY. Certainly it is good news to Montana, and I can assure the Senator from Montana that is good news to Minnesota and, certainly, to all the other sections of the country.

Mr. METCALF. Yes, indeed; it is good news to the entire Nation.

INCLUSION OF SMALLER TRACTS IN THE WILDERNESS PRESERVATION SYSTEM

Mr. METCALF. Mr. President, among the features of the wilderness bill, S. 174, recently passed by the Senate, is a wise inclusion of many smaller tracts in the wilderness preservation system. There are some who say that vast areas—extensiveness—is an essential of true wilderness. Circumstances sometimes alter this need. The bill we recently passed makes a wise and economical use of many small areas in our parks, refuges, and national forests. Outside the public land States of the West, we are going to have to use such smaller tracts in order to provide our citizens with wilderness areas.

Fortunately, in the Western States, the smaller tracts included in the wilderness preservation system are all within national forests, national parks, wildlife refuges, or other areas which, in their portions not classified as wilderness, provide buffers which enhance the extensiveness of the areas preserved as wilderness.

If we were to ignore or eliminate these smaller areas, we would greatly decrease our wilderness prospects.

It is true that extensiveness or vastness is an aspect of wilderness. Wherever we have a vast wilderness area, we should cherish it. But the surroundings of a small area can enhance its value as wilderness and make it worthy of preservation.

There are many examples. The Gates of the Mountains, in my own State of Montana, comprises only some 28,500 acres, but is within the 966,800-acre Helena National Forest. Thus, the Gates of the Mountains primitive area, at the cost of only 28,500 acres of national forest land, becomes what any who have visited it will, I am sure, consider a significant area of wilderness. We do well to include it within our wilderness system.

The many other areas that can be cited include 18,000 acres in the Chiricahua primitive area, Arizona, in the 1,386,000-acre Coronado National Forest; the 25,000-acre Rawah wild area in Colorado, in the 783,000-acre Roosevelt National Forest; the 41,000-acre San Pedro Park, N. Mex., in the 1,237,000-acre Sante Fe National Forest; and the 42,000-acre Mount Adams area, in Washington, in the 1,263,000-acre Gifford Pinchot National Forest.

Because we are dealing with parks, refuges, and national forests, to begin with, many of our significant areas of wilderness accordingly do not represent extravagant dedications of land.

This is part of the genius of the wilderness bill. It is an example of how, through it, we are providing for a significant preservation of wilderness as part of an overall land-use program that recognizes other needs, too.

It establishes a pattern under which we may be able to provide the Eastern States with smaller wilderness areas, given the quality of vastness, or extensiveness, by surrounding areas devoted to compatible uses.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate Committee on Finance be authorized to

meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GORE. Mr. President, reserving the right to object, now that the bill for tax relief for the Du Pont Co. has been passed by the other body and referred to the Senate Finance Committee, it is my purpose later in the day to address the Senate, not upon the merits or demerits of the bill, but upon the prematurity and impropriety of the enactment of the bill at this time.

Therefore, I trust the Senate will realize the position I would be in in undertaking to address the Senate on a subject upon which the Senate Finance Committee, of which I am a member, might at the same time be considering. In the closing days of the session, it is questionable that committees should be in session while the Senate is in session, but I shall not press this point generally at this time.

Later I shall address the Senate upon the terms of the bill, but this afternoon I shall confine myself to an indication to the membership of the Senate of why it would be improper and premature, in my view, for the Senate to plunge itself legislatively into the middle of the litigation now underway.

Just briefly, let it be said that the order of the court has not been entered. The case has been remanded to the Federal district court in Chicago to enter its order prescribing the terms of distribution or divestiture of General Motors stock by the Du Pont Co. The court now has that matter under consideration. The Government has not yet presented its view. This is expected about October 2.

Therefore, as reluctant as I am to do so, admiring and respecting the distinguished majority leader as much as I do, and anxious to cooperate in any proper legislative procedure, I nevertheless must, upon this occasion, object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MANSFIELD. Mr. President, if I may inquire of the distinguished Senator from Tennessee, does he intend to object only to the Finance Committee's meeting today or to all committee meetings today? I have no other similar request to make; I am merely asking for information.

Mr. GORE. I doubt the advisability of committees meeting while the Senate is in session. Because of the peculiar circumstances of the subject matter before the Finance Committee, I shall confine my objection today to the Finance Committee's meeting.

Mr. MANSFIELD. I thank the Senator.

PROGRESS REPORT ON THE WORK OF THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. MANSFIELD. Mr. President, I wish to make a progress report on the work of the Committee on Rules and Administration, of which I am chairman, relative to the work performed this year and what the committee contemplates doing at the next session of Congress.

PART I

During the 1st session of the 87th Congress, the Committee on Rules and Administration considered over 200 legislative items, 1 executive nomination, and an unusually large number of policy problems and topics of general Senate administration. Approximately two-thirds of all of the legislative measures reviewed by the committee have been reported to the Senate and have received Senate approval. Included therein were bills providing for a complete revision of the Federal election laws, the creation of a National Portrait Gallery, the establishment of a National Armed Forces Museum Advisory Board, and the creation of a commission to formulate plans for the construction of a memorial to the memory of Woodrow Wilson. In keeping with the pledge of the leadership given earlier in the session, the committee also reported a resolution to amend rule XXII relating to cloture.

In addition to the committee's regular and special executive meetings, public hearings were held on the following subjects: Federal election laws, adjournment of Congress, amendments to the Standing Rules of the Senate—not including cloture, amendments to the Legislative Reorganization Act, and Government Printing Office apprentices. The committee also held a public hearing on the nomination of James L. Harrison to be Public Printer.

Since last January and through September 16, 1961, the Committee on Rules and Administration has processed requests from standing, select, and special committees for additional funds in the amount of $4,551,000. Legislation providing for such expenditures in the amount of $4,121,000 has been approved by the committee and agreed to by the Senate.

In addition to its regular legislative functions and pursuant to its administrative responsibility for many areas of the Senate's business, the committee has promulgated various regulations and decided numerous policy and management questions. Among the latter were reassignment of office locations in the Capitol and Senate Office Buildings; transfer of management of the Senate restaurants to the Architect of the Capitol; and approval of a new legislative call system to become effective at the beginning of the next session.

PART II

During the next session of the Congress, the Committee on Rules and Administration expects that it will receive the usual substantial number of resolutions requesting funds for Senate investigations and inquiries. In addition to its administrative responsibility, the committee also expects to consider a comprehensive bill passed by the House of Representatives which would work a complete revision of the Federal depository library system. Furthermore, the committee will be concerned, next year, with various bills to amend the Hatch Act and other proposals relating to Federal elections. Additional consideration will likewise be given to pending measures relating to congressional adjournment, amendments to the Standing Rules of the Senate—other than cloture—and various proposed memorials.

CONCLUSION

As chairman of the Committee on Rules and Administration, I am indebted to my colleagues on the committee who have conscientiously worked throughout this session to achieve an excellent record of accomplishments. I am also grateful to the committee's competent staff for their continued efficient support. It is a pleasure for me to state that, due to the dedication of the members and staff of the committee, every legislative item and administrative issue presented to the committee during this session which could reasonably have been brought to definite conclusion has been so consummated with maximum efficiency.

ADDRESS BY FORMER PRESIDENT DWIGHT D. EISENHOWER AT TESTIMONIAL DINNER FOR SENATOR EVERETT DIRKSEN

Mr. KUCHEL. Mr. President, last Saturday night, in the city of Chicago, some 2,300 enthusiastic citizens of Illinois met together at dinner in a tribute to their great fellow citizen and public servant, U.S. Senator EVERETT MCKINLEY DIRKSEN.

I was honored to be present, and to witness the outpouring of respect and of esteem in which the minority leader of the U.S. Senate is held by the people of Illinois. It was a reflection of the esteem and high respect in which the Members of the Senate on this side of the aisle and across the aisle hold our Republican colleague.

The speaker of the evening was Dwight D. Eisenhower. His address was excellent. He drew upon his unique experiences as not alone one of the great military commanders in all of history, but also as a great and distinguished American President who well and faithfully and unselfishly served the cause of the people of America and the cause of peace with honor on this globe.

I ask unanimous consent that the text of the speech which General Eisenhower delivered on that occasion be incorporated in the RECORD as a part of my remarks.

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

ADDRESS BY GEN. DWIGHT D. EISENHOWER, AT TESTIMONIAL DINNER FOR SENATOR EVERETT MCKINLEY DIRKSEN, IN CHICAGO, SATURDAY, SEPTEMBER 16, 1961

Chairman Ingersoll, Senator Dirksen, and friends, this morning I left my farm in Gettysburg and journeyed some hundreds of miles to join you tonight, for one compelling reason. It is identical with the one that has brought you here. We like, and we respect, Senator EVERETT DIRKSEN, and we gather here to thank him again for his tireless service to us and to our Nation.

Particularly, we honor him for the courage, intelligence, and firmness in which he

has calmly played his important part in the threatening world scene.

We know that living today in Chicago is akin to living today in Berlin. Every free people, on every continent, are in effect the people of Berlin. Like them, we are face to face with threat of Communist domination. We share the responsibility for preserving against that threat all that we hold dear in this world.

Looming in the background is a grim reality. Nuclear-tipped missiles place all of us—even in Chicago—but 30 minutes from Armageddon—tonight, every night, every hour of every day. There is no spot on earth assured of safety from obliteration. The maximum warning time is measured in minutes.

Friend and foe possess, for the first time in history, the capability of mutual annihilation. In such a period each one of us—and this includes our leaders—is being tested on the firmness of his faith, the stoutness of his heart, the steadfastness of his courage.

Americans have always been confident that, in time of international crisis, their leadership would hold to principle, would never yield to threat or take a backward step—a leadership always ready to defend the rights, uphold the ideals, and meet the responsibilities of this free Republic. In this confidence we Americans are determined that where the Commander in Chief stands, there we must and shall stand.

I realize these are gloomy words to utter on this, a gala evening, where we are met to honor a great American.

Yet, we know this is not a time to measure lightly either our own present, or our children's tomorrow. In such a time silence is not necessarily either golden or prudent.

By no means are we failing to support national leaders when we recall recent events disturbing to us all.

How could we fail to be sorely distressed over Laos, and more especially over Cuba, and the seeming indecision and uncertainty that characterized governmental action there?

We have been troubled over quasi-official pronouncements implying basic policy changes respecting Communist China and Outer Mongolia.

We have been concerned by unrebuked criticisms of the Joint Chiefs of Staff and our intelligence-gathering agency. We have been puzzled and chagrined by expressed doubts as to the allegiance to American ideals of the officer corps of the Armed Forces.

Personally I have a profound faith in the capacity and readiness of our men in uniform to provide for us the maximum in security.

And I ask you not to misinterpret these expressions of uneasiness about matters of the past. None is mentioned in a spirit of destructive partisanship or of carping criticism. My object, indeed, is exactly the opposite. For though we may have, and may continue to have, misgivings, all of us are, with our men in uniform, standing guard tonight in Berlin. No matter what our reservations, the President has our unstinting support as he employs all his will and wisdom against those in the world who scoff at freedom and regard humanity with contempt.

There is no doubt as to the immensity of our Nation's power, both economic and military. It is unmatched. And as we look out across both our oceans, we do so as a single people—united in our determination to keep our Nation strong and our devotion to liberty and justice unmistakably clear, every place in the world. That strength stands as a warning beacon to any would-be aggressor; it provides also a firm platform from which we patiently and earnestly seek a peaceful and just solution to world problems.

To preserve that strength is the common and continuous responsibility of all of us. This is why we look anxiously inward to the domestic pillars—the spiritual, economic, and military supports of our national power. For well we know that our spiritual and economic health are as essential to our security and national purposes as are the most awesome instruments of war.

To make sure of their vitality is a compelling national duty.

Our spiritual strength is found in a rekindled dedication to the noble purposes set forth in our founding documents. Steadfast support of the concepts of justice, individual liberty, and human dignity is as vital to our security today as are all of the destructive bombs deployed across our country and in bases abroad.

And here may I observe, particularly, that it would be fatal if America's spirit of confidence and of dedication should ever give way to despair and fear. Do we not remember that, as each of our pioneering forebears, plowing his field, had to carry always a defensive musket, yet he persisted in raising his family and finding happiness in his freedom. So it is today; over our shoulders and around us we see the dangers of our existence, but we must steadfastly refuse to abandon those priceless rights guaranteed to us on July 4, 1776—one of the most important of which was the pursuit of happiness. And that pursuit remains just as important in time of crisis as it does in what has been called the humdrum days and years of peace.

Our material strength rests on a free competitive enterprise, generating a steadily expanding economy measured always in a stable and respected currency, worth next month, next year, next decade what it is worth tonight.

That is why I have in these times so gravely viewed unnecessary Federal spending. It weakens power and confidence abroad.

At the very least might we not defer buying tickets for a trip to the moon until we can pay cash for the ride, and do so without mortgaging the old homestead to repair a leaky room? Addition to a softheaded philosophy that Federal money can cure every national ill could undermine one of the greatest resources of America—the sturdiness and self-dependence of the individual citizen; it could ultimately cost our people their liberty.

I believe that responsibility or self-discipline, balance, commonsense, and faith in the individual and locality are indispensable to the perpetuation and functioning of self-government.

One imbalance, always to be fought, is monopoly, a continuing menace to our free system. It is bad when unwisely exercised by gigantic, centralized government or big business. It is equally bad if irresponsibly exercised by organized labor. Monopoly is a result of lack of balance and commonsense.

Inflation is bad. It is bad whether generated by spendthrift government or by industrial price abuses. It is no less bad if caused by unjustified wage increases, or by demands of self-preserving pressure groups. One of its sources is a lack of a sense of responsibility.

The unending drive for Federal domination of the Nation's power and water resources, and the ever-increasing Federal involvement in urban problems, agriculture, housing, care of the youth and the aged, the ill and the poor, and the temporarily unemployed, can end only—if unchecked—in a dangerous centralization of power. Continued, this tendency will ultimately destroy the will and the ability of the individual and community to govern themselves. But it can be stopped in its tracks by balance and by faith in the individual and the locality.

If we believe these things then let us not divide or weaken ourselves by the use of such self-imposed and misleading labels as "conservative" and "liberal."

I suspect that more conservative and liberal blood has been shed over attempted definitions of these political terms than over any public policy or program.

Political labels will not influence thinking citizens.

America wants progress of a kind that is consistent with our traditions, our ideals and our free institutions. We do not want the so-called progress typified by credit-card government which bills our children for our profligacy, or which is measured in rubber dollars.

Consequently, when we choose political leaders, let this be our yardstick: faith in the individual, faith in the ability of each American citizen to run his own life and spend his own money better than some bureaucrat can manage either for him. If we are disciples of this simple faith, then any doctrinal differences among the Nixons, Rockefellers, and Goldwaters—all respected leaders in the Republican Party—are as ripples in a cup of tea when compared to the hurricane type of towering waves of conflict that create the cleavages between the factions and divisions of the party now in power.

Note the unbridgable differences between the Congress and the administration on lavish proposals for Federal aid to education, on back-door financing, and other projects. Even worse is the total lack of any administration recommendation to the Congress for balancing the Federal budget. and for civil rights legislation, both solemnly pledged in platform and campaign only a few months ago.

Today the controlling party dominates both branches of Congress by almost a 2-to-1 margin. If its Members cannot legislate, it can be for only one reason: They are at war with themselves.

For our part let us agree to discard the tired and divisive political slogans of yesterday in favor of a common effort to keep our Nation not just moving forward, but moving responsibly forward—always attentive to human need beyond the power of the individual or locality to meet, faithful to the public trust in expending our citizens' funds, and devoted to our constitutional processes. What we are striving for is the kind of program for America that can endure because it is responsibly and sensibly achieved.

My friends, with us tonight is at least one citizen who holds such views—EVERETT DIRKSEN.

In recent years, as the minority leader of the Senate, time and time again he has stood at my side, undeterred by criticism, to do what the national interest has required.

In matters concerning our Nation's security, he is informed, tireless, and absolutely nonpartisan. Yet, when so doing will strengthen our country, he is unhesitating in voicing criticism and in fighting for constructive measures.

In domestic concerns, Senator DIRKSEN is daily the advocate of the responsible progress which I have roughly outlined tonight.

As a parliamentary tactician, he is unsurpassed.

Few people are as widely beloved, and in my White House years, I never heard Senator DIRKSEN speak meanly of another person.

My friends, it is knowledge of these things, personally experienced, that has brought me to Chicago tonight.

Proud of his service to our country, grateful for his personal loyalties, admiring his ability and character, prizing his friendship, I join the people of this State in saluting a great leader of the U.S. Senate, the statesman from Illinois—EVERETT DIRKSEN.

Thank you very much.

THE UNITED STATES MUST EXPAND ITS WEATHER RESEARCH

Mr. HUMPHREY. Mr. President, I believe that one of the most important

tasks which will confront the second session of the 87th Congress, commencing next January, will be to provide for a massive increase in weather research funds.

Unfortunately, the Federal Government has never allocated even a fraction of the funds which would be adequate to enable the U.S. Weather Bureau and the National Science Foundation to meet their responsibilities. The Federal Government has pinched pennies insofar as weather research has been concerned; the effect has unfortunately been disastrous.

For the 1962 fiscal year, the Weather Bureau had originally proposed to the Department of Commerce that $21.1 million in weather research funds be requested. But only $9 million was eventually appropriated.

Today, while hurricane Esther is raging toward the mainland, the incredible situation is that the Weather Bureau is so low in research funds that it must go "hat in hand" to other Federal agencies, to try to find enough money to carry on hurricane research efforts.

While U.S. meteorology research funds are limited to a few million dollars, the damage from storms, tornadoes, hurricanes, and typhoons can be counted in the hundreds of millions and even in the billions of dollars. Moreover, no financial value can be placed on the human lives which are unnecessarily lost.

REPORT TO GOVERNMENT OPERATIONS SUBCOMMITTEE

Recent experience with Hurricane Carla provided a thrilling demonstration of the tremendous payoff from accurate weather forecasting, as well as from disaster control plans. But science is still seriously deficient in insight from basic and applied meteorology research.

I have now secured a new analysis of long-range Weather Bureau needs. I had requested it in my capacity as chairman of a Senate Government Operations Committee subcommittee which has been studying interagency research problems.

Pursuant to Senate Resolution 26, 87th Congress, we have been examining interagency coordination in the overall $9 billion Federal research and development program for all of science.

My interpretation of this analysis leads me to believe that present U.S. weather research efforts are, to a considerable extent, crippled by: first, lack of continuity of research; second, inability of the Weather Bureau to recruit and retain an adequate number of highest caliber scientists, because of low salary ceilings; and third, inadequate funding of basic research.

The fact is that so-called crash programs in connection with weather or any other field cannot discover knowledge which only years of patient toil can be expected to unearth.

WEATHER CONTROL STILL A LONG WAY OFF

It is fundamental—so-called pure—research which is especially necessary in order to give us clues to one of the greatest frontiers of science—control, not mere forecasting, of weather.

Only around $1.3 million was expended for research in control of weather in the 1960 fiscal year. Much larger funds are necessary on a long-range basis if we are ever to be able to change Mark Twain's observation that "Everybody complains about the weather, but nobody does anything about it."

We had better do something, therefore, about making more adequate funds available for basic studies by the National Science Foundation and the National Center for Atmospheric Research, in Boulder, Colo.

The possibility of modification of weather, while attractive from many standpoints, is, it must be realistically stated, fraught with danger, and must be approached with great caution.

On this point, the National Science Foundation's second annual report on weather modification—NSF Publication 61–30—stated, pages 21–22:

If it is determined that man can counteract or alter the enormous energies associated with weather, experimentation must proceed with extreme caution. The wrong weather modification methods could lead to worse weather rather than to improved conditions. Probably, the best hope for injecting beneficial measures lies in attacking the storm long before it reaches a severe stage. The TIROS weather satellites have shown the way toward a much improved observational system, for already the satellites have detected the characteristics of new storms in their immature stages as they were forming over the vast, almost unobserved ocean areas of the earth.

With high-speed electronic computers, scientists can now simulate the broad circulation features of the atmosphere. The major weather patterns of these laboratory models can be changed at will to study hypothesized effects of weather modification on the global-scale general circulation. Promising leads have been uncovered, but all this is only the beginning. Man has a huge stake in weather and climate, and the Foundation believes the possibilities of weather modification must be attacked with confidence and on a scale commensurate with their potentials.

SATELLITE RESEARCH PROVIDED FOR

Fortunately, H.R. 9196, the supplemental appropriation bill, may provide for an important step forward in weather forecasting, by allocating $48 million for weather satellites. While this sum, as approved in the House, is $5 million less than the Weather Bureau had requested, it will still provide an invaluable tool for research.

The problem, however, is that the Congress and the public have tended to be far more receptive toward satellite-type research than toward the broad array of other atmospheric research problems.

INTERNATIONAL AND MILITARY IMPLICATIONS

Among other Federal agencies with significant weather-research operations are the National Aeronautics and Space Administration, the Department of the Army, the Department of the Navy, and the Department of the Air Force.

The international and military implications of weather research can hardly be overestimated.

Japan, for example, which right now is suffering from Typhoon Nancy, is but one of many nations repeatedly buffeted by nature's ravages. U.S. weather research could, therefore, pay important dividends in international good will, by helping to reduce the toll of suffering and damage.

Finally, from a national security standpoint, it would be perilous to ignore reports of Soviet Union meteorology advances as an intended instrument of possible future warfare.

Mr. President, I ask unanimous consent that there be printed in the RECORD, following my remarks, the following items:

First. The August 10, 1961, report by the Weather Bureau, in response to our subcommittee inquiry as to the Bureau's long-range budgeting for research and development.

Second. An article, from the June 1, 1961, issue of the New York Times, by the distinguished observer, Mr. Arthur Krock, on the need for adequate funds for the National Center for Atmospheric Research.

Third. An article, in the September 12, 1961, issue of the Washington Daily News, by Mr. John Troan, Scripps-Howard science writer, as regards basic research in weather modification.

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

STATEMENT ON LONG-RANGE RESEARCH AND DEVELOPMENT PROGRAMS IN THE WEATHER BUREAU FOR TRANSMITTAL TO SUBCOMMITTEE ON REORGANIZATION AND INTERNATIONAL ORGANIZATION, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. SENATE

1. INTRODUCTION

A productive research program in Government requires adequate legislative authority, well-qualified scientists, stable support with sufficient funds, suitable research quarters and other facilities, and imaginative scientific plans. The lack of any of these renders the others much less effective. This statement presents information on these items as they pertain to the Weather Bureau's research and development activities. Supporting documents are cited as appropriate and some of them are included as attachments to this statement.

2. LEGISLATIVE AUTHORITY

Summary: In general, the Weather Bureau has always had adequate legislative authority to meet its broad research and service responsibilities. Requests for new legislation in recent years have been limited to proposals of better ways for carrying out its work under this broad authority.

Additional information: The following is a list of current proposals that were included in the legislative program for the 1st session of the 87th Congress that have not been enacted to date:

1. To authorize the Secretary of Commerce to utilize funds received from State and local governments and private organizations and individuals for special meteorological services. Introduced in the Senate during the 1st session of the 87th Congress on January 30, 1961, and passed by the Senate with amendments on June 29, 1961. Companion bill was introduced in the House of Representatives as H.R. 6575 on April 25, 1961.

2. To authorize the Secretary of Commerce to enter into contracts for the conduct of research in the field of meteorology and to authorize the installation of Government telephones in certain residences. Introduced as S. 681 during the 1st session, 87th Congress, on January 30, 1961, and referred to the Commerce Committee.

3. To authorize the enactment of no-year appropriations to the Secretary of Commerce for the conduct of activities of the Weather

Bureau. Proposal submitted for inclusion in the legislative program of the 1st session of the 87th Congress with no action being taken on this item to date.

4. To amend the act of June 16, 1948 (62 Stat. 470), to authorize the Chief of the Weather Bureau to pay extra compensation to members of crews of research aircraft. Submitted for inclusion in the preliminary legislative program of the Department on October 14, 1960, with no action being taken on this item to date.

3. RESEARCH SCIENTISTS

Summary: An agency which conducts research, or sponsors research with other organizations, must have a nucleus of well-qualified scientists who are among the most competent in the research programs for which they are responsible. Although the Weather Bureau has been able to maintain a small, competent, technical staff, the present limitation in the number of positions in higher salary brackets places the Weather Bureau in an unfavorable competitive position with respect to other Government agencies and private research institutions. Accordingly, it is extremely desirable that an increase be provided in the number of Public Law 313 positions assigned to the research organization of the Weather Bureau.

Additional information: The Bureau now has two Public Law 313 positions, one assigned to the Director of Meteorological Research and the other to the Deputy Chief of Bureau.

The Bureau needs many additional Public Law 313 positions. (All positions are concerned with research responsibilities, either because of direct participation in research activities or through direction and/or utilization of research products.) Legislative and Civil Service Commission authorizations for these positions are required. The Office of Personnel Administration, Department of Commerce, has been advised of the Bureau's needs in connection with a departmental survey made by that Office. In the same action it is proposed to convert the current Deputy Chief's position from Public Law 313 to GS–18.

Support for this very important program, to attract the highest caliber of personnel, will average only an additional $2,000 per position.

4. RESEARCH BUDGET

Summary: A primary difficulty that the Weather Bureau has had in meeting the urgent need for accelerated progress in the science of meteorology and its applications has been limited funds with which to support research and development. Consequently other departments have undertaken research and development in meteorology to meet their needs in common uses areas which are the responsibility of the Bureau. Although such efforts have resulted in valuable contributions to the science, they have failed to solve some basic problems of meteorology. The varied objectives and dispersed efforts of the supporting agencies combined with lack of continuity in funding have made it impractical to mount the massive long-term effort needed for this purpose.

The Weather Bureau's research appropriations since 1950 are summarized in table 1.

TABLE 1.—*Research and development appropriations, Weather Bureau* [1]

Fiscal year	Amount requested by Weather Bureau	Amount appropriated	Remarks
1950	$2,253,000	$684,000	Principal increase requested was for basic cloud physics research, with lesser amounts for weather radar research and for applied forecasting improvements. No increases allowed.
1951	3,683,000	631,000	Increases were requested for basic cloud physics and artificial precipitation research and for thunderstorm and related severe weather investigations. 3 smaller items for applied forecasting improvements were included. No increases allowed.
1952	3,938,000	669,000	Funds were requested for a major investigation of thunderstorms and related severe weather, for applied forecast studies, and for cloud physics investigations. No program increases allowed.
1953	3,433,000	704,000	Same as fiscal year 1952.
1954	3,129,000	600,000	Similar to fiscal year 1952. Plans included $450,000 for developing numerical weather prediction techniques. No increases allowed.
1955	655,000	558,000	Prior to submitting preliminary estimates Bureau was advised it would have to reduce overall level of 1955 estimates below level of 1954 appropriation.
1956	13,042,000	1,642,000	Included $10,700,000 request for a multiple-year appropriation for a major investigation of hurricanes, tornadoes, and related severe storms. A major item for basic cloud physics studies was requested. Items for developing improved upper-air measuring instrumentation and numerical prediction techniques also were requested. The entire increase was for hurricane, tornado, and severe storm research, provided in the annual appropriation.
1957	12,884,000	2,652,000	Included request for multiple-year hurricane, tornado, and severe storm appropriation. Funds also were requested for numerical weather prediction and long-range forecasting studies. An increase of $1,050,000 was included in annual appropriation for hurricane research.
1958	4,130,000	2,605,000	Increases were requested for numerical forecasting and for basic studies of the general circulation of the atmosphere.
1959	3,679,500	3,450,900	Increase was requested for severe storm research.
1960	6,522,200	5,433,000	The requested increase included $937,000 to annualize operation of hurricane research aircraft, $1,693,000 for tornado and severe local storm research, $468,000 for aviation meteorology research. An increase at $804,000 was approved in the appropriation for hurricane research operations.
1961	26,414,700	6,446,500	Request was for a no-year research and development appropriation and included major items for aviation meteorology, $6,468,000; $9,411,000 for hurricane and severe local storm investigations; $2,058,000 for basic research concerning atmospheric processes; and lesser amounts for oceanography, climatology, and applied forecasting studies. A single-year appropriation for research and development including increase of $300,000 for hurricane research and $900,000 for aviation meteorology research activities was enacted.
1962	21,139,500	9,000,000	Request was for a multiple-year appropriation, the main increases requested being $3,038,000 for hurricane and severe storm research; $2,534,000 for aviation weather research; $1,113,000 for instrumental development; and $718,000 for hydrologic and climatic studies. Transfer of research functions from other agencies in the amount of $1,244,000 and an expansion of $1,378,000 for satellite meteorology research was included. The enacted appropriation provided an increase of approximately $1,000,000 for satellite research, and $200,000 for general circulation studies.

[1] A separate research and development appropriation became available in 1961. No records are available prior to 1960 of development work in the fields of instrumentation, hydrology, and climatology. Therefore, the "Amount appropriated" column in this table for the years 1950 to 1959 is confined to the "Research" activity under the Weather Bureau's "Salaries and expenses" appropriation. Development work not identified in this table for most of these earlier years is estimated to be less than $300,000.

Additional information: The Bureau has long been handicapped by the lack of funds sufficient to meet minimum demands made upon it as an operating agency. Because of the consequent compression of the research budget, the development of adequate upper air sounding systems and other meteorological instrumentation, and many basic research projects, such as cloud physics have been seriously delayed. Such things as weather modification experimentation cannot yet be put on a firm basis. The basic underlying meteorological investigations have not been completed. Results of the Weather Bureau's requests for appropriations for some of these investigations are summarized under "Remarks" in table 1.

Since World War II with its great expansion of interest in and practical application of meteorology, there have been urgent demands for increased knowledge about atmospheric phenomena. When the Bureau was unable to meet these new requirements, one department after another entered the field of research and development in meteorology in basic subjects which are the responsibility of the Bureau and which the Bureau could have undertaken with close-working relationships with its kindred activities. During this period there has been a high degree of interdepartmental cooperation and some of the available funds have been transferred to the Bureau. Although the cooperation of participating agencies is praiseworthy, there are disadvantages in this method of funding and management in functions for which the Bureau is responsible and which are in line with its other activities.

The projects which the Weather Bureau conducts for other agencies on a reimbursable or advance-of-funds basis have been classified under the headings of (1) observations and forecasts, (2) studies and statistics, and (3) miscellaneous. Table 2 summarizes total funds received for advances and reimbursements since 1950. Records as to the distribution of these funds to research are not available but it is estimated at only about 5 to 10 percent of the total amount. The nature of the research work performed under these transferred funds has varied considerably from year to year depending upon the objectives of the supporting agency. In line with other activities of the Bureau as the National Meteorological Service, this work has included studies of such things as meteorological conditions producing smog, investigations of the relationship between high-altitude winds and radioactive fallout, and the meteorological factors involved in aircraft accidents.

TABLE 2.—*Total annual amounts received by Weather Bureau for advances and reimbursements. It is estimated that about 5 to 10 percent of the total amount was distributed to research*

Fiscal year:	
1950	$1,051,000
1951	1,500,000
1952	2,179,000
1953	2,258,000
1954	2,768,000
1955	3,521,000
1956	4,735,000
1957	5,095,000
1958	5,742,000
1959	7,082,000
1960	8,116,000
1961	9,590,000
1962	8,948,000

5. RESEARCH FACILITIES

Summary: The report of the Special Advisory Committee of the National Academy of Sciences (Kelly Committee), issued in March 1960, made the following statement:

"The most urgent and immediate need of the Weather Bureau's research—whatever its level—is for modern, integrated housing and modern facilities in amounts adequate to provide effective utilization of research manpower."

Research and development activities are now located in a number of obsolete, substandard buildings, and facilities are inadequate both in quantity and quality. The recruitment of professional personnel of high quality for carrying on the research program is severely handicapped by the present quarters, facilities, and the associated environment.

During recent months, a request has been made for the assignment to the Weather Bureau of the National Bureau of Standards site when the agency moves to its new quarters. If this does not materialize, a new building, suitably designed to house Weather Bureau activities, should be promptly started.

Additional information: A summary of the Weather Bureau's attempts to obtain adequate housing follows:

1. During 1953 the Bureau developed building requirements and prepared justifications leading to the General Services Administration submission of their project No. 3–MD–07 to Congress for approval of the Public Works Committees of the Senate and House of Representatives. The prospectus was submitted under provisions of title I, Public Law 519, 83d Congress, 2d session. During the 2d session, 84th Congress, the prospectus was submitted as part of the lease-purchase program. The project was approved by the House Public Works Committee and was also approved by a Senate subcommittee of the Public Works Committee. However, the Senate Public Works Committee tabled the proposal due to a question of the cost of site acquisition.

2. On May 15, 1958, the Weather Bureau obtained from the Bureau of Public Roads a use permit for 112 acres of ground at Langley, Va. However, the Langley, Va., site was not adequate for location of the new building to house the National Meteorological Headquarters and the Observational Test and Development Center. On May 13, 1960, the Weather Bureau accepted the transfer from National Bureau of Standards of 408.4 acres of ground, together with 28 buildings at Sterling, Va., for use in developing the Observational Test and Development Center. With this action, the 112 acres of ground at Langley, Va., would be adequate for the location of the proposed new building for the proposed National Meteorological Headquarters.

3. On March 11, 1958, a revised building project was submitted to the General Services Administration. A revised proposal was again resubmitted on December 22, 1959, encompassing the latest changes. This proposal is currently included in General Services Administration project No. 49900, dated December 11, 1959, under stage 2 of part II for a proposed construction start during the period 1963–64.

4. On November 18, 1960, the Secretary, Department of Commerce, forwarded a letter to the Administrator, General Services Administration, recommending that necessary steps be taken immediately to have a single, special-purpose building constructed, designed to take care of the Weather Bureau's operations.

5. On January 3, 1961, the Administrator, General Services Administration, in a letter to the Secretary of Commerce, gave recognition to the Weather Bureau space problem and stated a hope for early programing action with regard to an appropriate project for the Weather Bureau.

6. In the spring of 1961, the Department of Commerce and the General Services Administration concurred in a plan for the Weather Bureau to take over the National Bureau of Standards site at Wisconsin and Van Ness Avenues, Washington, D.C., upon the relocation of the National Bureau of Standards site at Gaithersburg, Md. At the present time a feasibility study is underway.

6. LONG-RANGE PLANNING

Summary: During the past decade the Weather Bureau has developed a number of long-range plans for research on important problems in meteorology. A few of these have been well supported, some have received token support, but others have been beset with the difficulties discussed above. Some of these long-range plans, which are discussed in the next section of this report and are given in detail in attached documents, provide fundamental approaches to the attainment of some of the national goals in atmospheric sciences that are now receiving long-needed attention.

Responding to a request initiated by the President's Special Assistant for Science and Technology, a task force of scientific leaders in the field of meteorology convened in a series of meetings to outline national 10-year goals in the atmospheric sciences. The conferences, held June 28–July 19, 1961, included experts from among the Weather Bureau's research scientists. The national plan for meteorological research resulting from these meetings is scheduled for completion in the early autumn. As the national meteorological service, the Weather Bureau is concurrently preparing long-range plans covering its responsibilities in the atmospheric sciences. These plans will include research and public service activities which will both contribute to and derive from the overall goals developed by the scientific task force.

Additional information: Because the atmosphere is a global envelope within which weather is manifested on scales ranging from fractions of inches to worldwide dimensions, many of its fundamental processes cannot be scientifically understood and possible future control cannot be determined unless research is pursued on a comparable range of scales. The solution of many of the complex problems of the atmosphere call for large, long-term research projects whose success in turn depends on imaginative long-range planning, recruitment of competent research scientists, and the provision of adequate facilities and stable long-term support.

At the request of the President's Special Assistant for Science and Technology, Dr. Jerome Wiesner, a planning task force of 150 scientists from many different institutes in this country and abroad, convened in Boston, Mass., during the period June 28–July 19, 1961. The purpose of the conference was to recommend goals and outline a national plan for the atmospheric sciences over the next 10 years.

The director of the planning task force, Prof. Sverre Petterssen, using these recommendations, will outline U.S. needs for manpower, funds, and facilities in the atmospheric sciences. This outline will include specific requirements in the fields of biometeorology, atmospheric physics and chemistry, atmospheric dynamics, atmospheric structures and circulations, and engineering meterology. This effort is being supported through funds supplied by the National Science Foundation and the Weather Bureau.

Parallel to the overall plan being developed by Professor Petterssen, the Weather Bureau is preparing long-range plans covering the primary aspects of its basic mission in the atmospheric sciences. While the plan developed by Professor Petterssen will be primarily concerned with research goals, the Weather Bureau's program will cover the forecasts, warnings, and other services provided by the Bureau, as well as the basic and applied research effort necessary to improve these services. Much of the Bureau's planning in these areas is being continually developed and reviewed through its annual planning processes, and through special technical planning studies which are issued from time to time. Some of these plans and projects are discussed individually in the next section. The proposed overall study will, however, bring together these plans into an integrated program.

7. RESEARCH PLANS AND PROJECTS

A full discussion of "Research Progress and Plans of the U.S. Weather Bureau, Fiscal Year 1960," is given in the attached document of that title. A similar document for fiscal year 1961 will be issued in the early autumn. The following discussion is limited to brief summaries of some long-range projects that the Weather Bureau has started or planned.

General circulation of the atmosphere

Approximately 6 years ago at the urging of the late Dr. John von Neumann, a group was established at the Weather Bureau to study the general circulation of the atmosphere through the construction of dynamical models suitable for numerical solution with the aid of high-speed digital computers. The research planned is fundamental for understanding the larger scale processes of the atmosphere and is basic to improvement in problems such as long-range forecasting and for determining possibilities of large-scale weather modification as recognized by Dr. von Neumann when he proposed the project. Since the problem is a very difficult and time consuming one, it was undertaken with the understanding that the project would have to grow as more complicated mathematical models of the atmosphere were developed. Since personnel for this type of work were extremely scarce many of them came through the training of promising graduates completing their university work or by the assignment of Weather Bureau personnel to universities for further advanced training in theoretical meteorology. Due to the limitation on the salaries that can be paid under the civil service system, it was not possible to obtain the services of several people who could have made important contributions to the project.

The solution of the problem of the general circulation requires very high-speed and large capacity digital computers. The research has now advanced to the stage involving a more realistic model of the atmosphere which can only be handled on a computer of the largest size now available. Arrangements have been made for the lease of such a computer with delivery expected in the last quarter of fiscal year 1962. Availability of this computer for general circulation research depends on funds being made available in fiscal year 1963 for the lease of the computer over the entire year. Since the information on the appropriations to cover this lease does not become available until late in the spring, planning for a computer of this type which can be obtained only on a long lease time basis becomes difficult under short-term budgeting for research.

Meteorological oceanography

Under the statutes and executive orders governing meteorological services provided by the U.S. Government, the Weather Bureau is responsible for collecting essential weather reports from the oceans, the Great Lakes, and other bodies of water in which the United States has meteorological interest. From these reports are prepared the weather maps, climatological charts, storm warnings, and other weather advisories for the high

seas and water areas within or contiguous to its territories. The Weather Bureau is also responsible for meteorological research designed to develop and improve ocean weather services and, in particular, for boundary zone research involving the oceans and the atmosphere in their direct relationship to weather and climate.

Interaction between the air and sea in causing violent conditions of wind and water over the oceans and along the coasts is so involved and indivisible that for many purposes meteorology and oceanography must be regarded as one and the same science. The need for studies in this field has been emphasized in the report "Oceanography 1960 to 1970" by the National Academy of Sciences—National Research Council Committee on Oceanography. Among other comments on this subject in this report is the statement that the interchange which "takes place between the sea and air affects persistent weather patterns."

For many years, the Weather Bureau has urged further development of ocean-weather studies, and the Bureau's proposals for this important field were given emphasis recently through the Federal Council for Science and Technology and subsequently, the Interagency Coordinating Committee on Oceanography. These agencies supported the long-range program aimed at (1) extending and developing the weather observations, storm warnings, and other ocean-meteorological services vital to safety to life and property; and (2) conducting the necessary research for advancement of knowledge of atmospheric-oceanographic processes. To carry out this program, the Weather Bureau proposes to carry out investigations of the following important topics:

1. Investigations with regard to the exchange of heat, water vapor, momentum, chemicals, and other properties across the ocean-atmosphere interface.

2. Study of the "feedback" mechanism whereby unusual weather conditions produce unusual sea conditions, particularly temperature changes, and the manner in which these, in turn, subsequently introduce atmospheric changes, such as variations in paths and intensities of storms.

3. Investigation of the various mechanisms contributing to a piling up of water against coasts during hurricanes and other severe windstorms; improvement of storm-tide services now in operation along the Atlantic and gulf coasts and their extension to the Great Lakes and coastal areas.

4. Study of coastal weather with particular emphasis on harbor and estuarine forecasting for nuclear-powered ships, where release of nuclear effluents either by accident or design, might become serious for coastal communities.

There is a great potential still undeveloped for extensive use of merchant ships and special purpose vessels for making observations and collecting data that are desperately needed for understanding of the phenomena of the atmosphere and the oceans which relate directly and vitally to human welfare. For relatively little investment in instruments and equipment, these vessels could be utilized for collection of essential data. Specifically, the Weather Bureau proposes to develop a low-cost, lightweight system of measuring winds aloft from merchant ships, as well as to obtain the necessary barometers, thermometers, and other standard surface measuring instruments for cooperating vessels.

There are huge gaps in our observations of the oceans and the atmosphere over the oceans—gaps so large that the entire area of the United States could be lost in the wide-open spaces in some regions. The data deficiencies resulting from these gaps can be materially alleviated by the use of a recently developed marine automatic meteorological station (MAMOS). This station can be anchored in deep water and is capable of transmitting weather information automatically to shore stations.

Although there are many new items of instruments and equipment to be developed for ocean weather observations, most of these are relatively simple from the technological point of view. They offer no serious obstacles to early development of the network of oceanographic and meteorological observations. For example, a prototype infrared thermometer has been developed which will provide very accurate measurements of surface water temperatures. Preliminary studies have indicated that such measurements are extremely important in delineating the areas favorable for hurricane formation.

Atmospheric boundary layer

Solar energy is obviously the driving mechanism for the earth's wind and weather. However, solar energy must largely be converted into long-wave (heat) energy in order to be utilized by the air. By far, the largest part of this conversion takes place at the air-earth-ocean interface in a complex and ever changing way. The resulting atmospheric behavior controls the dispersion of the pollutants, growth of vegetation, indeed the very character of the air we breathe.

The Weather Bureau has planned a basic study of the boundary layer for several years but has been unable to obtain its own funds to initiate any work in this field.

In order to carry out even the vestiges of a program in this field the Weather Bureau has had to rely on a small amount of support from the Atomic Energy Commission. This initial pilot study has further confirmed the complexity of the problem and demonstrated the need for an expanded continuing effort in this area.

Severe storms

Two important programs in the Weather Bureau are the investigation of hurricanes through the national hurricane research project and the investigation of severe local storms such as tornadoes, severe thunderstorms, etc., through the national severe storms project. Both of these projects have been planned on a long-term basis with objectives as described in the attached documents but the financing of the work has been on a year-to-year basis. In the case of the hurricane project satisfactory support has been received to conduct a worthwhile project. In the case of the national severe storms project, funds adequate to undertake the investigations at a reasonable level have not been obtained through our regular appropriations. In order to conduct this work, the Weather Bureau has had to rely on partial support from such agencies as the FAA, the NASA, and the Department of Defense. Due to changes in plans in these agencies leading to variation in support of the project from year to year it has not been possible to conduct the research at a reasonable level taking advantage of the facilities currently available for the investigation of the severe local storms.

Meteorological observation requirements

Long-range plans for obtaining meteorological observations over sparse data regions have been developed by the Weather Bureau in a study of this problem in the Pacific. The urgency of this problem arose as a result of an announced plan by the Department of Defense to phase out gradually the Air Force weather reconnaissance program which has been providing vital meteorological information over the Pacific Ocean and other areas. The attached document, "Technical Planning Study No. 1," which concentrates on alternative plans for dealing with the problem in the Pacific, provides plans that are applicable to all sparse data areas of the world.

Development of meteorological equipment and procedures

With the accelerating technological advances of modern industry, agriculture, and commerce, and their associated requirements for meteorological information and services, the Weather Bureau contracted in 1960 for an expert investigation of practical means of acquiring, processing, and utilizing weather data that would be compatible with future requirements. The study, which examines the overall science and practice of meteorology and emphasizes the needs of the next 3 to 5 years, provides a logical guide for subsequent establishment of mutually consistent developmental and implementation programs. This study, designated "Technical Planning Study No. 2," is attached.

National plan for a common system of meteorological observation satellites

Since 1954, when the Weather Bureau's Director of Meteorological Research pointed out the promising prospects for a worldwide weather-observing system using artificial earth satellites, the Bureau has made studies leading to proposals for such a system. The attached "Technical Planning Study No. 3" summarizes planning that commenced shortly after the successful launching and operation of Tiros I in April–June 1960. This original plan, although preliminary, represented a start in formalizing a national program that has been further developed through coordination among several interested Government agencies and departments. The final result, "A Plan for a National Operational Meteorological Satellite System," was issued in April 1961. Strengthened by the further success of Tiros II, it was presented to the 87th Congress as part of President Kennedy's space program for the United States. The more recent highly successful Tiros III has further confirmed the value of meteorological satellites and of plans to establish a systematic program of operational satellites geared closely to the work of the Weather Bureau's National Meteorological Center.

High-density network for terminal forecasting research

The importance and economic value of accurate short-period forecasts for the Nation's major airports are widely recognized. In spite of the effort which so far has been expended on this problem, significant improvements have not been realized. Progress has been slower than in larger scale weather forecasting principally because the terminal forecast cannot be so well determined by present methods of observing and analyzing the current atmospheric state. With the rapid expansion of jet aircraft operations, the problem has become more acute. Recently a number of experts have suggested establishing a special observation network designed and operated specifically for use in terminal forecasting studies and related research programs. The attached Technical Planning Study No. 4 presents Weather Bureau plans for a small high-density network to provide special data for use in terminal forecast studies and field experiments in short-period terminal forecasting, involving both data collection and processing. The observational network and research program will enable a variety of experiments and tests to be made. There is every reason to expect that research along these lines, if given stable, long-term support, will prove fruitful.

Weather modification and storm control

This subject, which was mentioned in section 4, was thoroughly discussed about 2 years ago in a report by the Weather Bureau to the Select Committee on National Water Resources, U.S. Senate, 86th Congress. The report, issued in 1960 as committee print No. 22, included (pp. 20–21) an up-to-date comprehensive plan for studies in

weather modification, small parts of which are now underway. A further brief statement on the subject is included here because of the widespread popular interest and the possibility of important future developments in weather modification, now largely unforeseeable.

When weather modification first reached widespread attention among the public some 12 years ago, the Weather Bureau was one of the first to start field studies under fairly adequate experimental controls. These studies soon led to the conclusion that much more extensive fundamental research in cloud physics and precipitation processes would be required before real progress could be made in the practical applications of weather modification for purposes of rainmaking and other uses. At the time these findings and the advice based thereon were largely disregarded in the excitement with which many enthusiastic rainmakers undertook field operations. After some 10 years' delay and expenditure of many millions of dollars that might better have been devoted to basic research, other scientific agencies have come to the conclusions and made the recommendations presented by the Weather Bureau in 1950.

At the present time, the Weather Bureau's activities in weather modification are relatively small except for the important basic studies in cloud physics now in progress in the Physical Research Laboratory. The comprehensive and large-scale program in research in weather modification first recommended by the Bureau in the early 1950's and brought up to date in the cited committee print No. 22, could not be undertaken because of lack of funds.

Many of the basic studies prerequisite to weather control are also essential to understanding of atmospheric conditions for purposes of weather forecasting. The Weather Bureau has pursued these research possibilities in projects related to weather forecasting and has, insofar as limited funds have permitted, continued its basic studies in phenomena relating directly to weather modification and storm control.

8. SUPPORTING DOCUMENTS

The following recently issued documents provide additional information on many of the items discussed. Documents (2) through (9) are attached.

1. National Academy of Sciences, National Research Council, "The Role of the Department of Commerce in Science and Technology," a report to the Secretary of Commerce by a special advisory committee, Washington, D.C., 1960. (Kelly committee report.)

2. U.S. Department of Commerce, Weather Bureau, "Budget Digest," Washington, D.C., 1961.

3. U.S. Department of Commerce, Weather Bureau, "Research Progress and Plans of the U.S. Weather Bureau, Fiscal Year 1960," Washington, D.C., 1960.

4. U.S. Department of Commerce, Weather Bureau, "Objectives and Basic Design of the National Hurricane Research Project," National Hurricane Research Project Report No. 1, Washington, D.C., 1956.

5. U.S. Department of Commerce, Weather Bureau, "National Severe Storms Project—Objectives and Basic Design," NSSP Report No. 1, Washington, D.C., 1961.

6. U.S. Department of Commerce, Weather Bureau, "Plan for Meeting Meteorological Observation Requirements Over Sparse Data Regions," Technical Planning Study No. 1, Washington, D.C., 1960.

7. U.S. Department of Commerce, Weather Bureau, "Prospectus of Meteorological Operations," Technical Planning Study No. 2, Washington, D.C., 1960.

8. U.S. Department of Commerce, Weather Bureau, "National Plan for a Common System of Meteorological Observation Satellites," Technical Planning Study No. 3, Washington, D.C., 1960.

9. U.S. Department of Commerce, Weather Bureau, "A Proposal for Terminal Forecasting Research Using Data From a Small-Scale Network," Technical Planning Study No. 4, Washington, D.C., 1961.

10. National Academy of Sciences, National Research Council, "Oceanography 1960 to 1970," Washington, D.C., 1958.

11. Panel on Operational Meteorological Satellites, National Coordinating Committee for Aviation Meteorology, "Plan for a National Operational Meteorological Satellite System," Washington, D.C., April 1961.

12. U.S. Department of Commerce, Weather Bureau, "Progress and Possibilities in Weather Modification," part 1 of "Water Resources Activities in the United States—Weather Modification," committee print No. 22, Select Committee on National Water Resources, U.S. Senate, 86th Congress, 2d session, Washington, D.C., 1960.

[From the New York Times, June 1, 1961]

THE VERY MODEST PRICE TAG ON TABLE MOUNTAIN

(By Arthur Krock)

WASHINGTON, May 31.—The cost to the American people of putting a man on the moon in this decade was recently estimated at $20 to $40 billion by Director Webb and Deputy Director Dryden of the National Aeronautics and Space Administration. The program for research in the atmosphere of the earth will cost about $30 million in the next 5 years, according to Director Roberts of the multiuniversity project on Table Mountain in Colorado.

Since the most visible product of U.S. primacy in a man moon-landing is the prestige of this Nation in the world, and solid advances in the state of humanity are tangible goals of atmospheric research, this gives pertinence to a question asked of Webb and Dryden after the NASA estimate of $20–$40 billion was made. The question, from John W. Finney of this newspaper, a member of the television panel before which the NASA officers appeared, was substantially this:

Assuming that the pockets of the American taxpayer are not bottomless, could not some of the huge sums required for a lunar expedition be more profitably spent for other forms of research here on earth, such as curing cancer or heart disease, converting salt water into fresh water, or improving the education of our youth?

This raised a mighty issue of relativity which, though it is outside the province and the assignment of NASA, merits public consideration. And Director Roberts' estimate of $30 million for 5 years' cost of the Table Mountain program emphasizes the issue by its startling contrast with NASA's speculative $20–$40 billion. The issue is this: Is the prestige which will come to the United States for being first to land a man on the moon worth the concentration of so enormous a portion of its wealth?

APPORTIONING RESEARCH FUNDS

If the American taxpayers were able simultaneously to finance the research in all the fields mentioned by Finney, to the degree calculated to bring results at the earliest possible moment, as in the instance of the moon flight, the issue of relativity would not exist. But this purchasing power has not yet been claimed for the American economy, even by the most optimistic exponents of the theory that annual rises in the national industrial product on an ever-increasing scale can be assured by economic policy. So if $20–$40 billion of the national revenues are to be spent to win the race to the moon in this decade, the progress through Government aid to the other goals of science must move on a much slower schedule.

Though there is no atmosphere on the moon, no oxygen and no surface water; though the fahrenheit temperature range is from 200 plus above zero to 200 plus below, and hence the moon is a place most inimical to man—despite these appalling obstacles a man eventually will land on the moon from the United States. This is the prevailing judgment of the scientists engaged in the NASA program, and the reason the cost of the President's translation of this judgment into a national policy will be so great is that a 2 or 3 year lag behind Soviet Russia must be overcome if we are to hope to be first.

Unless this policy is to be modified as to expenditure, there is small prospect that the Government will invest enough more in the researches of "little science" to accelerate their advances toward their humanitarian goals at something nearer the moon project rate. If so, it is fortunate that one branch of this research, with a vast potential of general benefit, is able to make substantial progress on the current scale of Government support. "Though it will be 3 years before the National Center for Atmospheric Research moves into permanent headquarters (on Table Mountain)" reports Director Roberts, "the center is already in being. By fall the first dozen of the 70 or 80 scientists who will be the nucleus of the staff will be at work in temporary quarters." And he added:

"The endeavor (sponsored by the Government and 14 universities) is conceived on a scale suitable to its global importance. Top-flight scientists will work on such problems as the real connection between electricity and precipitation; the interaction of ocean, land and atmosphere; the role of chemical particles, gases and ionized substances in the production of thermal and dynamic effects laying the groundwork essential to future application, even—perhaps—weather control."

This is a lot for $6 million a year.

[From the Washington Daily News, Sept. 12, 1961]

EXPERTS PIN HOPES ON BASIC RESEARCH TO CONTROL STORMS

(By John Troan)

America's hurricane fighters admitted today it may take years before man learns to tame these whirling dervishes. And maybe we'll never find out.

But forecasting of hurricanes has developed to a point that nowadays their death tolls are at a minimum.

Hurricane Carla, for example, is almost a repeat of the devastating storm which struck Galveston, Tex., in 1900. Yet the toll this time is nowhere near the 6,000 lives it claimed.

Jack Thompson, Assistant Chief of the U.S. Weather Bureau, said the main difficulty in trying to control hurricanes is we don't know enough about how they are born and how they behave.

Nevertheless, scientists are hopeful that basic research—aided by newfangled satellites—eventually will yield enough information about nature's weather factory to open the way to hurricane control.

THREE METHODS

Meanwhile, three methods for battling hurricanes—and the tropical storms which spawn them—are being pondered.

One is to "seed" such storms with dry ice or silver iodide before they reach land or turn into full-blown hurricanes.

Hopefully, such seeding would milk dry part of the storm and either knock it out or knock it off course—thus steering it away from shore.

The United States has tried this a number of times. But, Mr. Thompson said, "the results are inconclusive."

Reason: Each such storm acts differently. So we don't know whether we've really influenced its behavior, even if it should lose its steam or shift its path.

One way to overcome this obstacle is to seed many tropical storms and hurricanes

over many years—and compile a sort of box score. But some weather experts think it would take 20 years or more to draw useful conclusions from this.

CHEMICAL FILM

Another idea is to coat the ocean with a chemical film that would keep down the temperature of the surface water. This is keyed to knowledge that most hurricanes form when the sea temperature is above 80.

Such an "overcoat" has been spread on lakes and reservoirs to reduce evaporation. But it doesn't seem to drop the water temperature.

"What we'd like," Mr. Thompson explained, "is to incorporate in an agent of this sort a chemical that acts the opposite of the way carbon black does. Carbon black absorbs the sun's radiation. We'd like a chemical to reflect radiation which spreads at sea."

Even then there would be the problem of keeping such a chemical film from being shattered by the pounding of waves.

ANOTHER IDEA

Still another idea, less talked about these days, is to use nuclear bombs to destroy hurricanes at sea.

Weather experts concede this might work if a hurricane really has a weak spot—and if it were located.

Moreover, use of nuclear bombs against hurricanes might possibly backfire by stoking up the storms and raining radioactive fallout in their wake.

To top it all off, a hurricane is much more powerful than a hydrogen bomb. For instance, it generates in 5 seconds as much energy as would be released by the explosion of that 100-megaton H-bomb Soviet Premier Khrushchev talks about.

Though forecasting has improved considerably, the Weather Bureau still is striving to make its hurricane predictions even better.

Its aim is to be able to pinpoint within 50 miles where a hurricane will strike 36 hours later.

This would give people in the danger area enough time to take emergency measures without compelling others outside the actual hurricane zone to resort to costly needless precautions.

Mr. HUMPHREY. Mr. President, I only hope this request will receive very serious attention, because the eastern seaboard is again being visited by a devastating hurricane which will take its toll in hundreds of millions of dollars' worth of property; and we have proven by some advance planning and research on weather that we can save the lives of thousands of people and can protect property from undue damage. I believe that with the expenditure of a very limited amount of money in the fiscal year 1963 and in the years ahead we may very well be able to protect the lives of thousands of our people who would be affected by severe weather, and we shall be able to protect crops and physical structures, and, indeed, we shall be able to do much more to protect the public interest.

REGULATION OF DRUG INDUSTRY

Mr. KEFAUVER. Mr. President, I ask unanimous consent to have printed in the RECORD editorials on S. 1552, the omnibus drug bill, appearing in the New York Times and the Washington Post of Monday, September 18, 1961.

I take this opportunity to commend Secretary Ribicoff for his thorough, lucid, and penetrating analysis of the problems presented by the drug industry and of the ways and means of correcting them set forth in the proposed legislation. As I said at the time, his testimony represents one of the best statements ever presented to the Antitrust Subcommittee.

That such distinguished newspapers as the New York Times and the Washington Post have found merit in much of the proposed legislation, is, of course, extremely heartening to those of us who have struggled to develop and bring out the facts on this industry and the need for essential reforms.

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

[From the Washington Post, Sept. 18, 1961]

TIGHTER CONTROL OF DRUGS

Secretary Ribicoff has made a good case for more protection of the consumer against worthless drugs. Buying drugs is very different, as Mr. Ribicoff told a Senate subcommittee studying the Kefauver bill, than shopping for shoes, automobiles, or groceries. About 90 percent of the drugs for which prescriptions are written today were not on the market 20 years ago. In many instances it is impossible for the consumer to find out whether a new drug has any actual value in the treatment of a disease. Under such circumstances it is not unreasonable to require Food and Drug Administration tests of the effectiveness of a new drug before it is offered to the public.

Some manufacturers insist that such testing would delay the marketing of new drugs of great value. No doubt it would, but a little delay would not be a large price to pay for the additional assurances to the public, when the product does appear, that it has been found by impartial experts to be efficacious as well as harmless.

No doubt there is also some danger of poor administration of the proposed requirement that new drugs be withheld from the market until their usefulness has been established. Venal inspectors might be subjected to heavy pressure. Incompetents could deny sick people new remedies. As a practical matter, however, the standards adhered to in the Food and Drug Administration usually have been high. It is not a sound principle of government to withhold powers needed for protection of the public because of the possibility that those powers might be abused.

The Secretary of Health, Education, and Welfare has pointed out, moreover, that the sale of worthless drugs for use on hogs, sheep, and cattle is already restricted. Certainly there is no logic in allowing a lower standard for drugs used by human beings. It would be foolish indeed to say that a farmer is entitled to an FDA check on the effectiveness of the medicine he gives to his hogs but not on that he gives to his children.

Mr. Ribicoff also appears to have made a good impression on the subcommittee by opposing the provisions of the Kefauver bill which would require the licensing of drug concerns and the publication annually of a list of drugs that might have dangerous side effects. There is no virtue in carrying regulation beyond that which is necessary for protection of the public. We believe that consumers can be adequately safeguarded without discouraging the alert and progressive drug industry from the development of new remedies for human ailments.

[From the New York Times, Sept. 18, 1961]

SAFER, CHEAPER DRUGS

With a forthrightness in gratifying contrast to its timidity on many other important domestic issues, the administration has recorded its support of the major provisions of the Kefauver-Celler bill to tighten Federal regulation of drugs in the interest of proved quality, fewer harmful side effects and lower consumer prices.

Secretary Ribicoff put the case for the bill in the bluntest terms when he told a Senate Antitrust Subcommittee that it was time to "give American men, women, and children the same protection we have been giving hogs, sheep, and cattle since 1913." These barnyard creatures have been safeguarded against worthless drugs for nearly half a century. The new bill will assure people that they, too, will get drugs proved effective before they are sold.

The subcommittee hearings have demonstrated the sometimes tragic inadequacy of present controls. The Food and Drug Administration, the American Medical Association and the drug manufacturers themselves have responded to the revelations by taking many steps to improve pharmaceutical practices. But these measures go only a small way toward providing full protection for the consumer's health and pocketbook. Congress should act early next year to complete this lifesaving mission by enacting the Kefauver proposal.

STEEL PRICE DEBATE

Mr. KEFAUVER. Mr. President, the Washington Post, September 15, 1961, carried two items of interest in connection with the steel industry. One is a story by Bernard Nossiter and the other is an editorial on the subject. I believe these are of interest to the current situation and ask unanimous consent that they be printed in the RECORD at this point in my remarks.

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

[From the Washington Post, Sept. 15, 1961]

STEEL PRICE DEBATE GROWS IN OBSCURITY

(By Bernard D. Nossiter)

Roger M. Blough, the genial farmer lawyer who runs United States Steel, has contributed an eloquent lawyer's brief to the national debate over steel prices.

Unhappily, for all their brilliance, Blough's arguments obscure rather than clarify the economic issues at stake.

Blough's reply to President Kennedy's hold-the-line appeal displays a wealth of faultlessly accurate statistics. But many of them are irrelevant and suggest somewhat misleading conclusions.

A central question is just how much difference does it make if steel prices are raised. Not much, suggests Blough.

"The historical evidence," he wrote Mr. Kennedy, "would seem to disprove the bellwether theory (that steel price increases set the pace for or cause increases in prices generally).

For his historical evidence, Blough notes that steel prices didn't rise from 1940 through 1944, but wholesale prices generally climbed a lot. Conversely, Blough remarks that steel prices jumped 30 percent from 1951 through 1956 while wholesale prices generally held steady.

In the 1940–44 period, the rise in prices was due almost entirely to the sharp climb in farm prices—an objective long sought by the Government and achieved by the extraordinary wartime demand for food. During much of this time, steel prices were controlled by law. This period proves little about the present.

But the 1951–56 period illustrates perfectly why the President worries over a rise now in steel prices. In this stretch, farm prices fell 22 percent; metals and metal products rose 21 percent. The net result, as Blough said, was little change in the overall level.

The lesson is this: When farm prices are not falling and when there is no great spurt in demand that fully employs all workers and plants, the price to worry about is the price imposed by administered industries like steel.

For example, the rise in prices of steel and steel-using products accounted for most of the general rise in prices between 1953 and 1959. Then, as now, the economic curve was generally rising, but there was still lots of slack in the economy; the inflation force came from the concentrated industries with the market power to make price increases stick.

One of Blough's shrewdest points is his suggestion that steel wage costs have outrun and so forced price increases. He notes that steel's hourly employment costs rose nearly twice as fast as prices from 1940 through 1960.

But Blough's firm produces steel, not man-hours. The relevant figure is costs per ton of steel. If I employ two workers at $2.50 an hour to produce eight widgets, then double my wages, fire one worker, and still get eight widgets an hour, I have not given myself any reason to raise prices. My labor cost per widget is unchanged, 62.5 cents.

According to the Bureau of Labor Statistics, the hourly wage cost of producing a ton of steel has risen 111 percent from 1940 through 1959 (the latest available year); prices rose 174 percent, or more than half again as much during this period.

The BLS doesn't include the rise in fringe benefits but these now make up about one-eighth of total employment costs and would still leave the correct conclusion unchanged—that prices have outstripped labor costs per ton.

The rest of Blough's letter is filled with much of the same kind of analysis. It is enough to make Senator ESTES KEFAUVER, Democrat of Tennessee, turn in his teacher's certificate. KEFAUVER has been over this ground with Blough for years in the Senate Antitrust and Monopoly Subcommittee.

But the billion-dollar question—Will steel raise its prices again?—remains unanswered by Blough and his followers.

Yesterday, another company chief, President Thomas P. Patton of third-ranking Republic Steel Corp. disclosed his reply to Mr. Kennedy.

Like the others, Patton said he didn't know what he was going to do about prices. And, like the others, he complained that the President was trying to "justify the freezing of current steel prices regardless of the inequities to our company."

The eventual decision of United States Steel and the rest of the industry will provide the severest test so far of Mr. Kennedy's attempt to restrain inflation through rational persuasion.

KENNEDY PRAISES UNION ON ITS CONTRACT PLANS

President Kennedy yesterday commended the United Steelworkers Union for promising to negotiate a new basic contract next year that will be noninflationary and based on the public interest in price stability.

The White House released copies of an exchange of correspondence between the Chief Executive and union President David J. McDonald.

On September 6, Mr. Kennedy sent letters to 12 steel company executives urging them not to use a cost-of-living steel wage increase this fall as an excuse for hiking steel prices. The President said that even with higher labor costs the steel industry could "look forward to good profits without an increase in prices."

In his letter, McDonald pledged the "wholehearted acceptance by the United Steelworkers of America to the proposition that any collective-bargaining settlement in the basic steel industry next year should give full weight and recognition not only to the needs of workers, the stockholders, but also to the public interest."

This was a reference to the basic steel contract that comes up for renegotiation next year. Mr. Kennedy's original letter was more concerned with the immediate effect of the so-called escalator increase in wages effective next month.

McDonald reiterated the belief of the President's Council of Economic Advisers that the October pay increase would be more than offset by rising productivity and a lower labor cost per ton of steel.

[From the Washington Post, Sept. 15, 1961]

STEELMAKER TO PRESIDENT

Mr. Roger Blough, chairman of U.S. Steel, has responded to the President's letter in which the President urged the steel industry to hold the price line. Mr. Blough makes three principal points. First, he says, steel profits have not been excessive. This may readily be granted, and in fact the President's letter did not say that they had been. Secondly, Mr. Blough questions the bellwether effect of steel prices. This is a matter of judgment; nobody can look into the minds of businessmen who often have raised their prices when steel went up. What seems fairly certain is that the sharp rise in the postwar price of steel was responsible for a good part of the total wholesale price increase. Mr. Blough is probably right in suggesting that steel wages have had a strong bellwether effect.

Finally, Mr. Blough argues that the forthcoming rise in steel pay is not 8 cents per hour, as has been said in some quarters, but 13 cents. At the same time he says that productivity in the steel industry has advanced, over the long term, at only 2 percent. If these are the facts, the steel industry obviously faces a difficult problem in holding the price line in the face of wage increases of 3½ percent or thereabouts. But steel productivity moves at widely varying speeds. It accelerates sharply when the rate of capacity advances. Such an advance now seems clearly ahead. It is on this basis that the President expressed the belief that the industry could absorb the coming wage increase without higher prices.

What Mr. Blough's letter makes clear is that there can be no easy and painless exit from the wage-price spiral in steel. Management and labor have fallen into bad habits in the postwar years. Management has tried for higher profits, labor has moved in and taken them away, then management has tried once more to raise them. In this way the price of steel has been pushed up far beyond other prices. This spiral must be broken at some point. Whoever makes the first move will feel some anguish. The move is now the industry's, and a decision to forgo an increase will impose some sacrifice. Given the consequences that ride on the decision, the Nation can reasonably expect of the industry that it make that sacrifice. What the industry can expect of the Nation is that when next year it is labor's turn to show self-restraint, equally effective pressure be brought upon the union. The President has already taken action toward that end by addressing a letter to David McDonald of the United Steelworkers.

CALLUP OF WISCONSIN'S 32D INFANTRY DIVISION

Mr. WILEY. Mr. President, yesterday the Secretary of the Army announced the callup of additional National Guard and Army Reserve units to strengthen our defenses.

Among the units called to the colors was the famed Red Arrow 32d Infantry Division, of Wisconsin. In past wars and crises, the 32d Division has written one of the finest records of service in U.S. history. I ask unanimous consent to have a brief statement relating to the new mobilization order printed at this point in the RECORD.

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

MOBILIZATION OF WISCONSIN'S 32D INFANTRY DIVISION

The President's callup of Wisconsin's famed 32d Division represents a major effort to strengthen U.S. defenses in times of grave international crisis.

The mobilization order affects more than 10,000 Wisconsin "minutemen" in 71 communities—about 95 percent of the State National Guard ground forces.

The order is aimed at bringing the division to full manpower strength; and stepping up its combat readiness.

According to present plans, the 32d Division is scheduled to report for duty on or about October 15, and will train at Fort Lewis, Wash.

A time limit of 12 months has been set on length of service for personnel.

Unfortunately, there will be serious personal hardships created by this mobilization, including the impact of: loved ones, once again marching off to defend our country; disrupted family ties; interrupted careers; and in some cases, economic difficulties.

The services should, of course, make every effort to alleviate extreme hardship cases.

The Red Arrow Division—in past crises—created a famed, hallowed record in service to its country. Once again, it stands in the front lines of America's defense.

PLIGHT OF BROILER PRODUCERS

Mr. LONG of Missouri. Mr. President, during the past several days distinguished Members of this body have called to the attention of the Senate the deepening economic crisis of the poultry industry.

The independent broiler industry of Missouri is facing bankruptcy because of the steadily dropping prices.

I ask your consideration of these price facts: It costs 14 cents to produce a pound of broiler chicken. Prices have dropped to 9 cents. They may soon fall to 8 cents.

If production of broilers were also falling, this disastrous price situation might correct itself. But this is not the case. Production is steadily rising. Independent members of the broiler industry cannot cope with this situation as it now exists.

The crisis has been apparent for several months, and the Senate accepted an amendment to the 1961 farm bill which would have met the problem. But the other body, by a vote of 94 to 97, failed to include the amendment.

The amendment would have allowed the broiler industry to adopt a system of marketing orders and agreements. This in no way would have infringed upon freedom of the producers, since the decision to adopt or reject the marketing orders would have been decided by producers themselves through hearings and referendums.

I believe that at the time this amendment was up for decision, members of the industry had not reached agreement among themselves as to the best course to lead them across the shoals of chaos which confronted the industry.

But the able and distinguished junior Senator from Georgia and my most capable and distinguished colleague, the senior Senator from Missouri, and others, have since reported that the industry now recognizes the need of such a program.

If the broiler industry did not face immediate ruin, it would be possible to put this problem aside to the next session, in view of the lateness of the hour.

But action is needed if this major industry is to survive.

The Senator from Georgia has introduced S. 2559 to meet this problem.

Therefore, Mr. President, I join in urging the Congress to act before adjournment to empower broiler producers to meet the problems of their industry through marketing orders and agreements.

I ask unanimous consent to insert in the RECORD at this point a letter from the Secretary of Agriculture, Mr. Freeman, a letter in which he reviews this problem and tells of steps the Department is pursuing to encourage greater consumption of poultry.

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

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, September 14, 1961.

Hon. EDWARD V. LONG,
U.S. Senate.

DEAR SENATOR LONG: Thank you for your letter of September 6 enclosing the inquiry from Mrs. Ralph Schroeder relative to the price situation in the broiler industry.

The prices received by producers for commercial broilers have been exceedingly low in recent months and at this point there is little prospect for improvement. Current indications are for continuing increases in output, even though there is general agreement that broiler returns are not covering cost of production. These problems have been the subject of an inquiry by a subcommittee of the Select Committee on Small Business in the House of Representatives and the Department of Agriculture has been asked to study alternative ways of assisting this industry.

The Department is presently purchasing substantial quantities of broiler meat for use in food distribution programs and has worked with industry groups to encourage consumption through the plentiful foods program. These efforts should be of some help to the industry in moving additional quantities of broiler meat into consumption. They will not, however, restore broiler prices to profitable levels. It is unfortunate that the poultry industry did not foresee these problems when Congress was considering farm legislation. The Department of Agriculture presently has no authority to institute the types of programs needed to adequately deal with this problem.

We appreciate this opportunity to discuss these matters and will be happy to provide any further information you may require.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

FLOOD DAMAGE IN MISSOURI

Mr. LONG of Missouri. Mr. President, I have just returned from inspecting damaging floods in my home State of Missouri, a result of heavy rains from Hurricane Carla. Western and northwestern Missouri were particularly hard hit. Heavy losses were suffered in the Kansas City area. While damage estimates are not yet completed, the St. Louis Post-Dispatch of September 17, 1961, put the preliminary figures at $28 million.

This flood disaster, the second this year in Missouri, puts added emphasis on the need for continuing and increasing our public works measures for control and prevention of future floods. It is poor economy to suffer losses which can be prevented.

I have just received a copy of a telegram from Hon. John M. Dalton, Governor of Missouri, addressed to President Kennedy, in which the Governor asks that certain parts of the State be declared major disaster areas.

I ask unanimous consent that this telegram be printed in the RECORD.

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

JEFFERSON CITY, MO.,
September 18, 1961.

Hon. JOHN F. KENNEDY,
President of the United States,
Washington, D.C.

(Through Mr. M. O. Bickal, Acting Regional Director, Region VI, Department of Commerce, Office of Civil Defense, Denver, Colo.):

Excessive rains caused by Hurricane Carla from September 11 to September 15, 1961, have caused major flooding of several rivers in the State of Missouri. This flooding has caused extensive damage to public and private property in Missouri and especially in the Kansas City area.

This is the second major flood which Missouri has suffered this year and pursuant to section 1710.15, Federal Disaster Assistance Regulations, I certify that the total of expenditures and obligations (or resources utilized) by the government of the State of Missouri, its local governments or other agencies thereof, over and above normal expenditures, for disaster relief purposes for this disaster and all other disasters during the 12-month period immediately preceding this request exceeds $2 million.

The loss of public and private property to Missouri citizens caused by this flood is of deep concern to me and I hereby respectfully request that the areas of the State of Missouri that have suffered adversely by the present flood be declared as major disaster areas and they they be rendered Federal assistance.

All of the specific areas of Missouri requiring assistance have not been fully determined at this time because some rivers have not yet crested but by subsequent correspondence such information will be compiled, delineated, and presented to you for your consideration.

JOHN M. DALTON,
Governor of Missouri.

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 569) to waive certain provisions of the Atomic Energy Act of 1954 so as to permit the agreement for cooperation between the United States and France to be made immediately effective, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

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

S. 29. An act for the relief of Ok Nyu Choi (Ann Wollmar);

S. 158. An act to confer upon the domestic relations branch of the municipal court for the District of Columbia jurisdiction to hear and determine the petition for adoption filed by Marie Taliaferro;

S. 262. An act for the relief of Constantinos Georgiou Stavropoulos;

S. 263. An act for the relief of Guisseppe Glorioso;

S. 264. An act for the relief of Mr. and Mrs. Franklin Leong;

S. 547. An act for the relief of Young Jei Oh and Soon Nee Lee;

S. 553. An act for the relief of Olga G. Coutsoubinas and Spyridon G. Coutsoubinas;

S. 592. An act for the relief of Nishan Der Simonian;

S. 976. An act for the relief of Maria Trela Terpak;

S. 1053. An act for the relief of David Lew Huie;

S. 1234. An act for the relief of Max Haleck;

S. 1355. An act for the relief of Helen Haroian;

S. 1537. An act for the relief of Mrs. Renee Deri;

S. 1585. An act for the relief of Margherita Ferrelli D'Amico;

S. 1750. An act to strengthen the Federal Firearms Act;

S. 1786. An act for the relief of Heripsime Hovnanian;

S. 1787. An act for the relief of Giovanna Vitello;

S. 1880. An act for the relief of Johann Czernopolsky;

S. 1906. An act for the relief of Fares Salem Salman Hamarneh;

S. 1947. An act for the relief of Annemarie Herrmann;

S. 2070. An act for the relief of Kabalan Farris;

S. 2118. An act for the relief of Dr. John Lopinto Arzaga;

H.R. 3401. An act for the relief of Salvatore Cairo;

H.R. 5343. An act to amend section 5021 of title 18, United States Code;

H.R. 5613. An act for the relief of Fernando Manni; and

H.R. 5754. An act to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Lisbon, Portugal, October 31, 1958.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate go into executive session, and that it consider the nomination of Harold T. Council, of Mississippi, to be a member of the Mississippi River Commission.

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

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which

were referred to the appropriate committees.

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

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary;

Frank J. Battisti, of Ohio, to be U.S. district judge for the northern district of Ohio;

Robert A. Ainsworth, Jr., of Louisiana, to be U.S. district judge for the eastern district of Louisiana;

Anthony T. Augelli, of New Jersey, to be U.S. district judge for the district of New Jersey;

S. Hugh Dillin, of Indiana, to be U.S. district judge for the southern district of Indiana;

Alfred L. Luongo, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania;

Alfonso J. Zirpoli, of California, to be U.S. district judge for the northern district of California;

Thomas J. MacBride, of California, to be U.S. district judge for the northern district of California;

Hubert L. Will, of Illinois, to be U.S. district judge for the northern district of Illinois;

Delmas C. Hill, of Kansas, to be U.S. circuit judge for the 10th circuit;

Ben Cushing Duniway, of California, to be U.S. circuit judge for the ninth circuit;

John W. Bonner, of Nevada, to be U.S. attorney for the district of Nevada; and

Harry G. Camper, Jr., of West Virginia, to be U.S. attorney for the southern district of West Virginia.

By Mr. CARROLL, from the Committee on the Judiciary:

William E. Doyle, of Colorado, to be U.S. district judge for the district of Colorado.

By Mr. HART, from the Committee on the Judiciary:

Merle M. McCurdy, of Ohio, to be U.S. attorney for the northern district of Ohio.

By Mr. DODD, from the Committee on the Judiciary:

Irving R. Kaufman, of New York, to be U.S. circuit judge for the second circuit.

By Mr. ERVIN, from the Committee on the Judiciary:

William Medford, of North Carolina, to be U.S. attorney for the western district of North Carolina; and

William H. Murdock, of North Carolina, to be U.S. attorney for the middle district of North Carolina.

By Mr. KEATING, from the Committee on the Judiciary:

John F. Dooling, Jr., of New York, to be U.S. district judge for the eastern district of New York; and

Thomas F. Croake, of New York, to be U.S. district judge for the southern district of New York.

By Mr. FONG, from the Committee on the Judiciary:

Martin Pence, of Hawaii, to be U.S. district judge for the district of Hawaii; and

C. Nils Tavares, of Hawaii, to be U.S. district judge for the district of Hawaii.

By Mrs. SMITH of Maine, from the Committee on Armed Services:

Maj. Gen. William H. Blanchard, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the rank of lieutenant general;

Col. William B. Campbell, Col. Richard O. Hunziker, and Col. Larry A. Smith, Regular Air Force, for temporary appointment in the U.S. Air Force; and

Lt. Gen. Robert W. Burns, Regular Air Force, to be senior Air Force member, Military Staff Committee, United Nations, and Lt. Gen. Roscoe C. Wilson (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in the grade of lieutenant general.

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

Charles W. Cole, of New York, to be Ambassador Extraordinary and Plenipotentiary to Chile.

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

One hundred and seventy-nine postmaster nominations.

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES—ORDERED TO LIE ON DESK

Mrs. SMITH of Maine. Mr. President, from the Committee on Armed Services, I report favorably a group of appointments and promotions in the Navy and Marine Corps in the grade of captain and below. All of these nominations have already appeared in the CONGRESSIONAL RECORD. In order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. The report will be received and the nominations will lie on the desk, as requested by the Senator from Maine.

The nominations are as follows:

Fayette C. Root (civilian college graduate), and sundry other persons and officers, for appointment and promotion in the Navy and Marine Corps.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the nomination will be stated.

MISSISSIPPI RIVER COMMISSION

The legislative clerk read the nomination of Harold T. Council, of Mississippi, to be a member of the Mississippi River Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask that the President be immediately notified of the confirmation of the nomination.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

COMMISSIONER OF INDIAN AFFAIRS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of the nomination of Philleo Nash, of Wisconsin, to be Commissioner of Indian Affairs.

The ACTING PRESIDENT pro tempore. The nomination will be stated.

The legislative clerk read the nomination of Philleo Nash to be Commissioner of Indian Affairs.

Mr. MANSFIELD. Mr. President, before any action is taken on this nomination, I should like to yield to the senior Senator from Minnesota [Mr. HUMPHREY], and to serve notice that at the conclusion of his remarks a quorum call will be suggested for the purpose of getting interested Members to the Chamber.

THE SOVIET ECONOMIC OFFENSIVE

Mr. HUMPHREY. Mr. President, I wish to take a few moments of the Senate's time to discuss the matter of the Soviet Union's economic offensive.

Mr. President, at this time of world crisis, with the eyes of the world focused on Berlin and the United Nations, I call attention to another front on which the Soviet Union is attempting to create havoc. I refer to the economic offensive of the Soviet Union, and while this may not be as exciting and dramatic as the disputes in Berlin and the United Nations, its effects may well prove in the long run to be every bit as significant in the struggle between the Soviet Union and the free world nations.

The Soviet Union's economic offensive is a carefully thought out plan to disrupt normal commercial cooperation between the industrial nations of the West and the underdeveloped countries which need capital, to snare other nations into becoming economically dependent on the Soviet Union, and to promote friction within the Western alliance.

What we are seeing is a form of economic banditry by the Soviet Union, another weapon in its imperialistic scheme.

We have grown accustomed to the fact that every area of contact among nations in our time has become a front along which the Soviet Union is applying pressure and seeking to gain advantage against the free world. The Soviet leaders make no secret of the fact that they are engaged in permanent combat against the independent nations. They call it an ideological struggle, but the weapons employed are not strictly of the intellectual variety. They include blackmail, fifth columns, subversion, arms smuggling, civil war, and revolution.

In his own fashion, Mr. Khrushchev has been faithful to the grim promise he made in his interview with Walter Lippmann to the effect that "we—the Communists—will make more trouble for you—the Americans—with every passing year."

Mr. President, I think we ought to take this message, this warning—indeed, this challenge of Mr. Khrushchev—very seriously.

In recent years, the front that has most actively attracted the strategic interest of the Soviet leadership has been the area of international economic intercourse in general, and world commerce in particular.

In the sphere of foreign trade, the daily commercial press around the world provides a useful reflection of the wide range of activity in which the Soviet Union and its captive allies are at present engaged. All signs point to the fact that this is a highly coordinated, politically directed operation.

Foreign commerce in the Soviet Union, as we know, excludes the public. It does not perform the salutary role of providing the citizen with access to new, better, and cheaper goods produced in other

countries under more favorable conditions of growth or manufacture. It is strictly a government operation, a monopoly of the state. Its chief aims are first, to increase the production power of the Soviet state; second, to harness the satellite nations to the chariot of their imperial masters; third, to weaken the will and the capacity of the nations of the free world, individually, to resist Soviet political pressure or to act in unison in defense of their national interests.

I. SOVIET TRADE ACTIVITY IN THE WEST

I turn, first, to the markets of the West, where the recent flow of commercial information reports the following lines of activity by the Soviet trade monopoly:

I have called upon the Legislative Reference Service of the Library of Congress, to give me assistance in the research which was necessary for the preparation of this particular paper. I do not consider what I am saying to be a speech, but rather a study in economics relating to commercial relationships between the Soviet bloc and the so-called free nations of the world.

A. PROCUREMENT OF WESTERN TECHNOLOGY

Mr. President, I shall talk for a moment on the procurement of Western technology.

In the United Kingdom, Russian procurement agents are following up their recent success in the purchase of an integrated modern tiremaking installation with a deal for the export of several complete plants in the field of plastics—polyethylene—and drip-dry synthetic fibers. The biggest chemical firms in Britain are involved in these orders.

In France, Soviet agents have recently bought an automatic production line for making truck parts, a modern cement factory, and two complete plants for the manufacture of concrete panels used in rapid-method construction.

In Germany, the emphasis is also on buying the ripe fruit of technological innovation. The latest arrangements include: An order for two complete chemical plants, a pulp and paper plant, and a tubing mill for manufacturing broad-gage oil pipelines.

I am sure my colleagues will recall that when Mr. Mikoyan, the Soviet Deputy Prime Minister, was in the United States 2 years ago he conducted negotiations with our Government for the purchase of large pipeline equipment. The United States has the capacity to build the very large tubing which is necessary for some of the huge pipelines the Soviet Union desired. We rejected that request of the Soviet Union, and the Soviet representatives immediately went to Western Europe—in this instance to West Germany—where they made a contract with the sheet metal companies and tubing companies in Western Germany for the same material we had refused to supply. In other words, our rejection of a bid from the Soviet Union to purchase pipeline equipment did not mean that the Soviet Union did not get the pipe for its pipelines, but merely that one of our allies supplied the material at the request of the Soviet Union at a later date.

All this tells me one thing. If we are to have a free world economic policy it must be a policy with respect to which there is cooperation, coordination, and unity of purpose. It does little or no good for the United States to reject a Soviet offer or purchase request only to find the same offer or purchase request respected, acknowledged, and granted by one of our allies. I submit that this kind of economic anarchy in terms of economic coordination or planning results in nothing but the loss of business for American firms, American workers, and American raw materials.

I am not arguing for this kind of business. I am merely arguing that if we are to have a policy it must be a coordinated policy.

In Italy, the Soviet drive to extract technological know-how seems to be gaining special momentum. On May 26, 1961, the Soviet trade ministry concluded a new trade agreement with the Italian Government. The provisions of this ambitious pact are symptomatic of the present Soviet feverish drive to appropriate technical ideas newly developed in the West. The agreement provides for the export of complete plants and processes by five major Italian manufacturing firms—Montecatini, Saicci, Chatillion, ENI, Projetti. The complete plants to be supplied by these firms will include the latest equipment to produce the following commodities: methanol, acetylene, ethylene, maleic anhydride, ammonia, ethylene diamine, paper pulp, high tensile strength cord, pipeline, and remote control equipment.

While the Soviet Union buys complete factories, with the most modern automated equipment, from the technological genius of the West, thereby keeping its own industrial capacity at high levels, it concentrates its scientific and engineering personnel, facilities, and capacity upon outer space, military construction, and defense items. In other words, the West is providing much of the development in what we call the peaceful pursuits of the Soviet economy, while the Soviet Union is concentrating its own trained scientific and technical personnel, of which it has many who are good and able, upon the exploration of outer space, thus making such fantastic and spectacular accomplishments as we have witnessed since the days of sputnik. The Soviet Union uses its engineering, scientific, and technical personnel to provide the most modern weapons of huge and immense destructive power. They get it both ways.

B. NO PROTECTION FOR PATENT RIGHTS

Mr. President, there is no protection in the Soviet Union for patent rights.

I have cited only a few isolated moves in an organized drive to exploit the technological resources of the West. They may be sufficient, however, to highlight one important fact; namely, that the industry of the West has been, through no choice of its own, drawn into a division of labor in which it has been assigned the role of developing new ideas and production methods in the field of civilian products, while Soviet planning officials are left free to concentrate their own considerable resources for innovation on the development of military and highly strategic end products.

It is easy to see that the procurement agents of the Kremlin come out very well in these deals. As big buyers, actual or potential, they enjoy the privilege of frequent visits to plants. They have a good opportunity to observe the ripening fruit of Western research before they decide what and where to harvest. When they move to buy, the individual manufacturer in the West is rarely in a position to turn them away. The Soviet buyers pay for the physical equipment, to be sure, but not for the costs and hazards involved in developing the new ideas embodied in the equipment. They are not bound by any international convention on patent rights, and their internal laws do not recognize industrial property rights. Every new machine or product brought in from the West is used by the state; it is immediately copied for production at home, and often for export abroad.

What is more, this outflow of technical information is strictly a one-way affair. There are no finished plants, or anything comparable, moving out of the Soviet Union to the West. Their innovations are kept under lock and key. They are heavily guarded, first, by the State Secret Acts and, second, by the monopoly of foreign trade. When they sell a finished technical product, such as the famous, and rather disappointing, turbo-drill of a few years ago, it is handled as a unique operation, staged and controlled by the regime to achieve a calculated effect. Such an occasional export, in any event, cannot be taken as a token or an article in abundant supply, open to anyone with cash in hand. In substance, then, there is no reciprocity in industrial technology.

The Soviet Union, though an extremely calculating buyer, is not a large one. In the countries of Europe, where it does most of its selective procurement at present, the dollar value of these annual purchases is relatively small. For example, the Soviet bloc as a whole, including Russia, accounts for the following shares of total exports in 1960: 3.5 percent in the case of the U.K.; 3.8 percent for Belgium; 4.0 percent for France; 6.0 percent for Italy; 6.2 percent for West Germany.

It is the smaller countries of Europe, by contrast, that are far more vulnerable to Soviet pressure through trade, notably Greece, Iceland, and Finland. In 1960, these countries marketed in the Soviet bloc the following proportions of their total exports: 23.1, 24.6, and 19.4 percent respectively.

II. THE OFFENSIVE IN PETROLEUM

As reported in the commercial press, current Soviet export activities in the West are also causing serious concern to the nations involved. In the conduct of these activities, very little regard seems to be shown for the accepted rules of commercial practice. Wherever possible, transactions are so planned and executed as to exploit weaknesses and divisions in the outside world and extract political advantage for the Communist camp.

A. OIL MARKETING PRACTICES

Right now, the oil trade seems to exert a strong attraction upon the restless rulers of the Soviet Union. To them, this has all the earmarks of an area rich in opportunities for entrenching its own commercial and political position and for undermining the West. The trade monopoly, through which the Soviet Government works, is not bound by the normal economic imperatives of the marketplace. Nor does it have to render an account to its own public on the amount or the price at which it disposes of the country's oil resources. Accordingly, the Soviet Union is now offering petroleum products in selected markets at 20 to 35 percent below going market prices. In addition, it offers to accept payment in local currency or in local export products. In short, these offers have all the characteristics of an irresistible bargain. They have been carefully designed, in fact, to carry that kind of appeal.

The Italian case is illustrative. In November 1960, a trade agreement was concluded between the two countries whereby Italy would receive—over a 5-year period—some 100,000 barrels of Russian oil per day. The unique feature of this deal is the discount price. To make sure that no other supplier could compete for this sale, the Soviet trade monopoly depressed the price to $1 a barrel delivered at a Black Sea port, a figure well below—37.5 percent—the price at which Middle East oil could be picked up at the nearest port.

The Soviet Union sold oil in the Italian market for 37½ percent below the going world market price, and below any competition that was available from any part of the world, particularly in the Middle East. If this kind of economic aggression and penetration continues in a large amount, it will literally force Great Britain to the verge of bankruptcy, because today Britain depends in no small measure upon her capacity to export Middle Eastern oil at a fair and reasonable price in world markets. The Soviet Union has turned her oil industry onto the world market today in one of the most aggressive attacks that the world has ever known for world markets.

This deal, by which about 20 percent of Italy's annual requirements will be covered, is disturbing on several counts. In the first place, the price is so low that it could not be met competitively by the major oil suppliers. For example, in the case of Kuwait oil, among the cheapest to extract, the oil companies are obliged to pay the sheik 69.5 cents per barrel in royalties alone, as provided by the 50–50 terms of the contract governing their concession. In the second place, after the Russian crude oil has been processed in Italy, it enjoys the status of a Common Market product. In the third place, the growing dependence of any member of the NATO community on Russian oil raises all kinds of disquieting prospects for the future, both short and long run.

Let the record be clear. A vast amount of the requirements of the NATO nations today for oil is being supplied by the Soviet Union. Not only is NATO inadequately prepared with food supplies, a subject which I have mentioned in the Senate repeatedly, but today it has an unusually heavy reliance upon Soviet exports in oil.

We can be quite certain that the Soviet strategists are fully aware of the implications of these commercial involvements. Viewed from their vantage point, however, these developments are just what the doctor ordered. They are part of the tactical execution of a broad strategy for injecting tensions into the free world through the proper deployment of commercial resources. There, the monopoly of foreign trade, which is usually justified by Soviet political spokesmen as a defensive measure, functions effectively as an offensive instrumentality for promoting quarrels within the Western alliance. By the same token, it helps to support the expansion of the Soviet empire.

There are heated quarrels in the Western alliance today over the subject of Soviet trade.

In general, the intrusion of Soviet oil into the world market, it is generally agreed, came at a time when the international oil industry was already faced with serious marketing problems. Some of these were new, some familiar but intensified. Over the past few years, the industry has been attempting to work out some practical adjustment to a situation where supply had overrun demand and was still increasing. The volume of oil thrown in by the Russians, therefore, dealt a distinct shock to an already saturated market. There was also, in the background, the clear threat of still large quantities to come from the same source. Unfortunately, too, the Soviet foray came just at the time when the first concerted steps began to be taken by the Arab oil countries with a view to stabilizing the financial returns from their oil resources.

Why, we may ask, are the Soviet leaders engaged in this kind of senseless cutthroat competition? In part, of course, the answer is commercial and practical. Oil can be readily converted into foreign exchange. It is also a commodity that is now enjoying a production boom within the U.S.S.R., expanding at a rate of some 15 percent from year to year.

Since this speech was prepared, new discoveries of oil have been made in the Soviet Union. The Soviet Union is engaged in developing vast new pipelines to carry oil from the Soviet Union through the eastern European countries, which are now captive nations, into Western European markets. All of this goes on with little or no public notice being paid to it except on the financial pages of the newspapers. In the meantime, we think the real crisis is in Berlin. Yes, it is. I do not underestimate it. But I say also that the Soviet Union works every front, the military front—as we discussed last night—and the propaganda front, where the Soviet Union is pouring in vast resources of money and personnel and facilities, and the economic front.

We witnessed this in the field of aluminum and we witnessed it in the field of benzine only a few years ago. I have taken the floor in the Senate during the last 12 years, time after time, to point out the trade agreements the Soviet Union is signing with countries throughout the world. At this moment, the Soviet trade missions are covering the countries of Africa like a blanket, signing up the countries for the sale and for the delivery of Soviet goods, and signing them up for the importation of raw materials. The Soviet Union is determined to use its economic policy as the vanguard of its new type of control and colonialism in the underdeveloped areas of the world.

As we pour in foreign aid, they pour in goods. They barter. They take out raw materials for manufactured and processed goods. They keep these countries obligated. They put in heavy machinery, which requires replacement parts, and of course those parts can only come from the Soviet Union. In fact, I shall point out that the Soviet Union has actually, for all practical purposes, given heavy machinery to countries, to have those countries fully dependent for the next generation upon Soviet industry for the replacement parts. That means that those countries are in the hands of the Soviet Union economy.

B. LONG-RANGE DESIGNS IN PETROLEUM

But the energy with which the Soviet regime has thrown itself into the present "crusade" against the oil companies stems from far deeper sources. Here, the answer has to be sought in the Soviet world view, especially their doctrine of the political vulnerability of the oil companies and, along with them, of the whole Western position in the less developed world. Their doctrine, and the political appetite of which the doctrine is an expression, tells them that by systematically discrediting, undermining and offering to "replace" the oil companies they can win friends and influence people in all the former colonial nations.

Most of the latter nations, this argument runs, are either heavy buyers of this costly commodity or grantors of concessions to the oil companies. For the short run, therefore, the Soviet leaders feel certain that if they only play their cards right, dispense the right kind of "advice," they can complicate the situation for the oil companies at both ends. They can, by making token offers to the oil-rich nations, raise the extraction costs for the companies and, by cutting prices, depress their revenue from sales. This is expected to produce an immediate squeeze on their profits and upon what we call the balance of payments for some of our Western European allies.

The long run plans of the Kremlin strategists in the field of petroleum are even more ambitious. As part of these plans, they are busy offering the services of the Soviet oil trust—and they have already found several "takers"—to supplant the oil companies of the West in such technical operations as prospecting for oil deposits, and extracting and refining the product. They offer to do this, moreover, on terms that are advertised as "fraternal" or "cooperative," or anything else that is likely to appeal to the

client country. At the same time, Soviet ideological advisers are calling on the less developed countries to "see the light," to "expel the monopolies" from their midst, to "put an end to the era of unchallenged domination—of their economies—by foreign oil companies."

Mr. President, every time the Soviet Union sends a technical mission into a country, or a trade mission into a country, it sends along with it the political mission. That is an old Lenin doctrine. We are not merely faced with Soviet economic competition, with the favorable terms of Soviet exports and with the favorable terms of Soviet purchases—and both of them are extremely favorable—but also with Soviet propaganda, Soviet subversion, Soviet political influence, Soviet technicians, Soviet personnel. I might add also that the Soviet Union pays for most of its imports in gold. The Soviet Union has one of the largest supplies of gold in the world. It has huge gold mines, and it is stepping up its gold production. This dictatorship of the proletariat is not poor. It is the second richest nation on the face of the earth. What is more, they are willing to use it. They have gold bullion in amounts that equal what we have at Fort Knox. They are willing to use that gold to depress the market and gain a political objective and subsidize their exports to extend and expand Soviet power. It is done by one central authority, the government. Private choice is not to be permitted. We find ourselves, therefore, in a very defensive posture.

Just how much better off economically the developing, capital-poor nations would in fact be as a result of such an expulsion may be a moot question, at best. But it would quite clearly be a victory for the Kremlin. In the jargon of the official theorists of the regime "anything that hurts the monopolies is good for socialism—read communism."

One question that arises at this point is: Who pays for the heavy losses so willingly accepted by the Soviet oil trust in its ambitious price war against the oil companies? The answer is that both Russia's unhappy trade partners inside the bloc and the domestic consumer help to provide the subsidy. Let us take one example. The Soviet oil monopoly sells oil in Argentia at a price of $1.60 a barrel, at a time when Poland pays $2.87 a barrel—"Soviet Oil in the Cold War," U.S. Congress, Committee on the Judiciary, 1961, page 5.

In other words, Argentina pays $1.60 a barrel, while Poland, a satellite, under the boot heel of the Kremlin, pays $2.87 a barrel. The Polish people pay the subsidy for the Soviet political economic machine.

Significantly, the Soviet Union sells about half its oil within the bloc. Thus, it takes no chances, making certain that its captive trade partners will help to subsidize its political forays in the world oil market. Inside the Soviet Union, the sale of oil is also a highly profitable affair for the Government: all oil products are subject to a heavy turnover—sales—tax. The Soviet motorist—a rare personage in a country that produces only 139,000 cars a year—buys his gasoline from state monopoly at 79 cents per gallon.

The Soviet motorist, whose Government is cutting the price of oil in Italy by 37½ percent, to drive out the British and French from a very fine market in the Western alliance, finds that he pays 79 cents a gallon for gasoline, if he has a chance to take an afternoon trip on some day during his workweek.

III. SOVIET COMMERCE IN THE LESS DEVELOPED COUNTRIES

Within the past 5 years the Soviet Union has been actively expanding its commercial bridgehead in the underdeveloped regions of the world. To the seasoned strategists of the Kremlin, this new area, the uncommitted one-third of mankind, represents the land of political opportunity. Here, their monolithic trade monopoly faces small, weak economies, most of them lacking the experience, the stability, and the resilience of the more diversified economic structures of the Western nations. Among these more vulnerable economies, the Soviet Union cuts a big figure as a trader. It can easily unbalance or dominate the trade of any partner it happens to choose as a likely prospect for "influence."

The Soviet leaders have made it all too plain, in their public statements, that their prime interest in the less developed country is to establish a base for dispensing political advice—political medicine—to these countries. They come to these countries not primarily for the purpose of increasing their economic resources through a wider and better exchange of goods. Their objectives are far more ambitious. As shown by their actions, the Kremlin leaders have no great respect for the political maturity of these countries. Moscow, it seems, knows better than the native leaders of the emerging countries what their most urgent problems are. As Khrushchev sees it, for example, the new countries must, first of all, begin to change their political institutions. At the 21st Congress of the C.P.S.U. in February 1959, he offered to chart their course for them, declaring:

> The countries which have conquered national independence * * * want to avoid the capitalist stage of development and * * * begin to build a society on a different basis.

In order to be in a better position to help these countries "avoid capitalism," the Soviet Union must, of course, stage a physical presence in their midst. Above all, it feels it must display to them its industrial maturity, its capacity to supersede the nations of the West as suppliers of capital equipment for economic development.

A. A SMALL TRADER

When we look at the volume of actual commerce involved, we find that the Soviet exchange of goods with this group of countries, while rising steadily, is still a modest operation. The cash value of Soviet commodity exports to all the less developed countries, taken together, at present, amounts to less than $400 million a year. Small as it is, we need to bear in mind the fact that it is now three times as large as it was 5 years ago, and continuing to rise.

The reason why I am making this address today is that the local newspapers within the past 2 weeks have been carrying the story about the intention of the Soviet Union to step up its export trade; that it is equipping itself for a major push on the economic front.

The task for the Soviet Government is not simple. As producers of marketable raw materials, the emergent countries are relatively heavy traders. All told, the less developed countries exchange annually through the world market some $30 billion worth of goods, or 25 percent of the value of the total world imports. The Soviet bloc, by comparison, takes only 3.5 percent of all imports through the world market. Hence, it will take the Soviet Union some time before it can become a significant factor, either as a market or as a source of supply, in the foreign commerce of the underdeveloped region as a whole.

Among the underdeveloped countries, the degree of involvement in Soviet bloc trade, in 1960, was highest in the case of the following: Egypt, 44.6 percent; Syria, 19.4 percent; Sudan, 14.7 percent; Guinea, 14.2 percent; Iraq, 12.4 percent; Uruguay, 10.7 percent.

Mr. President, note those figures. Where the heavy Soviet economic penetration is to be found, there has also been intensive Soviet political penetration, so much so that Mr. Nasser, of Egypt, has started to lock up the Commies. Thank goodness, he has started to kick out some of the Soviets who said they were technicians. They were technicians in propaganda, not technicians in engineering. That is not to say that the Soviet Union does not have able technicians. Of course it does. But with those technicians, with those experts, the Soviet Union sends its political infiltrators, its political teachers.

B. AN IRREGULAR TRADER

Because it tends to move in and out of a market in accordance with the political opportunity at hand, the Soviet Union is a characteristically irregular trade partner. Many underdeveloped countries in particular have experienced their feasts and famines at the table of the trade monopoly of the U.S.S.R.

In Burma, for example, the Soviet Union all but passed out of the picture in 1958, after buying $17 million worth of rice in 1947. When they bought rice in 1947, they were also contributing much to the violence and disorder in Burma.

In New Zealand, the Soviet Union stopped buying wool in 1959, presumably in order to make a more impressive showing in Australia.

Until 1959, on the other hand, Moscow was still punishing Australia for its "hostile behavior" in granting asylum to a disillusioned Soviet diplomat in 1954. Those Soviets do not play games; they play for keeps.

Exports to India dropped by 50 percent in 1959. That is a very significant figure, because by 1959 it was perfectly obvious to the Soviet Union that it was not going to dominate India. Mr. Nehru has filled the jails of India with Com-

munists. I do not care what Senators may say about his so-called neutralism. He is not very neutral at home about communism. He gives the Communists free board and room—very scanty provisions, I will admit. But there are more Communists in jail in India than in any other country except Russia. There are more Communists in jail in Russia because the Communists in Russia find it necessary every once in a while to fill the jails with some of the defectors or deviationists. Israel disappeared as a trade partner after the Soviet Union began its political overtures toward Egypt. We may rest assured that it will not be long before the Soviets decide that that is a fruitless enterprise.

Spain, however, returned to the good graces of the Soviet trade monopoly in 1958, after years of studied disregard.

The business of redeployment of commercial forces is always underway. Soviet purchasing agents are now cutting back their imports from Iran, Lebanon, and Turkey in the Near East and from Uruguay in Latin America.

In the meantime, if it cannot influence the region as a whole, the Soviet Union tries to penetrate the trade of selected target nations. Some of the methods whereby it tries to accomplish this are: First, the sale of arms on credit; second, bulk purchases of country surpluses; and, third, barter transactions.

Whenever we see these three types of purchases being made by the Soviet Union, we can rest assured that they have little or nothing to do with economics, but with Soviet political penetration.

As a result of the sale of arms, for example, it has become so heavy a claimant on the principal export of Egypt, cotton, that the latter is left with a limited capacity to earn foreign exchange outside the bloc. About 50 percent of all exports out of Egypt went to the Soviet bloc during 1959–60. The political pressure, the "flag," was not long in following the "trade." In recent months, as we know from the press, Moscow has been emboldened by its special position as a "benefactor" to take a hand in the internal political affairs of that country, as may be expected on the side of the Communist minority.

In other words, in Egypt, when Nasser started to crack down on the local Communists, the Soviet Union felt it ought to do something to protect that minority. I commend Mr. Nasser upon his efforts to keep his country out of the hands of the Soviets, with whom he was flirting for too long. He just about got his political tail burned, but he has caught on, as have some others.

By the nature of their trade, the less developed countries are especially vulnerable to Soviet tactical moves in trade. They often run into marketing problems, either in regard to the world price on their principal export or in the disposal of heavy surpluses. When this happens, their difficulties can be readily exploited as a tool of Soviet diplomacy. The Soviet Union, it may be recalled, has been alert to take advantage of Uruguay's problem in selling its wool, Iceland's difficulty in marketing its fish, Burma's rice surplus, and so on. As soon as it happened, the trade monopoly moved in, eager to reap the credit due to a "friend in need" and ready to build up its claim as a large trading partner and political patron. Quite often, of course, it moves out of the market just as quickly, but this is done with a minimum of fanfare.

The mere threat of pulling out of a market is often enough to force a small country in line politically. The Soviets do not hesitate to suspend negotiation on the annual trade agreement, as it did to Finland in December 1958, to remind a trade partner of its dependence on Soviet bloc trade.

Mr. President, I digress for a moment to say that I was in Finland in 1958 when the Soviet Union served warning upon the Finnish Government that it was going to cancel its annual trade agreement with Finland. Let me recite the history of that matter: Following World War II, the Russians demanded of Finland vast war reparations. As we would expect, the Finnish people settled down to the job, worked day and night, produced ships, wood products, and vast amounts of industrial goods, and paid off those reparations to the Soviet Union. They paid off six times more in reparations to the Soviet Union than Germany paid off to the the entire world after World War I. That meant that the Finnish trade, particularly in shipbuilding and in wood products, was directed toward Russia. Many of the contacts with the western markets had to be severed, because the flow of goods from Finland was directed toward the Soviet Union, in order to pay the reparations demanded of Finland by the Soviet Union. Finland's economy thus became overly dependent on Russia. So when the Soviet Union served notice that the trade agreement was to be canceled, the Soviet Union did not do that because there was any complaint about the quality of the goods from Finland or because of the delivery of the Finnish goods; the Soviet Union did that in order to destroy the government of Finland.

I was in Finland then; and when I saw the Soviet Union, without firing a shot, destroy that government and remove it, and compel the Finns to establish a new government, I met with the President of Finland, who will visit the United States next month. I met with him one afternoon, at his home; and he told me what had happened. I also met with the president of the Bank of Finland, with the Prime Minister of Finland, with the parliamentarians of Finland, with the labor leaders and the business leaders of Finland, and with the chamber of commerce. I saw the Soviet Union use its economic power to crush that government and remove those officers, one after another. The Soviet Union did not want the Social Democratic Party to be in control of the Finnish Government. Why? Because the leaders of that party had for years been the bitter enemies of the Soviet Union.

I remember well Dr. Tenner, a great Social Democrat in Finland. I met him secretly, literally; he was being watched—not by Finnish people, but by Soviet agents. Dr. Tenner led the workers of Finland against the Russians in the war of 1939–1940. When the Russian Soviets thought the Finns would capitulate, when the men in the Kremlin had been led to believe that the Finnish labor movement would turn against Finland, Dr. Tenner took his workers into the battlelines, and gave the Russians the licking of their lives. He is a marked man; and when his political party became a part of the coalition government, the Russian Soviets said that government had to go; and they had such a powerful economic hold on the country that the government had to resign.

Mr. President, do not misunderstand me: The maintenance by the Finnish people of their freedom and their independence is one of the great accomplishments of all times. These people are strong, hard working, honest; they love freedom; and although they live alongside the mighty Soviet Union, they still preserve their independence.

I was so shaken and so disturbed by those events that I sought to bring those matters to the attention of those in the U.S. Embassy there. Our Ambassador was in Washington at the time; so I said to the man who then was in charge of our Embassy, "Why does not our Government do something?"

He said, "Do what?"

I said, "Instead of letting Finland be crushed economically, why don't we step in and buy, for example, the icebreakers"—because there was an order for six icebreakers in the Finnish shipyards.

He said, "Well, maybe we don't need them."

I said, "So what? We can send one to Nebraska. Maybe they do not need one there, but we can send one there, anyway."

Mr. President, we are in a war with the Soviet Union; and what disturbs me about some of our thinking is that we never seem to understand that there can be a struggle other than a military struggle.

Well, Mr. President, if I have never done anything for my country, I think I did something on that occasion. As a result of those visits—and I have in my office a letter in regard to this matter; I regret I did not bring it here today, but I did not know I was going to comment so extensively on this matter—I returned to the United States, and saw President Eisenhower, Secretary of State Dulles, and other officials of our Government, and urged that our Government extend substantial credits to Finland, so that the Finnish economy and the Finnish industry could reorient its business, and would direct it toward the West, and away from the Soviet Union. I am happy to report that was done. I can honestly say that I had something to do about it. I made the recommendations in both written and oral form. I was there. I shall never forget what the President of Finland said to me when I asked him, "Aren't you going to stand up to these Russians?"

He replied, "Senator, what is your country going to do to help us?"

Mr. President, I paraphrase what he said, because it is not proper to quote

word for word the statement by the head of a state.

What he really was saying to me was, "It is very easy for you Americans to say, 'Be brave, Finland.' But what are you willing to do to help us be brave?"

So we did something. We extended some credits in Finmarks. I found that we had large quantities of Finmarks in Finland, as a result of the sale of surplus food, but we had not used them. So I suggested that we put them to work, to help the Finnish shipbuilding industry reorient its commerce toward the Western countries and to help the Finnish woodworking industry reorient its commerce toward the Western countries.

Today, the bulk of Finnish commerce is to the West, not to the East; and the President of Finland will visit the President of the United States in a very few weeks. I welcome his visit.

I mention this matter only because the Soviet Union has been able to use economic pressure whenever it has had an opportunity thus to further its own designs and purposes.

I wish to say that just as we need a NATO high command to coordinate our military alliance, we also need an economic high command to coordinate economic policies for the West, for the free nations, rather than to go along with one nation at a time, as if it were a joy to have this competition between ourselves, while the Soviet Union walks right in between with its goods, its projects, its barter, and its credits, and usurps one market after another—uses it, exploits it, takes out what it wants, and then leaves it. That has been done too often.

Mr. GORE. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. GORE. I congratulate the able Senator from Minnesota upon the address he is making. I wish to call his attention to an instance of the application of the principle to which he has referred.

Normally, over the past several years, the goods and the commerce of Afghanistan have reached the outer world through Karachi. But for some years now the Soviet Union has been subsidizing the movement of goods from Afghanistan through the Soviet Union. Indeed, in some instances, the transportation cost of the Afghan products, when realistically considered, is more than the products themselves are worth when they finally reach their outlet to the free world. But that transportation cost is not now added to the cost of the Afghan products, and by that subsidization of the movement of Afghan commerce the Soviet Union is fastening its grip tighter and tighter upon that nation, which lies astride the Khyber Pass.

To make the situation worse, our ally and friend, Pakistan and Afghanistan, are now in a difficulty over some border incidents. Therefore, almost all of the commerce of Afghanistan, the normal flow of which is to Karachi and out to the world, is now being diverted, both by the exacerbated relationship between Afghanistan and Pakistan, and also by the blandishments and enticements of the Soviet Union, into the Soviet Union, making Afghanistan largely dependent upon the Soviet Union. This is what the Soviets have sought from the beginning.

Mr. HUMPHREY. The Senator is so right. The followup of this may well be the presence of Soviet troops at the Khyber Pass. It may very well be. Economics and politics to the Marxists are inseparable. They understand what they call dialectics. I do not know what we understand. We like to compartmentalize everything. We say on Tuesday we will talk trade, on Wednesday, defense, and on Thursday gold reserve, as if they were all unrelated.

In fact, one of the great problems, it seems to me, in our program of foreign policy today is the lack of integration of the many facets or forces that compose a total foreign policy. This it why I believe so strongly that what we do politically, economically, culturally, and militarily must be in proper perspective and balance and we must rather homogenize all these different factors in the power struggle.

I mentioned the matter of barter. The terms of barter, which the Soviets employ in their dealings with the less developed countries, tend to open the door to devious trade tactics. More often than not, this practice leads to price manipulation. For example, in Burma, a top-level official stated in public that the barter deal with the U.S.S.R. ultimately resulted in a 10- to 20-percent price disadvantage to his country. Uruguay, another typical case, had to accept Polish coal at a price well above the market in order to use its clearing balance with that country—"The Sino-Soviet Economic Offensive Through 1960," U.S. Department of State, I.R. 8426, page 19.

Cuba is finding it out, too. Somebody told me the Soviets were sending a great many razor blades into Cuba. I think we can determine their quality by the number of beards that still are present in Cuba. [Laughter.] The Soviet Union fastens its hands on a country, unloads a vast amount of goods that meet no needs of the economy, and then takes out of the country, in the case of Cuba, sugar that is needed for the Soviet economy, which may never get to the Soviet people, but may be traded elsewhere for the Soviet's purposes.

Because their earnings, in rubles, are not fully convertible, Russia's trade partners wind up accepting imports from a source that would not be their first choice. Otherwise, their trade balances pile up, unused, as in the experience of Argentina, and the lesser trade partner, in effect, finds himself acting in the capacity of a creditor to the Soviet Union and its allies.

Over a wide range of products, moreover, imports from Russia and its allies have proven to be inferior in quality, design, and technology as compared with free world suppliers.

This is particularly true of consumer goods. I do not want to downgrade the Soviet's goods. Much of the capital goods it produces, such as presses and other machinery, is excellent, and we would be foolish to pretend it is not; but a vast amount of consumer goods for export has an inferior quality.

In the event of a commercial dispute, as we all know, the Soviets press for the acceptance of their own State Arbitration Commission, an agency of the Ministry of Foreign Trade, as the court of adjudication. Recent experience with this tribunal, notably in the case of the breached Israeli oil contract, has not impressed the world with its record of impartiality.

In other words, if one has a complaint when he does business with the Soviet Union through its trade monopoly, he registers that complaint with the Soviet Arbitration Commission, made up of Soviets, and they determine whether or not that person's complaint has any validity. Our friends in Israel found themselves in this situation a few years ago. What happened to them in that alleged court of justice should not happen to a human being.

IV. COMPETITION IN THIRD MARKETS

A. REPORTS FROM THE FIELD

According to a survey made by the U.S. Chamber of Commerce:

Agents for the Skoda Works (Czechoslovakia) are dumping industrial machinery in Argentina at prices 20 percent lower than any competitor, and giving attractive terms. Other Communist bloc trade missions are offering all types of machinery at cutthroat prices and long terms.

In Lebanon, Soviet agents are reported to be offering "extremely favorable credit terms and low prices designed to crush Western competition."

In the United Arab Republic, the local industrial distributor, who handles American farm machinery, was required for a time to merchandise Russian equipment. The markup was "dictated by the Russian trade commissioner in Cairo." From time to time, the report states, the commissioner, without any reference to headquarters, would arbitrarily reduce the price to a point he thought it would take to sell the item.

It is this fact—

Writes an American business executive on the spot—

which worries me most about Communist commercial activity, as it definitely proves that cost means nothing in setting a selling price.

From various parts of the Near East, where Soviet inroads are among the heaviest, American firms report their recent experience in these cryptic terms: "Loss of a sizable market in construction and farm machinery"; "loss of approximately 60 percent of volume and corresponding share of income"; "we should have sold $2 to $3 million worth of equipment in Egypt in 1959, but foreign exchange shortage—caused by Egypt-Russian barter arrangement—caused Egypt to make such purchases from the Communist bloc."

Often, in these cases, low-interest rates conceal high prices. With the aid of a Soviet credit, at the "bargain basement" rate of interest, for example, Indonesia bought 10 secondhand freighters from Russia. The price was double compared with Japanese prices, and the freighters were in poor condition.

From another part of southeast Asia, one resident executive reports that Rus-

sian earthmoving machinery can be seen prominently displayed:

> Generally speaking, they are good facsimiles of old U.S. machines.

The terms on which they were "sold" could be easily surmised.

They give long-term credits at little or no interest, but then the purchasers find that the asking price is frequently higher than the comparable prices in a more normal market.

B. THE STRENGTH OF THE FREE ENTERPRISE SYSTEM

All field reports dealing with this subject underscore one important fact, namely, that where the terms of the competition are open and fair, the private trader is a more congenial partner than the agent of the government monopoly. The local importer as well as the local consumer find the private channel more dependable. As reported by an American businessman in India:

> Except in regard to price, bureaucracies are inevitably short on initiative and flexibility, and therefore Communist incursions frequently benefit the cause of free enterprise by giving the latter more of a chance to appear in a favorable light through actual comparison.

I want to say to my friend from India he ought not to overemphasize this, because this Senator has been making it his business for the last 10 years to inquire of American business firms as to the kind of competition they are facing in many parts of the world—not merely the quality of the goods and finance terms, but the question as to how these Soviet trade agents look and how they conduct themselves. If I may be permitted to make this analogy, they have the Ivy League look. They are well groomed. They are well trained. They speak several languages. They look as much like an American businessman walking out of Esquire as any American businessman himself could look.

These are no longer the heavyhanded, heavy-jowled members of the proletariat who have been recruited for a mission. These are trained, educated, sophisticated competitors, and they speak for a powerful country. They speak for a state trade monopoly. They are "loaded" not only with all kinds of tricks but also with gold, with barter, with arms, with credits and, if need be, with any other technique or tool to make a deal.

The danger we have to combat, therefore, is not competition as such but arbitrary exclusion from a market by massive price cutting. Wherever possible, our exporters welcome a chance to offer their services side by side with the Communist salesmen in a third market, and compete fairly and openly for the local trade. They are quite prepared to abide by the free choice of the buyer as to whether they can deliver a product in accordance with his needs, taste, time schedule, and purchasing power. Wherever a competition of this kind is given a chance, the Communist "businessmen" usually come out second best. The record they have written is full of specific cases of inferior goods, clumsy marketing methods, irrational credit terms and nonadherence to contract terms. And the record books have not been closed yet.

I hope my colleagues, in the travels overseas this year many of them will take—which is surely to be desired, because it is one way in which we learn more about the world in which we live—instead of having U.S. Government officials take them by the hands and show them around, will follow the good practice of saying to our Embassy representatives that they wish to invite in all the American businessmen in the particular area for a discussion.

We cannot tell these American businessmen anything about the trade practices of Russia, but they can tell us something about them.

I used this little experiment, and I learned a great deal. I intend to do it again when I travel overseas.

Instead of some large American corporation putting on a reception for a Senator or some Senators, I suggest that the Senator have some coffee and some tea, and with the help of the commercial attachés who give us help, invite the businessmen in for a discussion. Let us find out what our businessmen are up against.

Let us find out what we can do to improve the possibilities of further export trade. Then let us call in some of the other business people from Great Britain, from Japan, and from Germany, from some of our other friendly associates who compete for these markets. Let us learn.

I should like to take on the Soviets, Mr. President. If they think they know how to do business, I think we had better learn how to "give them the business," and by that I do not mean to give up our business but to give them a rough time in the marketplace.

I believe the Western countries, the countries which try to support a normal orderly world market, must learn how to pool their resources, to pool their talents, and to arrive at a coordinated policy. Then if the Soviet Union wishes to have a trade war, we shall be prepared to "take them on."

Our productive capacity is fantastic. Our ability to produce and to distribute has never been equaled. All we need to do is to make up our minds that we have a contest. All too often too many Americans feel that the way we must confront the Soviet Union is with new weapons. Letters come in from constituents which say, "Vote more for defense." We are doing that. It is a heavy burden on the American taxpayer.

But we cannot meet the Soviet Union on equal terms government to government. The Government of the Soviet Union is its total economy. Our Government, thank goodness, is only a small portion of our economy. I should like to keep it that way. I do not wish to have the Government own this country. But it is the duty of Government to bring into coordinated working relationships with the Government the private resources of this country for a national objective. It is the responsibility of Government to take the lead and to call upon the private, voluntary, cooperative enterprises of our country to join in a common cause, in which plans are discussed, programs are outlined, and objectives are known. In that way we will have what I call a victory.

If we let the U.S. Government fight against the Government of the U.S.S.R. that would be an unfair fight, because the Government of the U.S.S.R. is the total economy, while the Government of the United States of America is a fraction of our economy.

I should like to see the resources of this Nation energized, activated, and coordinated so that when Mr. Khrushchev starts "spouting off" as to what he is going to do on the economic front, on the political front, on the cultural front, and on the propaganda front, he will run head on into a totally mobilized free world, not merely the governments of the free world.

Governments take care of military defenses. Even then we must rely upon our industrial plants and private industrial know-how.

I am convinced that unless we more clearly understand the nature of the totalitarian competition, of the totalitarian threat, we shall be "nibbled" to death. It is plain old "operation nibble," a little here and a little there. Then one of these days we shall wake up and find we have lost market after market.

As the Senator from Vermont [Mr. PROUTY] pointed out last night, some countries which ought to be with us have turned against us. World public opinion has been eroded and corrupted and adulterated against us. There is only one reason for it. It is not because the Russians are more intelligent. They are not. They are not 10 feet high. They are not a nation of geniuses. They have their brilliant men, and they have the others, too. It is not because the Russians are more intelligent than we are. It is simply because we do not try.

We sort of try. We kind of give it the "good old college try" on some weekend, but we do not consistently try to do what needs to be done in the light and the nature of the task before us.

I believe the least that any Member of the Senate can do is to express his genuine, heartfelt feelings about these problems.

I do not think we can content ourselves by extracting from the American people more dollars and more sons. That is what we are doing. We are building up our defenses based upon dollars and men. The Government of the United States and the private sector of our economy have much greater responsibility. I shall never agree for one moment—because there is not a scintilla of evidence to prove it—that the Soviet Union's economic system is better than ours. It does not even come a close second, but it makes a tremendous impact in the world because what it has it uses. What we have we are unwilling to use.

We have more unused plant capacity in many areas of our economy than the Soviet Union has available for all its uses.

We had more unused steel plant capacity in this country last year, which never produced a ton of steel, lying idle, than the total steel-producing capacity

of the Soviet Union working at 100 percent of capacity full time.

Mr. President, as I conclude my remarks, I ask a question.

V. WHAT CAN BE DONE ABOUT IT?

What, we may ask, can be done about this? The hard facts, as shown in the small sample I have examined here, and the intentions behind them, are quite clear. The commercial offensive of the Soviet bloc is not an isolated operation. It is closely coordinated with the permanent political campaign conducted from Moscow against the unity, stability, and prosperity of the free world. The Soviet Union, as we know, is deriving enormous positive benefit from the world market. It can, and does, use liberally the technical resources of the West to help modernize and strengthen the productive power of its own economy. Yet, the Soviet leaders are not content to let it rest there. They seem to be determined to maneuver with their commercial power in the world market in such a way as to promote their negative purposes, namely: to induce economic dependence among as many nations outside the bloc as possible, to promote friction within the Western alliance, and to disrupt the pattern of economic cooperation between the industrial nations of the West and the capital-importing countries of the less developed regions.

I firmly believe, however, that the situation does not warrant a response on our part that bears the mark of hysteria. While it is impossible to blink at the fact that this is a form of warfare, I am convinced, for one thing, that we are not without our own defense against such an onslaught, and, for another, that the Soviet commercial assault suffers from some rather serious flaws.

So far as our own defenses are concerned, our chief asset, I submit, lies in the fact that the majority of the trading nations are interested not in political jockeying for power but in a fair, profitable, and constructive exchange of goods. After all, it is the free nations, and not the Communists, who conduct the world's commodity trade. The countries of the Communist bloc, exclusive of their internal exchanges, account for 3.5 percent of total world trade. It follows, therefore, that the free nations should write the rules that govern the market.

With the interest of the majority of trading nations in mind, we ought to apply ourselves, I feel, more energetically than in the past to the task of adding to the existing strength and flexibility of the world trading system. The cooperative effort of free nations working in their common interest has always generated a healthy moral climate in our political environment. In such a climate the opportunities for divisive commercial tactics are reduced to a minimum.

In our approach to the task of improving the climate for international trade, therefore, we should be guided, I believe, by the following two broad principles:

First. That our concerted action with the other nations of the Western community is the more promising way to produce broader and more durable effects in the sphere of world trade.

Second. The nations of the West should so order their trade and economic policies as to give substance to their conviction that active and profitable trade on the basis of comparative advantage among societies in various stages of economic development must promote, rather than hinder, the industrial advancement of less developed nations. The concept of nations remaining in the category of "hewers of wood and drawers of water" is out of step with the universal aspiration for a fuller life which is the mark of our time.

We must always, it seems to me, keep under close scrutiny the shifting trade tactics of the Soviet bloc, to see what kind of defensive measures need to be taken against them. As an example, we should begin to consider actively some specific types of executive action that could be taken to combat two recurrent divisive practices: First, price-cutting tactics in third markets designed to force out established American products; and second, buying up surpluses from hard-pressed single-crop economies for the purpose of inducing excessive dependence on the Soviet bloc.

There are also, in my opinion, some specific measures of improvement that need to be taken in the near future to increase the benefits derived from world trade by the producers of primary commodities. This is one of the persistent weaknesses in the present trading system, a weakness, moreover, that provides no end of opportunity for the Communists to practice their black arts of subversion in the guise of commercial blandishments.

The time is ripe, I believe, to begin to set up, step by step, a series of cooperative efforts, within the framework of an intergovermental agency, between producing and consuming countries affected by the price of specific commodities to adopt practical schemes for the stabilization of market prices. This is an objective of vital interest to seller and buyer alike.

The President's statements in this regard are a matter of public record. For example, he emphasized the importance he attaches to commodity problems in his March 13 "Alliance for Progress" speech to the Ambassadors of our Latin American neighbors. Point 5 of that speech states:

> The United States is ready to cooperate in serious case-by-case examinations of commodity market problems. Frequent violent changes in commodity prices seriously injure the economies of many Latin American countries—draining their resources and stultifying their growth. Together we must find practical methods of bringing an end to this pattern.

A number of techniques for this kind of price stabilization have already withstood the test. There are, to be sure, some nagging technical difficulties involved. But with good will on all sides, we ought to, in time, be able to rid the world commodity market of this source of disruption, and at the same time, cut down the heavy financial losses to the primary producers, most of whom are the very same countries that are in urgent need of all the export earnings, and all the imported production capital they can get in order to promote their economic development. In this objective, too, the industrialized and less developed nations have a common interest, namely the prosperity and stability of their national economies.

LEGISLATIVE SESSION

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

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

RANGES ENVISIONED AS POSTWAR FOOD BANK

Mr. BIBLE. Mr. President, I have recently received a very thought-provoking letter from Mr. Orville Wilson, a good friend in Nevada, who is, as many others are, concerned about the means of survival in the event that all-out war comes to this Nation. He lives in Elko County, Nev., a land whose history is founded on the raising of cattle and sheep. He is completely familiar with the intermountain West, its possibilities and problems concerning the livestock industry, and the methods by which its people can, if permitted and encouraged, contribute in no small way to the defense of their country when it is required.

The letter and proposal that it contains, has been so highly regarded that it has been the subject of very favorable editorial comment in the papers of my State.

Mr. President, because of the uniqueness of the proposal and the foresight of Mr. Wilson in presenting it to the public, I ask unanimous consent that a copy of the editorial from the Nevada State Journal, and reprinted in the Elko Free Press, entitled, "Ranges Envisioned as Postwar Food Bank," be printed in full in the body of the RECORD.

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

RANGES ENVISIONED AS POSTWAR FOOD BANK

With Russia resuming nuclear testing and the United States expected to do the same before long the shadow of war seems ever closer.

While all Americans hope for a cheerier turn of events there are some, too, who face up to the fact worst may come to worst and are thinking of a postwar future after the devastation has retarded our civilization—should the debacle come.

Civilian efforts presently are concerned with protection during war. But after the cataclysmic conflict—what?

Though millions will die as the result of attacks and many others as the result of radiation, still there will be millions more who will survive. But they, too, will not be long for this earth unless they can secure that greatest commodity of all—food.

With many of the great distribution points in ruins and with modern methods of transportation crippled or destroyed, how can food be placed in the mouth of the hungry?

Nevada, and all the intermountain States, may have one of the major answers to this vital question of national survival after

nuclear war. That answers lies within the great sheep and cattle industry of this area.

A prominent resident of eastern Nevada, not a livestock raiser, has suggested, in broad and tentative terms, a plan designed to help insure a supply of food, in the form of livestock, for a wide area of the population of the country when the shortage becomes critical in other areas of the Nation.

His suggestion is founded on two basic premises: (1) Nevada, and all the intermountain country probably would not be a target of attack; therefore the hundreds of thousands of livestock would be left intact; (2) sheep and cattle have legs; they can be driven to almost any point of emergency, or to far-distant railheads.

In expressing his thoughts on the matter to officials in top government seats in the State, this eastern Nevada resident has said: "During the period of time that our civilization is retarded * * * the methods of raising food and supplying the same, which do not require advanced techniques, will provide the greatest security for all citizens. The old-fashioned methods will be those relied upon. In Nevada we find sheep being raised approximately as they were 100 years ago and cattle are also raised in an old-fashioned way. We have existent two livestock economies that now seem to carry the best guarantee of survival. We have different-type ranges that allow for vigorous production of both sheep and cattle and in times of war neither should be neglected."

He points out, however, that any merit in the plan will come to naught unless a program to assure the livestock being on hand is made a part of the defense effort. At present, he says, sheepmen are discouraged and livestockmen are concerned about an overpowering attitude of developing choice areas for recreation—which will be of no use if war comes.

Considering these and other factors, he offers for consideration six points in the "livestock for survival" plan:

1. The appropriate Federal departments should inventory the livestock potential of the semi-West.

2. Top Government personnel should visit livestockmen, pointing out their importance to U.S. survival and encouraging them in their way of life.

3. Further cuts of livestock numbers on the public lands should be suspended.

4. Study should be given to increased appropriations for reseeding many spots in the West with crested wheat grass.

5. The sheep industry should be subsidized, if necessary, beyond the point of wool subsidies.

6. Plans should be made for cooperation of operators to project increased herds, if necessary, during times of emergency.

If this program were brought to fruition it would naturally aid and encourage the livestock industry. But that would be only a minor sidelight if it would provide a blueprint that would help the Nation make a postwar comeback.

The idea merits the most serious consideration in high places. (Nevada State Journal.)

HEARINGS ON AND EXTENSION OF FEDERAL AIR POLLUTION CONTROL LAW

Mr. KUCHEL. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1063, S. 455.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 455) to provide for public hearings on air pollution problems of more than local significance under, and extend the duration of, the Federal air pollution control law, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from California.

The motion was agreed to and the Senate proceeded to consider the bill.

Mr. KUCHEL. Mr. President, air pollution is a grave national problem. The Federal Government has had a responsibility in this field in the last several years to use its power and might to help stamp out air pollution in all the communities of America. I introduced the proposed legislation, which would continue that program and would invigorate the Federal Government to cope with the responsibilities of the problem. The bill was reported unanimously from the committee.

Mounting concern has been shown with each passing year about contamination of the atmosphere, especially in our heavily industrialized and thickly settled areas. The menace of air pollution, notably in metropolitan centers, now is generally acknowledged to be an undeniably serious threat to the health of the American people.

For the past 6 years under a law which I had the privilege of introducing in Congress, the Federal Government has been active, primarily through the U.S. Public Health Service, in collecting data about the occurrence of smog and other forms of pollution, in measuring the effects of contamination upon mankind, in trying to identify the sources of pollutants, in determining conditions which produce the most objectionable accumulations, and in providing information which may open the way to stamp out this scourge.

As these studies have gone on, scientists and engineers have come to realize the complexities of air pollution are greater than had been suspected. They likewise feel the need for better and additional tools to carry on their programs for safeguarding the Nation's health.

Early in the present session, in company with several colleagues, I introduced for the second successive year a bill which would strengthen the role of the Federal Government in antipollution work and would broaden the scope of my original legislation, Public Law 159. This measure once more has been approved by the Senate Public Works Committee as a desirable means of stepping up the attack upon the annoying, insidious, dangerous phenomenon which is a result of our Nation's ever-expanding use of motor vehicles and ever-growing industrial operations.

We know now that air pollution is not a temporary problem. Consequently, there is before the Senate the bill S. 455 which will be a step along the lines recommended by President Kennedy in one of his series of special messages to Congress in the first weeks after he assumed office. I wish to recall that on February 23, the President in discussing a variety of questions relating to our natural resources called for "new leadership, research, and financial and technical assistance for the control of air pollution, a serious hazard to the health of our people that causes an estimated $7.5 billion annually in damage to vegetation, livestock, metals, and other materials." The President in that message pointed out "although the total supply of air is vast, the atmosphere over our growing metropolitan areas—where more than half the people live—has only limited capacity to dilute and disperse the contaminants now being increasingly discharged from homes, factories, vehicles, and many other sources."

The bill I was privileged to reintroduce this year passed this Senate unanimously more than a year ago. Originally recommended by a former Surgeon General and a Republican administration, it has the support of the present Surgeon General and the incumbent Democratic administration.

I believe it is decidedly in the public interest to cloak the Secretary of Health, Education, and Welfare and the Surgeon General, as this measure would do, with authority to create investigating and hearing boards to dig into major pollution problems and to ascertain the facts about atmospheric contamination which is interstate in character. It also is essential, as the legislation further provides, to extend the duration of the research program for another 2 years, to June 30, 1966.

There is nothing in this bill which would transgress on the jurisdiction, rights, and powers of States and other non-Federal agencies of government. But the hearing boards would recommend constructive measures and under this legislation the Surgeon General would advise all levels of government on positive steps he feels would reduce dangers to the American people.

Enactment of this proposal would be of immeasurable assistance to scientists working in laboratories, research institutions, field measurement stations, and elsewhere in gathering fundamental information and in devising remedial courses of action to reduce the air-pollution hazard.

I ask unanimous consent that excerpts from the committee report—No. 1083—be printed at this point in the RECORD.

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

GENERAL STATEMENT

Public Law 159, 84th Congress, approved July 14, 1955, authorized a program for research and technical assistance to obtain data and to devise and develop methods for control and abatement of air pollution, by the Secretary of Health, Education, and Welfare, and the Surgeon General of the Public Health Service. The act recognizes the primary responsibilities and rights of the States, local governments, and other public agencies in controlling air pollution, but provides Federal grants-in-aid to those agencies concerned with air pollution and control, to assist them in the formulation and execution of their air pollution abatement research programs.

Under the provisions of the act, the Surgeon General is authorized to prepare or recommend research programs, and to encourage cooperative activities, collect and disseminate information, conduct and support research, and to make available to all agencies the results of surveys, studies, and investigations, research and experiments relating to air pollution and abatement. Reports of such studies as considered desirable may be published from time to time by the Surgeon General together with appropriate recommendations.

The act authorized an appropriation of $5 million annually for each of the fiscal years beginning July 1, 1955, and ending June 30, 1960. In 1959 this act was amended to extend the duration of the Federal air pollution control law to June 30, 1964.

Under this authorized program, approximately $2 million was expended in 1955; $1.7 million during fiscal year 1956; $2.7 million for 1957; $4 million for each of 1958 and 1959; $4.3 million for fiscal year 1960; $4.9 million for fiscal year 1961, and the request for fiscal year 1962 amounts to about $5 million. It is understood that additional amounts are requested for fiscal year 1962 through other authorizations.

The Federal effort has contributed materially to difficult problems of sampling, identifying, and measuring airborne contaminants, such as the improvement of the methods of analyzing gaseous contaminants present in the atmosphere of virtually every city.

Appraisal has been made of some important modern sources of urban air pollution such as oil refineries, automobile exhausts, and combustion processes, which are inevitable results of our increasing mechanization and industrialization.

Studies of chemical, meteorological, and physical influences and of atmosphere reactions are making available new knowledge that must ultimately be required for proper and economical procedure for controlling air pollution.

Scientists have generally concurred that a major source of fumes which are ingredients of smog and pollution in most cities is the motor vehicle, and that phase of the problem is under study on all fronts, including the automobile and petroleum industry. The Federal Government has increased its work in this field, and will continue to expedite the program for investigating the part that motor vehicle exhaust and combustion play in the problem of atmospheric contamination.

Health studies have developed evidence as to the effect of air pollution on human health and well-being, creating much discomfort from obstruction of breathing, and causing disease and even death.

The Federal Government is not carrying this entire program alone, as many agencies are participating in the attack on the air pollution problem. In the great concern for the health of the American people, this very acute problem must be recognized, together with the fact that increased urbanization and industrialization will undoubtedly produce new air pollution problems in the future.

DISCUSSION

When Public Law 159 was enacted, the committee acknowledged that the desired aims and objectives envisioned under the program could not be entirely accomplished within the authorized 5-year period. Accordingly, in 1959, the act was amended to extend the program to June 30, 1964. The committee is of the opinion that it would be helpful to the program if it were extended for another period of years and accordingly recommends that it be extended to June 30, 1966.

The committee is of the opinion that the Department of Health, Education, and Welfare could make a significant contribution by exercising Federal leadership in dealing with air pollution problems of broad significance. This contribution would result through the development and publication of recommendations based on the evaluation of data developed by the Department or presented by others, as well as a full consideration of the points of view of all parties having a significant interest in such problems. Some of these problems, although essentially local in character, manifest themselves in many communities throughout the Nation. Others involve pollution from sources within one State which, through the movement of air masses, affect communities in other States. Both types of problems can be expected to increase in number and extent with further urbanization, and the development of solutions for them may in many cases transcend the capabilities of local agencies, and even of State control authorities. The recommendations resulting from hearings would not be binding upon the participants in the hearings or anyone else; the purpose of the hearings would be simply to develop such recommendations as a means of focusing public attention on and developing support for the most carefully considered solutions to the problems which occasioned the hearings.

The committee believes that enactment of S. 455 would serve a very useful purpose and accordingly recommends its passage.

The ACTING PRESIDENT pro tempore. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, 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 July 14, 1955 (42 U.S.C. 1857b), is amended by striking out ", upon request of any State or local government air pollution control agency,", by striking out "such State or local government air pollution control agency" and inserting in lieu thereof "any State or local government air pollution control agency", and by inserting before the period at the end thereof ", but only if requested to do so by such State or local government air pollution control agency or if, in his judgment, such problem may affect or be of concern to communities in various parts of the Nation or may affect any community or communities in a State other than that in which the matter causing or contributing to the pollution originated."

SEC. 2. Such Act is further amended by redesignating sections 6, 7, and 8 as sections 7, 8, and 9, respectively, and inserting after section 5 the following new section:

"SEC. 6. (a) Whenever, on the basis of reports, surveys, or studies, he believes it appropriate, or whenever requested by any State or local government air pollution control agency, the Surgeon General may call a public hearing on any problem of air pollution which may affect or be of concern to communities in various parts of the Nation or which may affect any community or communities in any State other than the State in which the matter causing or contributing to the pollution originates. Any such hearing shall be conducted before a board composed of not less than five members, appointed by the Secretary of Health, Education, and Welfare, who shall be representative of the public, industry which is affected by or concerned with the problem, persons who are expert or have special knowledge in the matter, interested Federal agencies, and interested State or local government air pollution control agencies.

"(b) Subject to regulations of the Surgeon General, an opportunity to be heard at such hearing shall be accorded to all interested persons.

"(c) After consideration of the information presented at the hearing and such other information as is available to it, the board shall make a report and recommendations to the Surgeon General on such matters as the existence, cause, and effect of the air pollution on which the hearing was held, progress toward its abatement, and other related matters. Such report and recommendations, together with the comments and recommendations, if any, of the Surgeon General with respect thereto, shall be available to the community or communities, Government agencies, and industries concerned and, to the extent the Surgeon General deems appropriate, to the public, but shall not be binding on any person, agency, or organization."

SEC. 3. Section 5 of such Act (42 U.S.C. 1857d) is amended by striking out "nine fiscal years beginning July 1, 1955, and ending June 30, 1964, not to exceed $5,000,000" in the first sentence, and inserting in lieu thereof "eleven fiscal years beginning July 1, 1955, and ending June 30, 1966, not to exceed $5,000,000".

Mr. KUCHEL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is my intention to call up some items on the calendar to which there is no objection, and which have been cleared on both the majority and minority sides.

PROSECUTION OF BAD-CHECK OFFENSES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar 635, H.R. 7657.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 7657) to amend chapter 47 (Uniform Code of Military Justice) of title 10, United States Code, to provide a specific statutory authority for prosecution of bad-check offenses.

The ACTING PRESIDENT pro tempore. The question is on the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 659), explaining the purposes of the bill.

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

PURPOSE

This bill would provide specific statutory authority for the prosecution of bad check offenses by persons subject to the Uniform Code of Military Justice.

EXPLANATION

The Uniform Code of Military Justice does not now provide specific statutory authority for the prosecution of bad check offenses. As a result of the absence of such authority, bad check offenses must be prosecuted under one of three separate articles, none of which is entirely appropriate and each of which presents technical difficulties in pleading and proof that sometimes result in failure to initiate charges or abortive prosecutions.

Prosecution of bad check offenses under article 121 requires proof of all the elements of common law larceny, or wrongful appropriation, including the requirement for receipt of present consideration. Courts have been reluctant to convict a bad check offender under this section because of the severe implication of moral turpitude that a conviction for larceny or wrongful appro-

priation connotes. The same reluctance has existed on convictions under article 133, which could result in a sentence to dismissal from the service.

Prosecutions of bad check offenses under article 134 of the Uniform Code of Military Justice also present difficulties. Such prosecutions must be based on the establishment of a criminal intent comparable to that required for proof of larceny by check, that is, intent to deceive, or must be based upon proof of dishonorable postissuance conduct. Under decisions of the Court of Military Appeals the Government must establish, as a specific element, the bad faith or gross indifference of the accused. This requires proof of factors such as the time of dishonor, date of return of the check for insufficiency, efforts made by the payee to obtain redemption, whether or not redemption was effected, actions of codepositor where joint accounts are involved, as well as evidence reflecting evasion, false promises, or deceit of accused.

A prerequisite to a conviction under this bill is the necessity of establishing an intent to defraud or deceive. Mere error on the part of the drawee bank or the drawer that does not amount to bad faith or gross indifference will not fall within the proscription of the new article. The provision affording the drawer a 5-day period for redemption is not intended to be invoked in cases where intent to defraud or deceive is patent. In those cases in which proof of culpability is not manifest the failure of the drawer to effect redemption within the 5-day period would constitute prima facie evidence of bad faith or gross indifference that would establish the intent necessary for conviction.

The committee was informed that the authority of this bill will not be used as an instrument to enforce collection of unpaid checks, but that it will be used solely for the prosecution of offenders whose misconduct falls within the terms of the article to be added to the code.

The terms of the authority for prosecution of bad check offenses that this bill would add to the Uniform Code of Military Justice are similar to statutes applicable in the District of Columbia and several States, including Missouri and New York.

Enactment of this bill should facilitate conviction and appropriate punishment of those members of the Armed Forces who commit bad check offenses.

The ACTING PRESIDENT pro tempore. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 7657) was ordered to a third reading, was read the third time, and passed.

ALLOWANCE FOR TRANSPORTATION OF HOUSE TRAILERS OR MOBILE DWELLINGS UPON PERMANENT CHANGE OF STATION FOR ARMED FORCES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1050, H.R. 2732.

The PRESIDING OFFICER (Mr. METCALF in the chair). The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 2732) to amend section 303 of the Career Compensation Act of 1949 to provide that the Secretaries of the uniformed services shall prescribe a reasonable monetary allowance for transportation of house trailers or mobile dwellings upon permanent change of station of members of the uniformed services,

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

The motion was agreed to, and the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

That the twelfth sentence of section 303(c) of the Career Compensation Act of 1949 (37 U.S.C. 253(c)) is amended to read as follows: "Under regulations prescribed by the Secretaries concerned and in lieu of transportation of baggage and household effects or payment of a dislocation allowance, a member of the uniformed services, or in the case of his death his dependents, who would otherwise be entitled to transportation of baggage and household goods under this section, may transport a house trailer or mobile dwelling within the continental United States for use as a residence by one of the following means—

"(1) transport the trailer or dwelling and receive a monetary allowance in lieu of transportation at a rate to be prescribed by the Secretaries concerned (but not to exceed twenty cents per mile);

"(2) deliver the trailer or dwelling to the Government for transportation by commercial means; or

"(3) transport the trailer or dwelling by commercial means and be reimbursed by the Government subject to such rates as may be prescribed by the Secretaries concerned; *"Provided,* That the cost of transportation under clause (2) or the reimbursement under clause (3) may not exceed (A) the current average cost for the commercial transportation of a house trailer or mobile dwelling, (B) 36 cents per mile, or (C) the cost of transporting the baggage and household effects of the member or his dependents plus the dislocation allowance authorized in this section, whichever of (A), (B) or (C) is the lesser: *And provided further,* That any payment authorized by this section may be made in advance of the transportation concerned."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1069), explaining the purposes of the bill.

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

PURPOSES OF BILL AND BACKGROUND

The purpose of the proposed legislation is to increase the monetary allowance authorized for the transportation of mobile homes of members of the uniformed services.

A monetary allowance not to exceed 20 cents a mile for the transportation of mobile homes was first enacted in the Career Incentive Act of 1955. This act did not distinguish between the amount paid to members to transport their homes themselves and the amount paid to those who employ a commercial mover to transport their mobile homes.

The present limitation of 20 cents a mile which is applicable when the mobile home is hauled commercially is unrealistic since the average cost of hauling a mobile home is about 35 cents a mile. As indicated below in explanation of the provisions of the bill, this legislation will permit a considerable increase in the present allowance where mobile homes are moved by commercial means.

PROVISIONS OF THE BILL

The following are the highlights of the bill as amended by the committee:

1. The bill continues in effect existing law which provides that in order to be entitled to any trailer allowance, the military member must be entitled to transportation of his baggage or household effects. The bill likewise continues existing law which limits the transportation of the household trailer or mobile dwelling to "within the continental United States."

2. The bill continues existing law with respect to self-haul of the mobile dwelling by permitting a monetary allowance in such cases not to exceed 20 cents a mile. The service Secretaries in their regulations have administratively limited this allowance to 11 cents per mile. The Department of Defense has indicated that the 11-cent-per-mile rate will continue where the military member himself transports the house trailer.

3. The bill contains authority not presently in existing law which would permit the military member to deliver the trailer to the Government for transportation by commercial means, subject to the prescribed rate.

4. The bill contains the additional alternative of authorizing the member to make his own arrangements for transportation by commercial means and be reimbursed by the Government at rates to be prescribed by the Secretary concerned.

CEILING ON MONETARY ALLOWANCE

The bill provides that the monetary allowances will be prescribed by the Secretary, subject to the ceiling set forth in the bill. The bill sets forth a formula which may not be exceeded as the maximum allowance which may be paid where the trailer is hauled by commercial means, either as the result of a contract between the Government and the commercial hauler or between the military member and the commercial hauler. The statutory limitation would be the lesser of the following: (a) the current average commercial cost of commercial transportation, (b) 36 cents per mile, or (c) the cost of transporting the member's baggage and house effects and his dependents plus the dislocation allowance. The Department of Defense would determine a single figure for establishing the current average cost for commercial transportation.

COST AND DEPARTMENTAL RECOMMENDATION

The additional annual cost of the enactment of this legislation is $1,405,000. The Department of Defense letter on this legislation is set forth below.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, D.C., June 13, 1961.

HON. CARL VINSON,
Chairman, Committee on Armed Services, House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to the request for comments of the Department of Defense on H.R. 2732, 87th Congress, a bill to amend section 303 of the Career Compensation Act of 1949 to provide that the Secretaries of the uniformed services shall prescribe a reasonable monetary allowance for transportation of house trailers or mobile dwellings upon permanent change of station of members of the uniformed services.

The purpose of the bill is to authorize, for members of the uniformed services, a monetary allowance for the transportation of house trailers based on current average costs.

This Department concurs in the purpose of the bill but prefers enactment of the attached substitute draft.

H.R. 2732 would (1) delete the present 20-cent-per-mile limitation contained in section 303(c) of the Career Compensation Act

of 1949, as amended, on the transportation of mobile homes, and (2) authorize the Secretaries concerned to establish a monetary allowance for the transportation of house trailers or mobile dwellings based on current average costs for commercial transportation or current average costs for transportation by the member.

The draft bill attached would:

Retain the present 20-cent ceiling insofar as self-hauled mobile homes are concerned. While present law makes no distinction between the rates payable for self-haul or commercial haul, the uniformed services have administratively limited the rate of payment for a member who hauls his own house trailer or mobile home to 11 cents a mile. This rate is well within the legal ceiling and there appears to be no reason to remove it insofar as self-hauled trailers are concerned.

2. Include permissive authority for the Government to pay for commercial haulage directly. This would enable the Department, should it so desire, to pay for the cost of hauling trailers in the same manner it pays for the movement of household effects.

3. Authorize the establishment of one or more rates covering the cost of commercially hauled trailers. There are wide variations in the cost of hauling trailers, depending on their size and weight. It is believed that the Department should have discretionary authority to establish several rates reflecting these differences should this prove desirable.

4. Authorize advance payment of trailer allowances to members of the uniformed services. Comptroller General decision (B–141426, Mar. 31, 1960), presently precludes advance payments. The necessity of the member paying for the transportation upon acceptance at destination, as required by Interstate Commerce Commission regulations, is a financial inconvenience and often a hardship.

Section 303(c) of the Career Compensation Act of 1949 (63 Stat. 814), as amended (37 U.S.C. 253(c)), provides pertinently:

"In lieu of transportation of baggage and household effects, a member of a uniformed service who transports, or in the case of his death his dependents who transport, a house trailer or mobile dwelling within the continental United States for use as a residence and who would otherwise be entitled to a transportation of baggage and household effects, under this section, shall under regulations prescribed by the Secretary concerned be entitled to a reasonable allowance, authorized in this section, whichever he or they shall elect."

The Per Diem, Travel, and Transportation Allowance Committee of the Department of Defense made a survey in 1956 of the cost to service members of transportation for house trailers and mobile homes. This study indicated that the cost of such transportation, when provided by commercial movers, ranged from 21 cents to 34 cents per mile.

The Office of the Chief of Finance, U.S. Army, completed a survey on trailer movement cost as of 1960 which indicated that the average cost for commercial movement of house trailers was 34.58 cents per mile as opposed to the average of approximately 29 cents per mile in 1956. A summary of the findings of the 1960 Army study is attached as representative of the conditions for all the services.

It is believed that the costs for the movement of trailers will continue to vary in the future, as in the past. Accordingly, the authority to fix the average cost based on appropriate surveys as requested in this bill is believed more responsive to the needs of the Department of Defense than having a maximum mileage allowance, fixed by law.

COST AND BUDGET DATA

In the event that this legislation is enacted into law, it is estimated that its initial implementation will result in an additional annual increased cost of:

Army	$300,000
Navy	270,000
Marine Corps	70,000
Air Force	765,000

No provision has been made for this sum in the budget for the fiscal year 1962, and it cannot be absorbed within available appropriations.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely yours,

CYRUS R. VANCE.

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

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

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

The bill (H.R. 2732) was read the third time, and passed.

The title was amended, so as to read: "An Act to amend section 303(c) of the Career Compensation Act of 1949 to authorize the Secretaries concerned to prescribe a reasonable monetary allowance for the transportation of house trailers or mobile dwellings."

SULZBACH CONSTRUCTION CO.

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1057, S. 1348.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1348) for the relief of the Sulzbach Construction Co.

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

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 6, after the word "of", to strike out "$51,089.71, together with interest thereon at 6 per centum per annum from August 25, 1960, until paid" and insert "$48,581.71", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Sulzbach Construction Company, of Sioux City, Iowa, the sum of $48,581.71. The payment of such sums shall be in full settlement of all the claims of the Sulzbach Construction Company against the United States, remaining unpaid, for certain additional amounts due on account of work performed under its contract with the Air Defense Command (dated July 3, 1958) for site preparation and construction of offsite utilities in connection with the two hundred and thirty-five unit family housing project built under title VIII of the National Housing Act at Sioux City Air Force Base, Iowa. The necessity for payment of additional amounts under the contract arose because of unforeseen expenses resulting from changed conditions during performance, and such payment was approved by the Armed Forces Board of Contract Appeals, but such payment could not be made in full on account of the statutory per-unit ceiling contained in section 505 of the Act of September 28, 1951: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1077), explaining the purposes of the bill.

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

PURPOSE

The purpose of the proposed legislation, as amended, is to pay out of the Treasury to the Sulzbach Construction Co., of Sioux City, Iowa, the sum of $48,581.71, and such sum shall be in full settlement of all claims of the Sulzbach Construction Co. against the United States for certain additional amounts due on account of work performed under its contract with the Air Defense Command, dated July 3, 1958.

STATEMENT

The Comptroller General of the United States in a letter to the Honorable CHARLES B. HOEVEN, House of Representatives, indicates that in this instance, since payment out of the appropriation would violate the mandate of Congress, he could not favorably consider a claim by the Sulzbach Construction Co. for the amount involved.

The Department of the Air Force in a letter to Mr. Hird Stryker, attorney for the claimant, dated December 6, 1960, states that inasmuch as the claim was approved by the ASBCA in the total amount of $73,000, it is the opinion of this Department that the claim is a meritorious one and should such special bill be introduced this Department would recommend enactment of the bill.

Both letters referred to are attached hereto and made a part hereof.

In July of 1958, the Sulzbachs, a small family partnership, were awarded a contract for the off-site utilities and the on-site grading work that was to precede the construction of a 235-unit Capehart housing project near Sioux City Air Force Base, Iowa. This contract was not the Capehart type contract which places specific limitations on the amount of money that is to be made available to the contractor for its performance. It was the standard Government Construction Contract Form 23A, that contains no financial limitations and provides (among other things), that the contractor shall be entitled to an equitable adjustment of the contract price in the event that he encounters unusual subsurface conditions that materially increase the cost of performing the work.

From the outset of the work on the contract in question, the Sulzbachs encountered a variety of unusual and completely unanticipated subsurface materials such as huge quartzite boulders, shale, lignite, sandstone, etc. These materials were uncovered in an area where the Government's plans and specifications had assured the contractor that there would be only high-quality fill

dirt. As was subsequently observed by the Armed Services Board of Contract Appeals:

"Much discussion of the case is certainly unnecessary, as it is clear by overwhelming evidence from representations made by the Government in the contract and from testimony of the witnesses that the conditions encountered were totally unexpected."

After reviewing the facts of the case in detail, the Board, on February 3, 1960, determined that the Sulzbachs had incurred additional costs totaling $73,000 as a result of these conditions, and that, under the terms of the contract, they were entitled to be reimbursed for those costs.

Some 6 months after the Board so ruled, the Air Force, for the first time, advised both the Board and the Sulzbachs that only a small portion of this award could be paid because the Air Force had already expended or obligated itself to expend, very close to $1,500 per unit on various aspects of this project, including land acquisition, utilities relocations, etc., and the Sulzbach's own contract, and section 505, Public Law 155, 82d Congress, section 1748i, title 12, United States Code, prohibited expenditures in excess of that figure. In August of 1960, the Air Force finally paid the Sulzbachs $24,418.29 on this award, which represented the balance available, within the foregoing limitations, after payment by the Government of other charges and accounts allocable to this project. This left the Sulzbachs out of pocket approximately $50,000 since the fall of 1958, when they had completed their work on this project and paid off all of their own laborers and suppliers.

When the Sulzbachs submitted their bid on this project there was $352,500 available, under the applicable legislation, which appeared to be more than adequate for its performance. The Sulzbachs' bid price for the work was approximately $272,000, well within the congressional limitation. At the time they submitted their bid the Government had not yet acquired the land on which the project was to be built, and the Sulzbachs had no way of knowing how much the Government was going to pay for that land, or what other contracts or agreements the Government might thereafter make, the cost of which would be charged against that project.

Once the Sulzbachs submitted their bid, they had absolutely no way that they could protect themselves against the funds shortage that later developed. They were legally bound to perform the work in accordance with the terms of their contract. They could not have refused to complete it, even had they known (which they did not until long after it was completed), that the limitations of section 1748i would become relevant. Their contract obligated them to complete it and at the same time unequivocally assured them that they would be paid in full for doing so, including any awards made by the Armed Services Board of Contract Appeals in connection therewith.

It seems clear that this is not the type of situation that was contemplated by Congress when it enacted section 1748i. Here, there was no intentional overspending by the sponsoring department, nor was there any possibility of either the Sulzbachs or anyone else anticipating that the situation that arose would develop. The Government received the full benefit of the Sulzbachs' work, and, in all equity, should pay for it in accordance with the provisions of the contract that its representatives signed.

It definitely appears that the claimant completed the contract as it had agreed to do. There does not appear to be any question but what the claimant has lost the amount as represented by this bill through no fault of his own, but only because the appropriation involved in this project was insufficient to take care of the land acquisitions and matters pertaining thereto. It appears clear that from the views of all parties concerned that the Sulzbach Construction Co. is entitled to the payment proposed in this legislation for the reason that the contract specifically set forth the changed-conditions clause for the very purpose that was encountered in the construction work by the claimants. The Armed Services Board of Contract Appeals after review of all of the circumstances stated that the claimants were entitled to $73,000 as the result of these conditions under the contract, but due to other circumstances there was only left in the appropriated fund the amount of $24,418.29. This amount, therefore was paid to the claimants, leaving the balance as set forth in the bill.

The committee believes that this legislation is meritorious and recommends that the bill S. 1348, as amended, be considered favorably.

DEPARTMENT OF THE AIR FORCE,
Washington, December 6, 1960.

Mr. HIRD STRYKER,
Fraser, Wenstrand, Stryker, Marshall & Veach, Omaha National Bank Building, Omaha, Nebr.

DEAR MR. STRYKER: Reference is made to your letter of November 3, 1960, regarding passage by Congress of a special bill for the relief of the Sulzbach Construction Co., in connection with contract AF 13 (606)-239 and ASBCA No. 5703.

In an instance of this type when a special bill for relief is presented to the Congress the normal procedure is for the bill to be referred to the agency of primary interest to obtain its views as to the merits of the bill. Inasmuch as the claim was approved by the ASBCA in the total amount of $73,000, it is the opinion of this Department that the claim is a meritorious one and should such a special bill be introduced this Department would recommend enactment of the bill.

You can be assured of the Air Force's cooperation on this matter and, if there is any further information desired, please do not hesitate to communicate with my office.

Sincerely yours,

J. M. Ferry,
JOHN M. FERRY,
Special Assistant for Installations.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, July 19, 1961.

Hon. CHARLES B. HOEVEN,
House of Representatives.

DEAR MR. HOEVEN: Our advice is requested in your letter of June 28, 1960, with enclosure, as to whether our office may authorize for payment an amount in excess of the per unit limitation imposed by statute, found by the Armed Services Board of Contract Appeals to be due to the Sulzbach Construction Co. under a contract for site preparation and construction of offsite utilities for a family housing project.

The contract was awarded to the Sulzbach Co. after competitive bidding on July 3, 1958, at a price of $267,920, subsequently increased by supplemental agreement to $272,342.43. Total land cost amounted to $52,662. Pursuant to section 505 of the act of September 28, 1951, 65 Stat. 365 (12 U.S.C. 1748i), expenditure of appropriated funds for the acquisition of land, installation of outside utilities, and site preparation for this kind of housing project may not exceed an average of $1,500 per housing unit; thus, for this 235-unit project, the statutory maximum is $352,500.

In the course of performance under the contract the Sulzbach Co., because conditions were other than as anticipated by the parties, was required to perform additional work. The Armed Services Board of Contract Appeals found that under the changed-conditions clause of the contract the contractor was entitled to an additional payment of $73,000. In making such determination, however, the Board apparently overlooked the statutory limitation cited above, and the Department of the Air Force has taken the position in its letter of June 27, 1960, to you, that the only amount it is authorized to pay is $27,500, the difference between the statutory ceiling and the amount subject to such ceiling heretofore expended.

The specific question presented is whether we may authorize payment of the balance, $45,500, upon submission of a proper claim by the contractor.

The accounting and administrative officers of the Government are required to observe specific limitations placed by the Congress upon the use of appropriated funds and, therefore, are without authority to certify claims for payment contrary to statutory limitations on the use of the funds from which the claims would otherwise be payable. See *Geddes* v. *United States*, 38 C. Cls. 428, and *Trenton* v. *United States*, 12 C. Cls. 147. Generally, the only means available to our Office for the payment of claims arising out of contracts are those appropriations enacted by the Congress for the execution of the project. In this instance, since payment out of the appropriation would violate the mandate of Congress, we could not consider favorably a claim by the Sulzbach Construction Co. for the balance of $45,500.

Sincerely yours,

———— ————,
Comptroller General of the United States.

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

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1348) was ordered to be engrossed for a third reading, was read the third time, and passed.

AMENDMENT RELATING TO ORGANIZATION OF BUREAU OF PUBLIC ROADS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar 1058, H.R. 8558.

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

The LEGISLATIVE CLERK. A 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.

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

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Public Works with an amendment on page 2, at the beginning of line 3, to strike out "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."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed

in the RECORD an excerpt from the report (No. 1078), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of H.R. 8558, as amended, is to amend title 23, United States Code with respect to the organization of the Bureau of Public Roads, by eliminating the position of Commissioner of Public Roads.

GENERAL STATEMENT

The present law provides that the Bureau of Public Roads of the Department of Commerce shall be administered by the Federal Highway Administrator, appointed by the President by and with the advice and consent of the Senate, and that there shall be a Commissioner of Public Roads, appointed by the Secretary of Commerce, who shall perform such duties as may be prescribed by the Federal Highway Administrator.

The organization and operations of the Bureau of Public Roads would be better understood by persons having official business with that agency, and by the public generally, if the position of Commissioner of Public Roads were eliminated.

The position, "Commissioner of Public Roads," is misleading as it denotes a Commission on Public Roads, which does not exist. The position of Commissioner is now vacant.

AMENDMENT

H.R. 8558, as it passed the House of Representatives, provided for the creation of the position of Deputy Federal Highway Administrator, and established the basic rate of compensation for such position. The committee proposes an amendment which would delete from H.R. 8558 the provisions relating to the establishment of a position of Deputy Federal Highway Administrator.

COMMITTEE VIEWS

The committee believes that the position of Commissioner of Public Roads should be abolished, since the Bureau of Public Roads is not a commission, and is properly administered by the Federal Highway Administrator under the Secretary of Commerce, as provided by law.

The committee is of the opinion that the establishment of the position of Deputy Federal Highway Administrator is not necessary at this time. It would place another level of administration in the chain of command from the Secretary of Commerce to the Bureau of Public Roads, which is not believed warranted. It is believed that the Federal Highway Administrator can designate someone in his present organization as next in authority and responsibility, and to serve as Acting Federal Highway Administrator when he is absent, under present law.

Accordingly, the committee recommends enactment of H.R 8558, as amended.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

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

The bill was read the third time, and passed.

RECONVEYANCE OF LAND IN CERTAIN RESERVOIR PROJECTS IN TEXAS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar 1059, H.R. 7888.

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

The LEGISLATIVE CLERK. A 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.

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

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1079), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of the bill is to amend the Flood Control Act of 1958 by extending the time within which lands in the Grapevine, Garza-Little Elm, Benbrook, Belton, and Whitney Reservoirs in Texas, which are under the jurisdiction of the Corps of Engineers, could be reconveyed to former owners, for a period of 1 year, until July 3, 1962.

GENERAL STATEMENT

Section 205 of the Flood Control Act of 1958, approved July 3, 1958 (72 Stat. 316), authorized the Secretary of the Army to provide adjustments in lands acquired for the Grapevine, Garza-Little Elm, Benbrook, Belton, and Whitney Reservoirs in Texas, by reconveyance to former owners of lands acquired in fee title and not now required for project purposes.

During the time land acquisition for these reservoirs was in progress, late in 1953, the Department of the Army and the Department of the Interior adopted a change in policy whereby flowage easements would be acquired in many areas, rather than acquisition of fee simple title to the land.

Land acquisition for these five reservoirs was underway at that time, and the necessary lands had only been partially acquired when the change in policy was placed in operation. The purpose of section 205 of the Flood Control Act of 1958 was to place the former owners of lands acquired in fee prior to the change in land acquisition policy in the same relative position as the owners of lands acquired under the new policy.

Subsection (i) of section 205 provides for termination of the reconveyance authority 3 years after the date of its enactment, which would have been July 3, 1961. H.R. 7888 would extend such authority an additional year to July 3, 1962.

Negotiations for reconveyance have been progressing, but all owners of former lands who were eligible to take advantage of the reconveyance have not yet completed necessary actions. The extension of time would permit those owners who are desirous of availing themselves of this reconveyance authority additional time for this purpose.

COMMITTEE VIEWS

The committee believes that the purpose of the original legislation was meritorious, and that the few remaining former landowners who have not been taken care of, or where proceedings or negotiations are now in process, should be given this slight additional time period.

COST

There will be no cost to the Federal Government involved, in fact, some of the original cost of the acquired lands will be recouped by the Government.

The PRESIDING OFFICER. The question is on the third reading of the bill.

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

MODIFICATION OF DULUTH-SUPERIOR HARBOR, MINN. AND WIS.

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1060, H.R. 7854.

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

The LEGISLATIVE CLERK. A 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.

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

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1080), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

The purpose of this bill is to modify the project for the Duluth-Superior Harbor, Minn. and Wis., to abandon the northerly 1,250 feet of the existing 20-foot 21st Avenue West Channel, which includes about 500 feet of the recently authorized 27-foot modification of said channel, and declare that portion of the harbor to be a non-navigable water of the United States within the meaning of the Constitution and laws of the United States.

GENERAL STATEMENT

The River and Harbor Act approved August 30, 1935 (49 Stat. 1028, 1035), authorized the 21st Avenue West Channel, about 3,300 feet long and 100 feet wide with a depth of 20 feet. The River and Harbor Act approved July 14, 1960 (74 Stat. 480), authorized modification of the channel to provide for a depth of 27 feet and a width of 200 feet for a distance of 2,500 feet.

A permit was issued by the Secretary of the Army on December 13, 1956, to the Minnesota Department of Highways to construct the Duluth-Superior Interstate Bridge across the St. Louis River at this point. The bridge is under construction. The approach fill will encroach on and occupy a portion of the upper end of the channel authorized by the acts of 1935 and 1960.

Since the proposed fill will cross the upper end of the stub channel, its abandonment is considered necessary. The permit issued by the Secretary of the Army is not sufficient authority to abandon the necessary portion of the authorized navigation project, and legislation is required to affect such proposal.

The Corps of Engineers has found that there is little use of the channel in the area designated for abandonment. The remaining portion of the 21st Avenue West Channel, as authorized in the 1960 act, will consist of a stub channel about 2,000 feet long, 200 feet wide, and 27 feet deep; and is stated to be adequate for the needs of commerce in this area.

The interstate highway bridge is scheduled for completion early in 1962. It is understood that various local interests, including the city of Duluth, the Duluth Chamber of Commerce, port interests, and the Minnesota Department of Highways, favor the proposed abandonment. There is no known objection to this action.

COMMITTEE VIEWS

The permit issued by the Secretary of the Army for the interstate bridge across the St. Louis River does not apply to the approaches which will encroach on a portion of the 21st Avenue West Channel, thus this legislation appears necessary. As the highway bridge is scheduled for completion at an early date, the committee is of the opinion that prompt action on the bill is necessary and recommends its enactment.

COST

There is no Federal cost involved.

The PRESIDING OFFICER. The question is on the third reading of the bill.

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

PRESERVATION AND PROTECTION OF LANDS IN PRINCE GEORGES AND CHARLES COUNTIES, MD.

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1062, House Joint Resolution 459.

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

The LEGISLATIVE CLERK. A 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.

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

The motion was agreed to; and the Senate proceeded to consider the joint resolution.

Mr. BIBLE. Mr. President, I ask unanimous consent that a statement I have prepared on the joint resolution may be incorporated in the RECORD at this point.

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

BACKGROUND AND PURPOSE

House Joint Resolution 459 is a companion to Senate Joint Resolution 97 by Senator ANDERSON. It provides for the acquisition of approximately 1,186 acres of land in fee on the Potomac River shore opposite Mount Vernon, and the acquisition of scenic easements on an additional 1,410 acres for the purpose of preserving, as nearly as possible, the view from George Washington's home as it existed during his lifetime. It will also preserve a site of archeological value where the Susquehanna Indians resided for at least 5,000 years and maintained a large fort at the time the area was first observed in 1608. It will as well provide the fast growing population of the National Capital metropolitan area a natural recreational area of great interest and beauty.

It is anticipated that more than half of all the property and scenic easements required will be donated to the Government.

The area on the Maryland shore of the Potomac seen from the Washington home has been repeatedly threatened by developments which would mar its beauty. However, private citizens have cooperated to preserve it until the present time. Residents have established a self-imposed 5-acre homesite requirement and restricted tree cutting to brush and the smallest trees.

When an oil tank farm was planned for a tract on the shore immediately opposite Mount Vernon, Congresswoman FRANCES BOLTON purchased the property and placed it in a foundation, which has offered to donate it to the Government upon establishment of a Federal scenic area. A total of 600 acres of the 1,186 to be acquired in fee is expected to be given to the Government.

Similarly, a majority of the residential property owners who have restricted their use of their lands to protect the scenic view from Mount Vernon are prepared to contribute scenic easements to the Government, assuring perpetual maintenance of the restrictions on use now voluntarily imposed.

Urgency of passage of House Joint Resolution 459 is raised by a proposal to build a sewage treatment plant on Piscataway Bay, part of the area seen both from the front porch and lawn at Mount Vernon, and from old Fort Washington, which is now a National Capital Park area. There is conflict in testimony as to the ease of visibility of such a plant from Mount Vernon. The Washington home is at 150 feet elevation. Mockley Point, which intervenes between Mount Vernon and the sewage disposal plant site, is only 10 to 20 feet elevation. Witnesses have stated categorically that the plant will, and that it will not, be visible from the Mount Vernon porch and lawn.

There is undisputed testimony that there are alternative sites and possibilities for a sewage treatment plant, but no firm estimate of comparative costs of the alternatives.

Private citizens who have protected the area in the past are powerless to stop the sewage disposal plant, for which property can be condemned.

Because of the prospective adjournment of Congress, both the chairman of the Interior and Insular Affairs Committee and the chairman of the Public Lands Subcommittee have attempted to obtain assurance that no steps would be taken toward construction of the sewage disposal plant before Congress meets next year, when there would be more time to consider the matter.

In both instances, the efforts were without avail. A commitment was avoided. The only way to assure preservation of the site and the scene, and maintenance of the status quo, is enactment of the joint resolution. Congress can then, if it so desires, review the situation during its 1963 session.

THE RESOLUTION

House Joint Resolution 459 has been amended by the House in accordance with reports made by the Department of the Interior. One amendment excludes the Marshall Hall amusement park property, on the east end of the tract, thereby greatly reducing prospective cost. A House committee amendment to the resolution as originally introduced limits appropriations authorized for acquisition of land and scenic easements to $937,000, the cost estimated by the National Park Service.

The estimated cost of administering the area is $30,000 annually. The Park Service envisions doing necessary work to assure preservation of archeological features and establishment of necessary trails and essential facilities to permit public enjoyment of the tract by the growing population and the growing numbers of tourists in the National Capital area.

Reports of the Department of the Interior on Senate Joint Resolution 97, which was identical to the original House joint resolution, now amended to include the suggestions made by the Department as to both resolutions.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading, was read the third time, and passed.

Mr. BIBLE. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to table was agreed to.

INCREASED COMPENSATION PAYABLE UNDER THE WAR HAZARDS COMPENSATION ACT

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1056, H.R. 4357.

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

The LEGISLATIVE CLERK. A bill (H.R. 4357) to increase monthly disability and death compensation payable pursuant to the War Hazards Compensation Act.

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

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. DWORSHAK. Mr. President, the bill before the Senate, H.R. 4357, is similar to S. 874 which I introduced on February 9, 1961. Due to the legislative situation and in order to expedite action on this important measure, the Senate Committee on Labor and Public Welfare reported out the House-passed bill.

The purpose of H.R. 4357 is to provide long-needed cost of living increases in the disability and death benefits which are now being paid under the War Hazards Compensation Act. The benefits to be increased by the bill are for war-risk losses sustained prior to July 1, 1946. The bill provides for an increase in an amount of 15 percent.

The War Hazards Compensation Act is a part of the Federal workmen's compensation system which has been developed by the Congress to apply to injuries sustained by either Federal employees or by employees employed under Federal contractors of various kinds. The War Hazards Compensation Act, however, is unique in that it relates to a special situation which developed during World War II. You will recall that our military demands at that time required contractors to extend their operations in widespread and remote areas all over the world well beyond the coverage of the workmen's compensation laws which we then had. Injuries sustained in public employment in these areas were not subject to the workmen's compensation laws, and as a consequence, the claims for war-risks injuries sustained by employees on these jobs were handled in an uneconomic and costly manner. In the absence of any ratemaking experience for these war-risk losses, the insurance premiums were inadequate or excessive in relation to the losses and were therefore very costly to the United States. Furthermore, it was believed at the time that a war-risk loss was

one which should be borne by the public at large and not by the employer or any employee or dependent.

As a result, the War Risk Hazards Compensation Act was passed on December 2, 1942. This law covers employees of contractors under contract with the Federal Government engaged in public works outside the United States. The compensation system incorporates the schedules provided by the Longshoremen's and Harbor Workers' Compensation Act. However, the injuries and deaths which are covered must have resulted from a war-risk hazard, meaning an injury which is related to the conduct of a war or an armed conflict, such as injuries resulting from the use of weapons, explosives, missiles, or hostile action in war, armed conflict or rebellion.

Under the War Hazard Compensation Act, the United States has assumed the obligation to make direct payments for these injuries. However, the program is financed through the assets of the war claims fund, representing enemy assets seized during the war. The fact is that the only benefits now being paid under this act are those which arise from war-risk injuries or from deaths resulting from such injuries which occurred prior to July 1, 1946. No claims have been filed for injuries since that date. We are advised that there are about 172 compensation cases of this kind. Of these, 77 are disability cases, and 95 are death cases.

The ceiling on benefits under the original act as enacted in 1942 was $25 per week. In 1948 this ceiling was raised to $35 per week to reflect a contemporaneous adjustment in the benefits under the Longshoremen's Act. However, there have been no changes in the level of these benefits since 1948. We are well aware that living costs have increased substantially since that time, and it is acknowledged that the 15-percent increase which this bill provides is required to provide more realistic compensation for the 172 persons now receiving benefits as a result of these war-risk injuries.

The aggregate overall cost required by the 15-percent adjustment in the level of benefits is about $720,000. This figure of $720,000 represents the increase in the total cost throughout the life of the war-risk program as now written. The figure is calculated on the basis of life expectancy of the program's 172 recipients. The war claims fund from which these payments are made has ample reserves to absorb the additional cost.

The increases will apply only to those benefits based upon war-risk injuries or deaths resulting from such injuries sustained prior to July 1, 1946. It is also provided that the increases will be effective only with respect to disability payments commencing on or after the date of enactment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1076), explaining the purposes of the bill.

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

PURPOSE OF THE LEGISLATION

The purpose of the bill is to provide a 15-percent increase in the level of benefits which are being paid and which may be payable under the War Hazards Compensation Act of December 2, 1942, as amended (56 Stat. 1028; 42 U.S.C. 1701 et seq.), with respect to injuries or deaths prior to July 1, 1946.

BACKGROUND

The War Hazards Compensation Act was enacted in 1942 as a part of the Federal workmen's compensation system applicable to employees employed by Government contractors. The act covers employees of contractors on public works under contract with the Federal Government engaged in work outside the United States wherever located. It provides a system of compensation for injuries which are the proximate result of a war-risk hazard or for deaths arising out of such injuries. "War-risk hazard" means any hazard arising during an armed conflict or war in which the United States is engaged or during armed conflict or war between military forces of any origin, occurring within any country in which the employee above described is serving. It is further provided that the term "war-risk hazard" refers to hazards from certain operations in the course of the armed conflict or war, such as the discharge of missiles, the use of weapons or explosives, or hostile action. The scale of disability and death benefits is governed by the provisions of sections 8 and 9 of the Longshoremen's and Harbor Workers' Compensation Act of 1927. The compensation program is financed through the assets of the war claims fund, representing enemy assets which were seized during the war.

All of the benefits now being paid under this act arise from war-risk hazard disabilities or deaths occurring prior to July 1, 1946. No claims have been filed since that date. As of June 30, 1960, there were 172 compensation cases which were receiving benefits. Of these 77 were disability cases and 95 were death cases.

In 1942, the enactment date, the ceiling on weekly benefits was $25 per week following the maximum weekly allowable benefit under the Longshoremen's Act. In 1948, the ceiling on the weekly benefits payable under the War Hazards Compensation Act was raised from $25 to $35 to reflect an identical increase in the maximum weekly wage benefit provided by the 1948 amendments to the Longshoremen's Act. Accordingly, compensation awards in the war hazards cases were adjusted upward to the $35 level where they have remained ever since. There have been no changes in the levels of these benefits since that time.

The Federal Employees' Compensation Act Amendments of 1960 provided for a 30-percent increase in the disability and death compensation benefits payable under that act with respect to injuries occurring before January 1, 1946. These amendments provided for a 20-percent increase in the case of benefits payable under that act for injuries occurring between January 1, 1946, and December 31, 1950. Both systems, the Federal Employees' Compensation Act system as well as the War-Risk Hazards Compensation Act system, are financed directly by the Federal Government.

The committee believes that changes in these benefit levels are required to reflect the increases in living costs which have taken place in the past decade.

DESCRIPTION OF BILL

The bill provides for a 15-percent increase in the weekly compensation ceiling applicable to awards under the War Hazards Compensation Act with respect to injuries prior to July 1, 1946, or deaths resulting from such injuries. This would have the effect of raising the ceiling from its present level of $35 to $40.25.

The bill would also provide that the 15-percent increase would apply only to disability and death payments, payable for periods on or after the date of enactment.

It is estimated that the increase in the cost of maintaining the war hazards compensation program would amount to $720,000 for the life of the program, calculated on the expectancy of disabled employees or their beneficiaries receiving payments under the act. The most recent evaluation of the war claims fund from which these benefits would be payable shows a surplus of about $832,000.

The PRESIDING OFFICER. The question is on the third reading of the bill.

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

DEPARTMENT OF URBAN AFFAIRS

Mr. YOUNG of Ohio. Mr. President, one of the greatest social changes that has taken place in our Nation since World War II has been the explosive growth of our metropolitan areas. With this transformation of our population pattern has come a profound change in the way of life of millions of Americans. Many new and complex problems cry for solution.

Of the 50 States in the Union, perhaps my own State of Ohio has been most affected by the tremendous growth of urban areas. Ohio, fifth among the States in population, stands third with cities of 100,000 people or more. Of the 38 largest metropolitan areas in the Nation, Ohio has 4; equaled only by California.

Each year more and more Ohioans—and the same is true of all Americans—move into the cities or their environs and come face to face with the difficulties confronting our urban areas. More than two-thirds of all Americans now live in cities or their suburbs, and the figure is growing. In another decade it is estimated that 80 to 85 percent of our population will be city dwellers. Today the combined population of our metropolitan areas is larger than the entire population of the United States in 1920.

It is imperative that the problems affecting these millions of our citizens be recognized at the highest level of government. Legislation has been proposed and is pending, designed to accomplish that end by establishing a Department of Urban Affairs and Housing with Cabinet rank. Urban America is entitled to its spokesman at the Cabinet table. I urge the passage of this bill.

This bill would give city dwellers the same status that American farmers have enjoyed for almost a century. In an age when parking a car downtown seems almost as great a feat as scaling Mount Everest, it is unfair to give second-class status to the problems of those who live in cities.

At present a group of disjointed, lower level Federal agencies with overlapping functions are attempting to cope

with this situation. The results are sadly deficient. The Housing and Home Finance Agency, parent organization for most agencies dealing with urban affairs, is a hybrid without any clear function. New perspective and streamlined coordination is needed.

In the same way that the Federal Government treats the problems of agriculture, commerce, and labor, we must think in terms of a single coherent approach to the varied problems and the tremendous challenge facing our cities.

The Federal Government already plays a large role in this field. Urban renewal, slum clearance, public housing, rapid transportation, air pollution control, construction of community facilities, insuring of home mortgages, sewage pollution control, and many other similar functions are presently being performed by the Federal Government. These problems deserve consideration at the highest level of Government.

No new programs would be established by this legislative proposal, nor would it transfer any functions from other agencies to the new proposed Department of Urban Affairs and Housing. The functions to be administered by this Department would be solely those presently within the jurisdiction of the Housing and Home Finance Agency.

Local and State governments are presently shouldering a fantastic burden. The statistics compiled in the report on the bill from the Committee on Government Operations show clearly that local governments are handicapped financially, jurisdictionally, and in many other ways in handling the new situations which have arisen in metropolitan areas. It is essential that the Federal Government take a more active part in helping State and local governments cope with the tangled difficulties caused by their rapid increase in population.

An important first step would be to approve this legislation as soon as possible and thereby accord these problems the status and consideration they deserve and urgently require.

SALE AND CONVEYANCE OF CERTAIN LANDS IN THE STATE OF IOWA

Mr. MANSFIELD. Mr. President, I move that the Senate turn to the consideration of Calendar 888, H.R. 4682.

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

The LEGISLATIVE CLERK. A bill (H.R. 4682) to authorize the Secretary of Agriculture to sell and convey certain lands in the State of Iowa.

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

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. HUMPHREY. I note that the Senator from Iowa is present. There are certain matters that I wish to discuss with the Senator regarding the bill.

I believe the RECORD should show that the purpose of the bill is to authorize the Secretary of Agriculture to sell certain national forest lands in the State of Iowa at their fair market value. The bill has been fully amended in accordance with the suggestions of the Secretary of Agriculture. In other words, the Department of Agriculture and the Bureau of the Budget reviewed the original bill very carefully and suggested a number of amendments. Accordingly, the report we have from the committee states:

> The Department of Agriculture suggested a number of amendments, both substantive and perfecting. The committee has adopted all of these suggested amendments. In addition, the committee adopted another perfecting amendment, which merely renumbers a subsection.

The bill would provide that the State of Iowa would have a 2-year period in which to reach agreement with the Secretary as to the purchase price of the 4,649 acres of land involved. If no agreement can be reached, the Secretary would be authorized to sell these lands at not less than the fair market value to the highest bidder.

My concern over the bill, I say most respectfully, is on the basis that it represents a considerable departure from the longstanding public land policy, and in a sense it changes some basic rules with respect to establishing land values, by permitting the Secretary of Agriculture to dispose of land at a market value determined by him to be fair. I like the Secretary of Agriculture. I am sure he will do a good, honorable job.

However, I always have some hesitancy about permitting any officer of the Government, whoever he may be, to establish what is considered to be a fair price, when there seems to be a better way of proceeding, such as by competitive bidding. Therefore, what is sought to be done ought to be looked upon as some change from the past. I do not wish it to be established as a precedent.

Secondly, and probably most important, the bill, even as it is, could provide a wedge for nibbling at the public lands in the West, not on a competitive basis as to the determination of price, but on the basis of an executive officer of the Government determining what he believes is the fair market value. I realize that the bill is for a public purpose.

I wish to ask the Senator from Iowa this question: Is it his view that the State of Iowa——

Mr. HICKENLOOPER. Conservation department.

Mr. HUMPHREY. Is it the view of the Senator from Iowa that the conservation commissioner would hold these lands as public property and not dispose of them for private purposes?

Mr. HICKENLOOPER. That is my understanding. I think that is the full intent and purpose. That intent would be contained, probably, in any transactions which are had.

I am perfectly well agreed, so far as I am concerned, that this transaction should not be considered as a precedent in any way. I do not share the Senator's view that this procedure would be preliminary to the nibbling away of the public lands in other areas. I agree that such a proposal should be considered very carefully.

The circumstances are these: The tract comprises about 4,000 acres of rough land which is held by the Federal Government. It is an isolated piece of land. The Federal Government has one of two choices: Either to send some personnel into the area to supervise it and take care of the 4,000 acres, which would be a completely uneconomic procedure, because to do so would accomplish no Federal purpose; or to sell it to the State, as is provided in the bill, at a fair value to be established by the Secretary of Agriculture.

This is not a proposal to give land to the State of Iowa. I have not talked with the Senator from Oregon [Mr. MORSE] about the proposal, but he has an objection to the transfer of Federal lands unless 50 percent of the fair market value shall be paid to the Federal Government. The bill provides that the State shall pay full value for the land.

Mr. HUMPHREY. Yes.

Mr. HICKENLOOPER. So I take it the Senator from Oregon would not raise an objection from that standpoint. I do not wish to have the bill passed if there is substantial objection to it, of course. However, the State conservation commission can supervise and take care of the land as public land, along with the rest of its duties, probably without the employment of a single additional individual. This tract can be supervised along with other State land.

Really, the land is a burden on the Federal Government, and the State is willing to pay fair value for it, as fixed by the Department of Agriculture. While I do not agree with the Secretary of Agriculture on a great many subjects, I share the high regard of the distinguished Senator from Minnesota for him as a personable individual. I believe he is an honorable man. I am perfectly willing to trust his judgment on this transaction.

I shall be willing to answer any questions Senators may wish to ask.

Mr. HUMPHREY. Mr. President, every time I engage the distinguished senior Senator from Iowa in debate, he wins. He always convinces me. I am convinced, and I believe that the legislative history developed is adequate. I have quoted from certain portions of the report. This transaction is not to be looked upon as a precedent. The acquisition is for a public purpose. Having made that statement, I have no objection.

Mr. HICKENLOOPER. Mr. President, instead of always winning, perhaps it should be said that I win very often in this way with the Senator from Minnesota: that I sometimes get out with my shirt only partly torn. That is a victory. Whenever anyone can get away from the distinguished Senator from Minnesota in this kind of controversy and not lose his shirt completely, he is a winner.

Mr. HUMPHREY. Mr. President, flattery will get the Senator everything. [Laughter.]

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 4682) was ordered to a third reading, was read the third time, and passed.

ATOMIC ENERGY AGREEMENT BETWEEN UNITED STATES AND FRANCE

Mr. PASTORE. Mr. President, I ask that the Chair lay before the Senate House Joint Resolution 569, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER laid before the Senate the joint resolution (H.J. Res. 569) to waive certain provisions of the Atomic Energy Act of 1954 so as to permit the agreement for cooperation between the United States and France to be made immediately effective, which was read twice by its title.

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

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. PASTORE. Mr. President, House Joint Resolution 569 provides for a waiver of the 60-day waiting period, required by law, before a proposed agreement for cooperation with France may become effective under the provisions of section 123 d. of the Atomic Energy Act of 1954.

In accordance with section 123 d. of the Atomic Energy Act of 1954, as amended, agreements for cooperation for military defense purposes must be submitted to the Congress and must lie before the Congress and the Joint Committee for 60 days while Congress is in session prior to taking effect. The proposed agreement for cooperation with France was submitted to the Congress on September 7, 1961. In view of the expected adjournment of the Congress this month, this proposed agreement normally would not be able to meet the statutory requirement of lying before the Congress for 60 days until sometime next year when Congress reconvenes.

This joint resolution was reported without dissent by the Joint Committee on Atomic Energy and has already passed by voice vote in the other body.

The proposed agreement is similar to other agreements entered into between the United States and the Governments of the Netherlands, West Germany, Greece, and Turkey in 1959 and Italy in January of this year.

Under the terms of this proposed agreement, the United States and France will be able to exchange such classified information as may be necessary in order to train French military forces in the employment of, and defense against, atomic weapons and other military applications of atomic energy and the development of weapons delivery systems. In addition, the agreement will permit the United States to transfer by sale, loan or lease, nonnuclear parts of atomic weapons systems in order to improve the state of training and operational readiness of the French military forces.

I wish to emphasize that nothing in this agreement provides for, or permits, the transfer of atomic weapons or any parts of an atomic weapon.

The nonnuclear parts of atomic weapons systems which may be transferred, and to which I have referred, consist of aircraft or missile-launching devices as distinct from parts of a bomb and also various lugs and other devices for attaching the bomb to its plane or its carrier. This will permit the French delivery systems to be readily adaptable to delivering our nuclear weapons in the event of an emergency.

I wish to emphasize also that the information which may be transmitted to the French under this agreement does not involve information which will assist France in the design, development or fabrication of nuclear weapons.

In his message to the Congress, when he submitted the agreement, the President of the United States called attention to the gravity of the current international situation and the role of France in firmly supporting the United States in the current Berlin crisis. The President urged the Congress to take appropriate action to permit the agreement to take effect this session.

House Joint Resolution 569 would waive the 60-day waiting period of section 123 of the Atomic Energy Act and would permit the agreement to take effect without the statutory waiting period.

Mr. President, I recommend that the Senate approve House Joint Resolution 569.

Mr. HICKENLOOPER. Mr. President, I have always been hesitant about disseminating information concerning nuclear weapons to other nations. I have been hesitant because I have not wanted to encourage or assist the discrimination to other nations of information which would develop their nuclear weapon capability. I have also been reluctant to disseminate nuclear weapon information because I do not want classified information concerning our weapons to fall into the hands of our enemies. It has been my strong conviction that classified information concerning nuclear weapons should be carefully guarded and its dissemination extremely limited to those persons within our own Government who have the need to know.

I am supporting the proposed agreement with France on the basis of assurances received from representatives of the Department of State, the Department of Defense, and the AEC that the information to be communicated, pursuant to this agreement, will not include sensitive information for the purpose of assisting the French in the design, development, or fabrication of nuclear weapons. Under the Atomic Energy Act of 1954 the transfer of such information would not be permitted. I am also supporting the agreement on the basis of the assurance I have received that the information and equipment to be transferred will be properly protected in accordance with the standards required by the United States.

I am supporting the joint resolution to permit the agreement to take effect without the required 60-day waiting period on the basis of the message from the President informing us that he believes it is necessary in our national interest.

Based upon all these positive and strong assurances from the executive branch of the Government, including the President, that the execution and implementation of this agreement within the limitations which they set out is important for our national defense and our national security, I shall support the passage of this measure.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

LIMITATION OF NUMBER OF POSITIONS IN TOP GRADES OF CLASSIFICATION ACT OF 1949

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, Senate bill 1732, which will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1732) to increase the limitation of the number of positions that may be placed in the top grades of the Classification Act of 1949, as amended, and the limitation on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearing examiners; and for other purposes.

ATOMIC ENERGY AGREEMENT BETWEEN THE UNITED STATES AND FRANCE

Mr. MANSFIELD. Mr. President, I move that the pending business be temporarily laid aside, and that the Senate resume the consideration of House Joint Resolution 569.

The motion was agreed to; and the Senate resumed the consideration of the joint resolution (H.J. Res. 569) to waive certain provisions of the Atomic Energy Act of 1954 so as to permit the agreement for cooperation between the United States and France to be made immediately effective.

Mr. GORE. Mr. President, it was my honor and duty to present the pending joint resolution to the Senate on behalf of the Joint Committee on Atomic Energy. Like the distinguished vice chairman, the Senator from Rhode Island, and the distinguished senior Senator from Iowa, I support this joint resolution. It was presented to the Congress by the President of the United States as a priority item for national and international security. It was upon that basis that the Joint Committee on Atomic Energy recommended affirmative action by Congress, in order to give to this joint resolution its approval.

Like other Members of Congress, I have been greatly concerned with the security requirements of our nuclear weapons program. It has been with some feeling of uneasiness that we have entered into bilateral agreements with sev-

eral other countries. I must confess that it is with some feeling of chance taking that I shall give my approval now to this bilateral agreement with our ally and friend, France. But I resolve the doubts in favor of this measure, and I do so not without, in my view, good cause.

We were given all reasonable assurances that the security of this information will be preserved; and I act upon those assurances, as the distinguished senior Senator from Iowa says he acts upon them. The exchange of this information and this degree of cooperation between the United States and France and between the United States and its NATO allies are necessary in order to implement and augment the NATO forces in Western Europe.

Therefore, Mr. President, I support the joint resolution, and commend it to the favorable consideration of the Senate.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

The joint resolution (H.J. Res. 569) was ordered to a third reading, was read the third time, and passed.

Mr. PASTORE. Mr. President, in view of the fact that the Senate has now taken action on House Joint Resolution 569, which is identical with the corresponding Senate measure, I now ask that Calendar No. 1017, Senate Joint Resolution 135, to waive certain provisions of the Atomic Energy Act of 1954 so as to permit the agreement for cooperation between the United States and France to be made immediately effective, be indefinitely postponed.

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

EXTENSION OF APPLICATION OF CHAPTER 37 OF TITLE 18, UNITED STATES CODE, RELATING TO ESPIONAGE AND CENSORSHIP

Mr. ANDERSON. Mr. President, recently the Senate passed Senate bill 1895, during the call of the calendar. An identical House bill is pending in the Senate Judiciary Committee. I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of House bill 2730, an identical House bill, and that the Senate now proceed to its consideration, so that it may be passed.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H.R. 2730) to repeal section 791 of title 18 of the United States Code so as to extend the application of chapter 37 of title 18, relating to espionage and censorship.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 2730) was ordered to a third reading, was read the third time, and passed.

U.S. ARMS CONTROL AGENCY

Mr. FULBRIGHT. Mr. President, I move that the Senate proceed to the consideration of House bill 9118, to establish a U.S. Arms Control Agency.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 9118) to establish a U.S. Arms Control Agency, which was read twice by its title.

Mr. FULBRIGHT. Mr. President, this bill was only recently passed by the House of Representatives.

I move that all after the enacting clause of the bill be stricken out, and that there be inserted in lieu thereof the text of Senate bill 2180, to establish a U.S. Disarmament Agency for World Peace and Security.

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

The motion was agreed to.

The PRESIDING OFFICER. The question now is on the engrossment of the amendment and the third reading of the bill.

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

The bill (H.R. 9118) was read the third time and passed.

The PRESIDING OFFICER. Without objection, the title to H.R. 9118 will be amended to read "to establish a U.S. Disarmament Agency for World Peace and Security."

Mr. FULBRIGHT. Mr. President, I move that the Senate insist upon its amendment, request a conference thereon with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. FULBRIGHT, Mr. SPARKMAN, Mr. HUMPHREY, Mr. SYMINGTON, Mr. WILEY, and Mr. HICKENLOOPER the conferees on the part of the Senate.

PARTICIPATION IN INTER-AMERICAN CHILDREN'S INSTITUTE

Mr. FULBRIGHT. Mr. President, I ask that the Chair lay before the Senate the amendment of the House of Representatives to Senate Joint Resolution 66.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 66) to amend the joint resolution providing for membership and participation by the United States in the Inter-American Children's Institute, which was, to strike out all after the enacting clause and insert:

That the Act of February 16, 1960 (74 Stat. 3), which amended the Act of May 3, 1928, as amended (22 U.S.C. 269b), is hereby amended by deleting the phrase "for the fiscal years 1961 and 1962" and inserting in lieu thereof the phrase "for the fiscal years 1963 and 1964".

Mr. FULBRIGHT. Mr. President, I move that the Senate concur in the House amendment.

The law providing for membership and participation by the United States in the Inter-American Children's Institute authorizes the appropriation of not to exceed $50,000 per fiscal year for the fiscal years 1961 and 1962. At the request of the Department of State, the Senate earlier this year approved an amendment striking out the reference to fiscal years 1961 and 1962. The House amendment similarly strikes out this reference, but inserts the phrase "fiscal years 1963 and 1964." The amendment enables the United States to continue participation in the activities of the Children's Institute until the end of 1963.

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

The motion was agreed to.

EXECUTIVE SESSION

Mr. ANDERSON. Mr. President, I move that the Senate resume the consideration of executive business, to consider the nomination of Philleo Nash, of Wisconsin, to be Commissioner of Indian Affairs.

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

COMMISSIONER OF INDIAN AFFAIRS

The legislative clerk read the nomination of Philleo Nash, of Wisconsin, to be Commissioner of Indian Affairs.

Mr. ANDERSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

[Ex. 1]

Aiken	Gore	Monroney
Anderson	Hart	Mundt
Bartlett	Hayden	Pastore
Beall	Hickenlooper	Pell
Bennett	Hill	Prouty
Bible	Holland	Proxmire
Boggs	Hruska	Randolph
Byrd, Va.	Humphrey	Robertson
Byrd, W. Va.	Jackson	Russell
Cannon	Johnston	Saltonstall
Capehart	Jordan	Scott
Carlson	Keating	Smathers
Carroll	Kefauver	Smith, Mass.
Case, N.J.	Kerr	Smith, Maine
Case, S. Dak.	Kuchel	Sparkman
Cooper	Lausche	Stennis
Cotton	Long, Mo.	Symington
Curtis	Long, Hawaii	Talmadge
Dodd	Magnuson	Thurmond
Douglas	Mansfield	Tower
Dworshak	McCarthy	Wiley
Eastland	McClellan	Williams, N.J.
Engle	McGee	Williams, Del.
Ervin	McNamara	Yarborough
Fong	Metcalf	Young, N. Dak.
Fulbright	Miller	Young, Ohio

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Louisiana [Mr. ELLENDER], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Wyoming [Mr. HICKEY], the Senator from Louisiana [Mr. LONG], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], and the Senator from Oregon [Mrs. NEUBERGER] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. SCHOEPPEL] are absent by leave of the

Senate to attend the Interparliamentary Conference in Brussels.

The Senator from Maryland [Mr. BUTLER], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arizona [Mr. GOLDWATER], the Senator from New York [Mr. JAVITS], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Connecticut [Mr. BUSH] is absent by leave of the Senate to attend the Conference of the International Fund and World Bank in Vienna.

The PRESIDING OFFICER. A quorum is present.

Mr. ANDERSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ANDERSON. Is the Senate now in executive session?

The PRESIDING OFFICER. The Senate is in executive session. The Senate will be in order.

Mr. ANDERSON. Mr. President, it was my unfortunate circumstance that I was not present in many of the sessions of the Committee on Interior and Insular Affairs when this nomination was officially considered. I therefore hope that other members of the committee will comment at greater length upon this matter than I will.

I merely wish to say that when the nomination was sent to us, there was some evidence given to the Committee on Interior and Insular Affairs in executive session which seemed to reflect upon the nominee for Commissioner of Indian Affairs. I took the responsibility of sending for certain special reports, and also said to the Committee on Interior and Insular Affairs that we would not proceed precipitantly, but take time carefully to consider the nomination.

I feel sure that the committee did consider it carefully, and that each member had an opportunity to examine all the evidence which was placed before it. I believe that the final verdict of the committee is not only in accordance with the desires of the administration to have a good Commissioner of Indian Affairs, but also the desires of the committee to make sure that he will do a good job.

I therefore wish to say that I support strongly the nomination of Mr. Nash, and I hope that the Senate will see fit to confirm the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Philleo Nash to be Commissioner of Indian Affairs?

Mr. DWORSHAK. Mr. President, I had been hopeful that the chairman of the committee would give us a more detailed statement than he did. I want the RECORD to show that the majority members of the committee fully cooperated with the minority members in trying to scrutinize the background of the man who is to become the Commissioner of Bureau of Indian Affairs.

I think there is great significance attached to the fact that we have had in the Bureau for 8 months an Acting Commissioner. I will not criticize the Secretary of the Interior for that. Perhaps Congress has held up action on the nomination for several weeks. The mere fact that we have had an Acting Commissioner for 8 months would indicate there has been some indecision or some reluctance to make this appointment.

I believe that this is one of the most important assignments in our executive department, because about 170 years ago the Bureau of Indian Affairs was organized to prepare the Indians on the reservations in this country and in Alaska for full integration and for their acceptance of the responsibilities of American citizenship.

Throughout my tenure in the House and in the Senate, having served on committees dealing with Indian affairs and the administration of the Bureau, and handling the appropriations to carry on that program, I have been greatly disappointed, because it seemed to me that the more money we appropriate to achieve the ultimate objective for which the Bureau was created the further we get from the attainment of the goal. As a consequence, we frequently read in the press and hear criticism throughout the country that Congress and the Government are not fully cognizant of the great gratitude which the American people should show to the Indians living in this country.

Mr. President, I pointed out recently, when the appropriation bill was before the Senate, that in 1948 the Bureau of Indian Affairs had an annual budget of $39 million. This fiscal year the budget approximates $220 million. So we have had an increase from $39 million of 14 years ago to $220 million. I ask my colleagues in the Senate whether this is evidence that adequate appropriations have been made available for all of the programs under the supervision of the Bureau of Indian Affairs.

Of course there is no direct relationship between the remarks I have just made and the confirmation of the nomination of Philleo Nash to be Commissioner of Indian Affairs. Those of us who come from the West, particularly, and who have been concerned with the many problems affecting the welfare of our Indians, realize that we should make provisions to carry on the most efficient programs possible.

TASK FORCE MAKES REPORT

Mr. President, during the hearings we received testimony from Mr. Nash, who served as chairman of a task force under Secretary Udall, early this year, which made a report and submitted several recommendations on what might be done with respect to the status of our American Indians. I do not know whether the task force report will provide the nucleus and the inspiration for a program which will correct some of the inefficiencies and blunders and ineptitude which have characterized the administration of the Bureau of Indian Affairs for many years, both under Republican Presidents and under Democratic Presidents. Obviously there is little partisanship in this program.

At this point I ask unanimous consent to insert as a part of my remarks questions and answers from the hearings which to some extent reflect the sentiments of Mr. Nash insofar as our Indian problems are concerned.

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

Senator DWORSHAK. I understand that for many years you have established the reputation of watching the activities of the programs of the Bureau of Indian Affairs, is that correct?

Mr. NASH. That is true, to some extent. It has been off and on. I became interested in Indian affairs in a practical sense when I was doing some research on the Indian reservations back in 1935.

Senator DWORSHAK. I want to establish one fact. That is, if you have observed the activities and the expansion within the Bureau, whereby in 1948 it had an annual budget of $39 million and for the present year about $220 million, and the personnel has increased until, as you mentioned the other day, in the Bureau and in the health, education, and welfare of the Indian service, there are about 17,000 employees. Tell me, frankly, if you think that progress has been made toward the original objective in creating the Bureau of Indian Affairs which was to qualify our Indians for integration as American citizens? Do you think we have made any progress in the attainment of that objective?

Mr. NASH. We have made some progress. I think we tend to forget that figure of 160,000. We talk about the 360,000. Many of those outside are living under squalid conditions in towns near reservations, but others are alumni, if I can use the word, of reservation activities, and they have gone out into the world and have made their own way. I think we ought to regard those as indications of progress.

Senator DWORSHAK. But you say they have not made much improvement in their status while living off of the reservation?

Mr. NASH. Some of them have, some have not; not all have, but some have. Mr. Keeler, who is chairman of our task force, is one of the outstanding industrialists of America.

Senator DWORSHAK. I don't think you can point to one man and say that he represents what has been accomplished by the Bureau of Indian Affairs. I am serious about this. I have watched these developments and these trends for more than 20 years in Congress. I have been greatly disillusioned and disappointed because in the State of Idaho we have many Indians, and as I observe their status today, with conditions compared with those which existed 25 years ago or 20 years ago, I think that they are immeasurably worse off and they have an inferiority complex. They feel they have been neglected and exploited by the American people and by the Bureau of Indian Affairs. Are they justified in feeling that way?

Mr. NASH. There have been enough programs that have tried and failed, so that there has been justification, of course, for feeling that they have been neglected. The task force found that feeling and listened to it sympathetically. That was the basis of our conclusion, to the extent that the Bureau has failed in this assignment that it is because too much attention has been paid to these custodial activities and not enough to others.

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

Mr. DWORSHAK. I yield.

Mr. MILLER. I am sorry that I was not in the Chamber to hear all of the Senator's remarks. I wish to ask him if he presented to the Senate the facts

regarding Mr. Nash's experience with Indians.

Mr. DWORSHAK. I am not sure that I know what his full background is. The testimony during the hearings, a part of which I have asked to have printed in the RECORD, shows that I asked Mr. Nash whether it is not true that he had been watching the activities of the programs of the Bureau of Indian Affairs.

Mr. Nash answered:

That is true, to some extent. It has been off and on. I became interested in Indian affairs in a practical sense when I was doing some research on the Indian reservations back in 1935.

Of course that does not indicate to what extent he has had any specific experience in dealing with Indians. The testimony does not convince me very effectively that Mr. Nash possesses the qualifications which a Commissioner should have if he is to do the kind of job that the American people want him to do in that position.

Mr. MILLER. I should like to invite the Senator's attention to page 43 of the hearings, where I asked the nominee how much time he spent on Indian reservations collectively.

The nominee answered:

Mr. NASH. In all of these years since 1928?

Senator MILLER. Yes.

Mr. NASH. Not a great deal of time on the reservations. My wife and I lived on a reservation the first year of our marriage. Other than that my experience on Indian reservations has been confined to summer research, 2 and 3 months at a time. Possibly the total time spent on reservations, in study, visits, travel, field trips, might run a couple of years out of the last 30.

Senator MILLER. How much time would you say have you actually lived on reservations?

Mr. NASH. Living on reservations—that would include all of that time.

Senator MILLER. About 2 years?

Mr. NASH. About 2 years.

Senator MILLER. And how much of those 2 years would you say it would be in the last 20 years?

Mr. NASH. Possibly one-half of it was in the last 20 years.

I know the Senator from Idaho has had much experience in the area covered by the pending measure, because his State has a large Indian population, and the question I desire to propound is whether he considers that 1 year of residence on an Indian reservation, or on Indian reservations, within the last 20 years, would provide adequate experience with which to deal knowledgeably with problems relating to American Indians.

Mr. DWORSHAK. I feel certain the Senator from Iowa is capable of replying to his own question. Obviously, it would be much more desirable if Secretary Udall and the President had named some outstanding, experienced executive having a background which would have given us assurance that the affairs of the Indian Bureau would be in capable hands.

Mr. MILLER. I thank the Senator from Idaho.

Mr. CASE of South Dakota. Mr. President, will the Senator from Idaho yield?

Mr. DWORSHAK. I yield.

Mr. CASE of South Dakota. I have been interested in reading the hearings. I must confess that they leave me with considerable doubt as to the wisdom of this appointment. I have been trying to determine what particular qualifications Mr. Nash has for the position to which he has been appointed. In addition to the time Mr. Nash spent on an Indian reservation, I note that he has been working in anthropology. On page 45 of the hearings, I find that he wrote his doctor's thesis after his residence on the Klamath reservation. He said:

That is one of those long-winded dissertation titles. The full title is "The Role of Religious Revivalism in the Formation of the Inter-Cultural Community, Klamath Reservation, 1872–73".

The distinguished Senator from Colorado [Mr. ALLOTT] then asked:

This is the dissertation upon which your doctor of philosophy degree was primarily made?

Mr. NASH. Yes, sir.

Did this dissertation upon "The Role of Religious Revivalism in the Formation of the Inter-Cultural Community, Klamath Reservation, 1872–73," figure particularly in the deliberations of the committee?

Mr. DWORSHAK. No; but I presume members of the committee observed that that date was 90 years ago; and I presume also that it very accurately reflects the lack of progress which has been made in administering the affairs of the Indians by the Bureau of Indian Affairs. I presume that the administration of that Bureau is at least 90 years behind the times.

Mr. CASE of South Dakota. Did the nominee give any indication of his expectation of helping the Indian to qualify and prepare himself for effective participation in the American community as he finds it today?

REVERSAL OF POLICY EXPECTED

Mr. DWORSHAK. No. I regret very much that the impression I got from the testimony of Mr. Nash and from reading some of the excerpts from the task force reports submitted by Mr. Nash and his two colleagues is that there is a likelihood that there will be another reversal in Indian Bureau policy. Instead of continuing to do what has been done for several years; namely, to encourage Indians to leave the reservations, to become self-sufficient, and self-supporting, so that the Indian children can attend non-Indian public schools and become integrated in the American citizenry, actually we are now likely to see Indians encouraged to remain on the reservations, where they will receive many of the benefits which would be denied them if they left the reservations.

It seems to me that after devoting years and years to going in one direction, and when we seem to be making some progress, then, for some reason, those in charge of the Indian Bureau call different signals, reverse the trend, and go in the opposite direction. When that is done, more and more money continues to be spent, ostensibly to improve the status of the Indians; but in reality they are being made more dependent as pawns of the Government.

Mr. CASE of South Dakota. I am afraid that is a true statement, I say regretfully. At least, my observation would support that view. The Indians are started off in one direction for a time; then the signals are reversed, and they become confused.

Mr. DWORSHAK. They have a right to be.

Mr. CASE of South Dakota. I notice on page 19 of the hearings that the distinguished Senator from Arizona [Mr. GOLDWATER] asked the question, "What is an Indian?" He said:

I recall at one time here a number of years ago I put in a bill, to define "what is an Indian," and I would go to one-quarter blood and anything past that was no longer considered an Indian insofar as enjoying the rights and benefits of heirship or division of lands and properties.

I know that you are a very noted anthropologist. Have you given this any consideration in your private life?

I note that question particularly, because I also am one who feels that we should have a definition of what is an Indian, so that we may start from there. I, too, have introduced bills relating to the one-quarter bloodline, and I have such a bill introduced at the present time.

Mr. Nash's answer to the question of the Senator from Arizona was:

Mr. NASH. Yes, sir, I have, and, if the Senator is asking for my personal and private opinion, I will be very glad to give it.

The definition of who is an Indian is a legislative definition or, to some extent, a social definition in the sense that an Indian is a person who is known as an Indian by his neighbors. So far as the Federal programs are concerned, this is determined legislatively, and there are, of course, a great many different statutes which define it in different ways for different purposes.

Did that answer impress the members of the committee as being a direct, responsive answer?

Mr. DWORSHAK. I could give the Senator from South Dakota no assurance as to how the members of our committee reacted to any of the testimony which was presented to our committee. Possibly the Senator might wish to interrogate the chairman or the ranking Democratic member of the committee. I am sure that they will have appropriate answers for the questions which the Senator may propound.

Mr. CASE of South Dakota. Continuing with the same answer, on the next page, Mr. Nash said:

Anthropologically, I think that one would want to be very, very cautious about attempting to make any biological definition.

So far as entitlement to services is concerned, my personal view, to which I have given much reflection, is that entitlement ought to flow from the language of the Constitution which gives to Congress the power to regulate commerce with the Indian tribes, not with persons of Indian descent but with Indian tribes. And the Federal Government, through recognition, sometimes by act of Congress, sometimes by executive action, sometimes just by declaration, has given recognition to some groups and not to others.

Did the committee give consideration to that statement as a possible answer to the question of what or who is an Indian?

Mr. DWORSHAK. No. I think the members of the committee were more concerned about the qualifications of Mr. Nash for this important position.

Mr. CASE of South Dakota. It seems to me that one of the qualifications is: What kind of administration will he give? Will he perpetuate the idea of a thread or a thin line of Indian blood clear down through all the years to come? Or will he come to some point where we can tell what an Indian is—whether an Indian himself can tell whether he is an Indian; and whether the special prerequisites which go with being a member of an Indian tribe are to continue indefinitely?

Mr. DWORSHAK. Not being one of the ardent supporters of Mr. Nash for this position, I suggest that the Senator from South Dakota might interrogate the chairman of the committee, who might have more pertinent information available on the specific point raised by the Senator.

Mr. CASE of South Dakota. One of the great problems in the Indian country, so to speak, is the problem of the fractionated interest in lands. There are allotments which descend to the heirs of a deceased person, and each time—almost each time—before the transfer can be made one of the heirs dies, and the situation becomes more complicated. Then there is a further fractionating or dividing of the interest. It is practically impossible to get to a final resolution of the probating of the Indian's estate, which involves heirship lands.

If a definition cannot be made of what an Indian is, what will happen when some of the land descends to persons who have, let us say, a one-sixty-fourth percentage of Indian blood? Will that person be entitled, on that thin line of blood, to qualify for preference rights in the purchase of Indian lands?

Mr. DWORSHAK. I would say I think political blood is more persuasive and more important than heirships, in connection with the consideration of this appointment.

But, Mr. President, in more serious vein I may say that currently the Committee on Interior and Insular Affairs has under consideration a bill to clarify the heirship situation, so that some progress can be made in declaring the ownership of some of this land on the reservations. Although I am not a member of the Subcommittee on Indian Affairs, I recall that the Department of Interior submitted a report which was in opposition to many of the provisions of the bill currently under consideration. So in this instance, in dealing with what the Senator has referred to, we find the Interior Department in conflict with the Committee on Interior and Insular Affairs and its Subcommittee on Indian Affairs. That fact points up the difficulty which is encountered in trying to solve this problem.

Mr. CASE of South Dakota. Did the committee have any feeling, after its hearing with Mr. Nash, that he would be more cooperative with the viewpoint of the committee in attempting to clear up this heirship problem?

Mr. DWORSHAK. Again I must confess that I cannot give the Senator an accurate reply, and I prefer to have him ask these questions of the chairman of the committee.

Mr. CASE of South Dakota. Recently, it was my privilege to appear before the Subcommittee on Indian Affairs, of the Committee on Interior and Insular Affairs, and there to bring up some concrete illustrations of this heirship problem. I recall that in many instances in which the lease money was to be divided, a fractionated interest would yield perhaps 1 cent or 3 cents or 7 cents to a person who had interest in some of these heirship lands.

Mr. DWORSHAK. That is correct.

Mr. CASE of South Dakota. Obviously it costs the Federal Government far more than any such amount to process the division of the revenues from the lease and to send the funds to the lessees.

Of course, another problem is created when such a person receives a check for 7 cents. Out home, one Indian who received a check for 7 cents would not cash it, because it would cost him 10 cents to cash it.

I should like to believe that the new Commissioner of Indian Affairs will be sympathetic in regard to the necessity for arriving at a solution of this problem, and will act in harmony with the interest of the Subcommittee on Indian Affairs in clearing up this complicated heirship problem.

Can the Senator from Idaho give me any hope in that connection?

Mr. DWORSHAK. No, I must confess that I cannot forecast what may be done in connection with the formulation of policies by Mr. Nash, if his nomination is confirmed. Again, I suggest that the Senator from South Dakota would render a very worthwhile service if he would try to get some of this information into the RECORD, by asking some of his questions of the majority members of the committee, who have assumed the responsibility of obtaining confirmation of the nomination of Mr. Nash, and who certainly must have confidence in the qualifications and ability of Mr. Nash to render service in this position.

Mr. CASE of South Dakota. Mr. President, the land resources of the Sioux Indians, in South Dakota, are substantial; but a great many of them are tied up, and are yielding nothing to the Indians or to the community or to anyone else. Some of them are so hopelessly enmeshed in these heirship problems that, for all practical purposes, they cannot be released, to anyone. The result is that some of the Indians who have such interests have no hope of obtaining any revenue from them, because the holdings may be divided so fractionally, among so many persons, that the outlook is discouraging to all concerned.

I hope the new Commissioner will address himself to this heirship problem. He could do nothing more constructive than get a firm, clear-cut demarcation of policy with respect to the heirship problem.

Many of the so-called social problems grow out of the confused situation in which the Indian finds himself today. One question is whether he is an Indian or whether he is not an Indian. Another question is whether he will receive any revenue from the land he owns or whether he will not receive any revenue from it. Another question is whether he should hope to receive some largesse from the Federal Government, in connection with the settlement of his claims, or whether there is no hope of receiving it. Another question is whether he should leave the reservation, or whether he should expect the Federal Government to continue to wet-nurse him until the formative period of his life has passed, at which time he will become necessarily dependent upon the gifts, grants, rations, social security, or other aid, in one form or another, which the Federal Government may grant him.

The Commissioner of Indian Affairs should enter upon his tasks with the realization that he has a real opportunity to do something to be of great benefit to this large group of American people. It is easy to talk about international measures; but here is a need to take action in dealing with this unfortunate and very complex situation which has been created for these Indians by the complicated action which has been taken in the past by our country.

Mr. DWORSHAK. Mr. President, my attention has just now been called to the fact that the Department of the Interior, following the recommendation of Mr. Nash's task force, has recommended an heirship bill which would result in taking property away from Indians in a manner which the Department of Justice has stated would be clearly unconstitutional.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an article entitled "Washington on Review—New Frontier Sees an Indian Bite the Dust," written by Jack Williams and published in the Kansas City Star of August 9, 1961, relating to the nomination of Philleo Nash to be Commissioner of Indian Affairs.

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

NEW FRONTIER SEES AN INDIAN BITE THE DUST

(By Jack Williams)

WASHINGTON.—When the New Frontier trip took off, it was announced with resounding fanfare that at long last a real Indian had been appointed by President Kennedy to head the Bureau of Indian Affairs.

He has just been booted out so that the $18,500 job can go to a Democratic politician whose closest link with the red men is that he once grew red cranberries in Wisconsin.

Chosen as Acting Indian Commissioner early in the new administration was John O. Crow, born in Missouri and a graduate of Haskell Institute at Lawrence, Kans. The strapping Crow played on the Haskell football team and later in professional football. In the Indian Bureau he worked his way up from the bottom. He was and is considered highly qualified for the job to which he was appointed.

There is nothing in the surprise announcement to reveal why Crow is being pushed back to Assistant Commissioner in

favor of a party wheelhorse who has been knocking around on political payrolls a number of years. The new Commissioner nominated by Kennedy, Philleo Nash, 51, had a job at the White House under former President Truman. When Nash ran for Lieutenant Governor of Wisconsin he was pictured on the party pamphlets as the "cranberry king." He was elected his first race.

Nash, a follower of Senator HUBERT HUMPHREY, of Minnesota, backed HUMPHREY'S unsuccessful fight to capture Wisconsin delegates in the 1960 primary. Kennedy all but knocked HUMPHREY out of the race on the basis of the Kennedy Wisconsin victory. Nash also supported HUMPHREY in his last stand in West Virginia.

Apparently to pave the way for his appointment to the well-paying job, Nash was named by Stewart L. Udall, Secretary of the Interior, to a 8-man group to report on Indian affairs. The submission of the report was followed by the appointment. There was nothing of note in the report, but it did provide a springboard for Nash to get back on a payroll.

Crow is a career employee. He was born on a farm near Salem, Mo., when his parents stopped there to farm a while on a trip west from the Southeast. He was raised at Commerce, Okla.

A friend of Nash said the former Wisconsin Lieutenant Governor had done some excavation work on Indian mounds near LaCrosse several years ago.

Mr. ANDERSON. Mr. President, I am happy that the Senator from South Dakota has raised these questions about the heirship problem.

In discussing these matters with Mr. Nash, I called attention to two problems which need to be dealt with and settled. One is the problem of termination of the trust responsibility. The other is the heirship problem.

The Senator was quite correct when he said that many of these tracts of land bring no revenue to those who own them. That is largely due to the heirship question, when the interests have become so fractionated that it is impossible to determine who owns what portion of the land and who is entitled to what part of the revenue from it.

The result has been that the Department has classified the land as unproductive—not because it cannot produce crops, but because it cannot be leased, because of this heirship problem.

I have discussed the matter with the Secretary of the Interior, with the nominee-to-be Commissioner of Indian Affairs, and with the present Commissioner of Indian Affairs.

I can assure the Senate that one of the most important tasks the Indian Affairs Subcommittee will encounter at the next session will be in getting before the Senate a valid heirship bill which will protect the rights of the Indians. As the Senator has pointed out, it was apparent that the bill which was presented might take some advantage of the Indians; and I believe it was the Senator from New Mexico who, first of all, called that situation to the attention of the persons involved.

The Department of Justice probably is correct—I hope it is correct—in saying that the methods which have been suggested might result in taking property without due process of law. If that is true, the methods proposed are wrong, and we shall oppose them.

Therefore, I say to the Senator from South Dakota that I hope that at the next session a valid heirship bill will be brought to the floor of the Senate and that every effort will be made to pass the bill. The House committee has also made some very interesting studies, and is probably as far along as is the Senate committee in trying to report such a bill. Under the leadership of the able Senator from Idaho [Mr. CHURCH] we expect to have such a bill brought before the Senate at the next session.

Mr. CASE of South Dakota. I welcome this assurance by the Senator from New Mexico. When I appeared before the subcommittee headed by the Senator from Idaho [Mr. CHURCH], I was impressed with the fact that they were working on the problem and hoped to accomplish something. I was hoping that we could have some assurance they would have the full cooperation of the nominee, if he is confirmed as Commissioner of Indian Affairs, in resolving the heirship problem in a practical, workable, constitutional way.

Mr. ANDERSON. I think I can give the Senator that assurance. If the Senator will turn to page 27 of the hearings, about the middle of the page, he will see that Senator CHURCH said:

> Now one of these vexing problems is the heirship problem, wouldn't you agree?
> Mr. NASH. Yes, very much so.

Senator CHURCH said he hoped we would get a bill before the Congress at the earliest possible date.

I fully subscribe to what the Senator from South Dakota has said about the seriousness of the problem. I give him my pledge that I will stay behind it and try to get an heirship bill at the earliest possible date.

Mr. CASE of South Dakota. I thank the Senator.

Mr. ANDERSON. The Senator from South Dakota is completely correct.

While I am on my feet, and before the Senator from Wisconsin makes his statement, I wish to commend the senior Senator from Idaho [Mr. DWORSHAK] for the fidelity with which he attended the hearings and for the contribution he made with respect to the nomination. He was not enthusiastic about the nominee, but he was constant in his job of trying to see to it that we explored the problem fully and carefully. I commend him for it.

Many times, in these protracted hearings, some people say, "This is not of public importance; maybe we ought to adjourn," but the Senator from Idaho was a tower of strength, and I thank him for it.

Mr. WILEY. Mr. President, I am not a member of the committee that heard the testimony. I have the record of the hearings before me. I have been acquainted with Mr. Nash over a number of years. When the President nominated him, that nomination came to this body as the voice of the executive department. I represent a State of some 4 million people. My problem was very simple. Was the nominee a man of character? Was he a man of ability? Could he handle the job? The last question was a very debatable one, so far as I am concerned, because, while I grew up in an Indian country, I do not know all the ins and outs of Indian problems; but I do know, from examining the record and from the discussion here this afternoon, that one can very easily draw a conclusion when he refers to page 75 of the hearings. I read from that page:

> Senator HICKEY. Mr. Nash, in listening to most of your testimony, I had the general feeling that we are going to have a real asset in the Indian affairs agency. I feel that you will bring to it a heart concerned with this problem which sometimes, in the past, I have felt was not there.

When I read that, and also in looking the testimony over and seeing who it was that was speaking for Nash, I get favorable answer to my third proposition.

The Rosebud Sioux Tribe of South Dakota wired Senator ANDERSON that it desired "the committee to know that it strongly accords confirmation of Philleo Nash for Commissioner of Indian Affairs."

The Standing Rock Sioux Tribe of North and South Dakota, of Fort Yates, N. Dak., wired Senator ANDERSON as follows:

> The Standing Rock Sioux Tribe of North and South Dakota endorse the nomination of Philleo Nash as Commissioner of Indian Affairs and strongly urge confirmation of his nomination by the Senate Committee on Interior and Insular Affairs.

I turn the page of the hearings and I see a telegram addressed to the Honorable FRANK CHURCH from the Coeur d'Alene Tribal Council, which reads:

> Coeur d'Alene Tribal Council places utmost confidence in qualifications of Philleo Nash for Commissioner of Indian Affairs and strongly urges your support for immediate confirmation of his appointment.

Senator ANDERSON also received a communication which reads as follows:

> Philleo Nash, experienced, wise, and humane, would make a conspicuously successful Commissioner of Indian Affairs. Hope you will support him and that he will be confirmed. Good wishes.
>
> SOPHIE ABERLE BROPHY.
> WILLIAM A. BROPHY.

The Washington Post had an enthusiastic editorial endorsing Philleo Nash for the nomination, which reads as follows:

> The administration has nominated a remarkably well-qualified official for the important post of Commissioner of Indian Affairs. Philleo Nash has a grasp of both practical politics and the problems of the American Indians. The likable, genial, and persuasive Mr. Nash served as a White House aid on minority affairs for President Truman and later was elected Lieutenant Governor of Wisconsin. He also is a trained anthropologist who has studied and worked extensively with the Indians. It will be hoped that Congress will swiftly confirm the appointment. Among other things the city can use the insights of an anthropologist who understands the tribal ways of politics as well as of Indians.

Mr. President, who is Philleo Nash? He was Lieutenant Governor of Wisconsin. He was assistant to the Assistant Secretary for Public Land Management, Department of the Interior. He was a member of the Secretary of the Interior's Task Force on Indian Affairs in

1961. He was Administrative Assistant to the President of the United States in 1952 and 1953. He was a Special Assistant in the White House from 1946 to 1952. He was a Special Assistant, Office of War Information and Related Agencies, from 1942 to 1946. He was a Special Consultant for the Secretary of War in 1943.

Then he was secretary of the Yale-Toronto International Conference on Indian Welfare. He was vice chairman of the Menominee Indian Tribal Trust. He was a member of the board of directors of the Association of American Indian Affairs. He was chairman of the Wisconsin Committee on World Refugee Year.

Of course, he was also chairman of the Democratic Party of Wisconsin, which may, as the Senator suggested a few moments ago, have had something to do with his nomination. But he is the nominee of the President.

Now we should consider his educational and professional background, as indicated in the record of the hearings. He was a lecturer in anthropology at the Universities of Wisconsin and Toronto from 1937 to 1942. He was the author of publications in anthropology, race relations, and Indian affairs. He made research and field trips in archeology, ethnology, linguistics, and native affairs in California, Oregon, Arizona, New Mexico, Oklahoma, Wisconsin, Illinois, Ontario, Virgin Islands, and Puerto Rico.

This man has many qualifications for the job I did not know he had when I testified as to his character before the committee. As the record shows, I stated he had a background as Lieutenant Governor of the State. He was a man of much experience. He was a friendly soul. He knew a great deal about Indian affairs.

With this background, what does the Legislature of Wisconsin think about him? What does the Lieutenant Governor of the State of Wisconsin, now a Republican, say?

The Senator of Wisconsin resolved:

> That Lt. Gov. Philleo Nash is hereby commended for a job well done as president of the senate during the regular legislative session of 1959.

There was a citation by the Legislature of the State of Wisconsin, signed by Warren P. Knowles, Lieutenant Governor, which read:

> The members of the State senate, on the motion of Senator Lynn E. Stalbaum under joint rule 26, congratulate him on his elevation to the high post of Commissioner of Indian Affairs and wish him a successful tenure of office.

I am performing a part as the senior Senator from the State of Wisconsin in relation to a citizen of my State.

When I come to the Senate I come not as a representative of any group or class. If I have any reputation, it is to the effect that I am an independent chap who feels he has but one job, which is to do the best he can.

Nash is the nominee of the President. He is my President, and every American's President in these perilous times. The President is not presumed to do a careless job. He has those who check into the qualifications of nominees. He arrives at his conclusion from the facts before him. There may be some politics involved, but the President will not make a mistake if he can help it. Nash is the nominee of the President.

Whom did the President nominate? I have already gone over that ground. It is a man who in my judgment is qualified by his training and by his character for the job.

I have received a few letters asking how I shall vote. My answer was very clear. I shall appear in the Senate of the United States. I shall listen to the testimony of the committee members. I shall read the record and arrive at my conclusion.

Until I came to the Senate today I had not gone through the record. I spent the time this morning going through it. I have come to the conclusion that in the interest of what I think is not only fair play but also the obligation I owe to my constituents I shall vote for confirmation of the nomination.

Mr. HUMPHREY. Mr. President, it was a happy day for the American Indians, for the Government of the United States, and also for me, personally, when the President sent the nomination of Philleo Nash to the Senate. Mr. Nash is an old and trusted friend of mine, who served well on the White House staff under Presidents Roosevelt and Truman and who will perform excellently as Commissioner of Indian Affairs under the present administration.

Few men have assumed their responsibility as Indian Commissioner with so great a background of qualifying experience. As he takes up his duties in Washington, Mr. Nash can look back at 30 years of direct contact with our country's Indian people. During nearly 20 of these years he was a member of the board of directors of one of our leading public-interest organizations concerned with Indian affairs, the Association on American Indian Affairs, of which Mr. Oliver LaFarge of Santa Fe, N. Mex., is the president. He served on this board together with one of our distinguished colleagues in the Senate, the junior Senator from Arizona. His studies and contacts with Indian leaders have won for Mr. Nash the confidence of the Indian people. It was no surprise at all, therefore, that the President's nomination of Philleo Nash was greeted with a great deal of satisfaction on our Indian reservations.

There have, of course, been other Commissioners who have had some previous experience in Indian affairs, but generally speaking they have known only one particular tribe or the tribes of one particular region of our country. Yet the problems of the various regions differ. What is unique about Mr. Nash is that in his 30 years in Indian affairs he has acquired knowledge about most, if not all, of the Indian groups in the country.

What Mr. Nash is able to add to this background in Indian affairs is the thorough knowledge of this city and of the workings of our Government, which are essential to any good administrator. His acquaintance and friendship with many Members of this body go back for almost two decades. His circle of friends encompasses, in addition, dozens of persons on key positions in the administration, from the Cabinet down. These contacts will undoubtedly enable him to carry forward the programs of the Bureau of Indian Affairs in the proper manner: not off in a corner, dealing with Indians as if they lived on another planet, but working closely with other agencies of our Government in an effort to bring to our Indian population the opportunities which nearly all others enjoy.

Mr. Nash's academic training and early professional experience were in anthropology. He received a Ph. D. degree from the University of Chicago and for a number of years engaged in research and teaching. To some the term anthropologist may call up the image of an ivory-tower scientist. This is not the case with Philleo Nash. Dr. Nash is an applied anthropologist. He is one of the founders of the Society of Applied Anthropology, which attempts to bring to business, to industry, and to public affairs the applications of science.

His teaching career led Philleo Nash to a interest in, then to direct participation in public affairs. In this respect, his career parallels those of a number of Members of this body, including my own. He joined the Federal Government in 1942 and has, since then, been associated with Federal and State government at increasingly higher levels of responsibility. His first position was in the Research Branch of what was then the Office of Facts and Figures and which later became the Office of War Information. While there, in 1944, Mr. Nash was requested for White House detail by one of North Carolina's most distinguished public citizens, Mr. Jonathan Daniels. After the death of President Roosevelt, President Truman invited him to stay and he remained for the full period of Mr. Truman's Presidency. For 9 years at the White House, Mr. Nash worked on such problems as displaced persons; statehood for Hawaii and Alaska; the organic acts for Guam and American Samoa; Commonwealth status for Puerto Rico; Indian affairs; race tension, and civil rights.

On January 20, 1953, when he left Federal service, he was the senior member of the White House staff in point of service, holding the position of Administrative Assistant to the President of the United States. I believe my colleagues will be interested in the words contained in a letter of thanks which Mr. Nash received from President Truman on the occasion of his departure from the White House:

> I know you have served me always with complete loyalty and devotion.
>
> Whatever contribution I have been able to make to progress in our country and to peace in the world has been largely the result of the outstanding work done by you and others like you on the staff, and I appreciate it more than I can say.

Having had a spare-time connection with his family's cranberry business in Wisconsin since 1928, Mr. Nash returned to his home after 1953 to assume full control of the business. As a cranberry

grower, Mr. Nash is the third generation of his family to be engaged in this business. His grandfather was one of the pioneers of the cranberry industry in Wisconsin. Mr. Nash himself learned, as a boy, the details of the business operation, from the ground on up. Since he was old enough to own and hold stock Mr. Nash has been a member, director and officer of a corporation doing business under the laws of Wisconsin. For the last 15 years, he has been president of the Biron Cranberry Co., which is one of the largest concerns growing and shipping cranberries in Wisconsin. Cranberries, like many fruits, are marketed cooperatively and Mr. Nash's firm is one of the leading members of Ocean Spray Cranberries, a national cooperative marketing organization. The Wisconsin Cranberry Growers Association, representing the State's cranberry industry, has demonstrated its confidence in Mr. Nash by electing him vice president and later president, which position he holds now.

While back home after 1953 and engaged in his family business, Mr. Nash did not lose his interest in public affairs. His ability and public spirit were recognized by the voters of Wisconsin who elected him Lieutenant Governor, in which office he served from 1959 to 1961. During his term of office, he presided over a Republican-controlled State senate. That legislative body unanimously passed an unusual resolution, commending its presiding officer for a job well done. The resolution pointed out that he had "distinguished himself for the ability and sense of fair play he exhibited from the outset" and observed that he had "won the respect of the entire membership of the Senate for the judiciousness which he brought to his work."

When Mr. Nash returned to Washington in 1961, he joined the staff of the Interior Department, where he was assigned to the Secretary's Task Force on Indian Affairs. As a member of the task force, he not only reacquainted himself with the problems of our Indian people and those of the Interior Department, but took a hand in formulating a new program for the economic and social improvement of Indian reservations, in keeping with the goals and policies of this administration.

This task force was constituted for the purpose of enabling the Secretary of the Interior to formulate the new program in Indian affairs which our times demand, to follow through on the policy guidelines laid down by President Kennedy during the 1960 campaign. As Mr. Kennedy put it:

> [His] administration would see to it that the Government of the United States discharges its moral obligation to our first Americans by inaugurating a comprehensive program for the improvement of their health, education, and economic well-being.

He went on to emphasize that the "increased productivity which would result from our program of opportunity, would repay the Federal investment manifold."

In constituting the task force which was to spell out the President's program in further detail, Secretary Udall selected for the chairmanship one of the outstanding citizens and leading businessmen in Oklahoma, Mr. W. W. Keeler, executive vice president of Phillips Petroleum Co., who is also principal chief of the Cherokee Nation. In the course of their work, Mr. Keeler and Mr. Nash became closely acquainted. It will be of interest to those of my colleagues who know and respect Mr. Keeler that after the completion of his duties in Washington he strongly recommended Mr. Nash for appointment to the post of Commissioner of Indian Affairs.

As in so many other fields of what was once an area of domestic responsibility, our Indian policy, too, has become a matter of international concern. Here, too, the enemies of our country have engaged in deliberate efforts to embarrass us. I am told that Prime Minister Castro, in particular, has attempted to intervene in our domestic Indian problems and has exploited some of our difficulties for his own nefarious ends. In our own country some misguided people have attempted to take problems of Indian tribes to the United Nations.

Against this background it is more vitally important to us than ever before to have a Commissioner of Indian Affairs who has the trust and confidence of the Indian people, who can be relied upon to work out an effective relationship for the resolution of existing problems and, as far as possible, the avoidance of new ones. Serious problems have existed in our Indian administration, of that there is no doubt; but there has also not been any doubt that the United States has sincerely tried to resolve them.

With a man at the head of the Bureau of Indian Affairs in whom they can have confidence Indians will be far more ready to take the steps toward economic adjustment which are so essential to the success of any Indian program than they otherwise would. This has been demonstrated by the Menominee Indians of Wisconsin. Following the Termination Act of 1954, they formed a corporation to conduct their business under State law, organized a new county, and otherwise established a new pattern of relationship with the State government. In this activity, Mr. Nash played a leading role. Demonstrating their confidence in him, the Menominee Indians chose Mr. Nash earlier this year as vice chairman of the voting trust established by them for the assets of their tribe. The confidence expressed in Mr. Nash by the Menominees is shared by other Indian tribes. I hope you will note the resolution approved by the National Congress of American Indians which is now meeting in convention in Lewiston, Idaho. It reads as follows:

> Whereas the National Congress of American Indians has become concerned with the delays in effecting the appointment of a Commissioner of Indian Affairs as a result of which tribal programs, crucial in development of human and national resources of the various tribes have been delayed or become stalled for want of effecting the definitive program of administration, including the appointment of a Commissioner; and
>
> Whereas the National Congress of American Indians has viewed with general favor, the policies reported by the task force on Indian affairs, of which the Honorable Philleo Nash was a member, becoming acquainted with him in connection with the studies of the task force; and
>
> Whereas the National Congress of American Indians has learned of the action of the Senate Committee on Interior and Insular Affairs, recommending the confirmation as Commissioner of Indian Affairs Hon. Philleo Nash: Now, therefore, be it
>
> *Resolved by the National Congress of American Indians,* That—
>
> 1. We extend to the U.S. Senate our thanks for the action of its committee looking to the settlement of the matter of appointing as Commissioner of Indian Affairs and urge early action of the Senate on the whole on the appointment; and
>
> 2. We extend to the Honorable Philleo Nash our congratulations on the action of the Senate committee extending to him at the same time our determination to work constructively with him and the administration for the full resolution of the many and vexing problems besetting Indians and Indian tribes and the United States in its relation with them.

Similar expressions of interest in Mr. Nash reached us from a great number of persons, both Indian and non-Indian, who have concerned themselves with Indian affairs over the years. Few administrators anywhere have entered on their duties with such unanimous expressions of encouragement and support from the persons most directly affected as Mr. Nash. I, for one, have no doubt that he will not disappoint our and their expectations.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Philleo Nash, of Wisconsin, to be Commissioner of Indian Affairs?

The nomination was confirmed.

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

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

LEGISLATIVE SESSION

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

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

Mr. ANDERSON. Mr. President, I suggest the absence of a quorum, unless some Senator seeks recognition.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. PROXMIRE. Mr. President——

Mr. ANDERSON. Mr. President, I temporarily withdraw the suggestion of the absence of a quorum, in order that the Senator from Wisconsin may obtain the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. ANDERSON. I ask the Senator if he will yield so that I may suggest the absence of a quorum?

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield for that purpose without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator

from Wisconsin? The Chair hears none, and it is so ordered.

Mr. ANDERSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ANDERSON. Mr. President, I was not aware that the Presiding Officer had agreed to recognize various Senators. I therefore ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PELL in the chair). Is there objection to the request of the Senator from New Mexico? The Chair hears none, and it is so ordered.

LIMITATION OF NUMBER OF POSITIONS IN TOP GRADES OF THE CLASSIFICATION ACT OF 1949

The Senate resumed the consideration of the bill (S. 1732) to increase the limitations on the number of positions that may be placed in the top grades of the Classification Act of 1949, as amended, and the limitation on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearings examiners; and for other purposes.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the Senator from West Virginia [Mr. RANDOLPH] without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered.

DAMAGE TO DOMESTIC FUELS INDUSTRY BY IMPORTS OF FOREIGN RESIDUAL OIL

Mr. RANDOLPH. Mr. President, in recent weeks we have been reading in the press and periodicals and have been hearing numerous attacks, including speeches in the Senate, concerning our Government's restrictions on the importation of residual fuel oil. This, of course, is a part of a systematic campaign against the quota system applied in 1959. The executive branch of the Federal Government determined that conclusive evidence pointed to the fact that residual imports had reached such proportions as to seriously endanger the domestic fuels industries and the national security.

This danger, even with the quota system in being, exists today.

We know that supply cannot equal demand when foreign sources of residual oil are disrupted or when oceanic transportation is destroyed, blocked, or otherwise seriously impaired. This poses a threat to national security—a very serious threat in the light of the increased dependence the whole eastern seaboard of the United States is placing upon residual oil as a primary source of fuel.

We know, too, that our national security is threatened by the adverse effect of excessive residual oil imports on markets for and production of domestic fuels. The consequence of this situation as relates to domestic coal and oil industries and continental transportation industries can be—and I use the word advisably—catastrophic—and this degree of impact is a threat to national security.

Mr. President, the excessive and increased volume of imports of cheap oil refinery residue during the past several years encouraged many vital industries and institutions to change their fuel burning facilities from equipment capable of burning coal or other domestically available fuel to apparatus which can make heat and energy from residual fuel oil only. This has created a most serious situation.

Domestic petroleum refineries produce only a small percentage of residual oil—considerably less than the current demand for heat and power fuel sources along the eastern seaboard. In any emergency period, domestic refineries could increase the residual supply but little or, perhaps, none at all, because of the increased demand for more highly refined petroleum products for military and defense purposes, and for commerce and industry in this high-precision age of technological advancement.

At the same time, residual oil imports, which now supply about 66 percent of the annual demand for fuel on the east coast, would be seriously curtailed or perhaps even shut off completely by enemy attacks on tankers at sea. This happened in World War II, and our major potential enemy today is equipped with a superior and more sophisticated submarine fleet and other weapons of attack than Nazi Germany ever dreamed of in the years of Adolf Hitler and his legions of marauders against a peaceful world.

Accordingly, in event of war or even in case of possible political upheavals in supplying nations—political turnovers of the nature and magnitude of the Cuban situation—our east coast and New England industries, utilities, public buildings, hospitals and other fuel users now relying almost exclusively on imported residual oil would be seriously disrupted or possibly would be made totally inoperative at worst. A nation which would be prepared must not wink at these potential catastrophic results.

Even in the early months of World War II, when total residual oil imports were only about 34.8 million barrels per year, New England newspapers printed many articles reporting hospitals shut down, industrial plants closed for lack of fuel oil, and civilian power supplies drastically limited. Our Government consequently urged quick conversion to the use of coal for fuel by everyone and every facility able to effectuate the changeover.

Fortunately, this shift from residual oil to coal could be made then and it was made in many instances. The coal industry at that time was able to increase production rapidly by many millions of tons yearly. And our railroads likewise were capable of meeting the challenge. Today, there is grave doubt that such a transition could take place. Something affirmative must be done about this situation while there is yet time because New England and east coast industries and installation are far more heavily depending exclusively on imported residual oil than they were 20 years ago.

As residual oil imports, priced just low enough to undercut domestic fuels, continue to flow into our New England and other east coast ports under what amounts to little more than a token import control program this trend to complete dependence on a potentially insecure source of fuel supply continues to grow and our national danger increases.

Federal Power Commission reports reveal that in 1960 more than 14.8 million barrels of residual fuel oil were burned in powerplant boilers by 27 east coast electric utilities which are now equipped to burn no other type of fuel. These utilities provide electricity for many, many essential defense facilities and industries as well as for homes, hospitals, business establishments and other crucial consumers. If residual oil imports were suddenly shut off—as they certainly could be—this vital electrical production would cease for a period until some alternative could be found. Should this nature of situation be permitted to prevail in the United States when it can be avoided by proper planning and policy? Certainly not.

It is difficult to estimate how many hundreds of other factories, apartment houses, hospitals, institutions, and commercial establishments and, more importantly, defense installations, are now wholly dependent on imported residual oil for their fuel and energy requirements. However, spot checks and reports from all along the east coast indicate that it is a substantial and dangerous total.

Mr. President, I reemphasize an earlier statement that there is a real threat posed to our national security by excessive residual imports because of the critical damage such traffic already has imposed and continues to bring to bear upon our domestic fuels and transportation industries. I will speak in this connection especially of the impact on coal and the coal-hauling railroads. But I know that there are problems of significant concern also facing the domestic petroleum industry. This, I am told, is particularly true of certain oil-producing areas such as parts of Texas and Louisiana where there is produced a type of crude oil of extremely heavy gravity which yields a high percentage of residual in the refining process. This residue product provides a substantial share of the total return from each barrel of crude, although it must be sold at cut-rate prices that do not bear a fair share of refining costs because of the overwhelming competition of cheap imported residual.

This is also true in an indirect way with respect to domestic producers in other areas because imports of residual oil are inextricably linked to imports of crude oil, whether opponents of the quota system agree or not that such is the case. As we know, imports of crude are more limited than imports of residual oil, and restrictions on both are vital to our own domestic petroleum economy.

Such leading spokesmen for the independent domestic oil producers as the Texas Independent Producers & Royalty Owners Association and the Independent Petroleum Association of America have made this point clear in public statements and reports to the Office of Civil and Defense Mobilization in recent weeks.

I suggest that those of my esteemed colleagues who have stated publicly that they understand most of the domestic petroleum industry favors removing residual oil import restrictions would find it enlightening to note this independent oil industry testimony in the records of OCDM and Department of the Interior hearings.

On the subject of direct damage to the American coal industry as a consequence of excessive residual oil imports, there are indisputable facts which opponents of the oil import quota system cannot sidestep by blandly claiming that all of the coal industry's problems stem from technological changes in coal production.

Those of us from coal-producing States have been amazed by recent statements which sought to convince the Nation—and sought especially to convince our public officials—that only a small amount of coal's normal markets have been lost to residual oil imports. We know quite regretfully how extensive this damage has been and we are appalled by the forecast of what would happen if all limitations were removed from residual oil imports. This, of course, is the objective of the opponents of the oil import control program—total removal of quotas. In fact, it is now clear—and some spokesmen for the opposition have admitted—that they actually seek the elimination of controls on the importation of all petroleum products, including crude oil.

Damage to the domestic coal and railroad economies inflicted by residual oil is factually supportable. It is not fantasy.

In 1946, as we started to move back into a peacetime economy at the close of World War II, 182.4 million barrels of residual oil—foreign and domestic—were used in the east coast area. Of this total, 47 million barrels were imported. This same region consumed 126.6 million tons of American coal that year—1946.

But soon thereafter a change began to take place. Some of the international oil companies, either individually or as a part of an alleged world cartel which the U.S. Government charged them with operating, discovered that there was a vast potential market in the United States for the residue from their refining process as practiced in foreign countries. Modern domestic refineries had learned, meanwhile, that they could reap a far greater profit from gasoline, distillate oil for space heating, and other high-grade petroleum products. These domestic refineries were steadily reducing their output of residual from each barrel of crude oil refined. Inasmuch as residual represented what was left in the bottom of the barrel, so to speak, any price the petroleum companies could obtain for it was added profit. Thus, it could be sold in the United States at almost any rate which would undercut the price of its principal competing fuel, domestic coal.

Gradually the graph line of residual oil imports began to rise. And residual oil was thrust upon the U.S. fuel market at prices which time and again took away long-established markets for coal and domestic oil. This encouraged domestic consumers in New England and along the eastern seaboard to install new fuel-burning equipment limited to residual, or, at first, to equipment capable of burning either coal or oil. Subsequently as the supply of cheap foreign residual oil has been increased through importations, these dual-utilization boilers have been disappearing from the scene.

This mounting influx of heavy residual from foreign petroleum refineries reached such an alarming proportion by the late 1950's that the Federal Government properly became concerned. By 1957, coal consumption in the eastern import region had increased to only 150 million tons while residual oil consumption had reached 290 million barrels, of which 127 million barrels were imported. The President of the United States issued an appeal to importing companies to be reasonable—to voluntarily limit imports of residual in the national interest. This plea fell on deaf ears of the importers, however, and finally, in 1959, the President found it necessary for national security reasons to proclaim by Executive order that henceforth imports of residual oil must be limited.

Unfortunately, however, this order has proved to be an acceptance of the principle of restrictions on oil imports but in application has been only moderately effective. Although the President originally suggested that residual imports should be held approximately to the 1957 level of 127 million barrels annually, quota permits issued by the Department of the Interior have consistently been higher. Last year's residual imports, even under the control program, amounted to 163.6 million barrels. In addition, 70.5 million barrels of residual were imported exempt from quotas.

Recently, quotas were raised again, and allocations for the 1961–62 import year ending next March 30 total more than 168 million barrels. With imports of bonded bunkering fuel and other residual not under quotas having increased some 37 million barrels, the total increase over and above the originally proposed 1957 level amounts to approximately 77 million barrels annually during the initial 2 years of the so-called import control program.

Some very unreasonable and unrealistic statements have been made in recent days attempting to show that only a small amount of coal is displaced by these enormous amounts of residual oil imports.

The facts, however, are quite different; 233 million barrels of foreign residual oil, counting both quota and exempt categories, were imported through east coast ports in 1960, and an additional 43 million barrels of residual oil were produced domestically from imported crude oil. This 276 million barrels of residual is the equivalent of approximately 65 million tons of coal. Although coal would not have been used by all of the market outlets for the residual oil, certainly a very large percentage would have burned American coal in the absence of excessive imports of cheap residual.

And, Mr. President, the results of a spot check among several fuel companies in the New England and Middle Atlantic energy markets have come to my attention. Some of the cases reported are most revealing in the matter of coal's market losses to residual oil.

One company reports that 20 large customers in Maine have converted from coal to residual oil during the past decade and are now burning 6 million barrels of residual annually in place of approximately 1½ million tons of coal.

A second company reports that in 1950 it handled 1,280,000 tons of coal for the New England market and in 1960 it supplied only 760,000 tons, a decrease of 45 percent.

Still another revealed that its New England and eastern seaboard coal business dropped from 2,989,000 tons to 1,081,000 tons between 1950 and 1960.

A fourth reporting company lost 60 percent of its coal business in the decade of the 1950's, while still another revealed that 1950 sales of 318,000 tons of coal had declined in that area to zero by 1960.

A major coal sales company disclosed that in the past 10 years, 74 of its major customers in the metropolitan area of New Jersey which formerly burned 324,000 tons of coal per year have converted to residual oil, and the same company has lost 300,000 tons of coal sales to residual in Philadelphia and Metropolitan New York.

On the other hand, Mr. President, here is some of the picture as it relates to several of the oil companies handling residual oil sales:

Residual oil sales of one company, for example, increased from 728,000 barrels in 1950 to 4,184,000 barrels last year, an increase of 600 percent in 10 years, and this one company's annual sales of oil are now the equivalent of a million tons of coal.

Another large independent oil dealer reports residual sales increases in the past 10 years from slightly less than 1 million barrels a year to more than 12 million barrels. A third company saw its sales of residual rise from 8.8 million barrels in 1952 to 16.7 million barrels 8 years later.

The largest independent dealer on the east coast had practically no residual oil sales in 1945 and 1946 when that company was young in business, but it is now selling approximately 50 million barrels a year—the equivalent of 12 million tons of coal.

The oil trade estimates that about 10 million barrels of heavy oil are being consumed each year on Long Island alone.

The U.S. Department of the Interior reports that in 1959, there were consumed in Massachusetts 35.5 million barrels of residual oil, of which amount about 25 million was in industrial plants

that would otherwise have used coal for the most part.

In Maine in that same year, 6,433,000 barrels of heavy oil were burned—approximately 4 million barrels of it in industrial installations once supplied by domestic coal.

Federal Power Commission reports show that east coast utilities burned 33 million barrels of residual oil last year in units designed to burn either coal or oil.

These typical instances are representative of many other cases in which cheap residual oil, mostly from foreign sources, displaced the normal market for domestic coal. This occurred not only to the serious damage of our domestic coal and coal-hauling railroad industries, but, Mr. President, also jeopardizing our national security in large degree by shifting dependence on fuel to potentially insecure offshore sources.

It is my judgment, shared by many citizens, that the excessive importation of residual oil into the United States, and sold as it is at prices which do not bear a normal share of the refining costs—but which are set at levels to undercut the delivered prices of American coal—causes a replacement of at least 50 million tons of coal annually by residual in the New England-east coast fuel consuming region.

I will not dwell on the hardship and suffering this loss of markets has brought to the Appalachian coal mining region alone. The misery and near starvation which have befallen county after county in West Virginia, Pennsylvania, Kentucky, and other coal-producing States, even in this era of prosperity over much of the Nation, are documented facts which have been placed in the records of this Congress and have been widely publicized throughout the United States.

But perhaps the overall economic impact, in terms of wages, lost revenue by domestic industries, including our hard-pressed railroads, lost tax revenue to units of government, and other losses are not adequately understood.

Mr. President, a relatively simple way to visualize the economic impact picture is to study the cost consequences of each million barrels of imported residual oil which replaces coal.

One million barrels of residual oil is equal in heating value to about 240,000 tons of coal.

Based on 1959 prices, which have remained virtually unchanged despite claims to the contrary from some quarters, the loss of market for each 240,000 tons of coal costs the mines $1,229,000 in revenue and costs the men who would mine it 22,580 man-days of work, equal to $587,000 in wages. Lost salaries and other payments to supervisory, clerical, and other mine employees, which averaged about 40 cents a ton in 1959, would amount to another $96,000. Local and State taxes on mine property, sales of coal, and so forth, averaging about 15 cents a ton, would represent a loss of another $36,000. Other losses would include these: Social security and related taxes, $36,000; payments to the mine-workers' welfare fund, $96,000; expenditures for mine supplies, powder, depreciation, and rental of equipment, $360,000.

On top of these devastating losses, Mr. President, there is the tremendous cost to the coal-hauling railroads serving the east coast region. They would receive in freight revenue for the hauling of 240,000 tons of coal—the equivalent of 1 million barrels of residual oil—about $960,000, some $480,000 of which would be paid in wages to railroad workers.

From these statistics we readily see that there is a direct loss to the economy of the Nation—and especially to the eastern coal-producing States—of well over $2 million for each 1 million barrels of residual fuel oil permitted to be imported into the United States to replace our domestic coal.

Competent economists state that the indirect effect of decreased activity in the coal and inland transportation industries are at least equal in magnitude to the direct effects.

Thus, it is apparent that each imported million barrels of residual oil costs the workers, industries, railroads, merchants, and service establishments, as well as non-Federal units of government of this country, almost $4.5 million. When we multiply this sum by the 77 million barrels of residual oil which represent the increase in imports since 1957, the original base year pronounced safe for national security, we begin to envision the catastrophic damage to the economy resulting from excessive residual oil imports.

Mr. President, this substantial domestic toll could become even more disastrous if the opponents of the import control program have their way.

Last year the coal-producing Appalachian region shipped approximately 135 million tons of coal into the eastern seaboard region where most of the imported residual oil is used. This market has been studied most carefully by competent market researchers. I am informed that they are convinced that if all residual oil import controls were lifted at least another 50 million tons of annual coal production and sales would be immediately vulnerable to replacement by the vast flood of cheap, heavy heating oil that would flow in from the foreign refineries' residue. Given the time and continued availability of cheap foreign residual oil, much of the remaining 85 million tons of coal production and sales for the eastern seaboard markets would likewise be lost.

What this would do to the economy of the Nation is incalculable. What it would do to the already-suffering people and businesses in the coal-producing States of West Virginia, Kentucky, Pennsylvania, and other States would mean more depression.

I sincerely urge my friends and colleagues who have called for complete removal of residual oil import restrictions to pause and reconsider the gravity of the results of such a course.

Even under the control program there is being imported more residual oil now than ever before, and it is selling at an average price below the average that prevailed in 1958 before the import quota system was imposed by the President's proclamation.

The coal-producing regions are being critically damaged by the substantial amounts of residual oil imports permitted, even under the import control program. If no restrictions were to exist, the resutls in our coal-producing regions would be catastrophic.

Mr. President, the Senate has authorized a national fuels and energy study by its standing Committee on Interior and Insular Affairs, with three-member ex officio augmentation. This vital study will be getting underway—with vigor, I hope—soon after this session of the 87th Congress adjourns.

I have real faith in the distinguished chairman of this committee, the diligent Senator from New Mexico [Mr. ANDERSON], and in his able colleagues of the committee. I have equal faith in the Vice President of the United States who will, as President of the Senate, appoint the ex officio members to serve with the Interior and Insular Affairs Committee. He will make logical appointments.

I am sure the study committee will be a competent one and that in the accomplishment of its mission a thorough, impartial, and objective study of the Nation's fuel and energy resources and the problems surrounding their conservation and utilization will be made.

It is my hope that one of the first facets of the overall study to be undertaken will be a searching inquiry into the controversy which has developed over residual oil imports and the system of quota restrictions in force since mid-June of 1959. Competent officials and agencies of the executive branch have been and continue to be engaged in study of these problems. The searchlight of legislative inquiry is equally appropriate and necessary.

I hope nothing irrational or hasty will be done to destroy the oil import control program, and certainly that the residual oil restrictions will not be set aside until the problem has been assessed carefully by both the executive and legislative branches. I see no reason why reasonable, effective, and equitable solutions cannot be arrived at and recommended in concert and cooperatively by both the legislative and executive units engaged now and to be engaged further in searching inquiry and study of the problem.

Mr. President, I recognize that there are gigantic and conflicting economic problems involved in this controversy. I am realistic enough to be aware that solutions demanded by and totally acceptable to New England and the east coast region will not be considered satisfactory by the Appalachian coal-producing region. And I am equally aware that the demands of Appalachia in efforts of this region to protect its peculiar economic interests will not be totally satisfactory to New England and the eastern seaboard in general. There must be a healthy compromise in the national interest—a compromise which likewise will be in consonance with our country's foreign policy.

I am an optimist and I try always to be a realist. Therefore, I believe solutions can be found and equitable and adequate policies can be delineated if there will be a reasonable effort made by reasonable men to recognize the validity of certain portions of the positions of regions involved. Each side must accommodate itself to the fact that the Nation as a whole must be the arbiter because the Nation as a whole must be totally prepared for all emergencies and must be secured against the impact of national or worldwide emergencies. The Nation as a whole must survive any and all threats to its very existence. Therefore, there must be adjustments and compromise between regions in the national interest.

I am grateful to the Senator from Wisconsin, who has graciously permitted me to address the Senate on this subject at this time.

Mr. PROXMIRE. Mr. President, I am happy to have had the opportunity to listen to the Senator from West Virginia. I am happy to support the measure which he discussed. I believe that I am a cosponsor of the bill, which is a deserving and necessary one.

NATIONAL MILK SANITATION LEGISLATION

Mr. PROXMIRE. Mr. President, I have notified both Senators from New York that I shall address the Senate today in criticism of a position they have recently taken in the Senate. I think they have made an extremely good argument out of a very weak case. It is characteristic of their persuasive, articulate, and effective representation of their State, although I think in this case their State can be best served by adopting a position which I propose.

A few days ago the two Senators from New York [Mr. JAVITS and Mr. KEATING] took the Senate floor to defend Governor Rockefeller's sharp denunciation of national milk sanitation legislation. The New York Governor's criticism took the form of an attack against Secretary of Agriculture Orville Freeman, who recently testified before a House committee in support of such legislation.

Shortly after Mr. Rockefeller sought to make political hay by criticizing Secretary Freeman before his New York State Fair audience, the senior Senator from Minnesota [Mr. HUMPHREY] and I spoke here in the Senate to challenge his position. In my speech I said that Governor Rockefeller "threw his chances in the 1964 Republican presidential primary in Wisconsin right out the window" by his criticism of free milk flow legislation.

I would like to explain for the benefit of those who are charting Mr. Rockefeller's political future that my words were meant not as a challenge but as a prediction.

In the course of defending their Governor, Senators JAVITS and KEATING made a number of statements about national milk sanitation legislation which require a serious and immediate reply. Left unchallenged, their contentions would grossly mislead anyone who seeks a fair, factual understanding of the benefits which free milk flow legislation would confer on milk producers and consumers all over the Nation.

The national milk sanitation bill (S. 212), has been introduced in the Senate by the two Senators from Minnesota [Mr. HUMPHREY and Mr. MCCARTHY] and my senior colleague, Mr. WILEY, and myself, from Wisconsin. In the House the national milk sanitation bill (H.R. 50) has been introduced by Congressman LESTER JOHNSON of the Ninth District in Wisconsin and by a number of other Congressmen. Extensive and detailed hearings on the subject matter of this bill have been conducted four times in the past few years by committees of both Houses of Congress. In the course of these hearings and in the detailed, exhaustive discussion which accompanied them, the purposes and probable effects of such legislation have been clearly outlined. My esteemed colleagues from New York stated in their defense of Rockefeller speeches a number of objections to national milk sanitation legislation which have been resoundingly refuted by expert testimony.

The main objections can be stated as follows:

First. A national milk sanitation program would not maintain adequate quality standards, since local standards are frequently higher, better enforced, and more adaptable to local conditions.

Second. The effect of a national milk sanitation program would be mainly economic; it would challenge the established system of Federal order markets, would flood eastern urban centers with midwestern milk, and might cause serious overproduction.

Third. Local milk sanitation codes are not established to bar outside milk; when they do, the courts have held them invalid for that purpose.

Fourth. Milk sanitation legislation does not have national sponsorship; by intent it violates States rights; and the expected $1.5 million cost benefits only midwestern dairy farmers.

I believe these four points fairly sum up the objections raised by the New York Senators, and indeed, all the objections ever heard in the course of the several hearings on milk sanitation legislation. A careful analysis shows that they lack factual foundation and reveal a woeful ignorance of conditions in today's dairy industry.

NATIONAL MILK SANITATION STANDARDS WOULD EMPHATICALLY BE ADEQUATE

First. The first point, that national milk sanitation legislation would not maintain adequate quality standards, should be recognized at once as a shocking attack on the competence of the U.S. Public Health Service, totally unsupported by any evidence or facts. The USPHS Milk Sanitation Code has been widely acclaimed as a model for effective milk sanitation protection all over the country. With isolated exceptions the States which are recognized as most progressive in the field of milk sanitation are those which have adopted the USPHS code as their own. If there is any evidence whatsoever that the USPHS milk sanitation standards are not high enough to fully protect milk consumers in every corner of our Nation, in big cities, small towns, and country areas, irrespective of climate, or other conditions, then it should be brought immediately to the attention of the Secretary of Health, Education, and Welfare. In the light of the excellent reputation which the USPHS has earned over the years it is not surprising that such evidence is not available.

In his testimony before the House Commerce Committee on August 30, 1961, Secretary Freeman provided an analysis of differences between the USPHS milk ordinance and code and the regulations of certain States in order to give the committee a clear background against which to view the contention that the milk sanitation standards of some States are "higher" than those recommended by USPHS.

I call the attention of the Senator from New York [Mr. KEATING] to the comparison between New York standards and the U.S. Public Health Service standards, as printed in this document, which is published by the Secretary of Agriculture and is entitled "Differences Between the USPHS Milk Ordinance and Code and the Regulations of Certain States." I read from page 6 of this document, which sets forth various categories against which the USPHS code and the New York code are applied:

NEW YORK

Dairy farm requirements: New York farm laws follow generally the basic requirements of the USPHS code; however, they are not as specific as the USPHS code. Two-compartment wash vats, hand-washing facilities, and bactericidal rinsing of milkers' hands are not required by New York, but are specified in the USPHS code.

Pasteurization plant requirements: New York regulations omit many important requirements necessary for proper pasteurization of milk and protection of milk from contamination. New York regulations do not require easily cleanable construction of walls and floors, effective screening during fly season, or a separate receiving room for raw milk. The USPHS code is quite specific as regards these requirements.

Health of cows: New York regulations require an annual test for tuberculosis and require all dairy herds to comply with plan A for brucellosis. The USPHS code requires compliance with the USDA programs for tuberculosis and brucellosis control.

A few minutes ago I called Dr. Clarkson, who is the head of research for the U.S. Department of Agriculture in this category, and he said in his judgment and in the judgment of the people who work on this subject the public is given excellent protection in this category by the Public Health Service because they follow up for brucellosis and for tuberculosis with very careful surveys and studies to find precisely the source, regardless of how long it takes or to what extent it is necessary to go.

I read further:

Bacterial counts: The bacterial counts specified in the New York regulations for raw milk and pasteurized milk are identical to those contained in USPHS code.

Frequency of inspections and laboratory examinations: New York requires that farms

and plants be inspected by industry, initially, and at least annually thereafter. Samples of raw and pasteurized milk are required to be obtained and examined by the processor at intervals of not more than 3 months.

The USPHS code specifies at least one inspection of each farm and each plant every 6 months, with followups on violations; and further requires laboratory examination to be performed at a minimum frequency of at least four samples every 6 months for milk and all other types of milk products sold. USPHS code provides, in the case of raw milk, for acceptance of industry inspections and laboratory examinations only as a supplement to official inspections and examinations. The USPHS code requires inspection of pasteurization plants and laboratory examinations of pasteurized milk to be performed by the official supervisory agency.

The principal objection which was voiced on the floor of the Senate to the adoption of a national code has come from the distinguished and able representatives from the State of New York. I submit that when we consider these regulations, we find that in three categories—dairy farm regulations, pasteurization plant requirements, and frequency of inspection and laboratory examinations—the Public Health Service is more strict. In one, bacterial counts, the two codes are exactly the same. The remaining one, health of cows, shows that there is no substantial difference, according to the best testimony that we can get.

I ask unanimous consent that this analysis, which includes not only New York, but many other States, be printed in the RECORD at this point.

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

DIFFERENCES BETWEEN THE USPHS MILK ORDINANCE AND CODE AND THE REGULATIONS OF CERTAIN STATES

The provisions of the USPHS milk ordinance and code have been developed over the years with the aid of a national advisory group of milk sanitation experts from State health departments, city health departments, the U.S. Department of Agriculture, the dairy industry, and universities. Every effort has been made to include only those provisions necessary to protect the public health, and to exclude nonessential requirements. The objective of this approach has been to provide maximum health protection at the lowest possible cost to the dairy farmer and milk processor, and thus to keep the cost of milk to the consumer low.

It has been stated that the milk sanitation standards of a large number of States are higher than those recommended by the USPHS. This is not the case, since the regulations of 36 States and over 1,900 local jurisdictions, including a number of large cities, are based upon the USPHS milk ordinance and code. The regulations of a few States do differ from the USPHS code. A few have more stringent bacterial standards. With the exception of California, however, most of the State regulations which differ are far less stringent than the USPHS code on fundamental sanitation requirements for both dairy farms and pasteurization plants. In addition, the regulations of several of these same States do not provide for adequate inspection and laboratory procedures which are necessary for proper enforcement. Such inspection and laboratory procedures are spelled out in detail in the USPHS milk ordinance and code.

Fourteen States have adopted milk sanitation regulations somewhat different from those specified in the USPHS milk ordinance and code. These States are: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Michigan, Tennessee, North Dakota, and California. All but five are in the Northeast.

Some comments on the regulations of these States would appear in order. California regulations are quite detailed, and are considered by USPHS as equivalent, in terms of public health protection provided, to the requirements of the USPHS code. Although the State of North Dakota has not adopted the USPHS code, its milk sanitation regulations cover the same basic requirements; and in addition, by North Dakota legislative act, the Dairy Commissioner is required to follow the USPHS code in enforcing the State legislation. The Michigan milk sanitation regulations for dairy farms are quite similar to requirements of the USPHS code, although the Michigan pasteurization plant requirements lack specificity. In addition, the State of New Hampshire has incorporated into its State regulations the pasteurization plant sanitation requirements nearly identical with those contained in the USPHS milk ordinance and code, and Rhode Island is utilizing the pasteurization plant sanitation requirements contained in the USPHS code.

At the request of the Subcommittee on Health and Safety of the House Committee on Interstate and Foreign Commerce, a comparison was made in 1960 of the regulations of these States with the provisions of the USPHS milk ordinance and code. A condensation of these comparisons—on a State-by-State basis—follows:

With the exception of the States noted above, these comparisons show that most of the regulations of these States lack specificity on important items of sanitation, and that a number are quite deficient with regard to proper control of the pasteurization process and the protection of pasteurized milk against recontamination. In this connection, it is desired to point out that pasteurization is relied upon as the final public health safeguard, and deficiencies as regard pasteurization requirements are serious. Therefore, the USPHS considers the regulations of a number of these States to be weak and deficient.

MAINE

Dairy farm requirements: Similar in scope and intent to requirements contained in USPHS milk ordinance and code; however, Maine requirements lack specificity with respect to some important items of sanitation.

Pasteurization plant requirements: Maine regulations omit many important requirements necessary for both proper pasteurization of milk and protection of pasteurized milk from contamination. Such requirements are specified in the USPHS code.

Health of cows: Maine laws require that all cows be tested annually for tuberculosis, but make no reference to brucellosis control except in the case of the production of "retail raw milk." USPHS code specifies compliance with USDA programs for tuberculosis and brucellosis control, which does not require annual testing for tuberculosis unless incidence of tuberculosis in cattle exceed 0.2 percent.

Bacterial counts: The Maine bacterial standard for raw milk to be pasteurized is identical with the bacterial standard contained in USPHS code. Maine bacterial standard for pasteurized milk is not more than 25,000 per milliliter after pasteurization. USPHS code specifies a maximum of 30,000 as delivered to the consumer. (No significant difference.)

Frequency of inspections and laboratory examinations: Not specified in Maine regulations. USPHS code specified that each farm and each plant shall be inspected at least once every 6 months, with followups on violations; and, further requires that laboratory examinations be performed at a minimum frequency of at least four samples every 6 months for milk and for all types of other milk products sold.

NEW HAMPSHIRE

Dairy farm requirements: New Hampshire dairy farm requirements are not as specific as those contained in USPHS code.

Pasteurization plant requirements: New Hampshire has recently adopted, as State regulations, the pasteurization plant provisions of the USPHS code.

Health of cows: New Hampshire milk sanitation regulations do not contain specific reference to either tuberculosis or brucellosis control measures. However, New Hampshire has attained a modified accredited TB-free status, and was the first State to qualify as a brucellosis-free area. USPHS code specifies compliance with USDA programs for tuberculosis and brucellosis control.

Bacterial counts: New Hampshire bacterial counts for raw and pasteurized milk are the same as those contained in USPHS code.

Frequency of inspections and laboratory examinations: New Hampshire regulations contain no requirements as to minimum frequency of farm or plant inspections, or to minimum frequency of laboratory examinations. The USPHS code specifies at least one inspection of each farm and each plant every 6 months with followups on violations; and further requires laboratory examinations to be performed at a minimum frequency of four samples every 6 months for milk and all types of other milk products sold.

VERMONT

Dairy farm requirements: Vermont dairy farm requirements are not as specific as those contained in USPHS code and are deficient in some respects on basic sanitation items.

Pasteurization plant requirements: Vermont regulations omit a number of fundamental requirements necessary to insure the proper pasteurization of milk and to properly protect the pasteurized milk against contamination. The USPHS code contains such requirements.

Health of cows: Vermont milk regulations do not mention bovine tuberculosis control measures. However, it is known that in Vermont, the USDA program for tuberculosis control is followed. Vermont regulations with respect to brucellosis control are similar to those of the USPHS code. The USPHS code requires conformance with USDA programs of tuberculosis and brucellosis control.

Bacterial counts: Vermont regulations specify a maximum bacterial count of 100,000 per milliliter for raw milk for pasteurization and 20,000 per milliliter for pasteurized milk, as contrasted with the USPHS code maximums of 200,000 per milliliter for raw milk for pasteurization and 30,000 per milliliter for pasteurized milk, as delivered to consumer.

Frequency of inspection and laboratory examinations: Vermont regulations require at least annual inspection of dairy farms and plants, and laboratory examinations on raw and pasteurized milk at least once a month. USPHS code specifies at least one inspection of each farm and each plant every 6 months with followups on violations; and further requires laboratory examinations to be performed at a minimum frequency of four samples every 6 months for milk and all other types of milk products sold.

MASSACHUSETTS

Dairy farm requirements: Massachusetts dairy farm requirements are very general and lack the specificity contained in the USPHS code on many sanitation items.

Pasteurization plant requirements: Massachusetts plant regulations are not as specific as those contained in the USPHS

code and are deficient in some respects on basic sanitation items relating to the proper protection of pasteurized milk against contamination.

Health of cows: Massachusetts regulations require that all cows be tested annually for tuberculosis or such cows must be located in a modified-accredited tuberculosis-free area. USPHS code requires TB testing of individual herds at least every 6 years, even if located in modified-accredited tuberculosis-free area. Massachusetts follows the USDA program for brucellosis control as is required by the USPHS code.

Bacterial counts: Massachusetts maximum bacterial count for raw milk for pasteurization is identical to that contained in the USPHS code. Massachusetts maximum bacterial count for pasteurized milk is 10,000 per milliliter as compared to the USPHS maximum count of 30,000 per milliliter as delivered to the consumer.

Frequency of inspections and laboratory examinations: Massachusetts regulations require that each farm and each plant be licensed annually, but does not specifically provide for inspections. USPHS code specifies that each farm and each plant shall be inspected at least once every 6 months, with followups on violations. Massachusetts regulations require the laboratory examination of raw and pasteurized milk at least twice a month. USPHS code requires that laboratory examinations be performed at a minimum frequency of at least four samples every 6 months for milk and for all types of other milk products sold.

It is significant to note that Massachusetts does not require pasteurized milk to be examined by the phosphatase test, which is a test used to determine whether milk has been properly pasteurized. USPHS code requires the application of the phosphatase test to milk and milk products at the same frequency as the above bacteriological tests.

RHODE ISLAND

Dairy farm requirements: In general, Rhode Island requirements are similar to those contained in USPHS milk ordinance and code, but lack specificity with respect to some important items of sanitation.

Pasteurization plant requirements: Rhode Island is utilizing the pasteurization plant sanitation requirements contained in the USPHS milk ordinance and code.

Health of cows: Rhode Island regulations require that dairy cattle be free from tuberculosis with no interval specified for testing, and the regulations make no reference to testing for brucellosis. USPHS code specified compliance with USDA programs for tuberculosis and brucellosis control.

Bacterial counts: The Rhode Island bacterial standard for raw milk for pasteurization is 100,000 per milliliter and 25,000 per milliliter after pasteurization. The USPHS code specifies a maximum of 200,000 per milliliter for raw milk for pasteurization and a maximum of 30,000 as delivered to the consumer.

Frequency of inspection and laboratory examinations: Frequency of inspection of farms and plants not specified in Rhode Island regulations. The USPHS code specifies at least one inspection of each farm and each plant every 6 months, with followups on violations. Rhode Island regulations require that four samples be examined of raw and pasteurized milk and cream every 3 months. USPHS code requires laboratory examinations to be performed at a minimum frequency of at least four samples every 6 months for milk and for all types of other milk products sold.

CONNECTICUT

Dairy farm requirements: In general, Connecticut regulations for dairy farms are similar to the requirements of the USPHS code, but lack the specificity contained in the USPHS code. Connecticut farm regulations do not cover several important items of sanitation.

Pasteurization plant requirements: Connecticut plant regulations do not require use of airspace heaters or airspace thermometers on vat pasteurizers to insure proper pasteurization, as does the USPHS code. Several other basic items of plant sanitation, which are spelled out in the USPHS code, are not specified in Connecticut regulations, i.e., proper construction of dairy containers and equipment, and proper construction, protection, and testing of plant water supplies.

Health of cows: Connecticut regulations require that all cows be given annual examinations for tuberculosis and brucellosis. The USPHS code specifies compliance with USDA programs for tuberculosis and brucellosis control.

Bacterial counts: The Connecticut maximum bacterial count standard for raw milk for pasteurization is 300,000 per milliliter. The USPHS code specifies a maximum of 200,000 per milliliter for raw milk pasteurization. The Connecticut maximum bacterial count standard for pasteurized milk is identical with the standard in the USPHS code. The Connecticut regulations do not specify coliform or phosphatase standards, as does the USPHS code. The coliform standard is an index of contamination subsequent to pasteurization, and the phosphatase standard is an index of proper pasteurization.

(NOTE.—In addition to regular pasteurized milk, the Connecticut State Department of Agriculture has promulgated very limited regulations for grade A milk and cream. The maximum bacterial count standard for grade A milk for pasteurization is 100,000 per milliliter and a maximum count of 10,000 per milliliter after pasteurization.)

Frequency of inspections and laboratory examinations: Connecticut regulations state, "the commissioner shall inspect regularly and as frequently as possible the dairy farms and milk plants." The USPHS code specifies at least one inspection of each farm and each plant every 6 months, with followup inspections on violations. Connecticut regulations do not specify the frequency of bacteriological sampling, but merely state that they should be run regularly. The USPHS code requires laboratory examination of all milk and milk products sold, at a minimum frequency of four samples each 6 months.

NEW YORK

Dairy farm requirements: New York farm laws follow generally the basic requirements of the USPHS code; however, they are not as specific as the USPHS code. Two-compartment wash vats, hand-washing facilities and bactericidal rinsing of milkers' hands are not required by New York, but are specified in the USPHS code.

Pasteurized plant requirements: New York regulations omit many important requirements necessary for proper pasteurization of milk and protection of milk from contamination. New York regulations do not require easily cleanable construction of walls and floors, effective screening during fly season, or a separate receiving room for raw milk. The USPHS code is quite specific as regards these requirements.

Health of cows: New York regulations require an annual test for tuberculosis and require all dairy herds to comply with plan A for brucellosis. The USPHS code requires compliance with the USDA programs for tuberculosis and brucellosis control.

Bacterial counts: The bacterial counts specified in the New York regulations for raw milk and pasteurized milk are identical to those contained in USPHS code.

Frequency of inspections and laboratory examinations: New York requires that farms and plants be inspected by industry, initially, and at least annually thereafter. Samples of raw and pasteurized milk are required to be obtained and examined by the processor at intervals of not more than 3 months.

The USPHS code specifies at least one inspection of each farm and each plant every 6 months, with followups on violations; and further requires laboratory examination to be performed at a minimum frequency of at least four samples every 6 months for milk and all other types of milk products sold. USPHS code provides, in the case of raw milk, for acceptance of industry inspections and laboratory examinations only as a supplement to official inspections and examinations. The USPHS code requires inspection of pasteurization plants and laboratory examinations of pasteurized milk to be performed by the official supervisory agency.

NEW JERSEY

Dairy farm requirements: New Jersey farm requirements are not as specific as those contained in the USPHS code, and do not cover many important items of sanitation. Specifics on such matters as milking barn lighting, bactericidal treatment of dairy equipment with chemical sanitizers, temperature of cooling, and proper protection of farm water supplies are not provided for. The USPHS code is quite specific with respect to all of these basic sanitation items.

Pasteurization plant requirements: New Jersey regulations omit many basic items necessary to insure proper pasteurization, such as requirements for indicating and recording thermometers, leak-protector inlet and outlet valves on pasteurization vats, and stops on pasteurization vat outlet valves. These requirements are contained in detail in the USPHS code.

Health of cows: New Jersey regulations do not specifically mention bovine tuberculosis and brucellosis control. They contain a broad requirement that an examination of cows shall be made by a licensed veterinarian of the State or other jurisdiction at least once a year. However, it is known that the State carries on a tuberculosis and brucellosis control program in accordance with the rules and regulations of USDA programs for tuberculosis and brucellosis control. The USPHS code requires compliance with the USDA programs for tuberculosis and brucellosis control.

Bacterial counts: The New Jersey maximum bacterial count standard for raw milk for pasteurization is 150,000 per milliliter in the case of producers shipping milk in cans, and 50,000 per milliliter for producers using bulk milk cooling tanks. The USPHS code specifies 200,000 per milliliter for raw milk for pasteurization, irrespective of the type of equipment used by the producer. The New Jersey maximum bacterial count standard for pasteurized milk is identical to that specified in the USPHS code.

Frequency of inspections and laboratory examinations: The New Jersey regulations do not specify the frequency of inspection of producer dairies and milk plants. The USPHS code requires inspection of both farms and plants initially, and at least once each 6 months thereafter. New Jersey regulations do not contain specific requirements as to the frequency of laboratory examinations. The USPHS code specifies that milk and all other types of milk products shall be examined at least four times each 6-month period.

(NOTE.—In addition to the New Jersey Health Department milk regulations above, the New Jersey State Department of Agriculture has promulgated a voluntary program for New Jersey-produced grade A milk. This milk grading program is elective, and a special inspection fee is charged to those plants who participate. The bacterial count of raw milk before pasteurization is required to be not more than 50,000 per milliliter. After pasteurization, the count is required

to be not more than 10,000 per milliliter. It is reported that only seven or eight dairies in the State participate in this particular program.)

PENNSYLVANIA

Dairy farm requirements: Pennsylvania regulations are quite general as regard basic milk sanitation requirements. On many important items, they lack the specificity contained in the USPHS code. In addition, Pennsylvania regulations do not include specific requirements on cleanliness of floors, walls and ceilings in the milking barn; do not require cow udders, flanks and bellys to be clean at milking time; and do not require facilities for washing of the milker's hands, or even that the milker's hands be clean at the time of milking. Pennsylvania milk regulations are also deficient in that they do not provide for proper construction and protection of farm water supplies used for the cleaning of dairy equipment. This is a serious deficiency as a farm water supply contaminated with domestic sewage or animal wastes can contaminate the milk with disease organisms.

Pasteurization plant requirements: Pennsylvania plant regulations are deficient in many important respects and are not considered equivalent to the pasteurization plant requirements specified in the USPHS code.

Health of cows: Regulations on tuberculosis are quite similar to USPHS code. State achieved a modified certified brucellosis-free status in March 1958.

Bacterial counts: The bacterial counts specified in the Pennsylvania regulations for both raw milk and pasteurized milk are identical to those specified in the USPHS code.

Frequency of inspections and laboratory examinations: Dairy farms are inspected by licensed approved industry inspectors at 6-month intervals. USPHS code requires that the official State or local control agency inspect each dairy farm at least once each 6 months, and if industry inspection of farms is used, such inspections shall be considered a supplement to, and not a substitute for official inspection, and an inspection by the official agency be conducted at least annually. Pennsylvania requires that pasteurization plants be inspected by State or city inspectors at least annually. The USPHS code requires plants to be inspected at least once every 6 months.

Pennsylvania regulations require that raw milk and pasteurized milk be tested monthly. USPHS code requires laboratory examination of all milk and milk products at least four times each 6-month period.

OHIO

Dairy farm requirements: Ohio laws and regulations are broadly written and quite general. They lack specificity with respect to important items of sanitation, such as proper protection of farm water supplies and cooling of milk. The USPHS code provides much more specific coverage.

Pasteurization plant requirements: Ohio plant regulations omit many fundamental items of sanitation necessary to insure proper pasteurization and protection of pasteurized milk against contamination. The USPHS code is quite specific as regards these basic items.

Health of cows: Ohio laws require the removal of cows from the herd if they are known to be afflicted with tuberculosis or brucellosis. USPHS code specifies compliance with the USDA program for tuberculosis and brucellosis control.

Bacterial counts: Ohio regulations are not specific with respect to bacterial count standards for raw milk to be pasteurized, and for pasteurized milk. The USPHS code specifies maximum bacterial counts.

Frequency of inspections and laboratory examinations: Ohio requires the same inspection frequency of both farms and plants as is required by the USPHS code. Ohio regulations require sampling of raw milk and pasteurized milk at the same frequencies as specified in the USPHS code.

(NOTE.—Despite the fact that Ohio has not based its regulations on the USPHS code, 56 counties and 52 municipalities in Ohio have adopted the USPHS code as local regulations. The State of Ohio also actively participates in the voluntary State-USPHS program for the certification of interstate milk shippers, which uses the USPHS code as the basic standard.)

MICHIGAN

Dairy farm requirements: Michigan farm requirements are specific and, for the most part, similar to the requirements of the USPHS code.

Pasteurization plant requirements: Michigan plant requirements lack specificity with respect to many fundamental items of sanitation necessary to insure proper pasteurization and protection of pasteurized milk against contamination. The USPHS code contains detailed requirements relative to such items.

Health of cows: Michigan law requires that all grade A milk come from tuberculosis-free cows as determined by annual testing. Testing for brucellosis is not specifically required by Michigan law; however, State department of agriculture does carry on a brucellosis control program. USPHS code specifies compliance with USDA programs for tuberculosis and brucellosis control.

Bacterial counts: Michigan bacterial count standards for grade A pasteurized milk are identical to that contained in the USPHS code. The maximum bacterial count standard for raw milk for pasteurization in Michigan is 100,000 per milliliter. The USPHS code specifies a maximum of 200,000 per milliliter for raw milk for pasteurization.

Frequency of inspections and laboratory examinations: Michigan law does not specify frequency of inspection for either dairy farms or pasteurization plants. The USPHS code requires inspection of both farms and plants at least once each 6 months. Michigan law requires the examination of monthly samples of raw milk for pasteurization, and the examination of four samples of pasteurized milk each 6 months. USPHS code requires a minimum of four samples each 6 months for both raw milk for pasteurization and pasteurized milk.

TENNESSEE

Dairy farm requirements: Tennessee regulations are very general and are confined to one paragraph defining "insanitary milk." Numerous items are omitted, such as construction and protection of water supplies, adequate cooling of milk, screening of milkhouse, and provision for adequate facilities for washing and bactericidal treatment of milk utensils. All of these items of sanitation are specifically required by the USPHS code.

Pasteurization plant requirements: Tennessee plant regulations are not as specific as those contained in the USPHS code, and are deficient in many fundamental sanitation requirements necessary for the proper pasteurization of milk and the protection of pasteurized milk against contamination.

Health of cows: The Tennessee regulations contain no specifications for control of tuberculosis and brucellosis in dairy cattle. The USPHS code specifies compliance with USDA programs for tuberculosis and brucellosis control.

Bacterial counts: Tennessee law does not contain bacterial count standards for raw milk for pasteurization or for pasteurized milk, as does the USPHS code.

Frequency of inspection and laboratory examinations: The Tennessee regulations specify that inspections shall be made at a frequency "as the commissioner may deem proper" for both farms and plants. The USPHS code requires inspection of both dairy farms and plants prior to the issuance of a permit, and at a minimum of at least once each 6 months thereafter. The Tennessee regulations do not specify the frequency of laboratory examination of milk, as does the USPHS code.

(NOTE.—Despite the fact that Tennessee has not based its regulations on the USPHS code, 12 counties and 79 municipalities in Tennessee have adopted it as the local regulation.)

NORTH DAKOTA

The dairy regulations of North Dakota were found to generally follow the basic milk sanitation requirements as outlined in the USPHS code, but did not contain nearly the degree of specificity as outlined in the code. However, under section 4–1703 of the North Dakota dairy law, the following statement appears, which directs the dairy commissioner to follow the USPHS code in enforcing grade A milk regulations in the State:

"In the enforcement of the regulations regarding grade A milk in chapter 4–18 of the North Dakota Revised Code of 1943, the dairy commissioner shall be guided by the interpretations, not inconsistent with the North Dakota law and regulation, which are contained in the latest edition of the 'Recommended Milk Ordinance and Code of the U.S. Public Health Service,' a certified copy of which shall be on file in this office."

(NOTE.—Even though North Dakota has not adopted the USPHS code, it in effect utilizes the code in the enforcement of its regulations. It should also be noted that 24 counties and 44 municipalities in North Dakota have adopted the USPHS code.)

CALIFORNIA

Dairy farm requirements: California regulations for dairy farms are similar in intent and scope to the USPHS code. California regulations contain specific and detailed construction dimensions for such items as gutters, alleys, curbs, stanchions, and managers. Such degree of specificity is purposely not contained in the USPHS code. California also requires a two-room milkhouse, unless a pipeline milker is in use. The USPHS code provides for the acceptance of a one-room milkhouse.

Pasteurization plant requirements: Pasteurization plant requirements of the California regulations are generally equivalent to those contained in the USPHS code.

Health of cows: California requires tuberculosis examinations of all dairy herds every 2 years and requires conformance to the USDA program for brucellosis control. The USPHS code specifies compliance with USDA programs for both tuberculosis and brucellosis control.

Bacterial counts: The California maximum bacterial standard for raw milk for pasteurization is 75,000 per milliliter, whereas the USPHS code specifies a maximum of 200,000 per milliliter for raw milk for pasteurization. The California bacterial standard for pasteurized milk is 15,000 per milliliter at time of delivery to the consumer, while the USPHS code specifies a maximum of 30,000 per milliliter as delivered to the consumer. California regulations do not provide for a standard for coliform organisms in pasteurized milk, whereas the USPHS code does. The coliform count is an index of milk contamination subsequent to pasteurization.

Frequency of inspections and laboratory examinations: California regulations specify that the dairy farms shall be inspected 6 times per year and that pasteurization plants shall be inspected twice each month. The USPHS code specifies at least one inspection

of each farm and each plant every 6 months, with follow-up inspections on violations.

California regulations provide for laboratory analysis of two pasteurized milk samples twice each month and raw milk samples on a monthly basis. The USPHS code requires laboratory examinations to be performed at a minimum frequency of four samples every 6 months for milk and for all types of other milk products sold.

Important as it is to have adequate standards and regulations, effective, and dependable performance is of even more vital significance from the standpoint of protecting the public health. During the past few years, in the discharge of its official duties, and at the request of State milk sanitation agencies, the USPHS has made ratings of a number of milk supplies in the New England States, New York, and New Jersey. In addition, personnel in several of these States have made ratings and furnished them to the USPHS. The results of these particular ratings are presented below:

Examples of recent average sanitation compliance ratings of pasteurization plants and some producer supplies in Northeast United States [1]

Year and location	Type of rating	Average sanitation compliance rating	Year and location	Type of rating	Average sanitation compliance rating
1960		*Percent*	1961		*Percent*
Metropolitan New York City	2 pasteurization plants	83.0	Eastern Massachusetts	1 pasteurization plant	65.0
Metropolitan Connecticut community	do	70.5	Northern New York	30 producers	86.6
Eastern New Jersey	5 pasteurization plants	81.6	Western Pennsylvania	10 pasteurization plants	82.0
Eastern Massachusetts	3 pasteurization plants	77.6	Eastern Pennsylvania	5 pasteurization plants	68.5
Central Massachusetts	do	87.6	Eastern New Jersey	9 pasteurization plants	59.0
Central Pennsylvania	2 pasteurization plants	80.0	Southern New Jersey	25 producers	77.0

[1] Ratings were made by the U.S. Public Health Service at the request of State milk sanitation agencies and the dairy industry, and in the discharge of its official duties.

Mr. PROXMIRE. Mr. President, the analysis provided by Secretary Freeman conclusively refutes the charge that adoption of the USPHS code would lower milk sanitation standards. In fact milk standards in nearly every city and State in the country are either the same as or lower than the USPHS code.

The few minor exceptions do not provide significantly greater protection for consumers.

I think this entire subject of milk sanitation cannot be fully understood without a brief examination of the history of milk production, processing, and marketing in this country. The fragmentation of milk markets in the United States developed naturally as large quantities of milk were needed in each metropolitan area, at a time when the technology of portable refrigeration and milk handling had not advanced to its present high level. Until quite recently, moving fresh whole milk more than a few miles was virtually impossible. It was difficult enough for the rural farmer to rush his milk, in individual containers to a nearby town, in time to be pasteurized and sold before it began to sour. The sight of a small pickup truck bounding along a country road with milk cans jiggling is a familiar memory to many.

But it is no more than that—a memory. Today, fresh milk moves through pipes, hoses, and tanks to a gleaming glass-cold hermetically sealed tank on a refrigerated truck, which rolls smoothly from farm to city and from city to city. The milk can be delivered a thousand and more miles from its source with absolutely no impairment of quality or purity.

However, sanitation codes in many localities date from the time in the past when efficient refrigerated conveyance of milk was unknown. Today the codes remain as monuments to the obsolete requirements of a vanished era, anachronisms in a new world of reliable refrigeration and rapid transportation.

It should also be observed that the fight for national sanitation and quality control regulation is an old one, which over the years has been waged in one field after another. There was a time when meat inspection was confined to State and local government. It took years of see-sawing arguments to pass the Meat Inspection Act, which finally insured that meat slaughtered and packed anywhere in the country could be safely consumed everywhere. Quite aside from protecting the health of the consumer, this made it possible to establish a national market for meat. Similar developments have occurred in other commodities.

Only in the case of milk is it still considered necessary to maintain local sanitation and inspection procedures dating in many cases from a horse-and-buggy era, when cows had to be kept near the city in order to prevent the milk from spoiling on its way to market.

NATIONAL MILK SANITATION LAW NO THREAT TO LOCAL PRODUCERS

Second. The second broad objection that has been raised against milk sanitation legislation is that it could challenge the established system of Federal markets, and would flood some areas with surplus milk. This is indeed a serious charge. But it should be noted that it is refuted by Senator KEATING himself, when he says:

> Shipping costs are prohibitive, and this factor in itself would prevent milk from traveling all over the country in the way that many proponents suggest it would.

Mr. Phillip Alampi whose brief on milk sanitation the Senator from New York [Mr. KEATING] placed in the RECORD, states:

> The price differential between surplus-milk-producing States, such as Wisconsin and Minnesota, and the northeast importing States, is not sufficient to induce the movement of a permanent supply of milk from the surplus producing areas.

That being the case, one wonders what the fuss is about.

Any unprejudiced observer must agree that barriers to interstate commerce wherever they exist, are wrong, unless they can be clearly shown to be necessary for a specific reason. It should be squarely recognized, therefore, that the opposition to milk sanitation legislation is almost entirely motivated by a fear among some producers in protected markets that milk from more efficient producing areas, like Wisconsin, will flood markets, depress prices, and take established business away.

However, an examination of the facts shows that this is not a sound prediction, as the Senator from New York has already pointed out. The high cost of transportation, which averages $2.18 per hundredweight per 1,000 miles—based on Wisconsin experience—will permanently give local producers an enormous cost advantage. Because they are already established near the ultimate consumer, they will continue to be able to provide milk to the market.

Why then enact national free-milk-flow legislation? The benefits of such a program to the Nation and to the dairy industry mainly lie in the future development of new markets and longrun shifts in population.

We are not trying to take away markets from the farmers who are constituents of the distinguished Senator from New York [Mr. KEATING] or of Senators who come from other sections of the country. We are trying to assure the Nation and the consumers throughout the country that they will have an opportunity to buy sanitary milk—good, clean, wholesome milk—milk which meets the high standard of the U.S. Public Health Service; and that they will be able to procure this milk at competitive prices, prices which have to meet the transportation costs.

The reason this kind of legislation is needed is that cities are developing so rapidly, particularly in the West and in other areas. There is no question that if this action is not taken, the same kind of Balkanized tariffs will be built up in the new markets as we have at the present time.

The present pattern of milk marketing more or less satisfies the milk needs of our present population, as presently distributed. But even now, the high cost of producing milk in some parts of the country makes it desirable to ship milk long distances. Our population is growing rapidly, and, it is clear, unevenly. Some sections are spurting ahead, particularly in the West, where cities are mushrooming and whole new metropolitan centers are being created.

It simply does not make sense for the new population centers of the missile age to enact sanitation codes suited to a model-T generation. A national milk

sanitation law would assure these communities that their milk is pure and wholesome, while sparing them the responsibility of developing codes of their own. There would be no excuse for building up a high-cost, inefficient dairy industry on land far better suited to truck farming, citrus fruits, livestock, timber, or other uses. It is in the national interest that the section of our country which has a comparative advantage in dairying should provide milk to these new markets.

The charge that milk sanitation legislation would disrupt the Federal order program is wholly without foundation. As Secretary Freeman said in his testimony before the House Commerce Committee:

> Federal milk marketing orders, now operating in 80 markets throughout the country, would furnish full protection to producers in those markets against the loss of any justified price and income protection they may now be receiving through trade barriers. Similar protection is available in milk markets that are not now regulated under Federal order if such protection is needed and desired by local producers. This Department has recommended and will continue to support appropriate broadening of the enabling authority which provides for milk marketing orders where such is required to help accomplish the goal of equitable returns to milk producers.

The Department of Agriculture has given evidence of its determination to protect and improve the incomes of dairy farmers through constructive and fair programs. Recent improvements in the price-support program have been of great significance. I share Secretary Freeman's belief that the income objectives of dairy farmers can best be achieved through constructive, orderly programs that are fair to producers and consumers alike, in all parts of the country.

LOCAL MILK CODES DO IN FACT BAR OUTSIDE MILK

Third. The third contention of the opponents of national milk sanitation legislation is that local milk codes are not established to bar outside milk, and that if they do there are adequate legal remedies. This defense of barriers to free milk movement is indeed hollow. Ironically, there are—or were, for they may by now be out of business—dairy farmers in upstate New York who could have cited chapter and verse on how local milk codes do effectively bar outside milk. Certainly there are many Wisconsin farmers producing top quality milk who are fully aware of the many hurdles in the path of the milk producer who wants to ship to certain markets. But it is not necessary merely to conjecture, since the Department of Agriculture has made an intensive study of this problem. In 1955 it published a report on the impact of sanitary requirements on milk marketing. The study described policies affecting the acceptance of milk in all communities in our Nation over 25,000 population having full-time health units. It was published in Marketing Research Report No. 98 by the Agricultural Marketing Service.

Under "Examples of Restrictive Sanitary Regulations," the report states, at page 20:

> By far the most common policy standing in the way of free movement of milk was the refusal of given jurisdiction to accept milk produced or handled under the supervision of other jurisdictions having substantially equivalent sanitary standards. In order to get comprehensive information on this and some other aspects of sanitary regulations, a mail questionnaire was sent to health officers of all urban places of 25,000 or more population having full-time health units.
>
> Out of 312 cities (which replied) 100 refused to accept milk from farms supervised by their own State department of health or agriculture (in many States the State agency does not supervise sanitation on dairy farms); 84 refused to accept milk from farms supervised by some other State (although a given city might accept supervision of one State and reject that of another); 74 refused to accept milk from farms approved by cities not having the standard ordinance; while only 49 refused to accept milk under supervision by cities having the standard ordinance.

The summary and conclusion of the same report states in part:

> Sanitary regulations hinder or prevent the movement of milk into a substantial number of cities. Some markets prohibit outright the entry of milk from beyond specified limits. Others burden such entry by insisting on their own inspection and then delay or refuse to inspect, or levy discriminatory fees. Still other markets differentiate their regulations from those of surrounding areas without apparent necessity.

Regarding the contention that court action will overcome sanitation regulations that act as barriers, Secretary Freeman had this to say:

> Shippers are understandably reluctant to protest publicly against obstructions arising from health ordinances or administrative practices thereof which they might encounter in their efforts to sell milk, for fear of antagonizing or provoking local pressures upon the officials responsible for certifying milk supplies. It should be recognized that these obstructions frequently may serve as hurdles which outside milk suppliers must overcome at considerable cost and inconvenience to themselves, rather than at all times of absolute barriers to any movement of milk. Because these hurdles may be raised or lowered arbitrarily depending upon local market pressures, outside milk shippers are under constraint to avoid jeopardizing the good will in the receiving market area upon which future sales opportunities may depend.

So said Secretary Freeman.

Furthermore, the high cost of court action and the small size of many markets frequently makes it extremely impractical to bring legal suits. Surely it would be better to enact a specific statute establishing once and for all a national standard for sanitation requirements. Such a standard would settle the question clearly, eliminating the need for prolonged and expensive litigation.

Mr. President, it seems to me that argument of Secretary Freeman makes it very clear that there is no adequate recourse in the courts for our dairy farmers, for it is too expensive. If they attempt recourse in the courts, they put themselves in jeopardy as regards any market they may have, because it is very easy for the producing interests in the local community simply to secure the enactment of other sanitary regulations, and then the same procedure has to be followed all over again, at great expense.

Fourth and finally, it is stated that milk sanitation legislation does not have national sponsorship, that it would violate States rights, and that the cost of an inspection program would benefit only Middle Western dairy farmers.

ALL EXPERT SANITATION TESTIMONY SUPPORTS NATIONAL SANITATION LAW

This charge is completely refuted by the testimony at the four sets of hearings on this proposed legislation. The overwhelming preponderance of expert medical, public health, and sanitation testimony received supports enactment of milk sanitation legislation. All of the major national professional associations in the field supported it. Among them were: the Conference of State Sanitary Engineers, represented by Dr. John Andrews, chief, sanitation section, Sanitary Engineering Division, State Board of Health, State of North Carolina; the Association of State and Territorial Health Officers, represented by Dr. Russell E. Teague, commissioner of health, State of Kentucky; the American Public Health Association, represented by Mr. P. Walton Purdom, director, Division of Environmental Health, Community Health Services, Department of Health, City of Philadelphia, Pa.; the U.S. Department of Health, Education, and Welfare, represented by Mr. Ivan Nestingen, Under Secretary; Dr. John D. Faulkner, Chief, and Dr. Robert Anderson, Deputy Chief, and Mr. Max Decker, staff veterinarian, Milk and Food Branch, Public Health Service.

This not only shows that the program has broad national sponsorship; it also demolishes the charge that the cost of paying for the program would benefit only a single economic group. The fact is that national milk sanitation legislation would benefit the entire dairy industry and every consumer in the country.

STATES RIGHTS CHARGE RIDICULOUS

The charge that national milk sanitation legislation would violate States rights hardly needs to be taken seriously. The Constitution of the United States entrusts interstate commerce to the Congress. The vast range of Federal programs affecting interstate commerce provides ample precedent for national milk sanitation legislation.

Far from being a States rights question, this is a question of free interstate commerce. At present the so-called sanitation requirements function as economic trade barriers.

It seems to me that I have shown that beyond any shadow or possibility of doubt. They exclude milk as effectively as a skyscraping tariff or a zero import quota in international trade. They distort trade patterns in the same way that a maze of national regulations made a patchwork quilt of European trade in the 1930's, and have helped create a similar "balkanization" of milk markets in the United States. I am especially surprised

that such eloquent supporters of free international trade as the distinguished junior Senator from New York, Mr. Keating, Governor Rockefeller, of New York, and the distinguished senior Senator from New York, Mr. Javits—leaders in the fight for free international trade—would be advocating restrictions on the free movement of goods in response to supply and demand within the United States.

Mr. President, this morning there appeared in the Wall Street Journal a front page article entitled "Free-Trade Fight—Protectionists Gain, Peril Kennedy's 1962 Bid for More Liberal Law."

The article presents a discussion of how the real fight at the next session of Congress will be over attempts to develop and encourage and extend our free international trade. I am sure that in that fight the Senators from New York will play a leading and eloquent role, as they have in the past, because they have shown that they are champions of free trade. Then, Mr. President, how ridiculous and contradictory it is to have the barriers I have been describing erected against the free flow of trade and commerce within the United States. If there is to be free trade between nations, certainly there should be free trade within our country, with regard to the sale of milk.

FREE TRADE WITHIN UNITED STATES BENEFITS ALL

Mr. President, though historic in origin, the problems caused by fragmented milk markets are very current in their effects. The American marketplace for milk, as for nearly every product, is potentially national in character. The benefits of free trade which accrue to all parties in a transaction and to all citizens of a country are well known. In the present case, the entire Nation would gain if trade in milk could follow the roadmap delineated by the promptings of supply and demand, undistorted by a proliferation of obsolete sanitation and inspection requirements.

Mr. President, people often wonder about the glory of America's international power and achievement. There are many reasons for it, of course. Certainly one of them is that we have this vast, diversified territory and population with completely free trade—except for the flow of milk within it. Certainly one of the great reasons why Western Europe has made its marvelous comeback and why its standard of living is rapidly increasing—perhaps more rapidly than that in any other part of the world—is that tariffs between those countries have been lowered, the Common Market is beginning to work effectively, and the barriers to the free flow of commerce have been reduced, and are on their way to elimination. It seems to me that anyone who believes in practical economic experience, let alone economic theory, certainly should support a law to eliminate arbitrary, unjustifiable barriers to the free flow of a commodity such as milk.

ARBITRARINESS OF PRESENT REGULATIONS

Let me list a few of these arbitrary, superfluous, and whimsical requirements. Some municipalities require a 2-inch outlet valve on bulk-milk coolers. They require it. If the outlet valve is smaller by even a fraction of an inch, the dairy is disqualified. Elsewhere the 1½-inch is standard. Some areas require that milk handling machinery be sterilized by steam and heat, while others demand chemical sterilization. Imagine, Mr. President, the problem faced by a Minnesota or a Wisconsin dairy farmer who wishes to sell his milk in several States. He is able to compete, even despite the great transportation cost; but then he has to choose between heat sterilization and chemical sterilization. Whichever he chooses, he immediately is prohibited from either one market or the other. The same is true as regards the size of pipe he uses. Some cities require that the udder of the cow be wiped with a rag of a certain dimension; others have different standards. The poor dairy farmer is caught in a crossfire of conflicting regulations. With the best will in the world, he is unable to satisfy flatly contradictory requirements.

In the crazy quilt of milk regulations which blankets the country, inspection requirements are among the most discriminatory in their effect. Many cities insist on sending their own public health officials to inspect any dairy facility which handles milk consumed in their area. This may entail a trip of several hundred miles each way frequently at the expense of the dairy farmer. If a farmer has to pay the expenses of sending such an inspector to an area several hundred miles away, it is simply impossible for him to compete. If the farmer ships to several areas, he may be inspected as often 100 times each year, as the sanitation officials from various communities fulfill their varying requirements. This puts an unnecessary and irritating burden on the dairyman; and redundant inspections do not in any way heighten the sanitary level of the final product.

Mr. President, I wish these New York statesmen, including the distinguished junior Senator from New York [Mr. KEATING], could accompany me on a tour of the immaculate, spic-and-span, gleaming milkhouses of Wisconsin dairy farms. I think they would be greatly impressed at the lengths to which our dairy farmers have gone, at great expense to themselves, in providing all the equipment necessary to enable them to meet all proper standards. In our States we have had very strict laws and regulations in effect for many, many years. As I have already pointed out, New York does not require compliance with regard to three of the five U.S. Public Health Service criteria; but our State is far stricter. So Wisconsin goes much further than does New York. Therefore, it is utterly impossible for us to explain to our dairy farmers why in the world their milk should be barred on sanitary grounds from being sold to consumers in other States who want to buy it.

Capricious administration of local codes is another way to discriminate against and exclude out-of-State milk. A municipality may waive its discriminatory milk health ordinance from time to time, when it needs extra milk. When it has enough, it clamps the restrictions back on, with no warning, forcing the trucker to sell his milk at the lower manufacturing price or to cart it back home again.

I want to emphasize again that we already have a fine U.S. Public Health Service milk code. This code serves as a model for all State and local milk sanitation regulations. The enactment of milk sanitation legislation would not require the making of a study of the dairy industry to determine standards of quality and purity. These questions have already been examined and settled by Government scientists. Certainly, continuing research and analysis are essential, to make sure that the Federal standard is the best possible. But in the meanwhile, the charge that the United States Code would not adequately protect all milk consumers everywhere is baseless.

Local sanitary codes could continue to contain provisions differing from the national code. The national milk sanitation bill which I am cosponsoring, together with the senior Senator from Minnesota [Mr. HUMPHREY], who is the principal sponsor, will not force a municipality to bring its own milk purity standards in line with the Federal level.

There may be a special market for a special kind of milk or milk product in a certain area. Certainly this would be permitted.

However, and this is the crux of the matter, no part of the country should be able to exclude milk which meets the U.S. standard of purity and wholesomeness on the grounds of inadequate sanitation. Enactment of a Federal milk sanitation act would prevent the misuse of sanitation regulations as barriers and hurdles against free trade.

At the same time it would establish in law a very useful quality code, which would upgrade milk standards in large areas of the country. Uniform national standards for all food products are the bedrock of quality and purity, and they should not vary from place to place. No consumers anywhere would have their protection reduced; many consumers would benefit from heightened sanitation standards.

CONCLUSION

I conclude by again noting that the sanitation standards which would be put into effect by national milk sanitation legislation are fully adequate to protect all consumers, so that a defense of the existing system must be a defense of trade barriers, actual or potential. These barriers restrain interstate commerce, and thus give effect to a practice which article VIII of our Constitution was intended to prohibit.

My own State of Wisconsin a few years ago passed a grade A law which accomplished on a State basis what passage of a national sanitation act would achieve nationally. This statewide quality and sanitation law has cut redtape, helped the dairy farmer, and assured reliable and unvarying top-quality milk

to all consumers, including those not protected by any previous local regulation. Passage of a National Milk Sanitation Act would bring similar benefits to the entire country.

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

Mr. PROXMIRE. I am delighted to yield to the distinguished Senator from Minnesota, who is, of course, the leading proponent of the legislation and author of the bill.

Mr. HUMPHREY. I thank the Senator. I compliment him upon the courage with which he has delivered his speech this afternoon and the facts he has cited relative to the incredibly foolish and contradictory regulations that are imposed in the name of health which have nothing to do with the regulation of an effective health protection program.

Such regulations are all too often set down, as the Senator has noted, to thwart, impede, or stop altogether the flow of commerce in milk between the States. A National Milk Sanitation Act would in no way harm any farm producer. It would be of benefit to consumers. It would surely eliminate a vast amount of redtape which is presently a part of the innumerable milk codes and local ordinances that relate to the milk industry.

The necessity for a national milk sanitation code is clearly established. With the support of the Secretary of Agriculture, on behalf of the administration, as expressed in testimony before the House of Representatives subcommittee, I am confident we can move ahead to some effective action in this field in the next session of Congress.

I am sure the Senator knows, but I reemphasize, that the Senator from Alabama [Mr. HILL], chairman of the Committee on Labor and Public Welfare, which has jurisdiction over this particular proposed legislation, has assured the senior Senator from Minnesota and my colleague from Minnesota [Mr. MCCARTHY] that we would have a hearing on our bill, of which the Senator from Wisconsin is the chief cosponsor, next January. We shall have an opportunity to present witnesses and have an adequate amount of time to have full discussion of the merits of the legislation.

At that time the opponents can be heard, as well as the proponents. I think it would be very interesting to have the Governor of New York, for example, or any other local or State official who feels these local ordinances are so beneficial, come before the committee and present his point of view, and at the same time be confronted by the point of view of men like the Senator from Wisconsin, the Senator from Minnesota, and others who hold that a National Milk Sanitation Act is in the public interest. I think that is much better than having a duel in the newspapers, because I noticed when the Governor of New York attacked the Secretary of Agriculture recently, he had 3 days of running headlines. Day after day the newspapers carried the headlines, "Rockefeller Criticizes Freeman," "Rockefeller Criticizes President's Farm Program." The Senator from Wisconsin made a statement praising the Secretary of Agriculture and commending the Kennedy farm program.

The Senator from Minnesota did the same thing. We had a better argument for the farmers, but had less copy in the newspapers. It seems that if one can be critical, he gets a better play.

I think the way to settle the question is not to see how much ink we can get, but how much good, wholesome milk the public can get. If there is any place I know of where milk would be of great help, at reasonable prices, it is in some of the great metropolitan areas. The farmers are prepared to produce grade A quality milk, clean, wholesome, nutritious, like what they produce in State after State.

I wish to make clear that the National Milk Sanitation Act would in no way injure the dairy farmers in any State, in New England, New York, Wisconsin, or any other State. The milk marketing orders would still be operative, but those milk marketing orders should not be weighted down by ordinances and rules and regulations relating to health standards when in fact the health standards are not involved because the health standards can be fully protected by national milk health standards such as the Senator from Wisconsin has argued for.

The Senator from Wisconsin has documented his argument well, and I want to compliment him.

Mr. PROXMIRE. I thank the Senator from Minnesota. While I agree that ink in the newspapers is not the way to settle this question I would certainly welcome a national debate on this issue. If the Governor of New York wants to debate the question with the Senator from Minnesota, I think it would be mighty interesting. I think it would be enlightening to the country. And of course we could not lose such a debate. One hundred and eighty million consumers will benefit by the legislation, including 16 million New York consumers, because they will be able to buy milk in a competitive market, the way they should. As the Senator from Minnesota has said, the farmers would not be injured, because the act would apply primarily to new markets as they develop and open up.

Mr. KEATING. Mr. President, the Senator from Wisconsin, who has made such a magnificent defense of an indefensible position, was kind enough to furnish me earlier today with a copy of his remarks.

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

Mr. KEATING. I yield.

Mr. GORE. Would the Senator mind repeating his statement, which I thought attributed to our distinguished friend from Wisconsin an acrobatic agility that I did not know he possessed.

Mr. KEATING. The distinguished Senator probably heard correctly. He knows how agile our friend from Wisconsin is, not only in body, but also in mind, and how he is able to perform physical and also mental gyrations and somersaults. I was merely endeavoring to commend him, first, for the courtesy which he extended to me in furnishing me with a copy of his address, and then his splendid advocacy, which he has evidenced, of a really difficult position—if the Senator from Tennessee likes that description better.

Mr. KEATING. Mr. President, my distinguished colleague from New York is unable to be here today. I know he would wish to respond. He is absent because of the religious holiday. I am informed that he plans to respond at length to the presentation of the Senator from Wisconsin, as I also shall do later. I shall take only a few moments now.

I note that my friend from Wisconsin has taken a leaf from the book written by our distinguished colleague from Minnesota [Mr. HUMPHREY] in his remarks a few moments ago, in which he pointed out the way to get attention in the press was to attack. Such action would get greater attention.

The Senator from Minnesota bemoaned the fact that Governor Rockefeller's attack on the national milk sanitation had received more coverage than did the defense of the Senator from Wisconsin, and so the Senator from Wisconsin has today gone on the attack. He has attacked the Governor of New York State. The Senator from Wisconsin does not challenge Governor Rockefeller, but he makes the prediction that the Governor of New York has forfeited his chances in the Wisconsin presidential primary as a result of his opposition to the proposed Milk Sanitation Act.

I fear that the distinguished Senator from Wisconsin underestimates his own constituents. As has been evidenced by the two fine Senators that they have sent here to us, I suggest that the people of Wisconsin recognize and accept a man for what he is—a man of principle and conviction—and they are not swayed by his position on one subject or another. They respect him for the fact that he speaks out on an issue upon which he deeply believes. That is the reputation of the Senators from Wisconsin.

The Governor of New York has spoken out about the milk standards and his desire to protect the people of New York. He is speaking from conviction and from principle and not for political gain.

The dedication of the Governor of New York to his work and to his Nation needs no defense from me. I suggest that that will mean a great deal more to the people of Wisconsin than the position of the Governor of New York on any one issue.

Whether the Governor of New York will ever get into the Wisconsin primary is a question of complete conjecture. But if, as, and when that event should ever take place, I feel sure that the people of Wisconsin will vote for a man of principle and conviction, as they have shown in voting for the two distinguished Senators who represent that State today. I hope my friend from Wisconsin will revise his opinion of the electorate of the State of Wisconsin and will recognize that that is what the electorate of Wisconsin look to when they select men for public office.

As to the substance of the Senator's remarks, as I have said, I shall have more

to say after I have studied his presentation more thoroughly.

It does seem to me, though, that he is arguing in two or more directions at the same time. I am afraid that this contradictory tendency in his statements will tear his argument to pieces.

He graciously agrees with me that the passage of a so-called National Milk Sanitation Act will have no particular effect on commerce at the present time. He agrees with me that the high cost of transportation will not at present make it economically feasible for dairy farmers of the Middle West to flood their milk into the eastern market.

Yet he says that we must have a National Milk Sanitation Act so that it will be legally possible to do what is not economically feasible, by his own admission. Why pass such an act? The benefits, he says, "lie in the future." Well, then, if we are prudent, we will wait until the future to consider such legislation.

I am glad to see that the Senator does not invoke the pretense that the National Milk Sanitation Act is needed for purposes of sanitation. The purposes are tied to the economic interest of one section of the country, and future economic interests at that.

The difference between us boils down to a difference in philosophy. I respect the distinguished Senator from Wisconsin. He and I sometimes see eye to eye on some matters. However, the Senator from Wisconsin feels that the Federal Government should be permitted to establish regulations in every field where it is possible that this can be done.

The junior Senator from New York feels that Federal regulations are all right, but they should be introduced only where there is clear and present evidence that the State and local authorities cannot handle the job. That is essentially the difference between the Senator from Wisconsin and the Senator from New York.

The crux of the Senator's argument, he says, is that "no part of the country should be able to exclude milk which meets the U.S. standard of purity and wholesomeness on the grounds of inadequate sanitation."

Yet, only a few lines before, if I heard my friend correctly, he said:

> The national milk sanitation bill which I am cosponsoring will not force a municipality to bring its own milk purity standards in line with the Federal level.

It would appear, therefore, that the Senator's bill does not achieve the purpose that he tells us is the crux of his argument. His bill not only does not achieve its economic purpose—it does not even achieve its legal purpose. I am afraid that it may achieve no useful purpose whatever.

As I stated, I will have more to say on this question after I have studied the Senator's argument more thoroughly, but my initial impression is that the Senator's argument has tended to dissolve into a number of competing contentions.

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

Mr. KEATING. For the sake of continuity I ask unanimous consent that these brief remarks may follow the remarks of the Senator from Wisconsin on the subject of milk, and before he got on the subject of unemployment.

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

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

Mr. KEATING. I yield.

Mr. PROXMIRE. Is it not true that the Governor of New York attacked the Secretary of Agriculture? I understood the Senator from New York to say very adroitly that it was the contention of the Senator from Minnesota and the Senator from Wisconsin that the Governor of New York attacked the national milk standards.

Mr. KEATING. What the junior Senator from New York said was that we had heard the Senator from Minnesota bemoan the fact that the Governor of New York had attacked the Milk Sanitation Act and had obtained a great deal of attention that way, and that when the Senator from Wisconsin and the Senator from Minnesota rose to the defense they did not get as much attention as the attacker.

The Senator from Wisconsin apparently has now learned a lesson, so he arose and attacked the Governor of New York. I then rose to the Governor's defense. I concede that out of it all the Senator from Wisconsin will have the headline, "PROXMIRE Attacks Rockefeller." In the last paragraph will be a brief statement that poor little KEATING also got up and said a few good words for Rockefeller. That is the way it goes.

Mr. PROXMIRE. The distinguished Senator from New York is an accomplished master in handling public relations, and is as effective in that as anyone I know. He has a good sense of news, and he handles it beautifully.

Mr. KEATING. I thought we were talking about Governor Rockefeller.

Mr. PROXMIRE. My point is that the Governor of New York attacked a person, attacked the Secretary of Agriculture. That is the way he got his ink, not by attacking the National Milk Sanitation Act. When anyone attacks the Secretary of Agriculture, that is a headline story, especially when the attacker is the Governor of New York.

Mr. KEATING. He attacked the policies of the Secretary of Agriculture.

Mr. PROXMIRE. We are getting a little closer. We are now talking about the policies of the Secretary and the Governor.

Mr. KEATING. The Senator is attacking a speech by the Governor of New York. I will settle for that.

Mr. PROXMIRE. The Senator from New York expressed surprise that the junior Senator from Wisconsin would say that the people of Wisconsin might reject the candidacy of the Governor of New York were he to run in a presidential primary in Wisconsin. He said that the attack on the national milk sanitation standards is a matter of principle and conviction with the Governor of New York. I say it is exactly because Wisconsin people believe in principle, exactly because they admire real conviction, that the people of Wisconsin would feel that would reject a man of the intelligence and understanding and national stature of the Governor of New York, who would oppose the free flow of a commodity like milk within our national borders. This is especially true of a man, who himself is a great advocate of international free trade, but at the same time is leading the fight to keep our great Wisconsin product, milk, from having an opportunity in the future to be sold to whatever Americans want to buy it. Wisconsin citizens are especially concerned since we apply stricter standards of sanitation than New York State requires, according to the documentary proof that I have submitted for the RECORD.

Mr. KEATING. I just do not understand the argument of the distinguished Senator from Wisconsin. I do not understand how he thinks we can distort the Constitution of the United States by allowing the people of Wisconsin to vote for the Governor of New York. Governor Rockefeller is the Governor of New York. He has indicated—he has not announced it yet—that he will be a candidate in 1962. How the Senator from Wisconsin thinks he is going to allow the people of Wisconsin to vote for the Governor of New York is beyond my comprehension.

Mr. PROXMIRE. The Senator from New York knows perfectly well that what I am talking about is the very great likelihood that the Governor of New York will be the Republican candidate for the Presidency in 1964. He is probably now the leading Republican candidate. Washington correspondents have said recently in a widely publicized poll that they rated him as the most likely candidate for President in 1964.

It has been customary for Republican candidates, if they have any opposition for the Republican nomination—perhaps the Governor of New York will not have such competition; perhaps it will not be so attractive a nomination for others to seek, as it has seemed to be in the past—but if he has competition, he will likely be contested in a Wisconsin Republican primary. This has been true of contested nominations in the past. It was true in 1952 and 1948 and 1944. This has very often happened; and the Wisconsin Republican primary has on occasion decided the contest. So the people of Wisconsin would not vote for Governor of New York, but would vote for a candidate for the Presidency. They would vote for or against him in a Wisconsin Republican primary which he might enter in order to advance his candidacy for the Presidency of the United States.

Mr. KEATING. I suggest it would be more appropriate for us to leave it to the Governor of New York to decide whether he wishes to enter the Wisconsin primary in the future for an office other than Governor of New York, rather than to have the question settled on the Senate floor, and particularly, settled by a member of the opposite party.

I cannot understand why the Senator from Wisconsin is seeking to inject the Governor of New York into some Wisconsin primary. Mr. Rockefeller is the Governor of New York. He will be elected again as Governor of New York;

but I do not see how the people of Wisconsin will have anything to do with that, one way or the other.

Mr. PROXMIRE. Does the Senator from New York concede that the Governor of New York may be a candidate for President in 1964?

Mr. KEATING. The Senator from New York has nothing whatever to do with that. The Senator from New York does not speak for the Governor of New York and his political aspirations.

Mr. PROXMIRE. All I am asking is, Does the Senator from New York concede that the Governor of New York may very well be a candidate for President of the United States in 1964?

Mr. KEATING. The Senator from New York does not concede anything—on that subject.

Mr. PROXMIRE. The Senator from Wisconsin will then come to the substance of the discussion. The argument of the Senator from New York is that the Senator from Wisconsin has said that this proposal will not have an immediate economic impact; it may have a future economic impact. The Senator from New York says, in effect, "Let us wait until the future to do something about it."

That is exactly the point. If we wait until the future, then vested interests which seek to protect a particular market will develop. Those vested interests will then prevent Wisconsin milk, which otherwise would have a chance, if it were free to flow into that market and sell freely, from coming in and selling on a competitive basis, because the less efficient dairy industry which develops around cities as they grow and develop will have moved in and taken the market, and will be in a political position to deny Wisconsin farmers the opportunity to sell their milk. This is the position of the Senator from Wisconsin.

Mr. KEATING. The Senator from Wisconsin can admit, if he wishes to, that he is speaking for vested interests. The Senator from New York is unwilling to say that he is speaking for vested interests.

Mr. PROXMIRE. Let me make one final point. I see some now are on different wavelengths. We cannot get beyond the fact that we seem to have different opinions. The Senator from New York, who is a brilliant debater, understands that the argument of the Senator from Wisconsin, however feeble his effort to present it, is really devastating. There is no answer to it.

Mr. KEATING. I told the Senator from Wisconsin that his argument would be answered at length before this session ends. His argument does not need demolishing by New York. The Senator from Wisconsin has demolished his own argument, because he is arguing on two diametrically opposite points of fact, as I have stated.

Mr. PROXMIRE. The last point I understood the Senator from New York to make was that the State and local people should be allowed to make whatever regulations they please, and that the National Government should not enter into the picture, because it is a matter of constitutional right. Generally, I would agree that there should be such State and local autonomy; that decisions should be made at the local level wherever possible. However, I say that so far as standards for food are concerned, there is absolutely no precedent; there is no example.

There were instances years ago when local standards were applied to prevent meat which was slaughtered or proccessed or grown in some other area from moving freely throughout the country. That has been done away with.

Milk is the only product remaining as to which local persons may make sanitary standards to prevent a product of equal sanitary quality from coming in and competing. It is strictly an artificial tariff barrier, and the Senator from New York knows that perfectly well.

Mr. KEATING. I do not know about other sections of the country, but the health of the citizens of New York has not been impaired by their present health regulations. I disagree with the Senator from Wisconsin that proposed national sanitary regulations are better. I believe New York's health code is better. The Senator himself has picked out three or four States whose health codes are equal. In one of them it is superior.

I shall document that right down the line, with all the regulations. They are not little, minor matters, such as the Senator refers to in an effort to make some of the other codes seem ridiculous.

The citizens of New York are protected by health codes set up by the State of New York to look after their health. I have not heard that in other areas of the country there has been any great wave of contagion or infection, or anything else, resulting from the drinking of milk. I think the Senator from Wisconsin is doing a disservice to the milk industry by spreading the idea that it is necessary to have a national standard in order to protect the health of the people. People will stop drinking milk if the Senator from Wisconsin continues to make that argument. They simply will not drink milk. Then both the Senator from Wisconsin and the Senator from New York will be shy constituents, because they will turn to some other State and go into mining or cattle raising, or some other business.

Mr. PROXMIRE. The Senator from New York knows that exactly the opposite is true. The Senator from Wisconsin has been saying what the people of Wisconsin have said all along: Our milk is perfectly clean and pure. It can be sold elsewhere. It is the barrier against the sanitary quality of our milk which is preventing it from moving elsewhere. What I have shown on the floor of the Senate today is that based on five criteria—there are no other criteria of any significance—on all five criteria published with reference to standards, National Public Health Service standards are at least equal to, and in three of the five are superior to the requirements in the New York State Code. Under those circumstances, it seems to me there is no real sanitation reason to prevent Wisconsin milk which conforms to National PHS standards from moving into New York. I am not attacking the quality of New York's milk. It is perfectly adequate, I am sure; I have drunk it before.

Mr. KEATING. And the Senator from Wisconsin is alive.

Mr. PROXMIRE. Alive and healthy.

Mr. KEATING. Good. That is fine. I am happy.

Mr. PROXMIRE. So is the Senator from New York.

The argument with respect to sanitation is irrelevant, except that the sanitation barrier prevents Wisconsin milk from moving elsewhere and being sold to people whose concern is getting healthful milk at adequate prices on a competitive basis.

I thank the Senator from New York very much for his patience. I have enjoyed the debate.

Mr. KEATING. I have enjoyed it, too. I hope that neither of us, by his remarks, has injured the milk industry in any way. That would be disastrous, because I feel certain the Senator from Wisconsin joins with the Senator from New York in enjoying a good glass of wholesome, pure milk from the finest cows, such as are produced in New York State. I would concede that Wisconsin is perhaps second to New York in that regard.

I am very happy I have had this opportunity to discuss the subject briefly; but we shall take it up later, in more detail, if that is agreeable to the Senator from Wisconsin.

Mr. PROXMIRE. I agree with the Senator, except to say that New York is not far behind Wisconsin in the purity and wholesomeness of its milk.

Mr. KEATING. With one exception, this is a fine note of harmony on which we close this debate.

MESSAGE FROM THE HOUSE

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

S. 302. An act to amend the act of June 22, 1948, as amended, relating to certain areas within the Superior National Forest, in the State of Minnesota, and for other purposes;

S. 558. An act to amend the acts of March 3, 1901, and June 28, 1944, so as to exempt the District of Columbia from paying fees in any of the courts of the District of Columbia;

S. 564. An act to provide for apportioning the expense of maintaining and operating the Woodrow Wilson Memorial Bridge over the Potomac River from Jones Point, Va., to Maryland;

S. 2397. An act authorizing the National Capital Transportation Agency to carry out part 1 of its transit development program and to further the objectives of the act approved July 14, 1960 (74 Stat. 537);

S. 2476. An act to amend section 207 of the Military Construction Act of 1960 in order to clarify the authority granted under such section to the Secretary of the Navy to exchange certain lands owned by the United States for lands owned by the State of Oregon; and

S.J. Res. 51. Joint resolution authorizing the creation of a commission to consider

and formulate plans for the construction in the District of Columbia of an appropriate permanent memorial to the memory of Woodrow Wilson.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 2181) for the relief of Kim Dom Yong.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4317) to amend the Internal Revenue Code of 1954 and incorporate therein provisions for the payment of annuities to widows and certain dependents of the judges of the Tax Court of the United States.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4998) to assist in expanding and improving community facilities and services for the health care of aged and other persons, and for other purposes.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 4750) to amend section 6(a) of the Virgin Islands Corporation Act; asked a conference with the Senate on the disagreeing votes of the two House thereon, and that Mr. O'BRIEN of New York, Mr. ROGERS of Texas, Mr. HALEY, Mr. SAYLOR, and Mr. KYL were appointed managers on the part of the House at the conference.

The message also announced that Mr. HUDDLESTON had been appointed a manager on the part of the House at the conference of the two Houses on the bill (H.R. 5968) to amend the District of Columbia Unemployment Compensation Act, as amended, vice Mr. ABERNETHY, excused.

ENROLLED BILLS SIGNED

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

H.R. 2279. An act to provide for the withdrawal from the public domain of certain lands in the Granite Creek area, Alaska, for use by the Department of the Army at Fort Greely, Alaska, and for other purposes; and

H.R. 8302. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1962, and for other purposes.

UNEMPLOYMENT

Mr. PROXMIRE. Mr. President, I have only a few more items for the RECORD. Mr. President, the Reader's Digest recently published an article by Mr. James Daniel entitled, "Let's Look at Those Alarming Unemployment Figures."

This was an article attacking the Bureau of Labor Statistics as being inaccurate, and "loaded" the results on the side of unemployment.

There have been a number of replies which I have put into the RECORD already, but I now wish to put into the RECORD a reply which comes from the economist of the Ford Division of the Ford Motor Co. This man happens to be the chairman of the Federal Statistical Users Conference. He is a distinguished, able businessman and economist, and is of course a representative of one of the biggest companies in the country. He deplores this attack on the Bureau of Labor Statistics.

I ask unanimous consent that the fine letter from Mr. R. J. Eggert, addressed to Mr. DeWitt Wallace, editor, the Reader's Digest, may be printed in the RECORD at this point.

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

SEPTEMBER 15, 1961.

Mr. DEWITT WALLACE,
Editor, The Reader's Digest,
Pleasantville, N.Y.

DEAR MR. WALLACE: I wish to refer to an article entitled "Let's Look at Those Alarming Unemployment Figures," by James Daniel which appears in the Reader's Digest for September 1961.

Am glad to see Reader's Digest devoting attention to these important data. Many of our important economic indicators are inadequate and articles in magazines like Reader's Digest can be of tremendous significance in bringing about needed improvements.

Unfortunately, this particular article contains an unwarranted attack on the integrity of the present unemployment statistics and on the Bureau of Labor Statistics which produces them. I am concerned about this because it may have the effect of diverting attention from needed improvements by suggesting that the fault lies with "statistics jugglers" in BLS.

The Federal Statistics Users' Conference is an organization of over 150 business firms, farm organizations, labor unions, and nonprofit research organizations which use Federal statistics and are interested in their improvement. We have long been aware that the various statistical series on employment and unemployment are not adequate to meet today's needs. As long ago as the spring of 1959, FSUC held a special conference on employment and unemployment statistics to encourage BLS to improve both the timeliness and usefulness of its monthly releases.

This special conference as well as more recent round-table discussions at FSUC annual meetings and the work of FSUC's Committee on Long Range Improvements in Federal Statistics revealed a broad concern with existing information on employment and unemployment. As users of Federal statistics, we found that BLS officials were aware of inadequacies in present figures and that they had definite proposals for dealing with some of them.

We have every confidence in the integrity of Mr. Clague and his professional staff and in the objective character of the figures they put out. We have confidence that they do the best they can with the resources they have available and within the limitations of human knowledge.

We know that the figures they release can be improved but we are convinced that any shortcomings are not due to incompetence or to willful mishandling of data. Specifically, we do not believe that there is any basis for charging that "the claimed rise in unemployment from recession to recession has, to a large extent, been engineered." The concepts and definitions used in the figures on employment and unemployment have been generally accepted as reasonable and workable. The "study in depth" to which Mr. Daniel refers does not in any way constitute a "long overdue reform of the Government's method of reporting unemployment." Rather it aims at sharpening our understanding of the nature and significance of the unemployment problem by providing additional information on the characteristics of the unemployed. FSUC gave full support to this needed and worthwhile improvement to existing information.

As chairman of FSUC I welcome your efforts to focus public attention on the need for better unemployment statistics, but I regret that the tone of parts of Mr. Daniel's article may divert attention from the real problems involved by unfortunate and unjustified reflections of the integrity of the present figures, the Bureau of Labor Statistics and its personnel.

Sincerely yours,

R. J. EGGERT,
Chairman, Federal Statistical Users' Conference, Economist, Ford Division, Ford Motor Co.

JEROME J. O'BRIEN, HEAD OF OFFICE OF OIL AND GAS

Mr. PROXMIRE. Mr. President, recently I indicated my opposition to the appointment of Mr. Jerome J. O'Brien to be head of the Office of Oil and Gas on the grounds that he is one of a long list of primarily Texas oil people appointed to positions of great power in the oil regulatory side of the Government.

In order to document that case more fully I ask unanimous consent to have printed in the RECORD an article from the Oil and Gas Journal of September 4, 1961, indicating the identification of Mr. O'Brien, virtually all of his life, with the industry he is now charged with regulating.

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

O'BRIEN WILL HEAD OFFICE OF OIL AND GAS

Jerome J. (Jerry) O'Brien, a California-Texas oilman who is well known in producer circles, is to be the new Director of Interior Department's Office of Oil and Gas.

The announcement will be made this week by Interior Secretary Stewart L. Udall.

O'Brien, 54, is a former president of the Texas Independent Producers & Royalty Owners Association (1957–58) and a former member of several committees of the Independent Petroleum Association of America.

He was also a director of Mid-Continent Oil & Gas Association, and has appeared before several congressional committees during hearings on percentage depletion and import controls.

It is understood that O'Brien helped draft proposed legislation in 1958 that would have provided for governmental auctioning of import quotas.

His career in recent years has been with the Monterey Oil Co. of Los Angeles, although he is now living in Midland as an area superintendent for Humble Oil & Refining Co., which bought Monterey last April.

He was president of Monterey Exploration Co. from 1951 to 1955, when that firm was merged with the parent company, Monterey Oil Co. He then became vice president of the latter company, and manager of its Mid-Continent division.

BACKGROUND

O'Brien was born in Nebraska in 1906, the youngest of nine children. He attended

high school and 1 year of college there before going to California to attend the University of Southern California at Los Angeles.

It was while he was at UCLA that he got his first oil experience. He worked as a service station manager for Standard Oil Co. of California while he was in school.

After getting his bachelor of arts degree at UCLA in 1932, he studied petroleum engineering for 2 years at the University of Southern California.

He had some fill-in jobs with a mining company and as a surveyor before he landed a job in 1935 with Sunset Oil Co. as a rotary helper at Huntington Beach.

He continued with Sunset until 1941, and was chief geologist when he resigned to go into partnership with George H. McCarthy, forming the Shamrock Drilling Co. in Los Angeles. A couple of years later the partnership became a corporation—on St. Patrick's Day, naturally.

In 1948, O'Brien went to Texas as manager of Mid-Continent operations for Jergins Oil Co., although he retained part ownership of Shamrock until 1952.

He was with Jergins and its successor, Monterey Exploration Co., and Monterey Oil Co. from that time on.

HIS VIEWS

O'Brien is a strong advocate of the oil import control programs. He thinks it has been a lifesaver for independent producers, although he fears the controls have not been entirely successful.

O'Brien also has long been an advocate of decontrol of natural gas producers from direct Federal controls of a utility type.

He does not see anything wrong with the proposed fuels policy study, if it is fair and impartial. In fact, the oil industry may benefit from such a study, he says.

HIS ASSIGNMENT

Interior officials, including Secretary Udall and Assistant Secretary John M. Kelly, want to upgrade the Office of Oil and Gas. Therefore, O'Brien will be moving into the job as Director at a time when renewed emphasis is being put on the agency.

Both Udall and Kelly feel that OOG should be the focal point for Government oil operations, serving not only as a link with the industry but as a link between various Government departments.

Kelly also thinks that OOG needs to be an increasingly important source of information for facts and figures on international oil conditions, so it can be of greater use to Government oil officials in handling international oil problems.

The directorship has been open since Capt. M. V. Carson resigned April 1. Frederick Lott, an Assistant Director under Carson, has been Acting Director.

Carson, who also retired from the Navy this year, is now with Sinclair Oil Corp. He had held the directorship since April 1958.

SYMBOLS AND POLITICAL QUIESCENCE

Mr. PROXMIRE. Mr. President, apropos of the same issue, I have an article written by Murray Edelman of the University of Illinois entitled "Symbols and Political Quiescence."

The gist of the article written by Mr. Edelman is that there is a tendency for politicians to recognize that the public favors symbols of protection. For instance, the people favor governmental enactment or symbols which prohibit monopoly, but the "boys" who are really interested in the consequences of the administration and the act know how to get around the law in all kinds of ways.

I read briefly from the article:

Monopoly and economic concentration, antitrust policy, public utility regulation, banking controls, and curbs on management and labor are themes that party professionals regard as good for votes in one campaign after another, and doubtless with good reason. They know that these are areas in which concern is easily stirred. In evaluating allegations that the public has lost interest in these policies the politician has only to ask himself how much apathy would remain if an effort were made formally to repeal the antitrust, public utility, banking, or labor laws. The answers and the point become clear at once.

The laws may be repealed in effect by administrative policy, budgetary starvation, or other little publicized means; but the laws as symbols must stand because they satisfy interests that are very strong indeed: interests that politicians fear will be expressed actively if a large number of voters are led to believe that their shield against a threat has been removed.

Mr. Edelman goes on to say:

The groups that succeed in using official agencies as instrumentalities to gain the resources they want are invariably organized so as to procure and analyze pertinent information and then act rationally. Most voters affected by the regulatory policy are certain on the other hand to secure distorted information, inadequate for intelligent planning of tactics or strategy.

Mr. President, this is such an enlightening, if somewhat profound, article that I ask unanimous consent to have the entire article entitled, "Symbols and Political Quiescence," printed in the RECORD.

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

SYMBOLS AND POLITICAL QUIESCENCE

(By Murray Edelman)

Few forms of explanation of political phenomena are more common than the assertion that the success of some group was facilitated by the apathy of other groups with opposing interests. If apathy is not an observable phenomenon in a political context because it connotes an individual's mental state, quiescence is observable. It is the purpose of this paper to specify some conditions associated with political quiescence in the formation of business regulation policies. Although the same general conditions are apparently applicable to the formation of public policies in any area, the argument and the examples used here focus upon the field of government regulation of business in order to make the paper manageable and to permit more intensive treatment.

Political quiescence toward a policy area can be assumed to be a function either of lack of interest—whether it is simple indifference or stems rather from a sense of futility about the practical prospects of securing obviously desirable changes—or of the satisfaction of whatever interest the quiescent group may have in the policy in question. Our concern here is with the forms of satisfaction. In analyzing the various means by which it can come to pass, the following discussion distinguishes between interests in resources (whether goods or freedoms to act) and interests in symbols connoting the suppression of threats to the group in question. Few political scientists would doubt, on the basis of commonsense evidence, that public policies have value to interested groups both as symbols and as instruments for the allocation of more tangible values. The political process has been much less thoroughly studied as a purveyor of symbols, however; and there is a good deal of evidence, to be presented below, that symbols are a more central component of the process than is commonly recognized in political scientists' explicit or implicit models.[1]

Three related hypotheses will be considered:

1. The interests of organized groups in tangible resources or in substantive power are less easily satiable than are interests in symbolic reassurance.

2. Necessary conditions associated with the occurrence of the latter type of interest are:

(a) The existence of economic conditions in some measure threatening the security of a large group.

(b) The absence of organization for the purpose of furthering the common interest of that group.

(c) Widespread political responses suggesting the prevalence of inaccurate, oversimplified, and distorted perceptions of the issue.

3. The pattern of political activity represented by lack of organization, distorted perception, interests in symbolic reassurance, and quiescence is a key element in the ability of organized groups to use political agencies in order to make good their claims on tangible resources and power, thus continuing the threat to the unorganized.

Available evidence bearing on these hypotheses will be marshaled as follows. First, some widely accepted propositions regarding group claims, quiescence, and techniques for satisfying group interests in governmental regulation of business will be summarized. Next, some pertinent experimental and empirical findings of other disciplines will be considered. Finally the paper will explore the possibility of integrating the various findings and applying them to the propositions listed above.

I

If the regulatory process is examined in terms of a divergence between political and legal promises on the one hand and resource allocations and group reactions on the other hand, the largely symbolic character of the entire process becomes apparent. What do the studies of government regulation of business tell us of the role and functions of that amorphous group who have an interest in these policies in the sense that they are affected by them, but who are not rationally organized to pursue their interest? The following generalizations would probably be accepted by most students, perhaps with occasional changes of emphasis:

1. Tangible resources and benefits are frequently not distributed to unorganized political group interests as promised in regulatory statutes and the propaganda attending their enactment.

This is not true of legal fictions, but rather of the values held out to—or demanded by—groups which regard themselves as disadvantaged and which presumably anticipate benefits from a regulatory policy. There is virtually unanimous agreement among students of the antitrust laws, the Clayton and Federal Trade Commission Acts, the Interstate Commerce Acts, the public utility statutes and the right-to-work laws, for example, that through much of the history of their administration these statutes have been ineffective in the sense that many of the values they promised have not in fact been realized. The story has not been uniform, of course; but the general point hardly needs detailed documentation at this late date. Herring,[2]

[1] Harold Lasswell is a major exception, and some of his contributions will be noted.

[2] E. Pendleton Herring, "Public Administration and the Public Interest" (New York, 1936), p. 213.

Leiserson,[3] Truman,[4] and Bernstein [5] all conclude that few regulatory policies have been pursued unless they proved acceptable to the regulated groups or served the interests of these groups. Within the past decade Redford,[6] Bernstein [7] and others have offered a life cycle theory of regulatory history, showing a more or less regular pattern of loss of vigor by regulatory agencies. For purposes of the present argument it need not be assumed that this always happens but only that it frequently happens in important cases.[8]

(2) When it does happen, the deprived groups often display little tendency to protest or to assert their awareness of the deprivation.

The fervent display of public wrath, or enthusiasm, in the course of the initial legislative attack on forces seen as threatening "the little man" is a common American spectacle. It is about as predictable as the subsequent lapse of the same fervor. Again, it does not always occur, but it happens often enough to call for thorough explanation. The leading students of regulatory processes have all remarked upon it; but most of these scholars, who ordinarily display a close regard for rigor and full exploration, dismiss this highly significant political behavior rather casually. Thus, Redford declares that, "In the course of time the administrator finds that the initial public drive and congressional sentiment behind his directive has wilted and that political support for change from the existing pattern is lacking." [9]

[3] Avery Leiserson, "Administrative Regulation: A Study in Representation of Interests" (Chicago: The University of Chicago Press, 1942), p. 14.

[4] David Truman, "The Governmental Process" (New York, 1951), ch. 5.

[5] Marver Bernstein, "Regulating Business by Independent Commissions" (New York: Princeton University Press, 1955), ch. 3.

[6] Emmette S. Redford, "Administration of National Economic Control" (New York, 1952), pp. 385–386.

[7] Op. cit., note 5 above.

[8] In addition to the statements in these analytical treatments of the administrative process, evidence for the proposition that regulatory statutes often fail to have their promised consequences in terms of resource allocation are found in general studies of Government regulation of business and in empirical research on particular statutes. As an example of the former see Clair Wilcox, "Public Policies Toward Business" (Chicago, 1955). As examples of the latter see Frederic Meyers, "Right to Work in Practice" (New York: Fund for the Republic, 1959); Walton Hamilton and Irene Till, "Antitrust in Action," TNEC Monograph 16 (Washington: GPO, 1940).

[9] Redford, op. cit., p. 383. Similar explanations appear in Herring, op. cit., p. 227, and Bernstein, op. cit., pp. 82–83. Some writers have briefly suggested more rigorous explanations, consistent with the hypotheses discussed in this paper, though they do not consider the possible role of interests in symbolic reassurance. Thus Truman calls attention to organizational factors, emphasizing the ineffectiveness of interest groups "whose interactions on the basis of the interest are not sufficiently frequent or stabilized to produce an intervening organization and whose multiple memberships, on the same account, are a constant threat to the strength of the claim." Truman, op. cit., p. 441. Multiple group memberships are, of course, characteristic of individuals in all organizations, stable and unstable; and "infrequent interactions" is a phenomenon that itself calls for explanation if a common interest is recognized. Bernstein, loc. cit., refers to the "undramatic nature" of administration and to the assumption that the administrative agency will protect the public.

Although the presumed beneficiaries of regulatory legislation often show little or no concern with its failure to protect them, they are nevertheless assumed to constitute a potential base of political support for the retention of these statutes in the lawbooks. The professional politician is probably quite correct when he acts on the assumption that his advocacy of this regulatory legislation, in principle, is a widely popular move, even though actual resource allocations inconsistent with the promise of the statutes are met with quiescence. These responses (support of the statute; apathy toward failure to allocate resources as the statute promises) define the meanings of the law so far as the presumed beneficiaries are concerned.[10] It is the frequent inconsistency between the two types of response that is puzzling.

3. The most intensive dissemination of symbols commonly attends the enactment of legislation which is most meaningless in its effects upon resource allocation. In the legislative history of particular regulatory statutes the provisions least significant for resource allocation are most widely publicized and the most significant provisions are least widely publicized.

The statutes listed under proposition 1 as having promised something substantially different from what was delivered are also the ones which have been most intensively publicized as symbolizing protection of widely shared interests. Trustbusting, "Labor's Magna Carta" (the Clayton Act), protection against price discrimination and deceptive trade practices, protection against excessive public utility charges, tight control of union bureaucracies (or, by other groups, the "slave-labor law"), Federal income taxation according to "ability to pay," are the terms and symbols widely disseminated to the public as descriptive of much of the leading Federal and State regulation of the last seven decades, and they are precisely the descriptions shown by careful students to be most misleading. Nor is it any less misleading if one quotes the exact language of the most widely publicized specific provisions of these laws: Section 1 of the Sherman Act, sections 6 and 20 of the Clayton Act, or the closed shop, secondary boycott, or emergency strike provisions of Taft-Hartley, for example. In none of these instances would a reading of either the text of the statutory provision or the attendant claims and publicity enable an observer to predict even the direction of future regulatory policy, let alone its precise objectives.

Other features of these statutes also stand as the symbols of threats stalemated, if not checkmated, by the forces of right and justice. Typically, a preamble (which does not pretend to be more than symbolic, even in legal theory) includes strong assurances that the public or the public interest will be protected. And the most widely publicized regulatory provisions always include other nonoperational standards connoting fairness, balance, or equity.

If one asks, on the other hand, for examples of changes in resource allocations that have been influenced substantially and directly by public policy, it quickly appears that the outstanding examples have been publicized relatively little. One thinks of such legislation as the silver purchase provisions; the court definitions of the word "lawful" in the Clayton Act's labor sections; the procedural provisions of Taft-Hartley and the Railway Labor Act; the severe postwar cuts in Grazing Service appropriations; and changes in the parity formula requiring that such items as interest, taxes, freight rates, and wages be included as components of the index of prices paid by farmers.

[10] Cf. the discussion of meaning in George Herbert Mead, "Mind, Self and Society" (Chicago: University of Chicago Press, 1934), pp. 78–79.

Illuminating descriptions of the operational meaning of statutory mandates are found in Truman's study and in Earl Latham's "The Group Basis of Politics." [11] Both emphasize the importance of contending groups and organizations in day-to-day decisionmaking as the dynamic element in policy formation; and both distinguish this element from statutory language as such.[12]

We are only beginning to get some serious studies of the familiarity of voters with current public issues and of the intensity of their feelings about issues; but successful political professionals have evidently long acted on the assumption that there is in fact relatively little familiarity, that expressions of deep concern are rare, that quiescence is common, and that, in general, the Congressman can count upon stereotyped reactions rather than persistent, organized pursuit of material interests on the part of most constituents.[13]

4. Policies severely denying resources to large numbers of people can be pursued indefinitely without serious controversy.

The silver purchase policy, the farm policy, and a great many other subsidies are obvious examples. The antitrust laws, utility regulations, and other statutes ostensibly intended to protect the small operator or the consumer are less obvious examples; though there is ample evidence, some of it cited below, that these usually support the proposition as well.

The Federal income tax law offers a rather neat example of the divergence between a widely publicized symbol and actual resource allocation patterns. The historic constitutional struggle leading up to the 16th amendment, the warm defenses of the principle of ability to pay, and the frequent attacks upon the principle through such widely discussed proposals as that for a 25-percent limit on rates have made the Federal tax law a major symbol of justice. While the fervent rhetoric from both sides turns upon the symbol of a progressive tax and bolsters the assumption that the system is highly progressive, the bite of the law into people's resources depends upon quite other provisions and activities that are little publicized and that often seriously qualify its progressive character. Special tax treatments arise from such devices as family partnerships, gifts inter vivos, income-splitting, multiple trusts, percentage depletion, and deferred compensation.

Tax evasion alone goes far toward making the symbol of "ability to pay" hollow semantically though potent symbolically. While 95 percent of income from wages and salaries is taxed as provided by law, taxes are actually collected on only 67 percent of taxable income from interest, dividends, and fiduciary investments and on only about 36 percent of taxable farm income.[14] By and large, the recipients of larger incomes can most easily benefit from exemptions, avoidances and evasions. This may be desirable public policy, but it certainly marks a disparity between symbol and effect upon resources.

[11] Truman, op. cit., pp. 439–446; Earl Latham, "The Group Basis of Politics" (Ithaca: Cornell University Press, 1952), ch. 1.

[12] The writer has explored this effect in labor legislation in "Interest Representation and Labor Law Administration," Labor Law Journal, vol. 9 (1958), pp. 218–226.

[13] Evidence for these propositions is contained in the writer's study of congressional representation, still not completed or published. See also Lewis A. Dexter, "Candidates Must Make the Issues and Give Them Meaning," Public Opinion Quarterly, vol. 10 (1955–56), pp. 408–414.

[14] Randolph E. Paul, "Erosion of the Tax Base and Rate Structure," in Joint Committee on the Economic Report, "Federal Tax Policy for Economic Growth and Stability," 84th Cong., 1st sess., 1955, pp. 123–138.

II

These phenomena are significant for the study of the political process for two reasons. First, there is a substantial degree of consistency in the group interest patterns associated with policies on highly diverse subject matters. Second, they suggest that nonrational reaction to symbols among people sharing a common governmental interest is a key element in the process. The disciplines of sociology, social psychology, and semantics have produced some pertinent data on the second point; and to some of this material we turn next.

Harold Lasswell wrote three decades ago that "politics is the process by which the irrational bases of society are brought out into the open." He marshaled some support in case studies for several propositions that have since been confirmed with richer and more direct experimental evidence. "The rational and dialectical phases of politics," he said, "are subsidiary to the process of redefining an emotional consensus." He argued that "widespread and disturbing changes in the life situation of many members of society" produce adjustment problems which are resolved largely through symbolization; and he suggested that "political demands probably bear but a limited relevance to social needs." [15]

The frame of reference suggested by these statements is sometimes accepted by political scientists today when they study voting behavior and when they analyze the legislative process. Its bearing on policy formation in the administrative process is not so widely recognized. It is true that cognition and rationality are central to administrative procedures to a degree not true of legislation or voting. But this is not at all the same thing as saying that administrative policies or administrative politics are necessarily insulated from the "process of redefining an emotional consensus."

Let us consider now some experimental findings and conclusions specifying conditions under which groups or personality types are prone to respond strongly to symbolic appeals and to distort or ignore reality in a fashion that can be politically significant.

1. People read their own meanings into situations that are unclear or provocative of emotion. As phrased by Fensterheim, "The less well defined the stimulus situation, or the more emotionally laden, the greater will be the contribution of the perceiver." [16] This proposition is no longer doubted by psychologists. It is the justification for so-called projective techniques and is supported by a great deal of experimental evidence.

Now it is precisely in emotionally laden and poorly defined situations that the most widely and loudly publicized public regulatory policies are launched and administered. If, as we have every reason to suppose, there is little cognitive familiarity with issues, the "interest" of most of the public is likely to be a function of other sociopsychological factors. What these other factors are is suggested by certain additional findings.

2. It is characteristic of large numbers of people in our society that they see and think in terms of stereotypes, personalization, and oversimplifications; that they cannot recognize or tolerate ambiguous and complex situations; and that they accordingly respond chiefly to symbols that oversimplify and distort. This form of behavior (together with other characteristics less relevant to the political process) is especially likely to occur where there is insecurity occasioned by failure to adjust to real or perceived problems.[17] Frenkel-Brunswik has noted that "such objective factors as economic conditions" may contribute to the appearance of the syndrome, and hence to its importance as a widespread group phenomenon attending the formulation of public policy.[18] Such behavior is sufficiently persistent and widespread to be politically significant only when there is social reinforcement of faith in the symbol. When insecurity is individual, without communication and reinforcement from others, there is little correlation with ethnocentricity or its characteristics.[19]

A different kind of study suggests the extent to which reality can become irrelevant for persons very strongly committed to an emotion-satisfying symbol. Festinger and his associates, as participant-observers, studied a group of 15 persons who were persuaded that the world would come to an end on a particular day in 1956 and that they as believers would be carried away in a flying saucer. With few exceptions the participants refused to give up their belief even after the appointed day had passed. The Festinger study concludes that commitment to a belief is likely to be strengthened and reaffirmed in the face of clear disproof of its validity where there is a strong prior commitment (many of the individuals involved had actually given away their worldly goods) and where there is continuing social support of the commitment by others (two members who lost faith lived in environments in which they had no further contact with fellow members of the group; those who retained their faith had continued to see each other). What we know of previous messianic movements of this sort supports this hypothesis.[20]

(3) Emotional commitment to a symbol is associated with contentment and quiescence regarding problems that would otherwise arouse concern.

It is a striking fact that this effect has been noticed and stressed by careful observers in a number of disparate fields, using quite different data and methods. Adorno reports it as an important finding of the authoritarian personality study:

"Since political and economic events make themselves felt apparently down to the most private and intimate realms of the individual, there is reliance upon stereotype and similar avoidances of reality to alleviate psychologically the feeling of anxiety and uncertainty and provide the individual with the illusion of some kind of intellectual security." [21]

In addition to the support it gets from psychological experiment, the phenomenon has been remarked by scholars in the fields of semantics, organizational theory, and political science. Albert Salomon points out that "manipulation of social images makes it possible for members of society to believe that they live not in a jungle, but in a well organized and good society." [22] Harold Lasswell put it as follows:

"It should not be hastily assumed that because a particular set of controversies passes out of the public mind that the implied problems were solved in any fundamental sense. Quite often a solution is a magical solution which changes nothing in the conditions affecting the tension level of the community, and which merely permits the community to distract its attention to another set of equally irrelevant symbols. The number of statutes which pass the legislature or the number of decrees which are handed down by the executive, but which change nothing in the permanent practices of society, is a rough index of the role of magic in politics. * * * Political symbolization has its catharsis function." [23]

Chester Barnard, an uncommonly astute analyst of his own long experience as an executive, concluded:

"Neither authority nor cooperative disposition * * * will stand much overt division on formal issues in the present stage of human development. Most laws, executive orders, decisions, etc., are in effect formal notice that all is well—there is agreement, authority is not questioned." [24]

Charles Morris, a leading logician and student of semantics, has analyzed the role of language in shaping social behavior and inculcating satisfaction with existing power relationships. He points to the possibility that exploited groups will actively resist changes in the very sign structure by which they are exploited. Defining such behavior as socially pathic, he makes the following comment:

"The signs in question may relieve certain anxieties in the members of society with respect to the social behavior in which they are engaged, and so be cherished for this satisfaction even though the signs hinder or even make impossible the actual realization of the goals of such social behavior itself." [25]

Kenneth Burke makes much the same point. Designating political rhetoric as secular prayer, he declares that its function is "to sharpen up the pointless and blunt the too sharply pointed." [26] Elsewhere, he points

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[15] "Psychopathology and Politics" (Chicago: University of Chicago Press, 1930), pp. 184, 185.

[16] Herbert Fensterheim, "The Influence of Value Systems on the Perception of People," Journal of Abnormal and Social Psychology, vol. 48 (1953), p. 93. Fensterheim cites the following studies in support of the proposition: D. Krech and R. S. Crutchfield, "Theory and Problems of Social Psychology" (New York, 1948); A. S. Luchins, "An Evaluation of Some Current Criticisms of Gestalt Psychological Work on Perception," Psychological Review, vol. 58 (1951), pp. 69–95; J. S. Bruner, "One Kind of Perception: A Reply to Professor Luchins," Psychological Review, vol. 58 (1951), pp. 306–312; and the chapters by Bruner, Frenkel-Brunswik, and Klein in R. R. Blake and G. V. Ramsey, "Perception: An Approach to Personality" (New York, 1951). See also Charles Osgood, Percy Tannenbaum, and George Suci, "The Measurement of Meaning" (Urbana: University of Illinois Press, 1957).

[17] Among the leading general and experimental studies dealing with the phenomenon are: M. Rokeach, "Generalized Mental Rigidity as a Factor in Ethnocentrism," Journal of Abnormal and Social Psychology, vol. 43 (1948), pp. 259–277; R. R. Canning and J. M. Baker, "Effect of the Group on Authoritarian and Nonauthoritarian Persons," American Journal of Sociology, vol. 64 (1959), pp. 579–581; A. H. Maslow, "The Authoritarian Character Structure," Journal of Social Psychology, vol. 18 (1943) p. 403; T. W. Adorno and others, "The Authoritarian Personality" (New York, 1950); Gerhart Saenger, "The Psychology of Prejudice" (New York, 1953), pp. 123–138; Erich Fromm, "Escape From Freedom" (New York, 1941); R. K. Merton, "Mass Persuasion" (New York, 1950).

[18] Else Frenkel-Brunswik, "Interaction of Psychological and Sociological Factors in Political Behavior," this Review, vol. 46 (1952), pp. 44–65.

[19] Adorno, op. cit.

[20] Leon Festinger, Henry Riecken, and Stanley Shachter, "When Prophecy Fails" (Minneapolis: University of Minnesota Press, 1956).

[21] Adorno, op. cit., p. 665.

[22] Albert Salomon, "Symbols and Images in the Constitution of Society," in L. Bryson, L. Finkelstein, H. Hoagland, and R. M. MacIver (eds.), "Symbols and Society" (New York, 1955), p. 110.

[23] Lasswell, op. cit., p. 195.

[24] Chester I. Barnard, "The Functions of the Executive" (Cambridge: Harvard University Press, 1938), p. 226.

[25] Charles Morris, "Signs, Language and Behavior" (New York, 1946), pp. 210–211.

[26] Kenneth Burke, "A Grammar of Motives" (New York, 1945), p. 393.

out that laws themselves serve this function, alleging that positive law is itself the test of a judgment's judiciousness.[27]

4. An active demand for increased economic resources or fewer political restrictions on action is not always operative. It is, rather, a function of comparison and contrast with reference groups, usually those not far removed in socioeconomic status.

This is, of course, one of the most firmly established propositions about social dynamics; one that has been supported by macrosociological analysis,[28] by psychological experiment,[29] and by observation of the political process, particularly through contrast between politically quiescent and protest or revolutionary activity.[30]

The proposition helps explain failure to demand additional resources where such behavior is socially sanctioned and supported. It also helps explain the insatiability of the demand by some organized groups for additional resources (i.e., the absence of quiescence) where there is competition for such resources among rival organizations and where it is acquisitiveness that is socially supported.

5. The phenomena discussed above (the supplying of meaning in vague situations, stereotypes, oversimplification, political quiescence) are in large measure associated with social, economic, or cultural factors affecting large segments of the population. They acquire political meaning as group phenomena.

Even among the psychologists, some of whom have at times been notably insensitive to socialization and environment as explanations and phases of the individual "traits" they claim to "identify" or "isolate," there are impressive experimental findings to support the proposition. In analyzing the interview material of his "Authoritarian Personality" study, Adorno concluded that "our general cultural climate" is basic in political ideology and in stereotyped political thinking; and he cataloged some standardizing aspects of that climate.[31] His finding, quoted above, regarding the relation of symbols to quiescence is also phrased to emphasize its social character. Lindesmith and Strauss make a similar point, emphasizing the association between symbols and the reference groups to which people adhere.[32]

Another type of research has demonstrated that because interests are typically bound up with people's social situation, attitudes are not typically changed by ex parte appeals. The function of propaganda is rather to activate socially rooted interests. One empirical study which arrives at this conclusion sums up the thesis as follows:

"Political writers have the task of providing 'rational' men with good and acceptable reasons to dress up the choice which is more effectively determined by underlying social affiliations." [33]

George Herbert Mead makes the fundamental point that symbolization itself has no meaning apart from social activity: "Symbolization constitutes objects * * * which would not exist except for the context of social relationships wherein symbolization occurs." [34]

III

These studies offer a basis for understanding more clearly what it is that different types of groups expect from government and under what circumstances they are likely to be satisfied or restive about what is forthcoming. Two broad patterns of group interest activity vis-a-vis public regulatory policy are evidently identifiable on the basis of these various modes of observing the social scene. The two patterns may be summarized in the following shorthand fashion:

1. Pattern A: a relatively high degree of organization—rational, cognitive, procedures—precise information—an effective interest in specifically identified, tangible resources—a favorably perceived strategic position with respect to reference groups—relatively small numbers.

2. Pattern B: shared interest in improvement of status through protest activity—an unfavorably perceived strategic position with respect to reference groups—distorted, stereotyped, inexact information and perception—response to symbols connoting suppression of threats—relative ineffectiveness in securing tangible resources through political activity—little organization for purposeful action—quiescence—relatively large numbers.

It is very likely misleading to assume that some of these observations can be regarded as causes or consequences of others. That they often occur together is both a more accurate observation and more significant. It is also evident that each of the patterns is realized in different degrees at different times.

While political scientists and students of organizational theory have gone far toward a sophisticated description and analysis of pattern A, there is far less agreement and precision in describing and analyzing pattern B and in explaining how it intermeshes with pattern A.

The most common explanation of the relative inability of large numbers of people to realize their economic aspirations in public policy is in terms of invisibility. The explanation is usually implicit rather than explicit, but it evidently assumes that public regulatory policy facilitating the exploitation of resources by knowledgeable organized groups (usually the "regulated") at the expense of taxpayers, consumers, or other unorganized groups is possible only because the latter do not know it is happening. What is invisible to them does not arouse interest or political sanctions.

On a superficial level of explanation this assumption is no doubt valid. But it is an example of the danger to the social scientist of failure to inquire transactionally: of assuming, in this instance, (1) that an answer to a questioner, or a questionnaire, about what an individual "knows" of a regulatory policy at any point in time is in any sense equivalent to specification of a group political interest; and (2) that the sum of many individual knowings (or not-knowings) as reported to a questioner is a cause of effective (or ineffective) organization, rather than a consequence of it, or simply a concomitant phase of the same environment. If one is interested in policy formation, what count are the assumptions of legislators and administrators about the determinants of future political disaffection and political sanctions. Observable political behavior, as well as psychological findings, reveals something of these assumptions.

There is, in fact, persuasive evidence of the reality of a political interest, defined in this way, in continuing assurances of protection against economic forces understood as powerful and threatening. The most relevant evidence lies in the continuing utility of old political issues in campaigns. Monopoly and economic concentration, antitrust policy, public utility regulation, banking controls, and curbs on management and labor are themes that party professionals regard as good for votes in one campaign after another, and doubtless with good reason. They know that these are areas in which concern is easily stirred. In evaluating allegations that the public has lost interest in these policies the politician has only to ask himself how much apathy would remain if an effort were made formally to repeal the antitrust, public utility, banking, or labor laws. The answers and the point become clear at once.

The laws may be repealed in effect by administrative policy, budgetary starvation, or other little publicized means; but the laws as symbols must stand because they satisfy interests that are very strong indeed: interests that politicians fear will be expressed actively if a large number of voters are led to believe that their shield against a threat has been removed.

More than that, it is only as symbols of this sort that these statutes have utility to most of the voters. If they function as reassurances that threats in the economic environment are under control, their indirect effect is to permit greater exploitation of tangible resources by the organized groups concerned than would be possible if the legal symbols were absent. Those who are deprived become defenders of the very system of law which permits the exploiters of resources to act effectively.

To say this is not to assume that everyone objectively affected by a policy is simply quiescent rather than apathetic or even completely unaware of the issue. It is to say that those who are potentially able and willing to apply political sanctions constitute the politically significant group. It is to suggest as well that incumbent or aspiring Congressmen are less concerned with individual constituents' familiarity or unfamiliarity with an issue as of any given moment than with the possibility that the interest of a substantial number of them could be aroused and organized if he should cast a potentially unpopular vote on a bill or if a change in their economic situations should occur. The shrewder and more effective politicians probably appreciate intuitively the validity of the psychological finding noted earlier: that where public understanding is vague and information rare, interests in reassurance will be all the more potent and all the more susceptible to manipulation by political symbols.

The groups that succeed in using official agencies as instrumentalities to gain the resources they want are invariably organized so as to procure and analyze pertinent information and then act rationally. Most voters affected by the regulatory policy are certain on the other hand to secure distorted information, inadequate for intelligent planning of tactics or strategy.

We have already noted that it is one of the demonstrable functions of symbolization that it induces a feeling of well-being: the resolution of tension. Not only is this a major function of widely publicized regulatory statutes, but it is also a major function of their administration. Some of the

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[27] *Ibid.*, p. 362.

[28] Mead, op. cit.; Ernst Cassirer, "An Essay on Man" (New Haven: Yale University Press, 1944).

[29] See James G. March and Herbert A. Simon, "Organizations" (New York, 1958), pp. 65–81, and studies cited there.

[30] See, e.g., Murray Edelman, "Causes of Fluctuations in Popular Support for the Italian Communist Party Since 1946," Journal of Politics, vol. 20 (1958), pp. 547–550; Arthur M. Ross, "Trade Union Wage Policy" (Berkeley and Los Angeles: University of California Press, 1948).

[31] Adorno, op. cit., p. 655.

[32] Alfred R. Lindesmith and Anselm L. Strauss, "Social Psychology" (New York, 1956), pp. 253–255. For a report of another psychological experiment demonstrating that attitudes are a function of group norms, see I. Sarnoff, D. Katz, and C. McClintock, "Attitude-Change Procedures and Motivating Patterns," in Daniel Katz and others (eds.), Public Opinion and Propaganda (New York, 1954), pp. 308–309; also Festinger et al., op. cit.

[33] Paul F. Lazarsfeld, Bernard Berelson, and Hazel Gaudet, "The People's Choice" (New York, 1944), p. 83. For an account of an experiment reaching the same conclusion see S. M. Lipset, "Opinion Formation in a Crisis Situation," Public Opinion Quarterly, vol. 17 (1953), pp. 20–46.

[34] Mead, op. cit., p. 78.

most widely publicized administrative activities can most confidently be expected to convey a misleading sense of well-being to the onlooker because they suggest vigorous activity while in fact signifying inactivity or protection of the regulated.

One form this phenomenon takes is noisy attacks on trivia. The Federal Trade Commission, for example, has long been noted for its hit-and-miss attacks on many relatively small firms involved in deceptive advertising or unfair trade practices while it continues to overlook much of the really significant activity it is ostensibly established to regulate: monopoly, interlocking directorates, and so on.[35]

Another form it takes is prolonged, repeated, well-publicized attention to a significant problem which is never solved. An excellent example is the approach of the FCC to surveillance of program content in general and to discussions of public issues on the air in particular. In the postwar period we have had the blue book, the Mayflower policy, the abolition of the Mayflower policy, and the announcement of a substitute policy; but the radio or television licensee is in practice perfectly free, as he has been all along, to editorialize, with or without opportunity for opposing views to be heard, or to eschew serious discussion of public affairs entirely.

The most obvious kinds of dissemination of symbolic satisfactions are to be found in administrative dicta accompanying decisions and orders, in press releases, and in annual reports. It is as common here as in labor arbitration to give the rhetoric to one side and the decision to the other. Nowhere does the FCC wax so emphatic in emphasizing public service responsibility, for example, as in decisions permitting greater concentration of control in an area, condoning license transfers at inflated prices, refusing to impose sanctions for flagrantly sacrificing program quality to profits, and so on.[36]

The integral connection is apparent between symbolic satisfaction of the disorganized, on the one hand, and the success of the organized, on the other, in using governmental instrumentalities as aids in securing the tangible resources they claim.

Public policy may usefully be understood as the resultant of the interplay among groups.[37] But the political and sociopsychological processes discussed here mean that groups which would otherwise present claims upon resources may be rendered quiescent instead by their success in securing nontangible values. Far from representing an obstacle to organized producers and sellers, they become defenders of the very system of law which permits the organized to pursue their interests effectively, at the expense of the disorganized or unorganized.

Thurman Arnold has pointed out how the antitrust laws perform precisely this function:

"The actual result of the antitrust laws was to promote the growth of great industrial organizations by deflecting the attack on them into purely moral and ceremonial channels * * * every scheme for direct control broke to pieces on the great protective rock of the antitrust laws.

"The antitrust laws remained as a most important symbol. Whenever anyone demanded practical regulation, they formed an effective moral obstacle, since all the liberals would answer with a demand that the antitrust laws be enforced. Men like Senator Borah founded political careers on the continuance of such crusades, which were entirely futile but enormously picturesque, and which paid big dividends in terms of personal prestige." [38]

Arnold's subsequent career as Chief of the Antitrust Division of the Department of Justice did as much to prove his point as his writings. For a 5-year period he instilled unprecedented vigor into the Division, and his efforts were widely publicized. He thereby unquestionably made the laws a more important symbol of the protection of the public; but despite his impressive intentions and talents, monopoly, concentration of capital, and restraint of trade were not seriously threatened or affected.

This is not to suggest that signs or symbols in themselves have any magical force as narcotics. They are, rather, the only means by which groups not in a position to analyze a complex situation rationally may adjust themselves to it, through stereotypization, oversimplification, and reassurance.

There have, of course, been many instances of effective administration and enforcement of regulatory statutes. In each such instance it will be found that organized groups have had an informed interest in effective administration. Sometimes the existence of these groups is explicable as a holdover from the campaign for legislative enactment of the basic statute; and often the initial administrative appointees are informed, dedicated adherents of these interests. They are thus in a position to secure pertinent data and to act strategically, helping furnish organization to the groups they represent. Sometimes the resources involved are such that there is organization on both sides; or the more effective organization may be on the reform side. The securities exchange legislation is an illuminating example, for after Richard Whitney's conviction for embezzlement key officials of the New York Stock Exchange recognized their own interest in supporting controls over less scrupulous elements. This interest configuration doubtless explains the relative popularity of the SEC both with regulated groups and with organized liberal groups.

IV

The evidence considered here suggests that we can make an encouraging start toward defining the conditions in which myth and symbolic reassurance become key elements in the governmental process. The conditions[39] are present in substantial degree in many policy areas other than business regulations. They may well be maximal in the foreign policy area, and a similar approach to the study of foreign policy formation would doubtless be revealing.

Because the requisite conditions are always present in some degree, every instance of policy formulation involves a mix of symbolic effect and rational reflection of interests in resources, though one or the other phenomenon may be dominant in any particular case. One type of mix is exemplified by such governmental programs outside the business regulation field as public education and social security. There can be no doubt that these programs do confer important tangible benefits upon a very wide public, very much as they promise to do. They do so for the reasons suggested earlier. Business organizations, labor organizations, teachers' organizations, and other organized groups benefit from these programs and have historically served to focus public attention upon the resources to be gained or lost. Their task has been all the easier because the techniques for achieving the benefits are fairly readily recognizable.

But the financing of these same programs involves public policies of a different order. Here the symbol of free education and other benefits, the complexity of the revenue and administrative structure, and the absence of organization have facilitated the emergence of highly regressive payroll, property, and head taxes as the major sources of revenue. Thus, business organizations, which by and large support the public schools that provide their trained personnel and the social security programs that minimize the costs of industrial pensions, pay relatively little for these services; while the direct beneficiaries of the free programs pay a relatively high proportion of the costs. Careful analysis of the mix in particular programs should prove illuminating.

If the conditions facilitating symbolic reassurance are correctly specified, there is reason to question some common assumptions about strategic variables in policy formulation and reason also to devise some more imaginative models in designing research in this area. The theory discussed here suggests, for example, a tie between the emergence of conditions promoting interests in symbolic reassurance and widened freedom of policy maneuver for those attempting to assert leadership over the affected group. It implies that the number of adherents of a political interest may have more to do with whether the political benefit offered is tangible or symbolic than with the quantity or quality of tangible resources allocated. It suggests that the factors that explain voting behavior can be quite different from the factors that explain resource allocations through Government. The fact that large numbers of people are objectively affected by a governmental program may actually serve in some contexts to weaken their capacity to exert a political claim upon tangible values.

A number of recent writers, to take another example, have suggested that it is the independence of the independent regulatory commissions which chiefly accounts for their tendency to become tools of the groups they regulate. The hypotheses suggested here apply to regulatory programs administered in cabinet departments as well; and their operation is discernible in some of these programs when the specified conditions are present. The Grazing Service and the Antitrust Division are examples.

In terms of research design, the implications of the analysis probably lie chiefly in the direction of emphasizing an integral tie of political behavior to underlying and extensive social interaction. Analysts of political dynamics must have a theory of relevance; but the directly relevant may run farther afield than has sometimes been assumed. Political activities of all kinds require the most exhaustive scrutiny to ascertain whether their chief function is symbolic or substantive. The what of Lasswell's famous definition of politics is a complex universe in itself.

[35] Cf. Wilcox, op. cit., pp. 281, 252–255.

[36] Many examples may be found in the writer's study entitled "The Licensing of Radio Services in the United States, 1927 to 1947" (Urbana: University of Illinois Press, 1950).

[37] For discussions of the utility of this view to social scientists, see Arthur F. Bentley, "The Process of Government" (1908; New York: The Principia Press, reprint 1949); Truman, op. cit. But cf. Stanley Rothman, "Systematic Political Theory," this Review, vol. 54, pp. 15–33 (March 1960).

[38] "The Folklore of Capitalism" (New Haven: Yale University Press, 1937), pp. 212, 215, 216.

[39] They are listed above under "Pattern B."

GLORIOUS RECORD OF WISCONSIN'S IRON BRIGADE AND ITS HEIR, THE 32D NATIONAL GUARD DIVISION

Mr. PROXMIRE. Mr. President, Wisconsin's famed Red Arrow Division, once again among the first to be called in time of national peril, carries with it into active duty a century of the highest military traditions.

The 32d Infantry Division of the Wisconsin National Guard, and its prede-

cessor, the gallant Iron Brigade of the Union Army, have written some of the most glorious pages in our military history from Gettysburg to the Argonne to Luzon in the Philippines.

Originally dubbed the Black Hat Brigade because of the nonregulation black slouch hats worn by its members, it was composed of the 2d, 6th, and 7th Wisconsin Regiments and the 19th Indiana. Its 2,400 fighting men received their baptism of fire, and lost one-third of their number, from the guns of Stonewall Jackson in the Second Battle of Bull Run.

That was in late August of 1862. The brigade continued to distinguish itself in a series of three more battles in the next 2 weeks. Then, bolstered by the addition of the 24th Michigan Regiment, they moved into the Battle of Antietam which ended Lee's first invasion of the North in mid-September.

It was in this battle that a war correspondent gave the unit the name that stuck: the Iron Brigade. Three bitter weeks of fighting had inflicted 58-percent casualties on the brigade, but they had also earned for the unit the respect and fear of the enemy.

The Iron Brigade next distinguished itself in the Battles of Fredericksburg and Chancellorsville in Virginia in the spring of 1863. By the time the stage was set for the decisive Battle of Gettysburg, the brigade was a legend in both armies and it moved into action as the 1st Brigade of the 1st Division of the 1st Corps of the Grand Army of the Republic.

One of the highest tributes to the Iron Brigade came in the earliest moments of the initial action at Gettysburg. It is described in "Ordeal by Fire," by Fletcher Pratt:

[Confederate General] Heth's division of Hill's advance struck a Union cavalry picket west of Gettsyburg before 9. They drove them in slowly; as the horsemen retreated the zing of bullets came out of a wood on the slope of a low hill behind. 'That's all right,' called Heth, 'only some of that Pennsylvania militia,' and sent two brigades to clear the way for his column. They swung forward carelessly; as they reached the edge of the wood, the fire rose to surprising crescendo, and out of the underbrush onto their flank burst a story of men with bayonets low and all in line—the Iron Brigade. A yell of surprise went up, 'T'aint no militshy! Lookit them black hats! That's the Army of the Potomac!' and then Heth's two brigades were swept into rout, smashed, one brigade killed, the other captured. The battle for the world was on.

By the end of the day, two-thirds of the 1,800 men in the understrength unit lay dead or wounded along Seminary Ridge; but the Iron Brigade, in its last great battle, had purchased precious time for the Army of the Potomac still moving into position.

The 32d Division as we know it was among the first formed for action in World War I, composed this time of two Wisconsin regiments and one from Michigan. The division saw major action in three battles in France, climaxed by the Meuse-Argonne. The 28,000 men of the division suffered over 50 percent casualties in World War I.

As Hitler's legions swarmed over Europe and war clouds began to gather for this Nation, we turned again to the 32d Division and Wisconsin's National Guard was called to duty in October of 1940, more than a year before Pearl Harbor.

When attack came, the Red Arrow Division was ready and spearheaded our counteroffensive in the Pacific—her men fighting their way through New Guinea, Leyte, Papau, and Luzon, losing half of their number to enemy fire along the way.

Now, in the face of fresh peril, Wisconsin men again are putting aside their peacetime normal pursuits and marching off under the hallowed banner of the 32d. Their absence will be felt in 10,000 homes in nearly 100 Wisconsin communities; offset a bit perhaps by the knowledge that the Red Arrow Division will put new sinew in the backbone of America as we meet the challenge of the cold war.

LIMITATION OF NUMBER OF POSITIONS IN TOP GRADES OF THE CLASSIFICATION ACT OF 1949

The Senate resumed the consideration of the bill (S. 1732) to increase the limitation on the number of positions that may be placed in the top grades of the Classification Act of 1949, as amended, and the limitation on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearings examiners; and for other purposes.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. What is the unfinished business?

The PRESIDING OFFICER. The unfinished business is S. 1732.

Mr. MANSFIELD. I thank the Presiding Officer.

ANTITRUST LAWS AMENDMENTS OF 1961

Mr. McCLELLAN. Mr. President, on yesterday, I introduced S. 2573, a bill to amend the antitrust laws to prohibit certain activities of labor organizations in restraint of trade, and for other purposes. In my remarks I called attention to the December 1958 report of the Internal Security Subcommittee entitled "The Alliance of Certain Racketeer and Communist Dominated Unions in the Field of Transportation as a Threat to National Security." That clearly points out the danger to the country from the alliance between Harry Bridges and Jimmy Hoffa and the unions respectively controlled by them.

I also called attention to the fact that many of those who have made a study of communism, and who know the records of both Bridges and Hoffa, appear to feel that Hoffa is no match for Harry Bridges, and that one result of the Hoffa-Bridges association will likely be to lend opportunity for Communist infiltration of the Teamsters Union, and with strong probability of ultimate Communist domination of that union.

I have now received information of a new development which appears to strongly support and justify the fear of many that the marriage of convenience between the Hoffa and Bridges unions is already resulting in Communist infiltration of the Teamsters.

Out in Hawaii an identified Communist, one Koji Ariyoshi, former editor of the Communist-controlled Honolulu Record, former secret editor of the ILWU-owned Honolulu Reporter, and a long-time Harry Bridges stooge, has just been employed by Arthur Rutledge and the Teamsters Union to edit the Teamsters' local membership newspaper. News of Ariyoshi's employment has been publicly reported in radio news broadcasts. One such broadcast was made this week by Larry Cott, Honolulu newscaster, in Honolulu, according to information received by the Internal Security Subcommittee of the Senate.

Koji Ariyoshi was one of the "Hawaii Seven," convicted for violation of the Smith Act. I shall not take the time of the Senate now to go into Ariyoshi's record in detail, but I send to the desk a brief memorandum respecting Koji Ariyoshi and ask unanimous consent that it be printed in the RECORD at this point as a part of my remarks.

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

KOJI ARIYOSHI

"Mr. Ariyoshi has been editor, president, and majority stockholder in the Honolulu Record since that pro-Communist weekly began publication on August 5, 1948. Its news columns and editorials from the beginning boosted the Hawaii Civil Liberties Committee, the Reineckes, and other Communist causes. Mr. Ariyoshi in 1949 served as a consultant to the Committee for a Democratic Far Eastern Policy, a mainland Communist-front organization which has been cited as Communist by former Attorney General Tom Clark." ("Report on Hawaii Civil Liberties Committee, a Communist Front," House Committee on Un-American Activities, June 23, 1950, p. 22.)

"Further confirmation of the liaison between the Honolulu Record and the Communist Party of Hawaii is apparent from the fact that three of the seven alleged Hawaii Communist leaders indicted for conspiracy to violate the Smith Act (were) employees of the Honolulu Record and owners of Honolulu Record stock. Moreover, the three have been members of the executive board of the Communist Party of Hawaii at one time or another since 1945. The three include Koji Ariyoshi, editor of the Honolulu Record." ("Scope of Soviet Activity in the United States," pt. 41–A, app. II, p. 2699, Senate Subcommittee, Internal Security, citing the 1953 and 1954 reports of the Commission on Subversive Activities of Hawaii.)

"Ariyoshi, a veteran of several years wartime service in the Far East, both as an officer in the U.S. Army and as an OWI representative, is reliably reported to have had personal contact with the Chinese Communists. He wrote a series of articles entitled 'Inside Communist China,' which appeared in the Honolulu Star-Bulletin during September 1947. He is the author of an article in support of the Chinese Communists which appeared in the February 1947 edition of Spotlight on the Far East, official publication of the Committee for a Democratic Far Eastern Policy. Ariyoshi was listed * * * as a consultant. That

organization had been cited as a Communist front by the U.S. Attorney General and by the California Committee on Un-American Activities." ("Scope of Soviet Activity in the United States," hearings before the Senate Subcommittee, Internal Security, pt. 41–A, app. II, p. 2697, taken from the 1953 report of the Commission on Subversive Activities of Hawaii.)

"On June 17, 1953, after 32 weeks of trial, the (Smith Act) case was given to the jury which, 2 days later, brought in verdicts of guilty as to each (of the seven) defendants (including Koji Ariyoshi, 37, editor, Honolulu Record). U.S. District Judge John Wiig sentenced each of the male defendants to serve 5 years in prison and to pay a $5,000 fine." (Ibid, p. 2799.)

(The case was dismissed on appeal by the Ninth Circuit Court of Appeals.)

Mr. McCLELLAN. Senators who might want further information about Ariyoshi will find references to him at pages 2421, 2427, 2433, and 2441 of the printed record of the Internal Security Subcommittee hearings held in Hawaii, December 3 and 4, 1956, which is part 40 of the committee's hearings on "Scope of Soviet Activity in the United States."

I also send forward two excerpts from a report on the Honolulu Record by the House Committee on Un-American Activities, and ask unanimous consent that this material may also be printed in the RECORD at this point as a part of my remarks.

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

REPORT ON THE HONOLULU RECORD

The Committee on Un-American Activities, after an investigation and analysis of the Honolulu Record, owned and published by the Honolulu Record Publishing Co., Ltd., hereby submits this report concerning the publication to the House of Representatives.

OWNERSHIP

The articles of association of the Honolulu Record Publishing Co., Ltd. (exhibit No. 1),[1] filed with the office of the treasurer, Territory of Hawaii, on August 27, 1948, reflect that the Honolulu Record Publishing Co., Ltd., was officially incorporated on that date, with the first officers and directors of the organization as follows: President, Koji Ariyoshi; vice president, Lewis K. Yogi; secretary, Cyril Bristow; treasurer, Adrian Palomino; director, Nobuyuki Matsuzaki.

The amount of $50,000, to be divided into 10,000 shares of common stock at a par value of $5 per share, was set forth as the authorized capital of said corporation.

The affidavit of officers (exhibit No. 2),[2] filed with the treasurer's office, Territory of Hawaii, on August 26, 1948, discloses that 7,881 of the 10,000 shares of stock were subscribed to. This same exhibit reflects that only 1,007 shares of the subscribed common stock were ever paid for (a total sum of $5,035). The unpaid subscribed stock, amounting to 6,874 shares, is in the name of Koji Ariyoshi. Thus, this exhibit discloses that the Honolulu Record Publishing Co. began its operations with total cash assets of $5,035.

On the annual corporation exhibit (exhibit No. 3),[3] filed by the Honolulu Record Publishing Co., Ltd., for the period August 26, 1948, through August 31, 1949, it is significant to note that at the end of the first year of operation, it could show an increase of 353 paid-up shares of stock (value, $1,765). Paid-up stock in the corporation then amounted to $6,800.

The annual corporation exhibit also reflects a net operating loss for the first year of $2,351.91. This exhibit further discloses that the total net worth of the Honolulu Record Publishing Co., Ltd., as of August 31, 1949, was $4,548.09.

Out of a total of 8,133 subscribed shares of stock, valued at $40,665, the exhibit reveals that 7,500 shares, worth $37,500, were subscribed to by Koji Ariyoshi, editor of the Honolulu Record and president of the Honolulu Record Publishing Co., Ltd. However, this exhibit reflects that the total amount actually invested by Ariyoshi is $3,635, or 727 shares purchased and paid for by him. He is indebted to the Honolulu Record Publishing Co., Ltd., in the amount of $33,865, covering 6,773 shares of common stock as subscribed to by him.

Ariyoshi's present position as editor of the Honolulu Record fits in well with his background. He is probably one of the best qualified persons in Hawaii to propagandize the Communist Party line through the medium of the press.

Koji Ariyoshi was born on January 30, 1914, at Koma, T.H. He attended the University of Hawaii from 1937 to 1940, and the University of Georgia during the 1940–41 term, where he received his bachelor's degree in journalism. He enlisted in the U.S. Army at Manzanar Relocation Center on November 30, 1942. In January 1944 he departed for the China-Burma-India theater where he was assigned to psychological warfare work. He was commissioned a second lieutenant in June of 1945 and remained in the same type of work until January 5, 1946, when his request to be discharged in China was granted. Subsequent to his discharge, he became employed with the OWI as a field representative.

Ariyoshi's reaction concerning his experiences in Communist China are somewhat reflected in an article appearing under his name in the February 1947 issue of Spotlight on the Far East, published by the Committee for a Democratic Far Eastern Policy, which has been cited as Communist by Attorney General Tom C. Clark. In this issue he wrote a guest column in support of the Chinese Communists. The March and June 1949 issues of Far East Spotlight, successor to Spotlight on the Far East, lists Ariyoshi as a consultant to the Committee for a Democratic Far Eastern Policy. This magazine has consistently supported the Chinese Communists.

The Hawaii Star of April 23, 1948, reflects that a progress report on the New York chapter of the Hawaii Civil Liberties Committee was made by Koji Ariyoshi, one of the founders of this chapter, at an HCLC meeting in Honolulu on April 20, 1948. The HCLC was cited as being Communist by the Attorney General of the United States on April 28, 1949. The HCLC was also cited as "a subversive organization initiated and operated by Communists for the sole purpose of expanding the influence of the small Communist minority in the Territory of Hawaii" by the Committee on Un-American Activities in a report to the House of Representatives on June 23, 1950 (made H. Rept. 2986, August 24, 1950).

In view of the foregoing, it is not surprising to find that Ariyoshi uses the Honolulu Record to promote the Chinese Communists and the Hawaii Civil Liberties Committee.

Listed in the annual corporation exhibit (exhibit No. 3)[4] as a member of the board of directors of the Honolulu Record Publishing Co., Ltd., and holder of seven shares of stock is Adele Kensinger, residing at 1658 Piikoi Street, Honolulu. During the hearings of the subcommittee of the Committee on Un-American Activities in Honolulu during April 1950, four individuals identified Adele Kensinger as a member of the Communist Party.

COMMUNIST PARTY LINE CONTENT

An analysis of the complete contents of the Honolulu Record reveals the strictest adherence to the Communist Party line.

Articles referring to the Soviet Union or the Communist Party of the United States are consistently slanted to favor the Soviet Union and its American puppets. Friendly writeups are also given to Communist movements in other countries, such as China, Greece, France, and the Philippines. Individual U.S. Communist leaders on numerous occasions receive favorable attention in the Honolulu Record, which reserves its most generous publicity, however, for the activities of Hawaii Communists. Communist-front organizations and Communist-controlled unions, both in Hawaii and on the mainland, are well publicized in the Record.

The Record is equally consistent in presenting in an unfavorable light any actions which conflict with the interests of Communists. Thus, the Honolulu Record represents only criticism of American defense spending, the Marshall plan, the European recovery program, aid to Greece and (Nationalist) China, and other aspects of the U.S. foreign policy designed to help curb the spread of communism. The Record furthermore makes it clear to its readers that it has only contempt for the capitalist system.

CONCLUSION

The Committee on Un-American Activities, after analysis and investigation of the Honolulu Record since its first issue of August 5, 1948, draws the inevitable conclusion that the Honolulu Record is a front for the Communist Party, despite the fact that the paper does not make this admission.

It should be noted in this connection that during the past decade all Communist publications have gone to great lengths to give the impression of having no direct connections with the Communist Party. Even official publications of the Communist Party, U.S.A., have terminated such designation since 1936 and appear instead as organs of certain publishing companies formed for that special purpose. The Honolulu Record conforms to this pattern completely.

The Committee on Un-American Activities would like to point out that the success of such a newspaper, dedicated to disseminating Communist propaganda, depends upon support from deluded liberals. The Communists recognize that most Americans would not knowingly support the Communist Party, and therefore have devised various front organizations and publications so as to ensnare the unwary liberal. The latter serves to add prestige to the Communist front and to attract other non-Communist support.

YANKEE ATOMIC ELECTRIC CO.

Mr. SALTONSTALL. Mr. President, nuclear testing has now become a matter of immediate personal concern to all of us. Reports that fallout has increased in various parts of the United States are in the daily press, due to the Russians' large atmospheric blasts. Our own Atomic Energy Commission is conducting underground tests which, thank the Lord, do not involve dispersing any of these dangerous particles into our atmosphere.

But while all this is going on, there is another aspect of nuclear power which we should keep in mind—the power of atoms for peace. An example of the

[1] See appendix, pp. 13–20.
[2] See appendix, pp. 21–23.
[3] See appendix, pp. 24–29.
[4] See appendix, pp. 24–29.

great worth which nuclear energy has for all mankind can be found in Rowe, Mass., in the northwestern part of our State on the Vermont border. Rowe is a lovely town with wooded hills, lakes and green valleys. On the edge of tranquil Sherman Pond is a domed structure containing the reactor sphere of the Yankee Atomic Electric Co. Yankee Atomic is a joint venture of the private electric companies of New England. The Atomic Energy Commission invested only $5 million out of a total of $48,500,000, which incidentally was about $13 million under the original estimate. It can produce about 140,000 to 145,000 kilowatts which, although perhaps 50 percent above the costs for a roughly comparable steamplant, is not badly out of line for a brandnew experiment. Accounting for operating costs will in the first instance be difficult, for all uranium must be obtained from the Federal Government, but at a rough glance, they, too, do not look out of line with costs for normal fuels.

The entire picture is of great promise and is backed by a solid record of performance. During the month of August the Yankee Atomic plant generated a record 100 million kilowatt-hours of net electric output and, incidentally, raised its total production to over 600 million kilowatt-hours. The entire operation of the plant continues to be very encouraging. The electricity received by every citizen of New England is now augmented by this nuclear plant.

Mr. President, while our immediate concern is directed toward the dangers to all mankind hidden in the nucleus of the atom, let us remember that this same energy holds great promise for peace, for closing the standard-of-living gap which now plagues the world. Another wonder of nature has been revealed to us with a choice of using it for destruction or creation. Let us hope the world will make the right choice.

SENATOR HICKEY SCORES COMMUNIST PROPAGANDA ATTACK ON THE UNITED STATES

Mr. McGEE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an excellent address by my able and distinguished colleague [Mr. HICKEY] condemning the Communist propaganda attack on the United States. This address was delivered yesterday before the 50th meeting of the International Parliamentary Union at Brussels. My colleague emphasizes the point that Americans have always given aid to others. He points out how vicious propaganda distorts truth, and the importance of giving the people the facts.

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

STATEMENT BY SENATOR HICKEY

Three times in this century my people have been in war. Each time we fought basically for self-determination—the right of men to determine their own destiny, and the right of states to govern themselves.

Never has my Nation fought a war of aggression in which we fired the first shot. And never have we failed to help our defeated enemy to rebuild after the devastation of war.

I would remind the delegates that the American people have national origins stemming from all parts of the world. The thing that has most drawn us together has been that many of our citizens came to America fleeing from oppression or disaster in their own countries of origin.

AMERICANS HAVE ALWAYS GIVEN AID TO OTHERS

Yet we have never lost touch with the countries of their origin. Long before my Government engaged in aid programs, the American people had privately mobilized their own resources to fight natural and human disaster. But now that governments have moved to aid newly developed nations, also to rebuild after devastation from war, as in Europe and Korea, the common man in America has willingly done his part for humanity. Some $90 billion have been donated since World War II in an effort to build conditions conducive to peace, conditions conducive to the development of individual man.

VICIOUS PROPAGANDA DISTORTS TRUTH

Against this background, Mr. President, candor compels me to say that the American people, my people, are aghast at the vituperative attacks to which we have been increasingly subjected during the last few years, and especially the last few days. To listen to Radio Moscow, to read Pravda, to listen to leading representatives of the Soviet Union, one would believe that the United States had not disarmed after World War II. That the United States had started the cold war. That the United States had never offered to put atomic weapons and power under international control, whereas the true facts are that the former President proposed exactly this before the United Nations, and just the day before yesterday the present occupant of the White House reiterated the offer and made it a continuing one for us and for the United Kingdom. That American colonies were scattered all over the world. That our forces were stationed in countries against the will of their peoples and governments. That we had encouraged the rearmament of Germany before East Germany had armed. That we and the United Nations were aggressors in Korea. And I daresay give the Soviet Union a few more weeks of worldwide propaganda and much of the world will be led to believe that it was the United States which was the first to break the voluntary ban on atomic tests and that it is the United States that is polluting the atmosphere.

What a travesty on truth to accept the Soviet version of history. To believe Soviet history of the last decade is to see the world upside down, to see the world in one of those distorted mirrors so popular in amusement parks.

DELEGATES SHOULD GIVE THEIR PEOPLE THE FACTS

I believe it is incumbent on the distinguished delegates gathered here to help their own people separate fact from fiction. You can. In this city you have had access to the world's free press. Day by day you have been able to count Soviet atmospheric explosions. In 1½ hours any delegate can fly to Berlin. He can see for himself the wall and wire that communism has thrown up. He can see for himself whether this wall of wire and stone is a prison fence to keep men, women, and children from fleeing to freedom. Any delegate can measure the prosperity and happiness of the people of East Berlin and those of West Berlin. He can talk to the few pitiful refugees from the Socialist "people's paradise" of East Germany. He can contemplate the refugee flood which a few weeks ago was running at the rate of 7,000 a week.

It is up to delegates here to put the distorted mirror back in focus. Visit Berlin—tell your own people what you see.

Finally, Mr. President and fellow delegates, I ask that those of you who serve on the political committee of this conference give particularly careful attention to the resolution which has been prepared by the delegate from Yugoslavia.

I close by expressing the hope that this 50th meeting of the International Parliamentary Union may go down in history as one which was ready to speak the truth on atomic testing, the truth on disarmament, the truth on the basically different approach to the problems of humanity represented by the ideologies that have met here this week.

INVESTIGATION ON THE MUZZLING OF THE MILITARY

Mr. THURMOND. Mr. President, the Armed Services Committee met this morning and approved a resolution to investigate the muzzling of the military. I am indeed gratified that the Armed Services Committee took this very necessary action.

I have spoken frequently on the Senate floor with regard to this matter, as more and more information came to my attention which indicated the far-reaching effects of the various policies which are being implemented. Since this matter affects our ability as a nation to survive, it was my conviction that only an investigation by the Congress could satisfy the need for an objective scrutiny in depth of present practices and policies in the Department of Defense which had the effect of silencing personnel in our military establishment on the subject of anticommunism. The Armed Services Committee, in voting to undertake this investigation, has rendered a service to our country, and I feel sure that the subcommittee which is to be appointed will do an expeditious, thorough, and objective job on this investigation, and, as a result, will make recommendations which will go a long way toward improving national policies in order that our fight against communism might be victorious.

NEED FOR DIRECTIVE ON MILITARY AND ANTI-COMMUNIST PROGRAMS

Mr. KEATING. Mr. President, in recent weeks I have received dozens of letters from constituents who have expressed an interest in the use of military installations by groups sponsoring anti-Communist seminars and educational programs. The public sentiment on this issue has been overwhelming, as I am sure most of my colleagues will agree.

However, I believe one point needs the urgent attention of the Department of Defense before both public morale and military morale are dulled by what may be needless uncertainty. The confusion has developed over the question of what type of educational programs those in charge of military installations may properly sponsor and the question of the extent to which military personnel may participate in such programs. This is a responsibility which lies directly in the hands of the civilian heads of our Military Establishment.

I have been advised by the Pentagon that at the present time not a single Department of Defense directive deals specifically with military participation

and sponsorship of anti-Communist programs. As a result, the military has been handed a hot potato that some military commanders would prefer to ignore rather than deal with it affirmatively. While there are some general directives and regulations concerning the broad question of military sponsorship and participation in civilian functions, there is a void in the area of anti-Communist programs. I believe this void has been largely responsible for the great deal of uncertainty that presently exists.

All of us should be aware of the importance of having our troops and, indeed, all Americans know the facts about the menace of communism. This alien ideology, which thrives on strife, confusion, and false propaganda, must be fully exposed and refuted. Programs undertaking this objective must be accurate, well-conceived, and nonpartisan, if they are to be wholly effective.

Unless the Secretary of Defense acts expeditiously to spell out in concrete terms—by means of specific Department of Defense directives—the role the Military Establishment is to play in anti-Communist educational programs, the present uncertainty will persist. For that reason, I have written to the Secretary of Defense, urging that he delineate in Department of Defense directives the criteria to be used by the military in determining whether to sponsor or participate in anti-Communist programs.

That letter went out a few days ago. I have not yet received a reply to it, although I draw no conclusion from the failure thus far to receive a reply, because the problem is not an easy one to deal with. Nevertheless, certainly it is urgent that it be dealt with properly and promptly. Firm language from the Secretary would alleviate the fears of many Americans that the Armed Forces are not being properly informed about the Communist menace, and at the same time would firmly assert the constitutional requirement that the responsibility of the military is to civilian authority.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a copy of my letter to the Secretary of Defense.

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

Hon. ROBERT S. MCNAMARA,
The Secretary of Defense.

DEAR MR. SECRETARY: The continuing controversy over anti-Communist programs and seminars which have been sponsored, and in some cases participated in, by the military has given me grave concern.

It appears to me that a great deal of the controversy has developed because of uncertainty on the part of the military and the public as to the policy of the Department of Defense on this issue. It has been indicated to me that military commanders are unsure of the criteria to be used in determining whether there should be Armed Forces participation in or sponsorship of anti-Communist programs and as to what type of programs are authorized.

A Defense Department directive clearly delineating the role to be played by the Military Establishment in anti-Communist educational programs may be needed to establish suitable guidelines. I would appreciate a report from you as to the present policy of the Department on the issue and would be grateful for your comments on the need for a new Department of Defense directive.

Very sincerely yours,
KENNETH B. KEATING.

WHY NOT LET THE ELDERLY EARN ALL THEY CAN?

Mr. KEATING. Mr. President, as long as I have been a Member of the Congress I have supported efforts to remove the unrealistic and arbitrary social security earnings limit. This is the limit which prevents many older persons from continuing to work, because to do so would jeopardize their social security benefits.

Many of us in the Congress, as well as those in the executive branch of our Government, have urged the inauguration of programs to permit the elderly to continue to work and to encourage employers to hire senior citizens. It is completely contradictory to take this position and at the same time to hit a fellow over the head if he continues to work, by taking away all or a good part of his social security entitlement.

The dignity and self-respect of the aged are very much involved in this issue. Many persons find it difficult to retire. They want to continue to lead useful and active lives, and they are in a position to do so; but, because of the social security earnings limitation, it is not advisable for them to continue to work. In addition, many senior citizens are in a position to serve on boards and in capacities of real importance to their communities. Such employment is often discouraged by the ceiling on earnings for those between ages of 65 and 72 who are receiving social security benefits. I am glad the Congress has made progress in recent years in liberalizing the social security earnings limit; but there is still a long way to go. The changes that have been made thus far have been minimal.

While I have supported these revisions, I have stated on a number of occasions that it is my opinion that the social security earnings limit should be eliminated altogether.

Mr. President, I was delighted to note recently that the Saturday Evening Post edition of September 2 contained an excellent editorial pointing up the injustices of the restriction on the earnings of social security beneficiaries. The editorial sets forth a number of convincing arguments.

The editorial was sent to me by a constituent in Tarrytown, N.Y., who firmly agrees with the position of the Post. I should like to call attention to an excerpt from his letter which I think represents a very convincing and important argument in favor of getting rid of the social security earnings limit:

Why should the people on wages and salaries be discriminated against, in favor of those who have been fortunate enough through investments to have some extra income from these investments or from pensions and annuities?

Mr. President, I also ask unanimous consent to have printed at this point in the RECORD the text of the Saturday Evening Post editorial of September 2.

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

WHY NOT LET THE ELDERLY EARN ALL THEY CAN?

(By Bruce Bliven)

A controversial feature of the social security law is the one that restricts the earnings of the beneficiaries between the ages of 65 and 72. Congress seems to have an uneasy conscience about this matter; repeatedly, since the law was first passed in 1935, the regulation has been liberalized. According to the most recent change, the beneficiary must give up only $1 for each $2 that he earns between $1,200 and $1,500, and $1 for each $1 earned above $1,500.

A good many people feel that the restriction on earnings ought to be abolished entirely, and numerous bills have been introduced to bring this about. Among the arguments in favor of such action are these.

1. Elderly people need the money. More than one-third of all Americans beyond 65 have no income except social security payments. A study made in Milwaukee, Wis., showed that the average retired couple was receiving a total of $110 a month at a time when the cost of living for two persons was reckoned at $186.

2. This law discriminates against those who must work for their living. You may receive unlimited amounts as dividends, interest, pensions, annuities or rentals, without having your social security affected.

3. Conditions have completely changed since the law was passed in 1935, when the great depression was severe. It was intended to force people out of the labor market. Today, in view of our grim contest with Soviet Russia, we need every bit of productive power this Nation possesses.

4. Health experts are unanimous in saying that elderly people ought to do at least some work to preserve their physical and mental vigor.

5. We now have the anomalous situation where the Government is making a big propaganda drive to persuade industry to hire and retain older workers, and then punishes these workers for accepting employment.

That repeal of this limitation would be overwhelmingly popular with the country there is little doubt. However, the Department of Health, Education, and Welfare has in the recent past opposed abolition of the restriction. Its arguments are these:

1. It would be expensive. The number of persons receiving benefits would be increased by about 1,400,000; the immediate cost would be $2 million a year; and the long-range cost would require an increase of 1 percent in the payroll tax.

2. Most of those now receiving social security are not well enough to work for wages.

3. Social security was never intended to be a pension or annuity, but insurance against the hazard of unemployment in old age.

Those who favor abolition of the restriction reply that the actual cost to the economy as a whole would not be nearly so large as the figure quoted indicates, whatever the effect on the cost structure of the social security system.

Abolition of the restriction would reduce the work of those keeping the records, who now alter thousands of monthly checks in accordance with the changing pattern of work.

The Government would obtain a substantial sum in income taxes on the increased earnings of those now receiving social security.

In many cases people who cannot live on their social security benefits—since the dollar has lost half its purchasing power in the past two decades—are a burden on local relief rolls. Permitted to earn as much as they

can, some of these would require less help from community agencies, or none.

Almost every cent of the extra money that would be earned would go into buying consumer goods.

As to the health of elderly people, a report by the Department of Health, Education, and Welfare itself, in September 1960, states that only 36 percent of those between 65 and 72 "were unable (because of chronic conditions) to carry on their usual activity or had some limitation in the kind or amount of activity."

While it may be true that social security was not intended as an annuity or pension, it is in fact so regarded today by nearly everybody—including the 1,400,000 who have paid social security taxes in the past and are now prohibited from receiving any benefits.

And finally, some people would argue that if the restriction on earnings is socially undesirable, it should be repealed even though this would at first cost a substantial sum.

LIMITATION OF NUMBER OF POSITIONS IN TOP GRADES OF THE CLASSIFICATION ACT OF 1949

The Senate resumed the consideration of the bill (S. 1732) to increase the limitation on the number of positions that may be placed in the top grades of the Classification Act of 1949, as amended, and the limitation on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearings examiners; and for other purposes.

Mr. JOHNSTON. Mr. President, there are at the desk two additional committee amendments to the bill. They are identified as "9–12–61—B" and "9–12–61—C." I send to the desk a substitute for the amendment identified with the letter "C." The substitute is in accord with the intent of the original amendment.

The necessity for these amendments grew out of a misunderstanding which existed at the time when the original bill was reported. That misunderstanding was subsequently cleared up, and these amendments have the approval of the entire committee membership. When I say that, I mean the Republican members as well as the Democratic members.

Mr. President, I ask that the additional committee amendments be considered en bloc, after which the bill as amended can then be considered.

The PRESIDING OFFICER. Is there objection? Without objection, the additional committee amendments will be considered en bloc.

The question now is on agreeing to the additional committee amendments.

The amendments were agreed to, as follows:

At the end of the bill add the following new section:

SEC. 5. (a) Clause (4) of section 104(a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205 (a)), is amended to read as follows:

"(4) Administrator of the Small Business Administration."

(b) Clause (5) of section 106(a) of such Act (5 U.S.C. 2205(b)(5)) is repealed.

(c) Section 106(b) of such Act is amended by adding at the end thereof the following:

"(17) Administrator, Farmers' Home Administration.

"(18) Administrator, Soil Conservation Service, Department of Agriculture.

"(19) Chief Forester of the Forest Service, Department of Agriculture.

"(20) Commissioner of Customs.

"(21) Manager, Federal Crop Insurance Corporation, Department of Agriculture.

"(22) Deputy Administrator, Small Business Administration (4).

"(23) Commissioner of the Indian Claims Commission (3)."

(d) Section 106(c) of such Act is repealed.

(e) Section 107(a) of such Act is amended by striking out:

"(3) Administrator, Farmers' Home Administration.

"(4) Administrator, Soil Conservation Service, Department of Agriculture.

"(9) Chief Forester of the Forest Service, Department of Agriculture.

"(11) Commissioner of Customs.

"(22) Manager, Federal Crop Insurance Corporation, Department of Agriculture."

(f) Section 107(b) of such Act is amended by striking out the following:

"(1) Deputy Administrator, Small Business Administration (3)."

At the end of the bill add the following new section:

"SEC. 5. The proviso contained in the first sentence of section 5(d) of the Farm Credit Act of 1953, as amended (73 Stat. 387; 12 U.S.C. 636d(d)), providing annual compensation of $17,500 for not more than three positions of deputy governor in the Farm Credit Administration, is amended to read as follows: ': *Provided*, That the salary of not more than three positions of deputy governor each shall be fixed by the Board at a rate not exceeding the maximum scheduled rate of the General Schedule of the Classification Act of 1949, as amended'."

Mr. JOHNSTON. Mr. President, the effectiveness and efficiency of Federal departments and agencies engaged in defense, intelligence, space exploration, research, crime prevention, and a multitude of other vastly important and highly complex functions depend in part on the type of leadership we are able to attract and retain in Government service.

This measure is concerned primarily with the establishment of additional supergrade and scientific-type positions, so as to enable the Government to cope successfully with conditions that exist in the world today. The increasing complexities of national programs, the rapidity of scientific breakthroughs, and the expansion of programs all combine to require additional top-level positions.

The bill as reported is designed to meet only the most pressing current needs.

The bill proposes an overall increase of 465 supergrade-type positions and 259 scientific-type positions, or a total increase of 724 for both types of positions.

Of the additional supergrade-type positions authorized, the Civil Service Commission would receive 419, of which 100 are to be held in reserve, for use only upon determination by the President of their initial need. This leaves a total of 319 for allotment by the Civil Service Commission, as the needs of the departments and agencies require.

The bill proposes an overall increase of 259 in the number of authorized scientific-type positions. Of this number, 135 are made available to the National Aeronautics and Space Administration, and 75 to the Department of Defense, with the remaining 49 available to the other agencies.

Mr. President, I ask unanimous consent to have printed in the RECORD, at this point, a table showing the number of supergrade and scientific-type positions now authorized, and the number proposed to be authorized by this measure.

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

Supergrade and scientific-type positions

Agency	Currently authorized	Additional number authorized by S. 1732	Total
A. SUPERGRADE TYPE			
1. Civil Service Commission:			
(a) For allotment to departments and agencies	1,108	319	1,427
(b) For allotment only upon order of the President		100	100
2. Department of Defense	372	28	400
3. National Security Agency	50	12	62
4. Immigration and Naturalization	11	6	17
5. Specific authorizations to individual departments and agencies	600		600
Subtotal	2,141	465	2,606
B. SCIENTIFIC TYPE			
1. Department of the Interior	5	3	8
2. Department of Agriculture	15	3	18
3. Department of Health, Education, and Welfare	10	3	13
4. Department of Commerce	25	3	28
5. Post Office Department		3	3
6. Department of Defense	450	75	525
7. National Security Agency	50	10	60
8. Federal Aviation Agency	25	20	45
9. National Aeronautics and Space Administration	290	135	425
10. Library of Congress		4	4
11. Existing allotments to other departments and agencies	160		
Subtotal	1,030	259	1,129
Total	3,171	724	3,735

Mr. JOHNSTON. Mr. President, enactment of this measure was requested by the administration. Its specific provisions are fully endorsed by the Bureau of the Budget and the Civil Service Commission. While it stops short of the bill originally requested by the administration, it will meet the most pressing needs of the various departments and agencies, and should, therefore, be enacted into law, inasmuch as it is badly needed at the present time.

Mr. JACKSON. Mr. President, will the Senator from South Carolina yield?

Mr. JOHNSTON. I yield.

Mr. JACKSON. Mr. President, I think all of us know of the important work of the Coast and Geodetic Survey in the Department of Commerce. The work of that bureau in the scientific and technical fields has been outstanding. In the field of oceanography, in particular, the Coast and Geodetic Survey has been doing some very capable work vital to the security of the country.

The Bureau needs four positions in grade 16 of the general schedule requested. At the present time the Bureau has no general schedule positions above grade 15.

The four requested positions would be allocated as follows:

First. Supervisory oceanographer in the Office of Oceanography.

The incumbent of this position would be a recognized authority in the oceanographic field. As principal oceanographic assistant and deputy, he would advise the Assistant Director for Oceanography regarding plans for oceanographic work, represent the Bureau on many committees dealing with oceanography, establish procedures for processing of oceanographic records, evaluate the results of oceanographic surveys, and supervise the preparation of reports dealing with oceanographic activities of the Bureau.

Second. Chief Geodesist in the Office of Physical Sciences. The duties and qualifications would be similar to those outlined above for the supervisory oceanographer except that his work would be in the field of geodesy and he would advise the Assistant Director for Physical Sciences regarding that subject.

Third. Chief Cartographer in the Office of Cartography. The duties and qualifications would be similar to those outlined above for the Supervisory Oceanographer except that his work would be in the field of cartography—new mapping and charting concepts, preparation of base manuscripts and reproduction—and he would advise the Assistant Director for Cartography regarding this area.

Fourth. Office of Administration.

The incumbent of this position would be assigned to the office having jurisdiction over the administrative divisions of the Bureau. These include the following: (a) Administrative services, (b) budget and fiscal, (c) instruments, (d) organization and management, (e) personnel and safety, and (f) technical services.

Five additional Public Law 313 positions are requested. At the present time, the Bureau is authorized one position in this classification. It is filled by an outstanding geophysicist whose primary interest is magnetics. The five requested positions would be allocated as follows:

First. Chief Scientist in the Office of the Director. The incumbent of this position would be a recognized authority in the general scientific field. He would advise the Director on all Bureau scientific programs, the conduct and administration of research projects, both inhouse and out-of-house, and would be in line for designation as Assistant Director for Research and Development. In that position he would be in overall charge of research and development projects throughout the Bureau—including basic oceanographic research and associated disciplines.

Second. Oceanographer — Research — in the Office of Research and Development.

The incumbent of this position would be an outstanding oceanographer. He would advise the Assistant Director for Research and Development regarding research projects in the field of oceanography, evaluate the results of those studies and make recommendations as to how the results of such projects can be best outlined to advance the scientific stature of the Nation in the oceanographic field.

Third. Geophysicist—Research—Office of Research and Development.

The duties and qualifications would be similar to those described above for the Oceanographer except that his primary interest would be in the field of seismology or gravity and its relation to various oceanographic areas.

Fourth. Cartographer—Research—Office of Research and Development.

The duties and qualifications would be similar to those described above for the Oceanographer except that his primary interest would be in the field of cartography.

Fifth. Geodesist—Research—Office of Research and Development.

The duties and qualifications would be similar to those described above for the Oceanographer except that his primary interest would be in the field of geodesy, space mechanics, and positioning techniques so vital to accurately positioned oceanwide oceanographic surveys.

The survey has maintained a small technical staff of ably qualified personnel, but the present limitation in the number of positions in the higher salary brackets places the Bureau in a most unfavorable competitive position with other agencies and private institutions.

Increased sophistication in research programs multiplies the needs for specially qualified scientists almost daily. The scientific field is one in which an agency or institution cannot stand still. They must either advance or regress. To advance they must have qualified personnel to direct the projects and to train the scientists of tomorrow.

Changing techniques and improved instrumentation are causing radical changes in approach to all scientific problems. This is particularly pertinent to the field of oceanography. While this is one of the oldest of the sciences, studies in this field actually started when mankind first began to travel upon the waters of the world; it is only in the relatively last few years that this science has begun to really advance. Oceanography of tomorrow will be as different from oceanography of today as our newest space vehicles differ from the airplane flown at Kitty Hawk by the Wright brothers. In order that the survey may attain and maintain its proper position among the scientific agencies and institutions in this as well as other fields, outstanding scientists must be recruited. Before this recruitment can be accomplished, the requested top pay positions must be authorized.

It is my understanding that there are approximately 319 positions assigned to the Civil Service Commission and 100 to the President. Is that correct?

Mr. JOHNSTON. That is correct.

Mr. JACKSON. The distinguished chairman of the committee is performing such good service in this area that I do not desire to offer an amendment at this time, in the hope that something can be arrived at in connection with the general allocation of supergrade positions, because of the important work of the Coast and Geodetic Survey in the field of national security.

Mr. JOHNSTON. As chairman of the committee, I placed in the RECORD the statement that the committee was unanimous in its action that these 319 positions should be allocated by the Civil Service Commission and 100 by the President. I certainly hope they will look into the request the Senator from Washington is making at this time, because I think it is a sound and worthy request.

Mr. JACKSON. I appreciate the attitude of the chairman of the committee. In view of his attitude, I shall not offer an amendment dealing with these particular positions.

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

Mr. JOHNSTON. I yield.

Mr. HUMPHREY. I wish to ask the Senator a question with reference to the supergrade positions provided in the proposed legislation before the Senate at this time. As I understand, there are provided a little more than 300 additional supergrade positions for the Civil Service Commission to be distributed by the Civil Service Commission. Is that correct?

Mr. JOHNSTON. Three hundred and nineteen.

Mr. HUMPHREY. And an additional 100 are to be allocated at the discretion of the President. Is that correct?

Mr. JOHNSTON. That is correct.

Mr. HUMPHREY. While the foreign-aid bill provided for supergrade positions within the bill, it is my understanding, after a careful examination of the Agency's requirements, that under the reorganization, with the new Administrator coming in, there may be a need for some additional supergrades. Am I correct in the assumption that, with respect to the 319 positions that the Civil Service Commission has been allocated under the proposed legislation, or out of the 100 that have been set aside to be distributed at the discretion of the President, there is nothing in the bill that would prohibit some of those supergrade positions from being made available for the purposes of the AID administration?

Mr. JOHNSTON. The Senator is correct. In other words, the distribution is left absolutely in the hands of the Civil Service Commission to award the 319 positions and in the hands of the President to award the 100 positions as he sees fit.

Mr. HUMPHREY. In the instance of the Arms Control and Disarmament

Agency, if an adequate number of supergrade positions are not provided because of some problems in conference, the President or the Civil Service Commission, from the numbers allocated to them under the bill, will be able to allocate a limited number of their supergrade positions to that Agency. Is that understood?

Mr. JOHNSTON. It is understood that that could be done.

Mr. HUMPHREY. And the same would be true of the Peace Corps agency?

Mr. JOHNSTON. The same would be true as to that agency.

Mr. HUMPHREY. I wanted to establish that there was no prohibition in this legislation to such allocation.

Mr. JOHNSTON. I think the committee will agree with me that we thought, at the time we provided for the distribution of the positions in this manner, the President and the Civil Service Commission would make those supergrade positions available where they were most needed. In the event something comes up next year, they can be taken care of then. This measure will take care of any emergencies.

Mr. HUMPHREY. One further question. I notice the Department of Agriculture was authorized three of these positions by the committee bill. Is that correct?

Mr. JOHNSTON. That is correct.

Mr. HUMPHREY. I believe five were requested.

Mr. JOHNSTON. That is true.

Mr. HUMPHREY. Did the House authorize five?

Mr. JOHNSTON. It is my understanding that the House authorized five.

Mr. HUMPHREY. So this question will be in conference. Without seeking any commitment from the Senator from South Carolina, knowing of the needs of the Department of Agriculture, I hope he may make clear the logic of the position of the other body in this connection and that the Senator will be successful in having the conferees accede to such a request.

Mr. JOHNSTON. The Senator from Minnesota, having served with me on the Agriculture and Forestry Committee, knows how I feel about agricultural matters, and he can almost read my mind, I fear, from what he has said.

Mr. HUMPHREY. If I were a farmer, nothing would make me happier than to trust my future to the Senator from South Carolina. The agricultural interests and the farmers have no more true or reliable friend than the Senator from South Carolina.

I could extend these compliments into broader fields, but, in view of the time situation today, I shall limit myself to what I have said. I assure the Senator that my respect and affection for him is much greater than what I have indicated.

Mr. JOHNSTON. I thank the Senator from Minnesota for his remarks. Having served on several committees with him, I can return to him every compliment that he has paid to me.

Mr. HUMPHREY. I thank the Senator.

Mr. KERR. Mr. President, I send to the desk an amendment, and ask to have it stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Oklahoma will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 16, to strike out lines 15 through 18 and insert in lieu thereof the following:

(e) Section 203 (b) (2) of the National Aeronautics and Space Act of 1958 (72 Stat. 429; 42 U.S.C. 2473 (b) (2)) is amended by inserting "thirty" in place of "thirteen" and by inserting "four hundred and twenty-five" in place of "two hundred and ninety".

Mr. KERR. Mr. President, the amendment just read would further amend section 203(a)(2) of the National Aeronautics and Space Act in order to meet an urgent requirement affecting the caliber of the top NASA leadership which must carry forward the administration's accelerated program of space exploration.

As reported by the Senate Post Office and Civil Service Committee, a total of 135 additional NASA excepted positions which may be paid up to $19,000 have been granted. This is the full request of the administration, except the administration requested that 17 of these 135 positions are needed to be paid in the salary range of $19,000 to $21,000. At the present time the act authorizes 13 such positions and my amendment would add an additional 17, making a total of 30 out of the 425 which could be paid from $19,000 to $21,000. While the difference in salary range of $2,000 appears to be small, the Space Administration feels that it could make a vital difference in whether it is able to attract and hold the very highest level of technical and executive talent to carry out its new missions, including the successful achievement of manned lunar landing and safe return.

Mr. President, at this time I ask unanimous consent to have printed in the RECORD a copy of a letter dated September 18, 1961, to me as chairman of the Space Committee, from Mr. James E. Webb, the Administrator of NASA, in support of the increase of these additional salaries. As stated in the letter, the amendment is supported by the Bureau of the Budget and the Civil Service Commission.

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

SEPTEMBER 18, 1961.

Hon. ROBERT S. KERR,
Chairman, Committee on Aeronautical and Space Sciences, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your amendment to S. 1732 to restore to this bill authority to pay up to $21,000 per annum for 17 of the 135 additional positions provided in the bill for the National Aeronautics and Space Administration is vitally required.

This amendment is also supported by the Bureau of the Budget and the Civil Service Commission.

The Nation's accelerated space program cannot be successfully carried out without the authority to pay an additional 17 of the 135 excepted positions provided in S. 1732 up to $21,000. These positions will be used for the highest level of scientific and technical management to carry the overall responsibility for major areas in the space program. These positions are essential to NASA's efforts to attract high-level technical scientists and engineers from industry who are now being paid far more than NASA will be able to offer them, even with this authority.

It is in the public interest to recognize the importance of paying adequate compensation for key scientific and technical leaders.

The accelerated space program recommended by the President and enacted into law by the Congress calls for one of the greatest scientific and technological efforts our country has thus far undertaken. We cannot afford to invest the billions of dollars this program will involve over the next decade without assuring an adequate number of the very best scientific, technical, and managerial talent this country can produce.

Sincerely yours,

JAMES E. WEBB,
Administrator.

Mr. KERR. At this time, Mr. President, I submit a brief history of this particular provision. The original Space Act of 1958 recognized the need for a small number of top-level positions within the $21,000 ceiling level, rather than $19,000. At the time of the enactment of that act, 260 positions were authorized by the Congress, of which 10 could be paid up to $21,000 and the remainder at up to $19,000.

Last year the President transferred to NASA the Army Von Braun team on July 1, 1960. At that time the Congress approved additional excepted position authority which increased the authorization from 260 to 290 and specified that a small proportion of these additional positions could be established above $19,000. Accordingly, the number was increased from 10 to 13. The purpose of my amendment would increase this number of 13 to 30 so that an additional 17 positions of the 135 positions now recommended by the Post Office and Civil Service Committee could be paid in this higher pay level up to $21,000.

Without these added positions, I am informed that the current situation within the NASA will be critical indeed. The Administrator of NASA is at the moment engaged in negotiations for key positions in the accelerated space program.

The program has such challenge to the imagination and energies of top-flight people that the NASA feels some confidence in its ability to interest seriously various individuals whose current compensation outside the Government is in the $30,000 to $60,000 salary range or more. Such individuals sufficiently challenged are willing to make substantial financial sacrifice if they are indeed satisfied that the importance of the job they are asked to do has merited some special consideration by the Congress in the salary structure.

I am informed that none of the additional key appointments on which the accelerated space program depends can be made within the current authorized 13 positions in the $19,000 to $21,000 salary range. Ten of the thirteen present positions are now occupied, two are committed to individuals who have been selected but have not yet reported for duty, and one position is being reserved for the replacement of the Director of

the Lewis Research Center, a position which has been vacant since the retirement of the previous Director, Dr. Sharp, earlier this year. Mr. President, in my judgment, it is essential that the NASA be able to offer positions of financial status and salary to those now in the $21,000 salary range wherever it needs to expand or strengthen its top leadership to handle this new national program. NASA's current planning for the 17 additional positions would provide at least 4 top positions for a new manned lunar landing project organization and 3 positions to set up the leadership for the new manned spacecraft center for which construction is authorized in the current fiscal year 1962 program. Plans also call for four additional deputy positions in headquarters, a deputy associate administrator, three deputy directors of the centers, and two reserved for additional program expansion.

The inability of the NASA to compensate a limited number of these jobs at a $19,000 to $21,000 range will have a serious effect on the salaries that can be paid throughout the rest of the excepted position structure. Thus far, those positions paid over $19,000 are limited to those who have overall responsibility for direction of the major program areas and the largest field centers. The maximum the NASA can pay then is $19,000 for the key supervisory technical personnel responsible for its major research efforts or large-scale systems development projects. As a practical matter, I am told the NASA salary structure underneath these positions in the bulk of its key technical and executive leadership being paid not more than $17,000 to $18,000. Industry pays the same level of talent between $25,000 and $35,000 a year. The amount of money by which the ceiling would be moved by this amendment is quite small since it involves a maximum of $2,000 for each of 17 positions. However, if this authority is not provided, it is believed that NASA's recruiting efforts for the highest positions in a program that will have as its basic objective the advancement of science and technology at the most rapid rate possible over the next 10 years and the utilization of the knowledge gained, both in space and as a feedback to the process of economic growth, will be seriously impaired.

Mr. President, it is well to note that approximately 80 percent of all funds appropriated to the National Aeronautics and Space Administration are expended under contracts. This requires strong and capable leadership in the planning and placing of contracts and in supervising the execution of the contracts to see that the greatest possible value is achieved. It is my opinion that, in such a program requiring vast financial commitments over the next decade, it would appear only prudent that the Congress make this additional modest investment to assure that the NASA has every opportunity to recruit the caliber of leadership required for such sound planning and decisive action in the expenditure of these public funds, and I urge the adoption of this amendment by the Senate.

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

Mr. KERR. I yield to the Senator from North Carolina.

Mr. JORDAN. Mr. President, I am a member of the committee which heard the testimony in regard to the supergrades, along with the Senator from South Carolina [Mr. JOHNSTON], the chairman of the committee. I am thoroughly convinced that Mr. Webb did not ask for a single employee he did not need.

The agency is in its infancy. It is now obtaining a staff. Mr. Webb does not have the necessary personnel with which to staff the agency yet. This is a very highly technical agency. I understand the expenditures are now running about $5 million a day, and by a year from now will be $10 million a day. There will be a great waste of money if the agency does not have men capable of doing the necessary job, which is not an ordinary job. This is something entirely new in our history.

I heartily endorse the amendment offered by the Senator from Oklahoma. The 135 positions which the committee granted in the bill reported should be insisted on. The House cut the figure to 65. I hope we can go to conference with a determination to give Mr Webb a major part of what he asked for because he needs every one of these employees.

I went over this problem with the Administrator again today. He urgently needs these employees.

Mr. KERR. Mr. President, I thank the Senator from North Carolina.

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

Mr. KERR. I yield to the Senator from West Virginia.

Mr. RANDOLPH. The knowledgeable chairman of the Committee on Aeronautical and Space Sciences has presented cogent reasons why the National Aeronautics and Space Administration of the Federal Government needs this type of skilled and scientific personnel.

The National Aeronautics and Space Act of 1958 gave to its created agency a broad and vital mandate, encompassing in part the following missions: the expansion of knowledge of atmospheric and space science; the development and operation of space vehicles and improvement of aeronautical and space vehicles; the preservation of U.S. leadership in aeronautical and space science and technology, and in the application of such knowledge to peaceful activities; interchange of information between civilian and national defense agencies; study of potential benefits to be gained for mankind through space activities; and the cooperation by the United States with other nations and groups of nations in work done pursuant to this act and in the peaceful applications of the results thereof.

This program needs the intelligence and devotion of men who are attracted by the inspired leadership of James Webb, our Administrator. They must match in degree the imagination, the wisdom, the sacrifice, and the patriotism of Mr. Webb, to insure America's leadership in this new and challenging endeavor.

I serve as a member of the Post Office and Civil Service Committee under the chairman, the Senator from South Carolina [Mr. JOHNSTON], with the able Senator from North Carolina [Mr. JORDAN]. We are impressed by the need.

I endorse the request made in the amendment offered by the Senator from Oklahoma.

Mr. President, our space research effort involves some 14 different space vehicles, each carefully planned for specific research functions, ranging from the original Vanguard with an initial thrust of 28,000 pounds, to the projected Saturn (C–2), for flights in the vicinity of the moon, with an initial thrust of 1,500,000 pounds. To carry on this program, Congress appropriated over $950 million for research and development for fiscal 1961, more than twice that of the preceding year, and $1,220 million for NASA research and development in fiscal 1962.

This proposal not only is for an expenditure of necessary funds but also is for an investment which will bring a dividend to this country, and I trust ultimately to the world.

I believe the amendment offered by our distinguished colleague should have the unanimous support of the Senate.

Mr. KERR. I thank the Senator from West Virginia.

Mr. JORDAN. Mr. President, I have one further statement. As the Senator well knows, the figure of 135 is not the number of employees in this category originally requested.

Mr. RANDOLPH. No.

Mr. JORDAN. We cut the request down to the minimum the agency thought it could possibly get along with, after hearing all the testimony. I think 135 is a minimum figure.

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

Mr. KERR. I yield to my distinguished colleague.

Mr. MONRONEY. The amendment would not increase the number of supergrades which the committee has authorized for the National Aeronautics and Space Administration beyond that which the committee bill reported.

Mr. KERR. The Senator is correct. It would only direct that of the increase provided by the committee an additional 17 may be graded up to receive between $19,000 and $21,000, instead of the maximum of $19,000.

Mr. MONRONEY. As I compute the figures roughly, the upgrading to levels which the tasks and challenges and scientific knowledge required would cost approximately $35,000 to $40,000. For the want of the additional $2,000 or $3,000 to pay the men in the range of $19,000 to $21,000, we may not be able to get anyone, and we may waste the money if we accept lesser talent for $16,000 or $17,000 a year.

Mr. KERR. The Senator has put his finger on the very heart of the problem and the basis for the amendment.

Mr. MONRONEY. In most professions there can be an upgrading and a training up under the slower processes of nor-

mal procedure. However, we are in a race to be eminent in space technology and all the developments which may be opened up, so we do not have time to train men of lesser capabilities up to these jobs. We must compete in an already short market for these types of men.

I note every Sunday in the New York Times a half dozen pages or more of advertisements by various electronics and scientific companies pleading for applicants for jobs. Many of these jobs, I am informed, pay more than double the amount we are able to offer in Federal service.

Mr. KERR. The Senator is correct.

Mr. MONRONEY. The amendment is a very good one, and I shall certainly support it, because I think the Senate would be doing less than its duty if it denied the increase in salaries and not the increase in numbers for these 17, as requested by the amendment.

Mr. KERR. I thank my great colleague from Oklahoma for his timely, able, and pointed remarks.

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

Mr. KERR. I yield to the Senator from Washington.

Mr. MAGNUSON. The bill is a very timely one. I have come from a meeting of the Appropriations Committee. All the independent agencies have been before the committee asking for supplemental appropriations. Almost without exception the agencies are asking us to provide in the appropriation bill for some supergrade positions. At times we have done that.

I know we always violate the jurisdiction of the committee of my distinguished friend from South Carolina when we do so, but we have had to do it once in a while, in emergencies, and the Senator has kindly consented to go along with it.

This proposal is very timely for another reason. Without exception, every one of the representatives who appeared before the committee asked for an increase in the amount which could be paid for consultants, from $50 to $75 or $100 a day. At one time, about 2 years ago, one agency was given authority to pay $100, and now all of them want the authority to pay $100. They claim they do not have people in the departments who can do the work. The SEC says, "We cannot hire actuaries." The ICC says, "We cannot get transportation experts." The Federal Communications Commission says, "We cannot get engineers." These agencies now wish to pay $100 a day for consultants.

I hope, with the increase in the supergrade positions, the agencies will be able to hire more qualified people, and will not have to spend the money for consultants.

This is a very timely proposal. It will save the Appropriations Committee from consideration of a very difficult problem, when people come before the committee and wish to put legislation in an appropriation bill.

Of course, the National Aeronautics and Space Administration needs many of these people, which I know as well as does the Senator from Oklahoma.

This is a very timely amendment. I hope it will be agreed to unanimously. Perhaps I should suggest that more should be provided, but I know the problem of the committee.

Mr. KERR. I thank the Senator from Washington. I hope the amendment will be agreed to.

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

The amendment was agreed to.

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

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. At the end of the bill it is proposed to insert the following new subsection:

(f) Section 201(f) of the National Aeronautics and Space Act of 1958 (72 Stat. 429; 42 U.S.C. 247(f)) is amended by striking out "three" and inserting in lieu thereof the word "seven".

Mr. KERR. Mr. President, the act previously passed creating the National Space Council provided for three persons to be appointed without regard to the civil service laws or the Classification Act of 1949, and compensated at the rate of not more than $19,000 a year, as may be necessary, to perform such duties as may be prescribed by the Council in connection with the performance of its functions. In view of the greatly expanded space program, which has already been accomplished and authorizations and appropriations passed this year, with further increases contemplated, the Space Council has requested that the number of supergrades be increased from three to seven, and it is the purpose of the amendment offered by the Senator from Oklahoma to authorize such increase.

I hope the chairman of the committee will accept the amendment.

Mr. JOHNSTON. Mr. President, I accept the amendment and shall take it to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1732) was ordered to be engrossed for a third reading, and was read the third time.

Mr. MANSFIELD. Mr. President, I ask that prior to the announcement of the vote the individual views of the distinguished Senator from Pennsylvania [Mr. CLARK] be printed at this point in the RECORD. I think such action is necessary because the Senator from Pennsylvania has made an intensive study of this particular question and I believe that his views are entitled to every consideration.

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

INDIVIDUAL VIEWS

While I concur with the other members of the committee in recommending that the Senate approve S. 1732, I feel that the Congress should delegate to the administration far greater authority to classify positions in the higher levels of the civil service.

When the Congress enacted the Classification Act of 1923, it delegated to the executive branch the responsibility for fixing the pay of individual employees of that branch (other than those holding the few positions whose salaries were set by statute), subject to general standards established by the act. This step was taken in recognition of the fact that Congress has neither the time nor the staff resources to make the analyses which must underlie fair and equitable decisions, on the allocation of individual jobs.

For more than a quarter of a century, the Congress consistently supported the principle that job classification is an executive function. But in the Classification Act of 1949, the Congress began to move away from this principle. In authorizing three new grades, GS–16, GS–17, and GS–18, the so-called supergrades, a statutory limit was set on the number of jobs which could be allocated to those grades.

On various occasions, the limit has been raised. But even when raised, they have continued to bind. Consequently, to get around the limits which the Congress itself has established, the Congress through individual acts has authorized additional supergrade positions for particular agencies. These provisions have been recommended by various committees of the Congress. No common standards have been used. No careful job analyses have been possible. The result is a welter of authorizing legislation and a haphazard distribution of supergrade positions among competing agencies.

The present bill would relieve—for the time being—the pressure caused by the statutory limitations on these positions. What it should do is remove the limits altogether.

The administration testified that it would prefer to have the limitations removed.

Chairman John W. Macy, Jr., of the Civil Service Commission said:

"Although there is general agreement in the executive branch that the best long-range solution of this problem is the removal of all numerical limitations on positions at these levels, the bill takes a more moderate approach."

Mr. Phillip S. Hughes, Assistant Director of the Bureau of the Budget, told the committee:

"As has often been stated, the executive branch would prefer to eliminate the numerical limitation altogether and to rely on the standards and procedures of the Classification Act as administered by the Civil Service Commission to control this portion of the payroll, just as these standards and procedures control allocations to the lower grades."

It may be that the committee bill will meet the most pressing immediate needs of the executive branch. But, sooner or later, as the responsibilities of Government officials continue to increase, as pay scales inside and outside the Government continue to rise, the new limitations will begin to hamper the operations of the Government. More legislative adjustments will then be necessary. Between the time when the needs develop and the time when the adjustments are made, Government agencies will lose out in their competition to attract and hold their

share of the best talent and ability of the Nation. All the agency heads who appeared before us testified that their operations were currently suffering, while they await the approval of this bill.

To quote just one of them, Mr. Hugh L. Dryden, Deputy Administrator of the National Aeronautics and Space Agency, told the committee:

"A substantial increase in the top scientific and executive positions is needed to direct the additional internal programs as well as administer and supervise the very large increases in the programs performed by contract. Personnel capable of performing such duties cannot be obtained at the current salaries for GS–15 positions and below.

"The national space program effort is concentrated in the advanced fields of aerospace technology. As is true of any newly emerging field, there is an admittedly short supply in the number of scientific, engineering, and administrative personnel of executive level caliber who have the capabilities and experience to conceive and direct such programs. At a time when our organization will have urgent need to add to its key personnel in the field as well as the headquarters, the increased contracts we will be letting with industry and other institutions will in turn create similar demands on the Nation's supply of qualified personnel in the aerospace fields.

"I remember a similar situation in 1956 when, because of the large salary differential, the NASA was not only unable to hire new personnel from the outside, but sustained very serious losses from our own highly trained staff. It would be very serious if this were to occur again.

"The salary levels for the positions we are requesting are still substantially below the salaries paid by nongovernmental organizations."

I see no reason to continue a system which does nothing to help but much to hamper the agencies of the Government in the discharge of their responsibilities.

We all know of the research organizations, sustained entirely or mainly on Government funds, which have been established largely as a subterfuge to avoid the limits of the Classification Act. They pay their executives up to $35,000 and $50,000 a year. All I propose is to give the Government authority to pay up to $18,500.

The controls which are continued in this bill might be justified if they saved large amounts of money, and did so with fairness to the employees. But neither is the case. The amounts involved are miniscule. A career Federal executive now in the third step of GS–15, whose job warrants GS–16, would receive an $875 promotion if he is reclassified. Insofar as the numerical limits prevent such reclassification, the Government saves only $875 per employee, and it does so by unfairly penalizing a public servant who is discharging higher level responsibilities but not receiving the higher pay.

The controls also might be justified if Congress were equipped to administer them. But we are not. The executive branch has the administrative machinery to allocate jobs to salary levels. The Congress has no such machinery. To be fair, a classification system must be maintained in delicate balance, and insofar as Congress tinkers clumsily with that system it is more apt to put it out of balance than to improve it.

On one occasion, a witness testified before our committee that he should be awarded a supergrade, and the committee had to consider whether to assign him such a grade in the bill which it approved. This is not the way such decisions should be made. Obviously, we cannot take the time to hear and act upon the pleas of individual civil servants for salary increases.

The Congress has been or is currently considering a $47 billion defense appropriation bill, a vastly expanded space research program, a long-range foreign-aid program, major proposals in the fields of education, taxation, agriculture, medical care for the aged, retraining of the unemployed, employment opportunities for youth, and many others. Can we also afford to devote precious hours to deciding how many civil servants, whose jobs we have not studied and cannot study, should receive $875 salary increases?

I believe that the same Cabinet members and other top executives to whom we delegate the responsibility for spending billions of dollars, drafting thousands of young men into military service, conducting life-or-death research and experimentation, negotiating with foreign nations, building giant public works, deciding the effectiveness of weapons systems, and administering the other manifold functions of the Government can be trusted with the added responsibility of deciding about those $875 salary increases.

By delegating this responsibility, the Congress would not, of course, lose ultimate control. The operations of agencies and the way in which they spend their funds, including those for salaries, are reviewed annually and intensively by the Appropriations Committees. Our committee and the House Civil Service Committee will continue to exercise general supervision over personnel matters. The Government's central personnel agency, the U.S. Civil Service Commission, which has responsibilities to the Congress as well as to the President, stands as a safeguard to assure Congress that jobs will be allocated to the top grades with the same care that is taken in allocating to grades up to GS–15. Indeed, more care is taken, because every single proposal to place a job in a supergrade is acted on by a majority of the Civil Service Commissioners, and the qualifications of the proposed appointee are carefully screened by a special review board within the Commission.

My proposal is only that jobs be placed on the salary scale at the point which their duties now justify; it is not a request for a higher scale. Yet, a cold and critical review of the Federal pay structure will convince anyone who is familiar with the salaries in private business and the leading universities that our Federal career leaders in scientific, professional, and managerial ranks are seriously underpaid. A Civil Service Commission survey of large business concerns, conducted last year, clearly demonstrated a serious executive salary lag, with the gap widening the higher up the pay scale one goes in making comparisons. At the top levels, pay could even be doubled and the Government would still be getting many "bargains" for the responsibilities carried and the abilities needed. To remove detailed congressional controls on the number of top career jobs is only one step of several that must ultimately be taken to make the Federal career service really competitive in today's world.

JOSEPH S. CLARK.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 1732) was passed.

Mr. JOHNSTON. Mr. President, I move that the Senate proceed to the consideration of H.R. 7377.

The PRESIDING OFFICER. The bill will be stated by title.

THE CHIEF CLERK. A bill (H.R. 7377) to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes.

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

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. JOHNSTON. Mr. President, I move to strike out all after the enacting clause in H.R. 7377 and to substitute the language of Senate bill 1732 as amended.

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

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

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

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 7377) was passed.

The title was amended, so as to read: "A bill to increase the limitation on the number of positions that may be placed in the top grades of the Classification Act of 1949, as amended, and the limitation on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes."

The PRESIDING OFFICER. Without objection, Senate bill 1732 will be indefinitely postponed.

Mr. JOHNSTON. Mr. President, I move that the Senate insist on its amendment and ask for a conference with the House thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JOHNSTON, Mr. MONRONEY, Mr. YARBOROUGH, Mr. JORDAN, Mr. RANDOLPH, Mr. CARLSON, Mr. FONG, and Mr. BOGGS conferees on the part of the Senate.

THE FUGITIVE FELON ACT

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 749, H.R. 468.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (H.R. 468) to amend section 1073 of title 18, United States Code, the Fugitive Felon Act.

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

The motion was agreed to; and the Senate proceeded to consider the bill.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, tomorrow at approximately 12:14 p.m., the Senate will depart in a body for a joint meeting in the Chamber of the House of Representatives for the purpose of greeting the President of Peru.

The pending business is Calendar No. 749, H.R. 468, a bill to amend section 1073 of title 18, United States Code, the Fugitive Felon Act.

Tomorrow it is contemplated that there will be before the Senate the conference report on H.R. 2010, the migratory labor bill; probably the conference report on H.R. 7500, the Peace Corps bill; and probably a conference report on H.R. 258, the District of Columbia sales tax bill.

On Friday and/or Saturday there will probably be a conference report on the foreign-aid bill. I wish to emphasize the word "probably."

H.R. 9076, the public works appropriation bill, is tentatively—and I wish to emphasize the word "tentatively"—scheduled for consideration on Friday.

It is also possible that the Senate will consider the so-called Du Pont bill and the so-called football TV bill prior to adjournment.

Also, in addition, the Senate will consider H.R. 9169, the supplemental appropriations bill.

THE FUGITIVE FELON ACT

The Senate resumed the consideration of the bill (H.R. 468) to amend section 1073 of title 18, United States Code, the Fugitive Felon Act.

Mr. MANSFIELD. Mr. President, the measure now before the Senate is H.R. 468, an act to amend section 1073 of title 18, United States Code, the Fugitive Felon Act.

It is my understanding that certain Senators wished to be notified when the measure was called up for consideration. All of them who are in the city and are available have been so notified. One of such Senators is not in the city at the present time. A member of that Senator's staff has conferred with me and told me that that particular Senator would not be in favor of consideration of the bill at this time.

However, in view of the fact that an announcement was made yesterday that the bill would be reported, I feel that I am honorbound to call it up at this time. However, I wish the RECORD to show that the opposition of a particular Senator has been noted, and I assure that particular Senator that, so far as I am concerned, I will do my best to see that the interest of the Senator is protected.

The law now provides, in section 1073 of title 18, United States Code:

> Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he flees, for murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, or extortion accompanied by threats of violence, or attempt to commit any of the foregoing offenses as they are defined either at common law or by the laws of the place from which the fugitive flees, or (2) to avoid giving testimony in any criminal proceedings in such place in which the commission of an offense punishable by imprisonment in a penitentiary is charged, shall be fined not more than $5,000 or imprisoned not more than five years, or both.
>
> Violations of this section may be prosecuted only in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement.

The bill, H.R. 468, as amended on the floor of the House of Representatives and as passed by the House of Representatives, deletes from the law as stated above the words: "for murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, or extortion accompanied by threats of violence, or attempt to commit any of the foregoing offenses as they are defined either at common law or by the laws of the place from which the fugitive flees," and substitutes in its place: "for a crime, or an attempt to commit a crime punishable by death, or which is a felony under the laws of the place from which the fugitive flees, or which, in the case of New Jersey, is a high misdemeanor under the laws of said State, or to avoid giving testimony in any criminal proceeding in such place in which the commission of an offense punishable by death or which is a felony under the laws of such place or which, in the case of New Jersey, is a high misdemeanor under the laws of said State."

Further, where the present law provides that violations of this section may be prosecuted only in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement, the bill as passed by the House of Representatives adds the words: "and only upon formal approval in writing by the Attorney General or an Assistant Attorney General of the United States, which function of approving prosecutions may not be delegated."

The effect of the bill as passed by the House of Representatives, therefore, is, in brief, to substitute any felony in the place of the enumerated crimes of murder, kidnaping, burglary, robbery, and so forth, in the present law and also to add the new safeguard that prosecutions may be commenced only upon formal approval in writing by the Attorney General or an Assistant Attorney General, and that this function of approving prosecutions may not be delegated.

In the floor discussion of this bill as passed by the House of Representatives, reliance should not be placed in the printed report of the House, House Report No. 827, as this discusses the bill as reported by the committee and does not reflect the bill as amended on the floor of the House and as passed by the House and as it is before us now.

Mr. President, I ask unanimous consent that at this point in the RECORD there may be inserted a letter to Hon. EMANUEL CELLER, chairman of the House Committee on the Judiciary, and also fugitive felon statistics for the past 5 years, as furnished to me.

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

AUGUST 23, 1961.

Hon. EMANUEL CELLER,
Chairman, House Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in answer to your request for information concerning the procedure utilized by the Department in cases involving the Fugitive Felon Act. The policy of the Department is set out in the U.S. Attorneys' Manual, as follows:

"The Fugitive Felon Act does not supersede nor is it intended to provide an alternative for State extradition proceedings. Its primary purpose is to permit the Federal Government to assist in the location and apprehension of fugitives from State jurisdiction."

The manual further requires the approval of an appropriate Assistant Attorney General before an indictment or a Federal removal proceeding may be instituted. Thus under present procedures when a complaint is issued by the U.S. attorney in the State in which the State offense has been committed, the Federal Bureau of Investigation is requested to conduct an investigation. Upon the arrest of the fugitive, he is turned over to State authorities in the State of asylum and is returned to the State from which he has fled through normal State rendition proceedings. It is, therefore, very seldom that an Assistant Attorney General authorizes the prosecution in the Federal courts under this statute. As an example, there have been 48 prosecutive applications of the present statute in 9,093 possible instances over a 10-year period.

This procedure, which has operated so effectively in the past in giving aid to the States, will be continued in the event that the fugitive felon statute is amended as we have requested.

I hope that the foregoing satisfactorily answers your inquiry.

Sincerely,

BYRON R. WHITE,
Deputy Attorney General.

Fugitive felon statistics for the last 5 years

	Arrests	Convictions
1956	902	11
1957	947	6
1958	1,021	2
1959	1,149	4
1960	1,361	2
Total	5,380	25

Mr. HART. Mr. President, as the distinguished majority leader has explained, several Members of the Senate have expressed very serious concern with respect to the sweep of this proposed legislation. I should be the first to acknowledge that the Committee on the Judiciary held public hearings on the bill, which is one of several in what have been described as the Attorney General's package of crime bills. At the time of these public hearings, although many witnesses commented on several of the bills in the package, as I recall, no criticism was directed specifically at the proposed amendment to the Fugitive Felon Act.

Subsequently—and I commend the distinguished junior Senator from Oregon [Mrs. NEUBERGER] as having first expressed on the RECORD this concern—some of us sensed that the proposal, if adopted, might very well be a step along the road to a national police force, in the form of the FBI. One of the difficulties always present in connection with comment on legislation such as this is the care with which one must choose his words lest by implication he be earmarked as encouraging organized crime or supporting the activities of organized criminals. All of us applaud the Attorney General in his determination to

fight organized crime. We want to give him all the support that this effort demands. At the same time, we go too far when we say in effect that any State which describes something to be a felony can virtually write the ticket and bring Federal police activity into force when anyone flees that State to avoid prosecution for that which, because of tradition and culture, that State regards as a felony. It may well be that the individual who flees enters a jurisdiction where the activity is not a felony, or is not a misdemeanor, and indeed may be quite appropriate or recognized in the community. This admittedly is an exceptional case, but it does reach the point about which concern is expressed; namely, the question of State's rights. On both sides of the Mason-Dixon line voices should be raised in terms of caution, lest we tamper with what, properly defined, is an essential value in our society.

The amendment which limits the authorization for commencement of action under the bill to the Attorney General himself is helpful. I believe we can properly assume that every occupant of that office will act responsively, and will be sensitive and conscientious. However, I voice the caution that the enactment of the proposed legislation may cause acute embarrassment to an Attorney General some day. It involves not alone relationships between the States, but also the prestige of a national office. I express the thought that there may be a day when an Attorney General will regret that we placed him in the position of having to say either that he will grant or will reject the request of a State to send Federal policemen in search of someone who is taking refuge in a place where the offense is not even a crime.

The wiser approach, I feel, is the one which the distinguished senior Senator from New York [Mr. JAVITS] has proposed. I believe that he might have offered it in the form of an amendment were he present today. He is absent for a very proper and laudable reason.

I would not presume to offer the amendment for him. I ask unanimous consent that at this point in the RECORD the amendment which he might well have offered be printed in the RECORD.

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

Delete all following line 4 on page 1 and insert the following:

"Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he flees, for murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, extortion, bribery, graft, gambling, prostitution, or possession of narcotics, or attempt to commit any of the foregoing offenses as they are defined either at common law or by the laws of the place from which the fugitive flees, or (2) to avoid giving testimony in any criminal proceedings in such place in which the commission of an offense punishable by imprisonment in a penitentiary is charged, shall be fined not more than $5,000 or imprisoned not more than 5 years, or both."

Mr. HART. In summary, the suggestion of the Senator from New York would be that we pinpoint explicitly the additional crimes, flight from which would constitute a violation of the Fugitive Felon Act.

Here is a package aimed at organized crime. The proposal would be to add to the existing law violations enumerated in section 1073 of title 18, the following: bribery, graft, gambling, prostitution, or possession of narcotics, or attempt to commit any of the foregoing offenses.

I believe this would not unduly restrict the Attorney General and State law enforcement agencies, and at the same time would not open the possibility which I have originally suggested, that we might some day find ourselves in the business of enforcing a great variety of laws all the way across the country, north and south, east and west.

The Senator from Oregon [Mrs. NEUBERGER], whose remarks may be found in the RECORD at pages 14036 and 14037, when she first raised this point cited some of the clearly outmoded criminal statutes in several States. In fairness it should be pointed out that the bill now is restricted to felonies only.

Even so, I suggest we would be much wiser to aim at the narrower target, at the head of organized crime, and not bring up a mass of artillery which may, indeed, miss the prime target, but involve many persons who would be, at least, semi-innocent bystanders.

I ask unanimous consent to have printed at this point in the RECORD the remarks of the distinguished junior Senator from Oregon [Mrs. NEUBERGER], which appear beginning on page 14036 of the RECORD of July 29, 1961, together with my response made thereto at that time.

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

THE FUGITIVE FELON ACT

Mrs. NEUBERGER. Mr. President, I have objected today to the consideration of the amendment of the Fugitive Felon Act by the Senate because it raises a number of important questions. Unfortunately, I am not an attorney, and therefore am not so knowledgeable about some of these problems of S. 1654 as some of my colleagues are. Nonetheless, as I read the bill, it would have some interesting effects.

The proposed amendment makes it a Federal crime for a person to move or travel in interstate or foreign commerce with the intent to avoid prosecution for a crime or an attempt to commit a crime punishable by a term of more than 1 year under the laws of the State from which the fugitive flees. This measure has been submitted by the Attorney General as part of his program against organized crime.

I was curious to discover what effects this law might have on the State of Oregon, for I know that my State, like the rest of the States, has on its books a number of interesting and archaic provisions, the attempted violation of which would now make one a Federal criminal.

For example, one becomes a Federal criminal for the commission or the attempted commission of any of the following crimes in Oregon:

First. Defaming an insurance company, a bank, or a savings and loan association.

Second. Managing a steamboat or other craft in a manner that might endanger life. I suppose that this would apply to the captain of a boat pulling a vigorous water skier.

Third. Breaking into the Oregon State Penitentiary.

Fourth. Skinning a carcass worth more than $75.

Fifth. Stealing harvested and threshed grain—and there is no statement of what amount.

Sixth. Possessing adulterated gold dust.

Seventh. Challenging another person to a duel. I might add that one also would violate the law if he used contemptuous language about any person who refuses to duel.

Eighth. Exposing of any person for public amusement in a state of trance or hypnotism.

Ninth. Finally, we have an antistinkbomb law which makes it a crime to place a stinkbomb in any place where a gathering is being held. This law would make an attempt to place a stinkbomb a Federal crime.

Some other States have some provisions of similar import. For example, Alabama has a statute making it a crime, punishable by not less than 2 years in jail for carrying a rifle walking cane. And, you can spend up to 10 years in jail for the mere possession of unlawful flags or emblems. Alabama, I might add, also has an antistinkbomb law with a 1-year minimum sentence.

In Georgia, you can go to jail for up to 4 years for stealing just one chicken. Or one hog. The theft of a bale of cotton can get you up to 5 years in a Georgia jail.

In Louisiana, the penalty is up to 5 years for abetting in bigamy, and the same penalty for miscegenation.

If you marry someone outside Mississippi who you may not marry in Mississippi because of that person's race, you can spend up to 10 years in a Mississippi jail.

The theft of two horses in North Carolina can put you in jail for 20 years and you can go to jail for 5 years for betting on prizefights.

In New York State, challenging a person to a duel is a crime with a 7-year penalty, and being intoxicated in a public place can put you in jail for up to 3 years. Joyriding is second degree larceny in New York with a maximum penalty of up to 5 years and locking your college roommate in a stable is kidnaping which carries a death penalty. Finally, in New York State, any person staging a masquerade or a masked ball without prior permission can be jailed for up to 2 years and in a law that seems clearly unconstitutional, if a New York resident manages or stages a masquerade or masked ball in any of the other 49 States, he could be imprisioned for up to 2 years.

Further research might bring to light other archaic laws of other States, the violation of which would now make one a Federal criminal. Surely, it is not the intent of the Senate to enact such broad and sweeping legislation.

I have discussed the argument against this bill on the grounds of absurdity. Now, Mr. President, I would like to make another point. On the books of some Southern States, there are laws aimed specifically against the National Association for the Advancement of Colored People. They are so stated they can apply only to this organization. Some of these laws make it a crime to bring more than a certain number of actions against the State. Some make it a crime to fail to disclose information as to contributors or members of certain organizations, particularly organizations having out-of-State memberships, or headquarters. One marvels at the ability of lawmakers to invent ingenious methods to impede the progress of the NAACP.

However, merely because some jurisdictions uses its State laws to harass the NAACP and other advocates of civil rights, I see no reason why it should become a Federal crime punishable by 5 years in jail or a $5,000 fine,

or both, to cross a State line to avoid prosecution for an attempt to commit a crime defined by a State law that may be questioned because of its constitutionality.

If the Attorney General needs the authority he claims, I have faith that the Justice Department can draft more artful statutory language than this.

I ask unanimous consent to include both the text of the current law and the proposed change at the conclusion of my remarks.

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

"TITLE 18, UNITED STATES CODE

"(Existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman)

"§1073. Flight to avoid prosecution or giving testimony.

"Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he flees, [for murder, kidnaping, burglarly, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, or extortion accompanied by threats of violence, or attempt to commit any of the foregoing offenses as they are defined either at common law or by the laws of the place from which the fugitive flees,] *for a crime or an attempt to commit a crime, punishable by death or imprisonment for a term exceeding one year under the laws of the place from which the fugitive flees,* or (2) to avoid giving testimony in any criminal proceedings in such place in which the commission of an offense punishable by imprisonment in a penitentiary is charged, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"Violations of this section may be prosecuted only in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement."

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

Mrs. NEUBERGER. I am glad to yield to the Senator from Michigan.

Mr. HART. The several bills which have been described as the package of bills to more effectively fight organized crime were the subject of public hearings before the Committee on the Judiciary. Included, of course, was the fugitive flight bill. I share the belief just expressed so eloquently by the distinguished Senator from Oregon that it is not the purpose of the Department of Justice, in recommending the bill under discussion, along with the other crime package items, to do anything more than effectively arm America in its efforts to suppress, repress, and, if possible, destroy organized crime. As far as I can recall, there was no voice raised at any of the hearings on amending the Fugitive Felon Act which raised the possibilities recited by the Senator from Oregon; no opposition was filed if my memory is correct.

The Federal Government should not be in the business of seeking out the person who skinned a carcass in Oregon; nor certainly to enforce laws which reflect strong regional traditions but which offend the conscience of a majority of Americans. I can assure the Senator from Oregon that it is not the intention of the Department of Justice to move in these extreme cases. The suggestion of the Senator, that it might be possible to more artfully draft language in order to hit the target which all of us surely desire to hit, may be a very helpful suggestion.

The RECORD, I feel certain, will be read by all of us, including the Department. I thank the delightful—if it is permitted to use that word together with the traditional "distinguished"—Senator from Oregon for having so effectively made the point. I wish that voices in this tone had been raised while the committee was considering the question, because very frankly, I think the possibilities were noted by none of us.

I think it important, in our consideration of this question, to understand that in the institution of any proceeding under the fugitive felon law, the Department of Justice itself, by several of its regulations, spells out measures which may very well insure against some of the consequences which the Senator from Oregon indicated might be offensive. Indeed, the normal practice of the Federal Bureau of Investigation, when any U.S. attorney requests an investigation of a matter of doubtful propriety, is to bring to the attention of the appropriate division of the Department of Justice such a proposal, with a request that the Department express its views.

As we study the subject, let us remember that under the present law the Civil Rights Division of the Department of Justice administers and supervises the enforcement of the Fugitive Felon Act. This is the present arrangement. I am sure it would remain so in the event that this or any other appropriate amendment were agreed to. It is my understanding that the decision as to whether an indictment is to be returned in Fugitive Felon Act cases can be made only by the Assistant Attorney General in charge of the Civil Rights Division. All of this should be in our mind as we consider the bill and any appropriate amendment.

The leadership of the Attorney General, his determination to fight organized crime, is welcomed and will be given all support by the people of America. But what we want is to fashion a weapon which would damage the ranks of organized crime. The caution voiced by the Senator from Oregon, Mrs. NEUBERGER, I echo. I hope we can develop an effective weapon appropriate for the purpose but without putting the FBI and the Department of Justice in the business of taking up the burden of enforcing such peculiar local laws as recited by the Senator from Oregon, whose courtesy in yielding I appreciate.

Mrs. NEUBERGER. I appreciate the remarks of the distinguished junior Senator from Michigan. I know of his efficient work on the Committee on the Judiciary. I hope that language can be arranged, so that no undue hardship will be worked on anyone.

Mr. HART. Mr. President, for the reasons suggested, among others, I shall vote against the bill. I hope my fears are groundless, and that time will prove them not to have been valid. However, I sense that in our zeal to stamp out organized crime in this country, we may have put the Federal foot into areas which all of us would vigorously oppose if we were conscious of what we were doing.

Mr. KEATING. Mr. President, the bill is similar to several bills introduced in this and previous Congresses to extend the scope of the Fugutive Felon Act.

The Department of Justice has been seeking enactment of such legislation for many years. Law-enforcement officials have advised me that broadening the provisions of the Fugitive Felon Act would mark a major advance in the ability of the FBI to assist the States in fighting organized crime.

At the present time the Fugitive Felon Act is applicable only to travel in interstate or foreign commerce with intent to avoid prosecution or custody or confinement after conviction for murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, or extortion accompanied by threats of violence. It is not difficult to understand why these offenses were singled out if it is recalled that this act was originally adopted in 1934. This was the period in which crimes of violence were the favorite occupation of America's most notorious gangsters—the Dillingers, the Capones, and the "Baby Face" Nelsons. The picture has changed considerably since then, although we still have our Murder, Inc., lye throwers, and other heinous offenders. Organized crime in recent years has moved into legitimate areas of our economy and operates in a much more subtle and efficient manner. Gambling, prostitution, narcotics, and liquor operations now provide the major source of revenue for the criminal underworld, yet none of these offenses are covered by the present Fugitive Felon Act. The act has been made most obsolete in its present form insofar as organized crime is concerned.

Under the proposed bill, the present law would be made applicable to all crimes which are felonies under the laws of the place from which the fugitive flees. This would make the law available as a basis for apprehending criminals who flee across State lines in any serious case. As Attorney General Rogers pointed out in endorsing this measure in January of this year:

> If this amendment is enacted, local law enforcement agencies could seek Federal assistance in locating offenders who have fled interstate to avoid prosecution, custody, or confinement for a number of serious offenses not presently included in the statute. It is the view of the Department of Justice that this amendment will strengthen considerably the legal arsenal directed at curbing major criminal activities in the Nation.

There has been some misunderstanding as to how the present Fugitive Felon Act operates. Since the present Attorney General has given assurance that he will continue to follow the longstanding practice of the Department of Justice in fugitive felon cases, it may be useful to review those practices for the record. Federal intervention almost always is limited to cases in which the State authorities have indicated a clear intention of bringing the fugitive to trial in a State court. The cases in which the fugitive is actually prosecuted by Federal authorities after apprehension are very rare. In 1960, for example, the FBI apprehended 1,361 fugitives under the provisions of the present law. Only two were tried in Federal courts. The rest were turned over to the local State authorities for extradition purposes and the fugitive had the benefit of a hearing before he was returned to the State which sought his prosecution.

This procedure has proven its worth on thousands of occasions. The FBI with its national jurisdiction obviously is the most suitable agency for apprehending fugitives who cross State lines. The State authorities, handicapped by geographical limitation on their jurisdiction, could not possibly do an effective job in catching up with jail breakers or

other wanted felons. This is a very important aspect of the anti-organized-crime program which Congress has been considering this session, a part of which has already been enacted.

Some question has arisen as to a possible misapplication of this act in cases involving civil rights matters. I have thoroughly explored this problem. If I believed that there was substance to this fear, this bill would not have my support. I am convinced, however, in looking into the matter, that broadening the bill to make it applicable to all felonies will not raise any substantial civil rights problems. Let me be specific. Suppose an attempt were made by a State to obtain the return of a freedom rider for prosecution in the State on a disorderly conduct or similar charge. In my opinion, such an attempt would fail for two reasons. First, because such charges do not constitute felonies, and second, and this is most important, there is nothing in this act which would permit the return of any fugitive to face charges which cannot be sustained under the provisions of the Constitution. It is my clear understanding and that of other Senators with whom I have discussed this measure, that the language of this bill requires the apprehension of fugitives only when the charges against them are valid under the Constitution. Complaints under the act are issued by the U.S. attorney in the State in which the offense occurred and only if there is sufficient evidence to establish a prima facie case under the act. No U.S. attorney could ignore the constitutional limitations implicit in the bill in carrying out his responsibilities. Certainly there will be no prima facie case in any situation in which the so-called fugitive is wanted for prosecution under an unconstitutional State statute, no matter what the penalty under the State statute may be. This is confirmed in a letter which was recently submitted by the Department of Justice on this measure which states:

> It is most unlikely that any U.S. attorney would institute any proceedings by issuance of a complaint or warrant arising out of an alleged violation of a State statute believed to raise substantial issues under the U.S. Constitution.

This is the only interpretation of the statute, with or without the amendment proposed in the pending bill, which I believe is possible. In fact, I think any U.S. attorney or Attorney General who attempted to apprehend a citizen in derogation of this limitation would be violating his solemn obligation to obey the Constitution in the performance of his duties.

This bill was introduced in the other body by the ranking minority member of the House Judiciary Committee. It was reported out of committee by its distinguished chairman. It had strong bipartisan support in committee and in the debate. A very similar bill was unanimously reported by the Senate Committee on the Judiciary. It has been earnestly sought by both Attorneys General Rogers and Kennedy. I know that a lot of fanciful and hypothetical situations can be conjured up by those in opposition to this measure. But this is true of almost any Federal crime legislation—not because of any fault in the drafting of the Federal laws, but because the State laws involved are inconsistent and lack uniformity. The remedy for this is not a reluctant, halting Federal anticrime program, but greater effort on the part of the States to review their statutes and eliminate illogical and obsolete provisions.

The threat of organized crime in this country is much more menacing than we generally admit. An effective counter-offensive against the underworld requires the combined efforts of Federal and local authorities. Organized crime does not stop at State borderlines and neither can successful law enforcement. The Attorneys General realize this, the FBI realizes it, almost all the members of both Committees on the Judiciary in the House and Senate, after a full study of the problem, realize it. The Senate cannot afford to ignore the advice of all these experts.

Mr. President, this is a very necessary measure. It is backed by years of successful experience in enforcing the present law and is not subject to the mischievous applications which some have suggested. I hope the bill will be approved.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 468) was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 1654 will be indefinitely postponed.

ORDER FOR ADJOURNMENT UNTIL NOON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it adjourn until 12 o'clock noon tomorrow.

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

SUPPLEMENTAL AIR CARRIERS—CORRECTION OF HEARING RECORD

Mr. MONRONEY. Mr. President, in the printed hearings on the bill—S. 1969—to establish a class of supplemental air carriers, certain documents are printed in connection with the testimony of Mr. Stuart Tipton, president of the Air Transport Association, which did not emanate from the ATA. In order to correct the legislative history on this measure, I ask unanimous consent that a list of these documents and their source be printed at this point in the RECORD.

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

1. Exhibit C on page 238, submitted by the CAB.
2. The chart at the top of page 239, prepared by the subcommittee's staff based on data submitted by the CAB.
3. Exhibits D and E, pages 241–263, submitted by the CAB.
4. Memo of supplemental air carrier conference and memo on the supplemental airlines, pages 263–265, submitted by the supplemental carriers.

SUPPLEMENTAL AIR CARRIERS

Mr. MONRONEY. Mr. President, for the information of interested Senators I wish to make an announcement concerning the bill, S. 1969, to provide for a class of supplemental air carriers.

This bill was passed some weeks ago by the Senate, and last Monday was passed by the House with an amendment in the nature of a substitute. The amended bill is now at the desk.

While the form of the bill as passed by the Senate and as amended by the House is similar, there are major differences in the effect of the legislation. After studying the differences, it is the committee's conclusion that the conference may be rather long and involved. Some of the members of the House committee who are most knowledgeable about the problem have had to leave Washington and the Senate's insistence on a conference in their absence would be, I believe, an imposition on the House committee. Furthermore, the distinguished Senator from Ohio [Mr. LAUSCHE] has asked for an opportunity to satisfy himself with respect to one aspect of the supplemental problem which has only recently been called to his attention.

After having discussed the matter with the chairman of the committee and the ranking Republican members, we have concluded that under the circumstances it would be wise to leave the bill at the desk and postpone any action on it until next year. We have reached this decision as a result of the circumstances which I have indicated and not because of any lack of disposition on our part to confer with the House about the bill.

The postponement of action is possible because of action taken in the 86th Congress which extended the present authority of these carriers until March of next year.

FREEDOM ON THE AIR

Mr. HART. Mr. President, I would not presume upon the time of the Senate in these closing days and hours except on a matter of substantial urgency and significance.

But freedom of communications is just such a matter of substantial urgency and significance and I desire to report to the Senate a very dangerous threat to freedom of communications which has just been called to my attention. It involves the termination by radio station WLW of the "Eye Opener" program sponsored by the United Automobile Workers.

Many of my colleagues may have heard this radio program called "Eye Opener." The broadcaster is Guy Nunn and, as I said, the program is sponsored by the UAW. Mr. Nunn gives news and commentary for 30 minutes, usually early in the morning. "Eye Opener" is broadcast over 16 radio stations located in 10 different States.

Until last week "Eye Opener" was broadcast over 17 radio stations. The termination of the program by one of these stations, radio station WLW in Cincinnati, is the point of these remarks. For it seems to me that the conditions under which the UAW "Eye Opener" program was terminated by WLW raise a serious threat to freedom of communications.

I have heard the "Eye Opener" program often. Mr. Nunn presents his news and commentary from the liberal and labor point of view. It is aptly named: it is in truth an eye opener. It is a good program, though there are many times when I have disagreed with what Mr. Nunn has had to say and I am sure there are many times when he has disagreed on his program with what I have had to say. But what is important is not whether I agree or disagree or whether any other Senator agrees or disagrees with Mr. Nunn—or any other commentator for that matter—what is important is that all points of view should be presented over the airwaves for the thoughtful consideration of the American people. What concerns me is the question whether the termination of Guy Nunn's program by WLW is keeping the liberal-labor point of view off the air and thus threatening the freedom of our communications system. I would express the same concern if only the one view was on the air and would urge air time for the sharply conservative voice.

As I understand the facts they are these:

Starting in September 1960, Mr. Nunn broadcast his program over WLW from 7 to 7:30 in the evening five times a week. These broadcasts were made pursuant to a 1-year contract ending on September 11, 1961. Early this past August the UAW asked the WLW sales manager in New York to renew the contract for another year and confidently expected that it would be renewed.

On September 7, just 4 days before the expiration date, the UAW was informed by the WLW sales manager that he had received instructions from WLW in Cincinnati that the "Eye Opener" program was unacceptable to the station and that the contract would not be renewed.

On September 8, the UAW made a formal complaint to the Federal Communications Commission, reading as follows:

The United Automobile Workers Union hereby formally complains against radio station WLW in Cincinnati, Ohio. For past year Mr. Guy Nunn, UAW commentator, has broadcast his "Eye Opener" program over WLW from 7 to 7:30 in the evening five times a week under contract ending September 11. Mr. Nunn also broadcasts over 16 other stations early in the morning. A month ago UAW asked WLW sales manager in New York to renew contract. Only yesterday, September 7, 4 days before expiration date, UAW was informed by sales manager that he had received TWX from WLW in Cincinnati stating that "Eye Opener" program was unacceptable and contract would not be renewed. When UAW asked sales manager today why Mr. Nunn's program was unacceptable he changed the story and said that another program was being substituted which was more acceptable. When undersigned called Mr. Robert Dunville, station manager in Cincinnati, and asked why program was unacceptable he stated that in his opinion the new sustaining program would be more acceptable and more in the public interest than "Eye Opener." He was unable to indicate why new program was more acceptable than "Eye Opener" and why new program could not be broadcast at another time. The undersigned asked Mr. Dunville whether they would give "Eye Opener" other time. A few minutes later the sales manager offered UAW the period from 12:30 a.m. to 5:30 a.m. on 1 day a week—Tuesday—and refused to offer any time on any other day.

Mr. Nunn's program has a Neilson home coverage rating 50 percent above the next rating in Cincinnati at that time and several hundred percent above the others. Letters from area also show that program is well received and fills a definite need for a point of view not otherwise expressed on station. WLW carries "Rightwing Lifeline" and "Sunoco Three-Star Extra" programs and many management-sponsored news programs. Even with Mr. Nunn's "Eye Opener" program, WLW schedule is heavily weighted for rightwing and management point of view. Without Mr. Nunn's program there will be no expression whatever of labor and liberal point of view. This rank censorship by WLW and refusal to permit all points of view to be expressed requires revocation of license. In view of fact that final program under existing contract is on September 11 and importance of continuing "Eye Opener" program in Cincinnati, we ask that you take immediate steps to insure that program is not put off air.

JOSEPH L. RAUH, Jr.,
Washington Counsel, UAW–AFL–CIO.

On September 13, the FCC replied to the UAW's complaint as follows:

DEAR MR. RAUH: This is with reference to your telegram of September 9, 1961, to the Chairman in which you complain of the abrupt cancellation, as of September 11, 1961, of the United Auto Workers Union's program "Eye Opener" by station WLW, Cincinnati, Ohio, and of the refusal of the station to provide a reasonable alternate time for the program. In your letter you also state that a number of other news programs carried by the station present the business-employer position on controversial issues of public importance and that without the program, "Eye Opener," the station will carry no labor and/or liberal points of view on controversial issues of public importance.

It is the practice of the Commission to associate complaints against its licensees with its files on the licensees involved and to afford said licensees an opportunity to comment thereon. Accordingly, your complaint is being brought to the attention of station WLW and it is being afforded the opportunity to reply.

Very truly yours,

BEN F. WAPLE,
Acting Secretary.

The matter is now under investigation by the Federal Communications Commission and final judgment must be withheld until that investigation is completed.

There are, however, certain basic principles which can be stated now and which I am confident will be considered by the FCC in its investigation.

First. Every broadcast station—radio and television—has the obligation to present all points of view to the public. The airwaves do not belong to the broadcaster; they belong to the public. The broadcaster may not use the public domain to put over his own point of view at the expense of all other points of view.

Second. In the light of the fact that so much news and commentary is sponsored by conservative business sources, it is especially important that the liberal and labor point of view be presented by news and commentary programs.

Third. The duty of the Federal Communications Commission to enforce the obligation of broadcast stations to present all points of view is one of its most important functions.

Fourth. This duty of the FCC is the exact opposite of censorship. It is the duty to insure free speech by making certain that all points of view are presented to the public. Free speech becomes meaningless unless there are outlets for speech.

Fifth. Station WLW as a clear channel radio station with tremendous broadcasting power covering hundreds of thousands of square miles has a particular obligation to serve the public by presenting all points of view.

Sixth. Station WLW has a heavy burden to prove that it is presenting all points of view to the public if it refuses to carry "Eye Opener," one of the very few liberal labor news and commentary programs.

I am writing the FCC asking to be kept informed of the progress of this case. I believe the communications laws are broad enough today so that the FCC can deal with a matter of this kind on the facts as the Commission finds them. But if there should prove to be any question as to the legal powers of the FCC to handle this case, then I believe we in the Senate must turn our attention to keeping the channels of communication open to all.

Particularly in times of crises, all voices must be heard. Only in that manner can our Nation find its way to solution of the terrible problems that confront us. The Senate must be ever vigilant that the channels of communication remain free and open.

We insist on freedom of speech not out of some spirit of sentimentality, not merely because the founders of this Nation assigned it high priority; we insist on it because it is essential if we are to develop effective answers to the problems we face as a people. We insist on freedom of speech, not to propagate error; but because it is the only way we can hope to discover truth.

Mr. GORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

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

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

PROPOSED TAX RELIEF FOR STOCKHOLDERS OF DU PONT CO.

Mr. GORE. Mr. President, I wish briefly to address the Senate upon the prematurity and the inadvisability, if not the impropriety, of enacting a bill, passed

yesterday by the House of Representatives, and today referred to the Senate Finance Committee, for tax relief of the Du Pont Co. The bill is H.R. 8847.

The proponents of the bill advocated—as the record will disclose—its enactment on the ground that the Congress should enact tax relief for the stockholders of the Du Pont Co. It is argued that this tax relief is justified by the anticipated harsh impact of a court order, which is expected to be entered later this year, directing the Du Pont Co. to divest itself of ownership of General Motors stock.

It is not my purpose at this hour to discuss the detailed provisions of the bill, its merits or the lack thereof. For the present, it is sufficient to say that in the form in which it was passed by the other body, and now pends before the Senate Finance Committee, it constitutes a measure for the relief of the Du Pont Co. rather than for the relief of its individual shareholders.

Today, however, I wish to direct the attention of the Senate to serious questions relating to the timing of the bill and the tremendous pressures being exerted to bring about its enactment in the closing days of this session of the Congress.

In its present form, the bill would apply to the Du Pont case only.

Heretofore, many Members of Congress have understood that this was general legislation relating to antitrust divestiture. However, in form as well as in substance, it now is a private tax relief bill. Yet, as of today, neither the Congress nor anyone else knows, the exact conditions from which we are asked, and the bill proposes, to grant relief.

Those who urge consideration of the bill at this time are asking the Congress to legislate relief from a court order which has not yet been entered, and whose terms have not yet been written or decided upon by the trial court. Indeed, the trial court has only this month received the plan submitted to it by the Du Pont Co.; and the Government is scheduled to submit its suggestions or amendments to that plan by October 2.

The Supreme Court has decreed that Du Pont must divest itself of ownership of General Motors stock. The decree provides that divestiture must begin not more than 90 days from the date of entry of a final order specifying the terms of divestiture, and must be completed within 10 years. The case was remanded to the district court in Chicago, for entry of an appropriate order to carry out the mandate of the decree.

The district judge, in accordance with the Supreme Court opinion, directed Du Pont to submit a proposed judgment. This was done on September 1. The Government was allowed 30 days, or until October 2, to submit to the court its own proposed amendments. When this has been done, the district court will take the matter under advisement, and some time thereafter will enter such order as the Court may approve.

Under the Supreme Court's decision, the district court is directed to give precedence to this cause, among the various measures on its calendar.

The impact of the divestiture, taxwise or otherwise, on the Du Pont Co., its stockholders, or on the market for Du Pont or General Motors stock, cannot be appraised until the terms of the order are definitely known.

There are several ways in which the Du Pont Co. could dispose of its General Motors stock in whole or in part. It could be sold; it could be distributed to stockholders on a pro rata basis; or at least some of it, according to testimony of representatives of the Du Pont Co., could be disposed of by stock transfer operations.

There will be no tax impact on Du Pont shareholders unless the court order should require distribution of General Motors stock to them or unless the court order should permit this method of divestiture and the company should thereafter elect to follow it.

Du Pont, in the suggested order it has proposed to the court, lists distribution to stockholders as only one of otherwise unspecified methods it should be allowed to follow, as I have said. The Government's suggestions will not be filed until October 2.

Therefore, Congress does not now have the benefit of even the Government's proposed amendments to the suggested order submitted to the court by the Du Pont Co.

The decision of the court will not be made until sometime thereafter, as I have said, after consideration of the proposals of both parties—the Du Pont Co. and the Government—and such other terms and conditions as the court itself may deem appropriate.

The Du Pont antitrust litigation is exceedingly complex, Mr. President. It has been in progress for a number of years, with the case having twice been considered by the Supreme Court of the United States. The Government has been successful in the courts in its contention that ownership by Du Pont of General Motors stock constitutes a violation of the antitrust statutes.

Mr. President, I suggest for the consideration of the Senate that the suit was brought by the Attorney General in the Truman administration.

The district court dismissed the case during the administration of former President Eisenhower. The Justice Department of the Eisenhower administration appealed from the decision of the district court. The Supreme Court upheld the contention of the Government in its appeal, and remanded the case to the district court for an appropriate order. An appeal was made from the order. Now, once again, the case is remanded to the district court for the entry of an order in pursuance of the decision of the Supreme Court. It is now the duty of the trial court to enter an order to implement the opinion of the Supreme Court. The enactment of special legislation prior to the entry of that order would constitute an effort by the legislative branch of Government to exert influence on the district court in the exercise of its responsibility to frame its order.

Moreover, as I have said, it would grant relief, without definiteness or certainty, because we do not yet know the terms of that order.

Again, I call to the attention of the Senate the fact that the bill has now been modified as to apply to the Du Pont case only. Under the circumstances, there is no way to avoid the conclusion that this bill if enacted into law before a final order is entered would be calculated to influence the court in framing its order in this case. Indeed, I believe that to be a primary purpose of the bill.

Mr. President, now that a final order is in prospect after protracted litigation, the trial judge ought to be allowed full latitude carefully to frame his divestiture order solely on the basis of those considerations which the court determines will satisfy the conditions which the Supreme Court has found to be in violation of the statutes. If that order, when finally entered, is unduly harsh in its application to any class of citizens and taxpayers then, and only then, should the Congress consider whether and what type of legislative relief is appropriate for those taxpayers.

To those who contend that the Congress must act now or otherwise it will be too late, I would point out that it is extremely unlikely that the court order will be entered prior to November 1. On a matter of such importance, I am sure the district judge who has jurisdiction of the case will give full consideration to the suggestions already presented by Du Pont and those to be presented later by the Government before undertaking to frame the order to be entered in the case.

Assuming that a final order is entered by November 1, the Congress will have been in session for a month next year before implementation of the court approved plan of divestiture would be initiated. This would allow ample time to enact appropriate relief legislation should the justification therefor appear clear and convincing under the terms of the court's order. Moreover, should the court's order authorize alternative methods of divestiture, which appears likely, the Congress would be in a better position to legislate intelligently after it becomes known which of the alternate methods authorized by the court will in fact be pursued by the Du Pont Co.

Mr. President, under the Constitution our Government is composed of three coequal branches. We often hear it said that the courts have no authority to make law, but should confine themselves to interpreting and applying the law as it exists. It is just as important to recognize the dangers inherent in efforts by the legislative branch to preempt the prerogatives of the courts. That is exactly what we would be doing if we enact H.R. 8847 prior to the time the court enters a final order in the case to which the bill applies.

Mr. President, the U.S. Goverment filed this action in 1949 in the district court for the northern district of Illinois. The complaint alleged that the ownership and use by the Du Pont Co. of approximately 23 percent of the voting common stock of General Motors was a violation of sections 1 and 2 of

the Sherman Act and section 7 of the Clayton Act.

The court held that such holdings by Du Pont of General Motors stock had led "to the insulation from free competition of most of the General Motors market in automobile finishes and fabrics."

The court proceeded to examine the possibility of further creation of monopolistic conditions. The court did not, however, determine and fix the terms of an order for divestiture. It remanded the case, as I said earlier, for a determination by the trial court after further hearing and the consideration of such facts as the district court should deem proper.

On remand the district court invited the Du Pont Co. and the Government to submit proposals and evidence. The district court entered an order which permitted a "pass through" of voting rights, whereby the Du Pont Co. would retain all the attributes of ownership of the General Motors stock, including the right to receive dividends and a share of assets on liquidation, except the right to vote.

I shall not undertake at this late hour to discuss this decision in detail. Suffice it to say that the Government appealed the order of the court. The Supreme Court struck down the order as failing to relieve the conditions complained of, as failing to require the company to divest itself of the ownership which had constituted, in my opinion of the Court, an insulation from competition.

In this regard the Court quoted the following statement from the case of International Salt Co. against United States:

> A public interest served by such civil suits is that they effectively pry open to competition a market that has been closed by defendant's illegal restraints. If this decree accomplishes less than that, the Government has won a lawsuit and lost a cause.

The central issue in the case was not the tax consequence but the monopolistic condition. The key to the whole question of remedy in an antitrust case is the discovery of means, methods, and conditions which restore a condition of competition.

The Court also quoted from United States against Crescent Amusement Co. as follows:

> Those who violate the act may not reap the benefits of their violations and avoid an undoing of their unlawful project on the plea of hardship or inconvenience.

Thus it seems plain that the Supreme Court in its second decision on this case held firmly that a redress of conditions which constituted a violation of the Clayton Act should be accomplished.

What is the situation now? As I have said, the case has been remanded to the Federal district court in Chicago for the entry of an appropriate order to implement the decision of the Court. I should like now to read the concluding two paragraphs of the decision.

> We believe, however, that this already protracted litigation should be concluded as soon as possible. To that end we direct the district court on receipt of our judgment to enter an order requiring Du Pont to file within 60 days a proposed judgment providing for complete divestiture of its General Motors stock, to commence within 90 days, and to be completed within not to exceed 10 years, of the effective date of the district court's judgment, and requiring the Government to file, within 30 days after service upon it of Du Pont's proposed judgment, either proposed specific amendments to such Du Pont judgment or a proposed alternate judgment of divestiture. The district court shall give precedence to this cause on its calendar.
>
> The judgment of the district court, except to the extent paragraph VI is affirmed, is vacated and remanded for further proceedings consistent with this opinion.

It is plain that this case is now in the final stages of litigation. The trial court has now heard the proposed judgment of Du Pont Co. It has proceeded to serve notice of that judgment upon the Government of the United States, which is scheduled to file amendments on October 2. It is presumed that after the court hears the Government suggestions, either for amendments or for a different proposed judgment, that the court will enter an appropriate order. Thereafter, divestiture under the order must commence within 90 days.

Now, however, Congress is asked to intervene in this case, to inject itself into the litigation to give relief to the Du Pont Co., when we do not know the terms of the order or what tax liability would accrue to the company or to the stockholders, individual or corporate. It seems to me, therefore, the enactment of the proposed bill would be premature, inadvisable and, if I may say so, improper.

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

Mr. GORE. I yield.

Mr. PROXMIRE. The Senator from Tennessee has made an extremely persuasive and very masterful analysis of this complex and difficult financial and legal problem.

The Senator from Wisconsin, like every other Senator, has many constituents who own stock in the Du Pont Co. I am sure that is true of the distinguished Senator from Tennessee. I have received a great deal of mail from my constituents. They are concerned, and I am concerned for them, as to what will happen as a result of an action not of their doing, but which brought about the forced divestiture of stock by the Du Pont Co. I am very sympathetic with their plight, and I think they should be given every proper consideration.

I am sure the Senator from Tennessee shares this feeling and that he wishes to do all he can to provide equity and fairness to these stockholders who made an investment and who deserve the consideration any property owner in America deserves.

Mr. GORE. I shall be fully prepared to consider whatever equities or inequities may appear to exist when the order of the court is made final.

If the Du Pont Co. should follow the plan which Mr. Greenewalt presented to the Senate Committee on Finance as its proposed plan of action, then the bill which passed the other body yesterday would have a peculiar application. Instead of relieving the individual stockholders of what has been described as a staggering taxload, it would relieve Du Pont of taxation and would levy additional taxes upon the individual stockholders, taxes which would not be levied under present law if the plan proposed by Mr. Greenewalt were to be followed under present law.

I was about to say that I doubted that many Senators realize that such is the case. I should not make such a presumption. Perhaps I am in error. But I think this may be the case. Propaganda has been spread all over the country that the bill is one for the tax relief of the individual stockholders of the Du Pont Co.

I would prefer not to discuss the merits or the lack of merits of the bill at this time.

In the beginning I said I did not wish to do so. I hope the Senator will excuse my reluctance to do so. I much prefer that we consider providing such relief as the facts may indicate as equitable and fair. But the facts are not yet determined.

Mr. PROXMIRE. Yes. What the Senator has suggested is the real concern of the Senator from Wisconsin. That is why I rose to question the Senator from Tennessee. I am openminded.

Mr. GORE. Furthermore, if the proposed legislation is to be considered at this time, as premature and inadvisable as it appears, I would prefer to await the action of the Senate Committee on Finance. Perhaps that committee could correct some of the glaring imperfections and errors of the bill referred to it today.

Mr. PROXMIRE. Yes. I am openminded on the bill. But it seems to me that it is a very complicated bill. It was considered rather briefly and quickly on the floor of the House of Representatives. I understand that debate was limited to 15 minutes. The debate was short and concise.

As the Senator from Tennessee has indicated already in his remarks, this is an exceedingly complex and difficult situation. It is hard to appraise and understand. What the debate now brings me to is the question, Why is it that the Senate or the Congress should act now? Here it is late on the night of Wednesday, September 20. Most predictions are that we shall adjourn sine die Saturday night, 3 days hence. We may remain in session until Monday or Tuesday because of appropriation bills. But we are very close to adjournment.

Why is it that the bill should be acted upon now, rather than be carried over until January 1962, when it can be given the careful and thoughtful consideration it deserves? If it is not passed now, will there by any injury or damage of any kind to the stockholders or to the Du Pont Co.? By holding the bill in abeyance for 3 months, will injury result?

Mr. GORE. The best answer I can give to the Senator is that the decision of the Supreme Court itself provides that divestiture under the order need not commence until 90 days after the order is entered. As I have stated, the Government is to submit amendments on

October 2. Just when the Court will be able to determine the plan and enter the order I do not know. But presumably it would be some weeks following October 2. If that be true, then, and if the order is entered by December 1 or even November 1, no rights would be prejudiced. No divestiture would be required until Congress will have been in session in ample time to act, if, in January the Congress feels the facts justify action.

Mr. PROXMIRE. It is quite difficult for this Senator, who is not on the committee and who has had an opportunity only to learn secondhand or thirdhand about this situation, to know how to make up his mind until the court has acted. The revenue produced would vary, I understand, from $133 million—I do not want to discuss the substance of the bill—to $1 billion. This is a wide variation. It is a variation of sevenfold. It would seem to me that this is a matter which might be affected by the court decision. Perhaps it is not.

Mr. GORE. The wide variations in the estimates result from the fact that all of the estimates of revenue, gained or lost, are based upon the various assumptions and probable courses of action submitted by the Du Pont Co.

Mr. PROXMIRE. I see.

Mr. GORE. None of those courses of action is binding. The course of action for divestiture will only be determined by the order of the district court. That order, I repeat, has not been entered and Congress can now but proceed under the terms of the bill to give tax relief on an uncertain basis from conditions which have not yet been provided.

Mr. PROXMIRE. So there would be no way that Congress could tell, until the divestiture order is handed down and is known, what the consequences of passage of the proposed legislation would be on the stockholders, on the company, or on the Government.

Mr. GORE. I submit that the Treasury Department appeared before the Senate Committee on Finance and could give no estimates except upon the various assumptions and proposals of the Du Pont Co. The Du Pont Co., is unable to say which plan it will follow, because it is subject to the order of the court, and the order of the court has not been entered. How could an act be more premature than proposed legislation under such conditions?

Mr. PROXMIRE. I wish to ask the Senator two additional questions. Is it the contention of the Senator from Tennessee that if Congress acts, such action will prejudice the decision of the court? Does he feel that whatever action Congress may take might limit or influence the decision which the court might make in the absence of congressional action?

Mr. GORE. I would hope congressional action would not succeed in influencing the court, but I would not want to remove that as one of the purposes of the proposed bill.

Mr. PROXMIRE. Mr. President, the final question I would like to ask of the Senator from Tennessee is this: I recognize that the Members of the House of Representatives and the Members of the Senate have the highest motives, as do the people in the Du Pont company, the stockholders, and all the others concerned in this situation. However, the Senator from Wisconsin cannot fail to feel some concern—I will not say some suspicion—about bills involving hundreds of millions of dollars, which are brought before the Senate on the eve of adjournment, and which can only be passed, if not by foreclosing entirely, certainly by strictly limiting debate. This is of concern to me, especially in view of the fact that we have been very cautious and careful about concessions to the general taxpayer. It seems to me that if Congress adjourns with last-minute action, but with inadequate consideration, on this particular matter, it can be said that the only tax-relief bill passed by the 87th Congress in its 1st session was for one corporation, or for the stockholders of one corporation. Is that not a danger?

I do not want to be talking myself into something, because, as I said to my friend the Senator from Tennessee, I am openminded on this, and I mean it. I am greatly concerned about the welfare of the people of Wisconsin who are stockholders of the Du Pont Co. They do deserve consideration. If what the Senator from Tennessee has said is true—and I have the greatest faith in the Senator—the stockholders of Du Pont who live in Wisconsin will not be adversely affected by a decision of Congress to postpone action on this bill until after January 10, 1962, when we reconvene.

Mr. GORE. First, let me observe that the first session of Congress during the administration of President Kennedy has not found it possible to remove some of the tax-avoidance abuses, has not found it possible to close any loopholes of tax favoritism, to which the President has called attention and to which the Secretary of the Treasury has called attention, and has not had time to consider medical care for the aged under the social security system. Nevertheless, in the last days of the session the House of Representatives has passed this private relief bill, late in the evening, and the Finance Committee of the Senate has called a session on it the very next day. I would regret to see Congress write such a record.

If it were an equitable bill, if we knew that we were relieving inequitable conditions, I would be prepared to give it the consideration which it deserves.

However, this is a leap in the dark. We do not know the conditions which this bill proposes to relieve. They have not yet been created. They have not yet been delineated, determined, and established.

With reference to my statement to the able Senator from Wisconsin that under the plan which Mr. Greenewalt proposed, the pending bill would levy taxes on the stockholders instead of on Du Pont, I call to the Senator's attention the hearings before the Finance Committee, at page 78, where there is stated the first step which Mr. Greenewalt proposes. Then on page 79 the Senator will find the second step and the third step which Mr. Greenewalt proposes as a course of action for the Du Pont Co. under existing law.

I shall not undertake at this late hour to discuss these steps in detail. If the Senate determines to consider the bill, of course it will be necessary to do so. However, I suggest that if the Senator will read carefully this course of action—steps 1, 2, and 3—he will find that under present law the taxes of the individual stockholders, according to Mr. Greenewalt, will be increased but very little, if at all. I will read Mr. Greenewalt's statement. I prefer to read his own words:

> There would be no additional revenue to the Treasury because stockholders would be paying no more than the tax they now pay on the cash dividends.

This is on step 1.

If the Senator will read the three steps of the proposed course of action, and apply them to the terms of present law, and then contrast them with the proposal of the pending bill, he will see that if the Du Pont Co. carries out its proposal, the pending bill will relieve the Du Pont Co. of taxes and levy the taxes upon the stockholders.

Let me read at page 79 of the hearings what Mr. Greenewalt had to say:

> Under present law, then, tax revenues under the combination of methods of divestiture which now appears most favorable would total about $330 million.

This tax would all come from the company. However, if the pending bill is passed, the tax burden would be shifted to the stockholders.

NOMINATION OF FOWLER HAMILTON TO BE ADMINISTRATOR OF AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. KEFAUVER. Mr. President, I have just learned of the President's announcement that he will appoint Fowler Hamilton to head the important new Agency for International Development.

Mr. Hamilton has made an outstanding record as an attorney, not only in private practice but in several key posts with the Justice Department. His background and experience include a number of assignments in Government dealing directly with foreign relations, and an especially solid foundation in international law. He is well qualified and has demonstrated administrative ability of the highest caliber.

I think Mr. Hamilton's willingness to serve his Nation in this vital position is worthy of commendation. The administration of our foreign aid program is one of the most serious and essential tasks our Nation faces in these critical times.

I wish to congratulate the President on his selection and to state that I believe the Agency for Foreign Develop-

ment will receive from Mr. Hamilton guidance and direction of the highest degree.

ADJOURNMENT

Mr. GORE. Mr. President, I move that the Senate, under the previous order, stand in adjournment until noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 47 minutes p.m) the Senate adjourned, under the previous order, until tomorrow, Thursday, September 21, 1961, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 20, 1961:

U.S. CIRCUIT JUDGES

Griffin B. Bell, of Georgia, to be U.S. circuit judge, fifth circuit, vice a new position.

Walter Pettus Gewin, of Alabama, to be U.S. circuit judge for the fifth circuit, vice a new position.

U.S. ATTORNEYS

Robert C. Zampano of Connecticut to be U.S. attorney for the district of Connecticut for the term of 4 years, vice Harry W. Hultgren, Jr.

John M. Imel, of Oklahoma, to be U.S. attorney for the northern district of Oklahoma for the term of 4 years, vice Robert S. Rizley, resigned.

COMPTROLLER OF CUSTOMS

Joseph A. Curnane, of Massachusetts, to be Comptroller of Customs with headquarters at Boston, Mass., vice Albert Cole, resigned.

COMPTROLLER OF THE CURRENCY

James J. Saxon, of Illinois, to be Comptroller of the Currency.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Fowler Hamilton, of Connecticut, to be Administrator of the Agency for International Development.

IN THE NAVY

Having been designated, under the provisions of title 10, United States Code, section 5231, Rear Adm. William A. Schoech, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of vice admiral while so serving.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in rank as follows:

Lt. Gen. Paul DeWitt Adams, XXXXXX Army of the United States (major general, U.S. Army), in the rank of general.

IN THE AIR FORCE

Maj. Gen. James Ferguson, XXXX Regular Air Force to be assigned to positions of importance and responsibility designated by the President in the rank of lieutenant general, under the provisions of section 8066, title 10 of the United States Code.

Col. Godfrey T. McHugh, XXXX Regular Air Force, for appointment to the temporary grade of brigadier general in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code.

IN THE ARMY

The following-named officers for temporary appointment in the Army of the United States to the grades indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major generals

Brig. Gen. Carl Darnell, Jr., XXXXXX Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph Edward Bastion, Jr., XXXXXX Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Frederick Leonard, Jr., XXXXXX Army of the United States (colonel, U.S. Army).

Brig. Gen. Ashton Herbert Manhart, XXXXXX U.S. Army.

Brig. Gen. Howard William Doan, XXXXXX, Medical Corps, (colonel, Medical Corps, U.S. Army).

Brig. Gen. Claire Elwood Hutchin, Jr., XXXXXX Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. John Joseph Davis, XXXXXX U.S. Army.

Brig. Gen. Autrey Joseph Maroun, XXXXXX Army of the United States (colonel, U.S. Army).

Brig. Gen. Clifton Ferdinand von Kann, XXXXXX, Army of the United States (lieutenant colonel, U.S. Army).

To be brigadier generals

Col. Ben Sternberg, XXXXXX Army of the United States (lieutenant colonel, U.S. Army).

Col. David Bennett Parker, XXXXXX, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jaroslav Thayer Folda, Jr., XXXXXX, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Raymond Peers, XXXXXX Army of the United States (lieutenant colonel, U.S. Army).

Col. Seth Lathrop Weld, Jr., XXXXXX U.S. Army.

Col. William Welby Beverley, XXXXXX, Army of the United States (lieutenant colonel, U.S. Army).

Col. Frank Alexander Osmanski, XXXXXX U.S. Army.

Col. Samuel Knox Eaton, XXXXXX, Army of the United States (lieutenant colonel, U.S. Army).

Col. James Henry Lynch, XXXXXX Army of the United States (lieutenant colonel, U.S. Army).

Col. John William Dobson, XXXXXX, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Howard York, XXXXXX, Army of the United States (lieutenant colonel, U.S. Army).

Col. Arthur Sylvester Collins, Jr., XXXXXX Army of the United States (lieutenant colonel, U.S. Army).

Col. Carl C. Turner, XXXXXX Army of the United States (lieutenant colonel, U.S. Army).

CONFIRMATIONS

Executive nominations confirmed by the Senate September 20, 1961:

COMMISSIONER OF INDIAN AFFAIRS

Philleo Nash, of Wisconsin, to be Commissioner of Indian Affairs.

MISSISSIPPI RIVER COMMISSION

Harold T. Council, of Mississippi, to be a member of the Mississippi River Commission.

WITHDRAWAL

Executive nomination withdrawn from the Senate, September 20, 1961:

COMPTROLLER OF CURRENCY

James J. Saxon, of Illinois, to be Comptroller of the Currency, which was sent to the Senate on September 20, 1961.

HOUSE OF REPRESENTATIVES

WEDNESDAY, SEPTEMBER 20, 1961

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore.

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

From the prophecy of Zechariah, 4: 6: *Not by might, nor by power, but by My spirit, saith the Lord of hosts.*

Most merciful and gracious God, Thy presence is our shield in the stillness of the night and our strength in the struggles of each new day.

Grant that in these times of anguish and evil tidings we may hear and heed Thy voice speaking peace unto our souls and emancipating us from all fear.

Mediate unto us Thy divine wisdom which will enable us to see our tasks and obligations more clearly and discharge them more faithfully.

Create within the hearts of men and nations a love for those fundamental principles and common purposes which make for unity 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, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4750. An act to amend section 6(a) of the Virgin Islands Corporation Act; and

H.R. 8444. An act to amend the act of August 12, 1955, relating to elections in the District of Columbia.

The message also announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 569. Joint resolution to waive certain provisions of the Atomic Energy Act of 1954 so as to permit the agreement for cooperation between the United States and France to be made immediately effective.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 520. An act to authorize certain modification of the existing project for the Kaskaskia River, Ill., for navigation purposes;

S. 2008. An act to amend the act of September 16, 1959 (73 Stat. 561, 43 U.S.C. 615a), relating to the construction, operation, and maintenance of the Spokane Valley project; and

S. 2102. An act to redesignate the Jefferson Division of the Eastern District of Texas as the Marshall Division.

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 amendments of the Senate to the bill (H.R. 8302) entitled "An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1962, and for other purposes."

THE CIVIL SERVICE RETIREMENT ACT AMENDMENT CONFERENCE REPORT

Mr. MURRAY submitted a conference report and statement on the bill (S. 739) to amend the Civil Service Retirement Act, as amended, with respect to the method of computing interest earnings of special Treasury issues held by the civil service retirement and disability fund.

ACCEPTANCE OF BUST OF THE HONORABLE JOSEPH W. MARTIN, JR.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 393.

The Clerk read the resolution as follows:

Resolved, That the House of Representatives is authorized to accept, on behalf of and without cost to the United States, a suitable bust of the Honorable JOSEPH W. MARTIN, JR., in honor of his distinguished service as a Representative from Massachusetts and former Speaker of the House of Representatives. Such bust when accepted shall be placed in the rotunda of the Old House Office Building with appropriate ceremonies.

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

There was no objection.

Mr. BURLESON. Mr. Speaker, it gives me a great personal satisfaction to present this resolution.

The Republican Women of Massachusetts who present the bust of our beloved colleague and former Speaker, JOSEPH W. MARTIN, JR., not only honor the distinguished former Speaker, but honor the House of Representatives and the U.S. Government in presenting it.

No man with whom many of us have served in the Congress for a considerable number of years possesses and deserves a higher esteem and respect.

Speaker MARTIN holds an especial place for me in that he was Speaker in the 80th Congress when I became a Member, and only in subsequent years did I realize just how thoughtful, considerate and helpful he was in the early experiences of those of us who came at that time.

It is indeed fitting that the bust provided for in this resolution furnished by these loyal women of Massachusetts be placed in the rotunda of the House Office Building, that we may be secondarily reminded of his great, long, and enduring devotion to the House of Representatives and the great influence he has had upon the affairs of our Nation.

Mr. Speaker, I feel sure that every Member will take pride and satisfaction in enthusiastically supporting this resolution and, at the same time, expressing in this way our thanks to these women of Massachusetts who have made the bust possible.

Mr. SCHENCK. 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. SCHENCK. Mr. Speaker, this resolution authorizes the House to accept and to place in the rotunda of the Old House Office Building a bust of a former Speaker of the House, our colleague and friend, JOE MARTIN. This work is being done at no cost to the Treasury or to the taxpayers. The bust is in process of being made by a noted sculptress, Suzanne Silvercruys Stevenson of North Windham, Conn., and is being financed through subscriptions raised by the National Federation of Republican Women.

When placed in the rotunda of the Old House Office Building, the bust will serve as a reminder of the faithful and distinguished service of a great American, JOE MARTIN, who is serving his 19th term as a Member of the House. He was our Speaker in the 80th Congress, in the years 1947 and 1948; and again in the 83d Congress, in the years 1953 and 1954. With the exception of those two terms, he was our minority leader from 1939 to 1959. He presided over five Republican National Conventions, more than any other man in history.

But this is not to honor him for his service to the Republican Party. It is to honor him for his devoted and dedicated service to the House of Representatives and to our country.

This resolution was introduced by one of JOE MARTIN'S Massachusetts colleagues, Mr. BRADFORD MORSE. I was happy to support it in my committee and now in the House.

Mr. MORSE. 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. MORSE. Mr. Speaker, the House of Representatives, in adopting House Resolution 393 without a dissenting voice, has made its respect and affection for one of the Nation's great statesmen a matter of record.

Certainly no Member of this body is held in higher esteem than former Speaker JOE MARTIN. Certainly no man is more worthy of the honors which his fellow citizens have bestowed upon him. Certainly no man ever wore the mantle of greatness with greater modesty.

In the 8½ months that I have been privileged to sit in this House, I have become deeply indebted to JOE MARTIN for the wise counsel that he has so willingly shared with each of the new Members. His encouragement has made the road easier for each of us who first took the oath in January 1961.

It was, therefore, with gratification that I filed House Resolution 393, which will authorize a place here on Capitol Hill for the bust of JOE MARTIN, commissioned by the National Federation of Republican Women and executed by one of the country's most noted sculptors, Suzanne Silvercruys Stevenson. I would like to take this opportunity to thank the members of the national federation, through their able president, Mrs. J. D. Parks, of Colorado for their generosity in honoring one of the great Americans of our century.

Mr. WALLHAUSER. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BATES] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. BATES. Mr. Speaker, I wish to join with my colleagues in support of this resolution.

Speaker JOE MARTIN is a great and distinguished American and this action is most appropriate. Those of us who have had the great honor of knowing him need no reminder of his place in history. This gesture is rather for those generations yet unborn. It will reflect to them an image of one of the few Americans selected for the high honor of being Speaker of the House of Representatives.

I urge the passage of this measure.

Mr. CURTIS of Massachusetts. 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. CURTIS of Massachusetts. Mr. Speaker, I support wholeheartedly the resolution honoring former Speaker JOSEPH W. MARTIN, JR., of Massachusetts.

The office of Speaker is near the top among the highest ranking offices within the gift of the people of America. Some would rank it third, and under present law, the Speaker is third in line of succession to the Presidency should both the President and the Vice President be unavailable.

Not only did Mr. MARTIN occupy the office of Speaker, but he occupied it with great distinction. The 80th Congress, in session 1947–48, over which Mr. MARTIN presided as Speaker, wrote a distinguished record of accomplishment, despite the fact that for political reasons this record was both unjustly attacked and insufficiently defended.

For Mr. MARTIN, the speakership was the culmination of a long and distinguished career in politics. Mr. MARTIN served in the legislature of his State, as well as in the Congress, was chairman of his party, and received the unprecedented honor of being elected five times as the chairman of his party's national convention.

It is most fitting that this resolution providing for the installation of a bust

of Mr. MARTIN should be passed with acclamation.

Mr. WALLHAUSER. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. KEITH] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. KEITH. Mr. Speaker, I, too, would like to take time to pay tribute to the Honorable JOSEPH W. MARTIN, JR., of Massachusetts, and to compliment my colleagues in the House for their action in authorizing the display of a bust of the distinguished former Speaker.

I have the honor of representing a district that borders on Mr. MARTIN'S. Perhaps my deep feelings of respect and confidence in him spring partly from the fact that I can also claim him as at least a part-time constituent, for he has a summer home on Cape Cod in my district.

JOE MARTIN has always symbolized the best of what the people look for in a public servant. He is honest with them and works hard in their behalf, for what he, and they, know is best for the country. He has served his district, the Commonwealth of Massachusetts, and the Nation ably and with conviction and inspiration for more than a half century. As permanent chairman of five national conventions, former Republican leader and Speaker of the House, as well as chairman of the Republican National Committee, his record of service to his party has been unequaled. A political writer put it very aptly when he said that JOE MARTIN is the man "who brought fight and fire to the GOP." Well, he has done this and more.

I am particularly indebted to him for his freely given and often sought advice and counsel. It has been a great source of encouragement for me, as well, I know, as for many other newer Members of Congress.

I can think of no Member of this distinguished body I respect more or who is more deserving of the honor that has been paid him. I know in this respect I am speaking for a great many others.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON UN-AMERICAN ACTIVITIES

Mr. WALTER. 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 Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, on yesterday the distinguished gentleman from Michigan called to our attention an article that appeared in the Washington Post concerning the printing of additional copies of a report of the Committee on Un-American Activities.

I have long since learned there are certain contests one does not engage in. However, I do feel it is my duty to call to your attention a photograph, and then ask you to be the judge, not on the basis of what I say, not on the basis of anything that appears in the Washington Post, as to who is telling the truth.

The Washington Post editorial states:

> Its very title contains a plain misstatement of fact. Communists probably participated in the San Francisco disorder, although the report merely asserts that they did without proving it; but plainly the rioting students were not led by Communists.

Mr. Speaker, here is a photograph taken in the courtroom in San Francisco. The gentleman on the left is Ralph Izard. He is one of the top Communists in California. He is the man who was sent a large quantity of literature to be used during the riot.

The second man is Archie Brown, who is leader of the Communist Party in California.

This little girl is Sally Sweet. She is a Communist who is an expert on the technique of rioting.

The gentleman on the right, and I use that term advisedly, is Saul Wachter. Saul is a well-known leader of the Communist Party, who was a delegate to the Communist Party convention in New York.

Here they are. I ask you, is this a distorted editorial or were these people actually at this disgraceful, disorderly hearing of a committee of the U.S. Congress, or did they lead the disorderly conduct?

I ask you.

THE CASE FOR MASSACHUSETTS IN GOOD HANDS—IN WASHINGTON, D.C.

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, increased appropriations for defense rank first among the measures passed by the U.S. Congress in 1961, that stimulate the economy of Massachusetts.

Government defense orders for missiles and electronic equipment are nourishing a new growth industry for our State; one that already provides tens of thousands of jobs, raises personal incomes, trains people in technical skills, and earns profits for economic expansion.

The temporary extension of unemployment compensation, plus aid to dependents, helped us out of the recession and into the present period of recovery.

The water pollution aid bill will encourage communities along our contaminated rivers to cooperate in cleanup programs that will develop the use of our water resources in the public interest.

The depressed areas bill; the increased and extension of minimum wage; improvements in the Social Security Act; foreign aid; highway financing; the omnibus housing bill; all contribute to the progress of Massachusetts and its people.

The hard work and success of the Massachusetts delegation in securing the establishment of the Cape Cod National Park will preserve a precious historical and recreational area and will attract tourists from all over the Nation to our State.

Insofar as we can anticipate developments in the 1962 session of the House, it appears that medical aid to the aged and aid to education will be the principal accomplishments that will be of substantial benefit to Massachusetts.

The prestige of Massachusetts in Washington, D.C. is reaching an all-time high. In the person of President Kennedy and House Majority Leader MCCORMACK—who is in line to become Speaker—we will have Bay State men in the No. 1 and No. 3 positions of national leadership.

In 1962 the interests of our Commonwealth will have strong and able spokesmen in the Congress and the White House.

CALL OF THE HOUSE

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

The SPEAKER pro tempore. The Chair will count.

Evidently a quorum is not present.

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

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

[Roll No. 217]

Anfuso	Green, Oreg.	Norrell
Arends	Griffin	Nygaard
Bass, Tenn.	Hagan, Ga.	O'Brien, N.Y.
Battin	Hall	Pelly
Bell	Halpern	Peterson
Berry	Harrison, Va.	Pfost
Blatnik	Harsha	Pilcher
Boggs	Healey	Pirnie
Brewster	Hébert	Powell
Buckley	Hoeven	Rabaut
Byrnes, Wis.	Holifield	Rains
Carey	Holtzman	Reuss
Cederberg	Horan	Riehlman
Celler	Hosmer	Roberts
Chenoweth	Ichord, Mo.	Rodino
Church	Joelson	Roosevelt
Colmer	Johnson, Wis.	St. George
Cook	Jones, Ala.	Santangelo
Cooley	Jones, Mo.	Saund
Corman	Karth	Shelley
Dague	Kee	Short
Daniels	Kilburn	Siler
Dent	Kyl	Smith, Iowa
Diggs	Laird	Staggers
Dooley	Loser	Stephens
Dowdy	McDonough	Sullivan
Downing	McSween	Teague, Calif.
Durno	Macdonald	Teague, Tex.
Evins	MacGregor	Thompson, La.
Farbstein	Martin, Nebr.	Toll
Feighan	May	Van Pelt
Flynt	Michel	Vinson
Ford	Miller, George P.	Weaver
Frazier	Miller, N.Y.	Weis
Friedel	Moeller	Westland
Garmatz	Morrison	Willis
Gavin	Moulder	Yates
Gilbert	Multer	Younger
Gray		Zelenko

The SPEAKER pro tempore. On this rollcall 315 Members have answered to their names, a quorum.

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

PEACE CORPS ACT—CONFERENCE REPORT

Mr. MORGAN. Mr. Speaker, I call up the conference report on the bill (H.R. 7500) to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower, and unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I assume the gentleman plans to take ample time to explain this conference report in which some of us are very much interested.

Mr. MORGAN. I will try to do my best.

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

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

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1239)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7500) to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"TITLE I—THE PEACE CORPS

"Short title

"SECTION 1. This Act may be cited as the 'Peace Corps Act'.

"Declaration of purpose

"SEC. 2. The Congress of the United States declares that it is the policy of the United States and the purpose of this Act to promote world peace and friendship through a Peace Corps, which shall make available to interested countries and areas men and women of the United States qualified for service abroad and willing to serve, under conditions of hardship if necessary, to help the peoples of such countries and areas in meeting their needs for trained manpower, and to help promote a better understanding of the American people on the part of the peoples served and a better understanding of other peoples on the part of the American people.

"Authorization

"SEC. 3. (a) The President is authorized to carry out programs in furtherance of the purposes of this Act, on such terms and conditions as he may determine.

"(b) There is hereby authorized to be appropriated to the President for the fiscal year 1962 not to exceed $40,000,000 to carry out the purposes of this Act.

"Director of the Peace Corps and delegation of functions

"SEC. 4. (a) The President may appoint, by and with the advice and consent of the Senate, a Director of the Peace Corps, whose compensation shall be fixed by the President at a rate not in excess of $20,000 per annum, and a Deputy Director of the Peace Corps, whose compensation shall be fixed by the President at a rate not in excess of $19,500 per annum.

"(b) The President may exercise any functions vested in him by this Act through such agency or officer of the United States Government as he shall direct. The head of any such agency or any such officer may promulgate such rules and regulations as he may deem necessary or appropriate to carry out such functions, and may delegate to any of his subordinates authority to perform any of such functions.

"(c)(1) Nothing contained in this Act shall be construed to infringe upon the powers or functions of the Secretary of State.

"(2) The President shall prescribe appropriate procedures to assure coordination of Peace Corps activities with other activities of the United States Government in each country, under the leadership of the chief of the United States diplomatic mission.

"(3) Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of the programs authorized by this Act, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.

"(d) Except with the approval of the Secretary of State, the Peace Corps shall not be assigned to perform services which could more usefully be performed by other available agencies of the United States Government in the country concerned.

"Peace Corps volunteers

"SEC. 5. (a) The President may enroll in the Peace Corps for service abroad qualified citizens and nationals of the United States (referred to in this Act as 'volunteers'). The terms and conditions of the enrollment, training, compensation, hours of work, benefits, leave, termination, and all other terms and conditions of the service of volunteers shall be exclusively those set forth in this Act and those consistent therewith which the President may prescribe; and, except as provided in this Act, volunteers shall not be deemed officers or employees or otherwise in the service or employment of, or holding office under, the United States for any purpose. In carrying out this subsection no political test shall be required or taken into consideration, nor shall there be any discrimination against any person on account of race, creed, or color.

"(b) Volunteers shall be provided with such living, travel, and leave allowances, and such housing, transportation, supplies, equipment, subsistence, and clothing as the President may determine to be necessary for their maintenance and to insure their health and their capacity to serve effectively. Transportation and travel allowances may also be provided, in such circumstances as the President may determine, for applicants for enrollment to or from places of training and places of enrollment, and for former volunteers from places of termination to their homes in the United States.

"(c) Volunteers shall be entitled to receive termination payments at a rate not to exceed $75 for each month of satisfactory service as determined by the President. The termination payment of each volunteer shall be payable at the termination of his service, or may be paid during the course of his service to the volunteer, to members of his family or to others, under such circumstances as the President may determine. In the event of the volunteer's death during the period of his service, the amount of any unpaid termination payment shall be paid in accordance with the provisions of section 61f of title 5 of the United States Code.

"(d) Volunteers shall be deemed to be employees of the United States Government for the purposes of the Federal Employees' Compensation Act (39 Stat. 742), as amended: *Provided, however*, That entitlement to disability compensation payments under that Act shall commence on the day after the date of termination of service. For the purposes of that Act—

"(1) volunteers shall be deemed to be receiving monthly pay at the lowest rate provided for grade 7 of the general schedule established by the Classification Act of 1949, as amended, and volunteer leaders (referred to in section 6 of this Act) shall be deemed to be receiving monthly pay at the lowest rate provided for grade 11 of such general schedule; and

"(2) any injury suffered by a volunteer during any time when he is located abroad shall be deemed to have been sustained while in the performance of his duty and any disease contracted during such time shall be deemed to have been proximately caused by his employment, unless such injury or disease is caused by willful misconduct of the volunteer or by the volunteer's intention to bring about the injury or death of himself or of another, or unless intoxication of the injured volunteer is the proximate cause of the injury or death.

"(e) Volunteers shall receive such health care during their service, and such health examinations and immunization preparatory to their service, as the President may deem necessary or appropriate. Subject to such conditions as the President may prescribe, such health care, examinations, and immunization may be provided for volunteers in any facility of any agency of the United States Government, and in such cases the appropriation for maintaining and operating such facility shall be reimbursed from appropriations available under this Act.

"(f)(1) Any period of satisfactory service of a volunteer under this Act shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

"(A) for the purposes of the Civil Service Retirement Act, as amended (5 U.S.C. 2251, et seq.), section 852(a)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1092(a)(1)), and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

"(B) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Commission, the Foreign Service Act of 1946, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided*, That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment.

"(2) For the purposes of paragraph (1)(A) of this subsection, volunteers and volunteer leaders shall be deemed to be receiving compensation during their service at the respective rates of termination payments payable under sections 5(c) and 6(1) of this Act.

"(g) The President may detail or assign volunteers or otherwise make them available to any entity referred to in paragraph (1) of section 10(a) on such terms and conditions

as he may determine: *Provided, however,* That any volunteer so detailed or assigned shall continue to be entitled to the allowances, benefits and privileges of volunteers authorized under or pursuant to this Act.

"(h) Volunteers shall be deemed employees of the United States Government for the purposes of the Federal Tort Claims Act and any other Federal tort liability statute, and for the purposes of section 1 of the Act of June 4, 1920 (41 Stat. 750), as amended (22 U.S.C. 214).

"(i) The service of a volunteer may be terminated at any time at the pleasure of the President.

"(j) Upon enrollment in the Peace Corps, every volunteer shall take the oath prescribed for persons appointed to any office of honor or profit by section 1757 of the Revised Statutes of the United States, as amended (5 U.S.C. 16), and shall swear (or affirm) that he does not advocate the overthrow of our constitutional form of government in the United States, and that he is not a member of an organization that advocates the overthrow of our constitutional form of government in the United States, knowing that such organization so advocates.

"Peace Corps volunteer leaders

"SEC. 6. The President may enroll in the Peace Corps qualified citizens or nationals of the United States whose services are required for supervisory or other special duties or responsibilities in connection with programs under this Act (referred to in this Act as 'volunteer leaders'). The ratio of the total number of volunteer leaders to the total number of volunteers in service at any one time shall not exceed one to twenty-five. Except as otherwise provided in this Act, all of the provisions of this Act applicable to volunteers shall be applicable to volunteer leaders, and the term 'volunteers' shall include 'volunteer leaders': *Provided, however,* That—

"(1) volunteer leaders shall be entitled to receive termination payments at a rate not to exceed $125 for each month of satisfactory service as determined by the President;

"(2) spouses and minor children of volunteer leaders may receive such living, travel, and leave allowances, and such housing, transportation, subsistence, and essential special items of clothing, as the President may determine, but the authority contained in this paragraph shall be exercised only under exceptional circumstances;

"(3) spouses and minor children of volunteer leaders accompanying them may receive such health care as the President may determine and upon such terms as he may determine, including health care in any facility referred to in section 5(e) of this Act, subject to such conditions as the President may prescribe and subject to reimbursement of appropriations as provided in section 5(e); and

"(4) spouses and minor children of volunteer leaders accompanying them may receive such orientation, language, and other training necessary to accomplish the purposes of this Act as the President may determine.

"Peace Corps employees

"SEC. 7. (a) The President may employ such persons, not to exceed 275 persons permanently employed in the United States at any one time in fiscal year 1962, as the President deems necessary to carry out the provisions and purposes of this Act. Except as otherwise provided in this Act, such persons (hereinafter sometimes referred to as employees') shall be employed in accordance with and shall be subject to the laws applicable to personnel employed by the United States Government.

"(b) Of the persons so employed in the United States in activities authorized by this Act, not to exceed thirty may be compensated without regard to the provisions of the Classification Act of 1949, as amended, of whom not to exceed twenty may be compensated at rates higher than those provided for grade fifteen of the general schedule established by the Classification Act of 1949, as amended, and of these not to exceed two may be compensated at a rate in excess of the highest rate provided for grades of such general schedule but not in excess of $19,000 per year. Such positions shall be in addition to those authorized by section 4(a) of this Act to be filled by Presidential appointment, and in addition to the number authorized by section 505 of the Classification Act of 1949, as amended.

"(c) For the purpose of performing functions under this Act outside the United States, the President may—

"(1) employ or assign persons, or authorize the employment or assignment of officers or employees of agencies of the United States Government, who shall receive compensation at any of the rates provided for persons appointed to the Foreign Service Reserve and Staff under the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.), together with allowances and benefits thereunder; and persons so employed or assigned shall be entitled, except to the extent that the President may specify otherwise in cases in which the period of the employment or assignment exceeds thirty months, to the same benefits as are provided by section 528 of that Act for persons appointed to the Foreign Service Reserve, and the provisions of section 1005 of that Act shall apply in the case of such persons, except that policymaking officials shall not be subject to that part of section 1005 which prohibits political tests;

"(2) utilize such authority, including authority to appoint and assign persons for the duration of operations under this Act, contained in the Foreign Service Act of 1946, as amended, as the President deems necessary to carry out functions under this Act. Such provisions of the Foreign Service Act of 1946 as the President deems appropriate shall apply to persons appointed or assigned under this paragraph, including in all cases, the provisions of section 528 of that Act: *Provided, however,* That the President may by regulation make exceptions to the application of section 528 in cases in which the period of the appointment of assignment exceeds thirty months: *Provided further,* That Foreign Service Reserve officers appointed or assigned pursuant to this paragraph shall receive within-class salary increases in accordance with such regulations as the President may prescribe; and

"(3) specify which of the allowances and differentials authorized by title II of the Overseas Differentials and Allowances Act (5 U.S.C. 3031 et seq.) may be granted to any person employed, appointed or assigned under this subsection (c) and may determine the rates thereof not to exceed those otherwise granted to employees under that Act.

"(d) The President is authorized to prescribe by regulation standards or other criteria for maintaining adequate performance levels for persons appointed or assigned pursuant to subsection (c)(2) of this section and section 527(c)(2) of the Mutual Security Act of 1954, as amended, and may, notwithstanding any other law, separate persons who fail to meet such standards or other criteria, and also may grant such persons severance benefits of one month's salary for each year of service, but not to exceed one year's salary at the then current salary rate of such persons.

"(e) In each country or area in which volunteers serve abroad, the President may appoint an employee or a volunteer as a Peace Corps representative to have direction of other employees of the Peace Corps abroad and to oversee the activities carried on under this Act in such country or area. Unless a representative is a volunteer, the compensation, allowances and benefits, and other terms and conditions of service of each such representative, shall be the same as those of a person appointed or assigned pursuant to paragraph (1) or (2) of subsection (c) of this section, except that any such representative may, notwithstanding any provision of law, be removed by the President in his discretion.

"Volunteer training

"SEC. 8. (a) The President shall make provision for such training as he deems appropriate for each applicant for enrollment as a volunteer and each enrolled volunteer. All of the provisions of this Act applicable respectively to volunteers and volunteer leaders shall be applicable to applicants for enrollment as such during any period of training occurring prior to enrollment, and the respective terms 'volunteers' and 'volunteer leaders' shall include such applicants during any such period of training.

"(b) The President may also make provision, on the basis of advances of funds or reimbursement to the United States, for training for citizens of the United States, other than those referred to in subsection (a) of this section, who have been selected for service abroad in programs not carried out under authority of this Act which are similar to those authorized by this Act. The provisions of section 9 of this Act shall apply, on a similar advance of funds or a reimbursement basis, with respect to persons while within the United States for training under authority of this subsection. Advances or reimbursements received under this subsection may be credited to the current applicable appropriation, fund, or account and shall be available for the purposes for which such appropriation, fund, or account is authorized to be used.

"(c) Training hereinabove provided for shall include instruction in the philosophy, strategy, tactics, and menace of communism.

"Participation of foreign nationals

"SEC. 9. In order to provide for assistance by foreign nationals in the training of volunteers, and to permit effective implementation of Peace Corps projects with due regard for the desirability of cost-sharing arrangements, where appropriate, the President may make provision for transportation, housing, subsistence, or per diem in lieu thereof, and health care or health and accident insurance for foreign nationals engaged in activities authorized by this Act while they are away from their homes, without regard to the provisions of any other law: *Provided, however,* That per diem in lieu of subsistence furnished to such person shall not be at rates higher than those prescribed by the Secretary of State pursuant to section 12 of Public Law 84-885 (70 Stat. 890). Such persons, and persons coming to the United States under contract pursuant to section 10(a)(4), may be admitted to the United States, if otherwise qualified, as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) for such time and under such conditions as may be prescribed by regulations promulgated by the Secretary of State and the Attorney General. A person admitted under this section who fails to maintain the status under which he was admitted or who fails to depart from the United States at the expiration of the time for which he was admitted, or who engages in activities of a political nature detrimental to the interests of the United States, or in activities not consistent with the security of the United States, shall, upon the warrant of the Attorney General, be taken into custody and promptly deported pursuant to sections 241, 242, and 243

of the Immigration and Nationality Act. Deportation proceedings under this section shall be summary and the findings of the Attorney General as to matters of fact shall be conclusive.

"General powers and authorities

"SEC. 10. (a) In furtherance of the purposes of this Act, the President may—

"(1) enter into, perform, and modify contracts and agreements and otherwise cooperate with any agency of the United States Government or of any State or any subdivision thereof, other governments and departments and agencies thereof, and educational institutions, voluntary agencies, farm organizations, labor unions, and other organizations, individuals and firms;

"(2) assign volunteers in special cases to temporary duty with international organizations and agencies when the Secretary of State determines that such assignment would serve the purposes of this Act: *Provided,* That not more than one hundred and twenty-five Peace Corps volunteers or volunteer leaders shall be assigned to international organizations as described in this section;

"(3) accept in the name of the Peace Corps and employ in furtherance of the purposes of this Act (A) voluntary services notwithstanding the provisions of 31 U.S.C. 665(b), and (B) any money or property (real, personal or mixed, tangible or intangible) received by gift, devise, bequest, or otherwise; and

"(4) contract with individuals for personal services abroad, and with aliens (abroad or within the United States) for personal services within the United States: *Provided,* That no such person shall be deemed an officer or employee or otherwise in the service or employment of the United States Government for any purpose.

"(b) Notwithstanding any other provision of law, whenever the President determines that it will further the purposes of this Act, the President, under such regulations as he may prescribe, may settle and pay, in an amount not exceeding $10,000, any claim against the United States, for loss of or damage to real or personal property (including loss of occupancy or use thereof) belonging to, or for personal injury or death of, any person not a citizen or resident of the United States, where such claim arises abroad out of the act or omission of any Peace Corps employee or out of the act or omission of any volunteer, but only if such claim is presented in writing within one year after it accrues. Any amount paid in settlement of any claim under this subsection shall be accepted by the claimant in full satisfaction thereof and shall bar any further action or proceeding thereon.

"(c) Subject to any future action of the Congress, a contract or agreement which entails commitments for the expenditure of funds available for the purposes of this Act, including commitments for the purpose of paying or providing for allowances and other benefits of volunteers authorized by sections 5 and 6 of this Act, may extend at any time for not more than thirty-six months.

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

(e) The President may allocate or transfer to any agency of the United States Government any funds available for carrying out the purposes of this Act including any advance received by the United States from any country or international organization under authority of this Act, but not to exceed 20 per centum in the aggregate of such funds may be allocated or transferred to agencies other than the Peace Corps. Such funds shall be available for obligation and expenditure for the purposes of this Act 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.

"(f) Any officer of the United States Government carrying out functions under this Act may utilize the services and facilities of, or procure commodities from, any agency of the United States Government as the President shall direct, or with the consent of the head of such agency, and funds allocated pursuant to this subsection to any such agency may be established in separate appropriation accounts on the books of the Treasury.

"(g) In the case of any commodity, service, or facility procured from any agency of the United States Government under this Act, reimbursement or payment shall be made to such agency from funds available under this Act. Such reimbursement or payment shall be at replacement cost, or, if required by law, at actual cost, or at any other price authorized by law and agreed to by the owning or disposing agency. The amount of any such reimbursement or payment shall be credited to current applicable appropriations, funds, or accounts from which there may be procured replacements of similar commodities, services, or facilities, except that where such appropriations, funds, or accounts are not reimbursable except by reason of this subsection, and when the owning or disposing agency determines that such replacement is not necessary, any funds received in payment therefor shall be covered into the Treasury as miscellaneous receipts.

"Reports

"SEC. 11. The President shall transmit to the Congress, at least once in each fiscal year, a report on operations under this Act.

"Peace Corps National Advisory Council

"SEC. 12. (a) The President may appoint to membership in a board to be known as the Peace Corps National Advisory Council twenty-five persons who are broadly representative of educational institutions, voluntary agencies, farm organizations, and labor unions, and other public and private organizations and groups as well as individuals interested in the programs and objectives of the Peace Corps, to advise and consult with the President with regard to policies and programs designed to further the purposes of this Act.

"(b) Members of the Council shall serve at the pleasure of the President and meet at his call. They shall receive no compensation for their services, but members who are not officers or employees of the United States Government may each receive out of funds made available for the purposes of this Act a per diem allowance of $50 for each day, not to exceed twenty days in any fiscal year in the case of any such member, spent away from his home or regular place of business for the purpose of attendance at meetings or conferences and in necessary travel, and while so engaged may be paid actual travel expenses and per diem in lieu of subsistence and other expenses, at the applicable rate prescribed by the Standardized Government Travel Regulations, as amended from time to time.

"Experts and consultants

"SEC. 13. (a) Experts and consultants or organizations thereof may, as authorized by section 15 of the Act of August 2, 1946, as amended (5 U.S.C. 55a), be employed by the Peace Corps for the performance of functions under this Act, and individuals so employed may be compensated at rates not in excess of $75 per diem, and while away from their homes or regular places of business, they may be paid actual travel expenses and per diem in lieu of subsistence and other expenses at the applicable rate prescribed in the Standardized Government Travel Regulations, as amended from time to time, while so employed: *Provided,* That contracts for such employment may be renewed annually.

"(b) Service of an individual as a member of the Council authorized to be established by section 12 of this Act or as an expert or consultant under subsection (a) of this section shall not be considered as service or employment bringing such individual within the provisions of section 281, 283, or 284 of title 18 of the United States Code, or of section 190 of the Revised Statutes (5 U.S.C. 99), or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of service, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States Government except insofar as such provisions of law may prohibit any such individual from receiving compensation in respect of any particular matter in which such individual was directly involved in the performance of such service; nor shall such service be considered as employment or holding of office or position bringing such individual within the provisions of section 13 of the Civil Service Retirement Act, as amended (5 U.S.C. 2263), section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a), section 872 of the Foreign Service Act of 1946, as amended, or any other law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities.

"Detail of personnel to foreign governments and international organizations

"SEC. 14. (a) In furtherance of the purposes of this Act, the head of any agency of the United States Government is authorized to detail, assign, or otherwise make available any officer or employee of his agency (1) to serve with, or as a member of, the international staff of any international organization, or (2) to any office or position to which no compensation is attached with any foreign government or agency thereof: *Provided,* That such acceptance of such office or position shall in no case involve the taking of an oath of allegiance to another government.

"(b) Any such officer or employee, while so detailed or assigned, shall be considered, for the purpose of preserving his allowances, privileges, rights, seniority, and other benefits as such, an officer or employee of the United States Government and of the agency of the United States Government from which detailed or assigned, and he shall continue to receive compensation, allowances, and benefits from funds authorized by this Act. He may also receive, under such regulations as the President may prescribe, representation allowances similar to those allowed under section 901 of the Foreign Service Act of 1946 (22 U.S.C. 1131). The authorization of such allowances and other benefits, and the payment thereof out of any appropriations available therefor, shall be considered as meeting all of the requirements of section 1765 of the Revised Statutes (5 U.S.C. 70).

"(c) Details or assignments may be made under this section—

"(1) without reimbursement to the United States Government by the international organization or foreign government;

"(2) upon agreement by the international organization or foreign government to reimburse the United States Government for compensation, travel expenses, and allowances, or any part thereof, payable to such officer or employee during the period of assignment or detail in accordance with subsection (b) of this section; and such reim-

bursement shall be credited to the appropriation, fund, or account utilized for paying such compensation, travel expenses, or allowances, or to the appropriation, fund, or account currently available for such purpose; or

"(3) upon an advance of funds, property or services to the United States Government accepted with the approval of the President for specified uses in furtherance of the purposes of this Act; and funds so advanced may be established as a separate fund in the Treasury of the United States Government, to be available for the specified uses, and to be used for reimbursement of appropriations or direct expenditure subject to the provisions of this Act, any unexpended balance of such account to be returned to the foreign government or international organization.

"Utilization of funds

"SEC. 15. (a) Funds made available for the purposes of this Act may be used for compensation, allowances, and travel of employees, including Foreign Service personnel whose services are utilized primarily for the purposes of this Act, for printing and binding without regard to the provisions of any other law, 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 employees) 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.

"(b) Funds made available for the purposes of this Act may be used to pay expenses in connection with travel abroad of employees and, to the extent otherwise authorized by this Act, of volunteers, including travel expenses of dependents (including expenses during necessary stopovers while engaged in such travel), and transportation of personal effects, household goods, and automobiles when any part of such travel or transportation begins in one fiscal year pursuant to travel orders issued in that fiscal year, notwithstanding the fact that such travel or transportation may not be completed during the same fiscal year, and cost of transporting to and from a place of storage, and the cost of storing automobiles of employees when it is in the public interest or more economical to authorize storage.

"(c) Funds available under this Act may be used to pay costs of training employees employed or assigned pursuant to section 7 (c) (2) of this Act (through interchange or otherwise) at any State or local unit of government, public or private nonprofit institution, trade, labor, agricultural, or scientific association or organization, or commercial firm; and the provisions of Public Law 84-918 (7 U.S.C. 1881 et seq.) may be used to carry out the foregoing authority notwithstanding that interchange of personnel may not be involved or that the training may not take place at the institutions specified in that Act. Such training shall not be considered employment or holding of office under section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62), and any payments or contributions in connection therewith may, as deemed appropriate by the head of the agency of the United States Government authorizing such training, be made by private or public sources and be accepted by any trainee, or may be accepted by and credited to the current applicable appropriation of such agency: *Provided, however,* That any such payments to an employee in the nature of compensation shall be in lieu, or in reduction, of compensation received from the United States Government.

"(d) Funds available for the purposes of this Act shall be available for—

"(1) rent of buildings and space in buildings in the United States, and for repair, alteration, and improvement of such leased properties;

"(2) expenses of attendance at meetings concerned with the purposes of this Act, including (notwithstanding the provisions of section 9 of Public Law 60-328 (31 U.S.C. 673)) expenses in connection with meetings of persons whose employment is authorized by section 13(a) of this Act;

"(3) rental and hire of aircraft;

"(4) purchase and hire of passenger motor vehicles: *Provided,* That, except as may otherwise be provided in an appropriation or other Act, passenger motor vehicles for administrative purposes abroad may be purchased for replacement only, and such vehicles may be exchanged or sold and replaced by an equal number of such vehicles, and the cost, including exchange allowance, of each such replacement shall not exceed $2,500 in the case of an automobile for any Peace Corps country representative appointed under section 7(e): *Provided further,* That passenger motor vehicles may be purchased for use in the United States only as may be specifically provided in an appropriation or other Act;

"(5) entertainment (not to exceed $5,000 in any fiscal year except as may otherwise be provided in an appropriation or other Act);

"(6) exchange of funds without regard to section 3561 of the Revised Statutes (31 U.S.C. 543) and loss by exchange;

"(7) expenditures (not to exceed $5,000 in any fiscal year except as may be otherwise provided in an appropriation or other Act) not otherwise authorized by law to meet unforeseen emergencies or contingencies arising in the Peace Corps: *Provided,* That a certificate of the amount only of each such expenditure and that such expenditure was necessary to meet an unforeseen emergency or contingency, made by the Director of the Peace Corps or his designee, shall be deemed a sufficient voucher for the amount therein specified;

"(8) insurance of official motor vehicles acquired for use abroad;

"(9) rent or lease abroad for not to exceed five years of offices, health facilities, buildings, grounds, and living quarters, and payments therefor in advance; maintenance, furnishings, necessary repairs, improvements, and alterations to properties owned or rented by the United States Government or made available for its use abroad; and costs of fuel, water, and utilities for such properties;

"(10) expenses of preparing and transporting to their former homes, or, with respect to foreign participants engaged in activities under this Act, to their former homes or places of burial, and of care and disposition of, the remains of persons or members of the families of persons who may die while such persons are away from their homes participating in activities under this Act;

"(11) use in accordance with authorities of the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.), not otherwise provided for; and

"(12) ice and drinking water for use abroad.

"Appointment of persons serving under prior law

"SEC. 16. (a) Under such terms and conditions as the President may prescribe, volunteer personnel who on the effective date of this Act have been engaged by contract by, or pursuant to agreement with, the Peace Corps agency established within the Department of State pursuant to Executive Order Numbered 10924, dated March 1, 1961, may be enrolled as volunteers or volunteer leaders under this Act. Such enrollment may be made effective, for any or all purposes, as of a date prior to the effective date of this Act but not earlier than the date of commencement of training of the person in question. All allowances and termination payments similar to those authorized by this Act received by any such person or by members of his family or payable with respect to any period between the effective date and the actual date of such enrollment shall be deemed for all purposes to have been received or to be payable under the appropriate provision of this Act.

"(b) Any person who was appointed by and with the advice and consent of the Senate to be Director of the Peace Corps prior to the enactment of this Act may be appointed by the President to be Director of the Peace Corps under section 4(a) of this Act without further action by the Senate.

"Use of foreign currencies

"SEC. 17. Whenever possible, expenditures incurred in carrying out functions under this Act shall be paid for in such currency of the country or area where the expense is incurred as may be available to the United States.

"Applicability of Mutual Defense Assistance Control Act

"SEC. 18. The Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611 et seq.) shall apply with respect to functions carried out under this Act except in cases where the President shall determine that such application would be detrimental to the interests of the United States.

"Seal

"SEC. 19. The President may adopt, alter, and use an official seal or emblem of the Peace Corps of such design as he shall determine, which shall be judicially noticed.

"Moratorium on student loans

"SEC. 20. Section 205 of the National Defense Education Act of 1958 (20 U.S.C. 425) is amended by deleting the word 'or' immediately preceding clause (ii) of section 205(b)(2)(A) and by adding immediately after that clause the following: 'or (iii) not in excess of three years during which the borrower is in service as a volunteer under the Peace Corps Act: *Provided,* That this clause shall apply to any loan outstanding on the effective date of the Peace Corps Act only with the consent of the then obligee institution,'.

"Amendment to Civil Service Retirement Act

"SEC. 21. Subsection (j) of section 3 of the Civil Service Retirement Act, as amended (5 U.S.C. 2253), is amended to read as follows:

"'(j) Notwithstanding any other provision of this section or section 5(f) of the Peace Corps Act, any military service (other than military service covered by military leave with pay from a civilian position) performed by an individual after December 1956 and any period of service by an individual as a volunteer under the Peace Corps Act, shall be excluded in determining the aggregate period of service upon which an annuity payable under this chapter to such individual or to his widow or child is to be based, if such individual or widow or child is entitled (or would upon proper application be entitled) at the time of such determination, to monthly old-age or survivors benefits under section 202 of the Social Security Act, as amended (42 U.S.C. 402), based on such individual's wages and self-employment income. If in the case of the individual or widow such military service or service under the Peace Corps Act is not excluded under the preceding sentence, but upon attaining age sixty-two, he or she becomes entitled (or would upon proper application be entitled) to such benefits, the Commission shall redetermine the aggregate period of service upon which such annuity is based, effective as of the first day of the month in which he or she attains such age, so as to exclude such service. The Secretary of Health, Education, and Welfare shall, upon the request of the Commission, inform the Commission

whether or not any such individual or widow or child is entitled at any specified time to such benefits.'

"Security investigations

"SEC. 22. All persons employed or assigned to duties under this Act shall be investigated to insure that the employment or assignment is consistent with the national interest in accordance with standards and procedures established by the President. If an investigation made pursuant to this section develops any data reflecting that the person who is the subject of the investigation is of questionable loyalty or is a questionable security risk, the investigating agency shall refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation. The results of that full field investigation shall be furnished to the initial investigating agency, and to the agency by which the subject person is employed, for information and appropriate action. Volunteers shall be deemed employees of the United States Government for the purpose of this section.

"Universal Military Training and Service Act

"SEC. 23. Notwithstanding the provisions of any other law or regulation, service in the Peace Corps as a volunteer shall not in any way exempt such volunteer from the performance of any obligations or duties under the provisions of the Universal Military Training and Service Act.

"Foreign language proficiency

"SEC. 24. No person shall be assigned to duty as a volunteer under this Act in any foreign country or area unless at the time of such assignment he possesses such reasonable proficiency as his assignment requires in speaking the language of the country or area to which he is assigned.

"Definitions

"SEC. 25. (a) The term 'abroad' means any area outside the United States.

"(b) The term 'United States' means the several States and territories and the District of Columbia.

"(c) The term 'function' includes any duty, obligation, right, power, authority, responsibility, privilege, discretion, activity, and program.

"(d) The term 'health care' includes all appropriate examinations, preventive, curative and restorative health and medical care, and supplementary services when necessary.

"(e) For the purposes of this or any other Act, the period of any individual's service as a volunteer under this Act shall include—

"(i) except for the purposes of section 5(f) of this Act, any period of training under section 8(a) prior to enrollment as a volunteer under this Act; and

"(ii) the period between enrollment as a volunteer and the termination of service as such volunteer by the President or by death or resignation.

"(f) The term 'United States Government agency' includes any department, board, wholly or partly owned corporation, or instrumentality, commission, or establishment of the United States Government.

"(g) The word 'transportation' in sections 5(b) and 6(2) includes transportation of not to exceed three hundred pounds per person of unaccompanied necessary personal and household effects.

"Construction

"SEC. 26. If any provision of this Act or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of this Act and the applicability of such provision to other circumstances or persons shall not be affected thereby.

"Effective date

"SEC. 27. This Act shall take effect on the date of its enactment.

"TITLE II—AMENDMENT OF INTERNAL REVENUE CODE AND SOCIAL SECURITY ACT

"Taxation of allowances

"SEC. 201. (a) Section 912 of the Internal Revenue Code of 1954 (relating to exemption from gross income for certain allowances) is amended by adding at the end thereof the following new paragraph:

"'(3) PEACE CORPS ALLOWANCES.—In the case of an individual who is a volunteer or volunteer leader within the meaning of the Peace Corps Act and members of his family, amounts received as allowances under section 5 or 6 of the Peace Corps Act other than amounts received as—

"'(A) termination payments under section 5(c) or section 6(1) of such Act,

"'(B) leave allowances,

"'(C) if such individual is a volunteer leader training in the United States, allowances to members of his family, and

"'(D) such portion of living allowances as the President may determine under the Peace Corps Act as constituting basic compensation.'

"(b) Section 1303(b) of the Internal Revenue Code of 1954 (relating to definition of back pay) is amended by adding at the end thereof the following new paragraph:

"'(4) Termination payments under section 5(c) or section 6(1) of the Peace Corps Act which are received or accrued by an individual during the taxable year on account of any period of service, as a volunteer or volunteer leader under the Peace Corps Act, occurring prior to the taxable year.'

"(c) Section 3401(a) of the Internal Revenue Code of 1954 (relating to the definition of wages for purposes of the collection of income tax at source on wages) is amended by striking out the period at the end of paragraph (12) and inserting in lieu thereof '; or', and by adding at the end thereof the following new paragraph:

"'(13) pursuant to any provision of law other than section 5(c) or 6(1) of the Peace Corps Act, for service performed as a volunteer or volunteer leader within the meaning of such Act.'

"(d) The amendments made by subsections (a) and (b) of this section shall apply with respect to taxable years ending after March 1, 1961. The amendment made by subsection (c) shall apply with respect to remuneration paid after the date of the enactment of this Act.

"Social security coverage

"SEC. 202. (a)(1) Section 3121(i) of the Internal Revenue Code of 1954 (relating to computation of wages for purposes of the Federal Insurance Contributions Act) is amended by adding at the end thereof the following new paragraph:

"'(3) PEACE CORPS VOLUNTEER SERVICE.—For purposes of this chapter, in the case of an individual performing service, as a volunteer or volunteer leader within the meaning of the Peace Corps Act, to which the provisions of section 3121(p) are applicable, the term "wages" shall, subject to the provisions of subsection (a)(1) of this section, include as such individual's remuneration for such service only amounts paid pursuant to section 5(c) or 6(1) of the Peace Corps Act.'

"(2) Section 3121 of such Code is amended by adding at the end thereof the following new subsection:

"'(p) PEACE CORPS VOLUNTEER SERVICE.—For purposes of this chapter, the term "employment" shall, notwithstanding the provisions of subsection (b) of this section, include service performed by an individual as a volunteer or volunteer leader within the meaning of the Peace Corps Act.'

"(3) The first sentence of section 3122 of such Code (relating to Federal service) is amended by inserting after 'section 3121(m)(1) are applicable,' the following: 'and including service, performed as a volunteer or volunteer leader within the meaning of the Peace Corps Act, to which the provisions of section 3121(p) are applicable,'.

"(4) Section 6051(a) of such Code (relating to receipts for employees) is amended by adding at the end thereof the following new sentence: 'In the case of compensation paid for service as a volunteer or volunteer leader within the meaning of the Peace Corps Act, the statement shall show, in lieu of the amount required to be shown by paragraph (5), the total amount of wages as defined in section 3121(a), computed in accordance with such section and section 3121(i)(3).'

"(b)(1) Section 210 of the Social Security Act (42 U.S.C. 410) is amended by adding at the end thereof the following new subsection:

"'Peace Corps Volunteer Service

"'(o) The term "employment" shall, notwithstanding the provisions of subsection (a), include service performed by an individual as a volunteer or volunteer leader within the meaning of the Peace Corps Act.'

"(2) Section 209 of such Act (42 U.S.C. 409) is amended by adding at the end thereof the following new paragraph:

"'For purposes of this title, in the case of an individual performing service, as a volunteer or volunteer leader within the meaning of the Peace Corps Act, to which the provisions of section 210(o) are applicable, (1) the term "wages" shall, subject to the provisions of subsection (a) of this section, include as such individual's remuneration for such service only amounts certified as payable pursuant to section 5(c) or 6(1) of the Peace Corps Act, and (2) any such amount shall be deemed to have been paid to such individual at the time the service, with respect to which it is paid, is performed.'

"(3) The first sentence of section 205(p)(1) of such Act (42 U.S.C. 405(p)(1)), is amended by inserting after 'are applicable,' the following: 'and including service, performed as a volunteer or volunteer leader within the meaning of the Peace Corps Act, to which the provisions of section 210(o) are applicable,'.

"(c) The amendments made by subsections (a) and (b) of this section shall apply with respect to service performed after the date of the enactment of this Act. In the case of any individual who is enrolled as a volunteer or volunteer leader under section 16(a) of this Act, such amendments shall apply with respect to service performed on or after the effective date of such enrollment."

And the Senate agree to the same.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
EDNA F. KELLY,
CHESTER E. MERROW,
WALTER H. JUDD,
Managers on the Part of the House.
J. W. FULBRIGHT,
JOHN SPARKMAN,
HUBERT H. HUMPHREY,
ALEXANDER WILEY,
BOURKE B. HICKENLOOPER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7500) to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate struck out all of the House bill after the enacting clause and inserted a substitute amendment. The committee

of conference has agreed to a substitute for both the House bill and the Senate amendment. Except for clarifying, clerical, and necessary conforming changes, the differences are noted below:

POWERS OR FUNCTIONS OF SECRETARY OF STATE (SEC. 4(C))

The House bill, section 4(c), contained a provision that "nothing contained in this act shall be construed to infringe upon the powers or functions of the Secretary of State or the other officers of the Department of State appointed by the President by and with the advice and consent of the Senate."

The Senate amendment contained identical language with respect to the Secretary of State but omitted the reference to "the other officers of the Department of State appointed by the President by and with the advice and consent of the Senate."

The manager on the part of the House accepted the Senate language omitting the reference to the powers and functions of the other officers of the Department of State contained in the House bill in the belief that responsibility for defining relationships between subordinate State Department officers is properly that of the Secretary of State. To the extent that functions are vested in subordinate officers by statute, the clause contained in the House bill would be unnecessary. To the extent that the powers of subordinate officers derive from the authority of the Secretary of State himself, this provision presumably would not affect the Secretary's power to make such organizational arrangements within the Department as he sees fit.

PERFORMANCE OF SERVICES BY PEACE CORPS (SEC. 4(d))

The House bill, section 4(d), contained a provision that "the Peace Corps shall not perform services which in the opinion of the Secretary of State could more usefully be performed by other available agencies of the United States Government in the country concerned."

The Senate amendment contained language providing that "except with the approval of the Secretary of State, the Peace Corps shall not be assigned to perform services which could readily be performed by other available agencies of the United States Government in the country concerned."

The committee of conference accepted the Senate language, except that the word "readily" was changed to "more usefully".

The managers on the part of the House accepted this compromise in the belief that the Senate requirement that the Secretary of State consider and give approval to any assignment of services to the Peace Corps before the Peace Corps undertakes operations in a foreign country would be preferable to the House language, which would have permitted the Peace Corps to go ahead in the performance of services prior to such specific advance approval by the Secretary of State.

DISCRIMINATION BY RECIPIENT NATIONS

The House bill, section 4(e), contained a provision that "the Peace Corps shall not perform services in any foreign country in which, by reason of law or official policy, any member of the Peace Corps is or will be discriminated against because of his race, creed, or color."

The Senate amendment did not contain such a provision.

The managers on the part of the House agreed to the deletion of this provision. They are convinced that in the less developed countries government policy frequently may not be well coordinated and public opinion not fully matured. Under the circumstances, individual incidents of discrimination might occur which did not reflect either the policy of the government or the attitude of the public generally.

One of the functions to be served by Peace Corps volunteers should be to bring about an understanding by the people of the countries in which they serve of different races, religions, and national points of view. It would be undesirable to deprive any country of the benefit of this type of service on the part of the Peace Corps.

It is the policy of the Peace Corps to require in its program agreements that host countries accord equitable treatment to the volunteer or give other satisfactory assurance to the same effect. The Peace Corps states that it would not maintain a program in any country in which volunteers were repeatedly subject to discrimination.

ASSIGNMENT OF VOLUNTEERS TO INTERNATIONAL ORGANIZATIONS (SEC. 5(g) AND SECS. 10(a)(1) AND (2))

The House provision relating to assignment of volunteers generally included a proviso (sec. 5(g)) permitting the President to waive, with respect to any volunteers assigned or detailed to international organizations, such provisions of this act relating to volunteers as he determines to be necessary to carry out the purposes of this act. It also expressly permitted the President to enter into contracts with international organizations and agencies to carry out programs in furtherance of the purposes of this act (sec. 10(a)(1)).

The Senate amendment did not contain comparable provisions but it did authorize the President to make arrangements to assign volunteers in special cases to temporary duty with international organizations and agencies when the Secretary of State determines that such assignment would serve the purposes of this act. It limited to 75 the number of volunteers and volunteer leaders who could be so assigned.

The managers on the part of the House accepted the Senate version including a modification of the Senate language that will authorize a maximum of 125 volunteers and volunteer leaders to be assigned to international organizations.

REQUIREMENT FOR FILING AFFIDAVITS (SEC. 5(j))

The House bill contained a provision that in addition to the oath every volunteer shall execute and file with the Director an affidavit that he does not advocate the overthrow of our constitutional form of government in the United States, and that he is not a member of an organization that advocates the overthrow of our constitutional form of government in the United States, knowing that such organization so advocates.

The Senate amendment had no comparable provision.

The committee of conference accepted the language of the House bill with an amendment which requires that, instead of filing an affidavit with the Director, every volunteer shall, at the time of taking the oath, also swear or affirm that he does not advocate the overthrow of our constitutional form of government in the United States, and that he is not a member of an organization that advocates the overthrow of our constitutional form of government in the United States, knowing that such organization so advocates.

MONTHLY PAYMENT OF VOLUNTEER LEADERS (SEC. 6(l))

The House bill provided that volunteer leaders would be entitled to receive termination payments at a rate not to exceed $150 for each month of satisfactory service. The Senate bill contained a comparable provision concerning termination payments, but the rate was established at $100 a month.

The managers on the part of the House compromised at $125 per month.

LIMITATION ON NUMBER OF EMPLOYEES (SEC. 7(a))

The Senate amendment contained a ceiling of 275 on the number of employees during fiscal year 1962 other than volunteers or Peace Corps representatives abroad that could be employed.

The House bill contained no comparable provision.

The managers on the part of the House accepted the Senate ceiling of 275 employees for fiscal year 1962. However, the managers on the part of the House insisted on the following language as a substitute for the Senate amendment: "not to exceed 275 persons permanently employed in the United States at any one time in fiscal year 1962". This language is intended to make it clear that the ceiling does not apply to any oversea employees. Also, the language agreed to requires the ceiling to apply only to permanently employed persons. This will permit the agency to continue using college students as temporary summer employees.

PEACE CORPS EMPLOYEES (SEC. 7(b))

The Senate amendment provided that of the persons employed in the United States in activities authorized by this act, not to exceed 35 may be compensated without regard to the provisions of the Classification Act of 1949, as amended. Of these 25 may be compensated at rates higher than GS–15 of the general schedule ($15,030), and of these 2 may receive up to $19,000. The House bill contained no comparable provision. It was recognized that sound management was essential to the success of this new program. The managers on the part of the House therefore receded from their position and agreed to 30 excepted positions of which 20 could be compensated at rates above GS–15.

STAFF ASSIGNMENTS FOR VOLUNTEERS (SEC. 7(e))

The House bill contained a provision allowing the assignment of volunteers to duty on the staff of Peace Corps representatives.

The Senate amendment did not contain a comparable provision.

The managers on the part of the House receded from their position in recognition of the fact that volunteers were not intended to serve in administrative positions with U.S. agencies. The committee of conference does not believe that such administrative assignments are in keeping with the concept of the volunteers' intended services.

TRAINING IN COMMUNIST TACTICS (SEC. 8(C))

The Senate amendment, section 8(c), included a provision that "training hereinabove provided for shall include instruction in the philosophy, strategy, tactics, and menace of communism."

The House bill did not contain a similar provision.

The managers on the part of the House accepted the Senate language. The Peace Corps officials have given assurance that such training is already required in every Peace Corps training curriculum. There appears to be every reason to give statutory recognition to this requirement.

PARTICIPATION OF FOREIGN NATIONALS (SEC. 9)

The House bill authorized the "participation of" foreign nationals in the training of volunteers while the Senate amendment authorized "assistance by" foreign nationals in such training. The House conferees accepted the Senate language as a clearer intent that the role of the foreign nationals was limited to the training of volunteers rather than themselves being volunteers.

The Senate amendment also contained a provision that incorporated the fifth and sixth sentences of section 201(a) of the U.S. Information and Educational Exchange Act of 1948 or corresponding provisions of any successor act. Such sentences were made applicable to foreign nationals coming to the United States in connection with the training of volunteers. The Mutual Educational and Cultural Exchange Act of 1961 repealed section 201 referred to in the bill.

The sentences referred to in the Senate amendment deal with the deportation of foreigners who do not maintain the status under which they are admitted or whose conduct and activities are prejudicial to U.S. interests or security.

The managers on the part of the House accepted the Senate version with an amendment that incorporates directly rather than by reference the sentences referred to in the Senate amendment.

ALLOCATIONS TO OTHER AGENCIES (10(e))

Subsection 10(e) of the House bill provided the basic authority whereby the President may allocate funds to the Peace Corps or, in the case of other agencies performing functions under the bill, to those agencies. Funds so allocated may be obligated and expended for Peace Corps purposes in accordance with Peace Corps bill authority, regardless of the agency which obligates or expends the funds. It also provides that Peace Corps funds allocated to another agency might be used by that agency for Peace Corps purposes in the manner in which it is accustomed to handling its own funds.

The Senate amendment contained no comparable provision.

The committee of conference agreed on a compromise which included the language of the House bill but limited such transfers and allocations to U.S. agencies other than the Peace Corps to 20 percent of the funds available for carrying out the purposes of the act in any fiscal year.

RETIRED OFFICERS AND EMPLOYEES (SEC. 13(b))

The Senate amendment added to subsection (b) language that would provide exemption for experts and consultants from laws governing reemployment of retired officers or employees and simultaneous receipt of compensation and retired pay or annuities.

The House bill contained no such provision.

The managers on the part of the House accepted the Senate provision in the belief that the Peace Corps program would be more effective if the services of retired officers and employees were more readily available to it.

MAINTENANCE AND OPERATION OF AIRCRAFT (SEC. 15(d)(3))

The House bill contained a provision authorizing the maintenance, operation, and hire of aircraft.

The Senate amendment provided only for the "rental and hire" of aircraft.

The managers on the part of the House accepted the Senate language which will prevent the Peace Corps from establishing its own aircraft maintenance and operating facilities or employing personnel to operate or maintain aircraft.

The committee of conference recognizes that the rental or hire of aircraft might be necessary in some instances in order to facilitate some of the Peace Corps oversea operations. However, any necessary maintenance and operating requirements for these aircraft should be provided for as part of the rental contracts.

ENTERTAINMENT EXPENSES (SEC. 15(d)(5))

The House bill placed a ceiling of $2,500 on the amount that may be provided for entertainment.

The Senate amendment raised the ceiling to $5,000.

The managers on the part of the House accepted the Senate amendment.

INSURANCE OF AIRCRAFT (SEC. 15(d)(8))

The House bill provided for insurance of motor vehicles or aircraft acquired for use abroad.

The Senate amendment deleted the reference to aircraft.

The managers on the part of the House accepted the Senate amendment since the Peace Corps has no authority to make use of aircraft except through rental or hire.

RENT OR LEASE (SEC. 15(d)(9))

The House bill authorized the rent or lease abroad for not to exceed 10 years of offices, living quarters, and other physical facilities, and payments therefor in advance. The Senate amendment authorized such rentals or loans for a period not to exceed 3 years. The committee of conference agreed on 5 years.

PRIOR SERVICE ON NATIONAL ADVISORY COUNCIL

The House bill (sec. 16(b)) provided that persons currently serving as members of the Nationual Advisory Council of the agency as established under Executive order shall be members of the Peace Corps National Advisory Council under the authority of section 12 of this act.

The Senate amendment contained no comparable provision.

The managers on the part of the House agreed to the deletion of this subsection.

Section 12(a) of the bill provides for a Peace Corps National Advisory Council of 25 members. Under the authority of the Executive order establishing the Peace Corps, an advisory board had been created having 35 members. This provision would have prevented the elimination of the 10 members necessary to bring the membership within the new limit.

CONFIRMATION OF DIRECTOR (SEC. 16(b))

The Senate amendment, section 16(b), provided that in the event the present Director of the Peace Corps is appointed Director of the Peace Corps under section 4(a) of this act, the Senate need not reconfirm him.

The House bill contained no comparable provision.

The managers on the part of the House accepted this provision since they could see no useful purpose in having the present Director reconfirmed. The appointment of anyone other than the present incumbent as Director of the Peace Corps will under the terms of section 4(a) of the bill require Senate confirmation.

THOMAS E. MORGAN,
CLEMENT J. ZABLOCKI,
EDNA F. KELLY,
CHESTER E. MERROW,
WALTER H. JUDD,
Managers on the Part of the House.

Mr. MORGAN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the bill agreed to in conference is a good bill and retains the basic provisions which were approved by the House. As is the case in all conferences it has been necessary, however, to agree to certain compromises and to make certain concessions.

One of the provisions of the House bill not contained in the Senate bill was the requirement that every Peace Corps volunteer take an oath and sign an affidavit that he does not advocate the overthrow of our constitutional form of Government and that he is not a member of an organization that advocates the overthrow of our constitutional form of Government, knowing that such organization so advocates.

The basic concept of this affidavit was retained in the bil' agreed to by the conference except that the requirement of an affidavit was changed to the requirement that the Peace Corps volunteer take an oath that he does not advocate the overthrow of our constitutional form of Government in the United States, and that he is not a member of any organization that advocates the overthrow of our constitutional form of Government in the United States, knowing that such organization so advocates.

The Senate bill included authorization for 25 supergrades. The Executive request had been 30 and the Senate, after long discussion on the Senate floor, cut the figure to 25. The Senate conferees very strongly defended this Senate figure. The managers on the part of the House finally accepted a figure of 20 supergrades, a reduction of 5 below the Senate bill and 10 below the number requested by the Executive.

Let me say in this connection, however, that we accepted a ceiling of 275 on the number of Peace Corps Washington personnel which was included in the Senate bill but which was not in the House bill.

The net result is that while we agreed to an increase in supergrades we accepted a personnel ceiling which should have the effect of keeping within bounds any tendency for the administrative staff of the Peace Corps to get out of hand.

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

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

Mr. GROSS. I am not exactly straight on the number of excepted positions. The House receded from its position and agreed to 30 excepted positions, of which 20 can be compensated for above the rating of GS–15.

Are those supergrades and scientific positions?

Mr. MORGAN. No, there is no reference to scientific positions in the bill.

Mr. GROSS. All supergrades?

Mr. MORGAN. Just the 20 are supergrades.

Mr. GROSS. How many scientific and professional positions?

Mr. MORGAN. There are no scientific supergrades as I understand the meaning of the term.

Mr. GROSS. The $19,000 people are out, except for the statutory positions?

Mr. MORGAN. There are two at $19,000.

Mr. GROSS. Then those are statutory?

Mr. MORGAN. Yes, there are 2 statutory positions at $19,000 and two supergrades at that salary.

Mr. GROSS. I thank the gentleman.

Mr. MORGAN. Mr. Speaker, the Senate bill included a provision limiting the number of volunteers and volunteer leaders who could be assigned to international organizations to 75. The House bill contained no such limitation and the managers on the part of the House agreed to a limit of 125 volunteers and volunteer leaders which can be assigned to international organizations.

One of the provisions in the House bill adopted on the floor of the House was a requirement that "the Peace Corps shall not perform services in any foreign country in which, by reason of law or official policy, any member of the Peace Corps is or will be discriminated against because of his race, creed, or

color." This provision received careful consideration during the conference. There was no member of the conference committee on either side who was not in complete sympathy with the fundamental premise on which this provision was based. At the same time discussion in conference emphasized the fact that in the less-developed countries government policies frequently are not well coordinated or carefully developed. Furthermore, in some countries it is often difficult to evaluate isolated expressions of public opinion.

The committee of conference also recognized that one of the basic purposes of the Peace Corps is to promote understanding among peoples of different nations. One of the primary results of understanding is tolerance, not only with respect to race and religion, but also of foreigners with different attitudes and customs. It is the expectation that Peace Corps volunteers, by their presence, will tend to overcome discrimination and promote tolerance.

The Peace Corps announces that it has a definite policy of requiring in its program agreements that host countries accord equitable treatment to Peace Corps volunteers and states that it will not maintain a program in any country in which volunteers are repeatedly subject to discrimination.

In view of these considerations, the managers on the part of the House agreed to the deletion of this provision in the House bill. In my judgment it would be undesirable to deprive any country of the services of the Peace Corps in combating discrimination and intolerance.

I believe that I have referred to the more important changes made by the conference in the House bill. There were a number of other minor adjustments and compromises, but, in general, the two bills were quite similar and the bill the House managers bring back conforms in most respects to the bill passed by the House.

I feel strongly that the managers on the part of the House worked hard to support the House position on all matters, and that our efforts merit House approval. I urge the adoption of the conference report.

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

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

Mr. GROSS. I notice you upped the entertainment allowance somewhat; is that correct?

Mr. MORGAN. Yes. The entertainment allowance in the House bill was $2,500 and in the Senate bill was $5,000, and the Senate conferees prevailed in that amendment.

Mr. GROSS. Was that because the Peace Corps anticipates more Members of Congress will travel abroad? I notice in the hearings that the justification for entertainment money was the fact that there might be some visiting Congressmen in foreign countries. I was under the impression that the Members of Congress took care of their own entertainment expenses when they were junketeering over the world. So more money has been added in anticipation of an even greater exodus of Congressmen from Washington to foreign lands, visiting the Peace Corps and that sort of thing.

Mr. MORGAN. I understand that most of this is going to be spent in this country to pay hotel bills and other expenses of foreign visitors concerned with Peace Corps negotiations and operations.

Mr. GROSS. One other question. There is still $40 million in the bill; is that correct?

Mr. MORGAN. The $40 million figure was not in conference. Both bills contain the full amount of $40 million.

Mr. GROSS. I thank the gentleman for yielding to me.

Mr. MORGAN. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. JUDD].

Mr. JUDD. Mr. Speaker, this bill comes back to us in better shape, I believe, than it left the House. We kept in it all the essential provisions, including the limitations and restrictions that were put in by the House, and we accepted four main ones in the Senate bill, which I think make the final version tighter. When the bill was before us, a good many Members expressed a fear that the powers granted were too broad and general and not closely enough defined. The conference report is more precise.

We established a limitation of 125 on the number of Peace Corps volunteers who can be assigned to work in international agencies. Under the language passed by the House, all of them could be so assigned. Of course, no such thing was contemplated, but to avoid any possibility of misunderstanding, we agreed that no more than 125, which would be about 4 percent of the estimated size of the Corps, can be assigned to agencies like the World Health Organization, the Food and Agriculture Organization, or U.N. Children's Fund, or others working in this general field.

Again, we accepted a limitation of 275 on the number of permanent employees the Peace Corps can have in its headquarters here in Washington. This is approximately the number the Director has estimated will be needed, so there is no intention to deny it adequate personnel. There was no limitation in the House bill, and some were afraid that it might become another overgrown Washington bureau, when the emphasis needs to be on its field work.

Again, both bills had language stating that the Peace Corps should not take on functions which could be more readily or more usefully handled by other available agencies of our Government. The Senate language said it could undertake such functions only if the Secretary of State approved such action before, rather than after, the Corps started to perform the services in question. We accepted the Senate language substituting "more usefully" for "readily." This prevents the Peace Corps from embarking on programs which would duplicate or which would cross wires with other agencies of our Government working abroad in the same field, unless the Secretary specifically approves.

The House had a provision like the usual housekeeping provision which allows an agency to transfer some of its funds to other agencies that are working in the same field, and for the same purpose, when it is believed another agency can handle a particular function better.

The Senate wanted a limitation of 20 percent on the amount of the Peace Corps' funds that could be transferred or allocated to other agencies of our Government with authority to handle those funds according to the regular processes by which such agencies handle their own funds. The House conferees accepted this limitation.

Mr. Speaker, I think that any Member who had doubts about the bill before can be assured that it is in better form now from the House standpoint than when we went to the conference.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman from Pennsylvania yield?

Mr. MORGAN. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Mr. Speaker, I understood the gentleman from Minnesota to say that the language now prohibits the Peace Corps from engaging in any activities which other organizations of the Government were trying to carry on?

Mr. JUDD. If they are able to carry on the activities more usefully. The exact wording of the report is as follows:

> The managers on the part of the House accepted this compromise in the belief that the Senate requirement that the Secretary of State consider and give approval to any assignment of services to the Peace Corps before the Peace Corps undertakes operations in a foreign country would be preferable to the House language, which would have permitted the Peace Corps to go ahead in the performance of services prior to such specific advance approval by the Secertary of State.

It requires that, except with the approval of the Secretary of State, the Peace Corps shall not be assigned to perform services which could more usefully be performed by other available agencies of the U.S. Government in the country concerned.

Mr. HOFFMAN of Michigan. Will the gentleman from Pennsylvania tell me whether or not the Peace Corps can take on any functions—even those which other organizations are charged with carrying on—if the Secretary of State thinks that the Peace Corps can do a more useful job? Is that it?

Mr. MORGAN. Not unless it comes within the authority of this bill.

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

Mr. MORGAN. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I intend to vote for the conference report because I strongly favor the Peace Corps. But I am terribly disappointed, Mr. Speaker, that the Senate saw fit to delete section 4(e) which I offered in the House, and which was accepted by the

House by unanimous vote, preventing any discrimination against any of these members of the Peace Corps. My amendment was directed particularly to the Arab countries that have discriminated against American boys of the Jewish faith. I do not think they should have the benefit of the Peace Corps. I am terribly disappointed that the section was deleted from the bill.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman from Pennsylvania yield?

Mr. MORGAN. I yielded to the gentleman from Massachusetts, but I shall be glad to yield to the gentleman from Michigan after I have answered the gentleman from Massachusetts.

Mr. HOFFMAN of Michigan. I know, but I asked a question, but then the gentleman yields to the gentleman from Massachusetts who tells us about his regrets that his amendment was not retained in the bill. I am sorry that he did not get what he wanted.

Mr. Speaker, what I want to know is just what functions the Peace Corps takes on, and whether it can take on anything and everything even though there is another agency available to perform such function, if the Secretary of State thinks that the Peace Corps can do a more useful job?

Mr. MORGAN. The Peace Corps volunteers can do only what they are authorized to do in the act. They cannot do anything but what is authorized.

Mr. HOFFMAN of Michigan. Anything that is contained in the act?

Mr. MORGAN. Yes; anything that is contained in the act.

Mr. HOFFMAN of Michigan. Are they restricted now, or can they engage in certain functions, if the act gives them the authority and there is some other Government organization that has authority to do the same thing—can they both work on it without any directive from the Secretary of State?

Mr. MORGAN. The Secretary of State has to decide in advance whether or not the Peace Corps can more usefully perform a service than some other agency.

Mr. HOFFMAN of Michigan. The answer is "they can"?

Mr. MORGAN. They can, but there would be no duplication if it is done at the direction of the Secretary of State. He is supposed to prevent duplication.

Mr. HOFFMAN of Michigan. But it all depends upon the Secretary of State. The Secretary of State fixes the limitations as to the work which they can do?

Mr. MORGAN. It is clearly the purpose of section 4(d) of the act to prevent duplication.

Mr. HOFFMAN of Michigan. Anything named in the act they can do unless the Secretary of State says "no"? Is that right or not?

Mr. MORGAN. That is correct.

Mr. HOFFMAN of Michigan. I hear "no" over on this side. So, I am still confused.

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

Mr. MORGAN. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I wonder if the chairman of the committee now has any comment on my statement on the deletion of section 4(e).

Mr. MORGAN. Yes; that amendment caused the conference a great deal of concern. I am sure the gentleman from Massachusetts has read the statement of the managers dealing with his amendment. I, for one, was very sympathetic to the purpose of the gentleman's amendment; I do not think there is any present intention to have any Peace Corps volunteers in any of the countries which the gentleman had in mind. The Executive emphasized that they would not have any Peace Corps programs in any country in which volunteers were repeatedly subject to discrimination. Let me cite the statement of the managers on this point:

> The managers on the part of the House agreed to the deletion of this provision. They are convinced that in the less-developed countries government policy frequently may not be well coordinated and public opinion not fully matured. Under the circumstances, individual incidents of discrimination might occur which did not reflect either the policy of the government or the attitude of the public generally.
>
> One of the functions to be served by Peace Corps volunteers should be to bring about an understanding by the people of the countries in which they serve of different races, religions, and national points of view. It would be undesirable to deprive any country of the benefit of this type of service on the part of the Peace Corps.
>
> It is the policy of the Peace Corps to require in its program agreements that host countries accord equitable treatment to the volunteer or give other satisfactory assurance to the same effect. The Peace Corps states that it would not maintain a program in any country in which volunteers were repeatedly subject to discrimination.

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

Mr. MORGAN. I yield.

Mr. GROSS. That was what was known in the House as the civil rights amendment to the bill, which went out in conference; is that correct?

Mr. MORGAN. No; I do not think there was any thought that this was a civil rights amendment.

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

Mr. MORGAN. I yield.

Mr. LINDSAY. I think it is regrettable that the conference committee did not back up the House in its acceptance of the amendment that I happened to sponsor on the floor which would have made it very clear that the Director of the Peace Corps had an administrative position, that he had no responsibility for foreign policy as such. That was an amendment which was designed to prevent the increasing dilution of the powers of those officers in the Department of State who are responsible for foreign policy. It would put the Director in a subordinate position, that is correct. By doing so it would demonstrate that the Peace Corps does not have basic responsibility for the formation of policy. It is too bad that the conference committee did not support the House in its unanimous adoption of that amendment.

Mr. MORGAN. The Senate conferees felt that the clause contained in the House bill with respect to the other officers was unnecessary and that anything which might interfere with the authority of the Secretary of State to assign responsibility to his subordinates should be avoided. They prevailed on the House conferees that the gentleman's amendment should be left out.

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

Mr. MORGAN. I yield to the gentleman.

Mr. AVERY. The gentleman knows that I expressed considerable reservation as to the wisdom of the action the House took when the matter was up on the floor last week. As I understand, there is no limit so far as authorization for the Peace Corps is concerned; it is in perpetuity unless repealed.

Mr. MORGAN. There has to be an annual authorization and an annual appropriation.

Mr. AVERY. There will have to be annual authorizations?

Mr. MORGAN. And annual appropriations.

Mr. AVERY. In other words, in the next session of Congress we may anticipate a bill before the House to authorize the Peace Corps for another year?

Mr. MORGAN. Only the money is subject to annual action.

Mr. AVERY. I thought that was the situation. In other words, the only way Congress will have to measure the performance of the Peace Corps is through the Appropriations Committee; they will be the only ones to whom we will be able to turn?

Mr. MORGAN. The Appropriations Committee or the authorizing committee.

Mr. AVERY. The authority to appropriate will have to be reviewed each year by the Foreign Affairs Committee under general supervision, is that correct?

Mr. MORGAN. That is correct.

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

Mr. MORGAN. I yield to the gentleman.

Mr. COLLIER. In the statement of the managers on the part of the House, referring to section 4(d) of the bill, there is a reference made that the services of the Peace Corps would be restricted to those matters which could, in the opinion of the Secretary of State, more usefully be performed by them, and so forth. Would this foreclose the use of Peace Corps members under certain conditions from working in some of the embassies in many of the positions now held by foreign nationals who are, in fact, Communists and who are attached to American embassies abroad?

Mr. MORGAN. No; that authority was stricken from the bill. They have to work strictly on Peace Corps projects. The House bill contained a provision allowing the assignment of volunteers to duty on the staff of the Peace Corps representative in a country. This would have meant that under this authority they might have been assigned to work in capital cities and perhaps actually at

our embassies. There was no comparable authorization in the Senate bill, and the conference agreed to the elimination of this provision. The bill as brought back from conference does not authorize the use of Peace Corps volunteers for anything except the performance of volunteer services under authorized projects.

Mr. COLLIER. It would certainly seem, in view of some of our experiences, particularly the seduction of Mr. Scarbeck and some of the other unfortunate instances we have had in embassies abroad, that we are being penny wise and dollar foolish in employing in embassies in vital positions in many cases foreign nationals who are Communists when you have all of this talent and ability in the Peace Corps to replace some of these people in the interest of our national security.

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

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

Mr. GROSS. I note that there is authority in the bill to rent and lease quarters for the Peace Corps in foreign countries for a period of 5 years.

Mr. MORGAN. The House bill was for 10 years, and the Senate bill for 3 years. We compromised on 5.

Mr. GROSS. Yes; you compromised at 5, and I assume that means we are going to have the Peace Corps with us for 5 years. If they can enter into obligations with foreign governments for 5 years, then we are going to have it for 5 years. Is that about right?

Mr. MORGAN. The testimony during the hearings brought out that many of these leases for foreign service have to be taken over a long time, or housing and offices cannot be rented.

Mr. GROSS. The amendment that was deleted from the House version reads:

> The Peace Corps shall not perform services in any foreign country in which, by reason of law or official policy, any member of the Peace Corps will be discriminated against because of his race, creed, or color.

If that is not a civil rights amendment, I have never heard of one, and I am amazed that it was stricken from the bill.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield.

Mr. HOFFMAN of Michigan. May I ask another question, or the same one over again. This was shown to me by the gentleman from Minnesota [Mr. JUDD]. On page 2, section 4(d) provides:

> Except with the approval of the Secretary of State, the Peace Corps shall not be assigned to perform services which could more usefully be performed by other available agencies of the U.S. Government in the country concerned.

Mr. MORGAN. That is exactly the way I answered the gentleman before.

Mr. HOFFMAN of Michigan. The answer is yes?

Mr. MORGAN. Yes.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make point of order that a quorum is not present.

The SPEAKER pro tempore. Under order of the House entered on September 18, further proceedings on this matter will be postponed until tomorrow.

ANNUITIES TO WIDOWS AND DEPENDENT CHILDREN OF TAX COURT JUDGES

Mr. MILLS. Mr. Speaker, I call up the conference report on the bill (H.R. 4317) to amend the Internal Revenue Code of 1954 and incorporate therein provisions for the payment of annuities to widows and certain dependents of the judges of the Tax Court of the United States, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 1199)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4317) to amend the Internal Revenue Code of 1954 and incorporate therein provisions for the payment of annuities to widows and certain dependents of the judges of the Tax Court of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2; and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 3. (a) Section 403(b) of the Internal Revenue Code of 1954 (relating to taxability of beneficiaries under annuities purchased by section 501(c)(3) organizations) is amended—

"(1) by striking out subparagraph (A) of paragraph (1) and inserting in lieu thereof the following:

"'(A) an annuity contract is purchased—

"'(i) for an employee by an employer described in section 501(c)(3) which is exempt from tax under section 501(a), or

"'(ii) for an employee (other than an employee described in clause (i)), who performs services for an educational institution (as defined in section 151(e)(4)), by an employer which is a State, a political subdivision of a State, or an agency or instrumentality of any one or more of the foregoing,';

"(2) by striking out 'the employer described in section 501(c)(3) and exempt from tax under section 501(a),' in paragraph (3) and inserting in lieu thereof the following: 'the employer described in paragraph (1)(A),'; and

"(3) by inserting before the period in the heading of such subsection the following: 'OR PUBLIC SCHOOL'.

"(b) The amendments made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1957."

And the Senate agree to the same.

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

WILBUR D. MILLS,
CECIL R. KING,
THOMAS J. O'BRIEN,
NOAH M. MASON,
JOHN W. BYRNES,
Managers on the Part of the House.

HARRY FLOOD BYRD,
ROBERT S. KERR,
RUSSELL B. LONG,
JOHN J. WILLIAMS,
FRANK CARLSON,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4317) to amend the Internal Revenue Code of 1954 and incorporate therein provisions for the payment of annuities to widows and certain dependents of the judges of the Tax Court of the United States, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendments Nos. 1 and 2: The bill as passed by the House adds a new section 7448 to the Internal Revenue Code of 1954 providing annuities to widows and dependent children of judges of the Tax Court of the United States. This section is changed by Senate amendments numbered 1 and 2 to conform the benefit computations, in the case of widows and dependent children of Tax Court judges, to the formula provided by Public Law 973 of the 84th Congress relating to widows and dependent children of Federal judges. The House recedes.

Amendment No. 3: Senate amendment numbered 3 adds a new section to the bill relating to the taxability of amounts contributed by an employer which is a public school system for annuity contracts for its employees to provide the same treatment as applies under existing law in the case of annuity contracts purchased for employees by employers described in section 501(c)(3) of the 1954 code which are exempt from tax under section 501(a) of such code.

The House recedes with an amendment. Under the conference agreement, the amendment (1) is to apply where an annuity contract is purchased for an employee who performs services for an educational institution (as defined in section 151(e)(4) of the code) by an employer which is a State, a political subdivision of a State, or an agency or instrumentality of any one or more of the foregoing, and (2) will not affect organizations which may qualify under existing law.

Amendment No. 4: Senate amendment numbered 4 added a new section to the bill relating to the treatment of accident and health insurance contract premiums by insurance companies. Under present law life insurance companies are, subject to certain limitations, entitled to a special deduction of 2 percent of premiums attributable to group and accident and health contracts and group life insurance contracts for purposes of the tax on underwriting income. Senate amendment numbered 4 would extend the special deduction to

individual accident and health contracts written by life insurance companies. In addition, the amendment would provide a special 2-percent deduction in computing underwriting income of stock casualty insurance companies writing accident and health contracts. The Senate recedes.

The House recedes to the amendment of the Senate to the title of the bill.

WILBUR D. MILLS,
CECIL R. KING,
THOMAS J. O'BRIEN,
NOAH M. MASON,
JOHN W. BYRNES,
Managers on the Part of the House.

Mr. MILLS. Mr. Speaker, Members will recall that the purpose of the bill, H.R. 4317, was to amend the Internal Revenue Code of 1954 to incorporate provisions for the payment of annuities to widows and certain dependents of judges of the Tax Court of the United States in a manner similar to that now in effect with respect to Federal judges.

The Senate made two amendments to this particular part of the bill that were accepted by the committee of conference because these amendments merely clarified and carried out the intention that was present in the bill when it passed the House. The Senate made two additional amendments, not part of this particular part, one of which was accepted and the other of which was rejected by the conference committee.

The SPEAKER pro tempore (Mr. ALBERT). The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the gentlemen from Illinois [Mr. MASON] and I may extend our remarks at this point in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. MASON. Mr. Speaker, the legislation on which the conference report has just been adopted by the House pertains to the retirement system applicable to certain Federal judges. This legislation as it passed the House provided for a system of survivor annuities for widows and dependent children of Tax Court judges. It was the intention of the House in this legislation to conform to the extent possible the survivorship rights in the case of Tax Court judges to the survivorship programs applicable to judges of other Federal courts.

The Senate in acting on the proposal amended the Tax Court survivorship provisions of the bill in such a way as to eliminate certain differences in treatment between the program provided by the pending legislation and the system already in effect for other Federal judges. In this respect the Senate was seeking to accomplish the same purpose as that sought by the House so that in conference the House conferees accepted the Senate amendments as they pertain to the basic provisions of the House passed bill.

However, the Senate approved two other substantive amendments and these amendments did not relate to the Tax Court retirement system. The first amendment would provide that amounts paid by "public school systems" to purchase annuity contracts for their employees shall not be included in the gross income of such employees. This would be similar to the extent that present law excludes such amounts from the gross income of employees of organizations of a religious, charitable, or educational character that are exempt from tax under section 501(c)(3) of the Code. On this amendment the House conferees receded with an amendment to provide that the amendment shall apply where an annuity contract is purchased for an employee who performs services for an educational institution by an employer which is a State, a political subdivision of a State, or an agency or instrumentality of the foregoing entities. The amendment makes it clear that this change will not affect organizations which may qualify under existing law.

The second substantive Senate amendment that was not germane to the basic provisions of the House passed bill concerned the deduction that is available under existing law of 2 percent of premiums received on certain accident and health insurance business. This amendment would have extended this deduction to individual accident and health contracts written by life insurance companies and would have also made the deduction available in the case of stock casualty insurance companies writing accident and health contracts. The Senate receded from its amendment.

Mr. Speaker, it is appropriate that the House should approve this conference report.

Mr. MILLS. Mr. Speaker, Members of the House will recall in the form in which it passed the House of Representatives the purpose of H.R. 4317 was to amend the Internal Revenue Code of 1954 to incorporate provisions for the payment of annuities to widows and certain dependents of judges of the Tax Court of the United States in a manner similar to that now in effect in the case of Federal judges.

The Senate amended this bill in three basic respects.

First, a change was made to conform the benefit computations in the case of widows and dependent children of Tax Court judges to the formula provided by Public Law 937 of the 84th Congress relating to widows and dependent children of Federal judges. The conferees agreed to this provision.

Second, a Senate amendment added a new section to the bill relating to the taxability of amounts contributed by an employer which is a public school system for annuity contracts for its employees to provide the same treatment as applies under existing law in the case of annuity contracts for employees by employers described in section 501(c)(3) which are exempt from tax under section 501(a). The conference committee agreed basically to this provision, but added language so as to make the amendment apply, first, where an annuity contract is purchased for an employee who performs services for an educational institution—as defined in section 151(e)(4)—by an employer which is a State, political subdivision of a State, or an agency or instrumentality of any one or more of the foregoing; and second, will not affect organizations which may qualify under existing law.

Third, a Senate amendment added a new section to the bill relating to the treatment of accident and health insurance contract premiums by insurance companies. Under this amendment, the special deduction of 2 percent of premiums attributable to group accident and health insurance contracts that life insurance companies are entitled to deduct in computing their underwriting income under present law would be extended to stock casualty companies. In addition, this amendment would have extended this deduction to apply to premiums received on individual accident and health insurance contracts issued by both life insurance and stock casualty insurance companies. Under the conference agreement, this Senate amendment was deleted.

In connection with the discussion of the conference action taken on the amendments made to section 403(b) of the Code, it appeared that certain practices have developed under the operation of this provision that seem to be inconsistent with the basic purpose of providing retirement annuities for employees of organizations referred to in that section. The effect of these practices would be to permit covered employees to purchase their own retirement annuities with tax deferred moneys. The staffs of the Joint Committee on Internal Revenue Taxation and the Treasury Department have been requested to study this matter and report whether any changes in the law may be desirable in this regard.

COMMUNITY HEALTH SERVICES AND FACILITIES ACT OF 1961

Mr. HARRIS. Mr. Speaker, I call up the conference report on 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, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (REPORT NO. 1209)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 15 and 19.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 16, 18, 20, and 21, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "There is hereby authorized to be appropriated not to exceed $10,000,000 for any fiscal year to carry out the provisions of this section"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following:

"SEC. 7. Effective July 1, 1962, the parenthetical phrase in the first sentence of section 433(a) of such Act which reads 'including grants-in-aid for drawing plans, erection of buildings, and acquisition of land therefor)' is repealed."

And the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "six", and by striking out "$30,000,000" and inserting "$50,000,000"; and the Senate agree to the same.

OREN HARRIS,
KENNETH A. ROBERTS,
GEORGE M. RHODES,
LEO W. O'BRIEN,
JOHN B. BENNETT,
PAUL F. SCHENCK,
ANCHER NELSEN,
Managers on the Part of the House.

LISTER HILL,
RALPH W. YARBOROUGH,
HARRISON WILLIAMS,
CLAIBORNE PELL,
JACOB JAVITS,
CLIFFORD P. CASE,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: This is a technical amendment. The House recedes.

Amendments Nos. 2 and 3: These amendments eliminate the subceiling, of $5 million per year, contained in the House bill, on the amount available under clause (1) of subsection (c) of section 314 of the Public Health Service Act for demonstrations and to train personnel for State and local health work and to meet the cost of pay, allowances, and traveling expenses of personnel of the Public Health Service. There is an overall ceiling of $50 million per year on the amount that may be appropriated to carry out the provisions of subsection (c) of such section 314. The House recedes.

Amendment No. 4: This amendment would allow a State mental health authority, where appropriate, to request the Surgeon General to reduce payments to the State under section 314 of the Public Health Service Act by the amount of pay, allowances, traveling expenses, and other expenses in connection with the detail of personnel of the Public Health Service to the State or any of its political subdivisions when such detail is made for the convenience of and at the request of the State and for purposes of carrying out its State plan approved under such section 314. This would give each State mental health authority, in appropriate circumstances, the same authority as is given to State health authorities under the bill. The House recedes.

Amendments Nos. 5, 6, and 7: These are technical amendments. The House recedes.

Amendments Nos. 8 and 9: These amendments make discretionary, rather than mandatory as in the House bill, the inclusion, as a part of a grant for any fiscal year under section 316 (which would be added to the Public Health Service Act by the bill) or an award for any fiscal year under section 636 of the Act, of amounts determined to be necessary for succeeding fiscal years for completion of the Federal participation in the project with respect to which such a grant or award is made. Section 316 covers special project grants for improving community health services, and section 636, which is amended by the bill, provides for projects for the conduct of research, experiments, or demonstrations relating to the development, utilization, and coordination of services, facilities, and resources of hospitals or other medical facilities, agencies, or institutions. The House recedes.

Amendment No. 10: This amendment spells out that the Federal award under section 636 of the Public Health Service Act for projects for construction of facilities or acquisition of equipment will be based on so much of the cost of the facility or equipment as the Surgeon General determines is reasonably attributable to experimental or demonstration purposes. The House recedes.

Amendment No. 11: This amendment limits to $10 million the amount authorized to be appropriated in any fiscal year for projects under section 636 of the Public Health Service Act. These projects relate to development, utilization, and coordination of services, facilities, and resources of hospitals or other medical facilities, agencies, or institutions. The House bill contained no such limitation. The House recedes with a clarifying amendment.

Amendment No. 12: The Senate amendment revised the definition of "rehabilitation facility" to provide that such term means a facility operated for rehabilitation of disabled persons through a program of medical evaluation and services, and at least one of the following programs: Psychological, social, or vocational evaluation and services. The House bill contained no such provision. Existing law requires that such a facility provide all four of such programs. Since rehabilitation services can make a significant contribution to a coordinated program of out-of-hospital medical services, the House recedes.

Amendment No. 13: Section 6 of the Senate bill extended the authority to make loans to eligible applicants under the Hill-Burton program, due to expire on July 1, 1962, to July 1, 1964. The House bill contained no comparable provision.

In order that this authority may coincide with that of the Hill-Burton grant program, the House recedes.

Amendments Nos. 14 and 15: Section 4(d) of the House bill amended section 433(a) of the Public Health Service Act, effective as of July 1, 1963, by deleting language authorizing appropriations for grants-in-aid for drawing plans, erection of buildings, and acquisition of land therefor in connection with institutes established for research relating to diseases. Senate amendments Nos. 14 and 15 would have deleted the House passed language, and amended such section 433(a), effective as of the date of enactment of the bill, by limiting the authority to make such grants-in-aid to grants made only when in the judgment of the Surgeon General such action is necessary to provide for regional or national research needs.

The House recedes with an amendment which provides that the repeal of this parenthetical phrase shall take effect as of July 1, 1962. It is the expectation of the committee of conference that this subject will be fully explored at an early date.

Amendments Nos. 16, 17, 18, and 19: Section 4(e) of the House bill amended section 704 of the Public Health Service Act to extend until June 30, 1963, the authority to make grants-in-aid, not to exceed $30 million in any fiscal year, for the construction of facilities for research in the sciences related to health.

Section 4(f) of the House bill made a conforming amendment to section 705(a) of the Public Health Service Act.

Senate Amendments Nos. 16, 17, 18, and 19 would, with technical and conforming changes, have extended such authority to June 30, 1965, and would have increased the amounts authorized to be appropriated for such grants-in-aid to $50 million for each fiscal year.

The House recedes with an amendment under which the one-year extension of the program proposed in the House bill is retained, and the Senate increase to $50 million for any fiscal year is retained.

Amendment Nos. 20 and 21: Sections 8(c) and 8(d) of the bill as amended by the Senate would have amended the appropriate sections of title VII of the Public Health Service Act, as amended, to amend the matching program for the construction of health research facilities to make it clear that the facilities for which grants may be made include facilities for research training and other purposes related to research. The House bill contained no comparable provision. This change makes it clear that the facilities for which grants may be made under the matching program include facilities for research training and other purposes related to research. In view of the early expiration date for the entire program provided by the conference action on amendment numbered 17, it is expected that the entire subject will be further explored at an early date. The House recedes.

OREN HARRIS,
KENNETH A. ROBERTS,
GEORGE M. RHODES,
LEO W. O'BRIEN,
JOHN B. BENNETT,
PAUL F. SCHENCK,
ANCHER NELSEN,
Managers on the Part of the House.

Mr. HARRIS. Mr. Speaker, the conference report which we bring back to the House is a unanimous report. This report is on a bill commonly referred to as the Community Health Services and Facilities Act of 1961.

It might be recalled that this is a bill which was submitted by the administration to expand and improve community health services, particularly for the aged and the chronically ill. It also may be recalled that the House committee held hearings and developed the program and reported it to the House, and it was passed. In the interim the other body had an opportunity to conduct hearings, and, in the light of circumstances which were developed in the hearings, found it desirable to make certain changes. Many of the changes made are technical, and the House did recede insofar as the technical provisions are concerned. There were three major amendments which the conferees discussed at length.

On each of those the Senate did recede and concur in the House provisions with amendments. One had to do with construction of hospitals for demonstration

purposes. The Members of the House may recall that this became the subject of discussion on the floor of the House when the appropriations were being considered. That related to section 433(a) of the Public Health Services Act, and the House bill proposed to repeal this provision effective July 1, 1963. That provision would have permitted projects already approved under the usual procedure to be completed. The committee endeavored to take care of all these projects in order that nothing might be upset which had been planned under that program. I might say that it may be necessary that some of the projects which come under that program may have to be reduced.

The Appropriations Committee appropriated $5 million to carry out the various projects that had been recommended. In all, these projects would require $6,200,000. However, we were assured that some of these projects could be, after careful reconsideration, modified and all of the requirements met within the $5 million appropriation. It would include the project in which the gentleman from Ohio [Mr. BROWN] is greatly interested involving about $143,000 which had been approved at the Children's Hospital at Columbus, Ohio. I believe we were assured that the total amount that had been programed for this project in the sum of $143,000 would be paid out of the funds appropriated for this fiscal year.

The Senate acceded to the repeal of the parenthetical language in section 433(a) in order that we can proceed with the regular matching program under the Health Research Facilities Act. The repeal of that provision would be effective July 1, 1962. That was one of the major amendments.

In connection with the authorization of $10 million for demonstration hospitals, which includes a project for a hospital for demonstration purposes for the Mayo Clinic, we have agreed to an amendment which the Senate included in the bill. This amendment would provide that any demonstration project where only a portion of such project may be considered to be devoted to such purpose, the Surgeon General would determine how much of such project may be so considered. This question of demonstration hospitals was dealt with by the Appropriations Committee and many of the members were concerned with a project at the Mayo Clinic. That has also been taken care of in connection with the Senate amendment in which the House concurred.

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

Mr. HARRIS. I yield to a member of the committee and a member of the conference, the gentleman from Ohio.

Mr. SCHENCK. Mr. Speaker, the original bill came out of the Committee on Interstate and Foreign Commerce by unanimous vote. We were very pleased with the bill as it was approved in the House. In conference we tried our best to sustain the position of the House in this measure as approved.

In this connection we have agreed in conference that the Committee on Interstate and Foreign Commerce will hold hearings immediately following the 1st of January, if not previous to that time, to consider and work out proper legislation to carry out the provisions of our original intention, and to make those provisions legislatively correct to be in balance with the other programs included in this program.

I am advised by the gentleman from Alabama, chairman of the Subcommittee on Health and Safety, that it may be possible for some of the hearings to begin in November of this year.

Mr. HARRIS. If the gentleman will permit, I am sure that the gentleman has good intentions with reference to the distinguished chairman of the subcommittee, but as chairman of the full committee, we have not made any such plans. I would have to discuss that with both the gentleman and the gentleman from Alabama, but it is not our intention to hold any hearings on the legislation during the fall.

Mr. SCHENCK. May I say to the distinguished chairman it was only the expressed hope of the gentleman from Alabama that we might have some hearings later this year; but, in any event, they will be held early next year.

Mr. HARRIS. I am glad the gentleman from Ohio brought that into the discussion. It was agreed in conference that these two programs, the one I had reference under section 433(a) and the one with reference to the Health Research Facilities Act, would be the subject of hearings early in the next session of Congress. We agreed on the floor of the House when we had the matter up for debate that we would hold hearings to consider legislation dealing with these two programs. We will conduct these hearings early in the next session. That is our intention.

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

Mr. HARRIS. I yield to the gentleman from Minnesota.

Mr. QUIE. I would like to ask a question of the chairman. I am very happy with the report as it comes out from conference. But I want to clear up one thing in regard to the Senate amendment on which the House has receded. Does this mean Federal funds can or cannot be made available for the construction of total hospital facilities when the entire hospital design and its functions are for experimental purposes?

Mr. HARRIS. I would like to say to the gentleman that he has reference to the total hospital, and I emphasize for the information of the Members of the House the word "total" because that is all important in the gentleman's question. If the entire or total hospital is designed to be used in all its different aspects for such research and demonstration purposes, then under the provisions of the act it could be done. But where the hospital is designed for various tradition purposes and only a part of it is designed for demonstration and research purposes, the Surgeon General, under the provisions of this amendment, may allocate such matching funds as he determines to that demonstration part of the hospital.

Mr. QUIE. For experimental purposes?

Mr. HARRIS. Yes.

Mr. QUIE. If the community should choose to build an entire hospital, and the entire hospital is for experimental purposes, he could so determine?

Mr. HARRIS. It would come within the purview of this amendment, and the Surgeon General would have the authority to make the determination and provide whatever funds are available for that particular project.

Mr. QUIE. I thank the gentleman.

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

Mr. HARRIS. I yield to the gentleman from Wisconsin who, incidentally, has done a tremendous job in this field and contributed so much to the research construction program.

Mr. LAIRD. I thank the gentleman from Arkansas for his comments.

I would like to ask the gentleman from Arkansas whether consideration will be given to some type of a program that can complete the already approved grant applications under 433(a) that have been approved by the National Advisory Cancer Council. Under the terms of the bill as it passed the House, the projects that have been approved by the Advisory Cancer Council would all have been funded. Under the terms of this conference report, we will only fund another $5 million in approved projects of the National Advisory Cancer Council. Will consideration be given in the new legislation to this whole area of nonmatched construction grants. In the area of cancer research, facilities are the greatest need that we have today. It is not personnel; it is not funding for research projects. It is funding for facilities. It seems to me that the House-passed bill faced up to this in a much more adequate manner than does the conference report. I realize the difficulties under which the House conferees were working, but it seems to me that this is a matter which should be given real consideration by the House Interstate and Foreign Commerce Committee.

Mr. HARRIS. I would like to say to the gentleman from Wisconsin that he, as a member of the Subcommittee on Appropriations, has given a lot of study, thought, and attention to this problem and he is well aware of the fact that there was appropriated $5 million for the last fiscal year for these projects that have been recommended by the Advisory Council of the Cancer Institute. This year, as the gentleman well knows, an additional $5 million was appropriated for that purpose. All of the projects that have been recommended by the Council would amount to some $11.2 million. Consequently, the projects, in the sum of $10 million, are being taken care of and, as I mentioned earlier, the $1.2 million that had been programed, as approved by this Council, would not be taken care of. But, we were advised that they could modify the program and they believe that they could do a very good job so that most everyone interested in these funds would be satisfied or reasonably so in connection with the program.

Mr. LAIRD. I notice in this report, that funds authorized for appropriation

for hospital research facilities, are made available subject to discretionary authority for the Surgeon General to waive all matching. Under this particular program the committee has gone ahead and recognized a new concept as far as grants are concerned, giving the Surgeon General the authority to pay 100 percent of the cost of these projects. This is the principle I have worked to establish in medical research facilities.

Mr. HARRIS. Yes, that is under certain extenuating circumstances where the Surgeon General finds that it is in the interest of the Nation that it be done. That is true. But, it is not the intention—and I want to make this very clear—it is not the intention of the conferees and it is not the intention of this report that the authority granted for that purpose is to be used indiscriminately.

Mr. LAIRD. In the appropriation bill I insisted on a limitation which requires two-thirds of the funds appropriated apply to the hospital research construction program. If we are going to get away from the program of unmatched grants, that is fine. But if we are going to maintain matching as the Senate seems to insist, there should be matching in this new program too. The Department of Health, Education, and Welfare does not have a consistent position. The Department only insists on matching when medical research facilities are involved.

Mr. HARRIS. I would also like to say, as the gentleman from Ohio [Mr. SCHENCK] brought out a moment ago, that we are committed to hearings, and that is the reason for working out amendments 16, 17, 18, and 19 in this way. The Senate wanted a 3-year extension of the health research facilities program and wanted to increase it to $50 million, and it wanted to continue the section 433(a) program but limit it to the so-called national and regional projects. We agreed to a 1-year extension and $50 million on the basis that it would give our committee an opportunity to conduct hearings and go into it and see to what extent it ought to be modified.

Mr. LAIRD. Mr. Speaker, I want to commend the conferees on the part of the House for doing what they could to maintain the position of the House, and in continuing this program.

Mr. HARRIS. I thank the gentleman. I want to thank the gentleman for the magnificent job which he has been doing in this field.

Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

COMMISSION ON WOODROW WILSON MEMORIAL

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (S.J. Res. 51) authorizing the creation of a commission to consider and formulate plans for the construction in the District of Columbia of an appropriate permanent memorial to the memory of Woodrow Wilson.

The Clerk read the title of the joint resolution.

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

Mr. AVERY. Mr. Speaker, reserving the right to object, would the gentleman advise us as to whether this resolution comes out of one of the legislative committees, or what is its origin and status.

Mr. THOMPSON of New Jersey. I shall be pleased to inform the gentleman on that. The House Resolution, which I sponsored, was House Joint Resolution 510. The Subcommittee of the Committee on House Administration under the chairmanship of the gentleman from Missouri [Mr. JONES], held hearings on the House Joint Resolution and reported it unanimously. In the interest of expediting the Senate Joint Resolution, which was identical, it was on yesterday considered by the Committee on House Administration and reported unanimously.

Mr. AVERY. The gentleman's unanimous consent request is for the immediate consideration thereof?

Mr. THOMPSON of New Jersey. It is.

Mr. GROSS. Further reserving the right to object, Mr. Speaker, what is this going to cost? Does the gentleman have any idea?

Mr. THOMPSON of New Jersey. Yes, the gentleman does. It authorizes a maximum expenditure of $10,000.

Mr. GROSS. That is for a study; is that right?

Mr. THOMPSON of New Jersey. That is so.

Mr. GROSS. A study of feasibility or what?

Mr. THOMPSON of New Jersey. Not so much, I might say, a study of feasibility, but a study of site location, a study of design, and a study of the nature of the memorial.

Mr. GROSS. Do we not have anyone in Government who can handle this without spending $10,000 of the taxpayers' money?

Mr. THOMPSON of New Jersey. I know of no one in Government. There has never been, that I know of, Government planning of a memorial, including the innumerable ones which we have such as the Planning Commissions for the Roosevelts—Theodore and Franklin—and the Madison Memorial. In the absence of such a Government agency there have been established many memorial commissions over the years.

Mr. CURTIS of Missouri. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

APPORTIONING THE EXPENSE OF MAINTAINING AND OPERATING THE WOODROW WILSON MEMORIAL BRIDGE

Mr. McMILLAN. Mr. Speaker, by direction of the House District Committee, I call up the bill (S. 564) to provide for apportioning the expense of maintaining and operating the Woodrow Wilson Memorial Bridge over the Potomac River from Jones Point, Va., to Maryland, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

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

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 bridge being constructed by the Secretary of Commerce in accordance with the provisions of title II of the Act entitled "An Act to authorize and direct the construction of bridges over the Potomac River, and for other purposes", approved August 30, 1954, as amended, shall be maintained and operated at the expense of the States of Maryland and Virginia and the District of Columbia in accordance with such arrangements as shall be agreed upon by such States and the District of Columbia: *Provided,* That the annual portion of such expense to be assumed by the District of Columbia shall not exceed one-third of the total annual cost of maintaining and operating such bridge.

Mr. McMILLAN. Mr. Speaker, the purpose of this bill is to give the District of Columbia the opportunity to pay one-third of the cost of maintaining the Jones Point Bridge, which is under construction at the present time. Maryland and Virginia will each pay one-third of the cost of maintaining this bridge.

Mr. GROSS. Mr. Speaker, I move to strike out the last word; and I do so for the purpose of asking the gentleman a question or two. This is going to give the District the privilege of helping to maintain a bridge between the States of Maryland and Virginia; is that correct?

Mr. McMILLAN. I understand that the bridge will be built across a part of the river that is in the District of Columbia.

Mr. GROSS. If it touches the District of Columbia it does it in the air. The approaches on both ends of the bridge are in Virginia and Maryland; is not that correct?

Mr. BROYHILL. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. Yes, I yield.

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that Members fail to address the Chair when they seek recognition.

The SPEAKER pro tempore. Members will proceed in order.

Mr. BROYHILL. Mr. Speaker, it is technically correct that the bridge does commence in Virginia and goes over into Maryland, and crosses the District of Columbia as it crosses the Potomac River. But the bridge does serve the entire metropolitan area of Washington in that it will divert a large amount of traffic which is now going into the District of Columbia around the edges of the congested area.

This bill ratifies an agreement which was entered into between representatives of the District of Columbia and Maryland and Virginia as to how the bridge will be maintained, before construction was commenced. This legislation merely ratifies that agreement that those three communities entered into prior to construction.

Mr. GROSS. I will say to the gentleman that in the first place the States of Maryland and Virginia ought to have built this bridge instead of saddling it on the taxpayers. How much is this bridge costing?

Mr. BROYHILL. Fourteen million dollars.

Mr. GROSS. I suppose we ought to consider ourselves blessed that we do not have to maintain this bridge, too. That was not included in the legislation as enacted. I do not understand why this is not a toll bridge in the first place and why the taxpayers of the United States are subjected to the cost of building all these bridges around Washington when you cannot get from here to New York without paying a toll over any bridge, or over the Eastern Shore of Maryland. Why should these bridges be free around here?

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

Mr. GROSS. I am happy to yield; I am asking the gentleman a question.

Mr. BROYHILL. This happens to be the Nation's Capital. The Congress happens to be the legislature for the Nation's Capital. We cannot have any public works programs in the Nation's Capital unless they are authorized and approved by Congress.

Mr. GROSS. And I suppose when an appropriation bill comes up for the District of Columbia they will want reimbursement for the money that they spent in helping to maintain this bridge?

Mr. BROYHILL. If the gentleman will yield further, the taxpayers of the District of Columbia will be paying a portion of the cost of the maintenance of this bridge.

Mr. GROSS. So will the taxpayers in ratio to their appropriations in the District be paying for it?

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. HOFFMAN of Michigan. The remedy is obvious. All you need to do is buy real estate in Virginia or Maryland, and as the price goes up because of the purchases and renting by Members of Congress and their associates and people who come here and hold Federal jobs, the remedy is always ready, buy real estate and maybe you can get some of it back for your State through you.

Mr. GROSS. Can the gentleman think of any reason why this was not built as a toll bridge and tolls collected for all this traffic running from New York down to the South, or will be when they open this bridge around the city of Washington, why they do not pay by tolls? We cannot get back and forth to our districts without paying tolls somewhere.

Mr. HOFFMAN of Michigan. Of course, you live here. You have all the blessings and the privileges that come to those who reside in the Nation's Capital. Do you not see what it is? We ought to be willing to sacrifice something.

Mr. GROSS. That is what I hear from the gentleman from Virginia.

Mr. HOFFMAN of Michigan. The gentleman does not appreciate the advantages of living in Washington.

Mr. GROSS. I am not inclined to accept that as gospel.

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

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

Mr. HAYS. I would say the gentleman from Michigan there makes sense. I do not understand why the District of Columbia, when this is in the District, is not paying part of it.

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask that the words be taken down.

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

CALL OF THE HOUSE

The SPEAKER pro tempore. The Chair will count. One hundred and eleven Members are present, not a quorum.

Mr. HALEY. 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. 218]

Anfuso	Halpern	Osmers
Arends	Hansen	Passman
Baker	Harrison, Va.	Patman
Bass, Tenn.	Harsha	Pelly
Battin	Healey	Pfost
Bell	Hébert	Pilcher
Berry	Holifield	Pirnie
Boggs	Holtzman	Powell
Brewster	Horan	Rabaut
Buckley	Hosmer	Rains
Byrnes, Wis.	Ichord, Mo.	Reuss
Cahill	Joelson	Riehlman
Carey	Johnson, Wis.	Rivers, S.C.
Cederberg	Jones, Ala.	Roberts
Celler	Jones, Mo.	Rodino
Chenoweth	Karth	Roosevelt
Church	Kearns	St. George
Colmer	Kee	Santangelo
Conte	Kilburn	Saund
Cook	King, Calif.	Shelley
Cooley	Kyl	Sheppard
Dague	Loser	Short
Daniels	McDonough	Siler
Dent	McFall	Smith, Iowa
Diggs	McSween	Smith, Miss.
Dooley	Macdonald	Spence
Dowdy	MacGregor	Springer
Downing	Magnuson	Staggers
Durno	Martin, Mass.	Stephens
Evins	Martin, Nebr.	Sullivan
Fallon	May	Teague, Calif.
Farbstein	Michel	Teague, Tex.
Feighan	Miller, George P.	Thompson, La.
Flynt	Miller, N.Y.	Toll
Ford	Moeller	Tollefson
Frazier	Moore	Van Pelt
Friedel	Morrison	Vinson
Garmatz	Morse	Weaver
Gavin	Moss	Weis
Gilbert	Moulder	Westland
Gray	Multer	Williams
Green, Oreg.	Norrell	Yates
Gubser	O'Brien, N.Y.	Younger
Hall		Zelenko

The SPEAKER pro tempore. On this rollcall 298 Members have answered to their names, a quorum.

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

APPORTIONING THE EXPENSE OF MAINTAINING AND OPERATING THE WOODROW WILSON MEMORIAL BRIDGE

Mr. HAYS. Mr. Speaker, because of my well-known reluctance to hurt the feelings of anyone in the House, I ask unanimous consent that the part of my remarks which offended the sensibilities of the gentleman from Michigan may be withdrawn.

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

Mr. HOFFMAN of Michigan. Mr. Speaker, reserving the right to object, nobody's feelings have been hurt. I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill.

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.

EXEMPT DISTRICT OF COLUMBIA FROM FEES IN DISTRICT OF COLUMBIA COURTS

Mr. McMILLAN. Mr. Speaker, I call up the bill (S. 558) to amend the acts of March 3, 1901, and June 28, 1944, so as to exempt the District of Columbia from paying fees in any of the courts of the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

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

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 first sentence of section 177 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1219), as amended (sec. 11–1507, District of Columbia Code, 1951 edition), is amended by inserting "or the District of Columbia" immediately after "than the United States", and by inserting "or by the District of Columbia" immediately before the period.

SEC. 2. Section 16 of the District of Columbia Appropriation Act, 1945, approved June 28, 1944 (58 Stat. 533; sec. 11–1519, District of Columbia Code, 1951 edition), is amended by inserting "or fees" immediately following "court costs".

Mr. McMILLAN. Mr. Speaker, the purpose of this bill is to amend the act of March 3, 1901, as amended, and the act of June 28, 1944, so as to exempt the District of Columbia from paying fees as, for example, a fee for a certified copy of a judgment, in any of the courts of the District of Columbia.

Under existing law, the District of Columbia is exempted by the act of June 28, 1944—section 11–1519, District of Columbia Code, 1951 edition—from paying costs in any court in and for the District of Columbia, including the U.S. District Court for the District of Columbia. The act of March 3, 1901, as amended—section 11–1507, District of Columbia Code, 1951 edition—exempts the United States from payment of both costs and fees in the U.S. district court. Under neither act is the District of Columbia exempted from the payment of fees, as distinct from costs, with the exception of fees payable to the U.S. Court

of Appeals for the District of Columbia. The result is that the District of Columbia is required to pay fees assessed by the courts of the District of Columbia, while it is exempted from paying costs.

The courts of the District of Columbia are an integral part of the government of the District of Columbia, and are either wholly or in large measure supported by it. The District of Columbia government is required to conduct a large volume of business in the courts. Consequently, the requirement that the District pay court fees merely operates to translate money made available by Congress for certain purposes to moneys credited to the District of Columbia without adding to the District's revenues.

The Commissioners of the District of Columbia have advised the committee that the conduct of the District's business in the courts would be greatly facilitated by the enactment of the bill and would relieve the District of an unnecessary bookkeeping operation.

Enactment of this bill will involve no additional expenditure to the District of Columbia.

The SPEAKER pro tempore. The question is on the passage of the bill.

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.

TRANSIT DEVELOPMENT PROGRAM

Mr. McMILLAN. Mr. Speaker, I call up the bill (S. 2397) authorizing the National Capital Transportation Agency to carry out part 1 of its transit development program and to further the objectives of the act approved July 14, 1960 (74 Stat. 537), and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, does this provide for the building of parking lots? Is there any expenditure from Federal funds for the purpose of building parking lots?

Mr. McMILLAN. No, this has no connection with parking lots. Last year the Congress created this joint rapid transit agency and the purpose of this bill is to give this agency an opportunity to make reservations of land strips on Highways 66 in Virginia and 95 in Maryland.

Mr. GROSS. But there is no use of Federal funds contemplated now or later with respect to this bill?

Mr. McMILLAN. Well, now, I do not know about that; I could not tell you about that, whether it will or not. I do not know.

Mr. GROSS. Is it anticipated that there will be a request later for Federal funds to build stations?

Mr. McMILLAN. No. This is a joint agency created by the State of Virginia and the State of Maryland and the District of Columbia.

It is for the purpose of creating a National Transit Agency here in the District, and these two States.

Mr. GROSS. This is not the bill that deals with the construction of stations along the highways and parking lots along the highways?

Mr. McMILLAN. It might later, but this does not here.

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

Mr. McMILLAN. I yield to the gentleman from Virginia.

Mr. BROYHILL. It authorizes the acquisition of land on these proposed highways for construction.

Mr. GROSS. Who is going to acquire the land, and how is it going to be acquired?

Mr. BROYHILL. The National Capital Transportation Agency will acquire these three highways that the gentleman from South Carolina [Mr. McMILLAN] mentioned, for future construction. Land is being acquired at this time, and if we do not authorize the Transit Agency to get the land they need for their separate highways, it will be too late, and it will cost many times more at a future date.

Mr. GROSS. Does anyone contemplate in the future coming to the Federal Government for funds with which to build these stations, or to establish the parking lots on the acquired land?

Mr. BROYHILL. Let me answer the gentleman in this way: Last year, when we passed the legislation creating the National Capital Transit Agency, it was recommended that we give them the authority to do just that. The committee that approved the legislation saw that future use and required the Agency to come back to the Congress and ask for the authorization, after they had made a complete study and a complete survey. So we do not know yet, until the Transit Agency has completed their work and comes to the Congress with a complete program.

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

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

There was no objection.

The Clerk read the bill as follows:

Whereas the National Capital Transportation Agency on July 31, 1961, transmitted to the Congress, pursuant to section 204(c) of the National Capital Transportation Act of 1960 (74 Stat. 537), a report entitled "Report on Part One of the Transit Development Program, July 1961"; and

Whereas part 1 of the transit development program provides for acquisition by the National Capital Transportation Agency of land for future express transit service in conjunction with the development of certain new highways and parkways in the National Capital region:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of enabling the National Capital Transportation Agency to carry out that part of its transit development program described in its report entitled "Report on Part One of the Transit Development Program, July 1961", transmitted to the Congress on July 31, 1961, pursuant to the provisions of subsection (c) of section 204 of the National Capital Transportation Act of 1960, the National Capital Transportation Agency is hereby authorized, subject to the provisions of such Act, to acquire, or enter into agreements for the acquisition or use of, facilities, property, and rights-of-way for express transit:

(1) in the center median area and elsewhere in, adjacent to, or in conjunction with (A) Interstate Route 66 in Fairfax County and Arlington County, Virginia; and (B) Interstate Route 95 in Prince Georges County, Maryland;

(2) adjacent to, or in conjunction with (A) the George Washington Memorial Parkway; (B) the Little Falls Branch Parkway from the George Washington Memorial Parkway to the vicinity of Massachusetts Avenue; (C) the Parkway Spur through the Cabin John Valley from Cabin John to the Capital Beltway; and (D) the Capital Beltway from the George Washington Memorial Parkway to the vicinity of Bradley Boulevard, all in Montgomery County, Maryland: *Provided,* That the Agency is further authorized to carry out, as part of part 1 of its transit development program, such construction in connection with the land acquisition projects provided for herein, as must necessarily be undertaken at the time the aforesaid highways and parkways are constructed: *Provided further,* That the authority granted the Agency under subparagraph (2) above shall in no way diminish the powers of the Secretary of the Interior under other Federal laws.

Mr. McMILLAN. Mr. Speaker, the purpose of this bill is to authorize the National Capital Transportation Agency to acquire, or enter into agreements for the use of, facilities, property, and rights-of-way for express transit in or near Interstate Route 66 in nearby Virginia, and, in nearby Maryland, Interstate Route 95, the George Washington Memorial Parkway, the Little Falls Branch Parkway from the George Washington Memorial Parkway to the vicinity of Massachusetts Avenue, the Parkway Spur from Cabin John to the Capital Beltway, and the Capital Beltway from the George Washington Memorial Parkway to the vicinity of Bradley Boulevard.

This bill would give flexibility to the National Capital Transportation Agency in acquiring land to carry out its program, pursuant to the National Capital Transportation Act of 1960. If other Government agencies are acquiring land for other purposes, such as highways or parkways, the Transportation Agency may arrange for the other agencies to acquire the necessary property needed by the Transportation Agency.

Language has been included in this bill which is designed to meet a situation where the Transportation Agency's program may be within the right-of-way of a highway or parkway or may carry highway traffic. Therefore, a determination as to the design, layout, and construction should be worked out mutually with the Federal or State agency which is responsible for the highway or parkway. This language is intended to convey the thought that such mutually agreeable determinations are to be reached in connection with such work of the Transportation Agency which is made a part of any highway or parkway which is the responsibility of a State agency or a Federal agency other than the Transportation Agency.

This bill represents an important step toward the creation of the vastly improved transportation system for the National Capital region which the Congress envisioned when it enacted the

National Capital Transportation Act of 1960. Moreover, passage of the bill is of the utmost urgency, for unless the Congress acts now the opportunity to make provision, at relatively small cost, for future express transit service in key corridors of the National Capital region will almost certainly be lost, as explained in greater detail hereinafter in this report.

This bill, if enacted, would make it possible for the National Capital Transportation Agency to insure that, first, portions of Routes 66 in Fairfax and Arlington Counties, Va., and Route 96 in Prince Georges County, Md., will have center median strips wide enough for express transit service; second, the George Washington Memorial Parkway, and short segments of connecting highways in Montgomery County, Md., will have facilities for express bus service; and third, on all three routes, land will be reserved for stations and parking facilities that are vital to the efficient operation of an express transit service.

The Agency must act immediately or lose the opportunity to reserve space for express transit service at low cost in these corridors. This is true because the highway agencies concerned intend to move ahead with land acquisition and actual construction of portions of these highways during fiscal year 1962, without making provision for reserved space for future express transit service. To attempt to make such provision at a later date would involve disruption or costly revision of highway plans, expensive tearing up of those portions of the highways already constructed and, because land adjacent to the highways will be developed for private use, great increase in the cost of acquiring land for express transit service.

This legislation has the approval of the National Capital Transportation Agency, Washington Metropolitan Regional Conference, Maryland State Roads Commission, and the Board of Commissioners of the District of Columbia. The estimated cost of the bill for fiscal year 1962 is $2.5 million. It is estimated that an additional $1 million will be required after fiscal year 1962 to complete these land acquisition projects.

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. McMILLAN. Mr. Speaker, I ask unanimous consent that the explanation of each of these bills be inserted in the RECORD prior to the passage of same.

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

There was no objection.

COMMISSION ON WOODROW WILSON MEMORIAL

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (S.J. Res. 51) authorizing the creation of a commission to consider and formulate plans for the construction in the District of Columbia of an appropriate permanent memorial to the memory of Woodrow Wilson.

The Clerk read the title of the joint resolution.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, this is the bill that was called up awhile ago which was objected to, and it is now being brought back again?

Mr. THOMPSON of New Jersey. Mr. Speaker, the bill was up a short while ago. Through an omission it was not listed on minority table. This bill has been discussed with the minority leader and with the gentleman from Ohio [Mr. SCHENCK] the ranking member of the Committee on House Administration and is, I understand, acceptable to them. The gentleman from Indiana, the minority leader, is present.

Mr. HALLECK. Mr. Speaker, it was cleared with me and I approved it.

Mr. GROSS. Is this a bill to establish a commission for the Woodrow Wilson Memorial?

Mr. THOMPSON of New Jersey. Yes, it is.

Mr. GROSS. And it provides $10,000 for that purpose?

Mr. THOMPSON of New Jersey. Yes, it does.

Mr. GROSS. I am wondering if we ought not to establish a permanent commission around here for this sort of thing and have it over with. I remember we had a commission of this kind for a Theodore Roosevelt Memorial.

Mr. THOMPSON of New Jersey. The gentleman is correct. There has been one for Theodore Roosevelt Memorial; one for the Franklin Roosevelt Memorial; one for the Thomas Jefferson Memorial; one for the James Madison Memorial, just to mention a few.

Mr. GROSS. Can the gentleman tell me how much was spent by the Theodore Roosevelt Commission?

Mr. THOMPSON of New Jersey. I do not know the figure, but it was in excess of the amount here, because they had an architectural competition, which the House authorized. This bill does not have such a proviso.

Mr. GROSS. What has happened to the Theodore Roosevelt Memorial?

Mr. THOMPSON of New Jersey. It is my understanding that the descendants of the late President Roosevelt, and others objected to the design. No final decision has been made.

Mr. GROSS. All of that money then has gone down the drain, is that correct?

Mr. THOMPSON of New Jersey. In that case, unhappily, no final action has been taken. This differs, however, in that it does not provide for an architectural competition nor does it provide for a prize as some of the others have done. For instance, the Franklin Roosevelt Memorial is based on an architectural competition. The winning design was accepted and the architect, presumably, has been paid. The design is not acceptable to many people. There has been an argument because of it. This is entirely different in its concept.

Mr. GROSS. This is limited to the one organization?

Mr. THOMPSON of New Jersey. Yes, it is.

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

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

There was no objection.

The Clerk read the joint resolution as follows:

Whereas Woodrow Wilson, as twenty-eighth President of the United States, won the enduring gratitude of the people of the United States and throughout the world for his farsighted and tireless efforts to achieve a lasting peace, with justice and freedom for all; and

Whereas he so eloquently phrased the principles for which this country stands and provided, with his own high standards of integrity, vision, and compassionate good will an inspiration for generations to come: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a commission, to be known as the Woodrow Wilson Memorial Commission (hereinafter referred to as the "Commission"), for the purpose of considering and formulating plans for the design, construction, and location of a permanent memorial to Woodrow Wilson in Washington, District of Columbia, or in its immediate environs. The Commission shall, in general, decide on the advisability of one of two kinds of memorials: One which would be a monument similar to those which honor Presidents Washington, Jefferson, and Lincoln; or one which will serve as a building of a functional nature, or, as it is often called, a "living memorial". The Commission shall study, among others, proposals to associate the memorial with the Washington International Center program for international visitors.

(b) The Commission shall be composed of the following members:

(1) Former Presidents of the United States, at their pleasure;

(2) Two persons to be appointed by the President of the United States;

(3) Two Senators to be appointed by the President of the Senate;

(4) Two Members of the House of Representatives to be appointed by the Speaker of the House of Representaives; and

(5) Three members to be appointed by the President of the United States, one from each of the following:

(A) The Woodrow Wilson Foundation;

(B) The Woodrow Wilson Centennial Commission (now discharged); and

(C) One member of the Department of the Interior, who shall be the Director of the National Park Service, or his representative.

(c) The Commission shall select a chairman and a vice chairman from among its members. Vacancies occurring in the membership of the Commission shall be filled in the same manner as the original appointment.

(d) The members of the Commission shall serve without compensation, but shall be reimbursed for expenses incurred by them in carrying out the duties of the Commission.

(e) The Commission shall report such plans, together with its recommendations, to the President and Congress at the earliest practicable date, and in the interim shall make annual reports of its progress to the President and Congress. However, such plans and recommendations shall not be reported until the Commission has obtained

the assistance and advice of the National Capital Planning Commission and the Commission of Fine Arts if the memorial is to be located in the District of Columbia, or the assistance and advice of the National Capital Planning Commission, the Commission of Fine Arts, and the National Capital Regional Planning Council if the memorial is to be located in the environs of the District of Columbia.

SEC. 2. The Commission is authorized to—

(a) make such expenditures for personal services and otherwise for the purpose of carrying out the provisions of this joint resolution as it may deem advisable from funds appropriated or received as gifts for such purpose;

(b) accept gifts to be used in carrying out the provisions of this joint resolution or to be used in connection with the construction or other expenses of such memorial; and

(c) hold hearings, organize contests, enter into contracts for personal services and otherwise, and do such other things as may be necessary to carry out the provisions of this joint resolution.

SEC. 3. There is authorized to be appropriated not more than $10,000 to carry out the provisions of this joint resolution.

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.

EXCHANGE OF CERTAIN LANDS

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2476) to amend section 207 of the Military Construction Act of 1960 in order to clarify the authority granted under such section to the Secretary of the Navy to exchange certain lands owned by the United States for lands owned by the State of Oregon.

The Clerk read the title of the bill.

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

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 section 207 of the Military Construction Act of 1960 (74 Stat. 166, 175) is amended to read as follows:

"SEC. 207. (a) Notwithstanding any other provisions of law, the Secretary of the Navy is authorized, upon such terms and conditions as he may determine to be in the public interest, to convey to the State of Oregon all or part of or interests in the lands, including acquired and public domain lands, comprising the Boardman Bombing Range in the State of Oregon, as delineated on a map designated as 'War Department, Office of the Division Engineer, North Pacific Division, Real Estate, Boardman Precision Bombing Range,' approved February 17, 1947, drawing numbered O–31–52. The conveyance of such lands to the State of Oregon shall be made in exchange for a conveyance, without restriction as to the use of lands, to the United States of such lands, or interests therein, of the State of Oregon as the Secretary of the Navy shall find suitable for use, with any lands or interests retained by the Navy, as a bombing range, and upon payment by the State of Oregon to the United States of such amount as the Secretary of the Navy determines to represent the total of (1) the difference, if any, between the fair market value of the property so conveyed by the Secretary of the Navy and the fair market value of the land and interests in land accepted in exchange therefor, and (2) the cost to the Department of the Navy of providing a complete substitute facility on the retained lands, if any, and the State lands so acquired.

"(b) The State of Oregon shall agree to be primarily liable and hold the United States harmless from any claims for personal injury or property damage resulting from the condition of the lands conveyed by the United States.

"(c) Of the lands retained by the Navy, if any, together with any lands conveyed to the United States by the State of Oregon, 37,320.31 acres thereof, inclusive of any retained public domain lands, as agreed upon by the Secretary of the Interior and the Secretary of the Navy, shall become public domain lands of the United States subject to all the laws and regulations applicable thereto, but shall remain withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and shall be reserved for use as a bombing range under the administration of the Department of the Navy until such withdrawal and reservation is revoked by order of the Secretary of the Interior with the concurrence of the Secretary of the Navy. The remaining acreage of the lands conveyed to the United States shall become a part of the lands comprising the substitute bombing range and shall be administered by the Department of the Navy.

"(d) The money received by the Secretary of the Navy in connection with the exchange authorized by this Act shall be disbursed as follows: (1) The difference in the fair market value between the public domain lands conveyed by the United States and the lands designated as public domain lands under subsection (c), exclusive of any retained public domain lands, shall be distributed as a receipt from the sale of public domain lands; (2) the difference in the fair market value between the remaining lands and interests exchange shall be covered into the Treasury as a miscellaneous receipt; and (3) the amount representing the cost to the Department of the Navy of providing a complete substitute facility on the retained lands, if any, and the State lands so acquired, shall be covered into the Treasury as a miscellaneous receipt.

"(e) The Department of the Navy shall not be required to relinquish use of any lands of the Boardman Bombing Range to be conveyed to the State of Oregon until the complete substitute facility is available for use."

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.

DESIGNATION OF CONFEREE ON H.R. 5968

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi [Mr. ABERNETHY] be excused as a conferee on the bill H.R. 5968, and that another Member be designated as a conferee in his place.

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

There was no objection.

The SPEAKER pro tempore. The Chair appoints to the committee of conference the gentleman from Alabama [Mr. HUDDLESTON] vice the gentleman from Mississippi [Mr. ABERNETHY].

The Clerk will notify the Senate of the appointment by the Speaker pro tempore.

NATIONAL BOTANIC GARDEN IN HAWAII

Mr. POAGE. Mr. Speaker, I move to suspend the rules and pass 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.

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 President of the United States is authorized to have a complete study and investigation made of the desirability and feasibility of establishing and maintaining a National Tropical Botanic Garden, to be located in the State of Hawaii, for the purpose of research and education concerning tropical flora and for the instruction and recreation of the people. The study and investigation may be made by such departments or agencies as the President may designate.

SEC. 2. There shall be submitted to Congress, within one year after funds are made available to conduct the study and investigation authorized by this Act, a report of the findings of such study and investigation, together with such recommendations as are deemed appropriate. Such report shall contain, but shall not be limited to, specific findings and recommendations with respect to: (1) whether such a National Tropical Botanic Garden is feasible and desirable; (2) a proposed location or locations for such National Tropical Botanic Garden within the State of Hawaii; (3) whether a National Tropical Botanic Garden shall be administered by a department of the United States Government or by a private foundation or nonprofit educational corporation; (4) a recommended organization for the public or private agency to administer and maintain the National Tropical Botanic Garden; (5) the estimated cost of establishing and maintaining such a botanical garden; and (6) proposed legislation to effectuate the findings and recommendations.

SEC. 3. There are hereby authorized to be appropriated such sums, not to exceed $5,000, as may be necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. POAGE. Mr. Speaker, I yield to the gentleman from Hawaii [Mr. INOUYE].

Mr. INOUYE. Mr. Speaker, H.R. 5628 was reported by the Committee on Agriculture without dissent. This is a bill to authorize the President of the United States to order a complete study and investigation of the desirability and feasibility of establishing and maintaining a National Tropical Botanic Garden in the State of Hawaii. The National Tropical Botanic Garden would be established for the purposes of research and education concerning tropical flora.

This bill authorizes an appropriation of a sum not to exceed $5,000 to conduct this feasibility study.

I realize the sum is not a large one, but the botanic garden is of interest not only to the people of Hawaii but also to the people of our Nation and the world. The idea of a living museum of tropical plants for basic and applied research in tropical botany is not new. For many years the people in Hawaii have been working steadily for this garden in Hawaii. Recently hundreds of interested people have organized to form the Hawaiian Botanical Gardens Foundation. State and city planning commissions at present have zoned a 5,000-acre valley for such purposes.

I should like to impress on the House that it is not the intention of this bill to have the Federal Government subsidize this garden. A private eleemosynary organization already formed is carrying on activities to get such funds, but presently we have no facilities and no talent to make such a study. We believe the Government has a sufficient number of experts who can very easily conduct such a study. We doubt if the amount requested would be fully used. Very likely the amount is primarily for transportation of Government officials going to Hawaii to conduct this study.

Recently a conference of scientists was held in Hawaii and unanimously passed a resolution supporting such a garden. Further, a national organization of botanists unanimously adopted a resolution supporting this bill. In closing I submit the following prepared statement:

STATEMENT OF THE HONORABLE DANIEL K. INOUYE RE THE NATIONAL TROPICAL BOTANIC GARDEN

On March 15, 1961, I introduced H.R. 5628 to authorize the President of the United States to order a complete study and investigation of the desirability and feasibility of establishing and maintaining a National Tropical Botanic Garden in the State of Hawaii. The National Tropical Botanic Garden would be established for the purposes of research and education concerning tropical flora. The bill would authorize an appropriation of $5,000 to conduct this feasibility study. A similar bill was passed by the Senate in the last session of Congress, but due to lack of time, it was not considered by the House.

A National Tropical Botanic Garden is of paramount interest not only to the people of Hawaii but to people everywhere interested in plants. The idea of a living museum of tropical plants for basic and applied research in tropical botany is not new. For many years a group of Hawaiian citizens has worked steadily for a tropical botanic garden in Hawaii. Recently hundreds of interested people have organized to form the Hawaiian Botanical Gardens Foundation. State and city planning officials have zoned a 5,000-acre valley for such purposes.

It is not the intent of the bill to have the Federal Government subsidize the National Tropical Botanic Garden. It is hoped that such a garden can be privately endowed. However, at the present time, because of limited facilities and more important, because such a study can be made with relative ease by experts in existing Government agencies, the bill asks the President to designate the proper agency to conduct the study.

The establishment of a National Tropical Botanic Garden in Hawaii would benefit the entire Nation and would further international understanding. Scientists from mainland universities as well as the rest of the world would conduct research on any botanical problem of interest concerning tropical plants.

The Hawaiian climate during all seasons of the year allows for continuous growth and gives many generations of annuals each year for research in plant genetics. The mean annual temperature is 74 degrees and the average temperature during the coldest month differs only 6 degrees from the average temperature during the hottest month.

More than 90 percent of the flowering plants in Hawaii are found nowhere else in the world. Many of them lack close relatives. Hawaii is so unusually gifted in its flora that it has 30 species of palm, and no species is found on more than one island. Oahu alone has nine species, each one found in a separate valley in single or multiple groves. The number of plants unique to Hawaii is due to its prolonged isolation by vast spans of ocean, its mountains, and to the age of its land.

Within the Hawaiian archipelago, there is a vast difference in the age of the islands. Kauai, the westernmost island, is oftentimes called the Garden Isle. It is the oldest and the most abundant in flora. The wettest spot on earth is located on this island. The rainfall measures over 400 inches a year.

The Island of Hawaii, the southermost tip of the United States, lies to the east and is still in the process of formation as is graphically seen by the present volcano eruptions there. It has desert areas and rain forests. The rainfall on this island varies from 145 inches a year in Hilo to a few inches at Kawaihae.

In many ways, Hawaii is a botanical garden in itself. The purpose of establishing a National Tropical Botanic Garden is, first, to preserve the plants which are fast being destroyed everywhere in the tropics; second, to provide a living herbarium for taxonomists; third, to educate the present and future generations in the appreciation of the beauties of nature; and, fourth, to establish a research institute in connection with this living museum of tropical plants which would be open to scientists of all countries to carry on their studies.

Not just the whole South Pacific area but the whole southern half of the globe would profit directly from such an arboretum.

Mr. GROSS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, it is incredible that the State of Hawaii cannot find $5,000 to provide for a study of the feasibility of starting a botanical garden in the State of Hawaii. It is also incredible to me that this bill ever came out of committee and that it is now on the floor of the House. I say again, I simply cannot believe the State of Hawaii is so impoverished that it cannot find $5,000 for a study of whether it ought to have a botanic garden.

If we want to be fair, why not give each State in the United States, the other 49 States, $5,000 each for a study of whether they want to improve the flower gardens around their statehouses or in their hothouses if they have one? Why not spread the good tidings to all the States?

Perhaps the answer to this proposition is to be found in the bill that was before the Senate last year which provided that there should be submitted to Congress, within 1 year after the funds have been made available to conduct a study, a report which shall contain, but not be limited to, specific findings with respect to, No. 5, the estimated cost of establishing and maintaining such a botanical garden. That was in the bill of last year. The bill this year does not contain that exact provision, but it does contain this provision on page 2:

Such report shall contain, but shall not be limited to, specific findings and recommendations with respect to: (6) proposed legislation to effectuate the findings and recommendations.

Apparently, there is to be some Federal legislation to flow from the report, that is, if it is favorable, and there is no doubt that it would be favorable. And so there is to be some more Federal legislation to flow from the report, and what could that legislation involve except much more money to build the botanical garden?

In the report, on pages 2 and 3, in connection with this House bill, and I read from that report, this is the Secretary of Agriculture, Mr. Freeman, speaking:

On June 7, 1961, we reported to the chairman of the Senate Committee on Agriculture and Forestry on S. 772, an identical bill to H.R. 5628. In connection with the report the Bureau of the Budget advised as follows:

"While there would be no objection to the presentation of this report, we would suggest that a botanic garden in Hawaii might more properly be a function of the State government in view of its primarily local nature. However, if the committee does consider a study of this matter desirable, the study should encompass the possibility of financing its construction from local or private funds."

The Bureau of the Budget is right in saying the money should come from, either from the State of Hawaii or from local or private funds and not from the pockets of the Federal taxpayers. This, I say to you, is but the first step toward the building of an expensive botanical garden in Hawaii. I do not know how much it will cost and neither does any other Member of the House.

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

Mr. GROSS. I yield to my colleague, the gentleman from Hawaii, for whom I have great respect.

Mr. INOUYE. The gentleman from Hawaii is convinced that there will be no further Federal funds necessary to carry on with this matter. We are just asking that the study be conducted and that is all we are asking.

Mr. GROSS. If it is just a matter of a study being conducted, then why is this language in the bill, "to effectuate the findings and recommendations"? Certainly Congress cannot tell the Legislature of the State of Hawaii what they should do by way of constructing a botanical garden even though Federal funds are used to provide for a study and the study demonstrates the feasibility and practicability of the botanical garden. Why then is that language in the bill?

Mr. INOUYE. The language was placed in the bill because it is felt there may be a possibility the Federal Government would like to participate in this project. May I point out to my colleague, the gentleman from Iowa, that

in the State of Hawaii, and this point may not seem very important to the gentleman, we have 30 species of coconuts throughout the trust territories and American Samoa.

Incidentally, in the trust territories the people throughout the islands are suffering as a result of the decline in the copra business, and they have been requesting that some area be set aside where some research and study can be carried on in an effort to find ways and means of helping their economy. We feel that the State of Hawaii affords most favorable conditions for carrying on such research and study.

Mr. GROSS. I would like to ask the gentleman from Hawaii, if I may, is the gentleman saying that the State of Hawaii is in such sad financial condition that it cannot put up $5,000 for a study as to a botanical garden?

Mr. INOUYE. The State of Hawaii, I am certain, has more than sufficient funds to carry on the study, but we like to have some Federal recognition in connection with the study so that when scientists from other nations, scientists of international reputation, are invited to visit the gardens, and this, of course, includes people from the trust territories which, incidentally, the Government of the United States is responsible for, that we will have a botanical garden which to some degree is recognized by the Federal Government.

Mr. GROSS. I will say to the gentleman from Hawaii, in the light of the testimony and statements we heard on the House floor the other day with respect to the building of the East-West Cultural Center in Hawaii, that we are doing an awfully good job of spending millions of dollars in support of the University of Hawaii, but we are not doing nearly so well, according to the information as it came from the gentleman from Ohio [Mr. Bow] and other members of the Committee on Appropriations—we are not doing nearly so well for the universities in this country as we are for the University of Hawaii in connection with the establishment of the East-West Cultural Center. I should think that you would be able to find $5,000 in Hawaii to take care of your own flower garden. What is really sought here, and as admitted previously, is that the Federal Government will put up the money for this deal.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

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

Mr. HOFFMAN of Michigan. May I say to the gentleman, and I do not wish to appear ungrateful, that it has not been more than 2 weeks since the gentleman from Iowa, I assumed, received a very fine luscious pineapple?

Did you get one?

Mr. GROSS. Yes, I did, and it was a little bit overripe. But that has nothing to do with this.

Mr. HOFFMAN of Michigan. I realize this garden is a long, long way from the street corner down in Washington where they authorized the spending of $20 million for a fishpond. The gentleman from Iowa cannot criticize the gentleman from Hawaii for wanting his share, can he?

Mr. GROSS. If you are going to put it on that basis he is dealing in petty cash in this bill.

Mr. HOFFMAN of Michigan. We would like something done about skiing in the Upper Peninsula of Michigan. But if the gentleman will look in lines 7 and 8 he will see this language:

For the instruction and recreation of the people.

Does the gentleman know about the type of business? Is it for tourists or for the local people?

Mr. GROSS. I do not know.

Mr. HOFFMAN of Michigan. Will the gentleman find out?

Mr. GROSS. The Committee on Agriculture might be able to explain.

Mr. HOFFMAN of Michigan. The Committee on Agriculture?

Mr. GROSS. Yes; this bill comes from the Committee on Agriculture, and it may have all the answers on recreation.

Mr. HOFFMAN of Michigan. They did not have any hearings, did they?

Mr. GROSS. I do not know; I have not seen the hearings.

Mr. HOFFMAN of Michigan. My information is they did not have any hearings, so how would they know? I think if the gentleman asked the gentleman from Hawaii whether this is for the home folks or for the tourists he will tell you.

Mr. GROSS. I will yield to the gentleman to address that question to the Committee on Agriculture, the gentleman from Texas [Mr. POAGE], or the gentleman from Arkansas [Mr. GATHINGS], the committee members who brought this bill to the House floor.

Mr. HOFFMAN of Michigan. This is not in Texas.

Mr. GROSS. Apparently they do not want to explain the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. POAGE. Does the gentleman have any other speaker? We have only one more speaker.

Mr. GROSS. I understand that under the rules it is not necessary to rotate time under a suspension of the rules.

The SPEAKER pro tempore. That is correct.

Mr. POAGE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is, Will the House suspend the rules and pass the bill H.R. 5628?

The question was taken, and on a division (demanded by Mr. GROSS) there were—ayes 82, noes 23.

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. Under the order of the House of September 18, further proceedings on this bill will go over until tomorrow.

RELIEF OF KIM DOM YONG

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 2181) for the relief of Kim Dom Yong, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

After line 10, insert:

"SEC. 2. Notwithstanding the provision of section 212(a)(6) of the Immigration and Nationality Act, Kim Dom Yong may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided,* That unless the said Kim Dom Yong is entitled to medical care under the Dependents' Medical Care Act (70 Stat 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *And provided further,* That the exemption granted in this section of this Act shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act."

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SUPERIOR NATIONAL FOREST

Mr. POAGE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 302) to amend the act of June 22, 1948, as amended, relating to certain areas within the Superior National Forest, in the State of Minnesota, 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 the Act of June 22, 1948, as amended (16 U.S.C. 577c–577h) is amended by deleting the proviso from section 1 (16 U.S.C. 577c) and by changing the figure in section 6 (16 U.S.C. 577h) thereof to read $4,500,000. Funds appropriated to carry out the purposes of the Act shall remain available until expended.

The SPEAKER pro tempore. Is a second demanded?

Mr. McINTIRE. Mr. Speaker, I demand a second.

Mr. POAGE. 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 Texas?

There was no objection.

Mr. POAGE. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, this bill is simply to complete action on a program undertaken by Congress a good many years ago in the Superior National Forest. When the Congress authorized the acquisition of the Superior National Forest, there were a number of privately owned tracts of

land which were not at that time acquired, but it was understood then that they would be acquired at a later date and $2½ million was then authorized for that purpose. I believe that was 30 years ago.

It seems that the time has come when if we are to carry out the purposes of the original Shipstead-Nolan Act of 1930, we should proceed to acquire the privately owned tracts of land within the Superior National Forest. It is the understanding of the committee that there are no private homes involved, that there are on the contrary some 13 business institutions or commercial resorts, and some 57 summer homes, as well as some unimproved property that is involved.

These are small enclaves in the area of the national forest, which cannot be developed into the primitive area which was originally set aside unless and until these properties are acquired.

This legislation simply carries out the original undertaking of the act of 1930 and authorizes an appropriation of $2 million in excess of the existing authorization. In other words, this is $2 million to carry out the purposes of this bill. The other $2½ million has long since been authorized.

It seems to the committee this is a worthy undertaking, and if we are going to carry out the announced intention of the Congress, we will have to do it, and it is time to begin.

Mr. McINTIRE. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, S. 302 deals with the boundary water canoe area in northern Minnesota.

This area was recognized for its unique wilderness features by the Congress in the Shipstead-Nolan Act of 1930, an act which provided for the maintenance of the natural water level, for the protection of the shoreline of the streams and lakes, and for the withholding from entry on or appropriation of the federally owned land of the area.

An act of June 22, 1948, directed the Secretary of Agriculture to acquire nonfederally owned lands and interests in lands in a major portion of the surrounding area. This acquisition was subject to certain conditions, particularly those provisions of section 1 of the act. This section says:

> Under the authority of this Act, no contiguous tract of land in one ownership, not exceeding 500 acres in the aggregate, shall be condemned if at the time of the approval of this Act it is encumbered with a structure or structures of a permanent type suitable for human occupancy, and if the owner thereof files written objections before expiration of the time for answering the petition in the proceedings.

It followed that an amendment in 1956 extended the original area and increased the previous authorization from $500,000 to $2,500,000.

As related to this area, donations, exchanges, and Weeks law purchases prior to June 30, 1948, account for 314,600 acres of the area concerned. Appropriated funds in the 1948 and 1956 acts have financed the purchase of 15,853 acres.

As it sets up, there remains to be acquired about 15,800 acres. Involved in the area to be acquired are 13 commercial resorts, 57 summer homes, and some unimproved properties that are in key locations and carry high land values. There are 15,700 acres of county ownership and 110,000 acres of State-owned land. Some of these land parcels can be acquired through land exchange.

Purchases already made under the acts of 1948 and 1956—together with the 29 properties approved for purchase by the National Forest Reserve Commission as of June 30, 1961—will use up substantially all of the $2,500,000 previously authorized. It is estimated that the remaining purchase program, if carried out within a 2-year period, can be completed at a cost of $2 million, the additional authorization provided for in S. 302.

It is important to note that all of the private land purchases have been made on a negotiated basis. To complete this program it now becomes apparent that condemnation authority is necessary. This is so because increases in the value of the remaining privately held property have made further negotiation at current values virtually impossible, these increased values having largely resulted from the development of the area as an outstanding wilderness attraction.

S. 302 would act to remove the "negotiated basis" limitation imposed by the act of 1948, and it would permit the Department to acquire desired lands by way of condemnation if necessary.

Mr. Speaker, the question is whether or not the Congress deems it wise to complete the boundary waters canoe area program, as set forth in the Shipstead-Nolan Act and the related acts of 1948 and 1956. If so, then the amendments proposed by S. 302 are highly essential.

Mr. Speaker, I urge that the House suspend the rules and pass S. 302.

I now yield 3 minutes to the gentleman from Minnesota [Mr. QUIE].

Mr. QUIE. Mr. Speaker, I rise in support of S. 302. This will enable the Forest Service to buy up the remainder of the private property in the wilderness area in northern Minnesota. This has been waiting since the 1948 act was accomplished. The longer we wait, the more money it is going to cost. You can see here that by waiting since 1948 we have to add $2 million to the authorization, and any further wait will just mean an additional cost of the project. So, in order to carry out what we intended to do in the past, it is necessary to pass this legislation, and I think it should have our wholehearted support.

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

Mr. QUIE. I yield to the gentleman from Ohio.

Mr. BOW. Under this act I notice that you are deleting a provision. What is the provision that is being deleted?

Mr. QUIE. The restriction on condemnation.

Mr. BOW. In other words, this now provides for condemnation. And, what is this figure of $4.5 million based on? Is that an appraisal?

Mr. QUIE. An appraisal of the property; that is right.

Mr. BOW. An appraisal made by whom?

Mr. QUIE. The Forest Service.

Mr. BOW. In other words, this is the Forest Service top appraisal and it is anticipated that this $4.5 million is all the money that will be necessary now and in the future?

Mr. QUIE. That is right.

Mr. BOW. I thank the gentleman.

Mr. POAGE. Mr. Speaker, I yield 3 minutes to the distinguished majority leader, the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to speak out of order.

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

There was no objection.

Mr. McCORMACK. Mr. Speaker, I am grieved to learn of the death of Monrad "Mon" C. Wallgren, a close personal friend of mine for many years. Mon Wallgren was a dedicated public official and a great American.

He was first elected to the House of Representatives in 1932 and he served in this body from 1933 until 1940, and in the U.S. Senate from 1940 to 1944, when he was elected Governor of the State of Washington, serving as chief executive of that State until 1949. Thereafter, he was appointed by former President Harry S. Truman as a member and later Chairman of the Federal Power Commission, resigning in 1951. His service in both branches of the Congress and as Governor was marked by his stalwart support of progressive legislation. He was a true representative of the people.

Mon Wallgren, by his charm and personality, rapidly made friends in the Halls of Congress. His friends in and out of Congress were countless. As a legislator and as Governor, Mon Wallgren served most effectively. He did not seek the headlines, but he served with ability, vision, and courage, and a progressive outlook that was admirable and refreshing. He came from the people and he served the people.

Mon Wallgren enjoyed the respect and friendship of his colleagues. I numbered him among my most valued friends. He enjoyed the strong friendship of the late Franklin D. Roosevelt and was a very close and valued friend of Harry S. Truman.

Mon Wallgren, in every public office he held, elective or appointive, served with ability, dignity, and strength and, as I have said, rendered effective service without seeking the headlines.

In both branches of Congress there are still many Members who served with Mon Wallgren who will mourn his passing.

Mr. Speaker, Mrs. McCormack joins with me in extending to Mrs. Wallgren our deep sympathy in her bereavement.

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

Mr. McCORMACK. I yield to the gentleman from Michigan.

Mr. MEADER. Mr. Speaker, I should like to join the distinguished majority

leader, the gentleman from Massachusetts [Mr. McCORMACK] in paying tribute to former Congressman, Senator, and Governor Mon Wallgren. He was a member of the Truman committee at the time I served that committee as assistant counsel. I became very well acquainted with him and developed a high regard for his integrity and his determination and fairmindedness in the investigation of the natonal defense program.

Mr. McCORMACK. I thank the gentleman from Michigan.

Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to extend their remarks on the passing of my late friend.

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

There was no objection.

Mr. WESTLAND. Mr. Speaker, it is with deep regret that I inform the House of the death of my friend, Mon C. Wallgren. Mon and I had been friends from boyhood days, played golf together many times, and I always thoroughly enjoyed his company.

From March 1933 to December 1940 Mon represented the congressional district which I now have the honor to represent. From December 1940 until January 1945 he was a Senator from the State of Washington and in 1945 he was elected Governor of the State of Washington and served until 1949. During the Truman administration he served as Chairman of the Federal Power Commission and then retired from political life.

Mon had many friends in Washington State from all walks of life from both political parties. He will always be remembered in my hometown of Everett, not only for his political accomplishments, but for his great storytelling. Mon always brought cheer and laughter wherever he went.

I have lost a friend and the State of Washington has lost one of its most distinguished citizens.

Mr. McINTIRE. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. BRUCE].

Mr. BRUCE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to speak out of order.

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

There was no objection.

Mr. BRUCE. Mr. Speaker, it is with regret that I interrupt the procedure of the House in order to bring up a subject that is not relevant to that which was under discussion.

Mr. Speaker, on Tuesday, September 12, in a special order, I took approximately 40 minutes to detail what I consider to be a very grave situation that has developed in the Congo. Yesterday in a brief colloquy here on the floor of the House between myself and the gentleman from Minnesota [Mr. JUDD], the highly respected gentleman from Minnesota made the comment to the effect that we all realize that the United Nations action in Katanga is illegal. I agree wholeheartedly with the expression of the gentleman from Minnesota in that instance.

Mr. Speaker, I would like briefly—because I think it of the utmost importance—to support the position of a gentleman in the other body, the junior Senator from Connecticut, who also has been attempting to get some attention drawn to the fact of what is going on in Katanga. So, I rise briefly in an attempt to clarify the extensive confusion that exists regarding the United Nations action in Katanga.

Mr. Speaker, this action, on the record, is absolutely illegal and in defiance of the resolutions of the United Nations Security Council. The U.N. forces are supposed to be in Katanga fulfilling the Security Council resolution of February 21, 1961, in which this clause appears:

The Security Council: * * *

1. Urges that the United Nations take immediately all appropriate measures to prevent the occurrence of civil war in the Congo, including arrangements for cease fires, the halting of all military operations, the prevention of clashes, and the use of force, if necessary, in the last resort.

Mr. Speaker, note carefully the words that are all negative—"prevent," "halting," "prevention." This is what the use of force was intended to do, and not to start a full-scale war as has been done.

Mr. Speaker, permit me to go on. This same resolution of February 21, 1961, also includes clause 5, to wit:

5. Reaffirms the Security Council resolutions of July 14, July 22, and August 9, 1960, and the General Assembly Resolution 1474 (ES–IV) of September 20, 1960, and reminds all states of their obligation under these resolutions.

Mr. Speaker, let us look carefully at one of these previous resolutions that was reaffirmed by the February 21, 1961, resolution which continues to be cited as authority for what I term the aggression by the United Nations against Katanga. The reaffirmed Security Council resolution of August 9, 1960, to which the United States is obligated has the following clause, and I quote:

The Security Council: * * *.

4. Reaffirms that the United Nations force in the Congo will not be a party to or in any way intervene in or be used to influence the outcome of any internal conflict, constitutional or otherwise;

Mr. Speaker, let me repeat paragraph 4 of the United Nations Security Council resolution of August 9, 1960. It could not be clearer:

The Security Council: * * *.

4. Reaffirms that the United Nations Force in the Congo will not be a party to or in any way intervene in or be used to influence the outcome of any internal conflict, constitutional or otherwise;

Can anyone possibly say, in light of this clear-cut statement, that this U.N. aggression in the name of peace in Katanga has any sanction at all?

On the 12th of September, I requested on the floor, in a special order, and in telegrams to all of the members of the Committee on Foreign Affairs and to certain Members of the other body, an immediate investigation of the action that was taking place in Katanga. I think it is vital. There are many other things that are vital, but when you study the background—as the junior Senator from Connecticut, with a political label different from mine, has done—of the men who are being put into power in the Central Congolese Government, and then we see this kind of action, I think the time has come for us not just to ask questions, but to ask them of the right people and in the right environment, not to make charges, but to find out what the facts are.

I believe the whole future of the continent of Africa may well hinge on what we do or do not do in accordance with law in this situation in the Congo, and more specifically, in Katanga.

Mr. McINTIRE. Mr. Speaker, I have no further requests for time.

Mr. POAGE. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. ROGERS of Texas). The question is, Will the House suspend the rules and pass the bill?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 2730. An act to repeal section 791 of title 18 of the United States Code so as to extend the application of chapter 37 of title 18, relating to espionage and censorship;

H.R. 4357. An act to increase monthly disability and death compensation payable pursuant to the War Hazards Compensation Act;

H.R. 4682. An act to authorize the Secretary of Agriculture to sell and convey certain lands in the State of Iowa;

H.R. 7657. An act to amend chapter 47 (Uniform Code of Military Justice) of title 10, United States Code, to provide a specific statutory authority for prosecution of bad check offenses;

H.R. 7854. An act to modify the project for the Duluth-Superior Harbor, Minnesota and Wisconsin, to provide for the abandonment of the Twenty-first Avenue West Channel, and for other purposes;

H.R. 7888. An act 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; and

H.J. Res. 459. Joint resolution to provide for the preservation and protection of certain lands in Prince Georges and Charles Counties, Maryland, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 9118. An act to establish a U.S. Arms Control Agency.

The message also announced that the Senate insists on its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of

the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. SPARKMAN, Mr. HUMPHREY, Mr. SYMINGTON, Mr. WILEY, and Mr. HICKENLOOPER to be the conferees on the part of the Senate.

ESTABLISHING A U.S. ARMS CONTROL AGENCY

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9118) to establish a U.S. Arms Control Agency, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

Mr. GROSS. I object, Mr. Speaker.

COMMITTEE ON RULES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

FEDERAL ADVISORY COUNCIL ON THE ARTS

Mr. THOMPSON of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4172) to provide for the establishment of a Federal Advisory Council on the Arts to assist in the growth and development of the fine arts in the Nation's Capital and elsewhere in the United States, 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 Congress hereby finds and declares—

(1) that the growth and flourishing of the arts depend upon freedom, imagination, and individual initiative;

(2) that the encouragement of creative activity in the performance and practice of the arts, and of a widespread participation in and appreciation of the arts, is essential to the general welfare and the national interest;

(3) that as workdays shorten and life expectancy lengthens, the arts will play an ever more important role in the lives of our citizens; and

(4) that the encouragement of the arts, while primarily a matter for private and local initiative, is an appropriate matter of concern to the United States Government.

SEC. 2. (a) There is hereby established in the Department of Health, Education, and Welfare a Federal Advisory Council on the Arts (hereafter in this Act referred to as the "Council"). The Council shall be composed of twenty-one members appointed by the President, by and with the advice and consent of the Senate, from among private citizens of the United States who are widely recognized for their knowledge of or experience in, or for their profound interest in, one or more of the arts and who collectively will provide an appropriate balance of representation among the major art fields including music, drama, dance, literature, architecture and allied arts, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, and television. The President is requested in the making of such appointments to give consideration to such recommendations as may from time to time be submitted to him by leading national organizations in these fields. Each member of the Council shall hold office for a term of six years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of the members first taking office shall expire, as designated by the President at the time of appointment, seven at the end of the second year, seven at the end of the fourth year, and seven at the end of the sixth year after the date of enactment of this Act. No member of the Council shall be eligible for reappointment during the two-year period following the expiration of his term. The President shall designate one member of the Council to serve as its chairman. The Council shall meet at the call of the Chairman or the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary"), but not less often than twice during each calendar year. Eleven members of the Council shall constitute a quorum.

(b) The Council shall have an executive secretary who shall be appointed by the Secretary after consultation with the Council. Within the limits of appropriations available therefor, the Secretary shall provide necessary secretarial, clerical, and other staff assistance for the Council, its executive secretary, and its special committees.

SEC. 3. (a) The Council shall (1) recommend ways to maintain and increase the cultural resources of the United States, (2) proposed methods to encourage private initiative in the arts, (3) cooperate with local, State, and Federal departments and agencies to foster artistic and cultural endeavors and the use of the arts both nationally and internationally in the best interests of our country, and (4) strive to stimulate greater appreciation of the arts by our citizens.

(b) To these ends the Council shall undertake studies of and make recommendations relating to appropriate methods, consistent with the policy set forth in the first section of this Act, for encouraging creative activity in the performance and practice of the arts and participation in and appreciation of the arts. In selecting subjects to be studied, the Council shall consider requests submitted to it by the heads of departments, agencies, and independent establishments of the Federal Government. The Council shall make recommendations in writing to the Secretary with respect to such studies; and the Secretary shall transmit such recommendations, together with his comments thereon, to the President and the Congress. In the selection of subjects to be studied and in the formulation of recommendations, the Council may obtain the advice of any interested and qualified persons and organizations, and the Secretary may appoint interested and qualified persons to assist the Council in making its studies from among those qualified persons recommended to him by the Council.

SEC. 4. Members of the Council, and persons appointed to assist the Council in making its studies, while attending meetings of the Council or while engaged in the conduct of studies authorized by this Act, shall receive compensation at a rate to be fixed by the Secretary, but not exceeding $50 per diem, and shall be paid travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

SEC. 5. (a) Any member of the Council appointed under this Act, any person appointed to assist the Council in making its studies, and any other person appointed, employed, or utilized in an advisory or consultative capacity under this Act is hereby exempted, with respect to such appointment, employment, or utilization, from the operation of sections 281, 283, 284, and 1914 of title 18 of the United States Code, except as otherwise specified in subsection (b) of this section.

(b)(1) The exemption granted by subsection (a) of this section shall not extend to the following acts performed as an officer or employee of the United States by any person so appointed, employed, or utilized: (A) The negotiation or execution of, or (B) the making of any recommendation with respect to, or (C) the taking of any other action with respect to, any individual contract or other arrangement under this Act with the private employer of such person or any corporation, joint stock company, association, firm, partnership, or other business entity in the pecuniary profits or contracts of which such person has any direct or indirect interest.

(2) The exemption granted by subsection (a) of this section shall not, during the period of such appointment, employment, or utilization and the further period of two years after the termination thereof, extend to the prosecution or participation in the prosecution, by any person so appointed, employed, or utilized, of any claim against the Government involving any individual contract or other arrangement entered into pursuant to this Act concerning which the appointee had any responsibility during the period of such appointment, employment, or utilization.

SEC. 6. There are hereby authorized to be appropriated to the Department of Health, Education, and Welfare such sums as may be necessary to carry out this Act, including expenses of professional, clerical, and stenographic assistance. Such appropriations shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

SEC. 7. This Act shall not be deemed to invalidate any provision in any Act of Congress or Executive order vesting authority in the Commission of Fine Arts.

The SPEAKER. Is a second demanded?

Mr. KEARNS. Mr. Speaker, I demand a second.

Mr. GROSS. Mr. Speaker, is the gentleman from Pennsylvania opposed to the bill?

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KEARNS. Mr. Speaker, I certainly am not, but I demand a second.

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Is the gentleman from Iowa opposed to the bill?

Mr. GROSS. I am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. GROSS] demands a second. Without objection a second will be considered as ordered.

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask unanimous consent to revise and extend my own remarks, and I ask unanimous consent that the gentlemen from New York [Mr. HALPERN and Mr. LINDSAY] have permission to extend their remarks in the RECORD following my own. They are in favor of this legislation and are cosponsors.

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, the bill, H.R. 4172, is one of nearly 20 identical bills introduced on this subject. The history of the legislation, briefly, is that it was recommended initially by former President Eisenhower and has been recommended by the present administration. It has the support of President Kennedy and has had the support specifically and categorically of Vice President Nixon, among others.

The bill is not unusual in its scope or its purpose, which is to establish a Federal Advisory Council on the Arts to undertake studies and make recommendations relating to appropriate methods for encouraging creative activities, participation in, and appreciation of the arts.

Mr. Speaker, ours is the only great Nation in our civilization which has made no provision over its history for Government recognition of the arts or for Government participation in the arts. It is not proposed by any means in this legislation that the Federal Government get in the business of directing any particular activities or creating any broad-scale activities under its domination or guidance. It is proposed, however, that the Federal Government in the national life and in its activities with respect to the national life interest itself in cultural activities.

The history of the interest of the founders of this Republic and through the years of its great leaders in expression of sympathy and interest in the arts is a great and varied history. Our national record is replete with efforts as far back as Thomas Jefferson and George Washington with attention given to this general subject by the Presidents.

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

The SPEAKER pro tempore (Mr. McCORMACK). Does the gentleman insist on his point of order that a quorum is not present?

Mr. KEARNS. I will withdraw it if the gentleman from Iowa withdraws his demand for a second.

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that any such agreement would be illegal.

The SPEAKER pro tempore. The gentleman withdraws his point of order. The gentleman from Iowa and the gentleman from Pennsylvania will enter into a diplomatic relationship.

Mr. GROSS. I do not like that word "diplomatic." It has rather serious connotations in the light of what has been going on here the last few days.

Mr. THOMPSON of New Jersey. Mr. Speaker, the bill (H.R. 4172) would establish in the Department of Health, Education, and Welfare an advisory council composed of 21 members to be appointed by the President from among private citizens who are recognized for their interest in our national cultural life. The bill for housekeeping purposes has placed the responsibility for secretarial and staff assistants in the Department of Health, Education, and Welfare, and would authorize an annual appropriation, which is, in my considered judgment, modest at $100,000.

The Committee on Education and Labor, of which I have the honor to be a member, has for the past four Congresses held hearings on this subject. In each instance, in the last three Congresses, recommendations of approval have been voted by the Committee on Education and Labor. This year the subject was reopened at the outset of this Congress, and on May 15 the Select Subcommittee on Education, of which I am the chairman, held hearings on the legislation.

Mr. Speaker, I suggest to the Members of this body that this is meritorious legislation, that it is very badly needed legislation, and that the United States of America will be quite late in fact in having such a badly needed council.

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

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

There was no objection.

Mr. HALPERN. Mr. Speaker, I rise in wholehearted support of this bill, having sponsored similar legislation in this and in the previous Congress. I am motivated by the firm conviction that such a measure will have an important impact on American cultural activities.

A dynamic, free society, such as ours, needs an equally dynamic and free expression of creativity. The stimulation of such activity and the assurance of its continued growth is vital to the maintenance of the fluid, expanding nature of the American society.

Such legislation as this provides fundamental, but long overdue, recognition of the role of the arts as a vital factor in our national life. As a medium for correlating and drawing together in a continuing realtionship the numerous separate artistic endeavors throughout the country, the Council would help to promote creative activity.

By no means should the legislation be considered an attempt to direct the course of creativity nor should it be regarded as a Government-regulated program of artistic endeavor. Rather, it realizes that freeman requires artistic, creative activity just as freeman requires social and political independence. The institution of such a council would act as a potent weapon in our struggle against atheistic, materialistic communism, for it will prove that creativity—as well as economic and political-social development—can be encouraged and flourish under a free society.

Under the terms of this legislation, Mr. Speaker, the Council would be established in the Department of Health, Education, and Welfare, and would be composed of 21 outstanding private citizens, widely recognized for their knowledge or experience in, one or more of the creative arts such as music, drama, dance, literature, and others.

The members would be named by the President, who would also designate one of its members to serve as Chairman. Through studies and recommendations, this Council would propose methods to encourage private initiative in the arts. The Council would also promote cooperation with local, State, and Federal departments or agencies to foster artistic and cultural endeavors.

I should also like to point out that the measure calls for no appropriations or expenditures other than modest per diem allowances and expenses for the membership. It it a long step forward toward realization of national responsibility in the promotion of the arts, and of vital importance to the general welfare and the national interest.

Mr. Speaker, I would like to take this opportunity to refer to another bill which I fervently hope will win committee approval and favorable action by this House before the second half of the 87th Congress adjourns. It is of utmost importance to American art and culture and it greatly compliments the objectives of the bill before us. I refer to the bill I introduced earlier in the session, H.R. 4427, a companion measure to the one sponsored in the other body by the senior Senator from New York [Mr. JAVITS]. It establishes a $10 million a year U.S. Art Foundation to provide financial assistance to nonprofit groups engaged in the performing arts including theatrical, musical, opera, dance, ballet, and choral recitals.

The Foundation would endeavor to see that all parts of the country, the out of the way, as well as the Great White Way, received the opportunity for good theater and music. The proposal to which I refer—the U.S. Art Foundation—would enable the New York Philharmonic, for example, to tour the most remote parts of the country. It would bring ballet and opera within the reach of millions more. In brief, it would effectively supplement the legislation before us which in itself is long overdue.

Mr. Speaker, this farsighted bill, H.R. 4172, is commendable; it fills a wide gap in America's cultural society. I trust it will win the overwhelming approval of this House.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. KEARNS].

Mr. KEARNS. Mr. Speaker, I rise to support H.R. 4172, to establish the Federal Advisory Council on the Arts, which was favorably reported by the Committee on Education and Labor.

This is a bipartisan measure, which was first recommended by President Eisenhower in his 1955 state of the Union message. In urging the Congress to enact into law legislation to establish such a Federal Arts Council, President Eisenhower said that:

> In the advancement of the various activities which will make our civilization endure and flourish, the Federal Government should do more to give official recognition to the importance of the arts and other cultural activities.

During the presidential campaign last fall Vice President Richard Nixon wrote a letter which was published in the Saturday Review of October 29, 1960. In this letter he declared:

> In my opinion, it would be better, at this time, to appoint an Advisory Council on the

Arts, composed of the best qualified Americans in all the cultural fields, than a Secretary of Culture. In this way, the views of a larger number of competent professionals in the several arts could be heard nationally. This Council should make recommendations to the President and Congress as to the best line of Federal action in support of artistic endeavor. It might also be helpful in suggesting steps by which State and local governments might stimulate private cultural activities.

Legislation to create such a Council has been introduced in Congress with broad bipartisan backing. I support this idea, and will work for its passage.

In the same issue of the Saturday Review President Kennedy declared:

The platform of the Democratic Party proposes a Federal advisory agency to assist in the evaluation, development, and expansion of cultural resources of the United States. We shall support legislation needed to provide incentives for those endowed with extraordinary talent as a worthy supplement to existing scholarship programs.

If the people send me to the White House, I shall push this program. A gifted child deserves the finest education this Nation can provide. He is a national asset, whether his gift is to paint, write, design a jet airliner or a dramatic set, or explore the cosmos with a radio telescope. His worth cannot be estimated in the ledgers of the budgeteers.

The Committee on Education and Labor had a number of bills before it to establish the Federal Advisory Council on the Arts. In addition to the identical bills introduced by myself and my distinguished colleague, the gentleman from New Jersey [Mr. THOMPSON], on which hearings were held on May 15, 1961, by the Select Subcommittee on Education which he heads, bills for this purpose were introduced by the gentleman from New Jersey [Mr. DANIELS], the gentleman from New York [Mr. HALPERN], the gentlewoman from Ohio [Mrs. BOLTON], and the gentleman from New York [Mr. LINDSAY].

This measure passed the Senate during the 84th Congress and it behooves the Members of this body to support this measure which has the broadest support at the grassroots of any cultural measure in many years.

The Federal Advisory Council has many important and significant things to do. A great many art projects have piled up, a regular logjam, and are awaiting the study and recommendation, one way or the other of this committee.

I hope that distinguished and able cultural leaders from every section of our country will be appointed to it.

It must be concerned with the arts and crafts as a whole in our country, and not just with Broadway's professional theaters. The arts and crafts can be of immense benefit to American industry and help it meet foreign competition.

It must be concerned with the arts in our educational institutions, in our colleges and universities. I am very hopeful that the U.S. Office of Education will work closely with this great Council.

The Federal Government is concerned with science and modern foreign languages in our colleges and universities, and at other levels in the educational process. It must be equally concerned with the arts and crafts which can benefit our entire country.

The Federal Advisory Council on the Arts must be concerned with the arts in the community, with our theaters and orchestras at the community level, with the health of our art museums and art galleries, and with our artists in all of the arts which make our civilization endure and flourish, and especially with helping American industry meet foreign competition and the influx of attractive foreign goods.

It must be concerned with the arts in the Nation's Capital, which, at the present time, are given only $16,000 by the municipal government whereas other cities give many times as much in support of the arts according to a recent study by the Library of Congress. The Congress controls the purse strings of local District revenues and must move to let the citizens of the Nation's Capital support their own local art programs in the same way that other cities do through devoting part of their local tax revenues to the arts and crafts.

The Federal Advisory Council on the Arts must concern itself with the wise cultural, educational, and artistic use of the Carter Barron Amphitheater by the Department of the Interior which is charged with its management on behalf of the American people who gave it to the Nation's Capital for the benefit of all of the people, not just for the benefit of professional shows from Broadway.

Certainly one of the first projects the Federal Advisory Council on the Arts must undertake is the study of the outrageously high salaries which some of our artists are paid on State Department-sponsored tours under the President's cultural exchange program. These swollen salaries are several times what leading industrialists are paid when they work for the Federal Government. In addition, these industrialists; for example, Neil McElroy, former Secretary of Defense, and Robert S. McNamara, present Secretary of Defense, as well as Charles Wilson, former Secretary of Defense, all gave up sizable fortunes in stocks to work for the Federal Government.

What is equally bad about these outrageous salaries is the fact that they are several times what our most distinguished and battle-scarred admirals and generals are paid by the Federal Government.

The Nation's Capital must become one of the leading cultural centers of the world on a par with the capital cities of Europe. We can no longer be satisfied to have our Nation's Capital lag far behind even small European cities with regard to the arts. It must do more than be an audience for Broadway, or a willing audience for the artists and art groups which the Soviet Union sends to our shores.

The Federal Advisory Council on the Arts must be concerned with the preservation of buildings of historic, architectural, and cultural value such as the Dolly Madison House, the Benjamin Tayloe House, and the Belasco Theater in the Nation's Capital, which many great national organizations have urged the Congress and the Federal Government to preserve, and which President Kennedy himself last year introduced legislation to preserve.

When he introduced S. 3280 the President stated:

The Dolly Madison House, the Benjamin Tayloe House, and the Belasco Theater have long served as an inspiration to generations of Americans who have visited their Capital City. Certainly, before any irrevocable action is taken to destroy these buildings to provide a courthouse, other sites should be investigated.

When I went to the White House on September 14, 1961, to see the President I furnished him a list of several score opera houses, theaters, and concert halls in Europe which are in regular use today and which are no larger, and in many cases, are smaller than the Belasco Theater. This list was prepared by the Library of Congress which made a study of the subject at my request.

The Federal Advisory Council could well investigate why such small buildings can be used in Europe, and how the Belasco Theater can contribute to the cultural growth of the Nation's Capital.

The Federal Advisory Council on the Arts could make a major contribution to our cultural life by recommending ways to provide for the proper recognition of our great composers and performing artists.

Mr. THOMPSON of New Jersey, Mr. Speaker, I yield 5 minutes to the gentleman from Alabama [Mr. ELLIOTT].

Mr. ELLIOTT. Mr. Speaker, it is with great pleasure that I lend my support to this bill which provides for the establishment of a Federal Advisory Council on the Arts. I would like to take this opportunity to congratulate the gentleman from New Jersey [Mr. THOMPSON], the author of the bill for his consistent efforts in its behalf over a period of many years. He has sponsored this bill since he came to Congress and has done a fine job with it.

Mr. Speaker, I have long been interested in efforts to provide a means by which the U.S. Government might give what I think is deserved recognition to the important role of the arts in the development of our country. In June of 1959, I had the privilege, as chairman of the Subcommittee on Special Education of the House Committee on Education and Labor, of presiding over hearings on a similar bill, also introduced, I believe, by the gentlemen from Pennsylvania, Mr. Kearns and Mr. Fulton; by the gentlemen from New York, Mr. Celler, Mr. Lindsay, and Mr. Wainwright; and by the then Member of this body from Montana, Mr. Metcalf; and by the gentleman from Delaware, Mr. McDowell.

Mr. Speaker, the purpose of this bill is twofold. First of all, it puts the Federal Government on record as recognizing the great contributions which have been made to our society by practitioners of the performing and the creative arts. This is done in this bill in much the same way as has already been done to recognize accomplishments

in the sciences, in education, and other fields of endeavor. We are here recognizing the contribution of a vital segment of our people, who in the words of Mr. Ralph Bellamy, the distinguished actor, "earn their living, or practice their profession in one or another of the fields of art: music, drama and dance; literature, architecture, painting, sculpture; motion pictures, radio and television; and all the allied arts and crafts which serve them."

Second, it is anticipated, and I quote from the committee report on this bill "that the Council would act as a national clearinghouse for the consideration of methods by which the Federal Government might appropriately and effectively act to encourage and stimulate both artistic endeavor and appreciation on the part of our citizens. Further, it could act as a coordinating group between private and governmental activities in the arts."

Mr. Chairman, it is indeed a tragedy that in such times as these, when we are attempting to lead the world toward peaceful and wholesome endeavors, and at a time when our own creative potential is second to none, we should be far behind other countries in recognizing the national importance of our cultural resources. Other governments of the world, both great and small, actively support and encourage artists and the arts by means of direct subsidy and tax incentives. In comparison, this bill is extremely modest. It proposes only to recognize merit, encourage creativity, and coordinate and cooperate with local, State, and Federal organizations and departments in their efforts to stimulate artistic and cultural pursuits.

The bill neither suggests nor provides for any kind of governmental or bureaucratic controls. It explicitly recognizes that the arts are "primarily a matter of private and local initiative." Perhaps, in addition to the natural merits of the proposal, this lack of Government control has stimulated the universal and bipartisan support which this bill enjoys.

National leaders from both major parties have lent their support. The Health, Education, and Welfare Secretaries, both present and immediate past, have pressed for its passage in behalf of their respective administrations. Ambassador Adlai Stevenson, on the occasion of our hearings, stated:

> I think that the establishment of a Federal Advisory Council on the Arts is long past due, and this bill has my emphatic and warm endorsement.

Gov. Nelson A. Rockefeller, in a letter dated June 5, 1959, also lent his personal support to this legislation. In part, he stated:

> There are many contexts in which the Federal Government is properly, in fact unavoidably, concerned with the arts. Art knows no borders between States or, for that matter, between nations. It speaks a universal language. It is a vehicle of communication and understanding between all peoples.

He continued that the proposals contained in this bill—

> represents a constructive response to the Federal Government's obligation in this area.

Mr. Speaker, this bill represents the product of several years of thoughtful consideration on the part of national leaders from both parties, members of the Committee on Education and Labor, and particularly, the gentleman from New Jersey. It is a proposal well conceived and calculated to give recognition to an area of our culture too long neglected. I sincerely urge its favorable consideration and adoption.

Mr. GROSS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, if I recall correctly there was a bill in the House, and I would like the attention of the gentleman from New Jersey [Mr. THOMPSON], a year or 2 years ago to provide, or at least set the stage for a $75 million cultural center in Washington.

Mr. THOMPSON of New Jersey. That was 3 years ago. It set the stage for a cultural center without reference to a specific amount. The money for this was to be raised by private subscription.

Mr. GROSS. Is it planned that this bill will again set the stage for a cultural center? Is that what the bill does?

Mr. THOMPSON of New Jersey. This has no reference or relation whatsoever to that, I may say to the gentleman.

Mr. GROSS. This provides for a Federal Advisory Council on the Arts?

Mr. THOMPSON of New Jersey. That is correct.

Mr. GROSS. Mr. Speaker, I do not know too much about the arts, but I do know we are more than $290 billion in the red in this country; that we are spending $9 billion a year on interest on that debt; we are already in the hole in this fiscal year, less than 3 months old, to the extent of $6 billion, according to the Secretary of the Treasury, and we will be lucky to get out by June 30 of next year, the end of the present fiscal year, with less than a $10 billion additional to the Federal debt, according to the estimates of some people who ought to have a good idea of what is going on financially. I am sure the spending $100,000 each year for this purpose, for culture, can very well wait until we have a balanced budget in this country and start retiring the Federal debt. I just do not see any necessity for this kind of business at this time.

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

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

Mr. LANDRUM. On page 5 of the bill, section 5, I am trying to find out what these exemptions included in there mean, and I am unable to learn that from the report which accompanies the bill. It says:

> Any member of the Council appointed under this Act, any person appointed to assist the Council in making its studies, and any other person appointed, employed, or utilized in an advisory or consultative capacity under this Act is hereby exempted, with respect to such appointment, employment, or utilization, from the operation of sections 281, 283, 284, and 1914 of title 18 of the United States Code, except as otherwise specified in subsection (b) of this section.

Now, I wonder if the gentleman from Iowa has any information about what these people are being exempted from. What are these positions? I do not find it in the report.

Mr. GROSS. If the gentleman will notice my copy of the bill, I was going to ask the same question.

Mr. LANDRUM. Would the gentleman yield to me to propound that question to the author of the bill?

Mr. GROSS. I certainly will.

Mr. LANDRUM. Could the gentleman from New Jersey answer that?

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I am happy to yield.

Mr. THOMPSON of New Jersey. The gentleman will see on page 5 of the report that section 5 is explained as waiving the so-called conflict-of-interest statute.

Mr. GROSS. May I ask the gentleman this question? Is the gentleman satisfied with that answer?

Mr. LANDRUM. If that is the only answer he has, we will have to be satisfied with it.

Mr. GROSS. Does it go further? Does it also waive the dual-compensation statute?

Mr. THOMPSON of New Jersey. No; it does not.

Mr. GROSS. But it does waive the conflict-of-interest statute?

Mr. THOMPSON of New Jersey. Yes; it does. These are the people who serve without pay. They will be reimbursed for their actual traveling expenses and get the usual per diem.

Mr. GROSS. Also on page 5, while the gentleman is on his feet, there is provided $75 per diem and expenses. For what? Consultants and members of the Council?

Mr. THOMPSON of New Jersey. Just for the members.

Mr. GROSS. Just for the members of the Council?

Mr. THOMPSON of New Jersey. Yes.

Mr. GROSS. And how many meetings? There is no limitation as to the number of days. Is there any limitation as to the number of meetings?

Mr. THOMPSON of New Jersey. No; there is no specific limitation. This is the usual language contained in any act under which per diem is given in lieu of salary for persons serving on commissions and in advisory capacities to the Government.

Mr. SMITH of Virginia. Mr. Speaker, will the gentleman yield?

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

Mr. SMITH of Virginia. Well, I hate to ask this question. I always hesitate to display my ignorance, of which I have a plenty. But, this bill has been pending up in the Committee on Rules for about 3 or 4 weeks, and there is no interest up there in it. We sort of put it away in the cooler, waiting until it got more enthusiastic endorsement. But, the thing that troubles me is—and since it was brought to the floor this afternoon I have asked everybody that seemed to know anything about this bill—what are the arts? And, here is where I display my ignorance. I do not know. What does it include? What is it about? I suppose fiddle players would be in the

arts and the painting of pictures would be in the arts. It was suggested that poker playing was an artful occupation. Is this going to subsidize poker players that get in trouble?

Mr. GROSS. I agree with the gentleman. I, too, am troubled, and I tried to make that plain when I started out that maybe my appreciation of the arts was not what it ought to be, and perhaps that is because I do not understand and appreciate all the arts and culture.

Mr. SMITH of Virginia. Well, we have gotten along pretty well for some time on the arts angle. There is the National Commission on Fine Arts, and I just wondered why we needed to build another layer on top of that. But, I do want somebody to tell me what the arts are and what it includes. What various occupations are included in the arts so we will know what we are getting into and who we will subsidize? This will not end here. This is getting "the nose under the tent."

Mr. GROSS. I agree completely with the gentleman from Virginia.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I am somewhat surprised in view of the fact that our distinguished friend from Virginia [Mr. SMITH] says that this bill has been before him for some months, and that he had not completed reading through page 2, at which point his question would have been answered.

Mr. Speaker, the bill makes no pretense of subsidizing the arts, but it defines the arts and the fields as including music, drama, dance, literature, architecture and allied arts, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, and television.

Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Speaker, this is not a new bill that we are talking about here. I cannot understand all of the cynical sniping that seems to be going on in this Chamber about it.

Mr. Speaker, the gentleman from New Jersey [Mr. THOMPSON] was quite right when he suggested that the United States is one of the few free countries in the world in which the National Government does not give recognition to the importance of the advancement of the arts and artistic endeavor in its society by at least the establishment of this kind of a council. Let me remind the House that this is not a grant-in-aid bill. This is what you might call a status bill. What it does is to give status and recognition to the importance of culture in the United States.

Mr. Speaker, it was only a few days ago when the Metropolitan Opera in New York City closed down, or threatened to close down, for the 1961–62 season, that I received letters from all over the United States asking "What are you people in Washington going to do about this? This is an institution that belongs to the country and not to any one locality."

Mr. Speaker, let us not forget that the prior administration originally asked for this legislation.

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

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

Mr. LANDRUM. Would the gentleman tell us why the Metropolitan Opera was closed, or was about to be closed?

Mr. LINDSAY. Because of the high cost of doing business and a disagreement between management and the Musicians Union.

Mr. LANDRUM. Now the gentleman wants it to be subsidized by the taxpayers?

Mr. LINDSAY. No, I repeat, this is not a subsidy bill. I will say to the gentleman that President Eisenhower in his state of the Union message to the 84th Congress stated as follows:

> In the advancement of the various activities which will make our civilization endure and flourish, the Federal Government should do more to give official recognition to the importance of the arts and other cultural activities.

Dr. Arthur S. Flemming, the former Secretary of Health, Education, and Welfare, testified at length in favor of an arts council. He pointed out the three reasons why this bill was important to the United States. Touching upon some of the arguments that were made a moment ago by the distinguished gentleman from Alabama [Mr. ELLIOTT]. He said:

> I think most of us would agree that there is inadequate recognition of the fundamental importance of artistic endeavor in our national life.

He went on to speak of "the national interest in promoting the educational, cultural, and personal development of our citizens."

Then he touched upon a practical point which is the useful purpose in advising the departments and agencies of Government with respect to programs and policies affecting culture and artistic endeavors.

During the presidential campaign last fall both candidates spoke of their firm convictions in pursuit of the advancement of the arts in our national life. Both President Kennedy and former Vice President Nixon expressed support of measures to establish a Federal Advisory Council on the Arts in the Department of Health, Education, and Welfare.

Mr. Speaker, the growth and development of the fine arts in the United States are certainly in the national interest. Beyond the preservation of our national freedom and of our constitutional rights, what greater concern can we as individuals possibly have than to enhance and strengthen the cultural aspects of our civilization. We are engaged in a great effort to strengthen our security. Surely it is also in the national interest to strengthen the arts. A country is not strong if its culture is neglected while other areas of human endeavor advance. What are we afraid of? Are we afraid of giving recognition to something which is just as important as gearing up to send a rocket to the moon?

The extent to which we advance culturally directly bears on our international posture. The universal language of the arts knows no national boundaries and cultural exchanges between countries can establish a very healthy rapport between peoples.

Now what is the answer to those who fear that this is a dangerous innovation, that this somehow will enable the long arm of the Federal Government to reach into the free and untrammeled growth of the arts in this country. The first answer, of course, is that this is not a grant bill. It is a status bill. Second, the Federal Government has long been in the business of the arts. Since 1846 our Government has demonstrated concern with the cultural well-being of the American people. Little by little, without the guidance of any master plan or general philosophy, the Congress has put the Federal Government in the art business. It has been a perfectly natural development. But it has not been systematic. Let us see how it happened.

In 1910, Congress created the Commission of Fine Arts as guardian of the L'Enfant plan for development of the District of Columbia. It deals with specific construction and decorative proposals. Long before, in 1846, the Smithsonian Institution was created to take advantage of a bequest of James Smithson to the United States. The Institution has expanded over the years and now includes no less than 10 bureaus, four of which are directly concerned with the arts: The U.S. National Museum, the National Collection of Fine Arts, the Freer Gallery—which operates only partly on Federal funds—and the well-known National Gallery of Art. The operation of the National Gallery, which came into existence as the result of the private generosity of Andrew W. Mellon and others, now requires an annual expense from the Federal funds in excess of $1,500,000.

The Department of State has engaged in cultural enterprises, particularly since World War II. One such enterprise is the foreign building program under the Foreign Service Building Act of 1926, as amended, pursuant to which $185 million has been appropriated. Twenty major facilities are presently under construction. Two of the best known are the magnificent Embassies in India, designed by Edward D. Stone, and in London, designed by Eero Saarinen. The Department is currently obligated to pay in architectural fees more than $1,400,000 to more than 30 different architectural firms.

Under the National Cultural Exchange and Trade Fair Participation Act, programs were established to send to remote corners of the world, such distinguished representatives of our culture as Marian Anderson, the Cleveland, Minneapolis, and Philadelphia Symphony Orchestras, Jose Limon, the cast of "Long Day's Journey Into Night," the Helen Hayes Troupe, and the New York City Center Ballet Corps. Louis Armstrong, Benny Goodman, and other jazz greats have given renditions of unique Americana. Funds have been budgeted to the State Department for foreign information and exchange activities. Of this, more than $34 million is being devoted to educational exchanges, of

which a substantial part directly concerns the creative arts.

State is not the only agency of Government concerned, even modestly, with the arts. The Library of Congress operates a Music Division which not only collects material relating to music, but also conducts a performance program. While the program is financed by private gifts, the aegis of a Federal agency gives it a special impulse. The General Services Administration, a little known but vastly important branch of the Federal Government, is charged, among other things, with the responsibility of design and construction of all buildings of the Federal Government. Its annual payments to architects, muralists, sculptors, and painters are quoted in astronomical figures.

Strange as it may seem, the Department of Defense carries on its payroll more than 3,000 employees categorized by the Civil Service Commission as being concerned with the "fine and applied arts." One would not consciously select the Defense Department as a vehicle for stimulating the arts.

You will recall the surge of patronage of the arts—painting particularly—initiated during the depression by the Federal Government. These programs were intended primarily to provide jobs for unemployed artists.

The many proposals now pending in the Senate and House have turned the eyes of Congress and the country squarely on the fundamental question "What should we do for the arts?"

To such a question most of us respond with three more: What is the need? Can we do it? What will it cost?

There is not much doubt about the need to do something. Our current Federal dealings with the arts are chaotic. Innumerable subdivisions of offices, of bureaus, of departments are struggling with problems of vast significance. They are operating programs dispensing millions annually, and they have done, all things considered, a remarkably good job.

But duplication, lack of direction, lack of integration have been the byproduct. There appears to be a crying need for coordination, for study of objectives, for a systematic and informed review of results. This proposal, before us today, is directed toward this need. We propose simply the formation of a Federal Advisory Council on the Arts. The Council, to be a part of the Department of Health, Education, and Welfare, would be composed of 21 members, all of whom would be private citizens appointed by the President. They would represent in approximate proportions the major art fields, which the bill describes as "music, drama, dance, literature, architecture and allied arts, photography, graphic and craft arts, motion pictures, radio and television." The Council would have the power to undertake studies and make recommendations toward maintaining and increasing the cultural resources of the United States; to propose methods to encourage private initiative in the arts; and to foster artistic and cultural endeavors and the use of the arts in the best interests of our country.

In my opinion, this proposal is a sound and logical step which the Federal Government can and should take. A strong Council would make itself felt throughout government. It would introduce an element of purposeful, authoritative direction to Federal endeavors affecting the arts.

In our States a great deal has been done. Ten of our States have programs for the systematic improvement of the arts. These are: Louisiana, Maine, Massachusetts, Minnesota, New York, North Carolina, Pennsylvania, Utah, Virginia, and Wisconsin. All have established some organization to assist, by grants in aid and advice, their local arts enterprises. They have aided theaters, managed museums, supervised artistic improvement of State buildings, and arranged for exhibits. Their work is good, and, in my opinion, should be duplicated in the other 40.

But there are some problems confronting us which cannot be dealt with by city or State. One is the ceaseless challenge of the Iron Curtain countries seeking dominion over the uncommitted masses of the world. Another, less acute but equally fundamental problem and which only a national approach can reach, is that of establishing some common ground with all people, simply in the interest of living a little more expansively. What better ground can there be than the sharing of common cultural pursuits? In these areas, and for these reasons, the Federal Government must face up to the fact that it has a part to play in the future development of the arts in this country.

The approach must be step by step. It must be cautious; it must be made with due regard to the potential effectiveness of local government; and it must be undertaken with full appreciation of the possible pitfalls—and the expense—involved. Before Congress is to embark the Nation on a program of unified, purposeful art patronage, it must be confronted with the coincidence of a compelling need, a feasible plan, precise projections as to cost, and a clear and unmistakable call from the conscience of the people.

The bill will provide the mechanism for continuous stimulation and for future action. In a modest way, the Federal Advisory Council on the Arts, by making studies and recommendations, could exert a unifying force upon the current diverse Federal cultural programs.

The Council these bills create could not administer subsidies. Subsidies are not provided by this bill. It would, nevertheless, provide a significant national impetus to the systematic exchange of views on cultural matters. It would give the arts a national spokesman and a national forum. It would elevate its status in national councils. Surely we owe the arts—and our people—that much.

Responsible policies to sustain and enhance the arts are essential to the general welfare and the national interest at home and abroad. Accordingly I urge the House to act favorably on this important legislation.

The SPEAKER pro tempore. The time of the gentleman from New York [Mr. LINDSAY] has expired.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Speaker, the gentleman who just left the floor made the statement that there has been some sniping at this bill. If the gentleman does not understand our objections direct and clear it is regrettable, but those of us who oppose the bill tried to make our views understood. I am quite sure that the gentleman from Virginia [Mr. SMITH], was not doing any sniping. Some heard him say the bill had been considered by the Rules Committee. Another gentleman inquired about the meaning of section 5 on page 5 was seeking information, but did not get any. And if anyone has any information at this time and can give it in a few words some of us would like to know just exactly what those references mean. Who is exempted and from what? I am referring to lines 18, 19, and 20.

I have waited but there does not seem to be anybody who knows anything about it or at least does not desire to explain. As I understood the gentleman from Virginia [Mr. SMITH], he said that this bill has been before the Committee on Rules for some time. Many object to passing legislation about which we not only do not know but cannot learn from those who are in charge.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN of Michigan. Briefly.

Mr. THOMPSON of New Jersey. I should be glad to answer any questions the gentleman might propound.

Mr. HOFFMAN of Michigan. Just what does section 5, on page 5 mean?

Mr. THOMPSON of New Jersey. It is explained on page 5 of the report.

Mr. HOFFMAN of Michigan. Beginning with "sections 281, 283, 284, and 1914 of title 18," and so forth.

Mr. THOMPSON of New Jersey. Section 5 waives the so-called conflict-of-interest laws in the case of members of the Council, persons assisting the Council to make its studies, and other persons appointed, employed, or utilized in any advisory or consultative capacity under this legislation; however, this waiver would not extend to actions of such persons with respect to any contract or arrangement between the Council and the employer of any such person or a business in which such person has a direct or indirect interest; and so on. It is perfectly clear.

Mr. HOFFMAN of Michigan. As I understand it, then, there can be no conflict of interest here?

Mr. THOMPSON of New Jersey. That is right.

Mr. HOFFMAN of Michigan. They are just exempt from all of that.

Mr. THOMPSON of New Jersey. No. That is what the proviso language is for. If the gentleman will read page 5 of the report he will have that, I think, explained to his satisfaction.

Mr. HOFFMAN of Michigan. In any event, my basic objection to the bill is that practically every day the papers or

someone in the executive branch comes out with a message which, if really intended to state facts, frightens some of us. From one day to another we do not know what is coming. This morning I learned from one of our colleagues from Wisconsin that during his short visit home he was notified that the 24th, I think it was, Wisconsin Division, was called up. We are told the Texas armored division has been called. The gentleman from Wisconsin reported that in one town there were 400 young men who were called to leave home and family before October 15—ready to serve beyond our shores.

We have been told so many times about the national debt and the deficit, the daily deficit, that we are growing weary of hearing. We have become hardened to our condition. We may not realize what we are up against. With all the danger said to be threatening us, one of two things is true, either the administration and the press are not telling us the truth or we just have no business spending one single dollar on things that are not now necessary for our security.

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

Mr. HOFFMAN of Michigan. I yield to the gentleman from Iowa.

Mr. GROSS. How can we spend money for this purpose in this country and spend it in the foreign aid bill for practically the same purposes? We are going to export our culture under the foreign aid bill, performers and all that sort of thing. Practically everything that is in this bill was in the foreign aid bill. How can we take care of foreigners and take care of ourselves?

Mr. HOFFMAN of Michigan. To the extent desired we cannot. Section 2 establishes a Federal Advisory Council. Who are they to advise, may I ask the gentleman from New Jersey?

Mr. THOMPSON of New Jersey. Obviously they are to advise the Federal Government.

Mr. HOFFMAN of Michigan. But who?

Mr. THOMPSON of New Jersey. The Federal Government, of which the gentleman is such a distinguished part.

Mr. HOFFMAN of Michigan. Goldberg?

Mr. THOMPSON of New Jersey. Not Goldberg.

Mr. HOFFMAN of Michigan. Udall? The Department of the Interior? The Department of Labor? Who or what agency or department are they to advise?

Mr. THOMPSON of New Jersey. The Congress of the United States, of which the gentleman is such a distinguished Member.

Mr. HOFFMAN of Michigan. Regretfully I must ask the gentleman from New Jersey to tell me which department and who in it is this Council to advise?

Mr. THOMPSON of New Jersey. The Council meets at the call of the chairman or the Secretary of Health, Education, and Welfare, Hon. Abraham Ribicoff. The Council would advise the President and the various agencies of Government.

Mr. HOFFMAN of Michigan. Which ones?

Mr. THOMPSON of New Jersey. Any agency requesting their advice with relation to the matters set forth in the legislation.

Mr. HOFFMAN of Michigan. Permit me to read from page 2 of the bill:

SEC. 2. (a) There is hereby established in the Department of Health, Education, and Welfare a Federal Advisory Council on the Arts * * *. The Council shall be composed of twenty-one members appointed by the President from among private citizens of the United States who are widely recognized for their knowledge of or experience in, or for their profound interest in, one or more of the arts and who collectively will provide an appropriate balance of representation among the major art fields including music, drama, dance, literature, architecture and allied arts, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, and television.

Each member of the Council, except those appointed to fill a vacancy and those whose terms are otherwise limited, holds office for 6 years.

Each member of the Council is to be paid "at a rate to be fixed by the Secretary, but not exceeding $75 per diem, and shall be paid travel expenses, including per diem in lieu of subsistence, as authorized by law."

Note again, the language of section 2. The Council—and I now quote, "will provide an appropriate balance of representation among the major art fields including" those previously named.

When men are being called, as they are today, to leave their homes and go to war, a war which will strain our ability to provide adequate munitions of war, why should we create a council to provide a balance of representation among the major arts? Or, for that matter, any of the activities named. True, music may cheer the boys as they march off to war or welcome a lessened number as they return, leaving many of those who marched and fought with them behind.

Why study at the taxpayers' expense, painting, sculpture, motion pictures, and TV or dances, while preparing for a war which we lack the dollars to carry on?

If my colleague from Iowa can get any information showing the need for this bill it would be helpful.

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. CONTE. Mr. Speaker, I have felt for some time that everything possible should be done to encourage the further development of an identifiable American culture through literature, music, and the fine arts. Today we are considering a measure, which I wholeheartedly support, to contribute to this development. A Council on the Arts can add substantially to the stimulation of individual initiative in the arts and to a greater cultural appreciation by the American people.

We who support the creation of this 21-member council do not seek governmental intervention, domination, or direction of the road our American culture takes. We do seek to officially recognize that the arts play an enormous role in any civilization and therefore national encouragement should be given to their natural development.

In this day of material progress there is a growing awareness that one of the intangible bases for our civilization—a strong cultural heritage—is not keeping pace. It is pointed out that the American people are not as esthetically creative as have been other peoples throughout history. But as the average working day decreases in length and the life span of our people increases, each of us will have a greater opportunity for original creation and for the enjoyment and appreciation of the accomplishments of others. I hope that we will take advantage of these opportunities.

It is with these thoughts in mind that I urge the approval of the proposed Federal Advisory Council on the Arts. Both the Kennedy and the Eisenhower administrations have recommended it, and I am sure that those directly engaged in the various cultural endeavors will welcome it.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield to the gentleman from Connecticut [Mr. GIAIMO] such time as he may require.

Mr. GIAIMO. Mr. Speaker, I rise to support this bill, and in doing so, I cede priority to no man when it comes to concern for the economic soundness of this Nation. But I must express amazement with remarks made by some of my colleagues in which they admit ignorance about the arts and even more, a blatant lack of concern for artistic culture of the American society. Do these gentlemen seriously believe that the basic heritage of our country lies in its vaults, in its bankbook? I have devoted much attention to our Government's budgetary problems, but I cannot and I believe history will not equate dollars with ideas, moneybags with human creativity, gold with the cultural vitality that sets a nation thinking, searching, living, fighting, and dying. Masses of men do not fight and die for gold—individuals may, a power-hungry oligarchy may, a materialistic cabal may—but men in great numbers, the common people of the earth, do not.

Ancient Athens was wealthy. I wonder who here now can stand and do honor to her fiscal programs in a manner equaling the glory that has been heaped on her magnificent cultural contributions to the Western World. Rome commanded riches from every corner of the known world in her day. How has history remembered her gold, compared to man's memory of Cicero, Horace, and the ageless Virgil? Mankind remembers Maecenas, not because of his wealth, but because of what he did with his wealth. Maecenas gave the world Virgil and Horace, and through them, he staked his claim in the history books.

The accumulation of wealth and power, the construction of sound governments, are but means to an end; they are tools with which man seeks the

peace, the beauty, the joy of life and living that does homage to his Creator. The whole world has marveled at America's productive genius, her political strength, and the power which she has steadily acquired because of these accomplishments. Today, our Nation is a collosus, and fully recognized as such.

But, to what end is this collosus striving? August Heckscher contributed to the report of President Eisenhower's Commission on National Goals, and in his article, he warned that:

> This country is being watched by peoples * * * many of them as new to nationhood as they are old in cultural achievements * * * who ask whether under a system such as ours the highest values can be maintained.

I say that they can be, and I say that the desire of the American people that they shall be should be manifested in the actions of this Congress. That this can be done under our system is proven in the British Arts Council, the Old Vic, the Royal Ballet, and opera. The promising partnership which can be forged between government and the arts in a democracy has been demonstrated by the Opera Comique, the Comedie Francaise, Scala Opera of Milan, the Amsterdam Concertgebouw, the Salzburg Festivals, the Vienna State Opera.

If reason is needed why we should concern ourselves with the arts as well as with budgets, I call attention to the fascinating role which the muses have been playing in the battle for men's minds in Germany. In December of 1958, Howard Taubman of the New York Times reported that "the arts have become one of the sharpest weapons in the competition for German minds. Berlin is a major battlefield in this contest." In this regard, gentlemen, I cannot help but wonder that this Government which refrained from building a cultural center in Washington did not hesitate to help build one in West Berlin.

Every mature society is concerned with encouraging the creative abilities of its members. This has been the mark of every great civilization since the dawn of time. To encourage enjoyment of and participation in the arts, which make our life on earth pleasant, beautiful, and stimulating, has been the goal, not only of ancient Rome and Athens, but of modern societies as well. I would like to quote more from Mr. Hecksher's report:

> The arts are a vital part of human experience. In the eyes of posterity, the success of the United States as a civilized society will be largely judged by the creative activities of its citizens in art, architecture, literature, music, and the sciences * * * our society must stimulate and support richer cultural fulfillment.
>
> The ultimate dedication to our way of life—

Mr. Heckscher wrote—

> will be won not on the basis of economic satisfaction alone, but on the basis of an inward quality and an ideal.

Is the ideal for which America stands a balanced budget? Shall we be known to future generations as the nation which gathered wealth for the sake of wealth and structured a great government to serve small purposes? I think not. I think Americans hold loftier dreams than some of my colleagues here will grant them. And Americans—being what they are—will not be frustrated in their quest for nobler things to accomplish.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield such time as he may require to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Speaker, I support and urge the passage of H.R. 2569, the bill to provide for the establishment of a Federal Advisory Council on the Arts. This legislation has been recommended on a bipartisan basis and will place the emphasis on progress and development of the arts in America.

President Eisenhower recommended this kind of legislation in his 1955 state of the Union message:

> In the advancement of the various activities which will make our civilization endure and flourish, the Federal Government should do more to give official recognition to the importance of the arts and other cultural activities.

Vice President Richard Nixon also has given his support of this legislation, stating:

> I wholeheartedly support the objective of stimulating the advancement of the performing arts and promoting increased public appreciation of their important role in our national life.
>
> I think that a good first step toward meeting that objective would be a proposal by this administration to create a Federal Advisory Council on the Arts within the Department of Health, Education, and Welfare.

The present administration has endorsed this legislation. Both President Kennedy and Secretary of Health, Education, and Welfare, Abraham Ribicoff stated their support, Secretary Ribicoff saying:

> Enactment of this bill (H.R. 4172) would * * * be a desirable forward step in the expression of the profound national interest in the encouragement and development of the practice and appreciation of the arts by our people and the consequent enrichment of our national life.

Mr. Flemming, Secretary of Health, Education, and Welfare under the Eisenhower administration, testified in favor of this legislation on behalf of the Eisenhower administration during the 86th Congress, 1st session, on June 10, 1959, before the Subcommittee of the Education and Labor Committee in the House of Representatives, stating:

> A second reason for our support of this legislation—and a basic consideration looked at from the standpoint of our Department—is the national interest in promoting the educational, cultural, and personal development of our own citizens through a more widespread appreciation of and participation in the arts. A principal result of ever-increasing productivity, coupled with longer life spans, is that individuals have more opportunity for creative activity than ever before in our history. The development of cultural and artistic interests serves a dual purpose, in that it contributes to the well-being of the individual by developing his creative abilities, and, at the same time, it enables the individual to further enrich our civilization.
>
> Finally, the proposed Council could serve a very useful purpose in advising the departments and agencies of Government with respect to programs and policies affecting cultural and artistic endeavors. For instance, I am certain that the recently established Board for the National Cultural Center would benefit from the views of such a Council. Incidentally, the proposal for a National Cultural Center here in the Nation's Capital is, I feel, an excellent example of the kind of recommendations we could expect from the proposed Advisory Council.

During the present Congress, as well as previous Congresses, responsible Members of both parties have united in support of this legislation. In the 86th Congress I had cosponsored the legislation through my bill, H.R. 5620, joining with my colleagues in recommending its passage. In the present Congress I have again worked for the passage of this legislation and filed a bill, so I am today acting as cosponsor.

I am glad to hear that Mr. David Finley of the Commission of Fine Arts of Washington likewise favors the passage of this legislation. Also John Walker, Director of the National Gallery of the Smithsonian Institution, likewise recommends action be taken. It is a pleasure to know that such men of high rank in the field of the arts feel that this legislation is a move toward progress in these cultural activities. I urge my friends in both parties to give careful consideration to this legislation and vote favorably for its passage.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield such time as he may require to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Speaker, the answer to the question asked by the gentleman from Michigan is to be found on page 3 in section 3 of this bill, and the answer is just as plain as it possibly can be. Section 3 of the bill reads as follows:

> SEC. 3. (a) The Council shall (1) recommend ways to maintain and increase the cultural resources of the United States, (2) propose methods to encourage private initiative in the arts, (3) cooperate with local, State, and Federal departments and agencies to foster artistic and cultural endeavors and the use of the arts in the best interests of of our country, and (4) strive to stimulate greater appreciation of the arts by our citizens.

Mr. Speaker, comparable language appears in the statutes of many of the 10 States that have arts councils of this kind, and which have been enormously successful in coordinating and pulling together the efforts of the States in this regard.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. AVERY].

Mr. AVERY. Mr. Speaker, I have asked for this 1 minute to propound a question to the gentleman from New Jersey. I wonder if the gentleman from New Jersey could tell us just what connection, if any, there is between this bill and the bill passed by unanimous consent earlier today. That bill also dealt with culture; did it not?

Mr. THOMPSON of New Jersey. I would hardly think there is any connection. The bill passed earlier today, to

which the gentleman referred, dealt with the establishment of a memorial commission for Woodrow Wilson. In a sense that might be considered a cultural activity, but only in a very narrow sense.

Mr. AVERY. In other words, that bill was entirely confined to that one objective?

Mr. THOMPSON of New Jersey. It was, indeed.

Mr. AVERY. I thank the gentleman.

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

Mr. AVERY. I will yield the remainder of my time to the gentleman from Iowa.

Mr. GROSS. I think the House ought to be made aware of the fact that this bill provides $100,000 for the fiscal year ending June 30, 1962, and for each succeeding fiscal year. In other words, this is limitless.

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. Bow].

Mr. BOW. Mr. Speaker, I have asked for this time to ask the gentleman from New Jersey whether or not there is anything in this bill which conflicts with the authority or functions of the Board of Regents of the Smithsonian Institution.

Mr. THOMPSON of New Jersey. There is nothing in this bill that conflicts with the authority or functions of the Board of Regents of the Smithsonian Institution.

Mr. BOW. Has the Smithsonian Institution in any way expressed its position on this bill?

Mr. THOMPSON of New Jersey. It has, and it has expressed its endorsement of this bill.

Mr. BOW. May I ask whether or not there is anything in this bill that in any way invalidates or conflicts with the jurisdiction of the National Gallery of Art?

Mr. THOMPSON of New Jersey. Indeed not, sir; no.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield back the balance of my time.

Mr. RYAN. Mr. Speaker, I enthusiastically support H.R. 4172, to establish a Federal Advisory Council on the Arts which has been favorably reported by the Committee on Education and Labor.

Clearly, the United States has lagged behind many other great nations in according the arts the same recognition and support which we willingly provide for other phases of our national life. In other areas, the activities of the Government have far more accurately reflected the composite interests and values of the people. The arts in America today are striving for recognition—recognition in a manner worthy of their beneficial influence on the lives of our citizens. I believe a Federal Advisory Council on the Arts represents a fine beginning toward this end.

First and foremost, the Council would symbolize the deep and growing concern which the American people have in the arts. But perhaps just as important, this group would function on a practical level, acting as a clearinghouse for the consideration of methods by which the Government might appropriately and effectively act to encourage and stimulate both artistic endeavor and appreciation on the part of citizens. It would be an excellent way of coordinating both private and public activities in the arts. This is a clear, logical approach for determining real needs in this field and making recommendations for their solution in an orderly and reasonable fashion. The purpose of the bill, simply stated, is to open the door to a multitude of possible activities which could be within the proper realm of the Federal Government—"to assist in the growth and development of the fine arts in the Nation's Capital and elsewhere in the United States." The Council would undertake studies and recommend ways to encourage creative activities, participation in, and appreciation of the arts. Its membership would include 21 private citizens with genuine interest and experience in the major art fields.

The Council could, through its influence, eventually extend the opportunities for participation in the arts outside the large metropolitan areas, where they are often concentrated. From the standpoint of the artists themselves, moreover, the proposal offers the opportunity for much greater exchange of ideas and mutual consideration of common and individual problems. Such communication between persons of this caliber and creative ability would produce only the most fruitful results. In summary, then, the Council would first, recommend ways to maintain and increase the cultural resources of the United States; second, propose methods to encourage private initiative in the arts; third, cooperate with local, State, and Federal departments and agencies to foster artistic and cultural endeavors and the use of the arts in the best interests of our country; and fourth, strive to stimulate greater appreciation of the arts by our citizens.

I have mentioned the fact that many opportunities for participation in the arts are concentrated in metropolitan areas of the larger cities. This is not to suggest that these same cities are without problems and needs of their own. My own city of New York, which has made tremendous strides forward in recent years, is still beset with problems. As Patrick Hayes, consultant for the cultural presentations program of the State Department, so vividly pointed out at the recent hearing on aid to fine arts:

> There is no one distressed area in the field of arts. The problem is entirely national and widespread. The only variables are those of degree—New York City, giant that it is, has its problems—it almost lost Carnegie Hall; it may lose the Metropolitan Opera House; Lincoln Center is still a long distance from its total financial goal.[1]

[1] U.S. Congress. House. Committee on Education and Labor. Aid To Fine Arts. Hearings before the Select Subcommittee on Education, 87th Cong., 1st sess., Washington, U.S. Government Printing Office, 1961, p. 105.

However, we might look at the more positive, and certainly more optimistic, side of the picture in New York. Perhaps the most far-reaching and progressive measure taken on a statewide basis is the recent establishment of the New York State Advisory Council on the Arts. Last year the State legislature passed a bill to create this State commission to make a comprehensive survey of the State's cultural resources and to make recommendations concerning appropriate methods to encourage participation in and appreciation of the arts. I think the similarity of purpose and language between this council and the proposed Federal Advisory Council on the Arts is worth noting.

Even more significant, however, is the fact that New York has served as a testing place for the effectiveness of such councils. The State has already begun to support tours of cultural groups to areas which otherwise might not enjoy these opportunities. The council is currently administering a fund of $450,000 to assist tours of such outstanding organizations as the New York City Opera Co., the New York Philharmonic, the New York City Ballet, the Phoenix Theater, the Rochester Philharmonic, and the Buffalo Philharmonic.

Again, Patrick Hayes has commented:

> The formula is simple. An orchestra like the Buffalo Philharmonic can command a fee of about $1,500 for an engagement in Jamestown, or Olean, or Watertown. The cost of playing the date, to get there and back, pay the musicians, feed and house them for the day, haul the baggage, print the programs—is about $4,500. The home budget always pays for most of this—touring has always been regarded as a not too expensive way of extending a symphony season; but now the next level of government, the State itself, will step in and insure the stability of a tour, and a larger tour to more cities on the list. The plan is called a first major venture in subsidizing the arts. The money is taken from the State treasury—taxpayers' money. It is all as plain, simple, and direct as that. The idea is a good one; it has been carefully reviewed, and found to be wise and in the public interest.[2]

Within the city of New York the Lincoln Center for the Performing Arts, scheduled for operation in 1964, offers a splendid example of what can be accomplished by private initiative in cooperation with Government. It is a cultural project which should greatly enhance the role of the performing arts not only in New York, but in America today—music, the opera, drama, and the dance. Nor have the educational aspects of this undertaking been neglected. The Juilliard School of Music as well as the High School of Music and Arts, the School of Performing Arts, and the New York Public Library's music division and music library will also comprise integral parts of the center—in addition, of course, to the well-known organizations of the Metropolitan Opera, the New York Philharmonic Orchestra, and the City Center of Music and Drama, with its Theater for Dance and Operetta. A repertory theater will be housed in the same building with the library museum.

[2] CONGRESSIONAL RECORD, daily edition, July 18, 1961: p. A5419.

Yet, even the Lincoln Center, which has met such enthusiasm and wide acclaim, has not escaped some degree of controversy, and the usual administrative and financial problems. There have been reports that financial progress has been far too slow. One of the saving features of this fact, however, may be the tax-exemption of its 14 acres. The story of the origin of the Lincoln Center is the story of cultural needs. For example, the New York Philharmonic had never really enjoyed a home of its own. Carnegie Hall did provide a home on many occasions; but, when its existence appeared to be threatened, the Philharmonic had to turn to Hunter College.

Clearly, Carnegie Hall has provided the best arrangements for large concerts in New York to date. Some critics have considered it the only satisfactory one and have remarked on the inadequacies of the auditorium of the Metropolitan. They have asserted that there is no adequate place for ballet companies in the city; that dancing on the stage of the Metropolitan Opera is downright dangerous; and the Broadway theaters are, at best, very unsatisfactory. It has also been observed that New York has no suitable provision for smaller concerts, such as chamber music concerts. Even Town Hall with its 1,500 seating capacity is often too large for such concerts and is thought not to offer a desirable atmosphere for them.

Against this background of many needs and problems, the arts have, nevertheless, been growing in stature and in popularity. According to one art critic:

> The result has been that musical life in New York during the past decade has shifted far from the little world bounded on the north by Carnegie Hall, and on the south by the Metropolitan Opera. It is not only the legitimate theater that is experiencing the off-Broadway phenomenon. Music has one, too. Concert halls like the one at the Lexington Avenue YMHA–YWHA are assuming real importance. Hunter College has a major concert series. So has the Grace Rainey Rogers Auditorium in the Metropolitan Museum of Art. Greenwich Village has its coffeehouses where chamber music is played and a good amount of new music is presented.
>
> What part will the Lincoln Center for the Performing Arts play in this upheaval? For one thing, it will centralize some of the activity. As an immediate start it will provide for several of the great musical organizations of New York things they have never had—adequate housing, beautiful surroundings, permanency, and a sense of direction. It is taking four going concerns—the Metropolitan Opera, the New York Philharmonic, the City Center of Music and Drama, and the Juilliard School— and adding to them a repertory theater.[3]

Needless to say, the physical plants and pushbutton equipment of each of the new structures will be far superior to anything provided for the arts in America today.

Another innovation will be the activity of the National Educational Television and Radio Center, which is working with the Lincoln Center. When the former center gets its own educational TV station, the activities of the Lincoln Center can be expected to reach literally millions of people throughout the Nation.

Also, the metropolitan area can look forward to the proposed Arts Center of Columbia University. At Columbia, of course, the educational aspect of the arts will be of prime importance, in comparison with the Lincoln Center, where the emphasis will be on the performing arts specifically, and where its educational aspect, the Juilliard School, will be geared to training professionals.

Among other important cultural activities currently underway in New York are preparations for the World Fair to be held there in 1964 and 1965. This fair undoubtedly will prove to be an important step forward in our efforts toward greater international friendship, as well as a stimulus of special import to the people of our city. Also of current interest, the New York Shakespeare Festival has overcome opposition from official quarters to attain the popularity it now enjoys. Its recent success, in fact, has warranted the building of a new theater for the use of the company near the Belvedere Lake.

Yet, for all its successes in the arts, much still remains to be done in our city, and certainly elsewhere throughout the Nation. One positive step which could be made from the Federal level to remedy some of the inequities which exist would be the abolition of the Federal admissions tax on tickets to theatrical and other live-art performances. Without such assistance from the Government, in fact, the increasing cost of new theatrical contracts may well raise the price of theater tickets completely out of the question for far too many enthusiasts of the arts.

It is this recognition, Mr. Speaker, which prompted me to introduce H.R. 7197, which would amend the Internal Revenue Code of 1954 to provide that the tax on admissions would not apply in the case of plays, operas, concerts, ballets, or other live dramatic or musical performances. It seems to me grossly unfair and inconsistent for the Federal Government, on one hand, to encourage citizens to take greater interest in the performing arts, while, at the same time, penalizing both the theater and its patrons by this substantial admissions tax. As Agnes DeMille so vividly stated recently:

> History teaches us an interesting lesson: few cultures have survived long that didn't have a living theater. We have not kept up with other countries in developing our national theater * * *. Even the new African countries are ahead of us.[4]

Clearly, some major national effort is now required to consider the problems which the arts are facing and to recommend ways for improvement. There is a great need for cultural development throughout the Nation. Again, I refer to the recent House hearings and the ably stated testimony of Patrick Hayes:

> Presently established organizations need more money, and local resources are reaching the point of no return. The arts cannot stand still, any more than a progressive people or nation can stand still. If a symphony orchestra is to stay in being, it needs money to do so. The same applies to opera companies and ballet and dance companies. The business of the proposed Federal Advisory Council on the Arts would be to research the fundamental questions involved, spot the problems in consultation with people from all parts of the country, and set standards and bases of qualifications for grants to be made. What they do and the course they chart will set the tone and indicate the direction of our cultural development for a generation to come.[5]

I hope my colleagues will carefully consider the purpose of this bill and lend their full support to the proposed Federal Advisory Council on the Arts.

The SPEAKER pro tempore. The question is: Will the House suspend the rules and pass the bill, H.R. 4172, as amended?

The question was taken, and on a division (demanded by Mr. GROSS) there were—ayes 44, noes 36.

Mr. THOMPSON of New Jersey. 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. Under the order of the House of September 18, further proceedings on this bill will be postponed until tomorrow.

GENERAL LEAVE TO EXTEND

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 4172.

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

There was no objection.

AMENDING VIRGIN ISLANDS CORPORATION ACT

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4750) to amend section 6(a) of the Virgin Islands Corporation Act, with Senate amendment thereto, disagree to the amendment of the Senate and ask for a conference.

The Clerk read the title of the bill.

Mr. JENSEN. Mr. Speaker, reserving the right to object, will the gentleman tell us something about this bill?

Mr. ASPINALL. I am asking for a conference with the Senate. As the bill passed the House it carried an increase of $2,500,000. In the other body they have authorized $5 million instead. The additional moneys have been requested by the Virgin Islands Corporation for the purpose of constructing the additional necessary generating facilities for their power system.

The committee in the House decided that for the present one generator was enough; the other body thought there should be two. A conference is necessary to iron out the differences between the two Houses. The gentleman does not object to a conference, does he?

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

[3] Schonberg, Harold C., "The Lincoln Center Vision Takes Form." New York Times magazine, Dec. 11, 1960: 10.

[4] Agnes DeMille on theater. Overview, June 1961, p. 44.

[5] "Aid to Fine Arts," House hearings, p. 108.

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

The Chair hears none and appoints the following conferees: Messrs. O'BRIEN of New York, ROGERS of Texas, HALEY, SAYLOR, and KYL.

PERSONAL EXPLANATION

Mr. JOHNSON of California. Mr. Speaker, on Wednesday, September 13, when rollcall No. 203 was called, and on Monday, September 18, when rollcall Nos. 211 and 212 were called, I was shown as being absent and not voting, having been confined to the hospital during that period. Had I been present, I would have voted "aye" on all three rollcalls.

THE 100TH ANNIVERSARY OF BATTLE OF LEXINGTON, MO.

The SPEAKER pro tempore. Under the previous order of the House the gentleman from Missouri [Mr. RANDALL] is recognized for 30 minutes.

Mr. RANDALL. Mr. Speaker, today, September 20, marks the 100th anniversary of the Civil War Battle of Lexington, Mo.

Last May 18, this battle was reenacted with 650 young men from Wentworth Military Academy, Lexington High School, St. Joseph ROTC units, and 5th Army personnel participating. A crowd of 20,000 observed and cheered the maneuvers.

Our effort as a Congressman, to be helpful with the reenactment came about because the 5th Army at its Chicago headquarters—all at once—decided to cancel the blank ammunition allotment they had previously promised. After much correspondence and many contacts, the special activities division of the Department of Defense and the 5th Army decided to reexamine its previous position and provide both resources in the form of blank ammunition and troop personnel.

My object in asking for this special order today to address the House is severalfold in purpose. First, is to express all over again our great regret at missing the reenactment of May 18. The calendar of the House made it impossible to attend, and about all we could do under the circumstances was to remain in Washington.

Next, we think a proper commendation should be accorded the public-spirited people of Lexington, Mo., who staged this commemoration in sponsorship with the National Civil War Centennial Commission, the State Civil War Commission, the State park board, Wentworth Military Academy and Col. Lester B. Wikoff, general chairman of the reenactment, and last but by no means least, the Lexington Chamber of Commerce.

We further desire to pay tribute to the manner in which this observance was handled. A very large crowd was able to observe without confusion. All the people of Lexington can be justly proud of the arrangements which were carefully planned and effectively executed.

Today in the city of Lexington, Mo., a further observance is being held on the exact anniversary of the final day of battle, by the Lafayette County Historical Society. The affair will be held in College Park, which was the site of the Union headquarters during the battle. The highlights of the battle will be recounted in an illustrated talk by Mr. William E. "Bill" Dye, managing editor of the Lexington-Advertiser-News, who has written a history of the battle.

Before continuing with our remarks, we think it is most appropriate to observe in the listing of the Civil War Centennial Commission by its office here in Washington, D.C., that in the chronological naming of observances from 1961 to 1965, it is very significant to note that for the entire year of 1961 the Battle of Lexington is the only full-scale reenactment of an actual Civil War battle fought in the West. There have been reenactments of incidents such as secession conventions, and there have been dedications, and there was even a commemorative ceremony for the Battle of Wilson's Creek near Springfield, Mo., but during 1961 there were only two reenactments of Civil War battles—one at Manassas, Va., reenacting the Battle of the First Manassas, the other, reenactment of the Battle of Lexington at Lexington, Mo.

Several good summaries about the battle and its reenactment have appeared in the Independence Examiner, the Kansas City Star, the Missouri Farmer, and the Washington Post.

One of the best appeared in the Lexington-Advertiser-News of Lexington, Mo., which put out a special centennial edition giving the history of the battle in words and pictures. For this and for a great part of the research material contained in these remarks, we are especially indebted to William E. "Bill" Dye, editor of the Lexington paper.

It will be our purpose—in the remaining time allotted to us—today to recount a few salient facts and set out a brief historical account of the events during and surrounding the battle.

One hundred years ago today one of the strangest and most unique battles of the Civil War was coming to a close in the Missouri River port town of Lexington, in what is now the fourth district of Missouri.

This Battle of Lexington—or "Battle of the Hemp Bales" as it quickly became known—was one of the half dozen major Civil War battles fought on Missouri soil, a soil which saw a total of 1,162 battles or skirmishes during that national conflict whose centennial we began observing this year.

Only Virginia and Tennessee, in that order, had more Civil War battles or skirmishes than Missouri, my home State, which provided 40,000 troops to the Confederacy and 110,000 to the Union.

But these soldiers who on September 12, 1861, first laid siege to a Federal garrison at Lexington, Mo., were not at the time Confederate troops. These 15,000 to 20,000 Missourians were not then Confederates, although most had southern sympathies and many later would fight and die in the Confederate armies.

These were newly recruited or volunteered members of the Missouri State Militia and they were fighting under Maj. Gen. Sterling Price to repel what they felt was a Federal invasion of their sovereign State.

Sterling Price, who already in his 52 years had been a general in the Mexican War, State legislator, planter, Congressman, and Missouri Governor, in the first months of the War Between the States had been a Union man.

The stationing of Federal troops in Missouri, an illegal act Price felt, caused him to accept the command of the Missouri State Militia and thereby to bind his fate with that of the Confederacy, but first to make him the victor at the unique Battle of Lexington a century ago this September 20.

I say "unique" for several reasons.

The Battle of Lexington was possibly the only one fought primarily to get recruits for the southern cause.

It was the first Civil War battle to contain an act of courage for which the now famous Congressional Medal of Honor was awarded.

It was the first Civil War battle in which land mines were used.

It was the only time in American military history when hemp bales were used as moving breastworks.

It was the only battle during the Civil War when a field hospital was the center of action; the Union hospital at Lexington changed hands three times in a matter of hours.

The Battle of Lexington, Mo., was a strange one, too, in that the Union commander had nearly a week to evacuate his vastly outnumbered garrison safely after the arrival of Price's southerners, but he had orders to stay put and "stay put" he did.

That Union commander was Col. James Adelbert Mulligan, a tall and handsome 32-year-old attorney who only months before had raised an Illinois regiment and was immediately elected colonel of what came to be known as the Irish Brigade.

Late in August, Mulligan and his Irishmen had been stationed at Jefferson City, the Missouri State capital, where until a few days before, the Federal commander had been an obscure captain named U. S. Grant.

Mulligan was ordered westward into Missouri on a wild-goose chase to the aid of a supposedly beleaguered Federal cavalry party and ended up in Lexington, where his seniority put him in command of an unhappy mixture of 2,700 Federal Regulars and home guard troops.

While Mulligan was marching toward defeat at Lexington, Price and his pro-Southern State militia were headed toward victory there from southwest Missouri. Along Wilson Creek near Springfield, they and Arkansas troops under Gen. Ben McCulloch had beaten Federal troops under Nathaniel Lyon in one of the Civil War's bloodiest battles for the number of troops involved.

After Wilson Creek, McCulloch pulled his men back into Arkansas, but Price looked northward since he knew time was running out if the Federal "invaders" were to be forced from the State of which a few years before he had been Governor.

Scrounging around, Sterling Price had found arms and his men had made their own ammunition, but what he needed was men to use them.

Price decided he would seek to gather up the thousands of prosouthern Missourians who then were scattered around the State eager to join the fight against the Federal forces they felt had invaded Missouri.

Many of these were north of the Missouri River, in most cases already organized into military units, but unable to join Price's State militia because of the cordon of military posts the Federal Government had established at the principal river crossing points of Jefferson City, Boonville, Lexington, and Kansas City.

One estimate was that there were from 5,000 to 6,000 men north of the Missouri River anxious to join Price. For awhile, some of them could slip singly and in small groups across the river.

But then the Federal commanders at the river ports carried out orders to destroy all boats so reinforcements could not reach Price. This left only the ferries at the main river crossings.

Price soon hit on the plan to break this river blockade at one point to open a gateway through which these troops could join his forces before Federal troops further occupied the State.

He studied the reports which filtered in from southern sympathizers and decided that of the four fortified river ports, Lexington would be the easiest and most important to capture.

Thus it was that 10 days after they had fought at Wilson Creek, Price's men were started on the roads northward to Lexington.

The same day that Colonel Mulligan started from Jefferson City, Price's men fought a skirmish with Kansans on the banks of Big Dry Wood Creek in Vernon County and drove them off before starting up the road again.

By now, Mulligan and his small Federal force had arrived at Lexington, pausing at the outskirts to polish up for a grand entry and causing Mulligan to quip later:

> Indeed, the trouble was not so much in getting into Lexington as in getting out.

Once in town, Mulligan found other Federal troops and some home guards camped around the world's first Masonic college.

The day before, on the orders of Gen. John C. Fremont, the Federal commander in Missouri, the Union soldiers had seized nearly $1 million in gold and banknotes which was in Lexington's Farmers Bank.

The money was part of the State school fund which prosouthern Gov. Claiborne Jackson had appropriated to arm and equip his State militia. To prevent this, Fremont ordered this money and State funds from banks to be brought to St. Louis.

The money from the Lexington bank was started there under cavalry escort but the goldbearing horsemen got only about 40 miles on their way before they ran into the vanguard of Price's advancing militiamen, the last people in the world the Federals wanted to get the money.

So the cavalrymen wheeled and galloped back to Lexington burning bridges behind them, with Price pressing in pursuit.

As Price approached the town from the south, Colonel Mulligan wired his Jefferson City headquarters "we will hold out, strengthen us."

The Missouri militiamen reached the outskirts of Lexington on September 12, 1861, and their skirmishers fought a short but furious battle with Federal outposts, some of the fighting raging among the tombstones of the town cemetery.

But Price, with a force which outnumbered the Union garrison around the college, was not ready to make a sustained attack. His artillery and his ammunition wagons as well as many of his men still were strung out around the road back to Springfield.

While many southern sympathizers had joined his marching column along the way, there still were thousands north of the river that Price wanted to give time to join him.

When Price pulled his men back to the fairgrounds at the edge of town, some of his officers urged an immediate assault, but the majority sided with Price in deciding there should not be any needless bloodshed.

Price decided on a strategy which called for preventing the Federal troops from escaping but no immediate plans for offensive or vigorous action.

"We've got 'em, dead sure. All we have to do is to watch 'em," he told his officer.

Four miles to the north in the three-story Grecian-Doric style building of the 13-year-old Masonic College, Mulligan and his officers were pondering their tactical situation.

Some of the subordinate officers said they thought the best thing to do would be to get out of Lexington while the getting was good. Several pointed to a steamboat and steam ferry just below them on the Missouri River landing, noting these could take the whole Federal force to safety across the river.

Others wanted to take an overland route back toward Jefferson City. But Colonel Mulligan had the final word:

> Gentlemen, I have heard what you have to say, but begad, we'll fight 'em. That's what we enlisted for, and that's what we'll do.

Mulligan put the nearly 2,800 Federal Regulars and home guardsmen under his command to enlarging the earthworks on the river bluffs around the college, digging trenches extensive enough to hold 18,000 men.

Other Federals set up a foundry in the basements to cast shot for Mulligan's few artillery pieces. Still others were making cartridges and raiding parties went out to scavenger food from the nearby town and countryside.

Thus 5 days passed. Mulligan kept his men digging trenches for the reinforcements which would never come on the bluff above the Missouri River where lay the two steamboats which could have whisked them to safety in minutes.

Sterling Price's patriot army of Missouri at the fairgrounds rested itself from the hard march up from the Wilson Creek battlefield. Daily, the numbers of the Missouri militiamen were swelled by fully officered units slipping across the river from the northern commanders.

Back in his newly extended fort the morning of September 18 a century ago, that Chicago lawyer turned Federal colonel, James A. Mulligan, looked to the south and saw a sight which stirred him to this rhetoric later:

> They came as one dark, moving mass, their polished guns gleaming in the sunlight, their banners waving, and their drums beating—everywhere as far as we could see, men, men, men—approaching grandly.

For Mulligan's some 2,700 Federals—not a few of them armed with only old horse pistols and encumbered with water-consuming horses—the time for strategic retreat had passed.

For Sterling Price's 20,000 Missourians—some of these unarmed and just in town for a good show—the moment had arrived to put their general's plan for a bloodless victory against those Yankee invaders into effect.

But within minutes, Price's hopes for a victory without bloodshed were to be drowned in the blood of his own men and of the enemy they opposed.

The former Federal commander in the Mexican War, ex-Governor of Missouri quickly sent his divisions to the south, east and west of Mulligan's little island of Unionists.

And to complete the encirclement and cut off Mulligan's last means of escape, Price ordered another force down the bluff to capture the provision-laden steamboat *Clara Bell* and the steam ferry anchored nearby.

The Missourians, many of them within sight of their home county of Ray just across the river, ran into some harassing fire from Mulligan's pickets in the foundry and hemp warehouses along the riverfront but soon ran these Federals back up the bluff past a red brick mansion lately vacated by Oliver Anderson.

That mansion, which still stands today, was within minutes to be the center of a controversy which raged as long as a veteran of the Lexington battle lived. That September day the Anderson house was being used as a Federal hospital for Mulligan's wounded and sick. It was only a few yards outside his lines.

It was to be the only hospital captured by either side during the heat of battle in the Civil War.

Price's men, headed toward their objective of the steamboat and ferry, were pinned down by musket fire they thought—and swore for years after—was coming from the big brick house flying the yellow flag which marked it as a hospital.

Word of this went back to General Price in his headquarters above a jewelry store on Lexington's main street. "Capture the brick house" came back the order.

Up the bluff charged the Missourians and some of them later recalled that within half a minute they were inside and firing from Anderson house's windows down into the Federal trenches.

The Federal fire from in or near the hospital stopped, the remaining Missourians on the riverfront moved on to take the ferry and steamboat, with the latter providing double rations of sugar for Price's men for days to come.

Mulligan's last link to safe retreat severed, Price's people on the riverfront began edging up the bluff toward the Federal lines.

The Union forces now made a Civil War "first" when they ignited land mines which they previously had laid. Fuses extended through plumbing pipe pulled from the college building were lit to blow up buried caches of powder.

History, however, records no casualties from this first use of land mines in the Civil War.

Back in the college, Federal Commander Mulligan was fuming over the fact that the Missourians had captured his hospital. "We had not fortified that," he claimed later, apparently not recalling rifle pits which had been manned in the yard.

The tall, young colonel immediately called for an assault to retake the hospital but had trouble finding takers. "We shall not not out, for it is bad to not out," said the commander of one German home guard outfit.

Finally, Mulligan found one of his own outfits, the 23d Illinois, who would attempt the recapture. Heading the 23d was a Captain Gleason who—not unusual for the Civil War—had served under Sterling Price in the Mexican War.

Gleason's 80 men dashed out of a sally port and headed for the hospital with Mulligan's band playing and all his guns firing. Leading the charge was a bugler-made-infantryman named George H. Palmer, of Monmouth, Ill.

Through Oliver Anderson's orchard, bearing fruit no one would savor that day, past the two-story summer kitchen where slaves no longer toiled, ran Palmer and the rest of Gleason's crew, fast falling from the fire of the Missourians in and near Anderson House.

At the rear door of the mansion, Gleason called for surrender of the occupants and was answered by a volley which put him out of action. But his men stepped over him and entered the house as Price's men fled out the front door and windows.

Not all escaped. Six of the Missourians were trapped in the house and three were slain by the Federals—irate that their hospital had been taken—as they were surrendering.

Former Bugler Palmer had been wounded in leading the charge and was to be discharged 3 months later. But his act of bravery was not forgotten. Soon Congress was to establish the now famous Medal of Honor as the highest decoration for valor given by the Army and Navy.

And years later, on March 10, 1896, George Palmer was to be awarded the Medal of Honor for his action in the Lexington charge, becoming the first to receive the Nation's highest wartime honor for bravery.

The Union force held the hospital only an hour or so before a company of Missourians charged up the bluff to retake it and hold the building for the rest of the 3-day battle.

That night an attack was launched on the Union lines from near the hospital but, forewarned by a spy, Mulligan's men had strung a tripup just in front of their lines and this threw the attackers into confusion.

Inside the Federal fort, the men were hot and thirsty, the water in the college cistern having given out. Most of the water had been consumed by the now useless 600 cavalry horses, who now were adding another problem by being killed by the flying metal and causing a stench the battle veterans would recall for years.

The second day of the battle, September 19, 1861, brought 2 hours of heavy rain. Mulligan's thirsty men spread blankets to soak up the precious moisture and wring it into their canteens.

Mulligan waited and watched anxiously for the reinforcements he expected momentarily, not knowing that some were practically in sight just across the Missouri River.

These were two regiments of 1,200 Ohio recruits under Maj. Gen. Samuel D. Sturgis, who the month before had assumed the Federal command and retreated after Gen. Nathanial Lyon had been killed the month before at Wilson Creek.

While Mulligan was not aware of Sturgis' near presence, General Price was. Southern sympathizers had captured a courier which Sturgis had headed to Lexington.

One of Price's first acts that second day of battle was to send troops from his reserve divisions over the river on the newly captured steamboat and ferry and chase off the reinforcements. Without taking time to pick up their tents and other equipage, the Federal relief column scampered off up river to Fort Leavenworth.

Back in Lexington, Price had his men working on a brilliant idea—brilliant because it worked—for a tactical maneuver never before and never after tried in the history of American warfare.

The idea went like this: Hemp for ropemaking was the principal crop in the countryside around Lexington. Almost every crossroads hamlet those September days had piles of newly baled hemp.

Why not, the idea went, use these hemp bales as moving breastworks? It would be easy for groups of Price's soldiers to roll the hemp bales toward Mulligan's lines, pausing ever so often to fire from behind the bale's thick protection.

Soon after he arrived in Lexington, Price had sent wagons and men out through the country, scouring it for hemp bales. Before long bales were stacked on the Lexington streets and along the riverfront. They soon would win the battle for Sterling Price and his Missourians.

The last day of the battle opened cold and cloudy, not much help to the morale of Mulligan's hungry, thirsty, and weary men fast running out of ammunition.

But Mulligan, still hoping for reinforcements, thought his men could hold out behind their 8-foot-high earthen barricades. Outside these, at the points where Mulligan was sure the Missourians would attack, land mines had been laid and deep confusion pits with wooden spikes at the bottom had been dug.

But the Federal commander had not heavily fortified the river bluff side of his lines. These bluffs were steep and any force attacking up them could be wiped out easily, he reasoned. But he reasoned without thinking about hemp bales.

While the Missourians were arranging the hemp bales at the base of the bluff, an incident took place which started surrender psychology among Mulligan's famished and fatigued men.

A small group of Missourians made a charge which reached within feet of the Union lines before it was repulsed. A Federal officer there waived a white flag, seeking only a truce to remove his men who had been wounded when they dashed from the trenches to force the Missourians back.

Word of the white flag spread through the battlefield, and the firing died down. Price sent a courier to Mulligan to ask why the firing had stopped and the Union colonel, not knowing about the white flag, sent back a flippant reply:

I don't know, General, unless you have surrendered.

By noon, the situation within the Federal lines was desperate. All of the Union officers had been wounded, save one. He was a self-made major who headed the local home guard.

Then came the hemp bales. Up the bluff, the Missourians rolled them toward Mulligan's least defended positions.

The attack, at the last place he expected it, appalled Mulligan. "All our efforts could not retard the advance of these bales," he remembered a short time later.

Near the top of the bluff and close to the Union lines, the Missourians ran from behind the bales and with a wild yell dashed into the Union lines.

What Mulligan called a deadly struggle with many heroic deeds commenced. But not all within Mulligan's lines wanted to be dead heroes.

Over in one corner of the Union lines, the German major of the home guard was informed that since all the officers now were wounded, he was in command.

Down through a century has come the tradition that he then said: "Vel den, I shtops this tamm foolishness poorty gwick" and hoisted a white flag.

Despite threats of death, he kept waving it. Cursing the "damned cowardly home guard," Mulligan nevertheless called his wounded officers together and asked their thoughts about surrender.

Of the six officers able to make the conference, only two favored fighting on. One of the six was dispatched to Sterling Price to ask terms. Preceding U. S. Grant, at Fort Donelson by 5 months, Price said the terms were unconditional surrender.

Price's men marched into the lines as the Federals stacked arms. One of the Missourians asked a Federal for his ammunition, getting the reply he had it already, all had been fired at the Missourians.

Price had won the battle but he soon had to give up the real estate involved. Belatedly, strong Federal columns were started toward Lexington from several points.

So rather than being trapped as he had trapped Mulligan, Sterling Price 10 days later started his newly expanded Missouri army southward on a trip which led many of them into the Confederate Army a few months later.

While the Battle of Lexington ended by surrender of the Federal troops, it had been a bitter fight. For Missouri and all Missourians the war was especially bitter. Since it was a border State, it was a "house divided"—brother against brother, father against son. In all the other border States—Maryland, Kentucky, Tennessee—feeling ran high and domestic tragedies—those most terrible of civil wars—abounded, but nowhere did they reach the depth and virulence as was to be found in Missouri, in families and among certain elements of the population.

The reenactment is even now history. Today is the actual date of the 100th anniversary. Even this date will pass on into history tomorrow, but on the main street of Lexington lodged at the top of one of the columns of the Lafayette County Court House is a cannonball which has remained there for over 100 years, a constant reminder for all who pass to recall that this cannonball spent its fury over the battlements. It is quite possible it will rest there fittingly to remind posterity for perhaps another 100 years that Lexington was the sight of one of the most important Civil War battles fought in the West and one of the most unique battles in all American military history.

THE AGRICULTURAL ACT OF 1961

Mr. WALLHAUSER. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. LATTA], 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 Jersey?

There was no objection.

Mr. LATTA. Mr. Speaker, since the passage of the administration's Agricultural Act of 1961, I have had many inquiries from farmers in my district concerning their rights under the wheat and feed grain sections and how they will affect their particular farming operations. Since the farmers I am privileged to represent are making these inquiries, I am led to believe that other Members are probably receiving similar inquiries. Therefore, I should like to briefly outline some of the provisions of these new sections even though I opposed the passage of most of them as being unnecessary, unwise, and discriminatory.

THE 1962 WHEAT PROGRAM

First. This legislation provides for a 10-percent reduction in wheat acreage allotments and reduces the 15-acre exemption to 13½ acres or the highest planted acreage during the years 1959, 1960, or 1961. This means that a farmer having a highest planted wheat acreage of 10 acres during any one of these years can now only plant 10 acres rather than the 13½ acres as provided for under the exemption. These mandatory reductions are applicable for all classes of wheat notwithstanding the fact that they are not all contributing to our surplus problems. Mr. Speaker, it seems perfectly ridiculous to me to require our Ohio farmers producing Soft Red Winter wheat to take the same reduction as the producers of Hard Red Winter wheat when the year's carryover of Soft Red Winter wheat was only 12 million bushels as compared to the carryover of 1,118 million bushels of Hard Red Winter wheat. When we apply the 10-percent mandatory reduction provided for in this bill to last year's production of 198 million bushels of Soft Red Winter wheat, we immediately find ourselves faced with a 7.8-million-bushel shortage of this type wheat unless we curtail our exports and abandon our expanding foreign markets. The Department of Agriculture has already removed Soft Red Winter wheat from the list of commodities which can be exported under title I of Public Law 480. By so doing, the Department has admitted its lack of wisdom in supporting this reduction in the production of this type wheat.

Second. Payments for diverting wheat acreage and devoting the same to conservation uses will be made at the rate of 45 percent of the farm's adjusted yield per acre multiplied by the number of diverted acres for the first 10 percent reduction and at the rate of 60 percent for all further reductions up to an additional 30 percent of the farm's allotment. Of particular interest to the farmers in my district, Mr. Speaker, this new law specifically provides "to the extent that a producer proves the actual yields for the farm for the 1959–60 crop years, such yields shall be used in making determinations." As a consequence of this provision, producers need not accept the adjusted yield figures given them by the county committees when they can prove their actual yields.

Third. Under this new wheat program, any producer may divert up to a total of 10 acres so long as his farm's total wheat acreage diversion does not exceed his highest wheat acreage in 1959, 1960, or 1961. Wheat producers without an allotment who failed to grow wheat during 1959, 1960, or 1961 will be precluded from growing wheat for market in the 1962 crop year.

I have been informed by the Department of Agriculture that 696,000 of the 801,000 farms producing Soft Red Winter wheat operate under the 15-acre exemption found in the present law. Should many of these farmers divert as much as 10 acres from their production of Soft Red Winter wheat, the Nation will be faced with a critical shortage of this type wheat.

Fourth. This new law provides that the total acreage of crop land on the farm devoted to soil conserving uses, which includes idle land, shall be increased by the number of diverted acres. In other words, this bill authorizes the Secretary of Agriculture to forbid noncropland from being put into crops.

Fifth. The law authorizes the Secretary of Agriculture to set the price support for wheat at any level between 75 and 90 percent of parity for 1962. Notwithstanding the authority to set the price support as high as 90 percent of parity, the Secretary of Agriculture has chosen to set the price support level at 83½ percent of parity for 1962 which is approximately $2 per bushel.

Sixth. The administration's new program increases the penalty rate per bushel on farm marketing excesses to 65 percent of parity. The previous law provided a rate equal to 45 percent of parity.

Seventh. Farmers may continue to raise up to 30 acres of wheat for on-the-farm use providing permission is first obtained from the county committee.

THE 1962 FEED GRAIN PROGRAM

First. This section provides for a 1-year's extension of the existing feed grain program. Barley is now included under this program.

Second. This program continues as a "voluntary" one. It is well to remember that the Department of Agriculture has been accused of dumping last year's corn on this year's market to depress prices in order to encourage participation in the 1961 program. The department has denied the charge.

Third. Farmers not participating in the 1962 feed grain program will not be eligible for land retirement payments or price supports on their feed grains.

Fourth. The Secretary of Agriculture is authorized to set the price support for corn at not less than 65 percent of parity. The price support for 1961 corn will be 74 percent of parity, but to date, the Secretary has not announced the price support for the 1962 crop. It is noteworthy to mention that price support will not necessarily be extended on all the corn produced by a cooperator. Price support will be extended only to the average corn yields per acre that were obtained by such cooperators in 1959–60 multiplied by the number of acres planted in the current year. This means that a producer having a 100-bushel corn yield per acre in 1961 and a 75-bushel corn yield per acre in 1959–60, will be extended price support only on the basis of 75 bushels per acre and his additional 25 bushels per acre must be sold on the open market. Mr. Speaker, as the record will show, I vigorously opposed this bushelage control feature as it will inevitably tend to penalize the farmer who is constantly striving to advance American agriculture.

Fifth. Land retirement payments will be based on the farm's adjusted average

acreage production for the years 1959–60 and "to the extent that a producer proves the actual acreages and yields on the farm for the 1959–60 crop years, such acreages and yields shall be used in making determinations."

Sixth. Provides that the average acreage of crop land on the farm devoted to soil conserving uses, including idle land, be increased in 1962 by the acreage diverted. The Secretary can prohibit noncrop land from being put into crops.

NATIONAL COTTON ACREAGE ALLOTMENT, 1962

Mr. WICKERSHAM. 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 Oklahoma?

There was no objection.

Mr. WICKERSHAM. Mr. Speaker, my home is Mangum, in southwestern Oklahoma, in the center of the area which produces the bulk of the cotton crop of the State. Cotton is of great importance to the income of this area and the employment of those who live there.

The farmers who grow cotton in this area have kept up with the technological revolution in agriculture. In consequence, most of them have substantial investments in their land, improvements, and equipment. In many cases, they are in debt for a part of this investment.

They have had difficulty in making any return at all on this investment and in servicing their debts, as a result of the small acreage allotments which they have been allowed to plant for the last several years.

I have heard that consideration is being given in the Department of Agriculture to setting the 1962 national cotton allotment at less than the 1961 allotment—18.4 million acres—some reports have it as low as 16 million acres. I hope that these reports are groundless.

As I read section 342 of the Agricultural Marketing Act of 1938, it directs you to establish a marketing quota not less than the sum of your estimates of domestic consumption and net exports for the 12 months commencing August 1962, without qualification whatsoever. It also directs you to make such adjustment in the amount of such quota as you determine necessary after taking into consideration the estimated stocks of cotton in the United States—including the qualities of such stocks—and stocks in foreign countries which would be available for the marketing year for which the quota is being proclaimed, to assure the maintenance of adequate but not excessive stocks in the United States, to provide a continuous and stable supply of the different qualities of cotton needed in the United States and in foreign cotton-consuming countries, and for purposes of national security. Then section 344 directs that the national cotton acreage allotment shall be that acreage, based upon the national average yield per acre for the 4 years immediately preceding the calendar year of the announcement, required to make available from such crop an amount of cotton equal to the national marketing quota.

I presume you will agree with me that the mounting levels of gross national product, public expenditures, and personal income are sure to make the domestic consumption of the crop year 1961 considerably higher than it was in the crop year 1960. Anticipated military purchases of cotton textiles should cause an additional increase in consumption, as also should population increase at the annual rate of about 1.7 percent.

I presume you will agree that the expansion of foreign popular buying power, resulting largely from the surge in the European and Japanese economies, will continue for several years, possibly with some moderation of the pace of it. Here too there will be the influence of military programs and population increase at perhaps an annual rate of 1.5 percent. Under these conditions, I would think you would estimate exports for the 1961 crop year at not less than those for the 1960 crop year, possibly more.

This certainly will cause you to estimate the 1962 carryover at a good deal less than the 1961 carryover.

I would see no reason to estimate consumption and exports for the 1962 crop year at less than those for the 1961 crop year. Population increase should make them greater if economic conditions continue at the same level.

If this appraisal of the background is correct, you will have to set the 1962 marketing quota at a higher level than the 1961 quota.

You are directed to make adjustments "to assure the maintenance of adequate but not excessive stocks in the United States to provide a continuous and stable supply of the different qualities of cotton needed in the United States and in foreign cotton consuming countries, and for purposes of national security."

It seems to me that the prospects are that the 1962 carryover will be a meager cushion for maintenance of normal supply to domestic and foreign mills. I am told that foreign stocks are in moderate proportion to foreign consumption. I understand there is a serious imbalance qualitywise in current supplies—an acute shortage of the cheaper qualities. I believe the law requires you to make adjustments that will give us a more adequate carryover in 1963 than we will have in 1962, plus whatever additional adjustment you may find necessary for national security purposes.

Finally, we all have the knowledge that 9.5 percent of the national acreage allotment went unplanted in 1959, 9.3 percent in 1960, and 10.6 percent in 1961. Students of this believe it reflects a progressive trend of abandonment of cotton in certain areas and that the trend has yet to run its course. My advices are that we should expect a 12 percent underplanting by 1962. This might be greater with an increased national allotment, due to the fact that areas which underplanted smaller allotments would underplant larger ones in greater proportion.

The issuance of allotments that will not be planted will not assure the maintenance of adequate stocks. Only the portion of the allotment that is planted can do this. Therefore, I consider that it is implicit in the statute that you are directed to make adjustment for the probable underplanting.

All of us who are familiar with cotton remember what happened in 1950. A very small acreage allotment had been proclaimed. This was followed by adverse weather, the outbreak of the war in Korea, and the worldwide rush by cotton mills to secure their requirements. Our Government sought to protect supplies for the domestic mills through export quotas. The effect of that was to touch off violent competition among foreign mills for cotton available from foreign sources. This drove prices of foreign cottons into the neighborhood of 80 cents and caused a rush of Mexicans, Turks, Syrians, and other foreigners into cotton growing, resulting in a tremendous and largely uneconomic expansion of foreign cotton production. It also gave great stimulus to foreign production of synthetic fibers. I believe that all who are familiar with the subject will agree with me that the events of 1950 were the greatest contributor to the plethora of cotton from which we have been emerging in the last several years.

GAS PRICES

Mr. VANIK. 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 Ohio?

There was no objection.

Mr. VANIK. Mr. Speaker, I was shocked to learn today of the intentions of Federal Power Commission Chairman Joseph C. Swidler to fix gas prices uniformly within gas-producing areas rather than continue the utility type of price regulation in which prices are based upon the cost of production in each case. It is most unfortunate that Chairman Swidler's announcement at a meeting of the Independent Natural Gas Association in Houston preempts proper deliberation by the Federal Power Commission and constitutes a complete denial of its quasi-judicial responsibility. It is regrettable that such an announcement involving hundreds of millions of dollars and millions of gas consumers should be made at a forum provided by "parties receiving the goodies" rather than in a proper public way.

Chairman Swidler was apparently overcome in Houston by the enthusiasm of the Independent Natural Gas Association which has lobbied for its "pet" approach to price regulation for a long time. The Independent Natural Gas Association is, in reality, a "front organization" for the big gas producers who now face the prospect of new profit windfalls at the expense of the gas consumer who was not even privileged to submit an argument or prepare a brief before Chairman Swidler rendered his "unofficial" opinion.

This decision will certainly reduce the caseload before the Federal Power Commission. In effect, it will divest the Commission of its regulatory functions

and establish a price-setting procedure in the gas-producing fields—thousands of miles away from the people who must foot the bill. It will be difficult to prove how the public has received any benefit from this prejudicial decision.

It is my hope that the other members of the Federal Power Commission will reject this unfair concept. Otherwise, Congress may be called upon to rewrite the Natural Gas Act or even abolish the present Commission in order to give the consumer a fair chance at decent fuel prices.

MAINTAINING AND EXPANDING AGRICULTURAL EXPORTS

Mr. BURLESON. 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 Texas?

There was no objection.

Mr. BURLESON. Mr. Speaker, maintaining and expanding agricultural exports is vital to the prosperity of agriculture and the Nation.

The value of U.S. agricultural exports reached $4.8 billion in 1960, an alltime high, and accounted for one-fourth of all U.S. exports. These exports not only contribute to the welfare of American agriculture, but aid materially in balancing U.S. international payments.

Exports already provide an outlet for one of every six of our cultivated acres—markets for one-third of our tobacco and lard; 40 percent of our cotton, soybeans, wheat, and tallow; over half of our rice; and rapidly increasing quantities of feed grains, poultry, dairy products, fruit, and vegetables, and other products.

Exports provide an outlet for over 30 percent of the U.S. production of food fats and oils. One of the largest export markets has been the Common Market in Europe, especially Germany, the Netherlands, and Belgium. In 1960 these three countries took about two-thirds of our exports of cottonseed oil and a significant percentage of soybean oil exports.

Currently these exports are being threatened by increased import restrictions as a result of the common external tariff proposed on U.S. exports by the Common Market.

American farmers, in my opinion, have generally shared the view that the Common Market, as the European Economic Community is usually known, has the laudable objective of strengthening economic and political ties among the Western European nations to make that group of countries a more dynamic force in world affairs. They generally appreciate the broad objective of the Common Market for expanding trade and raising living standards.

American farmers, however, are becoming increasingly disturbed by the attitude of the Common Market toward imports of U.S. agricultural commodities. The reports of increased restrictions on wheat and tobacco have been particularly disconcerting.

More of our farmers are disturbed since hearing that the duty on some of our principal vegetable oil products may be doubled to some of our biggest customers. Currently crude cottonseed and soybean oil to West Germany, the Netherlands, and Belgium-Luxembourg pay a duty of 5 percent. Other countries of the Common Market have higher duties. The Italian duty is 25 percent. Consequently we do not sell much oil to those other countries. I understand that in the current negotiations in Geneva, where the Common Market countries are negotiating with outside countries, including the United States, for conversion of the individual national tariffs into a single common external tariff, the nations of the Community have proposed a duty of 10 percent on our shipments of crude vegetable oil. There is no doubt that doubling the duty would seriously hurt our exports. The duty on refined oil, I understand, would be raised, according to the proposal, from about 10 percent as it is now in Germany, the Netherlands, and Belgium-Luxembourg to 15 percent. This is an increase of 50 percent. That is not as much as a 100-percent increase in the case of crude oil, but it is still enormous. It certainly will also have the effect of sharply reducing our exports.

I hope that the nations of the Common Market will reconsider their position and offer a common tariff on our cottonseed and soybean oil which will be more realistic and more nearly in line with the present duties in Germany, the Netherlands, and Belgium. I think our negotiators at Geneva should be resolute on this point. Certainly if the countries of Western Europe want to maintain strong ties with the United States, and if they want to continue to sell their products in this market, they should not take such stringent action against U.S. products into their markets. I am sure that the agricultural community supports this plea for fair treatment by the Common Market on our agricultural exports.

COMMUNISTS IN GOVERNMENT?

Mr. WALTER. 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 Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker this bill is patterned after the California statute which was recently held valid by the U.S. Supreme Court in the case of *Nelson and Globe* v. *County of Los Angeles* (362 U.S. 1); and *Konigsberg* v. *State Bar* (366 U.S. 36).

As chairman of the Committee on Un-American Activities, I am frequently asked this question: "Are there Communists now in the Government?" The only answer I can give is that, under the present procedures and the decisions of the Supreme Court, the Committee on Un-American Activities is hampered in finding out whether or not there are Communists in Government, although we know that since the 1956 decision of the Supreme Court in *Cole* v. *Young* (351 U.S. 536), 109 employees of the Federal Government had been dismissed as security risks, but as of April 24, 1959, 74 had been restored to their previous employment, including employment in agencies such as the Air Force, the Army, and the Navy. Incidentally, the back pay awarded to these security risks amounted to $579,656.55.

It will be recalled in Cole against Young that the Supreme Court ruled that an employee of the Federal Government could not be dismissed under the Summary Suspension Act in the interest of the national security unless he occupied what the court described as a "sensitive position." In the dissenting opinion in Cole against Young Mr. Justice Clark stated as follows:

> One never knows just which job is sensitive. The janitor might prove to be in as important a spot securitywise as the top employee in the building.

In a Smith Act prosecution—United States against Fujimoto—in the State—then Territory—of Hawaii, 1953, in which Jack Hall, regional director of the ILWU—Harry Bridges' union—and others were convicted, and their conviction reversed when the Supreme Court decided *United States* v. *Yates* (354 U.S. 298), one witness, an FBI undercover agent, was the night elevator operator in the building in which the Communist Party of California had its headquarters. It was her duty to collect all the waste paper from the headquarters and put the discarded papers in a receptacle for waste paper, which would be subsequently picked up by the agents of the FBI, evaluated and analyzed.

As chairman of the Committee on Un-American Activities, I have repeatedly attempted to procure from the executive agencies identifying information on the security risks who have been restored to Government service, but this information has been adamantly refused by the executive agencies concerned.

In Nelson and Globe against County of Los Angeles, the Supreme Court held valid a provision of the California code which made it a duty of any public employee, when summoned before a government agency, to give information of which he was possessed on Communist and other subversive activity. The California code provides for dismissal of any such public employee who fails or refuses to appear, or to answer the questions propounded, on the ground of insubordination.

In sustaining the validity of the California statute, the court found that, notwithstanding the public employee's invocation of the fifth amendment, his refusal to reply to the questions propounded was sufficient basis for his discharge.

In Konigsberg against State Bar, the witness invoked the 1st and 14th amendments in refusing to answer the question whether or not he was or ever had been a member of the Communist Party. These questions were pertinent so that the State bar examiners could further their investigation as to the qualifications of the applicant to be admitted to practice law in the State of California. The Supreme Court held that the bar association could not perform its duty since the petitioner had refused to answer relevant questions.

The text of the bill follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 2. The Subversive Activities Control Act of 1950 (64 Stat. 989) is amended by inserting immediately after section 3 thereof, the following new section:

"DUTY OF FEDERAL EMPLOYEES TO TESTIFY AS TO COMMUNIST ACTIVITIES AND NATIONAL SECURITY

"SEC. 3A. (a) It shall be the duty of any officer or employee of the Government who may be subpenaed or ordered to appear before any Federal agency to appear before such agency and to answer under oath any question concerning (1) the membership of such officer or employee, or any other individual, in the Communist Party, (2) the activities of such officer or employee, or any other individual, as a member of the Communist Party, (3) the participation of such officer or employee, or any other individual, in activities conducted by or under the direction of the Communist Party or any member thereof, and (4) any other behavior, activities, or associations relating to the suitability of such officer or employee to hold his position as such officer or employee, including:

"(A) any behavior, activities, or associations which tend to show that such officer or employee is not reliable or trustworthy;

"(B) any deliberate misrepresentations, falsifications, or omission of material facts in connection with an application for employment as such officer or employee;

"(C) any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion by such officer or employee;

"(D) any adjudication of insanity with respect to, or treatment for serious mental or neurological disorder, of such officer or employee; and

"(E) any facts which furnish reason to believe that such officer or employee may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security.

"(b) Any officer or employee of the Government who willfully fails or refuses to appear or to answer under oath on any ground whatsoever any question referred to in subsection (a), or who makes false statments in answering any such question, shall be guilty of insubordination and shall be removed from his office or employment in the manner provided by law.

"(c) As used in this section—

"(1) the term 'national security' relates to the protection and preservation of the military, economic, and productive strength of the United States, including the security of the Government in domestic and foreign affairs, against, or from espionage, sabotage and subversion, and any and all other (illegal) acts designed to weaken or destroy the United States;

"(2) the term 'officer or employee of the Government' means—

"(A) an officer or employee in or under the legislative, executive, or judicial branch of the Government of the United States;

"(B) an officer or employee of the Government of the District of Columbia; and

"(C) a member of the Armed Forces, the Coast and Geodetic Survey, or the Public Health Service;

"(3) the term 'Federal agency' means any department, independent establishment, or other agency or instrumentality of the legislative, executive, or judicial branch of the Government of the United States; and

"(4) the term 'Communist Party' means the Communist Party of the United States, or any successors of such party regardless of the assumed name, whose object or purpose is to overthrow the Government of the United States, or the government of any State, District, Commonwealth, or possession thereof, or the government of any political subdivision therein, by force and violence, and includes subsidiary organizations of such party."

FOREIGN POLICY

Mrs. KELLY. 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 gentlewoman from New York?

There was no objection.

Mrs. KELLY. Mr. Speaker, the rumblings of far-off events; the news in the headlines; the problems at the United Nations; the Red Communist invasion in South Vietnam and the ever-widening cracks in the very surface of this sick earth make it abundantly clear that the time is out of joint and that, if we are to survive for long, the time is likewise due for a serious reappraisal of our foreign policy. Indeed such a reappraisal is a basic necessity to the continued existence of freedom, liberty and what we know as civilization.

Time out of mind I have stood here in the well of the House as a voice crying in the wilderness. I have long and bitterly opposed aid to Tito, support of neutralism as a concept and toleration of the ungodly puppet slave regimes of the satellites. My voice has been unheeded.

My purpose today however is not to assume the stance of "I told you so" nor is it to raise a clamor against the administration or for that matter even against Tito, neutralism or the satellites. Rather, it is to call for a somber and reflective reappraisal in the State Department and in the seats of power of the fundamentals and of the goals of our foreign policy.

In the late forties and early fifties, a former administration followed the policy of being firm against the satellites and of doing all that was within reason and within decency to bring about the collapse of those regimes in Eastern Europe which could not exist for one day without the support of Russian bayonets. It was not a wild policy of liberation, when we knew that abortive efforts to revolt would only lead to a blood bath and the loss of hopeless and innocent lives. It was, however, a policy which had as its purpose the support of the U.S. Government for the aspirations of the slave peoples for liberty and freedom. It did however encourage resistance to the Russian tyranny.

During the midfifties, we moved from this position to the far end of the spectrum and actively and openly supported a program of resistance and revolt in the satellites. To our everlasting shame, we were unwilling to support our words with our deeds when the inevitable catacylsm of Hungary followed as a result of our promises. I am sure most of the world believed that we had lost our nerve when we stood abjectly and shamefacedly by as the Russian tanks rumbled over the remnants of liberty in Hungary.

Inexplicably—perhaps as a result of our shame and perhaps as a result of our being lulled into a sense of false security—we then shifted toward the opposite end of the spectrum in our attitude and policy toward the satellites. The policy of "liberation" became a policy of live and let live. Indeed, we have given substantial quantities of aid to at least one of the satellites.

I say that the time has now come for a change in this policy and that if the Russians and Red Chinese are going to meddle in the affairs of the free world and if the Communists are permitted to stir up trouble in three-fourths of the world, they should be served quiet but firm notice that the United States is not going to stand idly by. We should make it abundantly clear to the people of the satellites that the United States has not forgotten them and that it is our firm determination that when the day arrives, they shall be free.

It is not a policy of "liberation" but rather one of supporting the legitimate and devout aspirations of the people of eastern and central Europe to be free in their persons, in their homes and in their beliefs. The same holds true for the puppets of the Red Chinese monster. Everywhere subjugated people should be made aware that they have the full and firm support of the United States in their yearnings for freedom from foreign domination.

It is rather ironic that we have fanned the flames of freedom in the colonial area to our own detriment while at the same time maintaining silence with respect to the imprisoned peoples under the Communist lash. I say that the time has come to make it abundantly clear to the Communists, not by public proclamation but by soft word and firm deed, that they can no longer count on our neutrality, vis-a-vis the satellites and puppet regimes.

The time has also come for reappraisal in our policy toward neutralism. Again the pendulum has swung back and forth and, again, the rest of the world has come to believe that we will hand out our bounty regardless of the recipients' actions. I do not denounce neutralism. I firmly believe that every nation has the right to be neutral. I cannot agree with their decision but I admit their right. I do, however, denounce neutralism of the cynical variety which says, "I am neutral," but then supports one side of a dispute. Such an attitude is despicable. In such cases, I see no reason whatsoever for the United States to actively support such governments.

Everyone has a right to be neutral but he does not have the right to call on the U.S. taxpayer for support of his government. We cannot buy the support of the rest of the world and we should not try. On the other hand, we do have a number of stanch and true friends throughout the world. Where their governments are with us, I say we should support them to the maximum extent of our means and our resources.

In like manner, however, I am convinced that we should not support the governments of those so-called neutrals who are against us. I am not thereby advocating a withdrawal of technical assistance or the type of assistance which extends and reaches directly to the people of those countries, but I am advo-

cating that we should not expend one cent which would tend to support the government of such nations, nor would I waste our taxpayer's funds in developmental programs for such false neutral governments.

If there is any doubt as to which countries should be included in this classification, let those governments evaluate their own policies and statements. It was indeed heartening that the President himself has heralded a shift in this direction. The time has come when we must once again make it clear that we will support our friends and oppose our enemies.

The above comments are especially pertinent to Mr. Tito. We have poured our treasure into this country. We have lifted the standard of living of his people. We have supported him in his foreign policy contests, yet he turns his back on us in a crisis and embraces the Russian bear. I have said much previously in this House concerning our policy toward Yugoslavia. I need only say that every word I have spoken on this subject is coming true. I think it is abundantly clear that we should at this time inform Mr. Tito that our aid will no longer be forthcoming.

Mr. Speaker, I am not responsible for the making of the foreign policy of the United States, but devoutly hope that the words which I have spoken here will have some small impact on the course of our foreign policy and thus, on the course of civilization.

THE LATE SID SIMPSON

Mr. MACK. 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 Illinois?

There was no objection.

Mr. MACK. Mr. Speaker, I have today introduced a bill to authorize a change in the name of the Beardstown, Ill., flood control project to the Sid Simpson-Beardstown flood control project.

As all of my colleagues know, the late Sid Simpson served eight terms in the Congress as Representative of the 20th District of Illinois and was beloved by his colleagues on both sides of the aisle. Many of them, I am sure, will remember that today is his 67th anniversary of his birth.

Although Sid Simpson was not a member of my party, I considered him a close personal friend and will always be grateful for the many kindnesses which he showed to me from the time that I first entered the Congress in 1949.

At the time that I was a freshman Member in the 81st Congress Sid Simpson was entering upon his 4th term and already was held in high esteem for his sagacity, his integrity, and the faithfulness with which he pursued his congressional duties.

Despite the difference in our politics he was the first Member of this House to counsel me when I arrived in Washington and to advise me on the operation of my congressional office. He was a lifelong friend of my father and, by a sad coincidence, his death preceded that of my father by only 2 weeks.

A mark of the esteem in which Sid Simpson was held by the people of his district is a fact that following his unexpected death during the congressional campaign of 1958, the Republican leaders of his district insisted that his wife, Edna Oakes Simpson, accept the party's nomination as her husband's successor.

Much against her personal desire and inclination, Mrs. Simpson accepted the nomination, was elected by a large majority and served with distinction as a Member of the 86th Congress.

Another indication of the high regard held by the people of the 20th District for Sid Simpson and his family is that until his election in 1942 to the 78th Congress this district had been represented by Democrats for many years.

Among his distinguished Democratic predecessors were Henry T. Rainey, who served as Speaker of this House in 1933–34; Scott W. Lucas, later to become majority leader of the Senate; and James M. Barnes, a valued White House aid to President Franklin D. Roosevelt following his congressional service.

Sid Simpson was born on September 20, 1894, in Carrollton, Greene County, Ill., which was also the hometown of the late Speaker Rainey.

Congressman Simpson was educated in the public schools of Carrollton and served overseas with the American Expeditionary Force during the First World War. Like my father, he was one of central Illinois' automotive pioneers, having been in the automobile business in Carrollton for almost 40 years. During all this time he took an active interest in political affairs and served for almost 30 years as chairman of the Greene County Republican Committee.

At the time of his death, Mr. Simpson was a ranking minority member of the House Committee on Agriculture and had previously served as ranking member and chairman of the District of Columbia Committee. He realized that conservation of this country's soil and water resources is essential to our progress as a nation. He sponsored legislation establishing the Sny Island Drainage and Levy District along the Mississippi River bordering his district. He also sponsored construction of the Beardstown flood wall, which would be named in his memory under the bill which I introduced today.

The Beardstown flood wall extends along the west bank of the Illinois River in Cass County, Ill., about 70 miles below Peoria. Congressman Simpson obtained congressional authorization for this project in the Flood Control Act of 1950. Federal appropriations for the project to the beginning of the present fiscal year totaled $3,600,000 and the Public Works appropriation bill which was passed earlier this week carried an additional $700,000, leaving $1,230,000 needed to complete the flood wall.

Beardstown is the site of many historic and tragic floods which have taken lives, destroyed property, and ruined crops. The Beardstown flood wall, for which Sid Simpson fought so earnestly, will provide protection for Beardstown population of approximately 6,700 persons and for 15,000 acres of surrounding farm lands.

Army Engineers have estimated that, without this flood wall, a flood of the magnitude of the one which devastated the area in 1943 would, under present conditions, cause $10 million damages.

I hope and trust, therefore, that my bill to commemorate our departed colleague by bestowing his name on a project which came into being through his efforts, will have the full support of all Members of the House regardless of their political affiliation.

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

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

Mr. ALBERT. It is most appropriate that the gentleman is seeking to give our late beloved colleague this honor. I served on the Committee on Agriculture with Sid Simpson for many years. Both he and Mrs. Simpson were close personal friends of mine during their service here, and I congratulate the gentleman upon the action he is taking in this connection.

Mr. MACK. I thank the gentleman.

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

Mr. MACK. I yield to the gentleman from Illinois.

Mr. PRICE. Mr. Speaker, I also want to commend the gentleman for this consideration and tribute to one of our former colleagues. Sid Simpson and I were close personal friends. I made many trips back and forth to and from Illinois with Sid Simpson. I wish to join the gentleman in the sponsorship of this proposal. Sid Simpson's work is worthy of such recognition.

Mr. MACK. I will be very happy to have the gentleman join me in the introduction of this bill.

Mr. FINDLEY. Mr. Speaker, I wish to support the proposal by the gentleman from Illinois paying proper tribute to the effective work of the late Congressman Sid Simpson in helping to bring about the flood control project at Beardstown.

It would be entirely fitting to change the name as suggested. It is my privilege to represent the district which Mr. Simpson served with such distinction for 16 years. It has also been my privilege to follow through with some of the final details involved in completion of the Beardstown project, including the addition of some much-needed pumping equipment.

Identifying the Simpson name with the Beardstown project, is not only fitting, it is entirely proper.

It is also my privilege to follow the late Mr. Simpson on the Committee on Agriculture, where he left a vast reservoir of good will.

FEDERAL INTERVENTION TO COMPETE WITH PRIVATE FINANCING IN MUNICIPAL BOND OFFERINGS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. DEVINE] is recognized for 30 minutes.

Mr. DEVINE. Mr. Speaker, when Congress recently considered the omnibus housing bill, a number of us protested against many of its provisions. I for one, however, never anticipated the results that apparently have come about if the offering of municipal sewer revenue bonds of the city of Charleston, W. Va., is any indication. I feel the Banking and Currency Committee and Congress collectively should realize the extent of governmental interference into private fields which has resulted from this legislation.

The city of Charleston, W. Va., advertised $4 million worth of sewer revenue bonds on July 17, 1961. The bid-opening date was 11 o'clock a.m., July 31, 1961, and seven investment syndicates bid on this offering. The First Boston Corp. account with 13 investment banking firms was the successful bidder with a net interest cost of 3.9453 percent. All seven bids were rejected when the following events occurred. I feel it best to present the letter of the mayor of Charleston, giving the sequence of events:

At 11 a.m. on Monday, July 31, a committee of the city council together with the mayor, ex officio chairman of the sanitary board, and two members of the board, met in the council chambers of the city building to open bids on the sewer revenue bonds, pursuant to notice of sale. Seven sealed bids were presented to the mayor, who presided as chairman.

Up to this time neither the mayor nor any member of the council or the sanitary board had any notion that any governmental agency was interested in buying the bonds or lending the money to the city. There had been no contact of any character with any governmental agency relative to the subject.

At about the time the bids were being opened at approximately 11:10 a.m., word was passed on to the mayor and a sanitary board member that a representative of some governmental agency was present in the room and that he had represented to some person or persons that the Government agency represented by him was in a position to lend the $4 million to the city of Charleston at an average interest rate of 3⅝ percent.

The bids were promptly opened and tabulated. A lower bid was submitted by the First Boston Corp. at an average interest cost of 3.9453 percent. In order to verify accuracy of the computations in the bids and to ascertain the identity of the Government representative present and to learn from him the facts as to whether or not Government money was available at 3⅝ percent or at any rate less than the lowest bid received, the sanitary board adjourned to the mayor's office. The Government representative was invited to be present. He turned out to be Mr. Hummel, with whom the mayor was acquainted, but whose Government connection was unknown to the mayor. He explained that he was the West Virginia representative of the Community Facilities Administration. He stated that he had learned just that day that the Community Facilities Administration was in a position to purchase the $4 million revenue bonds at an interest rate of 3⅝ percent. He advised that in order to take advantage of this it would be necessary to readvertise for bids. He suggested that the mayor telephone the Philadelphia office of the Community Facilities Administration for verification. The mayor promptly called the Philadelphia office and at approximately 1 p.m., e.s.t., the mayor talked with Mr. Doidge of that office. Mr. Doidge advised that because Charleston had been designated as a disaster area, the money would be available at 3⅜ percent. He said that he would send a representative to Charleston immediately. The representative is scheduled to arrive in Charleston at 11:30 a.m., Thursday, August 3. As the mayor and the sanitary board understand it, this representative will be qualified and authorized to explain all the details of the procedure by which the $4 million would be made available to the city at an interest rate of 3⅜ percent.

In view of these representations by representatives of the Community Facilities Administration, the mayor, the council committee, and the sanitary board were of the unanimous opinion that they had no choice other than to reject all of the bids submitted. Since it was uncertain and is still uncertain, whether the requirements of the Community Facilities Administration can be complied with by the city, the city council and the sanitary board were of the opinion to recommend rejection of all bids on the broad ground that it was hoped readvertising would result in an interest rate more favorable to the city. It was so recommended to the council and the latter at its meeting held at 8 p.m. on the evening of July 31 followed the recommendation and rejected all of the bids submitted at 11 a.m. on that day.

This is the way the matter stands at this moment, 2 p.m. Wednesday, August 2. Mr. Jack Lincoln, representative of the Federal HHFA is expected to be in the office of the mayor of the city of Charleston shortly after 11:30 a.m. on August 3.

After the letter was issued, the Community Facilities Administration made a release clarifying the situation. Their release follows:

WASHINGTON, August 7.—The confusion arising out of the rejection of all bids on a $4 million city of Charleston sewer revenue bonds on July 31 appeared to have been dispelled today with a statement by the Community Facilities Administration.

The CFA statement, coupled with that given to the bond buyer yesterday by Mayor John A. Shanklin of Charleston, seems to indicate that the misunderstanding was one of semantic differences and that none of the parties involved was engaged in the usurpation of the prerogatives of any other.

The clarifying statement from the CFA which, in the main, dovetails with Mr. Shanklin's, follows:

"Community Facilities Administration sent Mr. R. S. Hummel, its West Virginia field engineer, to Charleston to assist the city in coping with problems which caused major damage and led to the declaration by President Kennedy of a state of emergency.

"Prior to the opening of the bids on the bonds, Mr. Hummel was working with the city's disaster director, R. L. Stubblefield, on estimating the probable cost of replacements of the destroyed sewer lines and other public facilities. Mr. Hummel mentioned to Mr. Stubblefield that this was a type of construction that has in the past qualified for public facility funds.

"The discussion naturally turned to the rate of interest, and Mr. Hummel told Mr. Stubblefield that the rate was 3⅝ percent and that in areas designated for area development the rate was 3⅜ percent. Mr. Hummel suggested that this rate be checked with the regional office of HHFA in Philadelphia. Mr. Stubblefield promptly passed this information to Mayor Shanklin. The mayor checked by phone with the Philadelphia office and confirmed the information regarding rates that had been given to Mr. Stubblefield by Mr. Hummel. It should be noted here that the discussion here was about new replacement needs and not related to the bond issue for which bids had already been solicited.

"With the information given him by Mr. Stubblefield, the mayor must have questioned the wisdom of accepting a bid of 3.94 [sic] percent when a public facility loan might be available at a lower rate. However, this was surely his own decision and was not urged upon him in any way by any spokesman of the CFA.

"It is not and never has been the policy of the CFA to solicit applications. When inquiries are made, we respond promptly and advise of any aid which has been authorized and which we are in a position to supply."

Several points seem to need more clarification when this letter is compared to other correspondence from Charleston officials. For example, the first quoted paragraph in the CFA letter refers to major damage in the city of Charleston. Under date of July 22, 1961, the mayor of Charleston replied to some inquiries regarding major damage in this way:

It has come to my attention that certain reports of the water damage suffered in and near the city of Charleston on Wednesday, July 19, may have created some apprehension in the municipal bond market as to the soundness of the sewer revenue bonds which the city has advertised for sale on July 31.

If such fears exist, they are groundless. The rainfall on Wednesday night came with such tragic suddenness that approximately 20 persons unfortunately lost their lives. Also a number of small homes in narrow creek bottoms were damaged or destroyed, but so far as the city sewer system and its revenues are concerned the loss is relatively small. In the first place, by far the greater amount of the property damage occurred in outlying sections beyond the city limits and outside of the area served by the city's sewers. Moreover, most of the damage is above ground, not to the sewers or other underground installations.

I am advised that, because most of the houses destroyed are outside the area served by city sewers, the reduction in sewer revenues will not exceed one-fourth of 1 percent of the total revenues from the system. Moreover, such reduction as results probably will be temporary and, based upon recent experience, will be more than compensated for by the constantly growing number of homes and business structures served by the Charleston sewer system.

For the reasons aforesaid, it can be said without reservation that there is no basis for apprehension that the ability of the city of Charleston to meet the obligations of the sewer revenue bonds to be sold on July 31 will be impaired.

You are at liberty to use this letter in any way you may deem proper.

Further, it appears that the CFA denies the allegation that Government funds were to be supplied in lieu of the private financing and further "this was surely his own decision and was not urged upon him in any way by any spokesman of the CFA." This is indeed a question of sematics when you reread the mayor's statement regarding the circumstances. For example, "he had just learned that the CFA was in a position to purchase $4 million revenue bonds" and "in order to take advantage of this it would be necessary to readvertise for bids" and "the mayor promptly called the Philadelphia office—and the money would be available at 3⅜ percent." The further understanding as expressed by the mayor was "this representative will be qualified and authorized to explain

all the details of the procedure by which the $4 million would be available to the city."

The only logical conclusion I can reach is that representatives of the CFA did directly interfere into the bond offering and as a result of their statements effectively stopped the award of the bid. I am particularly disturbed at this in view of the standing the city of Charleston has for municipal offerings. It has an AA rating and, as witnessed here, seven private financing groups were willing and able to provide the money.

If anyone has other information on this particular offering, I would certainly appreciate receiving it, otherwise, I feel this procedure, as conducted by the Community Facilities Administration, is so contrary to the intent of Congress that remedial action should be taken immediately. It is inconceivable to me why the Federal Government should actively compete with private financing, especially where the financing has for all intents and purposes been secured.

Further, the Government proposes to lend at 3⅜ percent for bonds running to the year 2000 and I wonder where the Federal Government will borrow at this rate to loan this money?

The committee report of June 1, 1961, on pages 56 and 57, when read in the light of the above, is most interesting.

MAJ. GEN. EDWIN A. WALKER

Mr. DEVINE. Mr. Speaker, the second portion of my special order has to do with the case of Maj. Gen. Edwin A. Walker.

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

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

Mr. ROUSSELOT. I thank the gentleman for yielding to me.

Mr. Speaker, I rise to associate myself with the remarks of the gentleman from Ohio [Mr. DEVINE]. The gentleman from Ohio is to be complimented for again taking the floor and so clearly pointing out the need for a full investigation of the rigid control that has now been placed on discussion of communism by military personnel.

General Walker's particular case is more than appropriate to discuss today, not only because the Senate Armed Services Committee just a few minutes ago agreed to conduct a full investigation of this particular problem but also because the injustice done to General Walker for some of the statements that he has made in private life is a clear-cut example of the cloud of secrecy that surrounds this whole problem.

I have received thousands of letters from my constituents and citizens of California and other parts of the country who have been tremendously concerned with this policy of control that has muzzled military personnel as a result of the memorandum recently issued by Assistant Secretary of Defense Arthur Sylvester. The policy enunciated in this memorandum is not the entire responsibility of the Assistant Secretary of Defense. The responsibility for this policy and all of the ramifications that have followed must be shared by Secretary of Defense McNamara, President Kennedy, and the gentleman from Arkansas [Mr. FULBRIGHT] who originated the idea of disallowing discussion of rightwing ideas within the military.

I share the satisfaction the gentleman has indicated today in learning that the Senate Armed Services Committee has decided to conduct a full public hearing so that the American people can for themselves learn of the so-called violations of which General Walker and many other military personnel have been accused in giving improper information to their troops.

The fight against communism, as all of us know, is a psychological one as well as a military one. Socialism and communism have a great deal in common ideologically and, if our generals are prevented from showing the relationships between these ideologies, then our troops will not understand our enemy and the threat it poses to our free system of constitutional government.

Again, let me compliment the gentleman from Ohio in his usual precise manner in presenting these facts to the Congress so that we can be fully apprised of the implications of the muzzling of the military personnel that is now occurring.

Mr. DEVINE. Mr. Speaker, on the 17th day of August this year, I spoke before this House and rather comprehensively outlined the entire situation relative to the so-called fiasco involving Maj. Gen. Edwin A. Walker, commanding general of the 24th Infantry Division in Europe.

As many of the Members will recall, General Walker is an outstanding patriot and has a magnificent record as a combat soldier. He was relieved of his command prior to any investigation as a result of certain charges that had been made against him by a "yellow" tabloid sheet, the Overseas Weekly, a certain publication that is referred to by many servicemen in much less friendly terms.

I was one of a number of Members of this body who demanded an investigation of this entire General Walker situation, not because he was right or because he was wrong, but because we felt we had a right to know the facts. The American people have written thousands of letters to Members of Congress demanding a hearing for the general.

I might say to the Members of the House who have not yet received the information that the Armed Services Committee of the other body not long ago—a few hours ago as a matter of fact—authorized a full-scale hearing in connection with the General Walker case.

We hope that his case will not be prejudged, and I say that advisedly, because it has been reported to me that the chairman of the Committee on Armed Services in the other body, the senior Member from the State of Georgia, is quoted as saying that this is "a tempest in a teapot." I think that is a most unfortunate remark if, in fact, the gentleman did say that. And I think it is ridiculous to launch a full-scale investigation if they have already decided to prejudge it. We all know that the Secretary of Defense, the Honorable Robert McNamara, testified before that committee for several days and left a number of inferences.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. There are reports to the effect that certain information was given to the men, those voting by absentee ballot in Germany, as to whom they should cull out and vote for for Members of the Congress. Are you acquainted with that accusation?

Mr. DEVINE. I am acquainted with the remarks that the Secretary of Defense made before the Committee on Armed Services, in which he referred to the fact that this investigation is supposed to have indicated that the general, in response to requests, suggested that persons refer to the Americans for Constitutional Action index in determining for whom they should vote in the House or the Senate.

Mr. ROGERS of Colorado. Do I understand you to say that that was in response to a request by the men to the general as to guidance as to whom they should vote for in the Congress that caused him to act?

Mr. DEVINE. That is the understanding I received from the newspaper reports and from the testimony of the Secretary of Defense before the committee of the Senate.

Mr. ROGERS of Colorado. You are convinced, then, that the Secretary, when he reported that that is what he found, was not reporting to the Senate correctly; is that what you say?

Mr. DEVINE. No; I am not convinced. I am pointing out that certainly there is a need for a full-scale hearing in this matter. There have been many reports that the general was relieved of his command because it was reported that he had made certain injudicious remarks. Then when McNamara testified before the Senate committee he changed that, and he said no; he was relieved from duty because he was in violation of the Hatch Act; and then there was a complete change of attack. And I say the American public is entitled to know. Maybe the general was wrong, but let him have his day in court.

Mr. ROGERS of Colorado. I understood, when you started a moment ago, that you had appeared in the well of the House on the 17th of August.

Mr. DEVINE. That is correct.

Mr. ROGERS of Colorado. And that you were familiar with the accusations and the action taken concerning General Walker.

Mr. DEVINE. I was very familiar with the accusation, but none of us at that point, on the 17th day of August, were able to get anything out of the Defense Department except a letter which said, as I quoted, he had made certain injudicious remarks.

Mr. ROGERS of Colorado. Well, have you any information contrary to what the Secretary of Defense, Mr. McNamara, told the Senate investigating committee?

Mr. DEVINE. Yes. I may say that I received some information unofficially

that I am not at liberty to present to the House at this point. The Army did release what purports to be a digest of the investigation conducted by the Army, and I have had an opportunity to see that. This is a digest of 76 pages of a 992-page report.

Mr. ROGERS of Colorado. Is this information you have of a confidential nature that you cannot inform the Members of the House what it is?

Mr. DEVINE. Yes, it certainly is, because it was sent to me in confidence by a member of the military, and I, of course, would respect that confidence.

Mr. ROGERS of Colorado. Do I understand that you have approached a military man who has given you secrets and that you have promised not to reveal them?

Mr. DEVINE. No; no inference of any nature should be attached to those remarks. This information was sent to me voluntarily relating to this particular question, and in no case relates to military security.

Mr. ROGERS of Colorado. If it was sent voluntarily, how do you now classify it that you cannot inform the House?

Mr. DEVINE. Because the gentleman requested that his remarks be retained in confidence, and I am respecting that request, as I am sure the gentleman would.

Mr. ROGERS of Colorado. Is he a member of the investigating committee of the Senate or a member of the investigating committee of the Armed Forces?

Mr. DEVINE. No, he is not.

Mr. ROGERS of Colorado. Has he any connection whatsoever with the Federal Government?

Mr. DEVINE. I would say to the gentleman that he is a member of the military service.

Mr. ROGERS of Colorado. A member of the military service?

Mr. DEVINE. That is correct.

Mr. ROGERS of Colorado. And as such has purloined certain information?

Mr. DEVINE. No. The gentleman cannot put words in my mouth. The gentleman misinterprets what I said. I said I have received information from a person that was not related to this particular case.

Mr. ROGERS of Colorado. A high-ranking officer of the Defense Department, or a high-ranking military officer?

The gentleman says he was given some information in confidence from some man in the military service?

Mr. DEVINE. That is correct.

Mr. ROGERS of Colorado. And is he of high rank?

Mr. DEVINE. I am not in a position to reveal that at this time.

Mr. ROGERS of Colorado. Why is the gentleman willing to accept this report at its face value?

Mr. DEVINE. Again, I am not accepting the report. I am saying to the gentleman—and I wish to make it again clear—that I have requested an investigation, and other Members have requested an investigation, so the true facts can come out. I get a number of facts, and other people do. Let us have a full hearing so that the general has his day in court, and so that he is permitted to give the facts.

Mr. O'KONSKI. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Wisconsin.

Mr. O'KONSKI. Does the gentleman or any Member of the House know if General Walker has ever been given an opportunity to answer this report of this man Brown before the investigation was made? Does the gentleman know of any opportunity that has ever been given to General Walker to answer the report of this man Brown—one man's opinion?

Mr. DEVINE. That opportunity, I understand, has just been given for the first time today, when this committee of the Senate agreed to hold public hearings. My understanding is that the general is now on his way back to the United States, and that he is going to employ civil counsel in order to present his side of the story.

Mr. O'KONSKI. Does the gentleman not think it is a very sad reflection on Members of Congress and other people to condemn General Walker before he is given an opportunity to answer for himself?

Mr. DEVINE. The gentleman from Wisconsin has struck at the very core of this whole inquiry. The man should have a right to be heard, and to tell his side of the story. Maybe he is wrong, but let us find out.

Mr. O'KONSKI. If the gentleman will yield further, if the military gets by with this—and I would like to interject one more thing: the 32d Division of Wisconsin was called up yesterday and, naturally, I had several calls asking how various members of that division could be deferred from reporting to active duty. This is the report I gave to one of the people who called. I asked him if he really wanted to get out. He said that he did. I said "You go get a film of 'Operation Abolition' and compel the members of your National Guard to hear it, and to watch it. After you see the film, get up and say some nasty remarks about communism and have somebody report you to the Pentagon, and you will not report to active duty."

Mr. DEVINE. I thank the gentleman.

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

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

Mr. ROUSSELOT. I thank the gentleman from Ohio for yielding and I wish to compliment the gentleman from Colorado [Mr. ROGERS] for bringing out a very important point in the issue before us now. It is that the gentleman from Ohio [Mr. DEVINE] cannot reveal the names of the people who have come to him from the military, because the memorandum that was issued by the Assistant Secretary of Defense has scared many of these people from even discussing this issue.

Mr. Speaker, I, too, have in my files many letters and personal communications from military personnel who reside and vote in my district advising that because of the recent issuance of this particular memorandum curtailing discussion concerning certain kinds of information on communism they fear that if they come forward with any information, their positions will be jeopardized.

Mr. Speaker, I compliment the gentleman from Colorado [Mr. ROGERS] for bringing this point out. It is a very important point. I also commend the gentleman from Ohio [Mr. DEVINE] for taking the time to explore further this very bad situation now confronting military personnel.

Mr. DEVINE. I think the gentleman will recall that yesterday on the wire out in the Speaker's lobby it was indicated that two members of the military on the west coast have been relieved of their command, or demoted, for having shown the film, "Operation Abolition."

Mr. ROUSSELOT. Today, there is a tremendous fear among military personnel about saying anything on the subject of communism or of showing the film, "Operation Abolition," which was produced under the direction of a committee of the U.S. Congress. These people fear they will be dismissed or downgraded for this kind of action.

Again I compliment the gentleman from Ohio for bringing this matter to the attention of the House.

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

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

Mr. GROSS. The gentleman from Colorado [Mr. ROGERS] raised the question, How does certain information get around? Or, How did the gentleman get certain information? I want the gentleman to bear with me while I read a story that came off the United Press International wire today with respect to eavesdropping.

WASHINGTON.—House investigators told Government callers today that although "Big Brother may not be watching you, his secretary probably is listening in on your telephone calls."

The House report said a large majority of Federal agencies permit telephone eavesdropping. It recommended a complete ban on telephone monitoring by Government officials unless there is an advance warning to the person on the other end of the line.

The conclusions and recommendations were made by the House Government Information Subcommittee after an investigation of the telephone practices of 37 Government agencies.

The subcommittee said 33 of the agencies questioned permitted telephone monitoring, 21 had no regulations on the subject and 17 required no advance warning.

The report also said an initial check indicated many thousands of dollars a year are spent on listening-in devices which allow secretaries to secretly come on the line and take notes.

It quoted the General Services Administration as saying there were 876 such devices installed on telephones connected to GSA-operated switchboards.

A subcommittee spokesman, asked for a breakdown on where the listening gadgets were located, said the White House had 5, the Peace Corps 40—

The permanent law for the Peace Corps apparently still has not been signed—

the Budget Bureau 57, the Civil Rights Commission 1, and the President's science adviser 5.

The report said telephone eavesdropping should be banned and all types of listening in should be tightly controlled by clear regulations which, at the very minimum, require Government officials to warn callers of telephone monitoring.

"When this is done," it said, "it is unlikely the Government will have to run up a monthly telephone bill for secret snooping devices to permit telephone eavesdropping."

Mr. Speaker, I want to commend the gentleman for his statement this afternoon and thank him for yielding to me to put this in the RECORD.

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

Mr. DEVINE. I yield to the gentleman.

Mr. ASHBROOK. I, too, want to commend my colleague for his work in this important area. I know he took the lead on it and is following through. It is our hope, those of us in this body who want full information and who want some check, if it is at all possible, on what is going on as far as muzzling of the military is concerned, that we will be taking the lead on this. He is doing a fine job. It is important that we keep away from partisanship or rancor in this particular investigation. I know that I have been particularly glad to see that it has not been a partisan issue, that in fact a great amount of effort has been put forth, in addition to those of the gentleman from Ohio, by Members of the other party.

Mr. DEVINE. That is correct. I would like specifically to point out that the junior Senator from South Carolina has been quite active in this overall picture of the muzzling of the military. Also, in this body, the gentleman from Florida [Mr. HALEY], the gentleman from Arkansas [Mr. ALFORD], the gentleman from Texas [Mr. FISHER]—quite a number from both sides of the aisle. This is not a partisan issue.

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

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

Mr. HALEY. I think the silencing or the attempt to silence a man with the stature and record of General Walker bespeaks a very bad situation in this Nation. I think millions of people are disturbed about this kind of thing. If the people who are charged with the defense of this Nation, realizing what the situation is, cannot speak out to other Americans, then I say we have gone way down the road to a police state. I think every American citizen, regardless of where he may be, should have the right to express his own opinion. I do not go along with the idea that just because a man expresses those opinions and takes a stand, some bureaucrat down here is going to have to say he is eccentric about things. I say to the people who are doing all this talking, go back and look at this man's military record, where he has clearly demonstrated that he wants to defend the things that have made America great. I say that the people who are doing this should be brought before public opinion to let us judge them.

Mr. DEVINE. I agree with the gentleman and thank him for his contribution. The great purveyors of freedom of speech have been very silent in this case. Has anyone heard from the American Civil Liberties Union in regard to General Walker?

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

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

Mr. BRUCE. Scanning through one of the Washington newspapers the other day, buried down in the bottom of a column I saw an item that interested me a great deal and that should be of interest to everyone in this body. It stated that apparently the big guns were to be leveled at General Trudeau, but the Walker case was brought up and this was apparently more logical so they shifted from Trudeau to Walker. I wonder, where this type of thing becomes a pattern in our national scene, if there is any validity to this news report at all, and I cannot vouch for it. I think certainly an investigation is needed at this point. I happen to be from a district where one of the cold war seminars has been canceled as the result of all this publicity. Believe me, the people of the 11th District of Indiana are not taking kindly to censorship at the Federal level of free discussion.

I thank the gentleman for bringing this point up and making an issue of it.

Mr. DEVINE. The gentleman from Indiana has had rich experience in the field of radio and communications, and I am sure he has seen patterns develop. I was warned originally that if things got a little difficult they would try to point out General Walker as being a little psycho or eccentric. What happened the other day? They put it out as coming from the Secretary of Defense as describing him as eccentric. What does "eccentric" mean? Somebody says he is not a married man and has no children. J. Edgar Hoover is a bachelor, and he is one of the greatest Americans of our time. And so is the Speaker of the House.

Mr. BRUCE. I am always interested in these great champions of freedom of speech and those who constantly denounce guilt by association and guilt by innuendo, but I have seen since I have been in Washington more guilt by association, more insinuation, more references that because you are a friend of this man and they do not like this man, therefore, you are a bad fellow, too. But those who denounce guilt by association and guilt by innuendo are the great proponents of freedom of the press. They are doubletalk personified.

Mr. DEVINE. It is a question of where the shoe pinches.

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

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

Mr. UTT. I appreciate the gentleman from Ohio yielding to me. I did want to say to him that this is not limited to the Military Establishment. I received a letter just the other day from the parents of a constituent of mine who had been for 15 years in the Forestry Service under civil service. Because he was giving anti-Communist lectures to various Rotary clubs and other clubs on his own time he was summarily fired from the Forestry Service, after 15 years of civil service. I sent a letter and the speeches down to the Secretary of Agriculture for his comment as to whether or not that was going to be the policy of the Department of Agriculture, and asked the Civil Service Commission for comments from them to see whether or not anti-Communist talks by those under civil service are going to be ground for being summarily fired from their jobs. So it is not a matter of the military, it now involves another 3½ million Federal employees who are under the same oath the military is under. It can lead to softening up the country for appeasement, coexistence, and ultimate surrender to the international Communist conspiracy.

Mr. DEVINE. In connection with the point brought up by the gentleman from California [Mr. UTT], it is rather disturbing today that apparently it is unpopular, it is considered corny or something to be a patriot. You are criticized for having some pride in the nationalism of the United States of America, the Stars and Stripes. When someone gets up and makes a report that is for America or is anti-Communist, as pointed out by the gentleman in connection with this Forestry employee, they are immediately stepped on. It is probably coincidence—I hope so—but on December 5 of 1960 there was a meeting in Moscow attended by 81 nations, including the United States, a meeting of the Communist Party.

One of the things they pointed out, and which they stressed very strongly, is this. There is developing across these United States a strong anti-Communist movement and they had to do something about it. What did they do? They have started what they call an anti-anti-Communist movement and everybody is to be stepped on, presumably, who is a patriot.

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

Mr. DEVINE. I yield to the gentleman from Nebraska.

Mr. BEERMANN. I commend the gentleman for exploring this problem and bringing it before us today. I would like to say, when I enlisted in World War II, part of our training was an indoctrination and understanding of what we were fighting for. Today, I believe, we are fighting socialism in our own country and communism in the world. I believe it is entirely right that our Armed Forces should be well oriented and especially well trained to cope with this problem. I thank the gentleman for yielding.

Mr. DEVINE. That is similar to the so-called pro-blue program which General Walker sponsored. Pro-blue is the opposite way of saying anti-Red. That is one of the things for which he was criticized by the Overseas Weekly.

I yield to the gentleman from Michigan [Mr. JOHANSEN].

Mr. JOHANSEN. I would like, first of all, to pay my respects to the gentleman

and compliment him for the very important service he is rendering the Nation and to the cause of free expression on the part of the responsible officials of the United States including those who wear the uniform of the United States. I would like to supplement his reference to the Moscow document of last December and point out that they are picking up some good American phrases now in their memorandums, and they refer particularly to witch hunting activities in this country, and by reason of my membership on the House-Un-American Activities Committee, I was complimented to have the recognition that we are apparently causing some concern. I would like to offer one other comment. The disarmament legislation we voted on yesterday provides for intervention in the field of the military although under the guise of arms control. Yet this legislation, far from precluding those throughout the organization that is to be set up from expressing their views, specifically provides for public relations activities which being translated means propaganda. So, it depends first of all on whether you wear the uniform and, secondly, which side of the case you are arguing from.

Mr. DEVINE. In that connection, I would like to point out to the gentleman, I think the gentleman from Iowa [Mr. KYL] about 10 days ago here on the floor of the House read excerpts from the speech of the President of the United States in making his address to the graduating class of the U.S. Naval Academy at Annapolis, and in his remarks and, of course, I cannot quote them from memory correctly but, in effect, he said that the people in the service branches of our Government are supposed not to involve themselves in politics. But, he said, speaking of himself as President, in his rather rapid rise from lieutenant junior grade in the Naval Reserve to Chief Executive of the United States, he did not pay heed to that admonishment as to politics. He says it is the duty of military people of this country not only to know how to throw a hand grenade or fire a rocket but to acquaint themselves and their subordinates with their country's economic and political situations, and that, I believe, is just what we should find out from the hearings that have been authorized by the other body, and it is what I believe General Walker was doing.

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

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

Mr. CRAMER. I was going to touch on the remarks of the President at the graduation exercises at the Naval Academy which seemingly would have set a pattern or given the attitude of the administration with regard to participation by the military in matters affecting the Government, which I think any American citizen has the right to participate in. In the actions and in regard to the matter which the gentleman is bringing out, it clearly indicates that apparently there has been a complete reversal so far as the attitude of the administration in this field is concerned.

The other aspect of the subject matter under discussion is this: You recall, I am sure all of us do, the constant harping and criticism of the previous administration on failure to provide information. I think it is very interesting to compare the information that the previous administration permitted being given out, including the clear unwillingness of President Eisenhower to muzzle the military. Admiral Burke, time and time again, told the American people what the real Communist menace was, and still others alerted the American people to the menace. President Eisenhower did not attempt to muzzle him, yet the very first speech, as I recall that the admiral was going to make under the new administration, he was called on the carpet, his speech was edited, and then he was permitted to give it. Is that freedom of information under the New Frontier, I ask the gentleman?

Mr. DEVINE. Apparently it is. I am sure the thousands of communications Members of Congress are receiving demonstrate clearly that they feel that this was an injustice, also that they are concerned about this so-called anti-anti-Communist movement and the freedom of speech proposition, particularly the condemning a man prior to investigation.

Mr. CRAMER. Mr. Speaker, will the gentleman yield for one further comment?

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

Mr. CRAMER. I have always felt that a Member of the U.S. Congress was entitled to information concerning matters involving his district, his State, and his Nation, in which he had a particular interest on any matter that did not involve national security in fact, unless, of course, he was a member of an interested committee which he would not otherwise be entitled to. But under this administration it has been brought to my attention from personal experience that time and time again subordinates at the department will not give out information. Subordinates have specific instructions to refuse to discuss a Member's matters even involving his own congressional district, and if he wants to know anything about this matter he has got to go to the head of the agency.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. CRAMER. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio may proceed for 3 additional minutes.

The SPEAKER pro tempore. The Chair reminds the gentleman that there are other special orders.

Mr. CRAMER. I still make the request. If the Members having special orders wish, they may object, of course.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 3 additional minutes.

Mr. CRAMER. In these instances it has been suggested that if I wish information I should go to the head of the agency involved. So you call the head of the agency. The head of the agency is in conference. I have never seen so many heads of so many agencies in so many conferences at the time a Congressman called, in the 7 years I have been in this body; they are always in conference.

Then when you do get them on the telephone and ask about some facts you are always advised: "Well, we have not made a decision on that and we are not in any position to discuss it." Then, when a decision is reached, it is always announced in the name of the President of the United States, which is to be expected. As I understand it, that is pursuant to instructions previously issued by the President that any announcement coming from any agency should carry the name of the President of the United States and of the administration.

I think it is high time that this administration recognized that the Members of this body, be they Democrats or Republicans, are entitled to information, to consultation with subordinates, to an opportunity to discuss these matters that are vital to the interest of their district, as well as to the State and to the Nation.

I, for one, feel very deeply that I have that responsibility, I have that right, and I do not like the idea of the administration's muzzling every subordinate down the line except those who are in charge of the department; and I have had enough experience already to be satisfied that that is precisely what is being done. And that is freedom of information under the New Frontier.

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

Mr. DEVINE. I yield.

Mr. PRICE. I just want to recall to the gentleman from Florida that I just came through 8 years of the Eisenhower administration.

As a Member on this side, I had the same experience he is complaining of under this administration.

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

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

Mr. CRAMER. I would suggest to the gentleman that, of course, I would not challenge any matter he might state with regard to his own personal experience. I would say, Mr. Speaker, I do not recall complaints on the part of Members of the other party, the Democratic Party on the other side of the aisle, during the Eisenhower administration, from the standpoint of providing information. I am not asking for secret information. I trust the gentleman will join with me in suggesting to this administration if he did not like it under the other administration he should not like it under this administration.

Mr. PRICE. If the gentleman has any difficulty in trying to get information, I shall help him.

Mr. HOFFMAN of Michigan. Mr. Speaker, in view of the fact there is only one other special order and the manuscript has already been handed in, I ask unanimous consent that the gentleman may proceed for an additional 10 minutes.

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

Mr. PRICE. Mr. Speaker, reserving the right to object, and I certainly will not object, I am enjoying this political colloquy here. As I stated before, I think every Member on this side has the same type of complaint to make against the previous administration that the gentleman from Florida has mentioned he has under this administration. Things occurred in my district that a Congressman was not advised of. They had read it in the newspaper or it was announced by a Member of the other party. I think these are things that those of us who have been around here for many years are acquainted with. I think we have been able to take them in stride during the years.

Mr. CRAMER. Mr. Speaker, reserving the right to object, and I shall not object, I am not talking about a final announcement by an agency regarding specific projects, regarding locations, regarding post offices or an appointment. I do not expect to be consulted on those things, and that is all right with me. You relieve me of a substantial burden. But I do say that I do not recall criticism by Members on the other side of the aisle with regard to the ability of a Member to consult with those subordinates before a decision is made. That is what I am talking about. In other words, to be able to sit down and talk to those people, express your interest in a given project, to plead your case before a subordinate. But under this administration they will not let the subordinate talk to you. Do you know what happened in one instance?

Mr. HOFFMAN of Michigan. Mr. Speaker, I withdraw my unanimous consent request.

Mr. JOHANSEN. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 10 additional minutes.

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

Mr. RANDALL. Mr. Speaker, reserving the right to object, concerning the subordinates, I want to briefly give you a personal experience I have had. We have not been here 7 years, we are only in our third year. But we experienced the very same thing the gentleman has been complaining about under the Eisenhower administration with these same subordinates. I would like the House to know that the Eisenhower administration refused to get us some letters of Members of the House.

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that a quorum is not present. (After a pause.) Mr. Speaker, I withdraw the request.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that the gentleman from Ohio may proceed for 10 additional minutes. Is there objection to the request?

There was no objection.

Mr. DEVINE. Mr. Speaker, I regret that this Walker matter to which I originally addressed my remarks has resolved itself into perhaps a little political colloquy. There was no intention of doing that.

As I said at the outset, there are many persons on both the Democratic as well as the Republican side that are vitally interested in seeing justice done. My interest in the Walker case, as I said, started when I took the floor on August 17. I said I did not know the gentleman; I knew nothing about him other than the facts I read in the papers, and it appeared to me that he had been charged without an investigation; that he had been relieved of his command; that he had a tremendous war record, and I thought he was entitled to a hearing, and that was the purpose of my letter to the chairman of the House Committee on Armed Services for introducing my Resolution 372.

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

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

Mr. WALLHAUSER. As I understand your remarks, you are making two very important points: one, that he be given his day in court, and two, that his case not be prejudged.

Mr. DEVINE. That is correct.

Mr. WALLHAUSER. That is all you are asking?

Mr. DEVINE. That is all I am asking.

Mr. WALLHAUSER. I do not honestly believe that any American in the United States of America or elsewhere could ever object to the two points you are making.

Mr. DEVINE. The American people are asking, What is the truth? That is all we want.

Mr. WALLHAUSER. And that is your whole point?

Mr. DEVINE. That is correct.

Mr. WALLHAUSER. Therefore I commend the gentleman. I think you have stated the issues very clearly, and I hope that we will not get into further colloquy such as we have had.

Mr. DEVINE. I agree with the gentleman and I thank him for his contribution.

Mr. CRAMER. Mr. Speaker, will the gentleman yield further?

Mr. DEVINE. I yield.

Mr. CRAMER. I want to continue with just one comment concerning the subject matter I got into just a moment ago, if the gentleman will permit.

I had requested to discuss a matter with a subordinate of one of the departments. I discussed it with him. He gave me a factual report. Subsequently an application was made involving the subject matter which he discussed with me which came from the State of Florida. That person happened to have made a determination in his own mind—and he is a professional employee—made a determination that apparently was contrary to the wishes of the Administrator. That man is now in Russia, investigating public works in Russia, at the time that the State application is up for consideration. Now, that is an example of what I am talking about. I think that a Member of this House is entitled to plead the case of his district in any matter he is interested in before someone who is a subordinate within a department and charged with the primary administrative responsibilities on such matters. That is the reason I made the point that I did.

Mr. DEVINE. I thank the gentleman.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. That is all very interesting, and the gentleman has a well qualified champion in the chairman of the subcommittee of the Committee on Government Operations, the gentleman from California [Mr. Moss]. He has been holding hearings for 5 years on that subject, and I have been here 25 years, and I have never discovered any difference between a bureaucrat who was a Republican or one who was a Democrat. They will all keep the information if they do not want to divulge it, especially if it reflects on them or one of their superiors.

Mr. DEVINE. I thank the gentleman.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. MACDONALD (at the request of Mr. MCCORMACK), from September 20 through September 29, 1961, on account of official business.

To Mr. Moss (at the request of Mr. MCFALL), for an indefinite period, on account of death in the family.

STEAMSHIP CONFERENCES

Mr. BONNER submitted a conference report and statement on the bill (H.R. 6775) to amend the Shipping Act, 1916, as amended, to provide for the operation of steamship conferences.

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. RYAN, for 30 minutes, on Friday next, September 22, 1961.

Mr. VANIK, for 30 minutes, on Saturday next, September 23, 1961.

Mr. MADDEN, for 20 minutes, on Friday, September 22, 1961.

Mr. RANDALL (at the request of Mr. THOMPSON of New Jersey), for 30 minutes, today, and to revise and extend his remarks and 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. KLUCZYNSKI and to include a proclamation.

Mr. MATTHEWS.

Mr. THOMPSON of New Jersey.

Mr. PELLY.

Mr. ROUSH.

(The following Members (at the request of Mr. WALLHAUSER) and to include extraneous matter:)

Mr. CURTIS of Missouri.

Mr. ANDERSON of Illinois.

Mr. KEITH.

Mr. CONTE.

(The following Members (at the request of Mr. ALBERT) and to include extraneous matter:)

Mr. SLACK.

Mr. HEMPHILL.

Mr. BOLAND.

(The following Member (at the request of Mr. WALLHAUSER) and to include extraneous matter:)

Mr. DENT.

Mr. FINDLEY (at the request of Mr. WALLHAUSER) was given permission to extend his remarks in the body of the RECORD on House Resolution 393 and to include extraneous matter.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 520. An act to authorize certain modification of the existing project for the Kaskaskia River, Ill., for navigation purposes; to the Committee on Public Works.

S. 2008. An act to amend the act of September 16, 1959 (73 Stat. 561, 43 U.S.C. 615a), relating to the construction, operation, and maintenance of the Spokane Valley project; to the Committee on Interior and Insular Affairs.

S. 2102. An act to redesignate the Jefferson division of the eastern district of Texas as the Marshall division; to the Committee on the Judiciary.

S. 2194. An act to amend the District of Columbia Unemployment Compensation Act of 1935, as amended; to the Committee on the District of Columbia.

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. 2279. An act to provide for the withdrawal from the public domain of certain lands in the Granite Creek area, Alaska, for use by the Department of the Army at Fort Greely, Alaska, and for other purposes;

H.R. 3401. An act for the relief of Salvatore Cairo;

H.R. 5343. An act to amend section 5021 of title 18, United States Code;

H.R. 5754. An act to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property as revised at Lisbon, Portugal, October 31, 1958;

H.R. 5613. An act for the relief of Fernando Manni; and

H.R. 8302. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1962, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER pro tempore announced his signature to enrolled bills of the Senate of the following titles:

S. 29. An act for the relief of Ok Nyu Choi (Ann Wollmar);

S. 158. An act to confer upon the domestic relations branch of the municipal court for the District of Columbia jurisdiction to hear and determine the petition for adoption filed by Marie Taliaferro;

S. 262. An act for the relief of Constantinos Georgiou Stavropoules;

S. 263. An act for the relief of Guisseppe Glorioso;

S. 264. An act for the relief of Mr. and Mrs. Franklin Leong;

S. 547. An act for the relief of Young Jei Oh and Soon Nee Lee;

S. 553. An act for the relief of Olga G. Coutsoubinas and Spyridon G. Coutsoubinas;

S. 592. An act for the relief of Nishan Der Simonian;

S. 976. An act for the relief of Maria Treia Terpak;

S. 1053. An act for the relief of David Lew Huie;

S. 1234. An act for the relief of Max Haleck;

S. 1355. An act for the relief of Helen Haroian;

S. 1537. An act for the relief of Mrs. Renee Deri;

S. 1585. An act for the relief of Margherita Ferrelli D'Amico;

S. 1750. An act to strengthen the Federal Firearms Act;

S. 1786. An act for the relief of Heripsime Hovnanian;

S. 1787. An act for the relief of Giovanna Vitello;

S. 1880. An act for the relief of Johann Czernopolsky;

S. 1906. An act for the relief of Fares Salem Salman Hamarneh;

S. 1947. An act for the relief of Annemarie Herrmann;

S. 2070. An act for the relief of Kabalan Farris; and

S. 2118. An act for the relief of Dr. John Lopinto Arzaga.

ADJOURNMENT

Mr. PRICE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 19 minutes p.m.) the House adjourned until tomorrow, Thursday, September 21, 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:

1329. A letter from the Director, Bureau of the Budget, Executive Office of the President, relative to reporting that the appropriation to the Department of Agriculture for "Forest protection and utilization," Forest Service, for the fiscal year 1962, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

1330. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, relative to reporting that the appropriation to the Veterans' Administration for "Readjustment benefits" for the fiscal year 1962, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

1331. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement relating to the following watersheds: Escondido Creek, Calif.; Upper Quaboag River, Mass.; Gering Valley, Nebr.; Gum Neck, N.C.; Wagon Creek, Okla.; Pine Creek, Tenn.; and northeast tributaries of the Leon River, Tex., pursuant to the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and Executive Order No. 10654 of January 20, 1956; to the Committee on Agriculture.

1332. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting a plan for works of improvement relating to the following watershed: Box Elder Creek, Mont., pursuant to the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and Executive Order No. 10654 of January 20, 1956; to the Committee on Public Works.

1333. A letter from the Administrator, General Services Administration, transmitting a report on the progress of the liquidation activities of the national defense, war and reconversion activities of Reconstruction Finance Corporation, pursuant to Public Law 163, 83d Congress, and Reorganization Plan No. 1 of 1957; to the Committee on Banking and Currency.

1334. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases where the authority contained in the Immigration and Nationality Act was exercised in behalf of such aliens, pursuant to the Immigration and Nationality Act; 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. MURRAY: Committee of conference. S. 739. An act to amend the Civil Service Retirement Act, as amended, with respect to the method of computing interest earnings of special Treasury issues held by the civil service retirement and disability fund, to provide for permanent indefinite appropriation to said fund, and for other purposes (Rept. No. 1240). Ordered to be printed.

Mr. DAWSON: Committee on Government Operations. Eighth report on consumer protection activities of Federal departments and agencies (Rept. No. 1241). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 1243. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. MILLS: Committee on Ways and Means. H.R. 3508. A bill to amend the Tariff Act of 1930, as amended; with amendment (Rept. No. 1244). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 472. Resolution taking the bill H.R. 9118 from the Speaker's table and sending it to conference; without amendment (Rept. No. 1245). Referred to the House Calendar.

Mr. BUCKLEY: Committee on Public Works. Report on relationship between road contractors and personnel in Florida; without amendment (Rept. No. 1246). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee of conference. H.R. 6775. A bill to amend the Shipping Act, 1916, as amended, to provide for the operation of steamship conferences (Rept. No. 1247). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. LANE: Committee on the Judiciary. H.R. 8325. A bill for the relief of Harrison Thomas Harper; without amendment (Rept. No. 1242). 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. ASPINALL:

H.R. 9314. A bill to provide adjustments in order to make uniform the estate acquired for the Vega Dam and Reservoir, Colbran project, Colorado, by authorizing the Secretary of the Interior to reconvey mineral interests in certain lands; to the Committee on Interior and Insular Affairs.

By Mr. DONOHUE:

H.R. 9315. A bill to amend the provisions of title 35 of the United States Code relating to the oath of applicant for patent, and the provisions of the Trademark Act of July 5, 1946, relating to verification by the applicant of application for trademark registration, and for other purposes; to the Committee on the Judiciary.

By Mr. FULTON:

H.R. 9316. A bill to provide for the establishment of a Federal Advisory Council on the Arts to assist in the growth and development of the fine arts in the Nation's Capital and elsewhere in the United States; to the Committee on Education and Labor.

By Mr. HENDERSON:

H.R. 9317. 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.

H.R. 9318. A bill to replace the existing tariff schedules and trade agreements provisions of the Tariff Act of 1930, and for other purposes; to the Committee on Ways and Means.

By Mr. HERLONG:

H.R. 9319. A bill to amend the Internal Revenue Code of 1954 to require the filing and publication of additional information by certain tax-exempt nonprofit organizations which conduct public fund drives, in order to protect the public against improper utilization of the proceeds of such drives; to the Committee on Ways and Means.

By Mr. MACK:

H.R. 9320. A bill authorizing the change in name of the Beardstown, Ill., flood control project, to the Sid Simpson-Beardstown flood control project; to the Committee on Public Works.

By Mr. CLEM MILLER:

H.R. 9321. A bill to provide that certain Federal lands exclusively administered by the Secretary of the Interior shall be managed under the principles of multiple use and to produce a sustained yield of products and services, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RILEY:

H.R. 9322. A bill to place certain limitations on the authority of the Federal Communications Commission to delete previously assigned very high frequency television channels, to give the Commission certain regulatory authority over television receiving apparatus, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN:

H.R. 9323. A bill to amend part III of the Civil Rights Act of 1957; to the Committee on the Judiciary.

By Mr. SIKES:

H.R. 9324. 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. WALTER:

H.R. 9325. A bill to amend the Subversive Activities Control Act of 1950 so as to provide that any Federal officer or employee who willfully fails or refuses to answer, or falsely answers, certain questions relating to Communist activities or national security, when summoned to appear before any Federal agency, shall be removed from his office or employment; to the Committee on Un-American Activities.

By Mr. ASHBROOK:

H.R. 9326. A bill to suspend all payments and contributions by the United States to the United Nations and its constituent agencies pending the completion of an investigation by a joint congressional committee of United Nations operations in the Congo; to the Committee on Rules.

By Mr. BYRNE of Pennsylvania:

H.R. 9327. A bill to prohibit discrimination in education, housing, public accommodations, and employment, or against public officials because of race, color, religion, ancestry, or national origin, and for other purposes; to the Committee on the Judiciary.

By Mr. EVERETT:

H.R. 9328. A bill to impose an additional duty on strawberries and strawberry products; to the Committee on Ways and Means.

By Mr. FINDLEY:

H.R. 9329. A bill to prohibit payment under the 1962 feed grain program for the retirement of phantom acres; to the Committee on Agriculture.

By Mr. ST. GERMAIN:

H.R. 9330. A bill to amend section 103(a) of the Housing Act of 1949; to the Committee on Banking and Currency.

H.R. 9331. A bill to amend clause (3) of section 402(a) of the Federal Food, Drug and Cosmetic Act; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL:

H.R. 9332. A bill to amend the Civil Service Retirement Act to provide that certain service in the Coast and Geodetic Survey shall be considered military service for the purposes of such act; to the Committee on Post Office and Civil Service.

By Mr. CLEM MILLER:

H.R. 9333. A bill to protect homebuyers by imposing certain requirements and conditions upon loans made to builders or developers, to assist in financing the acquisition and development of land for residential usage, by member banks of the Federal Reserve System, banks insured by the Federal Deposit Insurance Corporation, and Federal savings and loan associations; to the Committee on Banking and Currency.

By Mr. DOMINICK:

H. Res. 471. Resolution for early passage of a long-term Sugar Act; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. CONTE:

H.R. 9334. A bill for the relief of Stephen A. Eskin; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 9335. A bill for the relief of Isignia Kaloudi Bouziotis; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H.R. 9336. A bill for the relief of Antoni Mentel; to the Committee on the Judiciary.

By Mr. MONAGAN:

H.R. 9337. A bill for the relief of Guerino Venditti; to the Committee on the Judiciary.

By Mr. ROUSSELOT:

H.R. 9338. A bill for the relief of Mrs. Clara Tan Wong (Dam To Quyen); to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 9339. A bill for the relief of Joanna Nicolacopoulo; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Labor Sunday Address by Representative Rhodes, of Pennsylvania

EXTENSION OF REMARKS
OF
HON. JOSEPH S. CLARK
OF PENNSYLVANIA
IN THE SENATE OF THE UNITED STATES
Wednesday, September 20, 1961

Mr. CLARK. Mr. President, I commend to my colleagues' attention the inspiring Labor Sunday address by Congressman GEORGE M. RHODES, of Pennsylvania, to the Kuendig Memorial Bible Class in St. John's Evangelical Lutheran Church in Reading, Pa., which was broadcast over Reading station WEEU on September 3, 1961. On that occasion Mr. RHODES spoke with clarity and insight concerning the unfinished business and goals of the American labor movement, and I ask unanimous consent that the text of his remarks be printed in the CONGRESSIONAL RECORD.

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

LABOR SUNDAY MESSAGE

Ladies and gentlemen, I welcome the opportunity on this Labor Sunday to speak on a matter of great importance to all who are concerned about the dangers that surround us and about our responsibilities and our duties as citizens of a free society.

These are serious and challenging times, as we all can agree. We live in a land of great opportunity. We are divinely blessed as a Nation with great wealth and great natural and human resources. Vast surpluses and abundance of food and other essentials of life offer more than enough for all. As a Nation we have great productive power. We have the know-how to do the things that should be done.

Yet we face in this country of ours serious shortages in such important areas as school classrooms, hospital beds, highways, conservation, recreation, sewer and sanitary systems, health centers, and other public services.

Over 5 million citizens are unemployed in our country, despite all the work that needs to be done. Over the years, this heavy unemployment represents untold billions of dollars in lost productivity and a waste of human and natural resources that is too staggering to estimate.

Many of our most talented youth are being denied educational opportunities for the lack

of school facilities or because their families cannot afford to pay for a college education. This terrible waste of brainpower is unjustifiable, particularly because it is so important to our Nation's security and survival that we develop the best talent in our youth.

Many of our fellow men in these United States are in distress. Many are in need, despite great surpluses and waste. One-fifth of our population, about 30 million people, live on incomes that are below a decency level. In our own Berks County there are 10,000 jobless who seek employment in vain. It is the aged, the handicapped, and racial minorities who suffer most. But the victims of unemployment include many who are strong and healthy. How in good conscience can we ignore their plight? These are matters of much concern to labor people. Labor unionists are close to this problem and are constantly seeking legislation to correct this condition.

These problems also concern the church, for all over the Nation today on this Labor Sunday the country's major religious faiths are urging a cooperative approach to these problems.

Enlightened and dedicated leaders of both labor and management join in recognition of the need for mutual understanding, good will and the application of Christian principles to labor-management relations, and to the social and economic problems which confuse and divide us.

True, there are basic labor-management problems such as organizational rights, union security, collective bargaining, strikes, lockouts, and violence, over which there is much controversy and conflict.

In recent years, however, much progress has been made in collective bargaining and in avoiding lockouts and strikes. But much remains to be done. Strikes are very costly to both sides. Often many persons who are only indirectly involved are adversely affected. Major strikes often result in public inconvenience and at times affect vital public services. No one likes strikes, least of all those directly involved. The only remedy is good will, mutual trust and cooperation between labor and management.

The right to organize is universally recognized, yet it is the denial of this right which is responsible for much of the violence and strife in labor-management disputes.

Industrial conflict is a sort of civil war which we can ill afford today when the whole world seems to be on fire. Our own security and survival calls for cooperative effort between labor and management and a recognition of the common interests we all share in an enlightened, united and prosperous nation.

It is, however, on social and economic problems, and proposals for their solution where organized labor groups come into sharpest conflict with organizations of management. It is labor's influence for social and economic reform that causes management groups to object to political action by labor unions.

It is a conflict of political philosophy which fundamentally has to do with the distribution of our national wealth and income and how well and how fairly the average citizen shares in our Nation's productivity and wealth. It is the glaring inequities and the wide gap in incomes that lead to most of our troubles.

This was recognized in the first Labor Sunday message issued for use in Protestant churches back in 1917. Since 1950, Labor Sunday has been sponsored by the National Council of Churches of Christ in the United States. Labor Sunday messages have made a valuable contribution to better understanding and good will, and have strengthened our free way of life. These messages have given renewed moral and spiritual strength to working people and to labor and management leaders.

On this Labor Sunday, in messages from leaders of the three major religious faiths in our country, comes again the recognition of this problem. These religious leaders have again called for a cooperative approach to the problems that beset labor and management—problems in which government also shares a vital interest, and problems which directly or indirectly affect us all.

There is much similarity between the objectives of the church and the social and economic programs advocated by labor. I am sure that every sincere, honest, and dedicated union member can subscribe to the statement adopted by the Fourteenth Biennial Convention of the United Lutheran Church in America made back in 1944.

The church proclaims Christian principles that provide a complete and perfect solution for labor-management problems which are really human problems. It recognizes serious tensions in the field of human relationships. The Lutheran 1944 statement, presented these principles, commending consideration particularly by labor leaders, industrialists and all those directly responsible for the well-being, prosperity and peace of our Nation.

Let me quote a few of these basic principles as pronounced by the Lutheran Church in its statement on labor.

God's moral order recognizes no class system. In His sight, all men are of eternal worth. He is no respecter of persons.

In God's sight every calling, however high or humble, which contributes to human welfare, is sacred and has His blessing.

God has abundantly provided the resources of the earth, primarily for human benefit. Possessions are a sacred trust to be used not for selfish materialistic ends, but for human betterment, today, and in future generations.

God expects all to share the burdens of daily life. He requires the strong, the privileged and the able to help the less privileged and the weak.

On duties and rights, the Lutheran message on Labor proclaims it is the duty of all men to work. It is the duty of all Christian men to so organize their relationships that everyone may have an opportunity for gainful employment.

It is the duty of every man to provide an adequate living for himself and his dependents. It is the duty of Christian men to so order their economic relationships that, in a world where God has provided "enough and to spare" for all, every man who is worthy and willing to work may obtain an adequate living for himself and his dependents.

The social order should be so organized as to secure and protect every man in the rightful possession and enjoyment of the fruits of his industry.

It is the duty of every man to develop to the maximum, through education and training the abilities with which God has endowed him. It should be the goal of a Christian social order to provide maximum opportunities for the education and training of all its members.

It is the duty and right of every man to worship God according to the dictates of his own conscience. The social order should guarantee to every man complete freedom of worship.

It is the duty of every man to cooperate in the establishment and maintenance of Government so that maximum civil liberties may be enjoyed by all with equal protection for all under the law without discrimination as to race, color or creed.

It is the right of every man freely to set up and to maintain, in cooperation with his fellow man, such forms of health and accident insurance, provision for medical care, unemployment relief and insurance, and old-age pensions as will provide security against the hazards of life.

According to the Lutheran message this is what the church must do to insure the performance of these duties and rights in human society. It says the church in a practical way should:

Champion the just cause of every man, regardless of his social status.

Advocate that service to society be regarded as the standard of social worth.

Proclaim always that the only cure for human selfishness and greed which are the common sources of industrial controversy is the Christian spirit of sacrifice for the greater good, growing out of love for God who desires men to live in a spirit of unselfish brotherhood.

Insist that democracy in industry is the only foundation for economic well-being.

Seek to develop in the church and community mutual understanding and good will between various groups.

Protest the use of force, violence, and sabotage by either labor or management in industrial disputes.

Encourage the promotion of community clinics, and such other cooperative enterprises as are conducive to human betterment.

Encourage the strong to share the burdens of the weak.

Think more about duties and less about rights. If men understand and do their duty, rights will follow, and problems will be solved.

Confront all men with the message of Jesus Christ, which alone satisfies the deeper human needs.

These basic principles and objectives expressed in the statement by the United Lutheran Church are a blueprint not only for Christian conduct and living but the only effective answer to our domestic problems and to the challenge of crass materialism and Communist tyranny.

Every well-informed working man and woman can sincerely subscribe to those high ideals and noble objectives.

Enlightened representatives of management also accept them, not only in the interest of good labor-management relations, but as a matter of intelligent self-interest and a recognition of the common interests we all share in a prosperous economy, a nation morally, spiritually and economically strong and united.

I have always believed that a labor union must be much more than an economic weapon to gain advantage for its members, important as this may be. It must be a force for social and economic justice, not only for union members, but for all working people and for all citizens. It must be an influence for community betterment and for promoting the public welfare.

Labor union members, like other folks, are generally good citizens. As a group, they have the same good qualities and the same human weaknesses that are found in all other groups in our society. This is equally true in management.

There are wide differences in labor and management views and interests. But in each group, most individuals are dedicated, sincere, and honorable men and women. On each side it is but a small minority who betray the trust and confidence of their associates for illicit personal gain.

A major obstacle to good labor-management relations is the lack of trust and confidence in each other and the failure to apply commonsense principles and the Christian approach to our problems.

Neither labor nor management has a monopoly on virtue or sin.

But the very nature of labor unions has made them an effective force for the advancement and enactment of programs like social security, unemployment insurance, housing, education, workmen's compensation, and many laws that have contributed to the

security and well-being of all workers, union and nonunion, and of all American citizens.

It is labor's political efforts for such legislation which offends conservative management groups which have historically opposed social reform programs sponsored by labor organizations.

It is quite evident that organized workers played a major role in every important economic reform and social advance made during the past century.

It must also be said that among the leaders in great forward movements in the United States were men of great wealth. Thomas Jefferson is a shining example.

Today, as in the past, the application of Christian principles of brotherhood, social justice, and good will, is the answer to pressing human problems and the dangers that confront us.

We must intelligently and justly solve these difficult domestic and internal problems if we are to successfully meet the challenge of communism and the threat to human freedom around the world.

Only by national unity and by examples of social justice can we show the world that democracy, with its recognition of moral, spiritual and human values offers hope for future peace and progress.

It has been our lot to live in a time of great social upheaval. The world has been made smaller by progress made in the fields of communication and transportation. Exploding populations have added to the world problems. In many parts of the earth people live in poverty and without hope. Tonight more than a third of the world's children will go to bed hungry.

Feeding on hopeless and impoverished people, communism continues to grow. The whole world fears the threat of Communist slavery and the catastrophe of nuclear war.

The world crisis dwarfs our domestic problems. Yet we cannot intelligently disassociate domestic policies from foreign affairs. What we do in our own country, whether good or bad, affects our prestige and influence in other lands, and is a factor in the cold war between the free world and Communist tyranny.

On this Labor Sunday, let us all rededicate ourselves to the application of Christian principles of social justice, good will, mutual understanding and higher ethical, spiritual and moral standards.

There is no other answer to solve our problems at home if we are to keep our country strong and free.

There is no other answer if we are to keep the world free from Communist dictatorship and totalitarian slavery. There is no other answer to the threat of atomic and nuclear war which even for the victors would mean mass suicide and desolation.

Yet the application of Christian principles for the solution of our social and economic ills is not an easy task. You will hear powerful voices opposing necessary action to end the waste of unemployment and the waste in human and natural resources.

You may be tagged as a do-gooder, as if there were something wrong in doing good. Even your loyalty may be questioned. The road ahead is not an easy one.

Widespread confusion grows with false fears that our country cannot afford to do what is essential for its own strength and survival. We drift on with unfilled human and public needs while great machines and millions of men stand idle.

Yet we need not be without hope and faith in the future. In the world crisis time and history are on our side, on the side of right and freedom. No tyranny can long survive, for the spark of human freedom burns deep in human breasts. It can never be extinguished. However low it may sometimes burn, it will again burst into a flame.

With you, I subscribe to the principles pronounced by the United Lutheran Church as a solution of labor management problems and our Nation's social and economic ills.

Let us together again dedicate ourselves to these objectives as a service to our fellow man, to our country, and to God.

Dedication of Our Sunday Visitor

EXTENSION OF REMARKS
OF
HON. J. EDWARD ROUSH
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 1961

Mr. ROUSH. Mr. Speaker, today the third home of the Our Sunday Visitor is being dedicated. Founded nearly 50 years ago in most humble surroundings by the late Archbishop John Francis Noll in Huntington, Ind., the Our Sunday Visitor has grown to become the world's largest Catholic publishing firm. Their principal publication, the Our Sunday Visitor, has circulation of over 1 million and is the largest circulation Catholic newspaper in the United States.

The new OSV publishing plant provides 240,000 square feet of working and storage space. The equipment, from the office furnishings to the printing presses, are the most modern available. The building itself is indicative of the growth and the success of this publishing firm.

Much of the success of the Our Sunday Visitor can be credited to the outstanding talents and dedicated spirit of Archbishop Noll. He founded the Our Sunday Visitor as a weekly news magazine to fill a need he saw for instructive material for the general laity of his faith. A prolific writer and a capable administrator, Archbishop Noll's publishing venture became an immediate success. Within a year, circulation of his weekly paper climbed to 160,000. Archbishop Noll served as publisher of the Our Sunday Visitor, even though his other duties increased tremendously, until his death in 1956.

The present executive staff of the publishing company carries on the high traditions he established. His successor as bishop of Fort Wayne-South Bend, the Most Reverend Leo A. Pursley serves as president. Monsignor Joseph Crowley is the editor of Our Sunday Visitor and Francis A. Fink is the managing editor.

The Our Sunday Visitor is more than a successful and respected publishing firm to the people of my hometown, Huntington, Ind. It is a major employer, known for its high code of labor-management relations. It is a welcomed member of the industrial community and a leading civic force in the city.

The Our Sunday Visitor's significance to me takes on added importance in the manner in which it exemplifies the freedom of the press and the freedom of religion of our Nation. When I pass the publishing plant I think that here is a concrete example of the American way of doing things. Archbishop Noll founded the paper to defend the Catholic Church against atheistic critics. He sought to explain his ideas and his philosophy. The freedom of religion and freedom of the press not only permitted his doing so, they guaranteed him the opportunity. This, to me, is a fine example of the American Constitution in action.

Today, on the occasion of the dedication of the new publishing plant of Our Sunday Visitor by the Most Reverend Egidio Vagnozzi, the apostolic delegate to the United States, I salute the Our Sunday Visitor, its publisher, and employees and I offer my best wishes for continued success.

Springfield Public Schools Follow President Kennedy's Council on Youth Fitness Recommendations for Underdeveloped Child

EXTENSION OF REMARKS
OF
HON. EDWARD P. BOLAND
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 1961

Mr. BOLAND. Mr. Speaker, President Kennedy, in his message to the schools on the physical fitness of youth, urged school boards, school administrators and teachers to strengthen all programs which contribute to the physical fitness of our youth.

I am very proud of the achievement in this most important area by the school department of my home city of Springfield, Mass. In line with the President's emphasis on physical fitness, the Springfield school department conducted a summer program for the underdeveloped child.

President Kennedy's Council on Youth Fitness made three specific recommendations for the schools to adopt. The first was to identify the physically underdeveloped pupil and work with him to improve his physical capacity. Second, provide a minimum of 15 minutes of vigorous activity every day for all pupils. And, lastly, use valid fitness tests to determine pupils' physical abilities and evaluate their progress.

The Springfield public schools, under the supervision of Mr. Robert T. Berry, director of health, physical education, and safety, complied with these recommendations in setting up a summer program for the underdeveloped child. Children were selected to participate who scored low on the youth fitness test given last spring. Director Berry informs me that the Springfield schools are extremely anxious to expand this program next summer because of the gratifying results made with a small group this year. And, the school department will continue to follow the recommendations of the President's Council on Youth Fitness during the school year just commenced, giving special emphasis to the underdeveloped child.

Mr. Speaker, I want to commend the Springfield school department, and Mr. Berry, in particular, for the fine program established for the underdeveloped

child, thus insuring the beginning of a sound basic program of physical developmental activity in the Springfield schools.

Goals of the New Frontier—Action for Prosperity, for People, for Peace

EXTENSION OF REMARKS
OF

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1961

Mr. THOMPSON of New Jersey. Mr. Speaker, when John F. Kennedy became President on January 20, 1961, he faced a wide range of urgent problems which had been swept under the rug by the previous administration:

A deepening recession: The third serious economic slowdown in 6 years. In January 1961, 5.4 million American workers were out of jobs; business failures were at the highest levels since the depression of the 1930's; housing starts were at the lowest levels since 1949; we were using only about half our steel capacity; dozens of American communities had been suffering major unemployment continuously for years; our gold supply was rapidly disappearing abroad; farm incomes were critically low; our overall national economic growth was too slow to meet our needs.

Neglected public needs: We had been falling behind in meeting the needs of our rapidly growing population for schools, roads, housing, parks, power, public facilities of all kinds.

Neglected human needs: While, happily, most Americans were living well, millions of older people, the unemployed and their families, people in depressed areas—were often getting barely enough to live on.

A deteriorating defense: While the United States still had the most powerful Armed Forces in the world, our position had been slipping in terms of relative strength compared to that of our principal opponents, especially in the critical areas of ballistic missiles and capacity for limited war.

A powder keg world: All over the world we faced explosive situations which had been neglected or patched over until all of the choices still left open to the United States were almost equally undesirable. The Congo, Cuba, Laos, Berlin, headed the parade of inherited crises. Our relations with our allies were shaky in many cases. We had only begun to face up to the challenge of the dozens of new and economically underdeveloped nations. Soviet and Chinese communism were becoming increasingly bold and aggressive.

Here is the story of some of the specific things that have been done in the first months in office of the new administration to meet these problems.

ACTION FOR PROSPERITY

President Kennedy moved swiftly to halt the recession and help meet the long-term economic problems of the United States by:

Putting more money in circulation to make more jobs: Tax refunds and VA life insurance dividends were speeded up; defense and other Government contracts were accelerated; housing interest rates were lowered; legislation to extend unemployment compensation benefits was proposed by the President and passed by Congress.

Improving farm incomes: Price support levels for many crops were raised by administrative action; an emergency feed grain program was drafted by President Kennedy and passed by Congress and farmer participation is exceeding all expectations.

Helping depressed areas: A rounded program to help depressed urban and rural areas attract new industry, provide needed public facilities and retrain workers was proposed by the President and passed by Congress.

Aid to business: Special aids to small businesses have been stepped up; an overall tax revision plan to encourage business modernization has been proposed and is under consideration in Congress.

Stopping the gold outflow: A vigorous program to restore confidence in the dollar and increase U.S. export earnings was launched.

RESULTS

The recession was licked. While unemployment is still serious, all economic authorities agree that the U.S. economy is heading upward toward new levels of overall prosperity.

Business is better. Housing starts were up sharply; business failures down; steel production and many other business indicators up.

Farm incomes are up. Total farm income was running at a rate $1 billion a year higher in 1961 than in 1960.

The gold outflow has been stopped. As early as March the U.S. supply of gold actually increased after 18 months of steady decreases.

ACTION FOR PEOPLE

To help meet neglected human and public needs, President Kennedy launched a wide range of new and expanded Government programs. Among other important measures, he acted to:

Feed the hungry: On his very first day in office, President Kennedy issued an Executive order making more and better surplus foods available to more needy families throughout the Nation.

Improve social security benefits: The President proposed and Congress has passed legislation increasing minimum social security benefits; reducing the optional retirement age for men to 62; and broadening coverage. Over 3 million of the neediest people in America, including many needy children, will benefit from these changes.

Increase and expand minimum wages: The President has proposed and Congress has approved an increase of minimum wages from $1 to $1.25 an hour and extension of minimum wage protection to millions of additional workers—the first major extension of coverage since this law was passed in the 1930's.

Help provide better homes in more livable communities: A $4.9 billion 4-year overall housing and urban redevelopment bill was proposed by the President and passed by the Congress. It provides much-needed help for low and medium income housing; aid for urban planning and redevelopment; improved urban transportation; new help to communities to secure parks and other open spaces.

Broaden civil rights: President Kennedy has put the great power and resources of the Presidency and the executive branch of the Government into the long struggle to achieve full and equal rights for all Americans—in voting, in jobs, in education, and other spheres of national life. In a recent poll of Negro leaders, an amazing 81 percent responded favorably to a question on whether they felt the new administration had "lived up to campaign promises" in this field.

ACTION FOR PEACE

In the complex and vital interrelated areas of national defense and international relations, President Kennedy took the following constructive steps, among many others, in his first months in office:

Strengthening our defenses: The President acted swiftly to step up our missile capacity as part of our nuclear deterrent. For example, our Polaris submarine program has been accelerated so that there will now be a full fleet in commission 3 years sooner than under previous plans. At the same time special steps have been taken to improve and increase our capacity for resisting aggression in brushfire and guerrilla-type warfare. Immediate troop carrier plane procurement has been stepped up by 150 percent and training of special forces in guerrilla tactics has been substantially increased. New plans have been set forth by the President to build up U.S. and allied strength to meet any contingency in connection with the Berlin crisis.

Strengthening the free world: We have cemented relationships with our traditional allies by strengthening NATO; joining the new Organization for Economic Cooperation and Development; and engaging in continuous consultation with Britain, France, West Germany, Canada, and other leading allied nations at all levels, including personal visits by President Kennedy. We have opened new doors in our relationships with the dozens of new and less developed nations in the free world by launching a new kind of foreign aid program, stressing political and social reform as well as economic and military strength; setting up the Peace Corps to enable Americans to help these countries on a firsthand basis; identifying ourselves with the ambitions of colonial peoples for independence; mounting an expanded food for peace program, and many other measures.

Being firm but not belligerent in our relations with the Communist bloc: President Kennedy has made it perfectly clear to Premier Khrushchev that the United States will not yield on the freedom of West Berlin and its people, come what may. In facing Communist

efforts at penetration in other areas—from Cuba to Laos to the Congo—we have sought to stiffen free world resistance by all means short of direct U.S. military intervention. Some of these situations had deteriorated so far that we have not been able to achieve our objectives. In others we have been more successful. As President Kennedy has emphasized to the American people, this is a long-term many-sided struggle in which there are no quick and easy solutions.

AMERICA IS ON THE MOVE AGAIN

Behind and beyond the many specific achievements that have been mentioned in this pamphlet—and many others of which space has prevented any mention—lies a basic new spirit and new approach which is the real essence of the new Kennedy administration.

This new spirit is one of vigor, of courage, of imagination, and of realism. It is the spirit of a young America with young leadership, facing up to its problems with a clear eye and a strong and steady hand.

This new approach is one of action. As President Kennedy himself said over and over during the 1960 campaign: "This country must move again." And as the New York Times summed it up: "The President is not content to say 'something ought to be done'—he does something."

President Kennedy has appealed to all Americans to participate in the challenges of the New Frontier—to work and sacrifice as may be necessary to achieve the great goals of our Nation at home and abroad. And Americans have responded enthusiastically to his call.

President Kennedy has said "Let us begin," and we have indeed begun. This country is indeed "on the move again."

Tribute to the Late Gilbert Forbes

EXTENSION OF REMARKS
OF
HON. HOMER E. CAPEHART
OF INDIANA
IN THE SENATE OF THE UNITED STATES
Wednesday, September 20, 1961

Mr. CAPEHART. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD, the text of a tribute to the late Gilbert Forbes, veteran Indiana newscaster, which I have recorded for radio station WFBM and television station WFBM–TV in Indianapolis, with which he was associated.

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

TRIBUTE TO THE LATE GILBERT FORBES

I personally, and all of those in Indiana who have listened to him on radio and watched him on television, have lost a treasured friend in the death of Mr. Gilbert Forbes, one of Indiana's pioneer newscasters.

Gil Forbes died in Indianapolis Monday night after a year of lingering illness.

Mr. Forbes, a native of St. Louis, had been an adopted Hoosier since he first came to radio station WFBM in Indianapolis in 1937. His newscasts became a habit with those of us who maintained a deep interest in local, national, and international affairs.

Some have called Gilbert Forbes a commentator. To me, he was a radio reporter of the highest type because he held always to his inviolable rule of objectivity in the presentation of the news.

In the early days of telecasting in Indiana, Mr. Forbes became the first new voice in that vast new media of news dissemination. He remained active in the field until his last illness. Few people knew that he was also an accomplished musician.

While Gilbert Forbes as a voice has been stilled, his memory as a fine newscaster, a leader in civic affairs and a fine gentleman will remain with those who knew him personally and over the airwaves.

Cross-Florida Barge Canal

EXTENSION OF REMARKS
OF
HON. D. R. (BILLY) MATTHEWS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 1961

Mr. MATTHEWS. Mr. Speaker, for many years I have been a strong supporter of the Cross-Florida Barge Canal project. Such a canal would supply the missing link to an inland waterway chain that now stretches from Palatka, Fla., up the Atlantic coast, through the St. Lawrence Seaway, down the Mississippi Valley, and along the Gulf of Mexico coast to St. Marks, Fla., and consequently would benefit the entire eastern seaboard of the United States.

Please bear in mind, also, that with the present emphasis on space exploration and the building of new facilities at Cape Canaveral, this canal would be of tremendous assistance in the transportation of materiel from inland points to the cape.

During World War II, priceless cargoes and innumerable lives were lost in shipping off our Florida coast from attacks by enemy submarines, which might have been prevented if this canal had been in operation.

Recently it was announced that our future military policy would include development of conventional forces and methods of warfare. Assurance of adequate transportation is essential to such a buildup.

The President's budget this year, Mr. Speaker, contained an item of $195,000 for a meager start on this cross-Florida barge canal. Our House Committee on Appropriations refused that amount and allowed only $50,000 for a study. It is my fervent hope that the other body will restore the full amount and the House conferees will recommend retention of the $195,000 for this important project.

Let me say, frankly, that I have a great personal interest in this canal. It will pass through three counties in my district—Levy, Putnam, and Nassau. In fact, all of the counties in my district stand to benefit. Once the canal is built, I feel sure it would open up for development the entire Suwannee River waterway system and would make possible a boom in north-central Florida, which in turn would make its contribution to the economy of the Nation. We need a booming economy to support our vast and costly military defense.

Recognition of the Republic of Outer Mongolia Will Outrage Public Opinion

EXTENSION OF REMARKS
OF
HON. THOMAS M. PELLY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 1961

Mr. PELLY. Mr. Speaker, the 1st session of the 87th Congress is rapidly drawing to a close and I view the coming adjournment with mixed emotions. Like most of my colleagues, I am anxious to return to my home district and State, but if certain events, as prophesied, come to pass during adjournment, I for one, will sincerely regret the final fall of the gavel.

Mr. Speaker, I refer to the persistent rumor that the State Department is only awaiting adjournment to put in motion a plan involving diplomatic recognition of the Republic of Outer Mongolia. Recognition of this Russian satellite is of course only a prelude to Outer Mongolian membership in the United Nations.

I understand that Owen Lattimore, whose advice was so helpful to the success of the Communist takeover in China, and who recently returned from an extended visit to Outer Mongolia, has informally reported on his findings to high sources in the Department of State. In this connection, I believe it only fair to assume he has also made informal recommendations.

Remembering that Mr. Lattimore officially recommended in the strongest possible terms recognition of this Communist country only a few short years ago, it is not hard to imagine the nature of his present views on this subject. At that time, he stated that as in the case of the Communist Chinese, the political leaders of these people were actually agrarian reformers and patriots, and in view of the revolutionary beginnings of this country, deserved U.S. understanding and sympathy.

The argument advanced by the Department of State, that we need this listening post in the middle of the Gobi Desert, falls on deaf ears as far as I am concerned. Rather, I would regard diplomatic recognition of Outer Mongolia as another in a long list of appeasement gestures to an ideology which regards these gestures merely as signs of weakness and is in no way placated by them.

International communism will of course accept every concession the United States is willing to make; concessions, incidentally, which are one-sided. The Communist conspiracy, like the monster it is, has an insatiable appetite for these "giveaways" and its

strength is increasingly augmented by every fresh compromise at the conference table.

In the name of commonsense, I urge the State Department architects of this nefarious plan to reconsider, bearing in mind that those responsible will be held to a strict accounting by an aroused public as well as many Members of Congress, who, like myself, will deeply resent any under-the-table dealings such as this during the coming adjournment.

Golden Jubilee of the Julius Slowacki Society, Group 1356, Polish National Alliance

EXTENSION OF REMARKS
OF
HON. SILVIO O. CONTE
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 1961

Mr. CONTE. Mr. Speaker, with all due personal and professional pride, it pleases me to commend to the attention of my colleagues the golden jubilee of the founding of the Julius Slowacki Society, of Adams, Mass.

Organized in September 1911, this venerable group has had an honorable record in its hometown of Adams, Mass., for the past half century. Started with 13 members as a fraternal benefit organization, today it numbers 552 members. Like its parent organization, the Polish National Alliance, the society has a history of dedicated community service. Since 1925, the date of its incorporation, the list of contributions to the city of Adams, Mass., is impressive and seemingly endless, ranging from the annual sponsorship of a drum corps to the sponsorship of an English course for displaced persons preparing for U.S. citizenship. Even in times of emergency and need the Julius Slowacki Society found time to help those still living in the motherland by sending packages of food and clothing to those in distress and suffering from the effects of war.

The society is proud of this record, and justly so. Their fraternal efforts have been responsible for much of the success of their peoples in their respective professional fields as well as in their Americanism.

There is one outstanding phenomenon about the people of Poland, which holds true of the Julius Slowacki Society and those wonderful people of Polish origin or descent residing in Adams, Mass., and that is their incredible ability to maintain a national purpose and integrity against odds which would make others despair. Their fierce love for the ideals of liberty and their steadfast will to keep it alive, have produced great fighters for our efforts at independence in the persons of Kosciusko and Pulaski.

During World War II, 93 members of the Julius Slowacki Society served their country in the Armed Forces attesting to their loyalty to their new land. Those not able to don the uniform contributed to the war effort by their purchase of war savings bonds in significant amounts. Today members of the Julius Slowacki Society rank high among the donors of blood so vitally needed by the sick and infirm in their community.

The world will long remember the works of Conrad, Chopin, Marie Curie, and Ignace Paderewski, to name but a few of the great personages from Poland, the mother country of many of the members of the Julius Slowacki Society.

In commemorating this gala occasion, I think it proper for us here in the Congress, to recall the contributions made to the world by these natives of Poland, and to pay tribute to the members of the Julius Slowacki Society for their proud heritage.

FCC's Proposals To Shift VHF Television Stations to UHF Channels

EXTENSION OF REMARKS
OF
HON. JOHN B. ANDERSON
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 1961

Mr. ANDERSON of Illinois. Mr. Speaker, yesterday I introduced a companion bill to H.R. 9267, which was introduced by our distinguished colleague, the gentleman from Alabama [Mr. ROBERTS] on September 16. I wish to endorse the remarks that he has previously made in the RECORD concerning this matter, for I, too, am seriously concerned by the FCC's proposals to shift VHF television stations to UHF channels.

One shift of a VHF station to UHF already proposed by the FCC affects WREX-TV, which now operates on channel 13 in my hometown of Rockford. I understand that if WREX-TV is forced to shift from channel 13 to UHF it would not be able to serve about 6,000 square miles of the area it now serves. If this shift to UHF is ordered, about half of my district would no longer be able to receive television on channel 13. Especially important is the fact that a large number of the people in my district who would lose their channel 13 service would be left without any television at all if channel 13 is taken out of Rockford. Those who would still get television from some station would not have the choice of programs they now have. It would not be in the public interest to take television away from these people, and I must oppose as vigorously as I can any proposal to do so.

The FCC's plan to shift VHF stations to UHF is going to hurt the rural dwellers, the farmers, and the people in the smaller towns in my district most of all. Yet these folks have a greater dependence on and need for television than any of our citizens. The outlying areas simply do not have available the other facilities for entertainment, information and education that are found in larger communities. Thus, the FCC's proposals would take television away from those who need it the most.

The people in my district know from experience what will happen if channel 13 is lost. We already have a UHF station in Rockford which operates on channel 39. A very substantial part of my district which can get channel 13 cannot get channel 39 at all. Other large parts of my district which can get some channel 39 service do not get as good service from channel 39 as from channel 13. This is not to say that the channel 39 service is not wanted or is not useful. We are glad we have it and we hope we keep it. The point is we need to keep channel 13 to operate right along with channel 39. It seems to me the most reasonable way to bring this about is to solve the receiver problem and to give no further consideration to "deintermixture."

I believe it to be my duty to do everything I can to protect the people in my district against the loss of their channel 13 television service. The FCC has indicated that it intends to take their channel 13 service away from them. If this is the case, we in the Congress must step in to make sure that such a tragedy does not occur.

In this regard I want to emphasize an important point that cannot be overemphasized. The FCC's UHF proposals are not limited to just a few places. They affect the whole country. In addition to the eight cases already started, of which Rockford is one, the FCC has said it contemplates other cases later on and that, indeed, it is looking toward an eventual move of all, or almost all, television from VHF to UHF. Therefore, the FCC's proposals pose a serious threat to the people throughout the country and are of serious concern to every Member of this House.

Financing of Badly Needed Hurricane Flood Control Projects

EXTENSION OF REMARKS
OF
HON. HASTINGS KEITH
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 1961

Mr. KEITH. Mr. Speaker, today the second major hurricane of the season rampages up the Atlantic coast, bringing with its high winds and 20-foot waves a serious threat to life and property. And, while plants shut down and homes are evacuated in many areas of New York and New England, there could be no more appropriate time to urge the Federal Government to take cognizance of the severe damage that can result from the tidal flooding that accompanies such storms, and to recognize at the same time that much of it could be prevented—if a more realistic attitude is taken toward the financing of badly needed hurricane flood control projects.

The industrial city of New Bedford, in my district, which today braces itself for Hurricane Esther, suffered some $27 million worth of damage when Hurricane Carol struck in 1954. That figure does not include wind damage, lost man-hours or lost profits—just destruction from tidal flooding. The Federal Gov-

ernment shared in this loss, because most of it was in the industrial area of the city, which meant shutdowns, machinery destroyed, capital losses and, as a consequence, lost Federal revenue from taxes. Corporate taxes lost in such a storm could be as high as $10 million or more in a single industrial area.

The city of New Bedford and the Federal Government could be saved countless millions in future years if a hurricane protection plan already advanced beyond the preliminary engineering stages was implemented in the immediate future. Congress has authorized the construction, appropriated $1,300,000 for planning costs and in the current session has approved the expenditure of another $500,000 to initiate construction. The project is being delayed and the city denied protection because the local government cannot afford its 30-percent share of the building cost—which would total nearly $8 million.

The city cannot afford this amount because of serious economic problems, problems that would only be worsened if another storm was to hit. It is predicted by the engineers that a maximum-force hurricane could inflict as much as $100 million damage in the New Bedford area. The city could be left an industrial ghost town. Even the threat of a storm costs money. One prominent manufacturer has estimated that the 35 or more industries on the waterfront in New Bedford and neighboring Fairhaven spend as much, or rather lose as much, as $100,000 in preparing for a storm that may hopefully turn out to sea and not, after all, hit the city.

Conscious of the city's plight and the plight of similar areas, such as New London and Providence, I joined early in the session with the majority leader, the gentleman from Massachusetts [Mr. McCORMACK], and Senators SALTONSTALL and SMITH, in filing legislation that would provide for the reduction of local contributions to hurricane flood control projects, when the locality already suffers economic hardships.

My bill, H.R. 20, which was referred to the Public Works Committee, would provide such a reduction in local contributions when the flood control project is located within a recognized labor surplus area, as determined by the Secretary of Labor. Instead, then, of a 30-percent contribution, the local interest would be required to put up a contribution, equal to that required by section 3 of the Flood Control Act of 1936; this would mean a saving to the city of New Bedford of approximately $1,500,000.

However, action, even consideration, of my bill—filed January 3—has been delayed because the committee has not been furnished the necessary departmental reports.

This is a matter, literally, of life and death to New Bedford, and could be equally important to other towns and cities along the Atlantic coast and the Gulf of Mexico.

This bill is proper and just and would be extremely beneficial not only to New Bedford, but to the Nation as a whole. However, I know that the committee and Members of the House are hampered in their consideration of this legislation by the absence of needed reports.

In view of the disastrous effects of Hurricane Carla in Louisiana and Texas and the impending threat of the current storm, I trust the administration will provide us with the reports as soon as possible, so that with the reconvening of Congress in January, the proposal can be given the prompt attention I am confident it deserves.

Highway Safety Programs

EXTENSION OF REMARKS
OF
HON. HOMER E. CAPEHART
OF INDIANA
IN THE SENATE OF THE UNITED STATES
Wednesday, September 20, 1961

Mr. CAPEHART. Mr. President, I ask unanimous consent to have inserted in the CONGRESSIONAL RECORD a statement prepared, at my request, by Mr. Duane Carter, of Speedway, Ind., whom many of you will recognize as one of the leading veteran race car drivers in the United States.

I do so because Mr. Carter and another Hoosier, Gene Hartley, are now engaging in one of the most effective highway safety programs in the country in these days when the demands for effective safety programs are at a premium.

The program was presented last year in more than 30 Indiana high schools as part of a nationwide effort to reduce the terrible traffic toll. U.S. military services have recognized its value and have sought and received the cooperation of the Champion Spark Plug Co., sponsor of the programs, in presentations hoped to improve the highway safety records of the thousands upon thousands of military vehicles.

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

CHAMPION HIGHWAY SAFETY PROGRAM

In a serious effort to combat the mounting death toll upon our Nation's streets and highways, J. R. "Dick" McGeorge, public relations director of the Champion Spark Plug Co. caused to be initiated in 1955 a highway safety program, aimed at the teenage or beginner driver. This is an educational program put on in the Nation's high schools at their general assemblies. The idea being to make these new drivers safety conscious in the initial stages of their driving careers. The Air Force requested this program in 1957 for their personnel, and today it has now been utilized by all branches of the service, both at home and overseas.

It has been recognized by educators, law enforcement officers, civic leaders and the military as a most timely and worthwhile public service program. The National Safety Council has awarded the Champion Spark Plug Co. its public service award. Editorial praise from many newspapers and publications has also been recorded.

The Champion Spark Plug Co. utilizes the services of the Nation's leading automobile racing drivers to present this unique safety program, namely the veteran drivers who have competed in the famous Hoosier classic and who have completed the full 500-mile Memorial Day race at Indianapolis with an average speed in excess of 100 miles per hour without relief.

Hoosiers Gene Hartley and Duane Carter are members of the eight-man driver-lecture highway safety team sponsored by Champion, now currently touring the country putting the program on for the military, high schools, service clubs, and civic organizations of the United States.

Shifting of TV Channels Opposed

EXTENSION OF REMARKS
OF
HON. ROBERT W. HEMPHILL
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 1961

Mr. HEMPHILL. Mr. Speaker, several bills and resolutions have been introduced in opposition to the FCC's recent proposals to shift VHF television stations to UHF channels. Among these bills and resolutions are House Resolution 450, House Resolution 457, House Resolution 469, H.R. 9267, H.R. 9277, H.R. 9291, and H.R. 9293. I have introduced H.R. 9293, a companion bill to H.R. 9267, which was introduced on September 16, 1961, by our distinguished colleague, the gentleman from Alabama [Mr. ROBERTS]. Like my distinguished colleagues, I, too, am seriously concerned by the FCC proposals.

The FCC is proposing to shift WIS–TV on VHF channel 10 in Columbia, S.C., to a UHF channel. This switch, if allowed to happen, would deprive our State's capital of the only VHF channel assigned there. If this only VHF station in Columbia is forced to switch to UHF, I am told that an area of at least 6,000 square miles will lose the good television service it now receives from WIS–TV. Should this happen, thousands of families would not be able to receive WIS–TV as they now do. These people are, for the most part, families living in the rural and small towns, many of them in my district.

WIS–TV, broadcasting from Columbia, is the only television service that these people have from our State capital or from a South Carolina station. They depend on it for State and regional news, weather, crop reports, civil defense information, and many other types of necessary programs to keep them informed and alert to important events affecting their State. If this service is destroyed or deteriorated by switching WIS–TV to UHF, then these thousands of families would have to rely on television service from stations in other States bordering South Carolina. It would mean that their only source of information from their State capital would be lost to them and in its place would be substituted a television service designed to fit the needs of the people in the surrounding States. These services would not be oriented to the needs of the people of South Carolina as is WIS–TV's service. It would definitely not be in the public interest to allow this to take place, and I am going to vigorously oppose any such shift to UHF. As a member of the House Interstate and Foreign Commerce Committee, which is

concerned with the activities of the FCC, I intend to make my opposition known both in the hearings that this committee plans to hold early next session and in the deliberations of the committee.

In its proposal on deintermixture of eight markets to all-UHF, the FCC makes it quite clear that the ultimate goal is to switch all, or almost all, television to UHF. Today we in South Carolina face the prospect of seeing over 6,000 square miles denied service from Columbia's one VHF station. Tomorrow you, too, will be faced with such prospects, for the FCC has said that other cases are contemplated later on and that they look for all, or almost all, television service to be switched from VHF to UHF.

UHF and VHF can operate and grow together. One of the problems that has held back this UHF growth is the lack of television receivers capable of receiving both UHF and VHF. I believe, as does the FCC, that it is very necessary to insure that all sets shipped in interstate commerce have the capability to receive all channels. I strongly support such a proposal and have also included this in my bill.

All of us in this House are dedicated to serving the best interests of the people in our districts and at the same time to protecting the public interest of all the peoples of our country. The FCC's proposals on deintermixture seriously threaten these public interests nationwide. Every Member of this House should be seriously concerned with the immediate and ultimate effect it will have on the good television service now available and enjoyed by millions of families throughout our country.

General Pulaski's Memorial Day, 1961

EXTENSION OF REMARKS
OF
HON. JOHN C. KLUCZYNSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 1961

Mr. KLUCZYNSKI. Mr. Speaker, under unanimous consent to revise and extend my remarks in the CONGRESSIONAL RECORD, I include Proclamation 3429 of the President of the United States on General Pulaski's Memorial Day, October 11, 1961:

PRESIDENTIAL DOCUMENTS

TITLE 3—THE PRESIDENT—PROCLAMATION 3429—GENERAL PULASKI'S MEMORIAL DAY, 1961, BY THE PRESIDENT OF THE UNITED STATES OF AMERICA, A PROCLAMATION

Whereas the 182d anniversary of the death of Casimir Pulaski during the American Revolution brings to mind the heroic contribution of that great Polish patriot to the cause of our freedom and independence; and

Whereas General Pulaski's brilliant leadership and courage at Brandywine, Charleston, and Savannah deserve the everlasting admiration and gratitude of our Nation; and

Whereas our country owes much also to the loyalty and enterprising spirit of millions of our citizens of Polish descent; and

Whereas it is fitting that we acknowledge our debt to General Pulaski and his countrymen and honor the memory of the gallant Polish patriot:

Now, therefore, I, John F. Kennedy, President of the United States of America, do hereby designate Wednesday, October 11, 1961, as General Pulaski's Memorial Day; and I direct the appropriate officials of the Federal Government to display the flag of the United States on all Government buildings on that day.

I also invite the people of the United States to observe the day with appropriate ceremonies in honor of the memory of General Pulaski and the noble cause for which he gave his life.

In witness whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the city of Washington this 18th day of September in the year of our Lord 1961 and of the independence of the United States of America the 186th.

[SEAL]

JOHN F. KENNEDY.

By the President:
CHESTER BOWLES,
Acting Secretary of State.

Washington Correspondent, Samuel Shaffer, Finds Beauty and Enjoyment in Family Vacation in West Virginia—Predicts State's Progress

EXTENSION OF REMARKS
OF
HON. JENNINGS RANDOLPH
OF WEST VIRGINIA
IN THE SENATE OF THE UNITED STATES
Wednesday, September 20, 1961

Mr. RANDOLPH. Mr. President, it has often been my responsibility to bring to the attention of this body some of the more distressing aspects of economic life in West Virginia, in order that corrective action be taken.

At other times I have had the occasion to point to the underlying values of a positive nature—the strength of our people, the rich natural resources of our State, and the unparalleled beauty of the scenery of West Virginia. This is such a time, when I can offer the unsolicited testimony of an experienced traveler and observer who is known personally to most of the Members of this body—Samuel Shaffer, the congressional correspondent of Newsweek.

Mr. Shaffer has recently returned from a month's vacation with his family in the State parks of West Virginia, and his praise for our "land overlooked" is so eloquent and heartfelt that I would do his comments an injustice were I to paraphrase them.

I therefore ask unanimous consent to have printed in the CONGRESSIONAL RECORD Samuel Shaffer's unsolicited letter to me and my letter in response.

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

NEWSWEEK,
Washington, D.C., September 12, 1961.
The Honorable JENNINGS RANDOLPH,
U.S. Senator, West Virginia.

DEAR JENNINGS: Thanks to your suggestion my family and I have just spent the most enjoyable vacation of our lives—a month in the State parks of West Virginia.

To be candid with you, the beauty of the parks, the excellence of the accommodations, the dedication of duty and the courtesy to visitors displayed by park personnel far, far exceeded my expectations.

In driving along back country roads, selected almost at random, I beheld breathtaking vistas for which I was wholly unprepared by imagination or description by others.

It is unfortunate that West Virginia is linked in so many minds with poverty and distress. I think the time will surely come when Americans will think of the State as one of the most beautiful in the Union, as it unquestionably is.

West Virginia has a great future in tourism. It can become, and deserves to become, the playground of the Nation. And certainly the Nation could take pride in a people who could build such beautiful parks for its citizens to enjoy and to share with others.

Sincerely,

SAMUEL SHAFFER,
Congressional Correspondent.

U.S. SENATE,
Washington, D.C., September 19, 1961.
Mr. SAMUEL SHAFFER,
Congressional Correspondent,
Newsweek,
Washington, D.C.

DEAR SAM: Thanks so much for your good letter of September 12. I characterize it as good because you are so right about the potentials in West Virginia for becoming a national playground and a center of outdoor recreation. I agree most heartily that tourism holds great promise as a major factor in an invigorated economy in our State.

Personally, I am delighted that the Shaffers had a rewarding vacation in our scenic and historic State—a land overlooked too often by the tourist traveler. It is satisfying and stimulating, Sam, for work-weary folk to exchange for a few days or weeks their tedious tasks for the exhilarating journeys which refresh physical bodies and renew lagging spirits.

I'll wax philosophic for a paragraph by saying that a change of scene works wonders for those men and women whose day by day assignments become so deep they seem like dungeons. Schedules, which are like straitjackets, are ripped away as we open wide the doors to the roads beyond. On cushioned tires, over singing rails of steel, in sturdy ships at sea, on graceful wings of flight, I bless those happy travelers who return to their journalistic endeavors and their homes with minds and souls restored.

Best to you always.

Sincerely,

JENNINGS RANDOLPH.

Contracts to American Manufacturers

EXTENSION OF REMARKS
OF
HON. JOHN H. DENT
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 1961

Mr. DENT. Mr. Speaker, I have become increasingly alarmed by the apparent trend in the policy of the Defense Department to award contracts to American manufacturers who are low bidders by reason of their processing or acquiring in foreign, low-wage countries all the high-labor content share of the project under construction.

The Allis-Chalmers Manufacturing Co., of York, Pa., wired me concerning such a recent incident and I immediately wrote to the President of the United States bringing this situation to his attention.

Mr. Speaker, if further information sustains the position of Allis-Chalmers—that this means a distinct loss in American employment—I shall request the Subcommittee on the Impact of Imports and Exports on American Employment, of which I have the honor to be chairman, to hold public hearings some time in October. It is necessary that this matter be probed more deeply.

The wire and my letter follow:

YORK, PA., *September 17, 1961.*

Hon. JOHN DENT,
House Office Building, Washington, D.C.:

Congressman GEORGE GOODLING has suggested that I bring to your attention, threat to employment in Pennsylvania involved in pending award of contract for 15 very large hydraulic turbines for U.S. Army Engineer John Day and lower monumental projects. Apparent low bidder while based in Pennsylvania proposes to supply major portion of equipment from Japan. We estimate components to be produced in Japan would represent loss of approximately 1,700,000 man-hours of employment for American labor in the factories of the turbine builder and the major material suppliers, principally steelplate forging and casting producers, mostly located in distressed labor areas in Pennsylvania. Allis-Chalmers, second bidder, have proposed 100-percent domestic materials and manufacture. If you are interested we would be pleased to supply detailed information to you in Washington at your earliest convenience.

D. E. SMITH,
Vice President, Allis-Chalmers Manufacturing Co.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR PRESIDENT KENNEDY: I am in receipt of a telegram from the Allis-Chalmers Manufacturing Co., of York, Pa., protesting the awarding of 15 very large hydraulic turbines for U.S. Army Engineer John Day and lower monumental projects. The protest is based on the application of the Buy American Act which would allow domestic companies, also from Pennsylvania, to use 50 percent of contract bid for foreign components or equipment.

Allis-Chalmers bid 100-percent American labor, material and equipment. Because of interpretation of Buy American Act, competitors can process or acquire in Japan all high labor content share of project thereby putting American labor and industry at disadvantage in competitive bids. The difference between the Japanese-produced and American produced equipment doesn't start to cover the loss in taxes, wages and the contribution to the general welfare.

More serious is the apparent disregard of the seriousness of our distressed areas as well as example set by Government procurement which must eventually drive private utilities in the United States to procure oversea equipment based upon price differentials. If this happens, it will make the dependency of the United States for power requirements disturbingly dangerous in time of emergencies. Stockholders of private utilities will be within their rights to demand that their corporate officers purchase foreign-made equipment which can only add to our unemployment and industrial stagnation.

My subcommittee, studying the impact of imports and exports on employment, has heard serious and disturbing testimony in many areas where unemployment is chronic and growing. With the Buy American Act set at 6-percent differential, it is hopeless for a domestic bidder to compete unless he procures high labor content parts and components as well as transportation and tax concessions offered by foreign governments. The record shows private enterprise to be more cognizant of its duty and obligation to the American economy than tax-sustained Government enterprise. It will take time for all the details to be gathered and I earnestly suggest a delay in the awarding of these contracts.

Previous administration interpretation of the Buy American Act make mockery of the intent of Congress and the needs of the American people. Again, I urge that this matter be delayed for a thorough study of our bids in relationship to the general welfare as well as to the national defense.

With kindest personal regards, I am,
Sincerely yours,

JOHN H. DENT,
Member of Congress.

Our Private Enterprise System: Problems of Success

EXTENSION OF REMARKS
OF
HON. THOMAS B. CURTIS
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1961

Mr. CURTIS of Missouri. Mr. Speaker, earlier this year I had the opportunity of addressing the American Assembly regional meeting sponsored by St. Louis University. At this meeting I spoke on a subject which has occupied a good deal of my thoughts and my legislative activity in recent months, that of the tremendous success which our society, and its private enterprise system, have experienced in our recent history and the problems which these successes have caused. This is perhaps the key problem in America today—to meet these problems without destroying the foundations of the progress we are making. Under unanimous consent heretofore granted I insert this speech in the RECORD at this point:

REMARKS OF HON. THOMAS B. CURTIS, OF MISSOURI, BEFORE ST. LOUIS UNIVERSITY AMERICAN ASSEMBLY REGIONAL MEETING, AT PERE MARQUETTE PARK, ILL., MAY 11, 1961

PROBLEMS OF SUCCESS: OUR DYNAMIC ECONOMY

It is ironical that the success of the private enterprise system as developed in our American society should be used as a base for its destruction. It has always seemed axiomatic that success bred success and that failure was the basis upon which we sought to change our ways. Yet it seems to me that both the private enterprise system in economics and the representative system in government are being abandoned by our people because of an alleged inability of these two systems to meet the problems that their successes have created.

I think it is worthwhile to examine into these premises to see: (1) Have we had success by following the private enterprise system in economics? (2) Has the success, if it exists, created new problems which this basic system cannot meet? (3) Are we abandoning this basic system and, if we are, what system are we replacing it with? (4) Will the new system enable us to solve the problems that now confront us?

I believe that by any fair standards we say that we have had success in the economic field as a result of following the private enterprise system. What is an economy supposed to do for a people? Essentially, it is to enable them to be freer from the physical laws of their bodies and their environment. Adequate food, shelter, and clothing are mere rudiments. Coping with time and space through the development of transportation and communication facilities enlarges the human horizon. Development of usable power to supplement the human muscles frees us from gravity and other natural laws. Advancement in the field of hygiene and medicine, although it does not extend the limits of the aggregate human life span, enables the time within that span to be extended to its limit and makes that time, freed from the wracking of disease, more subject to the will of the individual. Furthermore, it permits more human beings to be born and to live through useful adulthood. All of these things place more leisure time at the disposal of each person which means more scholarship. (There is much wisdom in the etymology of a word and the Greek word "* * *" meaning leisure time has not been unduly stretched to encompass our modern English words, school, scholar, and scholarship.) From scholarship comes the two ingredients that keep any human system living: (1) Passing on the distilled knowledge from the past to the next generation and (2) searching, exploring, testing to discover new truths.

I have said nothing about ultimate human goals. These goals belong to philosophy and religion, not to economics. They do not enter the discussion unless one is to advance the theory that success in meeting economic goals is wrong, or that too rapid advancement toward success creates philosophical and religious problems which cannot be solved to keep pace with this advancement.

This is real. This is not academic. The Hindu religion is at least apathetic to economic success, if not at variance with it. The story of the tower of Babel and of the Garden of Eden carry deep messages if one wishes to contemplate them. Certainly today many men and women intent on the economics of life are wondering whether the scientific development of nuclear power is not ahead of our religious development.

It is my own belief that economic advancement, as advancement in all fields, comes from search for the truth. The freedom it brings surely cannot be bad.

Has our society had success in the field of economics? I think commonsense, common observation, points out the success we have achieved along the line of all of the economic goals I have set out. Our success is the greatest achieved by any society at any time and at any place in the world.

Perhaps by discussing the first part of my second question, has the success, if it exists, created new problems, I can bring the discussion down to specifics.

Let me take two areas:

1. Employment and unemployment: Surely, a failure to utilize all of our manpower is a problem for future economic achievement as well as a human problem for the men and women who are not being utilized.

2. Cost of living: Surely a failure to enable some of our people to have the purchasing power to meet the cost of living at the standard available in our society is a problem affecting the potential productivity of these people for future economic achievement of the whole society as well as a human problem for these people.

The primary reason for the post-World War II high incidence of employment and unemployment (55.2 million jobs in 1946, 66.7 million jobs in 1960; 2.3 million jobless in 1946, 3.9 million jobless in 1960) is rapid technological advancement. Thirty percent of the goods and services now on the market available for people to buy were nonexistent

5 years ago. Over 30 percent of our manufacturing machinery and equipment is obsolete; 4 percent of the 5.6 percent unemployed are said to be technologically unemployed; this is, their skills are obsolete.

Obsolete skills and obsolete equipment do not exist in a stagnant, a sluggish, or a sick economy. Obsolete skills and obsolete equipment are the direct result of rapid economic advancement, rapid growth, rapid technological advances. The more dynamic the economy, the more rapid its growth, the more obsolescence there will be.

The problems of present day unemployment are the result of success of our economic system, not its failure. The greater its success in this area of growth, the greater the problem of unemployment will be.

Does this mean that the same economic system that creates this success creates human and economic problems of unemployment that it cannot solve? I do not believe so. The evidence before us points to opposite conclusions. Technological advancement creates a demand for more skills, and higher skills for which higher wages and salaries are paid, than it makes obsolete. Again commonsense and common observation reveals this to be true. Take a span of years to check this. Who in 1900 was employed in the aviation industry, chemical, electric power, electronics, automobile, aluminum—you add to the list, but be sure to include not just the manufacturing sector of these innovations. Add to the manufacturing sector the distributive and the service sectors which make it possible for the maximum number of our people to benefit from the new goods and services.

Specific studies of specific innovations reveal that technology indeed creates a demand for more and higher skills than it replaces. One interesting phenomena in the employment sector of our economy during these recent years of rapid technological advancement has been the decline in the employment in the manufacturing sector of the economy, while manufacturing capacity continued to rise as the result of automation and increased productivity. Yet employment in the service and distributive sectors continued to rise, even during the recessions; rather compelling testimony to the fact that goods and services were indeed being more widely distributed to more and more of our people, if we needed such additional testimony. Within the manufacturing sector itself blue collar workers declined in number to such an extent that they offset the rise in employment of the white collar worker in the same sector.

Many people have been misled as to the nature of this economic shift as the result of semantics. I have referred to skills becoming obsolete, as indeed they are. Yet we divide our labor force for the purposes of understanding into skilled, semiskilled and unskilled. The greatest incident of unemployment, around 19 percent, is among the semiskilled and unskilled workers. How can an "unskill" become obsolete through technological advancement? As a matter of fact, technological advancement hits the demand for the unskilled and semiskilled worker the hardest. For example, the cotton picking machine and the ditch digging machine eliminate the demand for the human cottonpicker and the human ditchdigger. These workers are classified as unskilled. The term, of course, is relative. Perhaps some time in the future we may call what today are skilled workers unskilled.

A test of what is occurring today in the employment area of our economy can be found by reading the help wanted ads in any metropolitan newspaper, column after column of skills in demand going unfilled. All of this heavy demand for new skills is occurring at the same time we have this relatively high incidence of technological unemployment.

What is the solution? It is so obvious that it is a wonder that anyone has to even pose the question. The answer is training and retraining, more vocational education, more industrial education, and more just plain education. The financing of the training and retraining is well within our means. Indeed, many companies have handled the job themselves—Pacific Bell Telephone, Hardware Mutual & Sentry Life Insurance Co., Armour Packing Co.—I just happen to know these as case histories.

A few weeks ago I asked Assistant Secretary of Defense Charles J. Hitch whether our defense had been slowed down at all because of the lack of skilled manpower in some of the defense industries. He said, "Yes." I asked what have we been doing about it. He said in many of our defense contracts we have clauses which provide for the training of the workers in the new skills needed.

For several years now I have advocated tying vocational education and retraining into the Federal-State unemployment system so that automatically as skills become obsolete retraining sets in. This idea is now catching on. The New Frontier is now looking it over. I hope they don't shy away from it.

The second economic problem created by rapid economic growth is increased cost of living. Many people have misinterpreted this phenomena to be inflation—this is increased price for the same goods and services available on the market in the past. Since 1951, the time of the Federal Reserve-Treasury accord, there has been little inflation, but some noticeable increases in the cost of living.

The increased cost of living stems from increased standard of living. This is economic success, economic growth, not economic failure.

It cost people nothing for a television set 15 years ago because there were no television sets. It did not cost people $10 a bottle for a mycin drug 15 years ago. Fifteen years ago $1 probably would buy the best medicine that money could buy.

In 1951 when I first went to Congress it took me over 5 hours time to fly from St. Louis to Washington and I had the choice of two flights. Today I fly nonstop in less than 3 hours and I have a choice of many flights at varying hours. The cost of making this flight is about $10 more round trip than it was in 1951. This is not inflation, this is real value received and then some.

Someone has computed that as the result of frozen and precooked foods (and I would say the self-service technique available in our supermarkets) the housewife spends 2 hours less time a day preparing meals for her family. These foods cost more, but this is not inflation, this is for real value received.

Rapid technological advancement costs money. The more rapid the advancement the greater the cost. The more rapid the innovation the more money that must have been spent in the research and development which produced the innovation. The more rapid the innovation the greater the capital cost of obsolete equipment and machinery that must be junked, the human skills now obsolete that must be abandoned. (This costs the employer in unemployment insurance as well as the worker in lost pay.) The costs involved in purchasing the new and improved equipment, in training, and paying the higher wages and salaries of the new skills now needed are increased. All of these costs must be recouped in the price charged for the new goods and services now on the market.

Take one area where the costs have risen considerably—medical care—doctors' fees, drugs, hospitals, and special features. It is success, not failure, in the field of medical care which has produced the increased cost. And the increased quality of medical care is well with the increased cost. Who indeed can measure the value of the 10 more years of life we now receive as the result of this great quality improvement in the medical care field, in dollars?

Has this success created problems? Yes, indeed it has. Serious ones. The most serious one, to put it bluntly, is financing the unexpected extra 10 years of life the individual person has. Failure in this field—stagnation in this field—won't create these problems—only success creates these problems.

Are we able to cope with the problem of increased cost resulting from rapid technological advancement under the system that produced the success? I certainly believe so, because technological advancement brings with it increased productivity—more goods and services can be produced and distributed more efficiently and from the efficiency savings we can do three things: (1) Increase wages of the employees, (2) reduce prices (or recoup the cost of the innovation without increasing the price) to the consumer, and (3) increase the dividend to the investor so that more money can be plowed back into research and development and further innovation.

However, we cannot increase wages, reduce prices, or increase investment in research and development more than the productivity increase we have gained. It is the blindness of certain groups in our society to this economic limitation, or greediness, which causes some of the cost being passed on to the consumer in the price unnecessarily instead of absorbing the increased cost in the savings from productivity.

The success of our economic system does exist. It does create new problems. However, these new problems if properly analyzed can be met under this system to move us on to further success.

The next question I posed was: Are we abandoning our system in the face of the problems success has created and, if we are, what system are we replacing it with.

I am afraid we are abandoning our system of private enterprise in the face of the problems its successes have created. We are doing so because we have not looked at our success. We have looked only at the new problems created and with our eyes riveted on problems called success a failure. We have said an economy which is dynamic and growing rapidly is stagnant, tired, and even sick. The remedy is a simple one in concept, increased Federal spending. It is the Keynesian approach based upon a stagnant economy of scarce goods and services.

In the name of more economic growth which, if it is true growth, will aggravate the problems that already exist, we are setting out to destroy the system which creates it.

The private enterprise system is simply a system which bases its operation on the collective wisdom of the human being acting in his individual capacity as opposed to other systems which base their operation on the wisdom of oligarchies or oligopolies—a select group of human beings either in political government or economics who provide the wisdom for economic decision.

The free marketplace is the mechanism which permits the individual human being to cast his economic vote. It is more than that, it is the laboratory where any person is privileged to test out an economic idea for its truth and value. This does not mean a wild and unrestrained trial-and-error testing, unless all men in the society are wild and unrestrained in their actions, any more than the existence of the laboratories for the physical sciences mean undisciplined trial-and-error research. Both democracy and private enterprise depend upon an educated and self-disciplined populace.

Oligopoly or oligarchy, on the other hand, tends to revert to the scholastic method of searching for the truth which we abandoned in the renaissance for the scientific method,

of disciplined trial-and-error research. I do not believe that we as a society have gained enough knowledge or wisdom to abandon the laboratory of the free marketplace for the ponderings and pontifications of groups of even our very best scholars.

It is the replacement of the decisions reached in the free marketplace by the decisions of politically chosen Federal bureaucrats (and I use this term in no derogatory sense) that is coming about in our society. The substitution of Federal Government spending for private spending.

The last question I posed was this: Will this new system of political bureaucratic economic decision enable us to solve the problems that now confront us? My answer is, "Yes," to the extent that the problems will no longer bother us. The problems will disappear. They are problems resulting from economic growth and progress—problems resulting from freemen using leisure time to ponder new things. These problems will disappear and very few new ones will arise to take their place. Indeed, we will be stagnant. Study of history and scholasticism then may well take care of things that trouble us because societies in the past have worked this ground over and over again. We can profit by their experiences. There will be nothing new under the sun to dazzle and baffle us.

In the beginning I referred to two social systems, one is in the economic field, the private enterprise system, the other in the political field, the system of representative government.

I have discussed the economic system. I will merely refer briefly to the system of representative government. In political science it is the system that is based upon the importance of the individual human being, just as is based the private enterprise system in economics. In many ways the two systems go together—they rise together, they seem to fall together. Justice Brandeis referred to our 48 State governments as 48 laboratories wherein to test the truth and wisdom of political ideas. I would refer to the thousands of municipal governments in the same way, just as I would refer to the U.S. Congress as no more than a set of procedures, whereby we gather what wisdom and knowledge exists in our society to apply it to the solution of problems that face our society.

The Keynesian economic philosophers would have us abandon the local and State governments in favor of the Federal Government. I can add, though this is not with common knowledge, that they would also downgrade the Federal Congress and abandon it in favor of the executive branch of the Federal Government. But it would require another paper to establish the point. I mention it in closing because I see the importance of the individual rise and fall in the history of all our social institutions; economic, political, educational, and, yes, religious in an equal and similar way.

West Virginia: First in Rehabilitating the Handicapped

EXTENSION OF REMARKS
OF
HON. JOHN M. SLACK, JR.
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 1961

Mr. SLACK. Mr. Speaker, the latest summary report by the Office of Vocational Rehabilitation, covering the fiscal year which ended June 30, 1961, reveals a notable "first" for the State of West Virginia. For the second year in succession West Virginia ranks first in the Nation in the vocational rehabilitation of handicapped persons, on the basis of the number rehabilitated in proportion to population.

During the past year an average of 188 disabled persons per 100,000 population achieved rehabilitation, the highest mark ever set by a State and nearly four times the national average of 51 per 100,000 population. Not only did West Virginia lead in per capita rehabilitations, but also ranked fourth in the absolute number of rehabilitations behind the more populous States of New York, Pennsylvania, and Georgia.

An achievement of this kind can only result from determined and meaningful effort on the part of those responsible for administration of the program. I am proud to say that our State government has recognized the value of the rehabilitation program for many years, and has lent it strong support through the appropriation of funds and the encouragement of the staff specialists who actually perform the rehabilitation functions.

I believe recognition should be given at this time to those dedicated staff members of the Division of Vocational Rehabilitation of the West Virginia Department of Education whose efforts made this ranking possible, and particularly to F. Ray Power, director of the division, whose stature as a leader in this most humane of enterprises has grown steadily through the years.

The State program has also enjoyed strong support from among community leaders and solid backing from the medical profession. Not long ago I had occasion to discuss the rehabilitation program with a leading physician, Dr. Ralph H. Nestmann of Charleston, and I was very much pleased to learn of the strong interest of the medical profession in the furtherance of the program. The social advantages are appealing, but I believe too few of us are aware of the solid economic advantages which cause this program to return more than a dollar's worth of net economic gain for the Nation from every dollar invested.

Any dispassionate study of the results which have been obtained must convince a fairminded person of the worth of this program. Not long ago I had an opportunity to read a significant documented work on this subject which I can recommend to all of you. It is entitled "Rehabilitation: A Community Challenge" and was written by W. Scott Allan. The numerous examples cited in this book of persons who were removed from the category of community dependents and transformed into self-sufficient and self-reliant citizens impressed me greatly.

Industrial accidents will always be with us, and some forms of employment will always be very hazardous. Yet, the advances recorded by this program indicate that we can retrain and rehabilitate those who have met misfortune and the record of accomplishment speaks for continued and growing support in the years ahead. Of all of the Federal-State programs for which we provide matching funds there is none which can offer a better prospect for realization of a definite social and economic profit and project a stronger ray of hope to those who are in great need.

HOUSE OF REPRESENTATIVES

THURSDAY, SEPTEMBER 21, 1961

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore.

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

One of our Lord's beatitudes—Matthew 5: 6: *Blessed are they who do hunger and thirst after righteousness for they shall be filled.*

O Thou who hast made us the beneficiaries of Thy bountiful providence, may we daily walk and work with a sense of the dignity and sanctity of life.

May all our inclinations and impulses move in complete obedience and devotion to Thy holy will and find their inspiration and strength in Thy divine counsel.

Grant that we may constantly and confidently seek Thy guidance during these days when we face new emergencies and many are stricken with terror and timidity.

Fill our minds and hearts with the one commanding aspiration and consuming passion to establish peace and good will among the nations.

Encourage us with Thy gracious promise that righteousness shall prevail and men everywhere shall feel its transforming touch and kindling rays.

Hear us in the name of the Captain of our salvation. 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, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2732. An act to amend section 303 of the Career Compensation Act of 1949 to provide that the Secretaries of the uniformed services shall prescribe a reasonable monetary allowance for transportation of house trailers or mobile dwellings upon permanent change of station of members of the uniformed services.

H.R. 8558. An act 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.

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

H.R. 7337. An act to increase the limitation on the number of positions which may