

NORTH CAROLINA

Charles E. Morrison, Raeford, N.C., in place of D. C. Cox, Sr., retired.

NORTH DAKOTA

Joseph R. Kihne, Cavalier, N. Dak., in place of E. W. Kibler, retired.

Cecil G. Cordahl, Hatton, N. Dak., in place of Carl Solberg, retired.

OHIO

Donald J. Nagy, Brilliant, Ohio, in place of R. B. Craven, removed.

Roger R. Miller, Fresno, Ohio, in place of C. H. Barth, transferred.

OKLAHOMA

William M. Lindsey, Elmore City, Okla., in place of J. E. Terrell, retired.

Edna L. McNatt, Foss, Okla., in place of A. O. Beckham, deceased.

Lloyd J. Carey, Grove, Okla., in place of C. W. Hanna, retired.

Robert L. Stangl, Sparks, Okla., in place of B. N. Livingston, retired.

PENNSYLVANIA

Harry P. Snyder, Columbia, Pa., in place of H. P. Shreiner, retired.

Richard D. Hetrick, Easton, Pa., in place of H. C. Schultz, retired.

SOUTH DAKOTA

Clair C. Simons, Elk Point, S. Dak., in place of G. A. Curry, retired.

TENNESSEE

Rodney M. Bumpus, Clarksville, Tenn., in place of J. R. King, retired.

Thomas B. Ferguson, Western State Hospital, Tenn., in place of M. L. Partridge, retired.

TEXAS

Lloyd L. Bryan, Cross Plains, Tex., in place of F. R. Anderson, retired.

Sam P. Peebles, Jr., Rockdale, Tex., in place of Cyld Franklin, retired.

VERMONT

Richard H. Pittsley, South Barre, Vt., in place of L. L. LaCross, resigned.

Dorothy D. Beauchamp, South Woodbury, Vt., in place of J. A. Thorp, retired.

VIRGINIA

Ralph S. Coffman, Mount Sidney, Va., in place of H. S. Cline, retired.

Emmett F. Good, Stanley, Va., in place of E. J. Shuler, retired.

WASHINGTON

Richard B. Green, South Bend, Wash., in place of D. F. Coulter, retired.

WEST VIRGINIA

Maurice B. Morrison, Charlton Heights, W. Va., in place of M. S. Robinson, resigned.

Robert M. Campbell, Grantsville, W. Va., in place of W. O. Umstead, Jr., retired.

Harper H. Galford, Green Bank, W. Va., in place of T. K. Davis, retired.

Lee B. Coleman, Lost Creek, W. Va., in place of G. P. Rector, retired.

Dual L. Hill, Princeton, W. Va., in place of F. A. Williams, retired.

WISCONSIN

James E. Wyse, Princeton, Wis., in place of J. V. Nickodem, retired.

Elaine E. Ouellette, Townsend, Wis., in place of H. P. Ouellette, retired.

Oscar L. Dingman, Troy Center, Wis., in place of R. M. Hopkins, transferred.

WYOMING

Virginia L. Gregory, Hanna, Wyo., in place of J. G. Kelly, retired.

ALABAMA

Gail P. Mosley, Stapleton, Ala., in place of L. C. Faison, resigned.

ARKANSAS

Virgel A. Guynes, Moro, Ark., in place of J. L. Wilson, retired.

CALIFORNIA

Patrick H. McMahon, Cathedral City, Calif., in place of A. F. Pataine, deceased.

Michael T. Lane, Lawndale, Calif., in place of Berniece Hamilton, retired.

R. Ollie Mapes, McClellan Air Force Base, Calif., in place of J. A. Black, retired.

FLORIDA

Robert A. Ballard, Goulds, Fla., in place of T. J. Chapman, retired.

Evangel B. Cooksey, Lamont, Fla., in place of A. W. Reams, retired.

ILLINOIS

Ralph E. Haffenden, Belvidere, Ill., in place of P. I. O'Brien, retired.

Wilma K. Voll, Groveland, Ill., in place of L. M. Brown, resigned.

Martha A. Gavin, Little York, Ill., in place of M. I. Brown, retired.

James L. Brummell, New Canton, Ill., in place of C. T. Gilbert, retired.

Robert L. Wright, Oregon, Ill., in place of S. J. Thomas, deceased.

INDIANA

James E. Ross, Crawfordsville, Ind., in place of V. L. Bowers, retired.

Glenn Walters, Wyatt, Ind., in place of J. J. Bendit, retired.

KANSAS

Ray Hinnen, Potwin, Kans., in place of H. E. Hinnen, transferred.

Donald L. Briggs, Stilwell, Kans., in place of E. A. Fink, deceased.

KENTUCKY

Stanley W. Gosney, De Mossville, Ky., in place of D. M. Mann, retired.

MAINE

John J. McAuliffe, Rockland, Maine, in place of James Connellan, retired.

MARYLAND

Genevieve M. Coale, Churchville, Md., in place of M. E. Hamby, retired.

William B. Orndorff, Cumberland, Md., in place of T. F. Conlon, retired.

Tlghman H. Williams, Goldsboro, Md., in place of M. E. Williams, retired.

Anna E. Brooks, Woolford, Md., in place of R. E. Brooks, retired.

MASSACHUSETTS

Paul H. Benoit, Southbridge, Mass., in place of J. H. LeClair, retired.

MICHIGAN

James B. Koyné, Bellaire, Mich., in place of S. F. Blake, retired.

Richard K. Boomer, Lakeview, Mich., in place of M. C. Woodard, resigned.

John O. Boynton, Saint Ignace, Mich., in place of O. C. Boynton, Jr., retired.

MINNESOTA

Lawrence J. Mahan, Brandon, Minn., in place of W. H. Hoving, retired.

Violet L. Howard, Lyle, Minn., in place of O. J. Mortensen, declined.

MISSOURI

James G. Curry, Jr., Bucklin, Mo., in place of J. O. Finney, deceased.

Harold F. Taylor, Jonesburg, Mo., in place of C. J. Jones, retired.

MONTANA

Eugene Kennedy, Manhattan, Mont., in place of J. P. Waters, retired.

Sarah M. Riley, West Yellowstone, Mont., in place of A. E. Hansen, retired.

NEW JERSEY

Jeanne L. Tamplin, Hewitt, N.J., in place of M. F. Sando, retired.

William L. Krieger, Maplewood, N.J., in place of O. V. McNany, resigned.

NEW YORK

Robert K. Baker, Argyle, N.Y., in place of A. C. Hall, retired.

Joseph F. Carrigan, East Rockaway, N.Y., in place of F. B. Crowley, retired.

Archie C. Raimondi, Glasco, N.Y., in place of Charles Riccardi, deceased.

Barbara A. Alkinburgh, Nelliston, N.Y., in place of J. W. Van Alstine, retired.

OKLAHOMA

Cora H. Gossmann, Arapaho, Okla., in place of E. E. Wiley, retired.

Carl B. Grimes, Elmer, Okla., in place of Velma McKinzie, retired.

PENNSYLVANIA

Joseph J. Morris, Bryn Mawr, Pa., in place of M. C. Barone, transferred.

Raymond G. Mathews, Doylestown, Pa., in place of F. A. Fonash, retired.

William H. Couch, Greenville, Pa., in place of J. W. Reznor, retired.

Harvey A. Baddorf, Halifax, Pa., in place of R. R. Kinsinger, retired.

Alice M. Bustin, Milan, Pa., in place of A. G. Flood, retired.

Robert P. DeLotto, New Kensington, Pa., in place of A. G. Sullivan, retired.

Irving E. Rath, Pillow, Pa., in place of C. M. Koppenhaver, resigned.

Charles W. Plunkett, Turtlepoint, Pa., in place of G. L. Carlson, retired.

SOUTH CAROLINA

Edwin L. Platts, Ridge Spring, S.C., in place of B. D. Boatwright, retired.

Warren L. Walkup, Timmonsville, S.C., in place of S. F. Harper, retired.

TENNESSEE

William B. Milstead, Hornsby, Tenn., in place of H. B. Milstead, retired.

James H. Miller, Surgoinsville, Tenn., in place of E. W. Marshall, retired.

TEXAS

Cloyce W. Floyd, Dawson, Tex., in place of C. D. Barry, retired.

Minna L. Squires, Eustace, Tex., in place of W. H. Wheeler, deceased.

Eunice B. Dayton, London, Tex., in place of Jessie Robinson, retired.

John M. Tidwell, Roanoke, Tex., in place of G. R. Jones, transferred.

Bernard G. Scrogin, Wallis, Tex., in place of A. H. Brandt, deceased.

VERMONT

Mary J. Reagan, Moretown, Vt., in place of M. B. Ward, retired.

HOUSE OF REPRESENTATIVES

THURSDAY, JULY 23, 1964

The House met at 12 o'clock noon.

Rev. William C. Howland, Jr., pastor, the First Christian Church, Longview, Tex., offered the following prayer:

Almighty God, grant this prayer may be more than mere fulfillment of expected ritual. In spirit and truth enable us to acknowledge that Thou alone art Creator, Sustainer, and Lord of life.

As Thou hast brought us to this moment by Thy providence, strengthen us with Thy power, making us glad with Thy presence.

We beseech Thy blessing on those who serve here, and the people and the country whom they seek to serve. Grant them ability equal to their opportunity, wisdom equal to their responsibility, and courage equal to their awesome task.

Through their labors give birth to insights which employed, can lead to full realization of good will among all men and peace among all Nations.

In Christ's name, we pray. 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. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 8313. An act to repeal the District of Columbia Credit Unions Act, to convert credit unions incorporated under the provisions of the act to Federal credit unions, and for other purposes;

H.R. 9833. An act granting a renewal of patent numbered D-162,975, relating to a medal of the American Legion; and

H.R. 9834. An act granting a renewal of patent numbered D-161,955, relating to a plaque of the American Legion.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 944. An act to provide for the presentation by the United States to the people of Mexico of a monument commemorating the independence of Mexico, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10300) entitled "An act to authorize certain construction at military installations, and for other purposes."

EMPLOYMENT OF CIVILIANS IN MORE THAN ONE POSITION AND CIVILIAN EMPLOYMENT OF RETIRED MEMBERS OF THE UNIFORMED SERVICES

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7381), to simplify, modernize, and consolidate the laws relating to the employment of civilians in more than one position and the laws concerning the civilian employment of retired members of the uniformed services, and for other purposes, with amendments of the Senate thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 12, strike out lines 6 to 21, inclusive.

Page 12, line 22, strike out "206" and insert "205".

Page 12, after line 25, insert:

"Sec. 206. Notwithstanding any other provision of law, no retired member of any regular component of the uniformed services who holds any civilian office the compensation for which is determined in accordance with the Classification Act of 1949, as amended, shall receive salary for the performance of the duties of such civilian office at a rate which combined with the rate of retired or retirement pay received by him is in excess of the maximum rate authorized by such Classification Act of 1949, as amended; and no retired member of any of the uniformed services who holds any civilian office the compensation for which is not determined in accordance with the Classification Act of 1949, as amended, shall receive salary for the performance of the duties of such

civilian office at a rate which combined with the rate of retired or retirement pay received by him is in excess of the rate of salary received by the head of the department or agency by which he is employed."

Page 13, strike out all after line 17 over to and including line 2 on page 14 and insert:

"(c) Unless otherwise authorized by law, no money appropriated by any Act shall be available for payment to any person of salary from more than one civilian office if the aggregate amount of the basic compensation from such offices exceeds the sum of \$2,000 per annum, and if (1) one of such salaries is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives or (2) one of such offices is under the Office of the Architect of the Capitol."

Page 14, after line 17, insert:

"(5) compensation received by any person holding an office or position the compensation for which is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives or any office or position under the Architect of the Capitol;"

Page 14, line 18, strike out "(5)" and insert "(6)".

Page 14, line 21, strike out "(6)" and insert "(7)".

Page 16, after line 20, insert:

"(f) This title shall not be applicable to persons employed under the joint resolution approved July 6, 1961 (75 Stat. 199; Public Law 87-82), or under section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (54 Stat. 1056; Public Law 812, 76th Congress)."

Page 34, after line 3, insert:

"(c) Nothing contained in this Act shall be construed to repeal or modify the provisions of the last paragraph under the heading 'Administrative Provisions' in the appropriations for the Senate contained in the Legislative Branch Appropriation Act, 1957 (70 Stat. 360; 2 U.S.C. 66a)."

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I assume that the gentleman from North Carolina will take a few minutes, at least, to explain what transpired in conference.

Mr. HENDERSON. I shall be glad to do so.

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

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

There was no objection.

Mr. HENDERSON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HENDERSON moves to concur in Senate amendments Nos. 1, 2, 4, 5, 6, 7, 8, and 9 and disagree to amendment No. 3.

Mr. HENDERSON. Mr. Speaker, Senate amendment No. 1 to H.R. 7381 eliminates section 205 which would require that before a retired member of any of the uniformed services may be appointed to a civilian office in the competitive civil service of any agency in the executive branch there must be public notice that a vacancy exists and that an assembled examination, where practicable open to all persons, is to be given. The vacancy could be filled only from among those qualified persons who successfully complete such examination.

The provision would require public notice, a waiting period, and open competitive examinations in order to fill any vacancy in the competitive civil service if

a retired member of the Armed Forces is a candidate for the position. An agency could never positively determine whether a retired member would be interested in applying for such a position; consequently, the entire examining and appointing procedures of the Civil Service Commission would have to be revised in order to comply with the requirements of this section. It is felt that section 204 of the bill lends adequate protection to civilian employees and eliminates certain inequities in the hiring of retired military persons.

The Civil Service Commission advises that section 205 is unnecessarily restrictive and strongly endorses the elimination of this provision.

Senate amendment No. 2 is a technical conforming amendment required by the elimination of section 205. It would renumber present section 206 to section 205.

Senate amendment No. 3 adds a new section 206 which would place certain ceilings on the amount of combined military retired pay and civilian compensation to be received by retired military personnel employed in a Federal civilian position.

The section would prescribe two ceilings:

First. In cases where the military retiree is employed in a civilian office with compensation determined under the Classification Act of 1949, the combined military retired pay and civilian compensation could not exceed the top rate of the Classification Act of 1949, as amended.

Second. In cases where the civilian compensation is not determined under the Classification Act of 1949, the combined maximum rate could not exceed the rate of compensation received by the head of the department or agency.

The ceiling under the first rule measured by the top rate of the Classification Act would apply to retired members of any Regular component, but the ceiling under the second rule would apply to any retired member of any of the uniformed services.

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

Mr. HENDERSON. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Is the provision written in an attempt to eliminate the so-called buddy system still retained in the bill?

Mr. HENDERSON. It definitely is. The gentleman well knows of my long interest in this. I have gone into this carefully. There have been no changes in this section as passed by the House.

Mr. GROSS. As far as I am concerned, this is one of the most important provisions of the bill and if it remains in it, I have no further questions concerning the conference report.

Mr. HENDERSON. I appreciate the gentleman's interest.

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

Mr. HENDERSON. I am happy to yield to the distinguished gentleman from Texas.

Mr. BECKWORTH. I believe the so-called buddy system should be eliminated. Just yesterday a young man

came to my office who works for one of the departments of the Government. He told me that for several weeks now a given agency has been looking for a grade 13 man. It was not announced that the officials of the department were looking for the man. As soon as they found him, they then announced that the position was open, and the announcement closes quickly. That means that, to all intents and purposes, most people who might be qualified for the position are denied the opportunity of even knowing about the vacancy. This is wrong.

I also want to add this. I have introduced as of December 10, 1963, H.R. 9407, a bill that would if it should become law require reasonable notice on all examinations, where practical, and then genuine written examinations, where practical. I feel that this bill will be opposed, because selfish bureaucrats do not want that kind of thing. There are some people in our Government and outside our Government who believe the bill would be good legislation. The summer jobs program for students evidences some great injustices. We passed twice a bill here to bring about more fairness. There has been so much opposition to the legislation that the legislation has received little consideration in the other body. I say to you, though, that if we mean business when we say that we want effective and able Federal employees, we ought to go the full length in making it known that jobs are available and give true, worthwhile competitive examinations instead of what is known as complying with civil service standards, which are quite different to a true written competitive examination.

Mr. HENDERSON. The gentleman from Texas is to be commended for his longtime interest in this field. He well knows the provisions of this bill are a vast improvement over what we have had. As the gentleman from Iowa indicated, the provisions of this bill will go a long way toward eliminating the buddy system, as we refer to it. In the employment of retired former military personnel, this is a vast step forward in the improvement of the civil service employment procedures.

Mr. Speaker, I would like to conclude with the further explanation of the amendments of the Senate.

The Civil Service Commission strongly objects to this amendment.

It would cause inequities and inconsistencies in the cases of those few retired members whose combined military retired pay and civilian compensation would be affected by these ceilings.

A retired regular member employed in the Department of Defense in a GS-18 Classification Act scientific position would have a salary reduced by the total amount of his retired pay; however, if he were employed to do exactly the same kind of work by the same agency under Public Law 313 which authorizes compensation to be fixed outside the Classification Act, the reduction in his salary would be insignificant, if any, because he could be paid as much as the Secretary of Defense—up to \$35,000 under the new

salary bill as passed by the Senate, H.R. 11049.

If the same individual were a Retired Reserve member, he would have no reduction in salary in the GS-18 position, but he could be subject to a reduction if he were employed under Public Law 313.

The provisions of section 206 would encourage all kinds of artificial arrangements to avoid the adverse maximum of the limits on particular individuals and groups, as indicated above.

Amendments Nos. 4 to 9 relate to employment in the Senate, the House of Representatives, and the Architect of the Capitol. They are designed to continue the present employment policy of prohibiting any employee of those offices from receiving salary for more than one civilian office if the aggregate amount of basic compensation from such offices exceeds the sum of \$2,000 per annum.

Amendment No. 8 provides that the limitation on dual compensation for more than one civilian office under section 301 of the bill shall not apply to persons employed under Public Law 87-82, relating to employees of the Architect of the Capitol in the Senate restaurants, or to employees employed under section 208 of Public Law 812 of the 76th Congress, relating to employees of the Architect of the Capitol in the House of Representatives restaurant.

The present law referred to in amendment No. 9 (2 U.S.C. 66a) prohibits dual compensation if one of the positions is in the U.S. Senate; however, one person may be employed in more than one part-time position in the House of Representatives if the basic compensation does not exceed \$2,000 per annum.

Amendments Nos. 4 to 9 will retain the present dual employment rules, applicable to the employees of the Senate, the House of Representatives, and the Architect of the Capitol.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 188]

Abbutt	Griffiths	Morrison
Alger	Hansen	Morton
Ashmore	Harris	Pilcher
Avery	Harvey, Mich.	Pool
Baring	Healey	Powell
Bass	Hébert	Pucinski
Bennett, Mich.	Hoffman	Purcell
Blatnik	Hollifield	Qule
Bolling	Hull	Randall
Brock	Jones, Ala.	Roberts, Ala.
Buckley	Kee	Roybal
Celler	Kilburn	Ryan, Mich.
Chelf	Kilgore	Senner
Davis, Tenn.	Knox	Skubitz
Diggs	Laird	Thomas
Dingell	Lankford	Thompson, La.
Evins	Lipscomb	Toll
Fino	Long, La.	Wallhauser
Flynt	Martin, Mass.	Wickersham
Gibbons	Miller, N.Y.	Wilson, Bob
Gill	Moore	
Gray	Moorhead	

The SPEAKER. On this rollcall 369 Members have answered to their names, a quorum.

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

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 184. Joint resolution for the commemoration of the Honorable Herbert Hoover's 90th birthday, August 10, 1964.

EMPLOYMENT OF CIVILIANS IN MORE THAN ONE POSITION AND CIVILIAN EMPLOYMENT OF RETIRED MEMBERS OF THE UNIFORMED SERVICES

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina [Mr. HENDERSON].

The motion was agreed to.

A motion to reconsider was laid on the table.

GOVERNMENT EMPLOYEES SALARY REFORM ACT OF 1964

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 11049) to adjust the rates of basic compensation of certain officers and employees in the Federal Government, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

Mr. ROOSEVELT. Mr. Speaker, reserving the right to object, this is the pay bill which was passed by this body and has now been passed by the other body.

I hope the Members of the House realize that in the version of the other body there is a provision which takes a direct slap at the members of the Supreme Court of the United States. This version would limit the raise of Supreme Court members to \$2,500 instead of \$7,500. I want to go on record as saying that no matter how anyone may feel about the actions of the Supreme Court in various instances, this is highly inappropriate. It certainly would be a severe blow to our whole system of government. We should, if we so desire, have the courage to take action on the basis of whatever we might want to do to review their decisions and take positive legislative action to do so. Certainly it is picayune, small, and unseemly to act as the other body proposes.

I hope that the conferees on our side, on the part of the House, will insist that the compensation of Justices of the Supreme Court be at the level at which passed by the House.

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

Mr. GROSS. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

FOOD STAMP ACT OF 1964

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 10222) to strengthen the agricultural economy; to help to achieve a fuller and more effective use of food abundances; to provide for improved levels of nutrition among economically needy households through a cooperative Federal-State program of food assistance to be operated through normal channels of trade; and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 5, strike out "economically needy" and insert: "low-income".

Page 2, lines 13 and 14, strike out "in economic need" and insert: "with low incomes".

Page 2, line 20, strike out all after "(b)" down to and including line 25 and insert: "The term 'food' means any food or food product for human consumption except alcoholic beverages, tobacco, those foods which are identified on the package as being imported, and meat and meat products which are imported."

Page 4, after line 20, insert:

"(b) In areas where a food stamp program is in effect, there shall be no distribution of federally owned foods to households under the authority of any other law except during emergency situations caused by a national or other disaster as determined by the Secretary."

Page 4, line 21, strike out "(b)" and insert "(c)".

Page 5, strike out lines 4 to 16, inclusive, and insert:

"Sec. 5. (a) Participation in the food stamp program shall be limited to those households whose income is determined to be a substantial limiting factor in the attainment of a nutritionally adequate diet."

"(b) In complying with the limitation on participation set forth in subsection (a) above, each State agency shall establish standards to determine the eligibility of applicant households. Such standards shall include maximum income limitations consistent with the income standards used by the State agency in administration of its federally aided public assistance programs. Such standards also shall place a limitation on the resources to be allowed eligible households. The standards of eligibility to be used by each State for the food stamp program shall be subject to the approval of the Secretary."

Page 6, line 17, after "a" insert "low-cost".

Page 11, line 8, after "required" insert "In approving the participation of the subdivisions requested by each State in its plan of operation, the Secretary shall provide for an equitable and orderly expansion among the several States in accordance with their relative need and readiness to meet their requested effective dates of participation."

Page 11, after line 19, insert:

"(g) If the Secretary determines that there has been gross negligence or fraud on the part of the State agency in the certification of applicant households, the State shall upon request of the Secretary deposit into the separate account authorized by section 7 of this Act, a sum equal to the amount by which the value of any coupons issued as a result of such negligence or fraud exceeds the

amount that was charged for such coupons under section 7(b) of this Act."

Page 17, lines 11 and 12, strike out "not in excess of \$25,000,000 for the fiscal year ending June 30, 1964;"

Page 17, line 16, after "1967" insert "; and not in excess of such sum as may hereafter be authorized by Congress for any subsequent fiscal year".

Page 18, line 2, after "section," insert "If in any fiscal year the Secretary finds that the requirements of participating States will exceed the limitation set forth herein, the Secretary shall direct State agencies to reduce the amount of such coupons to be issued to participating households to the extent necessary to comply with the provisions of this subsection."

Amend the title so as to read: "An act to strengthen the agricultural economy; to help to achieve a fuller and more effective use of food abundances; to provide for improved levels of nutrition among low-income households through a cooperative Federal-State program of food assistance to be operated through normal channels of trade; and for other purposes."

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

Mr. HOEVEN. Mr. Speaker, reserving the right to object, I assume the gentleman from North Carolina will advise the House as to the nature and the import of the Senate amendments.

Mr. COOLEY. I might say to my friend that the only one that is of great importance is what is known as the Miller amendment dealing with imported meats. I had anticipated that some question would be propounded concerning that, and I would like to place this matter before the House now.

The language in the bill clearly indicates that we do not intend for food stamps to be used to buy imported meat. We definitely do not want to do anything which would adversely affect the livestock industry of this country.

Not even by legislative history do we want to indicate that food stamps could not be used to buy meat products produced domestically, but certainly we do not intend to require retailers to maintain a private reporting service to warn them that they may be allowing customers to use food stamps to buy imported beef which may be commingled with domestic meats in processed foods. I understand that some foreign meats are used in processed foods. A recent report of the Tariff Commission indicates that a small amount of imported meat is sometimes used in frankfurters, bologna, luncheon meat, and canned products, but that on an average 80 percent of the meat used in these food articles is American-produced meat.

The definition "food" in this legislation would require to the extent practical that if the retailer knew he was offering imported meat for sale, he could not sell such meat for food coupons.

He could sell no food product that is labeled as imported on the package for food stamps.

He could not, for example, sell any meat product that is identified as being imported when he bought it—such as carcass beef or frozen block beef—no matter whether he ground it for hamburgers or otherwise processed it before offering it for sale.

This is a safeguard for the domestic meat producer as well as the retailer. If a retailer has no provable means of knowing whether or not he is handling imported meat, then to protect himself from penalty he would refuse to sell for food stamps virtually all processed food containing meat. This would be a severe blow to the American cattlemen and injurious to the American meat industry, as well as a crippling strike at the whole food stamp program.

I will say to my friend from Iowa that I think that is about the only amendment which needs any explanation. Otherwise the other amendments are not of great importance.

Mr. HOEVEN. Mr. Speaker, further reserving the right to object, I want to make my position clear as far as the unanimous consent request of the gentleman from North Carolina is concerned.

Members will recall that the minority members of the Committee on Agriculture filed a unanimous minority report against the bill in the first instance. We also opposed passage of the bill. The House, however, passed the bill and it went over to the other body where certain amendments were attached to the bill. Now we are confronted with two alternatives. One is to send the bill to conference and the other is to concur in the Senate amendments. Personally, I fear sending the bill to conference would be an exercise in futility. I doubt very much whether I would sign any conference report. Most of the Senate amendments are clarifying amendments. Some of them are of more importance than others but none of the changes are of great import. The most important amendment in my judgment is the amendment which would prohibit the use of food stamps for foreign meat imports including meat products. I am somewhat fearful that if the bill goes to conference this important amendment may be eliminated. Hence, I think it is the better part of wisdom to agree to the Senate amendments. Therefore, Mr. Speaker, I withdraw my reservation of objection.

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

Mr. JONES of Missouri. Mr. Speaker, reserving the right to object, I should like to ask the chairman of the committee a question or two. I was not here when he started his explanation of this bill. At the time the bill was before the House, on April 8, I offered an amendment which was adopted which would permit the use of surplus commodities. In looking over this bill it seems that the Senate took out that amendment. I want to call attention to the fact that if we discontinue the use of surplus commodities, which was going on in these communities—I think there were 41 of them—for instance, in the city of St. Louis, when they put the food stamp plan into effect, it cut out more than 60 percent of the people who were receiving food.

I should like to have some assurance from the chairman of this committee

that we are not going to make impossible the distribution of surplus commodities and have people in dire need deprived of basic foodstuffs because we put in a food stamp plan to give foods in certain areas that were not basic necessities at all; that is, I want some statement from the chairman concerning this: I think it would be a mistake for us to adopt this bill and not give the conferees an opportunity to discuss and to inform the House that we are not going to deprive the poor people of this country of the use of these surplus commodities.

There were some 58,000 people in St. Louis who were being fed from surplus commodities and after the food stamp plan went into effect there were only 12,000 people. I want the chairman to explain that to me, if he will.

Mr. COOLEY. If the gentleman will turn to page 5, line 7, and read the language, he will see that what he has been talking about is taken care of. The author of the bill is from the city of St. Louis; that is the gentlewoman from Missouri [Mrs. SULLIVAN]. Certainly she is not trying to have legislation passed here which would deprive the constituents she represents of necessary foodstuffs. I suggest to the gentleman that he look at line 6 which says, by a national or other disaster. How more comprehensive could you make the language than that? I think it is perfectly clear that the program would be in operation in the disaster areas, wherever they are, or wherever there is economic need.

Mr. JONES of Missouri. This language, in my opinion, is not clear enough because we say "by national or other disaster." It is not necessary to have a disaster for people to be hungry.

Mr. COOLEY. Hungry or not, if they establish eligibility under the program they would receive the food. I think the author of the bill would agree with me on that and I should be glad to yield to her if she wishes to give us an explanation. Is it not her understanding that they will get the food if they can establish eligibility?

Mrs. SULLIVAN. Definitely, that is the understanding that we had all along.

Mr. JONES of Missouri. Mr. Speaker, further reserving the right to object, I would like to ask the gentlewoman from St. Louis if it is not a fact that there were some 58,000 people receiving surplus commodities in St. Louis and that 13 months after the food stamp plan went into effect there were less than 12,000 people receiving food under the food stamp plan?

Mrs. SULLIVAN. The gentleman is absolutely correct. I think I answered that during 2 days when we had this bill up in April and when the gentleman made the accusation.

Mr. JONES of Missouri. It was not an accusation; I was just pointing out the facts.

Mrs. SULLIVAN. It is true that there were many factors involved. I think we explained this before, that many people who did not qualify were getting this food anyway.

The programs are for the needy under the rules and regulations set up. We intend to keep improving regulations in cooperation with the department so that more people who are eligible will participate.

Mr. JONES of Missouri. Mr. Speaker, further reserving the right to object, I would like to ask the gentlewoman from Missouri, when I offered the amendment which would permit the use of surplus foods to be distributed to needy people, whether she opposed and spoke in opposition to my amendment at that time.

Mrs. SULLIVAN. If the gentleman will yield, I did not offer an objection. We were concerned about this situation and it was passed in the House and it was taken out in the Senate.

Mr. JONES of Missouri. Well, I do not think we have had the proper consideration of the bill, especially with reference to this amendment.

Mr. COOLEY. If the gentleman will yield further, I tried to explain that. If the gentleman will read the language as contained in the bill and the report, the gentleman will see that we have the same provision.

Mr. JONES of Missouri. I am reading what it says here:

In areas where a food stamp program is in effect, there shall be no distribution of federally owned foods to households under the authority of any other law except during emergency situations caused by a national or other disaster as determined by the Secretary.

Mr. Speaker, I do not think we have had proper consideration of the bill, particularly with reference to this amendment.

Mr. COOLEY. We are not going to prevent food going to needy people, and I believe we assure that.

Mr. JONES of Missouri. No, we do not. It is not at all required. I am talking about what is now in the bill which the Senate considered. That is practically the same language which I took out of the bill in the House.

Mr. COOLEY. Does the gentleman advocate having two programs operating at the same time?

Mr. JONES of Missouri. I am advocating the use of surplus food to feed hungry people. I am advocating the use of the products of agriculture by people, who because of their economic status are hungry and are ill, to have the use of this food so long as we have these surpluses. This would prohibit it.

Mr. COOLEY. Do you want direct relief in the distribution of food at the same time the food stamp program is operating in a given area?

Mr. JONES of Missouri. I want direct distribution of surplus commodities when it is shown those surplus commodities are needed. The Director of Welfare of the State of Missouri told me—and I have great confidence in him; he has had this position for many years under many administrations—if we take away the direct distribution of surplus commodities many people in the area I represent, as well as people in St. Louis, are going to go hungry while we still have surplus commodities which could be used to alleviate this hunger.

Mr. COOLEY. Why would they go hungry under this food stamp plan?

Mr. JONES of Missouri. I will tell the gentleman why. Under the food stamp plan there is a requirement they buy a minimum number of stamps. The budgets of some of these families, paying their rent, their utilities and other things like that, they do not have the minimum amount for which to buy food stamps, which is a prerequisite to getting the free stamps.

Mr. COOLEY. There is nothing in this law that requires any county to adopt this food stamp program, and they cannot have it unless they ask for it. The gentleman takes a position that is absolutely incompatible with the purpose of this bill.

Mr. JONES of Missouri. No, I am not.

Mr. COOLEY. Does the gentleman believe we could force the stamp program into a community that does not want it?

Mr. JONES of Missouri. The county courts of many of my counties in Missouri are operating with great difficulty, with limited budgets. If they felt they would be relieved of the expense of distributing food they would be inclined to give that up because the food stamp plan would not impose any financial burden on the county. Then the people who need the food would be the ones to go hungry.

Mr. COOLEY. Do you want to force the county to continue or to go into direct distribution?

Mr. JONES of Missouri. No, not to force them, but I want the commodities to be used when we have them, and when there are people who are hungry.

Mr. COOLEY. That is exactly the purpose of the program. The purpose of this legislation is to provide food for hungry people, not to force it on any county, community, or any person.

Mr. JONES of Missouri. If the gentleman will bear with me, and further reserving the right to object, I think what we have done here is not proper. The House is being asked to accept a bill which is different from the bill that we passed here in the House. We adopted this amendment in the House with the approval and consent of the gentlewoman from Missouri, and with the consent of the chairman of the Committee on Agriculture, and I had every reason to believe these surplus commodities were going to be made available to people who were hungry and who did not have the small amount of money to buy the minimum requirement of food stamps.

If you pass this bill like it is you are going to have a lot of people in this Nation going hungry when we still have surplus agricultural commodities. My apprehension about the food stamp bill was because it did not require, first, utilization of the surplus commodities. That is the thing that needs to be done first, use up all of the surplus commodities.

Mr. COOLEY. If the Members of the other body would accept your exact language, this would not modify the program and not change it. With or with-

out this language you have the same purpose and you accomplish the same thing.

Mr. JONES of Missouri. This amendment they put on there just restores the language of the bill that we took out in the House. I think we should utilize first our surplus commodities. That is what I was trying to have done.

Mr. COOLEY. It says that in any area where a food stamp program is in effect there shall be no direct distribution of Federal food.

Is that not perfectly plain?

Mr. JONES of Missouri. That is right.

Mr. COOLEY. You do not have to have the food stamp plan in effect; you do not have to have direct distribution.

Mr. JONES of Missouri. There is so much temptation when a county court has a limited budget, and they are paying for this distribution.

Mrs. SULLIVAN. I would like to say to the gentleman from Missouri that this plan, as it passed the House, is not all I wanted it to be. There were many things I wanted to put in the bill, but I am willing to compromise to get the plan into being so that everyone who really wants it can have it. Your county does not have to accept the food stamp plan; it can stay under direct distribution just as it is now.

Mr. JONES of Missouri. I am not speaking for my county alone. I am speaking for the Nation. The director of welfare in the State of Missouri told me that unless we had an amendment similar to the one that was adopted by the House we would have people in Missouri going hungry while we still had surplus commodities available which could not be used.

Mrs. SULLIVAN. I think our own State welfare department is being a little miserly in giving the funds necessary to go into the necessary investigation to certify these people. Just because the Missouri Welfare Department is not giving proper attention to certification of welfare cases and provide the assistance needed, I do not think we should deprive everybody else of this. No county or community has to have the stamp plan if it does not want it.

Mr. JONES of Missouri. If we take out the Senate amendment, lines 3 through 7, page 5, the Secretary of Agriculture would still have the authority to maintain a food distribution plan if he felt it was necessary or if some State was not giving enough money for the food stamp plan. It does not require direct distribution but it makes it possible. The Senate amendment prohibits it. That is what I am opposed to, prohibiting the distribution of surpluses which we have in great abundance, and which would alleviate suffering and hunger for most people. I think we should reject this Senate amendment.

Mrs. SULLIVAN. I do not believe we are going to get the Senate to yield on this because, as I said, a community does not have to take the plan if they do not want to; but we should work toward getting better standards of eligibility in the regulations that are set up for these people who have so little money to spend for these stamps. I think we are making progress.

Mr. JONES of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JONES of Missouri. What is the motion before the House at this time?

The SPEAKER. Is there objection to the request of the gentleman from North Carolina to take the bill from the Speaker's desk and agree to the Senate amendments?

Mr. JONES of Missouri. I reserve the right to object, Mr. Speaker.

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

Mr. JONES of Missouri. I yield to the gentleman from North Carolina.

Mr. COOLEY. What I want to point out to the gentleman—I do not know whether or not it is clear to him but it is perfectly clear to the author of the bill and to the legislative committee that with this background and history I do not see how there could be any question about this amendment which seems to be disturbing to the gentleman from Missouri.

Mr. JONES of Missouri. It is very clear that the Senate put in the bill language which the House took out which would be a clear reflection on the history, that the Senate said there would be no distribution of food to households where there is a food stamp plan in effect.

Mr. COOLEY. How can the gentleman disagree with the Senate amendment when he told me he does not favor family distribution in the same place where you have a food stamp plan?

Mr. JONES of Missouri. No; I think it is necessary for people to receive the basic food commodities. I do not want to prohibit it. This amendment prohibits it. That is why I feel it is a mistake to bring this up this way. I feel we should have an opportunity to discuss this other than here on the floor. I do not see why conferees were not asked for.

Mr. COOLEY. Because nobody was disagreeing with it except the gentleman from Missouri. The gentleman said he was standing alone.

Mr. JONES of Missouri. I am not standing alone. There are people who voted against that amendment, who commented in their views at that time and who are still of the opinion that since we have surplus commodities there are a good many people that should have access to those commodities.

Mr. COOLEY. The gentleman is now delaying this despite the fact we explained to him what the language means.

Mr. JONES of Missouri. I beg to disagree with the gentleman. I know he is a learned lawyer, but I think I can read the English language.

Mr. COOLEY. The gentleman's interpretation does not agree with ours.

Mr. JONES of Missouri. Rather than take up further time, I am going to object.

The SPEAKER. Is there objection to the request?

Mr. JONES of Missouri. I object.

Mr. COOLEY. Mr. Speaker, I ask unanimous consent that the House disagree to the Senate amendments and

agree to the conference asked by the Senate.

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

Mr. JENSEN. Reserving the right to object, Mr. Speaker, may I ask this question of the chairman of the Committee on Agriculture [Mr. COOLEY]: Can the gentleman assure the House categorically that food stamps can be used to purchase meat as provided in this bill? Can I have his categorical assurance that that can be done?

Mr. COOLEY. Does the gentleman mean food stamps can be used to purchase meat?

Mr. JENSEN. Yes.

Mr. COOLEY. Certainly; of course.

Mr. JENSEN. Of every description?

Mr. COOLEY. You cannot use stamps to purchase meat that has been imported, but you can use it to purchase meat domestically produced. The very discussion indicates our desire to protect the livestock industry.

Mr. JENSEN. That includes beef, lamb, poultry, and others; is that right?

Mr. COOLEY. That is right.

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

Mr. GROSS. I object, Mr. Speaker.

The SPEAKER. Does the gentleman from Iowa object to the bill going to conference?

Mr. GROSS. I object.

The SPEAKER. Objection is heard.

PRESIDENTIAL PROCLAMATION OF AUGUST 10, 1964—90TH BIRTHDAY OF HERBERT HOOVER

Mr. ALBERT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 184) for the commemoration of the Honorable Herbert Hoover's 90th birthday, August 10, 1964.

The Clerk read the Senate joint resolution, as follows:

Whereas the Honorable Herbert Hoover, who has served his fellow man, his country, and the world with the greatest devotion, will be ninety years of age on August 10, 1964; and

Whereas this great leader has twice directed relief and rehabilitation programs for the stricken victims of World War I and World War II; and

Whereas he conceived, drafted, and served as Chairman of two Commissions on Organization of the Executive Branch of the Federal Government; and

Whereas he served this Nation, first, as the Secretary of Commerce, and, then, as the thirty-first President of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby extend the Honorable Herbert Hoover its felicitations on his birthday, its admiration for his achievements, and its gratitude for his selfless service to mankind.

Sec. 2. The President of the United States is hereby authorized to issue a proclamation giving official recognition to August 10, 1964, as the Honorable Herbert Hoover's ninetieth birthday.

Sec. 3. American flags are to be flown especially on that date over the Capitol and over the White House and then are to be

conveyed to him in commemoration of his natal day.

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

Mr. HALLECK. Mr. Speaker, reserving the right to object, and of course I certainly shall not object. I make this reservation only so that the record will show that this resolution which has come from the other body was introduced there concurrently by both the majority and the minority leaders. A similar resolution has been introduced here in the House of Representatives by my very good friend, the distinguished majority leader, the gentleman from Oklahoma [Mr. ALBERT], and by me as minority leader. I trust that the resolution will be unanimously adopted.

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

Mr. HALLECK. I yield to the gentleman.

Mr. ALBERT. Mr. Speaker, I join with the distinguished minority leader, the gentleman from Indiana [Mr. HALLECK], in wholeheartedly endorsing this resolution.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. ALBERT]?

There was no objection.

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

SPECIAL COMMITTEE TO INVESTIGATE CAMPAIGN EXPENDITURES

The SPEAKER. Pursuant to the provisions of House Resolution 795, 88th Congress, the Chair appoints as members of the Special Committee To Investigate Campaign Expenditures the following Members of the House: Mr. DAVIS, of Tennessee, chairman; Mr. JONES, of Alabama, Mr. O'BRIEN, of New York, Mr. DEVINE, of Ohio, and Mr. BROMWELL, of Iowa.

TO ESTABLISH A LAND AND WATER CONSERVATION FUND, AND FOR OTHER PURPOSES

Mr. MORRIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3846) to establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3846, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through section 1 ending on line 8, page 20 of the committee amendment.

Are there any amendments to this section?

AMENDMENT OFFERED BY MR. MORRIS

Mr. MORRIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORRIS: Page 19, lines 16 and 17, strike out the present text and insert:

"SECTION 1. (a) CITATION; EFFECTIVE DATE.—This Act may be cited as the 'Land and Water Conservation Fund Act of 1965' and shall become effective on January 1, 1965."

Mr. MORRIS. Mr. Chairman, I certainly shall not take the 5 minutes.

The purpose of the amendment is self-explanatory.

The effective date of the act is to be January 1, 1965.

The reason for the amendment is that some of our colleagues have expressed some concern about how the act may be administered and about some of the provisions of the act. We do not believe it would be possible for the administration to promulgate rules and regulations for putting the act into effect prior to 1965. We wish to make certain that the department which will administer the law will have plenty of time to write the rules and regulations and to be sure that they are in conformity with the legislative history of this act. Therefore, we are making the effective date January 1, 1965.

There will be some amendments offered with respect to fees. There seems to be the greatest of apprehension by some of our colleagues that entrance fees are going to be placed on every lake and reservoir in this country. My colleagues, nothing could be further from the truth. That is not so. There is no intention of doing so. It could not be done under the terms of the act even if there were a desire to do so.

I wish to read to the Members again the things which must be done before any admission fees can be charged. They can be charged only when all these conditions are met.

First. The area must be specifically designated by the President, and notice must actually be posted on the land. First, the President must say that it should be done; next it is necessary to physically post the notice on the land.

Second. The area must be administered by a Federal agency—which excludes Federal land and water areas under lease to State and local governments. In other words, the recreation area must be administered by the Federal Government. Many of the Bureau of Reclamation lakes and reservoirs have been turned over, for administration of the recreation areas, to the States. When this is the case, there could not be an admission fee charged. There could not be.

Third. The area must be administered primarily for outdoor recreation.

Fourth. The area must contain recreation facilities or services which are provided at Federal expense.

I wish to reiterate once again that nothing in the bill requires that the fees be imposed. Even if all the aforesaid

conditions are met, the language is only permissive.

Mr. WESTLAND. Mr. Chairman, will the gentleman yield?

Mr. MORRIS. I yield to my good friend, the gentleman from Washington.

Mr. WESTLAND. I have some opposite views to those of the gentleman from New Mexico. I respect the gentleman's views.

On page 22 of the bill is the language:

Entrance and admission fees may be charged at land or water areas administered primarily for scenic, scientific, historical, cultural, recreational, or wilderness purposes.

For example, let me ask the gentleman this: I have within my district a 900,000-acre primitive area, a wilderness area. Could the gentleman tell me how in the world he could possibly post an area like this?

Mr. MORRIS. I do not think that you could, and I do not think that these fees would be imposed.

Mr. WESTLAND. You do not think so, and I hope it is not so, but the fact is that the bill gives permission to the Forest Service or a Federal agency to do it.

Mr. MORRIS. It gives permission for the President, as the first thing.

Mr. WESTLAND. That is correct.

Mr. MORRIS. Let us get that clear.

Mr. WESTLAND. It gives him permission to do it.

Mr. MORRIS. It is permissive. My good friend from Washington, may I read some guidelines that must be used in addition to all four of the conditions that must be also present before the imposition of fees?

Mr. WESTLAND. Where do they come from?

Mr. MORRIS. From the report submitted by the Committee on Interior and Insular Affairs. I think it is on page 22.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EDMONDSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I understand that the amendment before us alters the provisions of the bill to establish an effective date after the first of the year; that is, on January 1, 1965. Personally, I will not oppose that amendment, but I do want it clearly and thoroughly understood that while this will delay for a while the impact among the people of the United States of these fees, that it certainly is not going to keep chickens from coming home to roost in the primaries and in the general election of 1966.

I have always considered my good friend from New Mexico one of the most astute students of the science of politics that I know and he has just won that title all over again, in my estimation, by proposing this particular amendment. I say that because, believe you me, if this Congress goes home when we conclude our work, as we all hope we will conclude it, in a few weeks, with the distinction of having begun the attack on poverty by starting to charge millions of Americans to enter recreational areas that they now enter free, there is going to be more than one chicken coming

home to roost when the folks wake up and discover what has happened to them.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I will be glad to yield to the gentleman.

Mr. BELCHER. I think perhaps the gentleman from New Mexico has taken a lesson from the Committee on Agriculture which did not see fit to delay the effective date of the wheat bill until after the election. Therefore, I think from that experience they may have derived the reason for this amendment. However, the same effects will be there in the next election that would be present in this present election, because they will just have that much more time to pay the fees before the election rolls around. Is that not correct?

Mr. EDMONDSON. I think that is entirely right.

This one point needs to be made as clear as it is possible to make it between those of us who have serious misgivings about this bill in its present form and the equally and perhaps even more dedicated and eloquent people on the other side who are supporting this bill. There is no one that I know of on the Committee on Interior and Insular Affairs who is opposed to the basic idea of having a use fee, a user fee, for facilities that are provided by the Federal Government expressly for recreational use. If you build a campsite and you put in utilities and if you build a beach and bring bath-houses in there to permit the public to make use of such an area and you facilitate their use and enjoyment of it, these are facilities for which a use fee very clearly is in order, and violence is not done to any great tradition or principle. But if you open the door, as this bill does, with entrance and admission fees to the national forests and to the reservoirs no matter how carefully you try to hedge the conditions that are imposed, you are breaking a longstanding principle that we have had in the national parks. I pointed out yesterday that the national parks from the very first have been intended to meet an outdoor recreational requirement. The reservoirs constructed in this country and the national forests being preserved meet another imperative public need and recreation is an incidental element in connection with them.

Mr. Chairman, I hope that this particular amendment, for the sake of many of my colleagues, including myself, will be adopted. But I hope that when we get on down the road, the amendments that will make this bill such that many of us can live with it, amendments that will be offered on both sides, will be accepted in large part by the Committee or adopted overwhelmingly by the members of this Committee.

Mr. ASPINALL. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, there has been a lot of heat generated here, but the intent of this amendment is clear. There is no spook behind this amendment. If my colleagues will refer to page 19 of the committee print, they will find that—

This Act may be cited as the "Land and Water Conservation Fund Act of 1963."

That is the present title of this bill. This is not as it should be, of course, because the year 1963 is gone. We changed it for the pure and simple reason of bringing it up to date. We also, by bringing the operation of this bill into effect on January 1, 1965, have made it possible for the administering agencies to do a good job of determining their rules and their regulations and setting up the procedures by which the provisions of the bill will be carried out. The congressional committees will have the time necessary to exercise their oversight over it, as they go through this period. That is all that is involved in this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FUQUA

Mr. FUQUA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FUQUA: Page 20, immediately after line 8, insert the following:

"(c) Encouragement of Development as Opposed to Acquisition.—In order to encourage the development for outdoor recreational purposes of public land owned by the States, and public land owned by the Federal Government, on the date of enactment of this Act, the President shall prescribe such regulations as he deems appropriate to assure that, to the maximum extent practicable, funds made available under this Act shall be used for the development of such lands for recreational purposes before such funds are used for the acquisition of additional areas of land for future development for recreational purposes."

Mr. FUQUA. Mr. Chairman, first of all, I want to commend the Committee on Interior and Insular Affairs for this very worthwhile piece of legislation. As many Members of this House have expressed previously, I believe with a few corrective amendments this good bill can be made a much better bill.

Mr. Chairman, this legislation represents something which we have needed for a long time. We in Florida are particularly proud of this legislation, because as was mentioned yesterday, our State legislature has just adopted a \$50 million bond issue to further develop the recreational areas of the State of Florida.

However, Mr. Chairman, I feel that there is one matter which is involved here at which we should look. We should look at first things first.

Mr. Chairman, we must develop the recreational areas which we already have before we buy additional land for development for recreational purposes, and that we should use the funds provided for in this bill to the fullest extent possible.

Mr. Chairman, I do not think we completely close the door on the purchase of other land. I realize that there are areas of the country where we will need ultimately to purchase land for recreational use and for other purposes. But I believe the Congress should first adopt a policy that we should encourage the development of the lands we now have

before we go out and find other areas and buy them. Why should we do this and place this burden upon the people if we are not going to use them?

Mr. Chairman, I know that in many areas of this country there is a great need for the improvement of recreational parks and forest lands.

I believe this amendment gives the President ample latitude in determining these areas which the Congress says we must have, and establishes a policy for the administrator to follow in the development of this land. This is a very important amendment to this bill and I believe this other item has been alluded to earlier, if we do not do something to set forth the congressional intent through the adoption of this amendment, so that the areas which we already have shall be further improved and developed before new areas are bought. This is one of the most essential things we need to do through the adoption of this amendment.

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

Mr. FUQUA. I am glad to yield to the gentleman from Florida.

Mr. SIKES. I want to compliment my distinguished colleague upon his presentation here. I believe this is an important question. I am sure it is one that is in the minds of a great many Members of the House.

As I understand my colleague's amendment, it would not preclude the acquisition of additional land as needed, but it focuses attention simply upon the fact that it is the sense of Congress, and this is important, that lands already owned by the Government be developed first. Do I understand the gentleman correctly?

Mr. FUQUA. The gentleman is eminently correct. It says, in effect, that the President shall prescribe rules and regulations as he deems appropriate to assure to the maximum extent practicable that these funds are used for development of already owned lands prior to the acquisition of additional lands.

Mr. WESTLAND. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from Washington.

Mr. WESTLAND. I do not know whether the gentleman from Florida [Mr. FUQUA] listened to my presentation yesterday, but I said much the same thing, that in these 770 million acres that the Federal Government now owns, I believed the great need is in developing recreational facilities for the people of the country before acquiring additional properties.

The gentleman's amendment is something new to me. There will be, I understand, other amendments along similar lines.

I want to compliment the gentleman on his thinking and on the presentation of this amendment.

Mr. FUQUA. I thank the gentleman from Washington very much.

Mr. O'HARA of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from Michigan.

Mr. O'HARA of Michigan. I would like to inquire of the gentleman if when he says in his amendment "to the maximum extent practicable," his amendment would require the development of lands already held by the Government whether or not there is need in a particular area for additional recreational resources which might be much less than the need in an area where new lands could or would be acquired?

Mr. FUQUA. This leaves the latitude to the President because it says he can prescribe such rules and regulations as he deems practicable. There is flexibility. I do not want to completely close the door because I realize there are those areas where additional land is needed. However, in the regulations they adopt they can certainly be cognizant of this fact in these areas.

Mr. ASPINALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and members of the Committee, I thought yesterday when I discussed briefly with my friend the gentleman from Florida [Mr. FUQUA] this amendment which he was planning to offer some place in the bill and I understand at a place having to do with forest lands, and at that time when I looked at it first, I thought that perhaps it might be acceptable.

After studying it later on in the evening I found that it was to be offered to that part of the bill wherein the purpose as expressed in the first section of the bill appears.

May I say to the gentleman we have gone into this matter very thoroughly in committee. The question as to whether or not this bill is to be considered a bill for the development of Federal areas or whether it is to be considered as a planning and acquisition bill by the Federal Government, was considered by our committee and it was decided by a rather strong vote that the development part would be left to the States and the local communities as of the present time. In other words, what this bill provides and what we tried to explain yesterday and today is this: The bill provides for a land acquisition fund. It is to be divided under certain percentages as set forth in the bill.

The largest percent would go to the States, and the States would add their money for planning, for acquisition and for development. A smaller percent would be the Federal Government's part, and that part of the money would be used for planning and for acquisition.

Let us keep in mind we have had no questions raised for the development of the presently established areas as far as our Appropriations Committees are concerned. They have always been willing to recommend appropriations for development purposes. The only limitation that has been placed on the amount of our Federal moneys available for recreational areas are the limitations placed by Appropriations Committee of the House. Money has been furnished for the national parks and for Mission 66, for which money has been provided. The Forest Service seems to have no difficulty getting money for areas which they have set aside for recreational purposes.

Just recently I received a letter from the Chief of the Forest Service asking for my opinion on the withdrawal of some 7,000-plus acres for new recreational areas. This is necessary, and the land will be withdrawn from other purposes and money will be made available to develop these areas.

Let us not lose sight of what the purpose of this bill is. If we do not plan for the future, but plan only for today or the immediate tomorrow, that is one thing. But if we wish to secure land, especially in the East, that is something else, and may I say to my friends there is very little to be secured in the West unless they are in holding which will be purchased by the Forest Service or the National Park Service. There are to be no condemnation proceedings as such, in my opinion. These areas must be protected, and they must be purchased now before the land values go so high that Uncle Sam cannot afford to purchase them.

What we are trying to do in this bill is to get recreation back to where it belongs, and to get the Federal Government out of it as far as practicable. May I say in passing if the Army Engineer reservoirs are turned over to the States and to the counties, or local subdivisions, for government, control, management and operation, that will not be changed under this bill.

The purpose of the bill is to get the Federal Government out of something that the Federal Government in the long run cannot afford to be in and should not be asked to carry the load.

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

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

Mr. SIKES. I fail to see where the argument advanced by my distinguished and able friend is in conflict with the amendment offered by the gentleman from Florida.

Mr. ASPINALL. May I say in answer, there is no place in the bill that comes before the committee that provides for development by the Federal Government. The amendment of our friend from Florida [Mr. FUQUA] is a criteria for development.

Mr. SAYLOR. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, this amendment points up an issue which the House must decide in the very beginning of the discussion on this bill. That decision is whether or not we have the foresight and the courage to plan for our grandchildren and those who will live in this country in the years to come or whether or not we are so narrow in our scope concerning the recreational needs of this country that we can only look at those who are here today.

When the Congress authorized the Outdoor Recreation Resources Review Commission, one of the orders that was given to that Commission was as follows: Determine the needs of the United States in the year 1975 and the year 2000 for recreation. The bill which has been presented to you by the Committee on Interior and Insular Affairs is an at-

tempt to fulfill the needs of that Commission's findings.

The most important thing that the Commission found after 3 years of study was to acquire lands where the people were. I concede that the Federal Government is a large landowner, but unfortunately the Federal Government owns land where the fewest people are. I can conceive that in California, one of our growing States, you might say that the needs have changed, but the greatest collection of people in the United States is still on the east coast from Boston to Roanoke, and this is where you must acquire land. The land prices in this area are skyrocketing. The prices of the land that the Federal Government needs and that the State and local communities need for recreation are skyrocketing. The purpose of this bill is to provide two of the agencies of the Federal Government charged with recreation, namely, the Interior Department and the Agriculture Department, with the responsibility of acquiring the necessary land.

As far as the States are concerned, there is a real effort in this bill to place the recreational needs where they should be, and that is back on the States and the local communities. There is nothing in this bill that would prevent States or local communities from spending their money on a matching basis for the development of lands which they have. But I hope that this committee will decide that the House Interior Committee was correct, and that the very purpose of the bill for the future of America will be preserved and not lost. If this amendment is adopted, the work of the committee is gone.

Mr. ROBERTS of Texas. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield.

Mr. ROBERTS of Texas. I agree with the gentleman that we need to have land, but is there any reason in the world that we should sell those 800,000 acres and give it to industry? We have to pass a bill to sell it. We have to pass a bill to make them sell 5 acres. Should not we pass a bill to make them pay \$8 million? That would be \$40 million.

Mr. SAYLOR. That may be, but that does not come within the purview of this bill.

Mr. ROBERTS of Texas. If my good friend will yield further, if we keep giving them money, they are never going to sell one of those acres.

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

Mr. SAYLOR. I yield to the gentleman from Colorado.

Mr. ASPINALL. I want to answer my friend, the gentleman from Texas, and say the only reason we are not selling is because Congress has not set up guidelines and the policy by which we can sell our public lands.

Mr. SAYLOR. That is correct.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOODLING. Mr. Chairman, I move to strike out the requisite number of words and ask unanimous consent that my statement follow the remarks of the gentleman from Pennsylvania [Mr. SAYLOR].

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. GOODLING. Mr. Chairman, I should like to direct my remarks to some aspects of this proposal which have had comparatively little attention.

As a member of the Committee on Merchant Marine and Fisheries, and as one of this body's two representatives on the Migratory Bird Conservation Commission, I am quite concerned about the conservation of wildlife resources. I have just returned from a trip to the northern prairie pothole region and would make the observation that the drainage of these waterfowl production areas for the purpose of creating more farmland is most inconsistent, tragic, and ill advised in these times of huge agricultural surpluses. We must get as many of these potholes as possible set aside and protected under governmental control, State or Federal, to protect the waterfowl. If the time ever arises that these areas are needed for food production they can be reclaimed.

In all, some 50 million Americans hunt or fish or do both and they have a real stake in H.R. 3846.

To me it is significant that this bill is endorsed by the International Association of Game and Fish Commissioners, an organization composed of State and Provincial wildlife agency administrators. It is significant that the major citizen organizations, such as the National Wildlife Federation, Izaak Walton League, National Audubon Society, the Wildlife Management Institute, the Sport Fishing Institute, the Wilderness Society, and others, also endorse it.

There is good reason. The land and water conservation fund will provide a badly needed financial "shot in the arm," particularly for State wildlife agencies. This is assuming they will participate in their States recreational programs. On a matching basis, important amounts of "new" money can go, first, into State planning and acquisition, followed by development activities. In many respects, these projects can complement those financed, in part, by Federal aid funds accruing through the popular Pittman-Robertson and Dingell-Johnson Acts. Wildlife management areas, fishing lakes, and stream access points, for example, could be provided through this fund, as well as parks, picnicking locations, and other recreational areas.

An appropriate part of the Federal share of funds will be used for wildlife in three ways: First, to acquire lands or waters to protect endangered species of wildlife; second, to finance recreation at national wildlife refuges; and, third, to offset, at least in part, the nonreimbursable allocations of costs being incurred in connection with fish and wildlife and recreation at Federal reservoirs.

Since so much attention is being directed toward the proposed entrance and user fees in this bill, I might emphasize the fact that the State wildlife agencies are supported almost entirely by the sale of hunting and fishing licenses and by the Federal aid grants which result from excise taxes upon the sale of sporting arms and ammunition and sport fishing tackle. Many sportsmen also pur-

chase Federal duck stamps. In short, sportsmen pay their own way, yet they are in the forefront of those asking for more fees to produce more outdoor recreational opportunities. I believe the American public will not object to paying modest recreational fees when they know they will benefit from them.

There is one other brief observation which I should like to make. On our recent trip we visited a national wildlife refuge and the manager was concerned about how he could collect recreational fees on such a large area. The same question has been brought up by Corps of Engineers and Forest Service personnel. I was happy that the gentleman from New Mexico [Mr. MORRIS] clarified the fact that fees would be imposed only if they could be administered in a reasonable and practical manner. In the light of his criteria—see page 16534 of the CONGRESSIONAL RECORD—fees shall be charged only where specific facilities or services are provided at Federal expense. Stickers would not be necessary for most Corps of Engineers, TVA, or Bureau of Reclamation reservoirs although they could be useful for specific recreational developments on them. The Forest Service is on record as indicating that Federal entrance charges or stickers will not be required of persons for general recreational use, including hunting and fishing.

I might point out that State wildlife agencies and the Bureau of Sport Fisheries and Wildlife administer license fees and duck stamps without the employment of great numbers of law-enforcement people. There is no reason why recreational fees cannot be administered in a similar manner.

Mr. Chairman, we should not permit narrow thinking to cause us to fail to discharge our responsibilities to all the people. The land and water conservation fund bill, H.R. 3846, offers an opportunity to meet that responsibility, because it provides, on a widely recommended and strongly supported basis, a means of assisting Federal, State, and local governments in the field of outdoor recreation.

The public interest in outdoor recreation is not a new subject but an increasingly important one. An act to authorize the establishment of a National Outdoor Recreation Resources Review Commission was authorized by the 85th Congress and signed into law by President Eisenhower on June 28, 1958. In its policy statement, that act recognized, in part, that to preserve, develop, and assure accessibility to all American people of present and future generations such quality and quantity of outdoor recreation resources would contribute essentially to the spiritual, cultural, and physical well-being of all of us as individuals and as a nation.

The Commission did its work well, and a widely accepted report was submitted to President Kennedy on January 31, 1962. In its covering letter, the Commission observed that Americans have responded in the past to the need for protecting their unparalleled outdoor heritage. To follow their lead in our time, when our country is growing even faster and becoming ever more urban in character, requires a new scale of effort and in-

genuity. Fortunately, both land resources and the abilities of private and public effort are at hand. The Commission believes that a great deal can be accomplished by well-directed actions, taken vigorously in the near future, and by coordinated public and private activity and investment.

To further the Commission's recommendations, the Congress, in 1963, approved an act to "promote the coordination and development of effective programs relating to outdoor recreation." In that act, the Secretary of the Interior was authorized to initiate several actions designed to help assure adequate opportunity for outdoor recreation for all our citizens. Responsibility for implementing this act has been delegated to the Bureau of Outdoor Recreation, an agency created in the Department of the Interior in 1962. The Bureau of Outdoor Recreation serves as a focal point for Federal activities in outdoor recreation, and it also has been directed to undertake important liaison work with State and local governments and with the private sector in order to help develop and execute a coordinated, nationwide effort to provide the opportunities in outdoor recreation which are sought so eagerly by our people.

H.R. 3846 is designed to fill in the framework of the recommendations of the Outdoor Recreation Resources Review Commission. That Commission found, for example, that our national population will nearly double by the year 2000, and that the demand for outdoor recreation opportunity will triple. It found that the kinds of outdoor recreation most people want are relatively simple, like walking, driving, swimming, fishing, hunting, and boating. The Commission found also that water is the focal point of outdoor recreation, and that the recreation problem is not one solely of acres, but of effectively used acres. It found, too, that people want outdoor recreation close to home and that a most urgent need now is near metropolitan areas where two out of three Americans live.

H.R. 3846 will provide a foundation for a coordinated Federal-State-local attack on outdoor recreation because it offers the basic ingredients that must be brought to bear in resolving a problem of this magnitude. First, it offers a source of funds, which are the limiting factor to any kind of a program that is undertaken. It would provide a matching grants program to encourage and assist State and local governments to plan, acquire, and develop outdoor recreation areas and facilities. In order to participate in the acquisition and development phases of the program, the States would be required to study outdoor recreation needs and to draft an acceptable program for meeting those needs. This will assure that the funds will be dispersed and invested in outdoor recreation on a logical basis, and that their waste or misuse will be avoided.

Those who may question the need for this program should face the facts. In 1962, for example, the national forests attracted more than 112 million visitors. There were nearly 107.5 million visitor-days use of the national park areas and

a partial estimate showed that more than 126 million persons recreated at areas of the Corps of Engineers. The national wildlife refuges had more than 11 million visitor-days use. The totals for State parks, lakes, and beaches, public hunting and fishing lands, and other recreation areas are just as impressive. Authoritative reports from all sections of the country make clear that Americans have moved to the outdoors.

Higher incomes, better transportation, increased leisure time, and larger families mean that more and more people will seek places in which they may vacation in the years ahead. Population growth and expansion simply means larger and larger acreages of this Nation's lands and waters will be taken up by expanding cities, highways, airports, and commercial and industrial activities. The land and water base on which the recreational opportunities of coming generations depend are constantly shrinking. Failure to take appropriate action now will be to turn our backs on the needs of our citizens now and in the future.

Mr. Chairman, there has been some question about the kinds of lands that might be taken for recreation under the terms of this program as well as under the programs that already are functioning in a number of the more progressive States, including my own State of Pennsylvania. Others have raised questions about the propriety of asking Americans to pay for recreational use of certain facilities, some of which have been made available on a noncharge basis in the past.

The purpose of the bill is to authorize Federal agencies, inasmuch as they would enter into the program under the terms of the bill reported by the committee, to acquire inholdings in order to preserve their recreational value or to improve administration. All the acquisitions that would be made by the Federal agencies would be made under existing authorities or as specific authority is granted. Appropriations from the land and water conservation fund for recommended acquisitions also would be subject to the regular and time-honored appropriations procedures of the Congress.

I have no fear that the land acquisition program will get out of hand, or that it will be conducted in such a way as to curtail or impair commercial forestry operations, commercial and industrial expansion, or metropolitan plans. That simply is not in the cards. The programs of both the Federal agencies and the State agencies will come under too much scrutiny by the legislative committees and bodies for anything like that to happen. Do not be misled by such allegations, and remember, too, that outdoor recreation is good for the economic health of communities and the Nation.

The billions of dollars that are spent for the goods and services of outdoor recreation comprise a significant part of our gross national product. Such vast sums would not be spent, however, if there were no places for the people to use what they purchase.

In 1954 leisure time spending was estimated at \$30 billion, today it could be as much as \$40 billion. Sampling estimates indicate that tourists spend about \$25 billion annually; the estimated dollar value of major sporting goods purchased in 1959 was just under \$2 billion; fishermen spend \$3 billion for their sport; hunters spent an estimated \$1.1 billion; and an estimated \$2.1 billion was spent at the retail level during 1958 for boats, engines, and allied accessories. Outdoor recreation is big business. It provides many jobs, supports all kinds of businesses, and adds much to local, State, and national economies.

People are not unwilling to pay nominal entrance and user fees for Federal lands at which recreation facilities or services are provided at Federal expense. Entrance and user fees already are charged at some Federal areas where special facilities and accommodations are provided. H.R. 3846 would provide a means of standardizing user and entrance fees at all Federal areas that meet the requirements established by the committee. The argument has been made that the several Federal agencies have nearly as many differing policies on the assessment and collection of entrance and user fees. That is correct. H.R. 3846 would provide a means whereby the procedure could be standardized, recreation areas where fees are charged clearly marked, and the public would know what to expect. In addition, it should be pointed out that the fees collected would make possible the construction and improvement of facilities at areas where they now are unsatisfactory or nonexistent.

I am hopeful that the Congress will enact this bill, Mr. Chairman. H.R. 3846 is responsive to a need, a need recognized by the American people, by the legislatures in several States, and by the Congress on previous occasions when it authorized the nationwide study of the Outdoor Recreation Resources Review Commission and directed the Secretary of the Interior, through Public Law 88-29, to move to coordinate and develop effective programs for outdoor recreation.

This plan for expanding and accelerating outdoor recreation programs to meet human needs at all levels in this country has been given thorough study and analysis. It is supported by most Americans everywhere. H.R. 3846 meets most of the tests that have been applied.

Mr. COHELAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I urge support of this far-sighted bill without crippling amendments.

As the excellent report of the Outdoor Recreation Resources Review Commission—ORRRC—makes clear, increasing leisure time is a blessing, yet it could be a curse of our progressive, and increasingly industrial and urban civilization. Most Americans face the prospect of more afterwork time in the future, and thus the challenge of using it for their enrichment; to raise the quality of their daily lives.

At its best, the outdoor recreation activity which this bill will make possible

for more American families is essentially a renewing experience—a wholesome, healthy use of leisure time and a refreshing change from the workaday world. Latent energy is tapped, unused powers of the body, mind, and spirit are employed, and the individual returns to his work with a sense of renewal.

The fact that we live in a world that moves crisis by crisis does not make the growing interest in outdoor recreation frivolous, nor adequate provision of opportunity unworthy of the Nation's concern.

Gen. Omar Bradley once expressed what is at stake here very well when he said:

Each of us has need to escape occasionally from the noisy world which surrounds us and find refreshment in the grandeur of nature. Yet, year after year, our scenic treasures are being plundered by what we call an advancing civilization. If we are not careful, we shall leave our children a legacy of billion dollar roads leading nowhere except to other congested places like those they left behind.

OUTDOOR RECREATION SUPPLY AND DEMAND

The basic facts of outdoor recreation supply and demand show why an accelerated, nationwide program—involving State, local, and Federal governments, and private enterprise—to provide for our fast-growing outdoor recreation needs is essential.

All the components of demand are up.

As the recreation economist, Marion Clawson, of Resources for the Future, has pointed out in his book "Land and Water for Recreation," our population is increasing at about 1.7 percent a year. Per capita real income is rising at about the same average rate. Some groups in the population are getting a lot more leisure—through shorter workweeks, longer vacations, longer retirements, and increased longevity—and most people are getting a little more leisure. The mobility of most people is increasing as highways and other transportation facilities are improving steadily.

In the past the combined effect has led to an increase in outdoor recreation demand, as measured in actual attendance at parks and other outdoor recreation areas, of about 10 percent a year. This means a doubling in attendance every 8 years. Few economic series show any faster growth rate. Mr. Clawson has estimated that total recreation use in the year 2000 will be 10 times what it was in 1956. It has already doubled since 1956. The ORRRC estimated that it would treble between 1960 and 2000.

In short, no informed observer has suggested that demand will remain at the present level or decline. The only differences of opinion are as to the extent and rapidity of the rise.

THE PROBLEM IN URBAN AREAS

The demand is particularly heavy in urban and metropolitan areas where most of our people live. Naturally, most people, most of the time, want outdoor recreation close to home. Two out of three Americans now live in metropolitan areas and by the turn of the century the rate will be three out of four. It is here that demand for most types of outdoor recreation is concentrated. It is

here that most people have the greatest need for outdoor recreation.

And it is here that needs will be most difficult to satisfy: the great bulk of demand must be met during afterwork and weekend hours and the larger cities and their suburbs have the fewest recreation facilities per capita and the highest land costs.

We are all aware of how, since World War II particularly, the natural landscape near urban areas has been consumed for urban uses at a prodigious rate. Each year more than 1 million acres of the natural landscape is converted to sites for subdivisions, shopping centers, highways, industrial plants, and other needs. As city dwellers move to the "country" to escape asphalt and concrete, the countryside always seems to be vanishing over the next hill.

In the next 40 years not only is our urban population expected to double, but the land space consumed by urban use will double as well.

Dr. Robert C. Weaver, Administrator of the Housing and Home Finance Agency, emphasized this in a recent address. He said this means that in the 40-year period we have now entered, we will have to provide homes and all of the other facilities needed for urban employment and leisure equal to all that has been built to date in the history of our country.

Dr. Weaver tells us:

It is in many ways as if we were called upon to build the urban United States all over again—and had 40 years in which to do it.

The uses of land near urban areas are being fixed permanently—and, more often than not, without adequate provision for outdoor recreation; more often than not, without setting aside now, while the land remains undeveloped and available and at prices within reach for public purposes, the sites we will need for parks and other outdoor recreation areas.

To acquire these areas for public use is, of course, going to cost money. The land and water conservation fund bill will authorize a realistic and responsible way of solving the financing problems we must solve if the future outdoor recreation needs of our people are to be met.

Are the taxpayers willing to pay the price? Are they willing to pay the costs of adequate outdoor recreation opportunities for themselves and their children?

The success of large-scale outdoor recreation bond issues and other financing measures in at least eight States during the last 4 years suggests that the answer is an unqualified "yes." Since 1960 voters in at least six States have expressed preferences in this field. And significant steps toward more adequate, comprehensive outdoor recreation planning, land acquisition and development programs have been taken in at least 20 other States in the last few years.

Here is a summary of some of these State actions:

STATE OUTDOOR RECREATION ACTIONS

In New York, in 1960, Gov. Nelson A. Rockefeller recommended a \$75 million

bond issue to acquire new State outdoor recreation areas and public access rights and for matching grants for new local parks. The program was based on a State conservation department report, "Now or Never: A Bold New Program for Outdoor Recreation." The voters approved the bonds, nearly 3 to 1. In 1962 New York voters approved a second \$25 million outdoor recreation bond issue.

In New Jersey, in 1961, Gov. Robert B. Meyner proposed a "green acres" land acquisition bond issue—\$60 million for State areas and grants-in-aid to local governments. "Green acres" citizens committees urged voters to "vote 'yes' for yourself and your children." The bonds carried, 3 to 2.

In Wisconsin, Gov.—now U. S. Senator—GAYLORD A. NELSON asked his 1961 legislature to invest \$50 million over 10 years to acquire new State areas, scenic easements and fishing rights. It was to be financed by a cent-a-pack cigarette tax increase. A statewide conservation council provided a focal point for citizen support. Faced by strong opposition in the legislature, NELSON barnstormed the State and by the time the program was put to vote, public support was overwhelmingly evident. The legislature enacted it overwhelmingly.

In 1962 the Minnesota Natural Resources Council, a citizens committee appointed by Gov. Elmer L. Anderson, recommended a 10-year, \$55 million "plan for action" program emphasizing outdoor recreation. In 1963 Gov. Karl Rolvaag endorsed it, the legislature approved it, increased cigarette taxes to help pay for it, and set up the Minnesota Outdoor Recreation Resources Commission which is now preparing a statewide plan.

In Florida the 1963 legislature approved Gov. Farris Bryant's outdoor recreation program. It includes a recreational land acquisition trust fund to be financed by excise taxes on recreation equipment, revenues from State lands, recreation user fees and revenue bonds. Last November Florida voters approved a measure authorizing sale of outdoor recreation revenue bonds.

Connecticut's 1963 Legislature approved major elements of an open space-outdoor recreation action program, drawn up at the request of Gov. John N. Dempsey, and appropriated \$3 million to begin a program of matching grants to towns and cities.

In 1963 Pennsylvania voters approved Project 70—a \$70 million land acquisition bond issue calling for investment—by 1970—of \$40 million for new regional parks near urban areas, \$20 million for grants to local governments and \$10 million for wildlife areas and hunting and fishing access rights. The program was proposed during former Gov. David L. Lawrence's administration and supported by Gov. William W. Scranton.

In Ohio in 1963 the voters approved a combined schools-outdoor recreation bond issue, of which \$25 million is for outdoor recreation capital improvements over 3 years. Gov. John A. Rhodes and a Citizens for Ohio's Future Committee campaigned for the bonds.

In Washington, at the request of Gov. Albert Rosellini, the 1963 legislature put on next November's ballot a \$10 million land acquisition bond issue. A Citizens for Outdoor Recreation Committee is leading the campaign for the bonds and also for an initiative measure to earmark motorboat fuel taxes for shoreline acquisition.

In 1963, also, Iowa Gov. Harold E. Hughes Governor's Committee on Conservation of Outdoor Resources began work on a plan for meeting Iowa's outdoor recreation needs through 2000. North Dakota Gov. William L. Guy's Governor's Committee on Outdoor Recreation began surveying long-range needs. Texas Gov. John Connally appointed a Governor's Statewide Water Recreation Study Committee. In Michigan, Gov. George Romney's Special Conservation Study Committee urged more adequate financing of outdoor recreation and a statewide plan. The Georgia, Idaho, Illinois, Maine, Montana, and New Mexico Legislatures earmarked motorboat fuel tax receipts for outdoor recreation purposes.

This year Delaware Gov. Elbert Carvel asked his legislature to approve a State and State-assisted local government outdoor recreation land acquisition program. A committee appointed by Utah Gov. George D. Clyde began drafting a Utah State recreation plan. Rhode Island Gov. John H. Chafee's Task Force on Natural Resources recommended an outdoor recreation action program and a few weeks ago the Rhode Island Legislature approved and placed on the November statewide ballot a \$5 million bonds issue proposition for outdoor recreation land acquisition and development. The Indiana Department of Conservation contracted with private consultants to prepare a plan to meet Indiana's outdoor recreation needs through 1975, as requested by Gov. Matthew E. Welsh. In Massachusetts Gov. Endicott Peabody established an interagency committee on recreation to coordinate 10 State agencies' recreation programs, including a bond-financed self-help conservation program of matching grants to local governments. West Virginia Gov. William W. Barron authorized a \$16 million bond issue for State parks expansion. In South Dakota, at the direction of Gov. Archie Gubbrud, the State's industrial development expansion agency, began preparing a statewide outdoor recreation plan.

The foregoing summary of State action is further evidence that many of the States are doing their best to meet their responsibilities in this field, and that many other States are preparing to do more than they have so far.

The ORRRC report emphasized, and I agree, that the States should bear the principal responsibility to meet the needs of their citizens in this field. But, as ORRRC learned, State performance in outdoor recreation has been uneven; progress has been slow in many areas. A grant-in-aid program to the States, however, as this bill provides, would prove to be an important stimulant to State action—as similar grant-in-aid

programs have been in so many other fields.

THE CALIFORNIA PROGRAM

My own State of California is one of those which has done much to meet its responsibilities in this field and is preparing to do more.

This November Californians will vote on a \$150 million outdoor recreation bond issue recommended by Gov. Edmund G. Brown and approved by our legislature. The bonding proposal, proposition 1, is a comprehensive one along the lines of the New York and Pennsylvania programs. It would provide financing for acquisition of new State parks and beaches—\$85 million—for minimum development of these new State areas—\$20 million—for hunting and fishing access rights and new wildlife areas—\$5 million—and for grants-in-aid to cities and counties for local outdoor recreation projects—\$40 million.

Californians for Beaches and Parks, a bipartisan citizen committee, is leading the campaign for the bonds.

I would like to insert at this point in the RECORD a series of examples of rising land costs for State outdoor recreation areas in California. I expect that our experience in this respect is not much different from that of other parts of the country:

RIISING LAND COSTS

As an example of rising land costs, the property bought under a \$25 million acquisition program of the division of beaches and parks during 1956-57 has risen in value 7 percent on a statewide average.

From this it will be seen that \$42,934,000 would be needed today to acquire the same amount of property in 1964 that \$25 million would have acquired in 1956. Some specific examples are:

Folsom Lake State recreation area was purchased between 1956 and 1960: 1,852.27 acres for \$3,117,317.60. Prices paid indicate an annual increase in value of 20 percent (plus or minus), indicating a value for the acquired property today of \$6,235,000 more or less.

Columbia State historic park area purchased between 1956 and 1958: 234.93 acres for \$408,747.87. Studies indicate an annual percentage increase in value of 14.5 percent indicating a value for the acquired property today of \$705,090 more or less.

Fort Ross State historic park was acquired during various periods of time, with the most recent acquisition being 353 acres in 1962 for \$236,500. Studies indicate an annual percentage increase in value of 6.35 percent, indicating a value today of \$267,245 for the 353 acres.

San Mateo coast State beaches acquisition commenced in 1956: 3,870.18 acres having been acquired at a cost of \$2,189,433.72. Recent sales and market studies indicate an annual percentage increase in value of 20 percent, indicating a value today of \$4,380,000 more or less.

Humboldt Redwood State Park: Approximately 951 acres was purchased between 1958 and 1960 for \$482,700 or \$50 per acre. Market studies show an annual percentage increase of 8.22 percent indicating a value today of \$642,000 for this portion of the park.

Mount Tamalpais State Park: Approximately 407.67 acres was acquired with allocated funds in 1960 and 1961 for a total cost of \$345,500. Studies indicate an annual increase of 10 percent, indicating a value today of \$414,600.

Carpinteria State Beach: Approximately 8.03 acres was purchased in 1958 to 1960 for

\$302,750 with funds allocated in 1956. A 20 percent annual increase in value is not excessive for this property, indicating a value today of approximately \$545,000.

Mr. Chairman, I would also like to insert at this point the partial text of a brochure prepared by the Californians for Beaches and Parks Committee which explains "California's Crisis in Beaches, Parks, and Recreation." Here again, I expect that our situation is similar to that in many other States:

CALIFORNIA'S CRISIS IN BEACHES, PARKS, AND RECREATION AND ITS SOLUTION

THE QUESTIONS AND THE ANSWERS

What is the crisis in California's State beaches and parks?

California's vacation lands—its beaches, its parks, and its recreational areas—are being overrun by people, people, people. In the year ending June 30, 1963, the State's beach, park, and historical areas recorded 73 million visitors. Today, our population is 17.5 million; by 1980, we will have 27.5 million.

Haven't our recreational lands kept pace with our growth?

No. While our population leaped over 50 percent since 1950, our use of State parks and beaches increased 430 percent; at the same time, we added only 24 percent in acreage devoted to beach, park, and recreational needs. Is it any wonder hundreds of thousands of Californians had to be turned away from public recreational areas last year?

How much of California land now is devoted to State beach and parks?

Less than 1 percent of California's total land is set aside as State beaches and parks. Of California's 1,341 miles of recreational shoreline, only 156 miles are in State hands. There are only 5,299 camping sites in the entire State's beach and park system. Many existing parks cannot be further developed for camping or picnicking without destroying natural values.

What will happen to California's last potential beach and park sites if we don't act now?

These desirable vacation lands will be lost forever. Already California's cities, towns, and commercial interests are invading the countryside, subdividing farms, leveling hills, uprooting orchards, paving pastures, filling marshes, hauling sand and gravel, and polluting streams. Beautiful land areas are disappearing fast and those that remain are becoming more and more expensive to buy.

What is the solution to California's beaches and parks crisis?

The solution will appear on your ballot as proposition 1, a \$150 million bond issue for beaches, parks, recreational, and historical facilities. Its objectives are to set aside necessary recreation land for the State's expanding population and to preserve California's scenic heritage for future generations.

How will the money be used?

Under terms of the bond issue, \$105 million will be utilized for enlarging and improving the State's beaches and parks and preserving historical areas: \$40 million will be granted to cities and counties to help them develop local and nearby recreational beaches and parks. The remaining \$5 million will be set aside for wildlife conservation board projects.

Why is it simply good business for California to buy beach and park land now?

It makes economic commonsense to buy recreation land now. As our population increases, land values can only travel further upward. Please remember that parks and beaches owned by the State today have cost taxpayers only \$49,101,764. That same land is now valued at more than \$425 million. Beaches and parks that would be acquired under the forthcoming Park Bond Act will

only cost more tomorrow unless we buy them today.

Why bonds? Why not pay for State beach and park purchases from current State taxes?

Bonds provide a lump sum now to buy land needed at current prices. To purchase year by year the land required would result in paying higher prices, since land values increase year by year. A bond issue places the repayment burden equally on future as well as present users of State beaches and parks.

RELATION OF H.R. 3846 TO CALIFORNIA PROGRAM

Mr. Chairman, despite the great effort the people of California and their State government are making in this field, we feel enactment of the land and water conservation fund bill is essential if we are to meet the needs. We know it will take the best efforts of all of us—on all levels of government and private enterprise—to meet future requirements.

Californians are proud of their contributions in this field.

Yosemite Valley and the Mariposa Grove of giant Sequoias became the first State park in the Nation after President Lincoln approved their purchase by California just 100 years ago.

Our successful State parks bond issue of 1928—one of the first in the country—encouraged other States.

The California public outdoor recreation plan, completed 4 years ago, was pioneering work that has led the way for other States.

On of the factors which adds to our financing problems today is the large number of visitors we have every year who are residents of other States. Our State, regional, and local parks and our other outdoor areas serve citizens of many States. We do not object to this; we invite all our visitors to enjoy our outdoor areas. Nature has been good to us. We want to be able to continue to make our bright land enjoyable to all—our visitors as well as our own citizens. The conservation fund would strengthen California's efforts to do just this. And, we are ready to match whatever grant California may be eligible for under the conservation fund program.

As Governor Brown testified before the Committee on Interior and Insular Affairs on H.R. 3846:

There is a great need in California for providing new outdoor recreation areas, as there is throughout the entire United States. Our need is intensified by the tremendous growth that California is experiencing and will experience throughout the rest of this century. This legislation will provide the basis for development of an effective Federal program in assisting State and local governments in meeting the Federal Government's own responsibilities in acquiring critical recreation lands. The open land most urgently needed and most rapidly disappearing to other uses must be acquired now.

In view of the fact that the benefits of these recreation programs would be available to and used by citizens of all the States, we feel this * * * [legislation] is appropriate.

Other Californians have been in the forefront of those supporting this legislation. David Brower, executive director of the Sierra Club, for one, has observed:

Unless some concerted action is taken quickly to protect and maintain areas for all types of outdoor recreation, we will be

unable to meet an outdoor recreation demand that will triple in the next 30 years. We must set aside more of our outdoor resources while they are still available.

How can this be accomplished? We feel that the passage of the land and water conservation bill will obtain a significant proportion of our outdoor recreations resources needs.

Mr. Brower emphasized that the conservation fund program will help protect wilderness. He noted that many general outdoor recreation areas and facilities—those that provide for the kinds of activities most families prefer most of the time—are now overcrowded to such an extent that many must be turned away.

When such conditions exist, Mr. Brower noted, the pressure upon wilderness and other high-quality natural areas is increased significantly.

As a cosponsor of the wilderness bill, which will—I trust—soon be before the House, I am particularly interested in Mr. Brower's comments upon the relationship between these two major pieces of conservation legislation. For each, in its way, will do much to secure the benefits of a balanced range of outdoor recreation opportunities; together they will preserve the irreplaceable against encroachment.

Mr. Chairman, in urging passage of of this bill I expect after Californians approve our outdoor recreation bond issue this fall, after the land and water conservation fund program is completed, and after the other States, our cities and our counties do their best, that our children and their children will consider that we—this generation of Americans—did not do too much to conserve their outdoor heritage.

Mr. O'BRIEN of New York. Mr. Chairman, I rise in opposition to the amendment.

Perhaps what I have to say may be considered repetitious to a degree of what the gentleman from Pennsylvania said, but I believe we have been drifting during today and yesterday in the wrong direction on this problem.

Is this or is this not a national problem? Is it a parochial, local, or State problem?

It seems to me that the national resources in the recreation field should be legislated about from the national viewpoint.

Figures can be quite misleading. We have heard repeatedly that we have 771 million acres of public lands. There is a natural feeling on the part of a great many people, "Good heavens, that is enough. Let us not go out on a spending spree and buy another 100 million acres."

But let us do a little subtracting. Let us take away the 385 million acres in Alaska, which are fairly remote from most of our districts. Then what do we have remaining?

We must also consider that some areas—the great State of Washington is an example—are almost drowning in public lands. They have them.

What about the State of New York? Or the State of Connecticut? Or the State of New Jersey? I could mention a dozen or more States which want a few

extra acres where people can enjoy recreation without traveling across the continent.

Mr. WESTLAND. Mr. Chairman, will the gentleman yield?

Mr. O'BRIEN of New York. I am glad to yield to the gentleman from Washington.

Mr. WESTLAND. Just to get the record straight for the gentleman from New York, the State of Washington is fortunate in that it has a little less Government holdings than the national average. We are about 32 percent federally owned, instead of 34 percent federally owned, which is the national average.

Mr. O'BRIEN of New York. As a Representative of a State which is down to a much lower percentage, may I say that I still envy you.

I assume that my thinking and approach might be changed drastically if we had great national forests in my State. Then I might start thinking parochially, too.

The question before us here and now is whether the people of the United States, of all the States of the Union, are to have a fair opportunity for recreation. We cannot distribute the 771 million acres we now have. This bill will give some of us representing large areas of population an opportunity to provide a little recreation.

Mr. ROBERTS of Texas. Mr. Chairman, will the gentleman yield?

Mr. O'BRIEN of New York. I yield to the gentleman from Texas.

Mr. ROBERTS of Texas. The 776 million acres are in the continental limits of the United States. I have no better authority for that than the chairman of the full committee. That figure does not include the 385 million acres in Alaska.

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

Mr. O'BRIEN of New York. I yield to the gentleman from Iowa.

Mr. KYL. The gentleman from Texas is incorrect. More than half of the total of 770 or 780 million acres of which the gentleman speaks is in Alaska.

Beyond that point, it must be remembered that under the Statehood Act the State of Alaska was granted the privilege of selecting vast acreages from that land, which will belong to the State for disposal as it desires. There are still a number of States which will have an opportunity, under the laws which were passed by the Congress when those States were admitted, to make further selections from the public domain for their State purposes. This land does not all belong to the Federal Government. Great portions of it will be given to the States.

Mr. O'BRIEN of New York. I thank the gentleman.

I wish to say, in conclusion, what has really happened is that 80 percent of the people of this country are starving recreationwise in the midst of what appears to be, but is not, plenty.

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

Mr. O'BRIEN of New York. I yield to the gentleman from Florida.

Mr. HALEY. May I say that I somewhat agree with my friend from New York.

This, however, it seems to me, now comes down probably to a Government or a Federal situation simply because many of the States of the Union have not provided for their own recreation purposes. My great State of Florida attempted to do that. When we talk about 779 million acres of land that are now held by the Federal Government, which is approximately 34 percent of all the land in the continental United States, we must not forget also that many of these States have met their own responsibilities in establishing State parks and have paid out considerable amounts of money for those recreation facilities. Sure, we are now faced with a situation where we need it, but I say that we would not be in this situation had the States met their own responsibilities.

Mr. O'BRIEN of New York. I will say that New York State has met that responsibility, and what I am pleading for today is that we let a couple of trees grow in Brooklyn.

Mr. JENNINGS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise reluctantly in opposition to this amendment even though it is desirable that the present areas be constructed as soon as possible. However, I have in mind one particular area—and I know there are others—wherein if this amendment were passed, the land acquisition could not go ahead in proper, orderly procedures, and the recreation area itself could not be developed. I specifically refer to a bill which I have before the Committee on Agriculture, which has been there for quite some time now, which provides for the Forest Service to create a recreation area in the Mount Rogers Whitetop area of the Jefferson National Forest. For them to spend money to develop land that they now have would cause an exorbitant price to be paid for the outside land and would make it prohibitive and create an inflation which would in turn cause price rises which would be unprecedented in the area because of the developments that were made possible by the Federal Government. The time is getting short, especially in the East, when we are going to be able to buy land. I certainly feel a major emphasis should be placed on acquisition rather than development at this time. We have plenty of places along the eastern coast where the real cost is not in the development of the resort but in the acquisition price of the land. Therefore, I am in opposition to the amendment, and I certainly feel it should be voted down.

In addition to this, I would point out that 60 percent of the moneys that are derived from this fund will go to the States for the purpose of using it for land acquisition or development as they see fit as long as it fits into their overall plan.

Mr. WESTLAND. Mr. Chairman, will the gentleman yield?

Mr. JENNINGS. Yes. I yield to the gentleman from Washington.

Mr. WESTLAND. I appreciate the gentleman's point of view, and I have

opposite points of view, but that is what makes horseraces. I want the gentleman to know that there are other methods of acquiring these properties. I happen to be a member of the Forest Reservation Commission, and I recall acquiring up something like 12,000 acres in Virginia. It might be in the gentleman's district. I cannot recall that exactly. What I am getting at is that this is not the only method of acquiring additional recreational properties. The National Forest Reservation Commission, through the Weeks law, operates in this way continually, and lands are being picked up.

Mr. JENNINGS. I appreciate the remarks of the gentleman and I want to thank him for the contribution that he made in providing approval for the purchase of certain lands. Both he and the gentleman from Mississippi, Congressman COLMER, serve on this committee. I would say to the committee and to the House that if we followed the same procedure that was outlined by the gentleman from Washington, it would take 10 years before we could acquire the necessary land within this one little area. Therefore, we need this money and need it badly. I am well aware of the operation of the Weeks law. I think it is fine, and I do not think we need any changes in that regard.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. JENNINGS. I yield to the gentleman from Arizona.

Mr. UDALL. The point has been made here several times and the gentleman emphasized it again, and I want to nail down for all the Members here that this bill sets up a fund which provides 60 percent for the States and 40 percent for the Government. The State money can be used for development or both acquisition and development. It is only the Federal money that is restricted to acquisition and planning but not development. The point ought to be made very clear, and I thank the gentleman for yielding on that.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. JENNINGS. I yield to the gentleman from Florida, the author of the amendment, briefly.

Mr. FUQUA. I thank the gentleman for yielding to me. I certainly respect his views. However, in the section just preceding the point where my amendment comes, it mentions development in two places. I might say that I think there is ample leeway given to the President in prescribing certain regulations for the development and acquiring of land that can take care of situations such as the gentleman from New York alluded to earlier and such as the gentleman from Virginia is concerned about. So I think we can properly take care of these things. It is not my desire to completely close the door but to establish a policy that we should develop these lands before we start acquiring more land.

Mr. JENNINGS. I want to thank the gentleman for his contribution and concur in what he has said, that his amendment is not necessary as now proposed because ample means have been given to the President, and there are ample pro-

visions in the bill with reference both to the 60-percent provision that goes to the State and the 40-percent provision. But I believe both provisions should go for land acquisition first.

Mr. BARRY. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I rise in support of H.R. 3846 which will assist the States and the Federal Government to meet the outdoor recreation needs of the American public.

This bill honors the traditional Federal-State relationship, allocating 50-50 matching grants for State and local planning, development, and land acquisition for outdoor recreational areas.

The essential part of this bill, the special conservation fund, will be financed largely on a pay-as-you-go basis. The fund not only will assist the States to develop recreation areas, but will make possible land acquisition and development of recreation lands for the National Park Service, Forest Service, and Fish and Wildlife Service through the regular congressional appropriation process. Sixty percent of the appropriations will be available for State use and 40 percent for Federal purposes.

The principal sources of the fund are reasonable and there are specific limitations on their application. The fee plan is not new. National parks have been charging fees for almost 50 years and a number of States have made such charges a practice. This section has been amended to amply limit the collection of entrance and admission fees to only federally administered areas, to maximum amounts, and only to those areas primarily recreational in character—prohibiting fees for nonrecreational use of water areas. The other two sources of revenue to finance the program—proceeds from the Federal excise tax derived from motorboat fuel and proceeds from the sale of Federal real property under the Surplus Property Act—will make possible consistent and dependable funding and the kind of advance planning necessary for a uniform national recreational program. Individuals would continue to have the right for refund of the fuel taxes. The surplus property provision of H.R. 3846 does not interfere with transfer of property within Federal agencies nor with non-Federal purchasers. This section allows for an exchange of useless Federal land for land which can be of service to the public.

Provisions for outdoor recreation is a national concern. As the committee report pointed out, the 27-percent increase in population since 1946 has been accompanied by a 221-percent increase in the use of National Park and Forest Service areas and State park systems. The bill proves to be an ideal supplement to the States recreation programs, as evidenced by the State of New York's \$100 million bond issue to provide for park and recreation land acquisition. Now that New York's land acquisition program is substantially complete the bill will make possible the development of these areas for maximum public enjoyment.

H.R. 3846 originated from the recommendations of the bipartisan Outdoor Recreation Resources Review Commis-

sion appointed by President Eisenhower and chaired by Laurance Rockefeller. The ORRRC's recommendations were presented in 1962 and have been included in this bill, to which the Commission has given its strong endorsement. The Commission called for a Bureau of Outdoor Recreation in the Department of the Interior. This has been established. The Commission called for substantial financial support on a pay-as-you-go basis to help States plan and build recreation systems in coordination with Federal facilities in their area. The ORRRC supports the provisions in this bill to raise the funds. The Commission recommended a grant-in-aid program equitably distributed among the States as included in this bill. Two-fifths of the States portion of the fund will be distributed equally to the States and three-fifths distributed on the basis of need.

More and more Americans are using recreational facilities and their numbers will double by the year 2000. The projected figures of the ORRRC study establishes this beyond all doubt. The enactment of H.R. 3846 will help meet this recreational need through a well-planned and businesslike program.

Mr. SHORT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in sincere support of the objectives of this bill. I want to make it perfectly clear that I have no quarrel with the basic objectives, and I do not believe most of these questions have any basic reservations about the intent and purpose of this bill.

However, Mr. Chairman, I believe the simple fact of the extent of the minority views that were expressed indicates that even the people on the committee have some reservations—not objections but reservations or confusion in their mind as to exactly what this bill is going to do.

Mr. Chairman, I am inclined to be sympathetic with the objectives of the amendment which has been offered by the gentleman from Florida [Mr. Fuqua]. I am not sure that I am in complete agreement with it and that I will support it. I believe I am. However, I would like to have clarified a little bit further the question as to whether or not this amendment will do what I think it will do if adopted. Could I have the attention of the chairman of the subcommittee? I would like to have this clarified. I do not believe it has been clarified in the debate thus far as to the use of the Federal share, the 40 percent of the funds, that would be collected—the Federal portion could only be used as I understand the bill for land acquisition. Is that not basically right?

Mr. MORRIS. Mr. Chairman, if the gentleman will yield, the money will be used for planning and acquisition. One of the problems that we have today is that we do not have any recreational planning for the future and we do not really know what we are going to need for future generations of America.

Mr. SHORT. I do not have any quarrel with that, may I say to the gentleman.

Mr. MORRIS. The biggest part of it will be used for acquisition and then will come the planning.

Mr. SHORT. Let me ask this question: I believe some of us in reading the bill and reading the formula which allocates to States were prone to come to the conclusion that the Federal portion of the fund would be allocated back with a portion specifically to each individual State. Is this right or is this incorrect?

Mr. MORRIS. No; that is incorrect. Mr. SHORT. All right, I think this is important to understand. I believe this is perhaps one of the better things about the bill.

Thus, then, the Federal portion of the money may be used to acquire land where some of us think land acquisition is more necessary than in other areas.

Mr. MORRIS. That is correct, like in holdings within national parks and national forests.

Mr. SHORT. Let us take for example a State like Wyoming with which I am sure many of us are familiar, and the State of New York, the home State of the gentleman who just preceded me, there is obviously a difference in the need for land acquisition in those two States.

There may not be any need in Wyoming, but there is not any question but what there is need for acquisition of park areas or recreation areas in the State of New York. I am not sure but what the amendment of the gentleman from Florida nails this proposition down a little bit better than the bill does.

Mr. ASPINALL. The amendment offered by the gentleman from Florida would simply state that development at this time is one of the necessary and one of the authorized provisions of activity under the terms of this bill. May I call attention to page 13 of the committee report, which reads:

The committee notes that these provisions of the bill attracted little or no adverse comment from anyone. Only two questions of some consequence developed in connection with them. The first is whether the funds appropriated for and allotted to the Federal agencies should be available not only for land acquisition but also for development. The other has to do with the extent to which appropriations derived from the land and water conservation fund should be available for forest land acquisition.

The first of these questions was decided, for the time being, in the negative.

We decided for the time being that these moneys should be available for acquisition because this is the pressing need of our recreational program at the present time, and we think that when the planning is done it will be found to be more pressing than many of us realize.

Mr. SHORT. I agree with the gentleman. I think the confusion that exists is whether or not we are going to have the situation where in the Western States we have adequate landholdings which are not adequately developed. In my opinion there does not seem to be enough provision in this bill for developing the public lands we now have. There does seem to be adequate latitude in the use of funds that will be available for the acquisition of lands where land acquisition is needed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. FUQUA].

The question was taken; and on a division (demanded by Mr. FUQUA), there were—ayes 42, noes 59.

So the amendment was rejected.

The Clerk read as follows:

Certain revenues placed in separate fund

SEC. 2. SEPARATE FUND.—During the period ending June 30, 1989, and during such additional period as may be required to repay any advances made pursuant to section 4(b) of this Act, there shall be covered into the land and water conservation fund in the Treasury of the United States, which fund is hereby established and is hereinafter referred to as the "fund", the following revenues and collections:

(a) ENTRANCE AND USER FEES; ESTABLISHMENT; REGULATIONS.—All proceeds from entrance, admission, and other recreation user fees or charges collected or received by the National Park Service, the Bureau of Land Management, the Bureau of Sport Fisheries and Wildlife, the Bureau of Reclamation, the Forest Service, the Corps of Engineers, the Tennessee Valley Authority, and the United States section of the International Boundary and Water Commission (United States and Mexico), notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury: *Provided*, That nothing in this Act shall affect any rights or authority of the States with respect to fish and wildlife, nor shall this Act repeal any provision of law that permits States or political subdivisions to share in the revenues from Federal lands or any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law; but the proceeds from fees or charges established by the President pursuant to this subsection for entrance or admission generally to Federal areas shall be used solely for the purposes of this Act.

The President is authorized, to the extent and within the limits hereinafter set forth, to designate or provide for the designation of land or water areas administered by or under the authority of the Federal agencies listed in the preceding paragraph at which entrance, admission, and other forms of recreation user fees shall be charged and to establish and revise or provide for the establishment and revision of such fees as follows:

(i) An annual fee of not more than \$7 payable by a person entering an area so designated by private noncommercial automobile which, if paid, shall excuse the person paying the same and anyone who accompanies him in such automobile from payment of any other fee for admission to that area and other areas administered by or under the authority of such agencies, except areas which are designated by the President as not being within the coverage of the fee, during the year for which the fee has been paid.

(ii) Fees for a single visit or a series of visits during a specified period of less than a year to an area so designated payable by persons who choose not to pay an annual fee under clause (i) of this paragraph or who enter such an area by means other than private noncommercial automobile.

(iii) Fees payable for admission to areas not within the coverage of a fee paid under clause (i) of this paragraph.

(iv) Fees for the use within an area of sites, bodies of water, facilities, equipment, or services provided by the United States. Entrance and admission fees may be charged at land or water areas administered primarily for scenic, scientific, historical, cultural, recreational, or wilderness purposes. No entrance or admission fee shall be charged except at such areas or portions thereof administered by a Federal agency where recreation facilities or services are

provided at Federal expense. No fee of any kind shall be charged under any provision of this Act for nonrecreational use of the waters of reservoirs, canals, or waterways that are units in a Federal navigation system. All fees established pursuant to this subsection shall be fair and equitable, taking into consideration direct and indirect cost to the Government, benefits to the recipient, public policy or interest served, and other pertinent factors. Nothing contained in this paragraph shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not related to recreation. No such fee shall be charged for travel by private noncommercial vehicle over any national parkway or any road or highway established as a part of the national Federal-aid system, as defined in section 101, title 23, United States Code, which, though it is part of a larger area, is commonly used by the public as a means of travel between two places either or both of which are outside the area. No such fee shall be charged any person for travel by private noncommercial vehicle over any road or highway to any land in which such person has any property right if such land is within any such designated area.

No fees established under clause (ii) or clause (iii) of the second paragraph of this subsection shall become effective with respect to any area which embraces lands more than half of which have heretofore been acquired by contribution from the government of the State in which the area is located until sixty days after the officer of the United States who is charged with responsibility for establishing such fees has advised the Governor of the affected State, or an agency of the State designated by the Governor for this purpose, of his intention so to do, and said officer shall, before finally establishing such fees, give consideration to any recommendation that the Governor or his designee may make with respect thereto within said sixty days and to all obligations, legal or otherwise, that the United States may owe to the State concerned and to its citizens with respect to the area in question.

There is hereby repealed the third paragraph from the end of the division entitled "National Park Service" of section 1 of the Act of March 7, 1928 (45 Stat. 238) and the second paragraph from the end of the division entitled "National Park Service" of section 1 of the Act of March 4, 1929 (45 Stat. 1602; 16 U.S.C. 14). Section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 24, 1944 (16 U.S.C. 460d), as amended by the Flood Control Act of 1962 (76 Stat. 1195) is further amended by deleting ", without charge," in the third sentence from the end thereof. All other provisions of law that prohibit the collection of entrance, admission, or other recreation user fees or charges or that restrict the expenditure of funds if such fees or charges are collected are hereby also repealed: *Provided*, That no provision of any law or treaty which extends to any person or class of persons a right of free access to the shoreline of any reservoir or other body of water, or to hunting and fishing along or on such shoreline, shall be affected by this repealer.

The heads of departments and agencies are authorized to prescribe rules and regulations for the collection of any entrance, admission, and other recreation user fees or charges established pursuant to this subsection for areas under their administration. Clear notice that a fee or charge has been established shall be posted at each area to which it is applicable. Any violation of any rules or regulations promulgated under this title at an area so posted shall be

punishable by imprisonment of not more than six months or a fine of not more than \$500 or both. Any violation of such rules and regulations shall be under the jurisdiction of the United States district court for each district in which the violation occurs, and may be considered by a United States Commissioner appointed by said court.

(b) **SURPLUS PROPERTY SALES.**—All proceeds (except so much thereof as may be otherwise obligated, credited, or paid under authority of those provisions of law set forth in section 485(b)-(e), title 40, United States Code, or the Independent Offices Appropriation Act, 1963 (76 Stat. 725) or in any later appropriation Act) hereafter received from any disposal of surplus real property and related personal property under the Federal Property and Administrative Services Act of 1949, as amended, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this Act shall affect existing laws or regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions.

(c) **MOTORBOAT FUELS TAX.**—The amounts provided for in section 201 of this Act.

SEC. 3. APPROPRIATIONS.—Moneys covered into the fund shall be available for expenditure for the purposes of this Act only when appropriated therefor. Such appropriations may be made without fiscal-year limitation.

Allocation of land and water conservation fund for State and Federal purposes: Authorization for advance appropriations

SEC. 4. (a) ALLOCATION.—There shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the fund. In the absence of a provision to the contrary in the Act making an appropriation from the fund, (i) the appropriation therein made shall be available in the ratio of 60 per centum for State purposes and 40 per centum for Federal purposes, but (ii) the President may, during the first five years in which appropriations are made from the fund, vary said percentages by not more than 15 points either way to meet, as nearly as may be, the current relative needs of the States and the Federal Government.

(b) **ADVANCE APPROPRIATIONS; REPAYMENT.**—Beginning with the third full fiscal year in which the fund is in operation, and for a total of eight years, advance appropriations are hereby authorized to be made to the fund from any moneys in the Treasury not otherwise appropriated in such amounts as to average not more than \$60,000,000 for each fiscal year. Such advance appropriations shall be available for Federal and State purposes in the same manner and proportions as other moneys appropriated from the fund. Such advance appropriations shall be repaid without interest, beginning at the end of the next fiscal year after the first ten full fiscal years in which the fund has been in operation, by transferring, annually until fully repaid, to the general fund of the Treasury 50 per centum of the revenues received by the land and water conservation fund each year under section 2 of this Act prior to July 1, 1989, and 100 per centum of any revenues thereafter received by the fund. Revenues received from the sources specified in section 2 of this Act after July 1, 1989, or after payment has been completed as provided by this subsection, whichever occurs later, shall be credited to miscellaneous receipts of the Treasury. The moneys in the fund that are not required for repayment purposes may continue to be appropriated and allocated in accordance with the procedures prescribed by this Act.

Financial assistance to States

SEC. 5. GENERAL AUTHORITY; PURPOSES.—(a) The Secretary of the Interior (herein-

after referred to as the "Secretary") is authorized to provide financial assistance to the States from moneys available for State purposes. Payments may be made to the States by the Secretary as hereafter provided, subject to such terms and conditions as he considers appropriate and in the public interest to carry out the purposes of this Act, for outdoor recreation: (1) planning, (2) acquisition of land, waters, or interests in lands or waters, or (3) development.

(b) **APPORTIONMENT AMONG STATES; NOTIFICATION.**—Sums appropriated and available for State purposes for each fiscal year shall be apportioned among the several States by the Secretary, whose determination shall be final, in accordance with the following formula:

(1) two-fifths shall be apportioned equally among the several States; and

(2) three-fifths shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of this Act. The determination of need shall include among other things a consideration of the proportion which the population of each State bears to the total population of the United States and of the use of outdoor recreation resources of individual States by persons from outside the State as well as a consideration of the Federal resources and programs in the particular States.

The total allocation to an individual State under paragraphs (1) and (2) of this subsection shall not exceed 7 per centum of the total amount allocated to the several States in any one year.

The Secretary shall notify each State of its apportionments; and the amounts thereof shall be available thereafter for payment to such State for planning, acquisition, or development projects as hereafter prescribed. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and for two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2) of this subsection.

The District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa shall be treated as States for the purposes of this title, except for the purpose of paragraph (1) of this subsection. Their population also shall be included as a part of the total population in computing the apportionment under paragraph (2) of this subsection.

(c) **MATCHING REQUIREMENTS.**—Payments to any State shall cover not more than 50 per centum of the cost of planning, acquisition, or development projects that are undertaken by the State. The remaining share of the cost shall be borne by the State in a manner and with such funds or services as shall be satisfactory to the Secretary. No payment may be made to any State for or on account of any cost or obligation incurred or any service rendered prior to the date of approval of this Act.

(d) **COMPREHENSIVE STATE PLAN REQUIRED; PLANNING PROJECTS.**—A comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this Act. The plan shall contain—

(1) the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of this Act;

(2) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;

(3) a program for the implementation of the plan; and

(4) other necessary information, as may be determined by the Secretary.

The plan shall take into account relevant Federal resources and programs and shall be correlated so far as practicable with other State, regional, and local plans. Where there exists or is in preparation for any particular State a comprehensive plan financed in part with funds supplied by the Housing and Home Finance Agency, any statewide outdoor recreation plan prepared for purposes of this Act shall be based upon the same population, growth, and other pertinent factors as are used in formulating the Housing and Home Finance Agency financed plans.

The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when such plan is not otherwise available or for the maintenance of such plan.

(e) **PROJECTS FOR LAND AND WATER ACQUISITION; DEVELOPMENT.**—In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the following types of projects or combinations thereof if they are in accordance with the State comprehensive plan:

(1) **ACQUISITION OF LAND AND WATERS.**—For the acquisition of land, waters, or interests in land or waters (other than land, waters, or interests in land or waters acquired from the United States for less than fair market value), but not including incidental costs relating to acquisition.

(2) **DEVELOPMENT.**—For development, including but not limited to site planning and the development of Federal lands under lease to States for terms of twenty-five years or more.

(f) **REQUIREMENTS FOR PROJECT APPROVAL; CONDITION.**—Payments may be made to States by the Secretary only for those planning, acquisition, or development projects that are approved by him. No payment may be made by the Secretary for or on account of any project with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance may be given under any other Federal program or activity for or on account of any project with respect to which such assistance has been given or promised under this Act. The Secretary may make payments from time to time in keeping with the rate of progress toward the satisfactory completion of individual projects: *Provided*, That the approval of all projects and all payments, or any commitments relating thereto, shall be withheld until the Secretary receives appropriate written assurance from the State that the State has the ability and intention to finance its share of the cost of the particular project, and to operate and maintain by acceptable standards, at State expense, the particular properties or facilities acquired or developed for public outdoor recreation use.

Payments for all projects shall be made by the Secretary to the Governor of the State or to a State official or agency designated by the Governor or by State law having authority and responsibility to accept and to administer funds paid hereunder for approved projects. If consistent with an approved project, funds may be transferred by the State to a political subdivision or other appropriate public agency.

No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

No payment shall be made to any State until the State has agreed to (1) provide

such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this Act, and (2) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal funds paid to the State under this Act.

Each recipient of assistance under this Act shall keep such records as the Secretary of the Interior shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

The Secretary of the Interior, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

(g) **COORDINATION WITH FEDERAL AGENCIES.**—In order to assure consistency in policies and actions under this Act, with other related Federal programs and activities (including those conducted pursuant to title VII of the Housing Act of 1961 and section 701 of the Housing Act of 1954) and to assure coordination of the planning, acquisition, and development assistance to States under this section with other related Federal programs and activities, the President may issue such regulations with respect thereto as he deems desirable and such assistance may be provided only in accordance with such regulations.

ALLOCATION OF MONEYS FOR FEDERAL PURPOSES

SEC. 6. (a) Moneys appropriated from the fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President to the following purposes and subpurposes in substantially the same proportion as the number of visitor-days in areas and projects hereinafter described for which admission fees are charged under section 2 of this Act:

(1) For the acquisition of land, waters, or interests in land or waters as follows:

NATIONAL PARK SYSTEM; RECREATION AREAS.—Within the exterior boundaries of areas of the national park system now or hereafter authorized or established and of areas now or hereafter authorized to be administered by the Secretary of the Interior for outdoor recreation purposes.

NATIONAL FOREST SYSTEM.—Within wilderness, wild, and canoe areas of the national forest system and within other areas of that system which are primarily of value for outdoor recreation purposes.

THREATENED SPECIES.—For any national area which may be authorized for the preservation of species of fish or wildlife that are threatened with extinction.

RECREATION AT REFUGES.—For the incidental recreation purposes of section 2 of the Act of September 28, 1962 (76 Stat. 653; 16 U.S.C. 460 k-1); and

(2) For payment into miscellaneous receipts of the Treasury as a partial offset for those capital costs, if any, of Federal water development projects hereafter authorized to be constructed by or pursuant to an Act of Congress which are allocated to public recreation and the enhancement of fish and wildlife values and financed through appropriations to water resource agencies.

(b) **ACQUISITION RESTRICTION.**—Appropriations from the fund pursuant to this section shall not be used for acquisition unless such acquisition is otherwise authorized by law.

Funds not to be used for publicity

SEC. 7. Moneys derived from the sources listed in section 2 of this Act shall not be available for publicity purposes.

TITLE II—MOTORBOAT FUEL TAX PROVISIONS

Transfers to and from land and water conservation fund

SEC. 201. (a) There shall be set aside in the land and water conservation fund in the Treasury of the United States provided for in title I of this Act the amounts specified in section 209(f)(5) of the Highway Revenue Act of 1956 (relating to special motor fuels and gasoline used in motorboats).

(b) There shall be paid from time to time from the land and water conservation fund into the general fund of the Treasury amounts estimated by the Secretary of the Treasury as equivalent to—

(1) the amounts paid before July 1, 1973, under section 6421 of the Internal Revenue Code of 1954 (relating to amounts paid in respect of gasoline used for certain non-highway purposes or by local transit systems) with respect to gasoline used after December 31, 1963, in motorboats, on the basis of claims filed for periods ending before October 1, 1972; and

(2) 80 percent of the floor stocks refunds made before July 1, 1973, under section 6412 (a)(2) of such Code with respect to gasoline to be used in motorboats.

Amendments to Highway Revenue Act of 1956

SEC. 202. (a) Section 209(f) of the Highway Revenue Act of 1956 (relating to expenditures from highway trust fund) is amended by adding at the end thereof the following new paragraph:

“(5) **TRANSFERS FROM THE TRUST FOR SPECIAL MOTOR FUELS AND GASOLINE USED IN MOTORBOATS.**—The Secretary of the Treasury shall pay from time to time from the trust fund into the land and water conservation fund provided for in title I of the Land and Water Conservation Fund Act of 1963 amounts as determined by him in consultation with the Secretary of Commerce equivalent to the taxes received, on or after January 1, 1964, under section 4041(b) of the Internal Revenue Code of 1954 with respect to special motor fuels used as fuel for the propulsion of motorboats and under section 4081 of such Code with respect to gasoline used as fuel in motorboats.”

(b) Section 209(f) of such Act is further amended—

(1) by adding at the end of paragraph (3) the following new sentence: “This paragraph shall not apply to amounts estimated by the Secretary of the Treasury as paid under section 6421 of such Code with respect to gasoline used after December 31, 1963, in motorboats.”; and

(2) by inserting after “such Code” in paragraph (4)(C) the following: “(other than gasoline to be used in motorboats, as estimated by the Secretary of the Treasury)”.

Mr. ASPINALL (interrupting reading of the bill). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

AMENDMENT OFFERED BY MR. WHITE

Mr. WHITE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITE: Page 20, line 17, strike out all of subsection (a) and insert in lieu thereof the following:

“(a) **USER FEES; ESTABLISHMENT; REGULATIONS.**—All proceeds from recreation user fees

collected or received by the National Park Service, the Bureau of Land Management, the Bureau of Sport Fisheries and Wildlife, the Bureau of Reclamation, the Forest Service, the Corps of Engineers, the Tennessee Valley Authority, and the United States section of the International Boundary and Water Commission (United States and Mexico), notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury; *Provided*, That nothing in this Act shall affect any rights or authority of the States with respect to fish and wildlife, nor shall this Act repeal any provision of law that permits States or political subdivisions to share in the revenues from Federal lands or any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law.

The President is authorized, to the extent and within the limits hereinafter set forth, to designate or provide for the designation of land or water areas administered by or under the authority of the Federal agencies listed in the preceding paragraph at which recreation user fees shall be charged and to establish and revise or provide for the establishment and revision of such fees.

All fees established pursuant to this subsection shall be fair and equitable, taking into consideration direct and indirect cost to the Government, benefits to the recipient, public policy or interest served, and other pertinent factors. Nothing contained in this paragraph shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not related to recreation. No fee shall be charged under any provision of this Act for use of the waters of reservoirs, canals, or waterways that are units in a Federal navigation system, or for travel by private noncommercial vehicle or any national parkway or any road or highway established as a part of the national Federal-aid system, as defined in section 101, title 23, United States Code, which, though it is part of a larger area, is commonly used by the public as a means of travel between two places either or both of which are outside the area, or for travel by private noncommercial vehicle over any road or highway by any person to any land in which such person has any property right if the land is within a designated area. No fee shall be charged except at such areas or portion thereof administered by a Federal agency where recreation facilities or services are provided at Federal expense.

There is hereby repealed the third paragraph from the end of the division entitled “National Park Service” of section 1 of the Act of March 4, 1929 (45 Stat. 1602; 16 U.S.C. 14). Section 4 of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved December 24, 1944 (16 U.S.C. 460d), as amended by the Flood Control Act of 1962 (76 Stat. 1195), is further amended by deleting, “without charge,” in the third sentence from the end thereof. All other provisions of the law that prohibit the collection of recreation user fees or that restrict the expenditure of funds if such fees are collected are hereby also repealed: *Provided*, That no provision of any law or treaty which extends to any person or class of persons a right of free access to the shoreline of any reservoir or other body of water, or to hunting and fishing along or on such shoreline, shall be affected by this repealer: *Provided further*, That nothing in this Act shall deny free public access to public lands for recreational uses.

The heads of departments and agencies are authorized to prescribe rules and regulations for the collection of any recreation user fees or charges established pursuant to

this subsection for areas under their administration. Clear notice that a fee or charge has been established shall be posted at each area to which it is applicable. Any violation of any rules or regulations promulgated under this title at an area so posted shall be punishable by imprisonment of not more than six months or a fine of not more than \$500 or both. Any violation of such rules and regulations shall be under the jurisdiction of the United States District Court for each district in which the violation occurs, and may be considered by a United States Commissioner appointed by said court.

Mr. WHITE. Mr. Chairman, we are down to the point of decision as to whether admission and entrance fees will be applied under this particular piece of legislation. During the colloquy of yesterday it was pointed out that there was no intent to charge general admission fees to the forests and the water areas of the United States, but only to charge, in effect, as stated and agreed to by the subcommittee chairman, user fees.

I am sure we are all in agreement, the committee and myself, that we are not opposed to user fees for areas where Federal funds have been expended and where facilities have been made available. But I believe the tenor of this House and of the Members of this House is that they are opposed to the general, broad precedent that admittedly is possible under this bill; to demark any area of a national forest for the application of admission and entrance fees. No matter what assurances we have had here today and yesterday, I still feel very strongly that these fees may apply, and I still feel as we talked here yesterday that the militant position of the Forest Service and others will ultimately result in the application of the broad concept of controlled access to the lands and waters of the United States. I have opposed and will continue to oppose such a theory and proposition as long as I have a breath within me.

I think we have pointed out here that it has been the policy of the U.S. Government to make available to the people these lands that they own. As the gentleman from New York [Mr. O'BRIEN] said yesterday, it belongs to them and they should have the use of it. This is what we have fought wars for; to make available these public lands to the people of the United States.

I have said before that we are at a point of establishing a broad precedent. Do we charge admission, do we limit the access to the public lands of the United States by the implementation of this legislation, or do we charge for the use of facilities that are constructed and provided at public expense? What this amendment does is to provide for user fees and delete admission and entrance fees.

In line with public land law tradition, the recommendations of the Outdoor Recreation Resources Review Commission, the Democratic Party platform of 1960 and the stated intent of the Interior Committee, no fee could be established for mere access to the public lands of the United States. Ample provision is made for the raising of revenues through the charging of user fees at federally constructed recreation facilities.

Nearly everyone agrees that the recreation user should help bear the cost of building and maintaining recreational facilities, just as the forest products, mining and livestock industries do now pay for industrial uses of public lands. Very few of us, however, believe that Americans should be charged for merely looking at or entering upon Federal property. My amendment clarifies a conflict in H.R. 3846, which would lead to such a drastic situation. The conflict to which I refer occurs between the sections of the bill now granting blanket authority to the administrators of public lands to set boundaries for the charging of entrance and admission fees, and a provision added in committee which limits the authority to charging fees only at areas which have been improved for recreational purposes. Yesterday I pointed out the horrendous consequences that are possible under this conflict and today I offer this amendment to prevent these possibilities. My position is quite simple: Recreation user fees are just, and in line with the Outdoor Recreation Resources Review Commission recommendations; entrance and admission fees are a breach in the tradition of public land laws, contrary to democratic principles and in excess of the proposals of Outdoor Recreation Resources Review Commission. Acceptance of my amendment would preserve the former and prevent the latter.

In view of the answers given yesterday during the debate, I think that the committee would support this amendment. The four conditions for charging fees, plus the eight "guidelines on fees" cited by the distinguished subcommittee chairman, the gentleman from New Mexico [Mr. MORRIS], clearly indicate that only user fees are contemplated by the proponents of this legislation. I agree with the principle for charging user fees, but I do not want any blanket language in the bill regarding entrance or admission fees, even though the committee does not believe it will be implemented. I say, strike out this language by adoption of my amendment, and we will achieve the purposes of this legislation without placing powers into the hands of public land administrators that we have no intention of giving them. Now is the time to check this superfluous grant of power, and I ask the support of all Members in doing so.

Mr. MORRIS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think that very early in the consideration of this bill we have reached the point of the very important part of the legislation. The question the gentleman from Idaho has put to you is, Are we going to charge for every recreation area? We are not trying to charge admission for every recreation area. We are trying to say to this present generation of Americans, of which we are members, "Won't you be willing to contribute just a small amount by paying admission fees to the recreation areas where it is possible to charge them and where the cost of collecting the fees will not be greater than the return of the fees?" We are trying to say to our children that we are willing to pay a small fee that

they may enjoy in the future the same kind of recreation privileges that we have enjoyed in this generation.

Now that is all there is to it. I am not afraid of the militant administration and the Hitlerite attitude of these bureaucrats because I believe some of the present Members of the Congress are going to be here in the future and we are going to see that this law is administered in the way that it should be.

You talk about all the recreation that has always been free. Has it really been free? It has not been free. It has been paid for. It has been paid for by appropriations. We are just trying to ask the people who derive the most benefit from these recreation areas to pay just a little bit. They are not going to pay even close to the total cost. They are just going to pay a little bit.

We make the cattleman, when he grazes cattle on the national forest, pay a fee; do we not?

We make the man who cuts timber in the national forest pay a royalty to the Federal Government.

We make the miner who has a mining claim on public land pay a royalty to the Federal Government.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. MORRIS. I would be most pleased to yield to my good friend, the gentleman from Idaho.

Mr. WHITE. I think the gentleman's statement should be corrected with respect to a mining entry on the public lands of the United States. The present law does not provide for a royalty payment to the U.S. Government. That is provided for under the terms of the lease to the miner.

Mr. MORRIS. The gentleman may be correct with respect to the forest, but on oil and gas leases under the mineral leasing act, he pays a royalty from public lands.

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

Mr. MORRIS. I yield to the gentleman.

Mr. KYL. The gentleman has said that this is a new concept and that it establishes some sort of precedent for the future. Is it not true that for many, many years in at least 42 parks of the National Park Service we have had admission fees and there has been no general complaint?

Mr. MORRIS. I am sure the gentleman is correct when he says the number is 42. I am not certain of the number, but I think that is correct. I know specifically of two—Yosemite and Yellowstone National Park. I know the Shenandoah National Park is another one and I am sure there must be over 40.

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

Mr. MORRIS. I yield to the gentleman.

Mr. ASPINALL. According to the latest report we have, there are 30 national parks and 15 of them charge entrance fees. We have 83 national monuments and 21 charge entrance fees. Of course, entrance fees are charged at other installations of the National Park Service. This, of course, is a very good

criteria by which we can expect the program which is authorized under this legislation to be activated and enforced.

Mr. ROUSH. Mr. Chairman, will the gentleman yield?

Mr. MORRIS. I yield to the gentleman.

Mr. ROUSH. I would like to ask the gentleman this question. It is my understanding under this proposed act that a State would not be able to charge admission fees for access to areas, let us say, to a reservoir which had been leased to the Federal Government; is that correct?

Mr. MORRIS. We are not saying to the State whether they can or cannot. Under the law at the present time any State that has obtained land or a recreation area from the Corps of Engineers cannot. But we are not saying what they can or cannot do under this legislation. It will be up to the State. We are saying that the Federal Government cannot charge a fee on land that is leased to the State or turned over to the State for recreational purposes.

Mr. ROUSH. As I understand it, if this bill should become a law, we are changing the present setup and a State could then charge admission fees under circumstances whereby they could not now charge admission fees; is that correct?

Mr. MORRIS. The only place that I know of is in Corps of Engineers areas or reservoirs.

The CHAIRMAN. The time of the gentleman from New Mexico has expired.

Mr. EDMONDSON. Mr. Chairman, I ask unanimous consent that the gentleman from New Mexico may proceed for an additional 5 minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MORRIS. At the present time any land that is turned over to a State or to a political subdivision for the administration of the recreation area by the Corps of Engineers cannot charge a fee. But under this legislation, they could when this legislation is passed. The State could charge a fee if it so desires. But the Federal Government cannot.

Mr. ROUSH. I thank the gentleman for his answers.

Mr. STINSON. Mr. Chairman, will the gentleman yield?

Mr. MORRIS. I yield to the gentleman from Washington.

Mr. STINSON. A moment ago it was mentioned that 15 of our national parks currently charge entrance fees. Could the gentleman tell me how many of these 15 national parks have improvements on them?

I believe we are talking about two different things. We are talking about user fees rather than admission fees.

Mr. MORRIS. I beg to disagree with my dear friend, the gentleman from Washington. We are talking about entrance fees. There are places which have improvements, like Carlsbad Caverns National Park. Let me give an example. At Carlsbad Caverns a user fee is charged for the elevators and camp site fees.

Mr. STINSON. I believe that is the whole bone of contention on this amendment. I do not believe the gentleman from Idaho is objecting to user fees when improvements have been made. I believe that what he objects to are the admission fees to unimproved areas. In the Snoqualmie National Forest, for example, if improvements were made in one corner of the forest, then a picnicker on an unimproved area 60 miles away would also have to pay an admission fee.

I believe that is the main opposition to this particular legislation.

Of the 15 national parks which require entrance fees I believe we will find that most have some kind of improvements. Therefore, a user fee would be justified.

Mr. MORRIS. They also must have some kind of improvements and the improvements must be at Federal expense, for there to be an admission fee.

Mr. STINSON. That is not in the legislation, is it?

Mr. MORRIS. It is in the report and the legislation page 22, lines 24, and 25.

Mr. STINSON. But there is nothing in the legislation that would prevent charging usage fees for admission to unimproved areas not adjacent to the improved facilities.

Mr. JENNINGS. Mr. Chairman, will the gentleman yield?

Mr. MORRIS. I yield to the gentleman from Virginia.

Mr. JENNINGS. As I understand it, no admission fee or user fee could be charged unless some improvements had been made and unless the area itself had a primary use for recreation.

Mr. MORRIS. That is true.

Mr. JENNINGS. Therefore, the use of a national forest, when the national forest was used for multiple purposes, would not apply. As the law was passed a few years ago, no admission fee would be charged to a national forest used for recreation, fire management, wildlife, water resources and multiple uses prescribed in the bill. It would be only an area improved for specific recreation purposes where an admission or user fee would be charged; is that correct?

Mr. MORRIS. That is true.

I wish to emphasize to my colleagues once again that this is only permissive language. The first thing which would be necessary would be to have the area declared an area where fees would be collected, by the President of the United States. Then the ground would have to be posted, as is done when a farmer posts his land against hunting and fishing. The land would have to be posted, to say that an admission fee was to be charged.

Mr. OLIVER P. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. MORRIS. I yield to the gentleman from Ohio.

Mr. OLIVER P. BOLTON. Following this line of questioning, may I make an inquiry about the language of the bill? If a reservoir is built by the Corps of Engineers for flood control purposes, and has a recreation facility connected with it, under the language of the bill could

an admission fee be charged on such a project?

Mr. MORRIS. If Federal funds were used for the recreation area, if it were built at Federal expense, and if it met the four conditions I mentioned a while ago, and if the fees followed the other eight guidelines I mentioned in my talk of yesterday and awhile ago, yes.

Mr. OLIVER P. BOLTON. I thank the gentleman.

Mr. MORRIS. I say further to the gentleman from Ohio that if the Corps of Engineers turned the administration of that recreation part of the reservoir over to the State of Ohio—if it were in Ohio—or to some political subdivision in the State of Ohio, no fees could be charged by the Federal Government under this statute.

Mr. OLIVER P. BOLTON. What does the gentleman suggest could be done with an area surrounded by State-administered lands, with the flood control area in the middle of it?

Mr. MORRIS. That would be the problem of the State, not of the Federal Government.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield at that point?

Mr. MORRIS. I yield to my good friend from Oklahoma.

Mr. EDMONDSON. The gentleman will nonetheless acknowledge that if you have a reservoir of the Corps of Engineers that has a Federal recreation facility constructed on its shores, it is intended and contemplated there will be a fee for the use of the water of that reservoir under this bill. Is that not correct?

Mr. MORRIS. I do not want to point to any specific reservoir. I might say to my friend from Oklahoma, if such a condition exists and if the four conditions that I enumerated yesterday and if the eight items in the guidelines are followed and it fits in those categories, then a fee could be charged, but that does not mean it necessarily will be charged.

AMENDMENT OFFERED BY MR. EDMONDSON

Mr. EDMONDSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDMONDSON to the amendment offered by Mr. WHITE: Line 5, subsection (a), strike out "the Corps of Engineers, the Tennessee Valley Authority".

Mr. EDMONDSON. Mr. Chairman, if this amendment is adopted, I would certainly personally intend to vote for the White amendment. If this amendment is not adopted, it would be my intention to offer this amendment to the body of the committee substitute which is before us; that is, the committee amendment. In any event, I think a case can be made for this particular amendment whether you are in sympathy with the amendment of the gentleman from Idaho or not. I personally intend to vote for the White amendment, because I think he has placed his finger squarely upon the part of this bill which does not quite ring true. I say that because time after time the gentlemen supporting this bill have told us that they are not trying to charge entrance and admission fees at national forests and they are not trying

to charge entrance and admission fees at these reservoirs, but when you try to back them up and say, why not eliminate the entrance and admission fee and just limit it to a use fee on a facility, you do not get an answer. In fact, if you are going to have an entrance fee limited to actual recreation facilities, why not accept the amendment, which is No. 3 in the list of those that I put in the Record yesterday, which provides that no fee shall be collected unless the individual from whom the fee is sought is actually entering a recreational facility or service area. The gentleman from Virginia got the answer here a minute ago that no fee would be charged unless they actually entered a recreational facility or service area in a national forest. Yet there has been thus far—and I would like to see a change of position on the part of the members on both sides of the committee—a refusal to accept this simple amendment which is No. 3 among those that I will be offering in the course of this day.

Now, why should the Tennessee Valley and the Army engineers be eliminated from this bill? Whether you take the White amendment or the committee bill itself, I tried to point out several good reasons for it yesterday. I think there are some here today who did not hear the argument yesterday. In the first place, we have a commitment in the law to most of these reservoirs. You see them here on this particular map. You see the hundreds of reservoirs scattered across the country. We have a commitment in law and in policy stated in the Flood Control Act of 1944 and stated again in the Flood Control Act of 1946 and stated again in the Flood Control Act of 1954 and in the River and Harbor Act of 1962. The law plainly states: "The water areas of all such projects shall be open to public use generally without charge for boating, swimming, bathing, fishing, and other recreational purposes."

This is not a new concept. This has been part of the public policy of the United States since the year 1787. We have consistently said that, like the seven seas, the water areas shall be free to the public. We are going to break that policy if we do not adopt the amendment I am now offering and if we do not take the Tennessee Valley Authority and the Army engineers out of this bill. We will also break, I say to my friends on this side, a specific commitment in our 1960 platform. I read it to you yesterday. It said that we will support measures to insure public access to public lands on a free basis without charge.

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

Mr. EDMONDSON. I yield to the chairman of the committee.

Mr. ASPINALL. Why did not my colleague, if he feels this way about it, take out the Bureau of Reclamation and the U.S. section of the International Boundary Waters Commission also? In other words, he has hit only two areas. He leaves an inequity existing by his amendment.

Mr. EDMONDSON. The chairman makes a point that I would certainly be willing to accept; I would be glad to accept an amendment to the amendment that I have offered including them. But there is a basic difference between them. And that is the third point of the amendment that I want to make today. The TVA reservoirs, the Army engineer reservoirs, are reservoirs in many instances across this land that play an integral part in navigation. They fit into the seven seas or freedom of the seas concept. They fit into the picture of freedom to travel across the waterways of the country just as we have the freedom to travel across the highways of the country.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. EDMONDSON] has expired.

Mr. EDMONDSON. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Chairman, there has been on behalf of the Committee on Interior a willingness to concede that there should not be a fee for transport of commercial vessels on actual units of the navigation system. They have conceded this point. It appears in the bill as reported by the committee. But they want to turn over on the other side and say that we do want to have the authority to impose use fees, entrance and admission fees, for recreational boats that travel on these same waters. The only exemption that they authorize is for nonrecreational boats on units of the navigation system.

A man goes out there to fish; a man goes out there with his family on pleasure of any kind, whether in a rowboat, a canoe, or high-powered cruiser; and they want the authority to impose a use fee.

My good friend from New Mexico may not be willing to give a direct answer as to whether there would be a use fee on a reservoir, or where there is a State recreational area on the shores. But I can assure him that there is no equivocation on that point from the distinguished Secretary of the Interior, a former Member of this body, because he makes no pretense at all that he does not desire the authority to impose a boat-use fee on any reservoir where there is a Federal recreational facility that represents a Federal investment. And what would that mean in your Federal reservoirs where you have some State development?

It would mean on the land area controlled by the State there is no fee, but it would mean that if you went in the water, if you took a boat out there, whether you went out to fish or just ride on the water, then a Federal fee would be collectible on the water area itself. This may not be the intention of my friend from New Mexico; it may not be the intention of my friend from Colorado, but I can tell you on my honor as a Member of this House that I sat across the room from the Secretary of the Interior and

had him tell me that he believes he should have that authority on Army engineer reservoirs as well as on reservoirs of the Department of Interior.

Mr. QUILLEN. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman.

Mr. QUILLEN. Mr. Chairman, I have a similar amendment at the desk and I concur wholeheartedly in what has been said by the gentleman from Oklahoma.

As a matter of fact, I have written the Secretary of Interior for assurances that no new admission or user fees would be charged on the TVA reservoirs or the Corps of Engineers reservoirs and he will not give me that assurance in writing. I have tried for over 8 months to get that assurance.

Mr. Chairman, whereas some members of the committee tell me that this is not applicable to the lakes involved, I say to the members of this Committee that if this bill passes, what they say will be true.

Mr. EDMONDSON. I thank the gentleman.

Mr. QUILLEN. If the gentleman will yield further, that is not the intention in our construction of these reservoirs, that any entrance, admission, or user fees be charged and that they should always be free for use by the people.

Mr. EDMONDSON. I thank the gentleman.

Mr. Chairman, may I make this further point before yielding further. The basically unfair thing about this bill is that while it is designed to provide land acquisition authority for the National Park Service and for the Forest Service, it has no land acquisition authority in it for the reservoir areas whether they be TVA or Corps of Engineers reservoirs. It has no development authority in it for the reservoir areas of the Corps of Engineers or of the TVA, unless the States elect to spend some of their money on them. They will get a sizable sum of money from the users on a number of Army Engineers reservoirs, from the users of TVA and other facilities if they follow through with this plan. But they are not going to invest a red cent of Federal money in land acquisition on these areas.

Mr. Chairman, I say to the members of the Committee that is basically unfair. It is justification in itself for taking these reservoirs out of this bill.

Mr. Chairman, we will still have a program and we will still have a fund running over \$100 million a year with the Army Engineers and TVA reservoirs out of it. The fund in its entirety can be devoted to Park Service purposes, to Forest Service purposes and we can do a good job. But I say to you, eliminate the threatened invasion of a longstanding tradition against waterway tolls, eliminate the discrimination that exists against the reservoir areas, and adopt this amendment.

Mr. ASPINALL. Mr. Chairman, I rise in opposition to the Edmondson amendment.

Mr. Chairman, I believe that this amendment which has been offered by the gentleman from Idaho [Mr. WHITE], as proposed to be amended by the amendment which has been offered by my good friend and colleague the gentleman from Oklahoma [Mr. EDMONDSON], pretty well indicates to the Committee of the Whole just what our committee was up against when we were trying to resolve the equities in this matter formulating legislation for recreation programs.

As I said before, what we are trying to do, of course, is to get recreation down to the lower levels of government where it can be properly handled and handled at the least expense. What we are trying to do is to see to it that whatever guidelines we adopt they shall be equitable throughout the United States.

Mr. Chairman, it is not fair for one facility of recreation potential to be treated any differently than another facility. Uncle Sam spends his money for all these facilities. There is not any question about that, whether it is a national park or a reservoir of the Bureau of Reclamation or an Army Engineers reservoir, it makes no difference.

Mr. Chairman, all of these are primarily dependent upon Uncle Sam's Treasury to get started and all too often to continue, especially in matters which were not originally intended when they were authorized and constructed.

Mr. Chairman, if the recreation program is such that the Federal Government should turn its eyes to it and see to it that a proper plan is provided and that proper areas are provided in permitting the States to expend their moneys as they see fit either for development or for acquisition, then it seems to me that the equities throughout the United States should be the same.

The TVA at the present time does not come under the provisions of this bill, and it will not come under the provisions of this bill unless it is authorized as a recreational area which will be supported to a great extent by Federal funds.

Mr. Chairman, the Army Corps of Engineers has dozens—my colleague, the gentleman from Oklahoma [Mr. EDMONDSON], says hundreds of reservoirs. Many of these reservoirs, most of them in fact, have been turned over to the States and the local levels of government for their operation and maintenance.

These reservoirs will not come under the provisions of this bill. As far as I am concerned—and I say this in all sincerity—I think that practically all reservoirs as far as recreational potentialities are concerned, should be turned over to the States or to the counties, and that only in those places where the reservoirs are of sufficient magnitude or of sufficient importance to the whole program of the United States in recreational matters should they be continued to be under the operation, supervision, and decision of the Federal Government. We are doing this as far as the Bureau of Reclamation reservoirs are concerned.

It is only the larger reservoirs, the reservoirs that are next to forest land or reservoirs close to or a part of the areas that have significant value that entitle them to consideration as national recreational areas that are receiving Federal supervision and operation at the present time.

What we are talking about here, as far as price of admission, Mr. Chairman, may appear important for some of us, but it is not too important to me. For a \$7 ticket an individual or five individuals can ride throughout all of the year and visit every Federal installation that comes under the provision of entrance fees provided in legislation now before the Committee. That is what is involved.

You can talk about red worms, you can talk about the land of the fee, you can talk about anything you want to, but we are going to pay sooner or later in the United States for this part of our everyday life.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I heard throughout the debate the words used that presently the Corps of Engineers have turned over most of their reservoirs to the States for operation and recreation. I have not heard anybody say that the Federal Government could not withdraw that transfer the minute you pass this bill. For all practical purposes it would take only the action of the Secretary of Interior or a Federal official or the Chief of the Corps of Engineers to take back from the States these areas.

Am I not right about that?

Mr. ASPINALL. I think the gentleman is right, if you have that lack of confidence in the agencies administering these activities.

Mr. WHITTEN. May I say to the gentleman it is not lack of confidence, it is the fact I have complete confidence they will the minute they can take over.

Mr. ASPINALL. If that is the way you feel about it, I suggest you vote against the White and Edmondson amendments in order to say to them if they do take it back they become a part of the recreational program of the United States.

Mr. KYL. Mr. Chairman, I rise in opposition to the pending amendments.

Mr. Chairman, in conservation there is no politics. No politics is intended in the introduction of this little colloquy we have with reference to a political platform.

I am reminded that shortly before we, on this side of the aisle, went to San Francisco to engage in convention a gentleman from the other side of the aisle said to me one morning:

What you should do in your convention is to select as your platform the first Franklin D. Roosevelt political platform, for two reasons: In the first place, it is a conservative program, and in the second place it has never been used.

That is not the only platform of which this can be said, and that is true on both sides of the aisle.

I do not think there is anything serious when conditions change so that we alter our opinions regarding such smaller items as are involved here. I do want to refer, for the benefit of those people who might be interested in this platform conception, a paragraph or two from a letter which the late President John F. Kennedy sent to the Congress regarding this legislation.

He said:

It is reasonable and in the public interest that needed improvements and expansion of outdoor recreation opportunities be financed largely on a pay-as-you-go basis from a system of fees collected from the direct beneficiaries—the users of Federal recreation lands and waters. The proposed land and water conservation fund would therefore be financed in part from Federal entrance, admission, or other recreation user fees.

Continuing Mr. Kennedy's words:

In addition, the fund would be financed from the sale of Federal surplus real property and from the proceeds of the existing 4-cent tax on marine gasoline and special motor fuels used in pleasure boats.

He concluded in this fashion:

Actions deferred are all too often opportunities lost, particularly in safeguarding our natural resources. I urge the enactment of this proposal at the earliest possible date so that a further significant step may be taken to assure the availability and accessibility of land and water-based recreation opportunities for all Americans.

It is signed, "Sincerely, John F. Kennedy."

This is the President who ran on the platform which some of us say we are violating.

There has to be a change in attitude. No one could contemplate a few years ago the number of tent campers, trailer travelers, motorboat users, and water skiers that we have today. No one could contemplate this big change. No one gave serious thought to a situation where the Government owns vast acreages of land, with 70 percent of the people located where 15 percent of the land is located. The opposite is also true. No one could anticipate the rising cost of getting this property.

You could carry this argument to a pretty absurd conclusion. I suppose because I pay taxes to support the University of Iowa, since we bought a university fieldhouse, since we buy the uniforms which outfit the football team, we should be able to go see the football games free in the fall because the university belongs to us. We charge the people because they get the direct benefit.

Too many people have the idea that what we want in the way of recreation is a once-a-year activity. This committee seeks to remove the idea that recreation is a once-a-year activity. We are trying to have recreation available all over the Nation, so that every man, woman, and child, rich, poor, or any other classification you want, will be able to use these recreation facilities close to home frequently and at a minimum cost.

You have a pretty easy choice to make here. The first parks were created out

of the public lands. They did not cost anybody anything. But we have had to buy land at Cape Cod, Point Reyes, and Padre Island. These are areas the Government must buy. Our procedure has been set. You can have a pay-as-you-go basis to establish recreation centers all over the United States for all the citizens under the control of the State and local government or you can have a total federally operated, owned, and maintained system of national areas for recreation.

Mr. UDALL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think these amendments reach the heart of the bill, and I hope shortly we can make a decision. All they want to do with these amendments is just strike out the heart of the mechanism we are trying to set up to finance the things for this generation and the generations ahead. You cannot get something for nothing, as the gentleman from Iowa pointed out. I cannot believe that the American people are going to blame those in Congress who suggest that those who use the facilities provided by the taxpayers' money should pay a little bit more than those who do not, when we are trying to acquire the parks we need in the East, West, North, and South. I hope my friends will not take a parochial view of this thing. The Interior Committee is dominated in a large degree by westerners. This is a bill in which our committee gives consideration to the East. We will get you Tocks Island for New Jersey and the people in the East and we will pay for it with these funds. We will acquire the Fire Island Seashore for the people of New York.

We will make the great Ozark River a national monument that will provide recreation for people, in that section of the country, but we cannot do it without money. This is the sound and conservative way to do the job. There just is not any other way to do it.

Sure, it is all very nice if Members from the TVA areas and from Oklahoma where there are a lot of Corps of Engineers projects vote to just knock them out. Because you see under the bill your States will get the 60-percent distribution. You will get your full share. But your people will not be paying anything for it.

It was said here earlier that we are going to take the Corps of Engineers projects out of here because they are all paid for and that we have made commitments. I have the hearings here which the gentleman from Tennessee [Mr. Evins] conducted.

All that the Corps of Engineers asked for in this year's budget for recreation on Corps of Engineers projects was \$21 million. The people who use those reservoirs are going to get all these benefits. But if this amendment carries we cannot under any circumstances regardless of how much the Federal Government spends charge anything for them.

About this commitment that was supposedly made. The gentleman from Iowa suggested that times have changed—and they have. Maybe we built a dam in 1944 and we said under

that act that no fees could be charged for the use of the water. But this is a program under which the Government will now go in and perhaps acquire valuable lands and shorelines and run in waterlines and run in roads and build boat ramps and build camping facilities and picnic tables and all the rest. Then we say that under such special circumstances where the President feels it is just and all of these really tough criteria are met, that then you might be able to charge an admission fee.

I cannot make the great distinction that some make between admission fees as being very evil and user fees being probably all right. I think we have to give the administrators a little bit of leeway here.

Let me illustrate. Suppose the Government spends \$10 million on a reservoir and another million dollars on camping grounds and picnic tables and waterlines and all the rest. You will find that if this amendment carries, you cannot charge entrance fees but you can only charge a user fee.

The practical way in a particular situation may be that where the main road comes in to charge everybody 50 cents a head who want to use that for a day or a week or if they want to pay \$7 to use this or any other national park for a whole year. But no—we cannot do that if this amendment carries. You have to have the forest ranger or the agency in charge going to each picnic table or to each campground trying to collect the fees. In such a case this is not the practical way to do it. The bill sets up a flexible system. It sets up a system that gives the administrator a little bit of discretion. I think of all the Federal agencies and we hear this talk about bureaucrats—but of all the Federal agencies the ones I have the most confidence in are the forest rangers and the national park rangers. They are the kind of people who are going to be administering this program. I think they will do the job with discretion and with judgment.

I think it is unfair to take out the Corps of Engineers and take out the TVA and leave in the Bureau of Reclamation projects and others that have been mentioned here.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. EDMONDSON. I cannot understand the gentleman's thinking when the gentleman says that Oklahoma will not pay under the program if the engineer projects are deleted. He overlooks entirely the fact that Oklahoma has a great national park and national forest and fees there would be just as equitable in Oklahoma as, I think, in any other State. But at the same time he overlooks the fact that there are no benefits going to the Army engineer projects under this bill as it is now written. They get no money for land acquisition on Army engineer projects unless the States want to spend some of their funds. That is basically unfair.

Mr. UDALL. The typical pattern is going to be that the State will get less

Army engineer projects and this money will be spent on new recreation areas.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent (at the request of Mr. ASPINALL), Mr. UDALL was granted permission to proceed for 1 additional minute.)

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

Mr. UDALL. I yield to the gentleman.

Mr. ASPINALL. So that there will be no misunderstanding, I want to quote from a letter from the Department of the Army under the date of October 31, 1961 which in part reads as follows:

In line with these previous expressions of view, the Department of the Army on behalf of the Department of Defense supports enactment of H.R. 3846, as recently ordered reported by your Committee on Interior and Insular Affairs, including the system of financing reflected therein.

Mr. UDALL. I thank the gentleman. I wish to make it very clear that this is a statement from the Corps of Engineers; it approves the bill as written and as reported by the committee.

Mr. SAYLOR. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and members of the Committee, what is involved in the amendment is simple. In this bill we allow the people of the United States to purchase stickers to be placed on their automobiles to permit them to go into any national park in the United States, to go into any designated recreation area in any national forest, and to go into any designated recreation area constructed by the Army engineers for an annual fee of not to exceed \$7.

At the present time if any person desires to have his family provided with a yearly permit to go to Yosemite National Park, he is required to pay the sum of \$6 for the permit for his car. If they go a few miles east, to the great Yellowstone National Park, they find that the permit for which the \$6 was paid is no good, and that if they desire to go into Yellowstone Park it is necessary to pay an additional fee of \$6.

I do not believe that the citizens of this country expect to have everything given to them free.

If we take the argument made by the author of the original amendment, Mr. WHITE, that the people paid for it and therefore it should be free, we could say that the people of the various States have provided State universities. Tax moneys have gone into providing for those universities, yet students are charged to attend, even though they come from the same States. Admission is charged to the football games even though the football teams are made up of students that live in the State.

Let us be practical about this situation. I believe that the best possible use which can be made of these funds is to allow everyone to get a sticker and put it on his automobile if he wishes to do so.

This is done in a number of States. I was in Michigan only a few days ago and I saw on nearly every car in the Northern Peninsula a sticker, for which the people paid \$2 a year, which allowed them to

go into every State park. I inquired of the people of that area as to whether the sticker permitted them to camp in Michigan State parks, and they said, "No. If we go to a camping area, we must pay a user fee."

That is what is involved in this bill. I do not believe that the people of the United States should expect everything free. They already are paying.

If the amendment offered by the gentleman from Idaho [Mr. WHITE] is adopted, even if it is amended as suggested by the gentleman from Oklahoma [Mr. EDMONSON], the fees now charged in the 31 national parks and 41 monuments will be done away with. This money is now collected and covered into the General Treasury.

The amendment which the gentleman from Idaho [Mr. WHITE] has offered will do away with that. He says we are setting up a new policy. We are not, but we are taking the same policy and expanding that policy to a few other facilities.

Now, they talk about the situation as to whether or not there is any money in this bill for the acquisition of recreational facilities in Army engineer projects. Well, let me remind the members of this committee that every time we have a bill brought to us by the Committee on Public Works asking for the approval of certain projects by the Corps of Engineers, one of the items of expense in those bills is for recreational purposes. The money has already been provided in these bills to take care of recreation.

Since we have had this policy up to this point, I think it would be utterly futile to adopt the amendment which has been offered by the gentleman from Idaho [Mr. WHITE], and it is not improved at all by the amendment to it offered by the gentleman from Oklahoma [Mr. EDMONSON].

Mr. WHITTEN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I come from an area where we do have Corps of Engineers projects as well as national forests. At the time these projects or these big reservoirs were built they flooded much of the area of my home section, my then district. However, in all of the years that I have been here, I have seen a very fine group of people from the West who have been most vocal in their support of reclamation. I know without exception they have been most effective and are fine people. I also know on the Senate side in all the dealings I have had here we have had quite a sizable block of Senators from that area who have, in my judgment, taken most excellent care of reclamation. It is now my privilege to serve on the subcommittee dealing with public works appropriations, which includes reclamation. It is a privilege to serve and to work there, but I respectfully submit when this Congress in providing for flood control provides certain commitments to the American people stating that if the tax money across the land is used to construct these projects, that they shall remain open to the public, then I think that that is an assurance that we should

live up to. I know in much of the West recreational facilities are a large part of the attraction of the area. I can understand my friends and colleagues wanting a source of money so as further to develop that area and have more projects strictly for the purpose of inviting people to come there and use them and spend their money there, but I say also in the East and in the Southeast these projects are not primarily for the purpose of drawing people from other areas, but they are primarily for flood control or watershed protection with recreation incidental. I respectfully submit that a bill that would provide for the Secretary of the Interior and the various others to have jurisdiction to charge fees throughout this area and then use the money for a common fund where land would be purchased in this area of the West but not spent in the East unless it was matched 50-50 is another example, in my opinion, of getting more than a little actual advantage. I respectfully submit that in the area here—and you see the four reservoirs here—that there are about 5 million people all the way from Chicago to New Orleans and all the way from California to New England who go by there. But to deprive the 5 or 6 or 7 million people of the privilege of going into their reservoirs unless they pay for it is in violation of the commitment that was made when Congress provided for this construction to take place in the first place.

Again I say when we have spent public money for private or local or primary local benefits, the least we can do is to carry out our agreement made at the outset that insofar as the general American public is concerned, you who pay part of the taxes to construct these reservoirs, shall from now on have the privilege of going in there and using it.

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

Mr. WHITTEN. I yield to the gentleman from Colorado.

Mr. ASPINALL. I have known the gentleman for 16 years, and he would not make a misstatement intentionally. I appreciate that. However, in the 1962 Flood Control Act, which was just a little over \$1 billion authorization, \$200 million worth of allocations to those various projects, mostly in the East and the South, were allocated to recreation and to fish and wildlife. And the funds that my friend talks about are not going to build up the areas in the West for recreation.

Mr. WHITTEN. May I say to my friend this; he refers to the bill of 1962. If he will remember my language, I said that recreation had never been the primary purpose of construction in this area and it was not even included until the 1962 act. So I would say that the reservoirs in the area where I happen to come from, and most of the rest of us, prior to 1962, did not represent an essential requirement in the original authorization; is that not right?

Mr. ASPINALL. I think perhaps my friend is right. But let me say that the same thing is true in the reclamation program of the West. Reclamation and fish and wildlife, were never considered

as nonreimbursable allocations until recently.

Mr. WHITTEN. Mr. Chairman, let me ask the gentleman this question. Am I correct that the 50-50 requirement does not apply to the gentleman's area but applies only to Corps of Engineers area?

Mr. ASPINALL. I know of no 50-50 requirement except the matching procedures which are common to all areas.

Mr. WHITTEN. I mean under the expenditures for recreation areas. It is required in the eastern area, the Corps of Engineers area but does not apply to the gentleman's area.

Mr. ASPINALL. That is right, as far as the matching funds are concerned.

Mr. WHITTEN. Is it not true in several instances in the last 5 years that the Department of the Interior has tried to move its control over into the Corps of Engineers area not only through this recreation means but through various and sundry other means in other types of programs?

Mr. ASPINALL. That is not true.

Mr. WHITTEN. Mr. Chairman, may I say that I respectfully differ with the gentleman. I have had experience along that line. Again I know of no one for whom I have a higher regard than the gentleman from Colorado.

I hope the amendment will be adopted.

Mr. WESTLAND. Mr. Chairman, I rise in support of the White amendment. The amendment offered by the gentleman from Idaho is similar to the one that I originally considered, and for that reason, if no other, I would support it. It seems to me that any way you try to cut this legislation all you are going to do by putting on admission fees in these areas is just yicking the public once more. I think they have had enough of it. This word "yicking" comes from a good friend of mine, the distinguished gentleman from Texas [Mr. ROGERS], and is an expression with which I thoroughly agree.

A man, his wife, and children go roaming around the country and come to one of these reservoirs. He gets yicked—y-i-c-k-e-d I think it is—for an admission fee. He goes swimming. There is a user fee. I do not know whether it is 50 cents a head or a dollar a head or a dollar for the whole crowd. But it will add up to more costs for that fellow, money that he will have to spend for his recreation and for things which the Congress has said repeatedly should be free to the public.

Since 1787 the Congress has said that the public domain is owned by the people of the country and they should have free access to it. In the Omnibus Rivers and Harbors Act of 1962 it is specifically spelled out that there shall be no admission fee. Now we hear a lot of talk here by proponents of this legislation telling us, well, you are not going to have an admission fee here and you are not going to have an admission fee there. By the time they get through talking you would think that they were not going to have any admission fees. But throughout this bill that is what they are going to do, with these admission fees, use them for the acquisition of additional property. Well, let us eliminate it. Let us live up to

what the Congress repeatedly has agreed to do. Let us maintain our contract. I think it is obligatory on this House of Representatives at this time to live up to its agreements made in the past that we will provide free access to recreational facilities for the people of this country.

The gentleman from Colorado has estimated that there is \$200 million for recreation taken out of the general purse. This is fine. Most of us voted for that. But to take a 50-cent piece or a dollar a head out of every person who wants to go into the forest just to look at it or who wants to go into the wilderness areas with a pack on his back and to roam around in that area for his recreation, they would charge him for that. I believe it is ridiculous. User fees; yes. If a man launches his boat on a ramp, sure, charge him for it. If he goes to a camping area with a trailer and hooks up and receives electricity, water, wood, or something of that nature, sure, charge him for it and he will not object. But just to go into the place, I think it is ridiculous.

Mr. Chairman, this represents another tax on the average American who wants to get a little recreation, and I hope the committee will support the amendment and refuse to add these additional charges.

Mr. ROUSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendments offered by my colleagues. My interest in conservation and the proper development of our public lands for public use is boundless. I have three reservoirs under construction in my district and there will be access areas varying in size from 10 to 1,300 acres in these reservoirs. I do not like the prospect or even the probability of having a gate through which all visitors must pass and where they must pay their fee.

When a man and his family want to drive through the areas adjoining the great Mississinewa Reservoir, I do not think they should have to pay a fee to do so. Now if they use certain services, such as electricity for their campsite, or wood which has been cut by the Government, or obtain help in using a boat ramp, a fee is in order, but to charge a fee just to get in, just to look, just to walk or drive through is not good and I oppose such a proposition.

The American people are tired of having imposed a fee every time they turn around. It is a fee here and a fee there. A license here and a license there. We find ourselves paying fees to travel on public roads. We have to pay a fee to cross certain bridges. If you want to watch the planes come and go from National Airport from their observation platform you pay a dime. We find that certain people are asking us to pay a fee to watch TV within the bounds of our own home. I can never forget the expression of chagrin on the face of my son when he discovered he had to pay to go to the restroom in a public place. Now we are asking the people to pay a fee to see and enjoy the great outdoors.

I am grateful that the report of the Rockefeller Commission appointed by President Eisenhower came out yesterday. It suggests there should be a sys-

tem of user fees for facilities, but made it quite clear in one of its major recommendations that no system of admission fees should be charged. When the various Rivers and Harbors Acts were passed, including the act of 1962, language was included which says this:

The water areas of all such reservoirs shall be open to public use generally, without charge, for boating, swimming, bathing, fishing, and other recreational purposes, and ready access to and exit from such water areas along the shores of such reservoirs shall be maintained for general public use.

I know that times change but I cannot believe we were wrong by the insertion of this language in these several Rivers and Harbors Acts. This is a good provision and I do not want to see it changed. When we went through the long, painful task of seeking authority to build and to get funds to build the three reservoirs in my district, we held many meetings. During the course of those meetings we were asked the question time and time again, "If the Federal Government buys, are they going to keep us off?" Those in authority would point to the section of the various Rivers and Harbors Acts just referred to and say the law says you will have access without charge. Now we are going to break faith and say, "Well, there just might be a charge to get in and, of course, if so, you will have to pay it." It is my considered opinion that we should keep faith with these people.

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

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

Mr. KYL. Is the gentleman from Indiana familiar with the eight criteria which govern the use of fees in these recreational areas?

Mr. ROUSH. Yes, I am.

Mr. KYL. If the gentleman will yield further, does the gentleman think these are adequate and reasonable restrictions in the use of these fees so that the thing he mentions cannot take place?

Mr. ROUSH. I think a justification could be made for any fee or license which is now a part of the law. But my point is merely that the American people are tired of having these fees imposed. We have paid for these things through public or other tax dollars which have been given by a generous public, and we should not impose upon them again such a fee. Before long I suspect that we are going to be charged to use the elevators in the buildings of this country. We shall have to put a dime in the slot, a dime, quarter, or 50-cent piece, all over the country.

Mr. KYL. Would the gentleman abolish those fees that we have in existence now?

Mr. ROUSH. I would not abolish the user fees. I think that is all right, it is good, and should be imposed because these people are asking for a specific service, and they are going there with the knowledge they are getting something which is special and different from that which was originally intended when a reservoir was built.

Mr. KYL. Would he abolish those entrance fees where we now have them in over 50 areas?

Mr. ROUSH. I am not prepared to answer that question.

Mr. KYL. In the interest of being consistent you should have some answer. Either the policy is wrong, as the gentleman suggests, or we should be consistent and say that the policy should be extended.

Mr. ROUSH. I think it would probably depend a great deal on what is in the particular facility that is involved.

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to obtain from the distinguished chairman of the committee his assurance on a point. For many years we have been interested in an accelerated flood control program in eastern Kentucky.

I would like to have the chairman's explanation of how this legislation will affect Corps of Engineers activities in Kentucky on reservoirs not yet authorized.

Mr. ASPINALL. I did not understand the last part of the question, but my friend is laboring under a wrong impression.

There is another bill in which the gentleman is interested, H.R. 9032, a bill which has passed the committee and has been reported out to the House but has not yet been brought before the House of Representatives for consideration. This legislation has nothing whatever to do with the predicament in which my friend finds himself. My opinion is the legislation which was reported out by the Committee on Interior and Insular Affairs will have no effect whatsoever on the construction of any flood control project under the jurisdiction of the Army Engineers. In fact, they are responsible to another committee, as my friend knows, not the Committee on Interior and Insular Affairs.

Mr. PERKINS. I am delighted to have that statement.

Mr. ASPINALL. That bill, too, is an equitable bill. I do not know whether it will come out. I doubt very much whether it comes out in this session of Congress.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

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

Mr. EDMONDSON. I had not yet called the attention of the Committee to the documents which we have here at the table, which bear very importantly upon the amendment which I have offered with reference to Army Engineers reservoirs and the TVA reservoirs. They are documents establishing a pretty seriously fought and serious constitutional question that will exist with regard to conditions imposed upon the waterways of this country even if they are imposed upon recreational boats only, by virtue that a fee of this kind on a waterway would be construed as a tax rather than a fee in the courts, and it would be subject to the requirement that it must be uniform in its application. I think the criterion that has been read several times has been that it is not intended as a uniform fee. They are intended as fees of a certain size in some areas and other sizes in other areas. So it is clear

it is not intended as a uniform tax on the waterways. So this raises a question which makes it necessary that we adopt the amendment. I hope the amendment will be adopted.

Mr. Chairman, the documents on constitutionality referred to in my remarks, including the letter from the gentleman from Kentucky, Congressman CHELF, and the opinion by Professor O'Toole, follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., May 20, 1964.

HON. HOWARD W. SMITH,
Chairman, House Committee on Rules,
The Capitol, Washington, D.C.

DEAR MR. CHAIRMAN: I want to express my great concern regarding the constitutionality of certain provisions of H.R. 3846, the Land and Water Conservation Act of 1963, now pending before your committee. I am quite distressed over the provision of the bill providing for fees for the use, within an area designated by the President as subject to admission fees and other forms of recreational user charges, of "bodies of water" * * * provided by the United States" (sec. 2(a)(iv) H.R. 3846), insofar as such "bodies of water" include navigable water of the United States. As I see it, the power that is to be granted and would extend to the navigable waters is evidenced by the fact that section 2(a) contains an express prohibition against fees of any kind of nonrecreational use of the waters of reservoirs, canals, or waterways that are units of a Federal navigation system. If the grant of authority contained in section 2(a)(iv) does not include navigable waters this prohibition is superfluous.

Precedent has it settled that the United States does not own the navigable waters as distinguished from locks and other structures erected by the United States in the waterways. (See for example *James v. Dravo Contracting Company*, 302 U.S. 134, 140 (1937).) Imposition of charges for the use of the navigable waters, therefore, cannot be a demand of proprietorship, but is a demand of sovereignty, which is a tax. (See *Reading Railroad v. Pennsylvania*, 15 Wall (U.S.) 232 (1872).) To an indirect tax the constitutional requirement of geographical uniformity is fully applicable. (Constitution art. I, sec. 8, cl. 1: "All duties, imports, and excises shall be uniform throughout the United States.") (See also *Knowlton v. Moore*, 178 U.S. 41 (1899).) Here the charge in question is applicable specifically to the use of "bodies of water" and, at least where such bodies are navigable, could only be characterized as a tax, and thus subject to the requirement of conformity.

H.R. 3846 not only permits, but clearly contemplates nonuniform charges. Designation of land and water areas at which fees may be charged is discretionary with the President. Thus, it is expected that certain areas may be exempt. Further, the only provision regarding the level of charges, except the ceiling of \$7 prescribed for annual motor vehicle stickers in section 2(a)(i), is that in section 2(a) requiring that they be fair and equitable "taking into consideration direct and indirect cost to the Government, benefits to the recipient, public policy or interest served, and other pertinent factors." Thus, no effective control on the discretion of the Executive as to the level of the charges is prescribed and, again, the factors indicated are such as to suggest variation in the amounts for different areas. The report of the Interior and Insular Affairs Committee on the bill at page 20 makes it certain that the committee intended variations in the amount of charges by areas.

It is evident, therefore, that the Interior and Insular Affairs Committee in reporting this bill was unaware of the application of

the constitutional requirement for geographical uniformity as to charges for the use of navigable waters. Consequently, I am convinced that a rule on this bill should be denied so as to give an opportunity for further consideration to the question of charges on the use of navigable waters, specifically directing its attention to the constitutional problem involved.

This bill, I believe would amount to an excessive delegation of legislative power to a President in fixing fees and charges under the bill. In a matter affecting the welfare of millions of our citizens, especially where taxes and other charges for admission to and use of public facilities are involved, Congress has a clear responsibility to set the rates or at least to establish meaningful controls on the discretion of the executive branch. Here delegation is practically unlimited and Congress under this bill would abdicate from its responsibility to protect the people against arbitrary and exorbitant charges, disregarding the historic duty of the legislative branch under our most fundamental traditions to restrain and control the power of the Executive.

In view of the above, I therefore again urge that a rule be denied.

Sincerely your friend,

FRANK CHELF.

CONSTITUTIONAL AND OTHER OBSERVATIONS CONCERNING H.R. 3846, 88TH CONGRESS, 1ST SESSION

(By Thomas J. O'Toole, Georgetown University Law Center, Washington, D.C., November 20, 1963)

I. INTRODUCTION

H.R. 3846, aimed at assisting the development of outdoor recreation facilities, contains within its sweeping coverage provisions which raise significant issues of law, policy, and draftsmanship. Among the legal issues are some which pose serious constitutional questions.

One aspect of the bill is especially deserving of attention. If the bill is enacted, Congress will have authorized the imposition of entrance and user charges on persons seeking to enjoy many of the navigable waters of the Nation. These waters have historically been considered as subject to an easement in favor of every member of the public. It is at best doubtful that the legal and constitutional implications of the new proposal have been thoroughly considered.

This memorandum deals chiefly with the issues affecting use of navigable waters. It also, however, discusses certain other problems which pertain not only to the aquatic coverage of the bill but to its entire scope.

Before the problems can be exposed, it is necessary to analyze the provisions of the bill.

II. ANALYSIS OF THE BILL

H.R. 3846 is intended to aid in the development of outdoor recreation facilities by creating a fund to be used by the Federal Government and by the States. The funds made available under this measure would be used to plan, acquire, and develop outdoor recreation sites.

A land and water conservation fund would be established in the Treasury by this bill. Into this fund would come certain entrance and user fees, uncommitted proceeds of surplus property sales, and certain portions of the excise tax on motorboat fuels. This memorandum discusses the proposed act only insofar as it concerns entrance and user fees.

Except as already otherwise provided by law, all proceeds from entrance, admission, and other recreation user fees will go into the new fund when collected by the National Park Service, the Bureau of Land Management, the Bureau of Sport Fisheries and Wildlife, the Bureau of Reclamation, the

Forest Service, the Corps of Engineers, the Tennessee Valley Authority, and the U.S. section of the International Boundary and Water Commission (United States and Mexico). Any new fees or charges established under the act would also go into the fund.

The President is given broad authority to establish new fees. The legislative language used to grant this authority must be quoted verbatim:

"Sec. 2. (a) The President is authorized, to the extent and within the limits hereinafter set forth, to designate or provide for the designation of land or water areas administered by or under the authority of the Federal agencies listed in the preceding paragraph at which entrance, admission, and other forms of recreation user fees shall be charged and to establish and revise or provide for the establishment and revision of such fees as follows:

"(1) An annual fee of not more than \$7 payable by a person entering an area so designated by private noncommercial automobile which, if paid, shall excuse the person paying the same and anyone who accompanies him in such automobile from payment of any other fee for admission to that area and other areas administered by or under the authority of such agencies, except areas which are designated by the President as not being within the coverage of the fee, during the year for which the fee has been paid.

"(2) Fees for a single visit or a series of visits during a specified period of less than a year to an area so designated payable by persons who choose not to pay an annual fee under clause (1) of this paragraph or who enter such an area by means other than private noncommercial automobile.

"(3) Fees payable for admission to areas not within the coverage of a fee paid under clause (1) of this paragraph.

"(4) Fees for the use within an area of sites, bodies of water, facilities, equipment, or services provided by the United States.

Entrance and admission fees may be charged at land or water areas administered primarily for scenic, scientific, historical cultural, recreational, or wilderness purposes. No entrance or admission fee shall be charged except at such areas or portions thereof administered by a Federal agency where recreation facilities or services are provided at Federal expense. No fee of any kind shall be charged under any provisions of this Act for nonrecreational use of the waters of reservoirs, canals, or waterways that are units in a Federal navigation system. All fees established pursuant to this subsection shall be fair and equitable, taking into consideration direct and indirect cost to the Government, benefits to the recipient, public policy or interest served, and other pertinent factors. Nothing contained in this paragraph shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not related to recreation. No such fee shall be charged for travel by private noncommercial vehicle over any national parkway or any road or highway established as a part of the national Federal-aid system, as defined in section 101, title 23, United States Code, which, though it is part of a larger area, is commonly used by the public as a means of travel between two places either or both of which are outside the area. No such fee shall be charged any person for travel by private noncommercial vehicle over any road or highway to any land in which such person has any property right if such land is within any such designated area.

"No fees established under clause (2) or clause (3) of the second preceding paragraph of this subsection shall become effective with respect to any area which embraces lands more than half of which have heretofore been acquired by contribution from

the government of the State in which the area is located until sixty days after the officer of the United States who is charged with responsibility for establishing such fees has advised the Governor of the affected State, or an agency of the State designated by the Governor for this purpose, of his intention so to do, and said officer shall, before finally establishing such fees, give consideration to any recommendation that the Governor or his designee may make with respect thereto within said sixty days and to all obligations, legal or otherwise, that the United States may owe to the State concerned and to its citizens with respect to the area in question."

A close reading of the statutory language reveals that the President is authorized to set (1) annual automobile admission fees including admission of the occupants, but not in excess of \$7, (2) single admission fees, (3) multiple admission fees (for periods not in excess of one year), and (4) user fees. The President is authorized to designate the areas to which access is given by payment of a particular fee. It is therefore clear, for example, that the automobile admission fee can be limited to admission to a parking lot, with an additional fee being required for admission to the recreational portion of a site covered by the bill. Consequently, it is necessary to conclude that the act sets no effective limitation on the imposition of charges for recreational admissions and uses.

Exempted from the proposal are all nonrecreational uses of the waters of reservoirs, canals, or waterways in a Federal navigation system. Nowhere in the act are the terms "recreational" and "nonrecreational" defined. Also, by implication a charge may be made for admission to a covered site even if the admission is for a nonrecreational use. This possible charge is limited only by a prohibition of a fee "for travel by private noncommercial vehicle over any national parkway or any road or highway established as a part of the national Federal-aid system, as defined in section 101, title 23, United States Code, which, though it is part of a larger area, is commonly used by the public as a means of travel between two places either or both of which are outside the area." Also exempted is travel by private noncommercial vehicle over any road or highway to any land in which such person has any property right if such land is within any such designated area.

It should be obvious that the draftsmanship of these exemptions leaves much to be desired. The exemptions are described with reference to shifting criteria. In the case of reservoirs, canals, or waterways the exemption extends to all nonrecreational uses. Commercial uses have a blanket exemption, regardless of the locus. In the case of use of roads, however, the type of vehicle (rather than the type of use) controls the question of exemptions. It is impossible to say what significance should be attached to these shifting criteria. As the language is now used it is possible to take the position that there can be some recreational uses exempted by reason of the kind of vehicle used on a national parkway or a Federal-aid system road or highway, or a road to land in which the traveler has a property right. In the latter case, the fairness of not exempting a property owner's commercial vehicle is difficult to appreciate. Indeed, in cases where there is an easement of access, the proposed law cannot legally be applied. To begin charging fees would be in derogation of property rights, for the taking of which there is a constitutional right to compensation. (See: *United States v. 9,947.71 Acres of Land*, 220 F. Supp. 328 (D. Nev., 1963).)

The scope of the exceptions as to the use of waters is put in doubt by limiting the nonrecreational use exempted to "units in a Federal navigation system." In the case

of exempt uses of roads, the roads in question are ascertained by reference to definitions set forth elsewhere in the United States Code. The term "Federal navigation system," on the other hand, is not defined either in this bill or elsewhere. The term appears to be narrower than the notion of "navigable waters" on which there has been considerable judicial explication, but its intended scope remains unclear.

As indicated at the outset, the allocation of proceeds from the sale of surplus property and from the motorboats fuel tax (title I, sec. 2 (b) and (c), and title II) is not examined in this memorandum. It should be noted, however, that proceeds from these sources are commingled with the admission and user charges to form a common fund. The disposition of this Land and Water Conservation Fund is in no way varied by reason of the three basically distinct sources of its moneys.

It is obvious that the proceeds from the sale of surplus property represent money received by the Federal Government in its capacity as a proprietor of real and personal property. While this property will almost invariably have been acquired by the Government for some purpose related to its sovereignty, it is held in simple ownership like private property. The proceeds of its sale are freely available for any disposition which Congress may constitutionally make of Federal moneys.

The proceeds of the motorboat fuels tax represent proceeds from a Federal excise tax. With respect to such proceeds Congress is similarly free to make provision for expenditures.

All the expenditures proposed in this bill are subject to appropriation by Congress for the stated purposes. Expenditures may be made, however, without fiscal year limitations. The separate fund is authorized for the period ending June 30, 1989 (title I, sec. 2). Unless subsequent appropriation acts provide otherwise, 60 percent of the fund is to be made available for State purposes, and 40 percent for Federal purposes. During the first 5 years of the fund, the President is authorized to vary these percentages as much as 15 points either way "to meet, as nearly as may be, the current relative needs of the States and the Federal Government." Authorization is provided in advance appropriations out of Treasury funds not otherwise committed, but these are to be repaid (without interest) over a period of years.

The State purposes for which the moneys may be expended are limited to the planning, acquisition, and development of outdoor recreational facilities. Two-fifths of the total available for States is to be apportioned equally among the States and three-fifths is to be apportioned "on the basis of need by the Secretary (of the Interior) in such amounts as in his judgment will best accomplish the purposes of this act." The Secretary is directed to consider, among other unspecified points, the relative population of each State, its relative use of outdoor recreation resources, and the Federal resources available in each State. No single State is permitted to receive more than 7 per centum of the total State allotment per annum (title I, sec. 5(b)(2)).

Each State is required to match the Federal funds as a condition of eligibility. Again, the Secretary is given discretion in determining what funds or services of the State will satisfy this requirement. In no event will State expenditures or obligations prior to the act be considered.

Before funds can be made available to a State for site acquisition or site development, a comprehensive statewide plan must be submitted to the Secretary and approved. This plan must designate the responsible State agency, evaluate the supply and demand for recreational facilities, and lay down a plan of action. No payment may be made

to a State for any project not approved by the Secretary or for which financial assistance has been given or promised under any other Federal program (title I, sec. 5 (d), (e), and (f)). The bill grants authority to the Secretary to require records and reports and to audit books of agencies receiving allotments. The Federal share of the fund is to be allotted by the President for the acquisition of land, water, or interests in the same (1) within recreation areas in national parks now or hereafter authorized or established; (2) within wilderness, wild, and canoe areas of the national forest system, and other areas of that system which are primarily of value for outdoor recreation; (3) within areas authorized for preservation of fish or wildlife threatened with extinction; and (4) within refuges, for the incidental recreation purposes. In addition, payment into miscellaneous receipts of the Treasury can be made in partial reimbursement of future water development costs of projects with recreation or wildlife preservation purposes.

The act specifically forbids a Federal acquisition not otherwise authorized by law. None of the money from the fund, however allocated, is available for publicity purposes.

The only other limitation on the President's power to allot the Federal share of the funds is contained in the introductory language of section 6(a) which reads as follows:

"Moneys appropriated from the fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President to the following purposes and subpurposes in substantially the same proportion as the number of visitor days in areas and projects hereinafter described for which admission fees are charged under section 2 of this Act."

There obviously is a linguistic defect in this provision, resulting in failure to make explicit the basis of the mathematical proportion to be used in allocating the funds. It is impossible to strike a ratio between purposes and subpurposes on the one hand, and visitor days in areas and projects on the other. What was probably intended was that the areas and projects be grouped according to their purposes. Allocations would then be made to the various types of projects in proportions based on visitor days at existing areas of the respective types. The relevant purposes are those set forth above, including national parks, national forests, wildlife, and recreation uses at refuges. It seems most unlikely that the bill was intended to require allocations to existing sites in accordance with their visitor days.

Explicit authority is granted the President to issue regulations to coordinate activities under this act with "other related Federal programs and activities." This provision appears to be sufficiently broad to embrace any Federal policy pursued by official action (including such goals as desegregation, promotion of education, economic development, etc.). Allocations of moneys are to be made only in accordance with regulations thus promulgated (title I, sec. 5(g)).

III. CONSTITUTIONALITY OF THE PROPOSED FEES

A. Basis of Federal rights in recreation areas

1. Areas held as proprietor.

There can be no question that the Federal Government has plenary power over those land and water areas of which it is owner. Like a private owner, the Government is free to elect to charge for admission, for use, or for both. It is equally free to determine the quantum of the charge or the nature of conditions to be imposed on the user (*Federal Power Commission v. Idaho Power Company*, 344 U.S. 17, 97 L. Ed. 16 (1952); *Ivanhoe Irrigation District v. McCracken*, 357 U.S. 275, 2 L. Ed. 2d, 1313 (1957)). (See *St. Louis v. Western Union Telegraph Co.*, 148 U.S. 92, 37 L. Ed. 380 (1892).)

Property may be acquired by the Federal Government in connection with the exercise of any of its specific powers or through the expenditure of Federal tax revenues for the general welfare. The mode of acquisition is irrelevant to the right of the Government to exact charges for the use of the property once it is owned by the Government. The only issue is whether the Government is really the owner. If the answer to this question is affirmative, the power to impose charges is beyond doubt, and results from the constitutional authority to manage and dispose of Federal property (U.S. Constitution, art. IV, sec. 3).

There remain, of course, some significant limitations on Federal actions which do not apply to private owners. For example, the fifth amendment protection of liberty is in some measure a guarantee of equal protection. Thus the Government would not be as free as a private owner to discriminate among applicants for admission and use.

Similarly, the problem of delegation of legislative power is not dissolved simply by saying the Government is acting as proprietor. This problem will be discussed at length later in this memorandum.

The areas covered by the proposed act are described not in specific terms but only by indirection. The coverage of the proposal is expressed in terms of administrative agencies, and reaches those lands and waters administered by the enumerated agencies. It is readily apparent that some of the areas belong to the Federal Government. This would clearly be true of national parks and forests and physical structures (such as locks and dams) erected in waterways. With respect to these areas the proprietary right provides a constitutional basis for the imposition of charges.

2. Distinction between the Government as proprietor and as regulator.

The broad sweep of the proposed legislation reaches many areas where the Government operates not as proprietor but as regulator. This is clearest with respect to those areas where the Government activity rests upon the power to regulate interstate and foreign commerce. The problem becomes acute when considered in connection with waterways.

The existence of the commerce power and its impressive scope have been made clear in a long line of cases from *Gibbons v. Ogden*, 9 Wheat. (U.S.) 1, 6 L. Ed. 23 (1824) through *Wickard v. Filburn*, 317 U.S. 111, 87 L. Ed. 122 (1942). Flowing from the power is the right to control navigation in all navigable waters. The concept of navigability has been interpreted broadly to include those waterways which may be made navigable in fact even though not naturally navigable. (*The Daniel Ball*, 10 Wall. (U.S.) 557, 19 L. Ed. 999 (1870); *United States v. Appalachian Electric Power Co.*, 311 U.S. 377, 85 L. Ed. 243 (1940).)

In using its power to regulate navigable waters, the Government may improve the waterway and install physical facilities. Although it will unquestionably be the owner of the physical installations, it is not to be supposed that it thereby becomes the owner of the waterway. With respect to the navigable waters it remains a regulator and not an owner.

Some part of the explanation of the confusion that sometimes exists on this point may be traced to a simple misunderstanding. In making use of its power to regulate (and develop) navigable waters, the Federal Government is not required to give compensation to riparian owners, even when their title deeds cover a portion of the bed of the water (*Gibson v. United States*, 166 U.S. 269, 41 L. Ed. 996 (1896)). Because the private owner is not entitled to compensation, the appearance is created that the ownership is in the Federal Government. This erroneous explanation is based upon a misapprehension of the

natural limitations on ownership affecting navigable waters.

"Riparian and appropriation rights, although vested interests in real property and protected against seizure without just compensation, are everywhere subordinate to the navigation servitude which the public enjoys in great lakes, great ponds, and navigable waters of all kinds and to the regulatory powers which were conferred on the Federal Government by the Constitution of the United States. Since private property rights cannot arise, either by prescription, estoppel, or express grant, in derogation of the Constitution or the common law customary servitude of the public at large, they may be curtailed without compensation at any time such curtailment is required for the protection of these paramount public interests" (Martz, 6A, "American Law of Property," sec. 28.59 (Casner ed., 1954)).

In the light of the above explanation it is clear that the absence of the right to compensation when the Government exercises its power over navigation reflects a preexisting limitation on the rights of the owner, and does not evidence any ownership in the Government. If there were any doubt about this it was removed by the Supreme Court in *United States v. Gerlach Live Stock Company*, 339 U.S. 725, 94 L. Ed. 1231 (1950). In that case the Court found that the Federal Government was required to compensate owners of water rights affected by the impounding of waters of the San Joaquin River in connection with the Central Valley project. This enormous reclamation project was conducted not under the Federal power over navigation but in exercise of the power to spend tax revenues for the general welfare. Because the project was not under the commerce clause, the Court refused to believe that Congress did not intend to compensate. Obviously the Court doubted whether non-compensation could be made constitutional "by virtue of a highly fictional navigation purpose." (*Ibid.*, 737.) The Court explained that Congress had recited the power over navigation in authorizing reclamation projects because the power to spend revenue for general welfare purposes had not been recognized as a separate and distinct power until *United States v. Butler*, 297 U.S. 1, 80 L. Ed. 477 (1936).

The nonproprietary quality of the Government's relationship to navigable waters is emphasized by judicial rulings on the question of ownership of the land under the water. American courts have been unanimous in declaring that the Federal Government is not the owner. In *James v. Dravo Contracting Co.*, 302 U.S. 134, 140, 82 L. Ed. 155 (1937), the Supreme Court discussed the ownership rights relating to the Kanawha and Ohio Rivers:

"The title to the beds of the rivers was in the State. It was subject to the power of Congress to use the lands under the streams for any structure which the interest of navigation in its judgment may require. But although burdened by that servitude, the State held the title."

The Court went on to say that the Government is owner of any structure it erects in the stream, and by using its power of eminent domain may become owner of other property rights. Federal occupancy of the stream does not, of itself, transfer title to the Federal Government.

Judicial authority unanimously supports this view that the ownership of the soil under navigable waters is not in the Federal Government but in the States or in private individuals. (*Monongahela Navigation Company v. United States*, 148 U.S. 312, 37 L. Ed. 463, (1893).) The historical origin of this ownership is traced to the English Crown rights, which were not transferred to the Federal Government but to the States. (*Martin v. Waddell*, 16 Pet. (U.S.) 367, 10 L. Ed. 997 (1842); *Morris v. United States*, 174 U.S. 196, 43 L. Ed. 946 (1898).) As new States are

admitted they enter the Union on the same basis as the original States, and the Federal Government is equally powerless to claim title to land under navigable waters within their boundaries. (*Pollard's Lessee v. Hagan*, 3 How. (U.S.) 212, 11 L. Ed. 565 (1865).)

A Federal claim of ownership of waters, based upon succession to the rights of France, Spain, and Mexico stemming from earlier colonization, has been flatly rejected by the Supreme Court in *Nebraska v. Wyoming*, 325 U.S. 589, 89 L. Ed. 1815 (1944). The Federal Government had dammed, stored, and distributed the waters of the North Platte River for irrigation purposes. In an interstate dispute over allocations, the Federal Government claimed ownership of all unallocated water. The Court made a clear distinction between the water and dams and other Federal facilities.

"The property right in the water is separate and distinct from the property right in the reservoirs, ditches, or canals. The water right is appurtenant to the land, the owner of which is the appropriator." (*Ibid.*, 614.)

This discussion had been focused on inland waters and the land under them. No opinion is here expressed concerning the nature of the Federal Government's rights and powers in the marginal seas, although the U.S. Supreme Court, in a per curiam opinion, has spoken of the lands under those seas as if they were "public lands." (*Alabama v. Texas*, 347 U.S. 272, 98 L. Ed. 689 (1953).) The nature and extent of Federal interest in the marginal seas has consistently been treated as different from that in inland waters. (See *United States v. Texas*, 339 U.S. 707, 94 L. Ed. 1221 (1950); *United States v. Louisiana*, 339 U.S. 699, 94 L. Ed. 1216 (1950); *United States v. California*, 332 U.S. 19, 91 L. Ed. 1889 (1947); Submerged Lands Act of 1953, 67 Stat. 29.)

B. Absent Federal ownership, the admission and user fees are taxes

With respect to those areas covered by the proposed legislation but not within Federal ownership, the imposition of charges cannot be viewed as a toll or fee but must be classified as a tax. "A tax is a demand of sovereignty; a toll is a demand of proprietorship." (*Reading Railroad v. Pennsylvania*, 15 Wall. (U.S.) 232, 21 L. Ed. 146 (1872).) In the absence of proprietorship, a toll is impossible. If proprietorship is present, a levy based upon use is supportable as a toll. (*Rogge v. United States*, 128 F. 2d 800 (9 Cir. 1942), *cert. den.* 317 U.S. 656.) There is, of course, nothing in the bill relating the charges to the expense of regulation and permitting the charges to be justified on the basis of regulatory reimbursement.

A distinction must be made between a waterway (as to which there is no Federal proprietorship) and locks, dams, bridges and other structures in or over a waterway. As to these latter there may be, and frequently is, Federal ownership. Hence as to these particular facilities there is no constitutional basis for objecting to a toll, either as an entrance fee or as a user fee. The Federal Government is free to move to recover the costs of these improvements. Sometimes it does so by selling electric power generated at a damsite. (*Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 89 L. Ed. 688 (1935).) The right to seek compensation for the investment in the structures does not in any way indicate that the improvements serve to make the Government an owner of the water. (*United States v. Appalachian Electric Power Company*, 311 U.S. 377, 85 L. Ed. 243 (1940).)

If the Government does not build the structures but takes them over from the private company which erected them, it must pay compensation. Thereafter the government will have the same right to exact tolls as the original owner. (*Monongahela Navigation Company v. United States*, 148 U.S. 312, 37 L. Ed. 463 (1893).)

In short, the right of the Federal Government to charge tolls for locks, dams and bridges is no different from that of a private owner of similar facilities. Federal action by way of eminent domain or use of the commerce power may effectively interfere with or terminate the private rights. (*Gilman v. Philadelphia*, 3 Wall. (U.S. 713, 18 L. Ed. 96 (1865).) Unless and until that happens, the private owner may exact tolls. (See *Sands v. Manistee River Improvement Company*, 123 U.S. 288, 31 L. Ed. 149 (1887). *Huse v. Glover*, 119 U.S. 543, 30 L. Ed. 487 (1886).) Thereafter the Federal Government may charge a toll, but only because it has become a proprietor and not simply a regulator.

Applying these principles to the proposed legislation, it is readily apparent that the authority of the Congress to empower the President to set admission and user fees cannot be supported on the simple ground that these will be tolls rather than taxes. Except where charged for admission to and use of facilities owned by the Federal Government, the charges will be supportable (if at all) only as taxes. This conclusion follows automatically from the requirement that tolls be based upon proprietorship.

C. The mode of setting the amount of the fees reveals them as taxes rather than tolls

In setting the fees, the President is directed to consider "direct and indirect cost to the Government, benefits to the recipients, public policy or interest served, and other pertinent factors." (Title I, sec. 2(a).) These criteria, vague as they are, clearly go beyond those considerations which may properly be taken into account in setting a toll.

In *Harmon v. Chicago*, 147 U.S. 396, 37 L. Ed. 216 (1893), the Court invalidated an ordinance of the city of Chicago which purported to exact tolls on barges and tugs using the Chicago River and its branches. The city claimed the charges were compensation for expenditures improving the river. The Court said:

"The license fee provided for in the ordinance of the city is treated as in the nature of a toll or compensation for the expense of deepening the river. But the plain answer to this position is that the license fee is not exacted upon any such ground, nor is any suggestion made that any special benefit has arisen or can arise to the tugs in question by the alleged deepening of the river. The license is not exacted as a toll or compensation for any specific improvement of the river, of which the steam barges or tugs have the benefit, but is exactly for the keeping, use, or letting to hire of any steam tug, or barge or tow boat, for towing vessels or craft into the Chicago River, its branches or slips connected therewith." (*Ibid.*, 409.)

The Court gave the exaction its correct characterization as a tax rather than a toll. The case has recently been cited with approval in *Huron Portland Cement Co. v. Detroit*, 362 U.S. 440, 4 L. Ed. 2d 852, 78 ALR 2d, 1294 (1960). The Supreme Court consistently declares that it will make a realistic examination of the incidence of taxation regardless of the form in which it appears to be embraced. (See *Commissioner of Internal Revenue v. Hansen*, 360 U.S. 446, 461, 3 L. Ed. 2d 1360 (1959).)

This is not to suggest that a toll will be viewed as a tax if not exactly related to the cost of facilities and the benefit to the user. A degree of approximation is unavoidable in these matters and will be tolerated. (*Huse v. Glover*, 119 U.S. 543, 30 L. Ed. 487 (1886).) But the legislative proposal under discussion makes no attempt to limit the assessment to cost and benefit, but expressly opens the door to other pertinent factors. Pertinent to what? Certainly not to cost or benefit, because those factors, already ex-

pressed in the same sentence of the act, cannot be "other factors."

Some indication of legislative intent in this regard is found in the provision for disposition of the proceeds. These proceeds are not to be used to liquidate the cost of the facilities for whose use the charges were imposed, but for new facilities. This is a clear indication of a policy to collect revenue for new budgetary needs. In this context, any pretext that these charges are tolls becomes transparently thin.

We can conclude only that (1) charges for entrance to or use of navigable waters cannot be supported as tolls, because there is no Government proprietorship; (2) none of the charges, regardless of the site to which applied, can be supported as tolls, because they are not assessed simply with reference to cost and benefit.

Until the bill is enacted and the President sets fees, it cannot be said with assurance that a fee at any particular site will be defective as a toll. What is immediately evident is that the scheme of the proposal is based upon a fallacious concept of tolls and of the Government's power to collect them. In effect it authorizes taxes.

D. As taxes the proposed charges are open to constitutional objections

The probably unintended and certainly irregular authorization to impose taxes, contained in H.R. 3846, has not gone to the House Ways and Means Committee. This procedural irregularity is of no constitutional significance and will not otherwise affect the validity of the charges. The basic constitutional requirement on procedures in these matters is simply that revenue bills originate in the House. (See *Rainey v. United States*, 232 U.S. 310, 85 L. Ed. 617 (1914). U.S. Constitution, art. I, sec. 7, clause 1.) It is entirely possible that the House, upon recognizing the tax features of the bill, would want to reconsider the legislative process to which it has been exposed.

There are, however, two significant substantive limitations on taxation which are potentially relevant. The first of these is the uniformity clause, which provides:

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States" (art. I, sec. 8, clause 1).

It is well established that the uniformity required by this provision is a geographical uniformity. Reasonable classifications of subjects of taxation and graduated rates are permitted so long as the same subjects in all sections of the country are treated similarly. Use of waterways in one section of the country, or in selected States, could not be made subject to a user tax, while similar uses elsewhere were exempt.

In *Knowlton v. Moore*, 178 U.S. 41, 44 L. Ed. 969 (1899) we find the classic exposition of the uniformity clause. In expounding the history of the clause, the Court demonstrated that the Founding Fathers recognized a clear distinction between regulating commerce and collecting revenue and feared discrimination between ports in different States achieved by using one or the other power. Hence there was inserted in the Constitution a twin provision: The uniformity clause with respect to revenue (art. I, sec. 8, clause 1), and the prohibition of port preference with respect to regulation (art. I, sec. 9, clause 6). One in purpose, these provisions were separated in adjusting the style of the Constitution. An unequal tax affecting ports offends both clauses, and an unequal regulatory measure offends the port preference clause. It follows that a nonuniform charge affecting ports in different States cannot avoid violating both these clauses.

It cannot be said that H.R. 3846 orders an unconstitutional discrimination between

ports in different States or a nonuniform excise tax. The only reason this cannot be said is because no actual rates are set forth in the legislative language. What is certainly clear is that the extremely broad authority granted the President to set fees (being in fact and in law authority to set tax rates) fails to include any provision guaranteeing uniformity and nonpreference. This egregious failure is a consequence of the erroneous treatment of the proposed charges as tolls rather than taxes.

Nowhere in the proposed statute are there established classifications and exemptions which "have support in considerations of policy and practical convenience that cannot be condemned as arbitrary." (*Steward Machine Co. v. Davis*, 301 U.S. 548, 81 L. Ed. 1279 (1937).) Absent these classifications and exemptions supportable in reason, the President is free to set charges which may offend constitutional standards. Minimum standards of legislative competence have not been met in drafting legislative language which permits such a result. Indeed, there is ample room to question whether the present bill would have cleared the committee had there been a recognition of the impact of constitutional requirements of uniformity.

IV. CONSTITUTIONALITY OF THE PROPOSED DELEGATION OF POWER

Nowadays it is customary to treat the question of delegation of legislative authority as being inconsequential. Federal legislation has not been declared unconstitutional on this ground since *Panama Refining Co. v. Ryan*, 293 U.S. 388, 79 L. Ed. 446 (1935) and *Schechter Poultry Corp. v. United States*, 295 U.S. 490, 79 L. Ed. 1570 (1935).

A leading writer in the field of administrative law echoes this point of view:

"Much of the judicial talk about the requirement of standards is contrary to the action the Supreme Court takes when delegations are made without standards. The vaguest of standards are held adequate and various delegations without standards have been upheld.

"In absence of palpable abuse or true congressional abdication, the nondelegation doctrine to which the Supreme Court has in the past often paid lipservice is without practical force." (1, Davis on Administrative Law, sec. 2.01, 1958.)

Before the rule of unconstitutional delegation is declared dead, it would be well to consider what was said in this connection by Mr. Justice Harlan, speaking for himself and two other Justices, in June 1963:

"The delegation of such unrestrained authority to an executive official raises, to say the least, the gravest constitutional doubts. (Citations omitted.) The principle that authority granted by the Legislature must be limited by adequate standards serves two primary functions vital to preserving the separation of powers required by the Constitution. First, it insures that the fundamental policy decisions in our society will be made not by an appointed official but by the body immediately responsible to the people. Second, it prevents judicial review from becoming merely an exercise at large by providing the courts with some measure against which to judge the official action that has been challenged. (*Arizona v. California*, 373 U.S. 456, 10 L. Ed. 2d 542 (1963) (dissenting opinion).)

With respect to the excessive delegation in H.R. 3846, two points warrant special emphasis, one relating to the criminal penalties and the other relating to its quality as a tax measure.

Under the terms of the proposal, a violation of rules and regulations established for the collection of authorized fees could be punished by imprisonment of not more than 6 months or a fine of not more than \$500 or both. These are significant penalties, not

merely nominal in extent. A person charged with violation should be able to determine and contest the validity of the fee for the collection of which the regulation was established. The validity of the fee would be essential to a conviction. In the absence of meaningful standards, the Court is without guidelines. Indeed, there is here a suggestion of fifth amendment "void for vagueness." (See *Winters v. New York*, 333 U.S. 507, 92 L. Ed. 840 (1948).) In the context of criminal enforcement the absence of meaningful standards is particularly objectionable.

Whatever may be true in other areas, delegation of the congressional power to tax has been virtually unknown. The classic example of such a delegation involved authority granted to the President to make as much as a 50-percent adjustment in tariff rates. (*J. W. Hampton, Jr. & Co. v. United States*, 276 U.S. 394, 72 L. Ed. 624 (1927).) In that case, however, the act required (1) a finding that the existing rates did not effect an equalization of costs of production as between domestic and imported goods, (2) an adjustment of the rates to the extent necessary to equalize costs. In addition, both the basic rates and the range of possible adjustment were explicitly established by Congress. No such safeguards are contained in the proposed act.

In *United States v. Butler*, 297 U.S. 1 (1936), the Court considered a processing tax "at such rate as equals the difference between the current average farm price for the commodity and the fair exchange value." Agricultural Adjustment Act of 1933, section 9b. The act defined "fair exchange value" as the value which would give the commodity the same purchasing power it had in the base period 1909-14. By deciding that the act was unconstitutional on other grounds (lack of Federal power over agriculture) the Court did not have to decide the adequacy of these standards. It is clear, however, that the act set limits which were relatively meaningful and effective in controlling executive discretion.

H.R. 3846, on the other hand, involves an unprecedented delegation of authority insofar as the charges to be imposed operate as taxes rather than tolls. The nondelegation doctrine is not so clearly moribund as to justify such a delegation. In any event, a proper respect for congressional prerogatives demands meaningful standards.

V. FUNDAMENTAL POLICY CONSIDERATIONS

Again limiting our attention to the provisions of the proposed act which would authorize admission and user charges on navigable waters, one is struck by the drastic alteration in traditional national policy which is embodied in this bill. Granted the value of the final ends for which the special fund is created, one must nevertheless weigh the means adopted.

We have had an unbroken tradition of free use of the waterways of the Nation. Not merely an unwritten law, this policy was made explicit as early as the Northwest Ordinance, which was confirmed and adopted by an early Congress. (Act of Confederate Congress, July 13, 1787. Act of Congress of August 7, 1789.) The fourth article of the ordinance includes this provision:

"The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the Confederacy, without any tax, impost, or duty therefor."

It is too late to argue that this right of free access and use of navigable waters in the Northwest Territory is paramount to either State or Federal sovereignty, be it the police power, the commerce power, or the tax power.

Even the States carved out of the territory, once admitted to the Union, stand on the same basis as the original States. (*Sands v. Manistee River Improvement Co.*, 123 U.S. 288, 31 L. Ed. 149 (1887).) Even a specific provision in the act of admission, subjecting the new State to the limitations drawn from the ordinance, is ineffective. (*Pollard's Lessee v. Hagan*, 3 How. (U.S.) 212, 11 L. Ed. 565 (1845).)

What remains clear, however, is the ancient and honorable origin of a previously unbroken national policy. One would not expect such a change to be enacted under the umbrella of a vague and open-ended grant of authority to the Executive. The fundamental policy consideration which must be weighed is whether the need for funds for additional outdoor recreation is so pressing or so incapable of being met out of general revenues as to justify an abandonment of the national tradition of free use of the water highways of the country.

The policy expressed in the Northwest ordinance is reflected throughout our statutes regulating waterways. As new territories were acquired, it was extended to them, with Congress declaring that the navigable waters "shall be and forever remain public highways" (act of March 3, 1811, ch. 46 sec. 12, 2 Stat. 606). This policy received specific reaffirmation whenever the Congress addressed itself to inland navigation:

"No tolls or operating charges whatever shall be levied upon or collected from any vessel, dredge, or other watercraft for passing through any lock, canal, canalized river, or other work for the use and benefit of navigation now belonging to the United States or that may hereafter be acquired or constructed" (act of July 5, 1884, ch. 229, sec. 4; 23 Stat. 147; 33 U.S.C. 5).

The comprehensive scope of this national policy covers even those facilities as to which the right to charge a toll was beyond question.

One cannot read the long line of cases dealing with navigable waters without catching the flavor of a right in the people to use these waters free of charge and subject only to reasonable regulation. No private person and no government, State or Federal, can own the waters in their aspect as avenues of navigation, precisely because all the people hold in common, by and for themselves and not merely through their Government, the free right of access and use.

This is not to deny the Federal power to tax. The point is simply that this historic right of the people should be carefully weighed before it is burdened with a tax consequential upon the enactment of a measure in which this significant change is hidden in broad legislative language.

VI. H.R. 3846 AND OUTSTANDING TREATY OBLIGATIONS OF THE UNITED STATES

In this memorandum no attempt has been made to analyze the relationship between the provisions of this bill and the outstanding treaty obligations of the United States. It is clear, however, that a problem exists with respect to this matter. The specific reference in title I, section 2(a) to the International Boundary and Water Commission (United States and Mexico) points up the conflict between the provisions of the bill and obligations we have assumed with Mexico. Under the terms of the Treaty of Peace, Friendship, Limits, and Settlement Between the United States and Mexico of 1848 (Treaty of Guadalupe Hidalgo), it is provided as follows:

"Nor shall any tax or contribution, under any denomination or title be levied upon vessels or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be

necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both Governments."

Unless this treaty obligation is respected by the President in establishing fees under the proposed measure, this country would be in violation of its solemn undertaking.

Whether there are other treaty obligations which also limit the authority of the United States to impose admission and user fees on waterways cannot be determined without a thorough examination of the matter. The point which is made here is that the bill has obviously been drafted without careful attention to the international implications of its various provisions.

VII. CONCLUSIONS

The following conclusions emerge from this analysis:

1. Contained within H.R. 3846 is authority to impose charges for the privilege of entering and using many of the navigable waters of the United States.

2. To this extent the proposed act embodies a drastic change in the historic policy of the Nation by which such use has always been free.

3. The charges authorized by the bill, insofar as they apply to navigable waters, are not tolls but taxes.

4. The language of the bill and the committee reference to which it was subjected indicate a lack of awareness in the House that taxes were being authorized.

5. The bill fails to provide legislative safeguards against violation of the uniformity and port-preference clauses of the Constitution.

6. Despite the limited current impact of the doctrine of nondelegation, the breadth and vagueness of the legislative language with respect to the quantum of the new fees, and the total absence of meaningful standards, raise a serious issue of constitutionality.

7. The bill presents an absolutely unprecedented example of Congress conferring upon the President the authority to set the amount of a tax without effective limitations on that authority.

8. At many points the bill is so vague as to fail to convey a clear meaning.

9. In view of the criminal penalties included in the bill, the absence of reasonably precise legislative language seriously impairs the possibility of meaningful judicial interpretation.

10. The bill reflects an inadequate consideration of existing treaty obligations of the United States.

Mr. JENSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, on last Monday I extended my remarks in the daily RECORD and stated my opinion on this bill. I favored the bill with or without amendment.

We in Iowa have a great interest in this legislation. We have passed enabling legislation—our legislature did in the last session—to cooperate fully in such a program. I am sure that on the passage of this bill, which will be administered by Mr. Ed Crafts, the director of the recreation agency which was established a couple of years ago, he will do a good job in administering this legislation. Mr. Crafts has long been in the field of recreation. He knows it from A to Z. I have complete confidence in his ability and his fairness in all that is necessary to make a law of this nature work to the best advantage of everybody concerned.

May I say that my primary interest in this legislation is this: In every area where sufficient recreation facilities are

furnished and are available to the people, where fathers and mothers can take their children to the great outdoors, hunting, fishing, boating, and swimming, there is very little child delinquency in those areas.

There is an old adage which is just as true today as when the words were first spoken, "Take your children to the great outdoors. Take your boy hunting and you will never have to hunt for your boy."

A law of this nature which will be of great benefit in bringing recreational facilities to many areas of this country is not only going to reduce child delinquency but it may even reduce to some degree parent delinquency. Because the children are going to say to ma and pa, "Let's go to the lake. Let's go hunting and fishing during the weekend." So mother and dad will necessarily have to take them. The outcome of that will be better parent-children relationships. This is why I am so interested and have been considered a rank liberal in appropriating funds for the national parks and for the Forest Service, where you have great recreational areas, and for all other areas where recreational facilities are available to the American people.

I see no particular reason why we should not charge a nominal admission fee to those areas. As is explained in the report, the chief of the recreation association or bureau will use good judgment in determining where admissions are to be charged.

So I must say if we had a barrel full of gold in the U.S. Treasury, I would say let us make them free. But the facts are that barrel is empty. There is no gold there and we need to have admission fees, at least nominal admission fees in those areas in order to help some revenue come into the Treasury of the United States.

Mr. WAGGONER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I doubt that there is a single Member of this House who does not agree that we here in the Congress need to do something now to meet the present and future needs and demands of the American public with regard to outdoor recreation uses.

So the question is, How shall we proceed to meet these needs?

I am well aware of the fact that our national parks, at least some of them, do charge fees of one sort or the other. I am well aware of the fact that some of our national monuments charge fees as well.

But as the gentleman from Indiana [Mr. ROUSH] remarked a moment ago, it is about impossible now to go anywhere in this country any more without additional fees for one purpose or the other at every turn.

Last weekend I motored up to New York City with my family to attend the World's Fair. I was charged a fee to use the tunnel at Baltimore.

I was charged another fee to cross a bridge in Delaware.

I was charged another fee to utilize the Kennedy Memorial Highway.

I was charged another special fee to utilize the New Jersey Turnpike.

I was charged another fee to use the Lincoln Tunnel to get into New York City.

I stopped and got gasoline and I was charged an additional highway tax for which I had already paid a tax to use.

I stopped and ate, and I was charged sales taxes when I used the facilities where the State provided or controlled highway services and places of public accommodation. Fees, fees, fees.

I should like to ask a specific question of the gentleman from Idaho [Mr. WHITE], if he will give me his attention, with regard to his amendment.

The amendment which the gentleman offered was not read. I believe we need some more explanation of the amendment, because it is important. The amendment begins on page 20, with line 17, which has to do with entrance and user fees, the establishment of and regulations therefor.

The present language of the bill is:

All proceeds from entrance, admission, and other recreation user fees or charges collected or received by the National Park Service * * * shall—

And so forth. The gentleman remarked that he would remove some of these fees, to merely allow user fees. Do I correctly understand the gentleman's amendment would mean that no national parks and no national monuments would be allowed, if his amendment were adopted, to charge admission fees of any sort?

Mr. WHITE. Not by authority of this bill would they be allowed to charge an admission fee. They could, under the authority they now have, charge an admission fee.

Mr. WAGGONER. Then the gentleman is more concerned with the establishing of an actual user fee for only some of these parks and monuments where recreational areas are provided than he is with regard to all admission fees; is that correct?

Mr. WHITE. That is correct.

Mr. WAGGONER. Could the gentleman tell me what is his definition of a user fee?

Mr. ASPINALL. Mr. Chairman, if my colleague will yield, the gentleman from Idaho is not concerned primarily with national parks or national monuments. He is concerned with Bureau of Land Management areas and national forest areas. His concern is understandable at least by those of us who live in the West, although we may differ with him on his position.

Was there another question the gentleman asked?

Mr. WAGGONER. Since the gentleman's explanation, the other question I have will go to the gentleman from Oklahoma [Mr. EDMONDSON], and perhaps the gentleman from Idaho [Mr. WHITE] as well.

Neither of these amendments would affect in any way the authority of the States with respect to wildlife and fish; is that correct?

Mr. WHITE. That is correct.

Mr. WAGGONER. Neither of these amendments would affect the specific authority, as set forth in previous legis-

lation, with respect to the dedication of money collected through user fees; is that correct?

Mr. EDMONDSON. Would the gentleman permit me to make one amplification?

The gentleman said that neither of our amendments would affect the power of States with respect to regulating hunting and fishing. I believe that if we adopt the Edmondson amendment and take the reservoirs out from under the bill, by deleting any possibility of a user fee on the waters we will certainly operate to enlarge the authority of the States so far as fishing is concerned, and we will make it clear that the Federal Government by user fees is not to cut down or inhibit use by or put a tax upon fishermen who want to go on the water.

Mr. WAGGONER. Then, in effect, the gentleman from Oklahoma, by striking the Tennessee Valley Authority and the Corps of Engineers, would do that. That was the purpose of the amendment?

Mr. EDMONDSON. That is right. That was one of the purposes.

Mr. WAGGONER. Mr. Chairman, I support the amendment to the amendment and the amendment as well. I cannot support this bill unless it is substantially amended.

Mr. SISK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had not expected to comment on this, but I have heard some rather peculiar statements today. Having recently done a bit of traveling, having observed the tremendous desire of the American people for use of recreation areas, and having actually waited in long lines of automobiles—some of them 2 or 3 miles long—trying to get into some of these places, I am really a bit concerned by the attitude of my good friend the gentleman from Oklahoma [Mr. EDMONDSON] and of my good friend the gentleman from Washington [Mr. WESTLAND], and some other gentlemen.

I met a lot of these people who would be very anxious to be "yicked," if that is a proper use of the word, if they could have gotten to a decent place of recreation. So I would like to direct to the chairman of the committee, the gentleman from Colorado [Mr. ASPINALL], two or three questions. There are a lot of people interested, and I have been getting a lot of mail and all of it has been in support of this bill. I am curious to know generally from the chairman of the committee who he would anticipate will bear the greater portion of the burden financially for the fees which are now under discussion here. Who generally does the committee interpret will be the people who will pay these fees we are discussing?

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

Mr. SISK. I yield to the gentleman from Colorado.

Mr. ASPINALL. If my colleague will allow me to say so, our understanding is that, of course, it will be by the traveling public and the visiting public to the areas concerned. As my colleague knows, within the particular areas, we will say within 100 miles or 300 miles, within

proximity of the recreation area, the visitation comes from the population of that particular area to a great extent.

In answer to the first part of my colleague's question, without a question mark, may I say, these conservationists apparently all favored the imposition of legitimate, reasonable fees. At least the spokesmen for all of the conservation groups have stated their position as being favorable to this. We know that there are certain individuals who take exception to it. I have received some letters from my home area this morning, but I do not believe they understand exactly what is involved or the equities that we are trying to provide here.

Mr. SISK. I appreciate the statement of the chairman. I know his distinguished record and his interest and concern in the well-being of America and in doing something that will help our country to preserve and to conserve these great natural resources for the future. As I have indicated, I have had a great deal of mail, and with rare exceptions it has all been in support of this bill. I had the head of one substantial group of people, the Sierra Use Committee, out in California, which at one time raised some questions about it. I secured for the committee a copy of the bill and some of the information submitted to them, and they came back very vigorously in support of this legislation.

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

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

Mr. KYL. As the chairman suggested, I do not know of a single conservation organization opposed to this measure. If we are talking about the laboring man and woman of the country, I think it is worth noting that without exception our labor unions have testified on this measure and sent messages to the Members of the Congress in the last couple of days without exception supporting the bill without amendment.

Mr. SISK. That is certainly my understanding. I might say, in my own district and in my own town we are the gateway to Yosemite National Park and also Kings Canyon Sequoia National Park. An individual riding through those two parks or seeking admission to them in a period of 2 days or a week pays \$10. Today they pay \$6 to go into Yosemite, and then they go up to Kings Canyon Sequoia National Park in my district and pay \$4. Just recently through Yellowstone I know you had to pay \$6. Up in Mount Rainier National Park you pay \$2. In Lassen you pay \$2. I have a long list of charges here. I found people were standing in line. Only in the past 30 days I have visited these places, and people are standing in long lines waiting to get in. So I think, in spite of my great admiration for my good friend from Oklahoma and my good friend from Idaho, that the people of America are crying for a place to get to and to enjoy some recreation where they can see some of these great views and enjoy the use of the water, and do some fishing and boating, and that they will not object to paying the price of admission.

Mr. GROSS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, the gentleman from California just said that it costs \$6 to visit Yellowstone Park. What does that include? How many people does the \$6 admission fee cover, I suppose just to drive through the park?

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes.

Mr. SISK. That takes care of one automobile.

Mr. GROSS. One automobile?

Mr. SISK. That is right.

Mr. GROSS. It does not make any difference how many people are in the automobile?

Mr. SISK. Not a bit.

Mr. GROSS. They can stack them in, six or seven in a car?

Mr. SISK. That is right, whatever the law will allow, I should imagine.

Mr. GROSS. Does this \$6 fee permit them to fish or hunt in the park or do they just look at the scenery?

Mr. SISK. You pay the other normal user fees. If you want to pole down the Snake River on a raft—and, by the way, I did—that is \$10. I paid \$10. That cost \$10 per person, to float down the river. It was very enjoyable. I enjoyed it. Some people did that; some did not.

Mr. GROSS. But do you have to pay a fee to fish in Yellowstone after you pay \$6 to get in?

Mr. MORRIS. You do not have to pay a user fee to fish in Yellowstone Park.

Mr. GROSS. Do you have to pay a fee to fish in any other park where you pay \$6 or a comparable fee for admission?

Mr. SISK. In some parks you pay an admission fee but you do not pay a fishing fee. Under this bill you do not pay a fishing fee.

Mr. GROSS. Does it cost anything to travel the roads in any of these parks?

Mr. SISK. No. As I am sure my good friend and colleague from Iowa knows, these are admission fees.

Mr. GROSS. I do not know or I would not be asking these questions.

Mr. SISK. These are not user fees. The fees that I referred to when I was in the well a moment ago are admission fees. We have an admission fee to get into Yosemite National Park, \$6. This entitles you to visit the park for a year. We have a \$4 admission fee to the Kings Canyon Sequoia National Park. We have a \$6 fee to go into Yellowstone. You pay for anything you do in the park. As far as fishing is concerned, you have to have the normal fishing license to fish, but you do not pay a fee for that in the park. You might take a boat to float down the river, something of that kind. But that is different. I am talking about admission fees; I am not talking about user fees. These are admission fees which we have assessed for many, many years.

In Mount Rainier National Park, Wash., the fee is \$2. In the Lassen National Park there is a fee of \$2. There is a long list in the book. This is nothing new.

Mr. GROSS. The gentleman from Washington [Mr. WESTLAND] says there is no charge for entrance to the Olympic National Park or Forest, in the State of Washington. Why is there a charge to enter Yellowstone when there is no admission charge to enter the Olympic National Park?

Mr. SISK. Any person who wants to visit a national park or forest in California is perfectly free to do so. There is no charge on that unless he goes into a given area. Recently, 2 or 3 years ago, we had a pilot program set up in an area on a lake in the Sierra National Forest. We used meters. You would go in at night and put in 50 cents. The next day you put in another 50 cents if you wanted to stay. In a sense, that could be called a user fee. Here is the experience that we had. I expected to get a lot of complaint about it, but I did not. The only complaint I got was from people who said: We want an area so we can pay one fee for a week or 10 days at a time, because we want to leave our automobile here and go up somewhere to fish or to do something else. But I did not receive a single complaint.

Mr. GROSS. Mr. Chairman, I will say to the gentleman that if you are going to continue to increase admission fees to the extent to which apparently they have been increased, you are not going to have to worry about long lines waiting to get into the parks. The admission and other fees will preclude a lot of people from going into them.

Mr. Chairman, I support the original amendment and the amendment thereto. Finally, I would ask the gentleman if any fee is now being charged to fly over these parks and take a look at them from an airplane?

Mr. SISK. If the gentleman will yield further, it is a pretty expensive ride they tell me. It is rather expensive.

Mr. GROSS. I will not be surprised to hear that they are charging for that, too, pretty soon.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. EDMONDSON] to the amendment offered by the gentleman from Idaho [Mr. WHITE].

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 71, noes 82.

Mr. QUILLIN. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. EDMONDSON and Mr. MORRIS.

The Committee again divided, and the tellers reported that there were—ayes 79, noes 97.

So the amendment to the amendment was rejected.

AMENDMENT OFFERED BY MR. WRIGHT TO THE AMENDMENT OFFERED BY MR. WHITE

Mr. WRIGHT. Mr. Chairman, I offer an amendment to the White amendment. The Clerk read as follows:

Amendment offered by Mr. WRIGHT to the amendment offered by Mr. WHITE: After the period which follows first sentence in the fourth paragraph of the proposed amendment, strike out in its entirety the following sentence, such sentence beginning with

the words "Section 4 of the Act entitled * * * and ending with the words "from the end thereof".

Mr. WRIGHT. Mr. Chairman, my amendment to the amendment offered by the gentleman from Idaho [Mr. WHITE] is a very simple one. It does one thing: It preserves the established policy of making the waters in our Corps of Engineers reservoirs available to the public "without charge." It deletes language of one sentence which appears in the White amendment and which I believe was probably the result of an oversight in the drafting of that amendment. As it presently appears before you, the White amendment would repeal the language existing in the 1962 Omnibus Act which asserts that these public reservoirs are to be available to the public without charge. I do not believe that the gentleman from Idaho desired to repeal those two words "without charge" in the 1962 act. Am I correct?

Mr. WHITE. That is correct. The amendment was prepared to remove admission and entrance fees as applied to the national forests and Bureau of Reclamation lands primarily.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

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

Mr. EDMONDSON. If this perfecting amendment which the gentleman from Texas is now offering is adopted, the White amendment, as I understand it, will continue the language in the law as to water areas, but it would place the land areas of the reservoirs constructed under the Flood Control Act in the same situation as land areas in other places. In other words, you could have a user fee on land areas, but on water areas we would continue the commitment as stated in those laws, and continue to have them without charge.

Mr. WRIGHT. The gentleman is exactly correct. I believe my amendment is in keeping with the philosophy of the gentleman from Idaho [Mr. WHITE].

I think this is a very fine bill. I think it is landmark legislation. It takes a long view and acts to preserve and develop recreational areas for future generations of Americans. Basically it is good legislation and badly needed.

I want to take this occasion to congratulate the committee that brings this bill to the floor.

I see no objection to permitting an American family to pay \$7 if it desires for admission to all our national parks on an annual basis. I see no objection to a user's charge for the privilege of using an area in which the State under this legislation may have constructed costly facilities. I see no objection to that. I think that is useful legislation.

But I do believe that there ought to be still in this country a few places in every part of our land where the person who cannot afford to belong to a country club may go and have free recreation. I think a person of modest means should be allowed to fish in the waters of these publicly owned lakes without having to pay an admission fee so long as his doing so involves no cost to the Government. I think we need to

keep faith with those Americans whose taxes have gone into the construction of waterways under the Corps of Engineers reservoir program. There is a difference between a service charge and an admission fee. These lakes and waterways belong to the public. They already have paid for them. They ought to be able to enter them without charge.

I think my amendment carries out what the amendment offered by the gentleman from Idaho [Mr. WHITE] would do, and I think it is what the gentleman from Idaho [Mr. WHITE] would want it to do. It carries out and preserves the consciously established policy of our Government with regard to these reservoirs. I urge its adoption.

Mr. ASPINALL. Mr. Chairman, I rise in opposition to the amendment, because I think this would not be in the interest of establishing equity throughout the whole of the United States so far as these areas are concerned.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. WRIGHT] to the amendment offered by the gentleman from Idaho [Mr. WHITE].

Mr. WRIGHT. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. MORRIS and Mr. WRIGHT.

The Committee divided, and the tellers reported that there were—ayes 50, noes 74.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho [Mr. WHITE].

Mr. WESTLAND. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed Mr. WHITE and Mr. MORRIS as tellers.

The Committee divided, and the tellers reported that there were—ayes 57, noes 86.

So the amendment was rejected.

AMENDMENTS OFFERED BY MR. MILLS

Mr. MILLS. Mr. Chairman, I offer committee amendments from the Ways and Means Committee to title II of the bill.

The Clerk read as follows:

Amendments offered by Mr. MILLS: Page 37, line 22, strike out "December 31, 1963" and insert "December 31, 1964".

Page 38, line 13, strike out "1963" and insert "1965".

Page 38, line 16, strike out "January 1, 1964" and insert "January 1, 1965".

Page 39, line 1, strike out "December 31, 1963" and insert "December 31, 1964".

Mr. MILLS. Mr. Chairman, the amendment provides for an effective date for the gasoline tax on motorboats to correspond with the date which the Committee on Interior and Insular Affairs has determined should be the date for effectiveness for the remainder of the bill.

The provision as initially recommended by the Ways and Means Committee and transmitted to the Committee on Interior and Insular Affairs provided for the moneys concerned to go into the land and water conservation

fund from the highway trust fund at the beginning of the year 1964. This amendment would provide for the transfers to occur at the beginning of the year 1965.

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

Mr. MILLS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Mr. Chairman, this is in effect really a conforming amendment to bring the bill up to date. There should be no objection to the amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Arkansas [Mr. MILLS].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: On page 26, line 17, after the period add the following:

"Moneys covered into this fund not subsequently authorized by the Congress for expenditure within two fiscal years following the fiscal year in which such moneys had been credited to the fund, shall be transferred to miscellaneous receipts of the Treasury."

Mr. ASPINALL. Mr. Chairman and members of the Committee, several of our colleagues have expressed some concern about the possibility of the legislation providing for a large fund which could accumulate and be available for some of the people of the administrative branch of the Government to play with as they saw fit. The amendment merely provides that within the third year after the money is accumulated in this fund, if the moneys have not been expended in accordance with the will of the Appropriations Committee and of the Congress they will be returned to miscellaneous funds of the Treasury. I believe the amendment is in order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FALLON

Mr. FALLON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FALLON: On page 37 strike out line 4 and all that follows down through line 6 on page 39.

Mr. FALLON. Mr. Chairman, on yesterday I explained what effect this amendment would have to title II of the bill. This eliminates title II, which diverts money from the highway trust fund over to the land and water conservation fund. It was stated yesterday by Members on the floor that the reason for taking the money from the trust fund is because the trust fund had a surplus. Second, they stated it was because they thought they were entitled to the gasoline taxes on gasoline used in motorboats.

After a long study by the Department of Commerce, which was sent up to the Committee on Ways and Means, and hearings by the Committee on Ways and Means—the study and hearings lasted over a period of years—they decided that

some of the people who profit from the building of these highways called non-users should certainly contribute a small share to the highways that made their properties accessible to the public for its use.

Now, there is no such thing as a surplus in a highway trust fund, because it is an open end fund. Much of the money in the trust fund today has been committed to the States and only remains there until the projects are completed and the States present their bill to the Department of Commerce. Then the States are paid. Next year we expect a study on the new cost estimates as to what the Interstate Highway System is going to cost to complete as directed by Congress by the year 1972. Certainly we know from that increase in construction building index cost over the last 5 years that there is certainly going to be an additional cost involved in the construction of highways in the future. Therefore, this is not the time to divert money for other purposes. Certainly if we are even going to try to tap the highway trust fund, we should wait until this study is presented to the Congress. Also, Mr. Chairman, the diversion of these funds, I think, strikes at the very heart of what is called a trust fund. This fund was created in order to build highways. The public was told, the people who pay the taxes were told, that every dime that went into this fund was going to be used to build an interstate system of highways approved by Congress and improve the primary and secondary systems that will expand the economy and protect the motorists of the country. If we just kid people by saying that we are creating a trust fund in order to do certain things and then, before we have completed the job, we divert money from the trust fund, then we take the word "trust" out of every fund. It is certainly one of the highest breaches of a trust, I think, that this Congress could commit.

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

Mr. FALLON. Yes. I yield to the gentleman from Iowa.

Mr. KYL. I believe the gentleman from Maryland was on the committee which was in charge of the legislation when this trust fund was established at least in its present form. Is that true?

Mr. FALLON. That is correct.

Mr. KYL. At that time Congress wrote legislation which permitted the user of motorboats purchasing motorboat fuel to secure a rebate of a portion of the Federal tax if he made application for the same. Now, why was this done?

Mr. FALLON. Two cents of the 4 cents is a firm tax on gasoline. Another 2 cents was given or allowed for the user as a refund if he made application for same. We thought that was the fair thing at the time. So really it was only the intention of the Committee on Ways and Means and the Committee on Public Works and the Congress to impose a firm tax of 2 cents and allow those who wanted a refund to have it by making application.

Mr. KYL. Mr. Chairman, will the gentleman yield further?

Mr. FALLON. Yes. I will yield.

Mr. KYL. In other words, the committee and the Congress at that time felt since motorboats were not using highways, they were entitled to some rebate if they made application therefor?

Mr. FALLON. That was the concession.

Mr. KYL. I thank the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am participating in the debate for the reason that title II of this bill was developed by the Committee on Ways and Means in consultation with the Committee on Interior and Insular Affairs which developed the other parts of the bill.

We were asked by the gentleman from Colorado [Mr. ASPINALL] as chairman of his committee, to go into the question of the request that his committee had received from the administration that some of the funds that would create the conservation fund should come from the gasoline tax and the special fuels tax when these fuels are used by motorboats.

The Ways and Means Committee last year in executive session gave consideration to the matter of the transfer from the highway trust fund of these limited amounts of money to the land and water conservation fund. The Ways and Means Committee unanimously approved the provisions which are now in title II of this bill. We transmitted that decision in the form of language both for the bill and for the report to the gentleman from Colorado [Mr. ASPINALL] as chairman of the Committee on Interior and Insular Affairs.

The gentleman from Maryland [Mr. FALLON] suggests that this money should not be transferred from the highway trust fund to this new fund. I want to remind the membership of the House of the fact that the highway trust fund was worked out—established—by the Committee on Ways and Means. The Committee on Ways and Means submitted its decision for the creation of such a trust fund to the Public Works Committee and the financing of the public works program involving roads was title II, as I remember, of that bill in 1956.

Mr. Chairman, the Ways and Means Committee has responsibility therefore over the highway trust fund so far as the committees of the House are concerned. After having gone into this matter we concluded unanimously that it was far more appropriate for a tax on gasoline and propane and other special fuels used in boats to go into a land and water conservation fund than it was for it to go into a highway trust fund. You might ask why it ever got into the latter fund in the first place. There was a 2-cent Federal gasoline tax before we ever set up the highway trust fund. That 2-cent gasoline tax applied to gasoline for all kinds of uses. We added 2 cents to it, making the tax 4 cents, when we established the highway trust fund. But in each instance we said with respect to the last 2 cents that if it were used other than in the propulsion of a registered highway vehicle only the initial 2 cents would be retained and the other 2 cents would be refunded upon request.

We are not changing the law in that respect at all. All we are doing here is saying that the provisions of the present law will remain in effect, except that the Secretary of the Treasury will allocate the proceeds from this tax to the land and water conservation fund rather than the highway trust fund.

On this point of the highway trust fund not having enough money, if the commitments in present law relating to authorizations are not to be exceeded, that is, if there are not to be more than 41,000 miles of Interstate Highway System to be built on which this fund is predicated, and if the A-B-C programs are to be kept within the presently agreed limits by the Public Works Committee in the future—limits which we were told they would be kept within when the fund was created—there will be sufficient money within the fund to carry out all of its obligations on the basis of our best estimates. And there will be money left over out of which this transfer can be made.

Therefore, Mr. Chairman, we will not in any way be jeopardizing the highway construction program if we permit this amount to be transferred.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MILLS. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

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

Mr. MILLS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Mr. Chairman, I have asked the gentleman from Arkansas to yield for the purpose of concurring fully in what the chairman of the Committee on Ways and Means has said with respect to the action by the Ways and Means Committee concerning the dedication of the gasoline tax on motorboats to the conservation fund, as contained in this bill. It was a unanimous action by the committee.

Mr. Chairman, I also want to concur in what the chairman has said with respect to the general philosophy of the committee when we originally created the highway trust fund. I do not believe that the transfer here is going to jeopardize the general highway program. I believe we can act here in complete reliance that this particular tax probably belongs more in a conservation trust fund and we dedicate it for that purpose and it can be done without jeopardizing our highway building program.

Mr. MILLS. I thank the gentleman from Wisconsin.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Missouri.

Mr. CURTIS. Mr. Chairman, I concur in what has been said by both the gentleman from Arkansas [Mr. MILLS] and the gentleman from Wisconsin [Mr. BYRNES]. However, I would call attention of the members of the Committee to another matter in which I have been particularly jealous myself, and that is

the highway trust fund. I know that the gentleman from Louisiana [Mr. Boggs] has taken a similar position on other occasions on the floor of the House. I feel that we are keeping full faith with this concept of the trust fund.

Mr. MILLS. Mr. Chairman, I ask that the amendment be defeated.

Mr. OLIVER P. BOLTON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to ask the chairman of the Committee on Ways and Means whether by removing this tax from the highway trust fund we can have the assurance either of his committee or of the Committee on Public Works that this will in no way affect the policies regarding the construction of highways and the manner in which they affect waterways and boatingways? May I be more explicit? One of the costs in the highway program that is under controversy wherever there is a waterway is the level of the bridge which will be built over a waterway.

Mr. MILLS. If the gentleman will yield, I can assure my friend, the gentleman from Ohio, that that matter is not involved in any way in this proposal that we are now proposing.

This is a question of moneys that we are supposed to take from the highway trust fund and put into the land and water conservation fund, and that is all that is involved.

Mr. OLIVER P. BOLTON. Was it not, Mr. Chairman, a part of the rationale, in the beginning, in putting this first 2-cent tax into the highway trust fund from the boating fuel tax that it was because of the recreational boats that the cost of much of the highway program which was to be built under the highway trust fund would be increased?

Mr. MILLS. If the gentleman will yield further, no; I can assure the gentleman that that was not involved in the initial 2-cent-a-gallon tax that was levied.

Congress in the creation of the original Federal aid highway program paid for those expenditures out of the general funds of the Treasury. One of the taxes that Congress levied years ago was a tax of 2 cents a gallon on all gasoline used, regardless of the reason for its use. It was merely to apply to those boats using gasoline that the boatowners were subjected to this 2-cent tax. It was not for any special theory with reference to the construction of roads, bridges, or anything else, since all such receipts went into the general funds of the Treasury.

Mr. OLIVER P. BOLTON. And, therefore, the chairman of the Committee on Ways and Means can assure me that this will in no way affect our policy with reference to the construction of bridges, of drawbridges, and so forth?

Mr. MILLS. The gentleman is correct. It would not bear on that at all. This merely involves transfer of moneys as between two funds. Policy matters relative to the height of bridges, and so forth, are not within the jurisdiction of the Committee on Ways and Means, and are not involved here.

Mr. OLIVER P. BOLTON. Would the chairman further assure me that taking this money out of the fund in no way in-

dicates any policy toward taking other moneys from the gasoline tax out of the trust fund?

Mr. MILLS. I know of no policy decision of that sort involved here. That would depend on the decision of the Congress later on. What I am saying is, these moneys can be taken out on the basis of best judgment and best estimates and will not create a shortage in the highway trust fund. Something may come up in the future that the gentleman and I or anyone else would want to approve. I do not know what that might be, but this must stand on its own merits.

Mr. OLIVER P. BOLTON. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. FALLON].

The amendment was rejected.

Mr. ALBERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time only for the purpose of advising the membership that if we dispose of this bill this afternoon I shall ask unanimous consent to adjourn until Monday. Otherwise, it will be necessary to come in tomorrow.

Mr. O'HARA of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am in accord with the remarks of the chairman of the committee, the gentleman from Colorado, and other speakers who have stated that the objective of this legislation is to get more recreation areas in those parts of the country—the eastern part of the United States—where they are probably needed the most.

However, I am disturbed about a change made by the committee in the allocation of funds to the States in section 5(b). The bill as introduced provided that two-fifths of the allocation to the States be made on the basis of population. The bill as reported by the committee deletes the allocation based upon population, and instead inserts population as one of the three factors to be considered in the three-fifths portion allocated on the basis of need.

I hope that when the committee set three-fifths for allocation on the basis of need, including consideration of population, the use of State recreation resources by outsiders and the Federal resources and programs in the particular States, the committee did not mean to say "equally divided among those three criteria." That is, one-fifth of the total for population, one-fifth for use of State recreation resources by outsiders, and one-fifth upon Federal resources and programs within the State.

As I read section 5(b)2, as amended by the committee, it gives the Secretary discretion to consider those three factors, in which population is one, and to apportion such three-fifths in such amounts as in his judgment will best accomplish the purposes of the act. Under my interpretation the Secretary could distribute all of that three-fifths on the basis of population if he thought doing so best accomplished the purposes of the act or none of it on the basis of population if he thought this best accomplished the purposes of the act. At any rate he

would not be bound to divide that three-fifths equally between those criteria. Is my interpretation correct?

Mr. ASPINALL. Mr. Chairman, two-fifths of the fund to which the States are entitled is divided between the States. The three-fifths is not to be divided in accordance with any fixed rule whatsoever. The gentleman is correct when he suggests that the Secretary has latitude in making this decision.

May I say to the gentleman that there are many States which are small and which may have recreation areas adjacent to the State lines of large States.

Because of all of these different possibilities that enter into this matter it just seemed to us at the beginning of this program we should give the Secretary authority to go ahead and make the division of the three-fifths to which the States are entitled under the requisites we set up, keeping in mind that the Congress, especially the Committees on Interior and Insular Affairs, will have oversight over this matter, and if we find any inequity it will be brought to your attention.

Mr. O'HARA of Michigan. I thank the gentleman.

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

Mr. O'HARA of Michigan. I yield to the gentleman from Iowa.

Mr. KYL. When you go into this matter of division according to population you run into a lot of difficulties. I will mention one. If you have a State of small population next to a State with large population, and it would serve the population of the large State to have recreation areas in the less populous State, under this legislation it would be possible to serve both States, whereas if we wrote new controls based on population alone, such a solution would not be possible.

Mr. O'HARA of Michigan. I thank the gentleman. I think the contributions of the gentleman from Iowa and the gentleman from Colorado have clarified the matter.

AMENDMENT OFFERED BY MR. COOLEY

Mr. COOLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COOLEY: On page 36, line 7, strike out the period and insert a colon and the following, "Provided, however, That funds appropriated or allotted pursuant to this Act for use within the national forest system may be used for acquisition only as hereafter authorized by law and for recreational development."

Mr. COOLEY. Mr. Chairman, first I want to accord the chairman of this committee my thanks for the courtesies afforded me and my committee back in the spring when this matter was being considered. We were advised fully of all developments.

I appeared before the Rules Committee and made a statement with reference to the amendment I propose to offer to the bill. I was prompted and moved to prepare this amendment by views expressed to me by people interested in the lumber business throughout the country.

The amendment provides that in spending the money in the acquisition of

land it cannot be so spent until hereafter authorized by Congress. According to my information, the fund amounts to probably \$20 million a year. I do not see how as Members of Congress we can discharge our responsibility to our constituents if we merely turn this \$20 million a year over to some bureaucrats to go out and spend as they see fit.

This amendment is not intended to interfere with or handicap this program in any way. But I do feel that we are in some way acting as guardians for the people. This amendment has been widely circulated. People in the lumber business throughout the Nation have had it under consideration. I think in Portland, Oreg., at their last conference they formally approved it by resolution. I think it makes the bill far more acceptable if this amendment is adopted, but if it is not adopted, I do not think the bill should pass.

There is some objection to the last few words of the amendment. I will read the amendment again. It is very short. It says:

Provided, however, That funds appropriated or allotted pursuant to this Act for use within the national forest system may be used for acquisition only as hereafter authorized by law and for recreational development.

It seems to me the amendment speaks for itself. I do say it is meritorious and I hope it will be adopted.

At this time, Mr. Chairman, I am very glad to yield to the gentlewoman from Washington [Mrs. MAY] who has been in constant touch with the situation. She is entirely familiar with the purpose of this amendment and is a very distinguished member of our Committee on Agriculture.

Mrs. MAY. I thank the distinguished chairman of the Committee on Agriculture for permitting me to speak in behalf of and in support of his amendment.

I did have some colloquy with my distinguished colleague, the gentleman from Pennsylvania, yesterday concerning the need for improvement of already established facilities in our part of the country rather than acquisition.

I am 100 percent in agreement with the remarks of the distinguished chairman as to why we need some congressional control over some \$20 million of funds that will accrue to our Forest Service for the acquisition of lands. I believe this is a sound approach.

My second point is that under this bill, for the first time in many areas where Forest Service recreational and park areas are already established—where admission and/or user fees will be established—for the first time not one cent of these fees, not one cent of these funds will be available for use to develop and maintain these already established recreational areas within our Forest Service.

I know one of the arguments that the distinguished members of this committee on both sides of the aisle who had the bill before them have used, is that we have our regular appropriation fund already available to us for maintenance and operation of established Forest Service areas.

I defy any Member on this floor who comes from an area where they have Forest Service areas now being used for recreational purposes to say that even under the regular appropriation process that we are keeping up the way we need to keep up with the present requirements for toilet facilities and roads and trailer facilities in the presently established areas. Perhaps the use that we are making of land today for recreational purposes is such that even if we double our appropriations at this time, we could not keep up with the needs and requirements for such use.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. COOLEY] has expired.

Mr. COOLEY. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes so that the gentleman from Washington may complete her remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mrs. MAY. I thank the gentleman, and if the gentleman will yield further, I would like to say that I hope the gentleman will be able to give assurances that his amendment will indeed do what many of us feel is so essential: the use of fund money for recreational development of national forest lands. If I may discuss the situation in the State of Washington for a moment, Mr. Chairman, where 9,688,357 acres of national forest land is already owned by the United States, there are presently 496 campgrounds and picnic sites designed to handle more than 25,000 persons at one time. Last year, more than 2 million visitor-days were recorded at these sites in the State of Washington. Many of these visitors were from outside the State. The Forest Service estimates that 1964 use will be some 12 percent greater than 1963.

The campground and picnic areas in the national forests were developed initially for tent use. Now there is heavy use by people with trailers. It takes time and money to convert these areas for trailer use.

In this redevelopment for trailer use and for the overall development and maintenance of the existing campgrounds and picnic sites the first concern is for safety and sanitation.

Areas must be cleared of all danger trees. Good fireplaces must be installed so that fires will not spread to the surrounding forests. Areas must be cleaned up to prevent fires from going out or coming into the area.

Where there is ample water, flush toilets are installed. Sealed vault toilets are installed where water is scarce. A main concern is to prevent pollution of water supplies.

Good road systems and parking facilities must be built—many existing areas need safe roads and barriers to hold traffic to traffic routes. Traffic must be confined to prepared roadways and parking areas—both as a safety measure and to handle the crowds.

Repairs of damage to facilities by vandalism is also a necessary item of maintenance.

A constituent in my office last Friday told me of lines of cars waiting to get into a national forest picnic area near his home and many were from long distances.

From the foregoing, Mr. Chairman, I think a justification exists for making sure that a portion of the funds made available to the Forest Service are used for recreational development: the badly needed improvement of existing facilities in the State of Washington and the West.

Mr. COOLEY. That is the purpose of the amendment. I agree with the observation that you have just made that psychologically it would be bad to go out into these areas and collect all this money and say to the people in the area who are paying the money that no part of it will be used to improve the recreational facility in the area. I am in favor of the entire amendment.

Mrs. MAY. I am very grateful to the gentleman for his agreement with respect to this principle, as many of us on the Committee on Agriculture feel on this principle. Because it seems to me that to maintain general support for this in all parts of the country and not just in the West and to have general support for this new approach of pay as you go that such agreement is of the greatest importance. I am not fighting this principle at all. I certainly think in those States where land acquisition is not our problem and we are trying to keep up with the land that is already under Federal ownership, that we would get far wider national acceptance among the people of this Nation if they thought that even a small part of these new user or admission fees would go to help keep this land in good condition, especially now that it is being used to a much greater degree than heretofore and it is increasing year by year.

Mr. COOLEY. The only argument which has been submitted in opposition to this part of the amendment is the fact that the Appropriations Committee will make the money available.

Mrs. MAY. Yes.

Mr. COOLEY. The money will come from the same source, anyway.

Mrs. MAY. That is correct.

Mr. COOLEY. It seems to me we should adopt the amendment without further argument.

Mr. WESTLAND. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Washington.

Mr. WESTLAND. I support the amendment offered by the gentleman from North Carolina.

I believe one point should be brought to the attention of Members of the House. This amendment would in no way specify what percentage of funds must be spent for development or what percentage of funds must be spent for acquisition. That would still be within the jurisdiction of the Secretary of Agriculture. He could spend 5 percent for development and 95 percent for acquisition, or vice versa, if he so desired. It would be discretionary, within his authority.

Mr. COOLEY. That is correct, as I understand it.

Mr. HORAN. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Washington.

Mr. HORAN. I am in hearty agreement with my colleague on this amendment. I hope that the House will accept it. I believe it will strengthen the bill, and make it infinitely more fair all the way around.

Mr. GRANT. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Alabama.

Mr. GRANT. I wish to associate myself with the chairman of the committee, and I compliment him for bringing this to the attention of the House.

Mr. COOLEY. Mr. Chairman, the gentleman from Alabama [Mr. GRANT] is the chairman of our Forestry Subcommittee. He has done excellent work. I know he understands what we are talking about when he endorses this amendment.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Chairman, I offer an amendment to the amendment. The Clerk read as follows:

Amendment offered by Mr. ASPINALL to the amendment offered by Mr. COOLEY: After the word "law" insert a period and strike the rest of the sentence.

Mr. ASPINALL. Mr. Chairman, I believe this is a fundamental point. The amendment comes to us in two forms. Not only does it come to us so far as power to be given to the Congress in the consideration of acquisition of forest lands is concerned, but also there is added to it a phrase which has been pretty ably described by my friend from North Carolina and by the gentlewoman from Washington, and those who have spoken for the amendment.

This shows what may happen if we are not careful about the provisions of the bill. The forest lands are not the only lands which have recreational areas. The Bureau of Land Management operations are just as important, so far as furnishing recreation areas is concerned, as are those of the Forest Service. The Forest Service is perhaps a little better known to us, but the Bureau of Land Management has varied and great expanses of lands, which would be left out entirely.

As we have tried to say—and as we won out on the floor of the House previously this afternoon—so far as the Federal Government is concerned, this bill is for planning and the acquisition of lands.

I know of no criticism that has been made of the Appropriations Committee.

I know of no criticism that has been made of Congress in furnishing moneys in order to see that developments in recreation areas in the Forest Service, wherever they may be, or in the Bureau of Land Management areas and in the National Park Service. We have not had any criticism. We have to hold our appropriations within certain limitations and, most certainly, I congratulate the Committee on Appropriations for the

way it has done it, because we cannot spend all of our purse on recreation matters. However, to place in this bill provisions providing for recreational development on Forest Service lands and denying such equities to other like recreational areas is not equitable. Also, as I said before, it would be against the former action of this committee as far as furnishing money for development purposes is concerned.

Mrs. MAY. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

Mrs. MAY. Would the gentleman accept a correction that would include the Bureau of Land Management lands which might share in some part the user or admission fees for their upkeep and development, which would seem only fair?

Mr. ASPINALL. I have made my position clear here this afternoon. This is not at the present time legislation to provide for the development of Federal areas. There is just too much of the planning and acquisition work to be done to divide the moneys up at this time.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

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

Mr. COOLEY. I would just like to know why you object to this part of the amendment, because you talked about money being made available by the Committee on Appropriations to insure it. What is sacred about this? Do you want it all for land acquisition and none for recreational purposes?

Mr. ASPINALL. We have made our position clear—and it is in the report—that this bill at this time is a planning and acquisition bill as far as the Federal Government is concerned. As far as the States are concerned, it happens to be planning, acquisition, and development.

Mr. COOLEY. So the answer is you want to use every bit of it to acquire land and none of it for recreational purposes in the areas now in existence?

Mr. ASPINALL. If my colleague wants to put it that way, I suppose he has the right answer.

Mr. COOLEY. But is that true?

Mr. ASPINALL. That is the philosophy behind it, and if you read the report, we say for the time being this is the purpose. We defeated another like amendment previously.

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

Mr. ASPINALL. Yes. I will yield.

Mr. GROSS. Will the gentleman read the Cooley amendment as he proposes to amend it? Do you have the total language of the amendment as proposed and with your amendment?

Mr. ASPINALL. The amendment reads:

Provided, however, That funds appropriated or allotted pursuant to this Act for use within the national forest system may be used for acquisition only as hereafter authorized by law and for recreational development.

Mr. GROSS. That is the Cooley amendment. How does your amendment alter that language?

Mr. ASPINALL. I struck from that the words "and for recreational development."

Mr. GROSS. Thank you. I support the Cooley amendment and I am opposed to the gentleman's amendment to the amendment.

Mr. SAYLOR. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to have the members of the House Committee, especially those of the East, pay particular attention, because this amendment will have a direct bearing upon any State in the eastern part of the United States in which a national forest is located. Now, in 1911, shortly after the national forest system was established, the House of Representatives established the Forest Reservation Commission. This is the Commission which has, from 1911 to 1964, operated to approve the acquisition of every piece of land in a national forest. The effect of the amendment offered by the gentleman from North Carolina [Mr. COOLEY] will be to render absolutely ineffective the act known as the Weeks Act.

Now, in addition, what it will amount to is this: it will mean that every time a tract of land in a national forest that is wanted to be acquired for recreational purposes will require a special act of Congress.

The gentleman from Alabama [Mr. GRANT] and his committee will have to have the program submitted to it. It will have to have the land described. Then there will be a law passed that will allow the acquisition after which the Appropriations Committee will then have to appropriate money for its acquisition. Now, what is in back of this? You notice the gentleman from North Carolina [Mr. COOLEY] said that this amendment was taken up by the lumber people. He did not say it came from the Agriculture Committee. It was taken up by the lumber people and they were very much interested in this amendment. Let me tell you why the lumber people are interested in this amendment.

In a publication known as Pulp and Paper appeared an editorial of May 4, 1964. Let me quote from that editorial:

The pressures which are now being brought to bear throughout the United States for the acquisition of recreation areas and lands for rural living purposes are rapidly creating a serious problem for the pulp and paper industry and other forest industries.

What is happening is simply this. The purchases of forest lands for recreational and rural living purposes are pushing up forest land values. It could reach a point where long range forest management would become uneconomical or, at least, very difficult to maintain.

So therefore, rather than have the confidence which the rest of us seem to have in the Appropriations Committee by requiring that every cent that is in this fund, must be approved by the Appropriations Committee, before it may be spent, there has been a recommendation that we now adopt an amendment that will prevent the acquisition of land in national forests for recreation purposes. It is very interesting to note that this Congress by a general act has given the Secretary of the Interior the right to ac-

quire within national parks and monuments all of the inholdings without any special act of Congress. He has been given that blanket authority with one limitation, that he must go before the Appropriations Committee, show where the land is, why he needs it, and get an appropriation from the committee.

We were trying in this bill to have the same requirement for the Secretary of Agriculture. But if this amendment is adopted, even if it is adopted with the amendment suggested by the chairman of the full Committee on Interior and Insular Affairs, it will go further. It will require a special act of Congress for each acquisition.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman.

Mr. COOLEY. The gentleman has exactly described it. That is the very purpose of this amendment, to require an act of Congress; not to require it for a 10-acre lot or 100 acres, but where you have taken an area it must be authorized by Congress.

The gentleman talks about the Weeks Act as if that amounted to so much. In the last 10 years they have only authorized \$2,670,000 for the whole Weeks Act program. How much money is coming in under this bill—\$200 million a year, and certainly \$20 million out of that in the forestry end of it. And you are turning them all loose and letting them spend it all over the face of the earth.

Mr. SAYLOR. No, it is not a question of turning them loose, because they are not turned loose.

Mr. COOLEY. They will be turned loose if you do not adopt this amendment.

Mr. SAYLOR. The committee made sure that nobody could spend that money, including the Secretary of Agriculture, without going to the Appropriations Committee.

Mr. COOLEY. What does that committee have to do with the Weeks Act?

Mr. SAYLOR. It has a great deal to do with it. It appropriates all the money needed to acquire the land authorized by the Forest Reservation Commission.

Mr. COOLEY. It has not a thing to do with it. The Weeks law was enacted in 1911. They have never been back before that committee.

Mr. WESTLAND. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I shall not take the full 5 minutes, but only a small portion.

Mr. Chairman, as I said earlier, I support the amendment which has been offered by the gentleman from North Carolina [Mr. COOLEY]. I feel that the gentleman from Pennsylvania [Mr. SAYLOR] is somewhat in error. It is my understanding that the Secretary of Interior, before he can acquire any inholdings within a national park, must come before the Committee on Interior and Insular Affairs for authorization, unless the basic act establishing that park permits him to acquire those additional inholdings. Furthermore, if the Secretary of Interior wants to establish any new areas, he certainly must come

before the Committee on Interior and Insular Affairs to obtain authorization. This is exactly what the amendment which has been offered by the gentleman from North Carolina will do, if adopted.

Now, Mr. Chairman, as far as the Secretary of Agriculture acquiring additional forest lands—

Mrs. MAY. Mr. Chairman, will the gentleman yield?

Mr. WESTLAND. I yield to the gentleman from Washington.

Mrs. MAY. Mr. Chairman, I would like to point out with further reference to the gentleman's statement, our distinguished colleague, the gentleman from Pennsylvania [Mr. SAYLOR], first of all said that the chairman did not speak for the Committee on Agriculture. I would like to point out that this bill was not sent to our committee, even though we have jurisdiction over Forest Service lands. We have had no opportunity to work on this bill or to hold hearings on it. Certainly, I believe it should be pointed out that under the Weeks Act the location and character of land acquired is done in complete secrecy. The Secretary of Agriculture submits a proposal for land purchase to the National Forest Service Reservation Commission, and that consists of the Secretary of the Army, the Secretary of Interior, the Secretary of Agriculture, two Members of the Senate and two Members of the House.

Now, Mr. Chairman, purchases must be approved by the National Forest Reservation Commission; that is true. But the Commission makes no announcement of the area it has under consideration for purchase and holds no public hearings. The general public or Members of Congress never have an opportunity to know in advance where or how much land the Forest Service proposes to purchase. They have no chance to express an opinion as to the merits of the proposal.

I wonder if anyone thinks that these busy members of the Commission will have time to give thorough consideration to each purchase under a program that might include \$20 million?

Mr. WESTLAND. May I say to my colleague, the gentlewoman from Washington, that being a member of that Forest Reservation Commission, I am quite well aware of this problem, and every so often I get a brochure about a couple of inches thick of tissue paper telling what they plan to acquire. It does take a considerable amount of otherwise busy time to try to do this.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

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

Mr. TEAGUE of California. Mr. Chairman, I would like to state that the chairman of the Committee on Agriculture, the gentleman from North Carolina [Mr. COOLEY], does speak for this member of that committee, who is also a member of the Subcommittee on Forests of the Committee on Agriculture. I enthusiastically and wholeheartedly support the amendment which has been offered by the gentleman from North Carolina [Mr. COOLEY].

Mr. ASPINALL. Mr. Chairman, will the gentleman yield to me?

Mr. WESTLAND. Surely.

Mr. ASPINALL. I think we should have the record straight. The Committee on Interior and Insular Affairs has jurisdiction over the national forests in the public domain, which constitutes the largest area of national forests. The chairman of the Committee on Interior and Insular Affairs so notified the chairman of the Committee on Agriculture when we began the discussion of this legislation, and I was very well pleased to see his reference to this fact, not only in yesterday's statement but in his statement today.

Mr. KYL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I simply want to point out with reference to the statement that money can be spent all over the place unless this amendment is adopted, the language which appears on page 26, line 14, section 3 of this bill which is as explicit as any language could possibly be in any piece of legislation contemplated by this body. It says this:

Moneys covered into the Fund shall be available for expenditure for the purposes of this act only when appropriated therefor.

No one can appropriate money except the Congress of the United States and the committees of the House and the Senate. Every cent in this fund will be appropriated for specific purposes by the appropriate committees of the two Houses of the Congress. There can be no reckless spending. Every cent must be accounted for. There can be no misdirection, because in its perpetual review under this legislation this cannot occur.

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

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

Mr. SAYLOR. Mr. Chairman, I would like to address a remark to our colleague, the gentleman from Washington [Mr. WESTLAND], who stated that I was in error when I said that there was no basic authority for the Secretary of Agriculture to acquire inholdings.

I have in my hand the opinion of the Solicitor, dated January 27, 1947, to the Secretary of the Interior—and for the past many years, from that time until now it has been the policy of the Interior Department under 4 or 5 different Secretaries—wherein the Solicitor states it is his opinion that the Secretary of the Interior has the authority, the specific authority, to acquire inholdings without a specific act of Congress.

Mr. WESTLAND. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Washington.

Mr. WESTLAND. As I stated, only if the act which specifically created the work gave him that authority.

Mr. SAYLOR. I can only tell the gentleman that the Counsel for the Interior Department says that is not correct. The opinion of the Chief Counsel of the Department of Interior dated January 27, 1947, is attached.

DEPARTMENT OF THE INTERIOR,
Chicago, Ill., January 27, 1947.

Memorandum for the Director.

A question has arisen as to whether there is basic legislative authority for land acquisition by this Service in its areas which will support the appropriation item for land acquisition in our 1948 fiscal year appropriation estimates.

I believe that such basic legislative authority exists.

By the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), Congress has vested in the Secretary of the Interior, through the National Park Service, the responsibility of administering the national parks and monuments. This act authorizes the Service to "promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." The function thus provided for is in general one of land administration. The national parks and monuments, which are the subject of this function, are areas normally defined by exterior boundary descriptions or by descriptions which block out the park and monument areas. Such descriptions are definitely fixed by the acts of Congress establishing the parks or monuments, or are fixed by the President pursuant to authority delegated to him by the Congress. In most cases the areas thus defined contain pri-

vately owned lands. The condition and use of these private lands vitally affect the administration of the areas. In the case of nearly all of the parks, the States have ceded exclusive jurisdiction to the United States over the areas in such manner as to include the privately owned lands in the cession. See Solicitor's opinion, M. 33679, of June 29, 1944, in which the Acting Attorney General concurred by letter of August 11, 1944, to the Secretary.

In these circumstances it would seem that the general authority granted in the August 25, 1916, act to promote and regulate the use of the areas implies the authority to acquire privately owned lands within them when such acquisition is deemed necessary to accomplish the objectives described by Congress. *United States v. McDaniel*, 7 Pet. 14; *In re Neagle*, 39 Fed. 833, 851.

In addition, the Secretary, through this Service, has been granted express authority to acquire private lands in connection with certain types of areas administered. The Secretary is empowered by section 2(d) of the Historic Sites Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 462d), to acquire lands of a historic nature "by gift, purchase, or otherwise * * *". In section 2 of the Antiquities Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431), the Secretary is authorized "to accept the relinquishment" of privately owned lands of a national monument character.

The Congress has also expressly authorized the acquisition by purchase of privately owned lands within specified areas administered by the Service. Some of these outstanding authorizations and the areas to which they relate are as follows:

Colonial National Historical Park	46 Stat. 856; 16 U.S.C. 81e.
Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park	44 Stat. 1092; 16 U.S.C. 425a.
Gettysburg National Military Park	28 Stat. 651; 16 U.S.C. 430g.
Great Smoky Mountains National Park	52 Stat. 29; 16 U.S.C. 403j.
Kennesaw Mountain National Battlefield Park	49 Stat. 423; 16 U.S.C. 430u.
Kings Mountain National Military Park	46 Stat. 1508; 16 U.S.C. 430a.
Mammoth Cave National Park	48 Stat. 775; 16 U.S.C. 404e.
Monocacy National Military Park (project)	48 Stat. 1199; 16 U.S.C. 430k.
Olympic National Park	52 Stat. 1242; 16 U.S.C. 255.
Stones River National Military Park	46 Stat. 167; 16 U.S.C. 426d.
George Washington Carver National Monument (project)	57 Stat. 563; 16 U.S.C. 450aa.
Yosemite National Park	50 Stat. 485; 16 U.S.C. 47c.

In view of the foregoing, it is my opinion that there exists basic legislative authority for the acquisition of privately owned lands within national parks and monuments.

JACKSON E. PRICE,
Chief Counsel.

There is also attached a memorandum on the authority to acquire inholdings in areas of the national park system:

AUTHORITY TO ACQUIRE INHOLDINGS IN AREAS OF THE NATIONAL PARK SYSTEM

Most of the individual areas included in the national park system in earlier years consisted of lands withdrawn from the public domain, of lands donated to the Federal Government for park purposes, and of lands purchased by other Federal agencies and subsequently transferred to the National Park Service. A great many of these park areas contained pockets of land not owned by the United States.

More recently Congress has authorized the establishment of park areas to be purchased with appropriated funds.

Money to buy inholdings and other lands needed for National Park Service areas has for a number of years been included in the regular or supplemental appropriation acts for the Department of the Interior. In some cases funds are earmarked for particular areas, while in other cases a lump sum is appropriated for the purchase of inholdings in any of the National Park Service areas for which there is no prohibition of the expenditure of appropriated funds.

The first such appropriation was made in the form of a line item in the Sundry Civil Appropriation Act of July 1, 1916 (39 Stat.

262, 308), appropriating \$50,000 for "the purchase of such private holdings in the Sequoia National Park as in the judgment of the Secretary of the Interior are desirable for the better administration of the reservation."

For a number of years following this no Federal money was forthcoming for the purchase of inholdings, although a few were acquired by donation or by exchange. However, in 1927 Congress, taking cognizance of the growing seriousness of the inholding problem, authorized in the appropriation act passed that year (44 Stat. 934, 966), the expenditure for the "purchase of privately owned lands within the boundaries of any national park, \$50,000, to be expended only when matched by equal amounts by donation from other sources for the same purpose." In the succeeding 4 fiscal years Congress made available an amount in excess of \$3 million for this purpose.

Various other appropriation acts made moneys available for the purchase of inholdings. For example, the appropriation act of August 25, 1937 (50 Stat. 755, 764), made available an amount not to exceed \$2,005,000 of money appropriated in the Emergency Relief Appropriation Act of 1935 for the acquisition of certain lands in Yosemite National Park.

Since the fiscal year ending June 30, 1948, every annual Department of the Interior Appropriation Act has contained funds for the purchase of inholdings in National Park Service areas.

The efficacy of an appropriation for the acquisition of land within the units of the national park system as sufficient legal au-

thority for the purchase or condemnation thereof was upheld by the U.S. Court of Appeals for the Ninth Circuit in the case styled *United States of America v. Dan T. Kennedy*, 278 F. 2d 121 (1960), which held that an inholding in Mount McKinley National Park could be acquired under the authority of an appropriation for the acquisition of lands within units of the national park system even though that particular national park was not mentioned in either the appropriation act or in its legislative history.

Appropriated funds are made available to the National Park Service usually in the annual fiscal year act making appropriations for the Department of the Interior and related agencies as a construction item for the acquisition of lands, interests therein, and improvements.

Land funds to initiate acquisition in newly authorized project areas are often included as a construction item in an act making supplemental appropriations allocating funds for acquisition of lands, interests therein, improvements, and related personal property.

The acts authorizing the establishment of new project areas sometimes include monetary ceilings limiting the amounts to be spent for the real property.

The Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), authorized a program of public works.

Executive Order No. 7064 dated June 7, 1935, provided that, as a part of the program Project No. 723—known as the Olympic project of the National Park Service of the Department of the Interior—certain lands would be acquired in Clallam and Jefferson Counties, Wash. Funds were allocated to the Department of the Interior by the said Emergency Relief Appropriation Act of 1935.

Mr. McINTIRE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this legislation, and also the amendment which has been offered by the chairman of the committee. I have the privilege of serving on the Committee on Agriculture.

I rise also to say that I want to advise the committee of a communication which I think is of interest at this point for the RECORD.

The National Association of State Foresters reaffirms its earlier position of supporting a portion of H.R. 3846, land and water conservation funding bill, dealing with a new program of Federal 50-50 matching grants-in-aid to the State for State and local outdoor recreation planning land acquisition and development projects. This phase of the bill is of great importance to the State. It is hoped that a proposed amendment to be introduced on the House floor this week under open rule will help clarify the authority of land acquisition by the U.S. Forest Service, Department of Agriculture.

This communication is signed by Austin Wilkins, vice president of the National Association of State Foresters.

I am interested that this be made a part of the RECORD so that the views of this association may be well known to the Members of the House.

Mr. OSTERTAG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the distinguished gentleman from Colorado and his committee for the excellent work they have done in the development and presentation of this most important legislation, H.R. 3846, known as the Land

and Water Conservation Fund Act. When this bill is enacted, substantially in the form in which it has been laid before us, it will be a conservation milestone to which we can look with pride and satisfaction. It may well provide one of the most far-reaching conservation programs in our history.

The demand for outdoor recreation is developing at such a rapid pace, with more and more people constantly enjoying the benefits of our great outdoors, that this Nation must now take these steps to meet the needs of our present and future generations. It is fitting that this be done on the basis of a Federal-State partnership, as provided by the terms of this legislation.

In my 19 years as a member of the New York State Legislature and during my 14 years in the U.S. Congress, I have consistently favored the principle of a moderate charge to the public for use of Government-developed recreation areas. This is only fair and equitable since many taxpayers are unable to use the areas. In my State there is little or no objection to a small charge for picnicking or camping on a well-developed area; these small charges still afford one of the greatest recreation bargains in the Nation. While charges are now being made on some Federal recreational areas, it is only fair to the taxpayers that a moderate charge be made on all areas where substantial facilities have been installed, and must be maintained under increasingly heavy use.

If we expect to purchase and develop adequate recreational areas on our national parks and national forests—and I believe we must—then adequate Federal funds must be made available. At the same time the funds from this program can provide a strong impetus to the recreation programs of the States and localities; 60 percent of the funds from this program would be made available to the States for development and acquisition of recreation areas.

Now, I understand there is some concern about the procedures for approval of land purchases which would be made by the U.S. Forest Service under this program. The Forest Service has been purchasing land under the Weeks law since 1911. Every land purchase, no matter how small or large, must be approved by the National Forest Reservation Commission. Two distinguished Members of the House and two from the Senate are members of this Commission. It seems to me that this existing legislative authority for the purchase program has worked well over the years and should also be employed for this program. Furthermore, under the terms of this bill, funds must be made available by means of congressional appropriations from the land and water conservation fund before any tract can be purchased. This will provide another congressional review of the purchasing program.

Therefore, Mr. Chairman, I believe the committee has shaped a sound and reasonable program, and I urge passage of this land and water conservation fund bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. ASPINALL] to the amendment offered by the gentleman from North Carolina [Mr. COOLEY].

The amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from North Carolina [Mr. COOLEY].

The question was taken, and the Chair being in doubt, the Committee divided; and there were—ayes 64, noes 83.

Mr. COOLEY. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. COOLEY and Mr. MORRIS.

The Committee again divided, and the tellers reported that there were—ayes 88, noes 88.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. ROBERTS OF TEXAS

Mr. ROBERTS of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBERTS of Texas: On page 25, line 23, strike out paragraph (b) of section 2, Surplus Property Sales, and renumber the succeeding paragraphs of the section.

Mr. ROBERTS of Texas. Mr. Chairman and members of the Committee, my amendment is very brief. It is standard procedure to say, This is a very simple amendment—and mine is a very simple amendment. All it does is gut this bill.

I make no bones about any statement I make or what my stand is. I do not think you will ever hear me up here trying to deceive you about what I am trying to do. I am trying to pull out all of the Government surplus property that not many of you know is in this bill.

If you have in your district or in your State a military base or a navy yard or hospital or any other Government facility and if it should be declared surplus, it will be sold and the proceeds will be deposited to this fund. That will bring in somewhere between \$75 million and \$150 million a year.

As I told you, all I am trying to do is to gut the bill. I want to take out that much money and then there will not be any demand for the bill.

Let me say this to you in another way. As of the minute that this bill is passed, 60 percent of every military base that is surplus belongs to the States. No, not to your State—not the State where the military base is located. But it belongs to the States collectively—to be distributed on a two-fifths—three-fifths basis. Three-fifths to be determined by the Secretary of the Interior.

I have a lot of confidence in the present Secretary of the Interior specifically as long as, and certainly as long as he gets such good advice as he gets from the distinguished gentleman from Arizona. But I do not know how long he is going to be down there. So I think the only thing to do with this bill is to take the Government surplus section out.

The Congress refused to give control over the Government surplus to the Armed Services Committee. Why on

earth should every bit of the Government surplus in the United States—all the real property and the appurtenances, though not personal property—be put aside for a fund for recreation?

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Texas. I am happy to yield to the gentleman from Mississippi.

Mr. ABERNETHY. There are some provisions, or at least there were some provisions, in the law providing that a property owner from whom the lands were taken would have preference as to a privilege of repurchasing, to the exclusion of anyone else, before the property could be sold to other persons. Would this bill void that preference?

Mr. ROBERTS of Texas. I would believe not. Certainly that would be a matter for the courts to decide. In my particular home town it has already been decided that those rights were no good anyhow.

Mr. ABERNETHY. They are some good, because I have had experience with that. I have had some experience with respect to the disposition of property of this character. The original owner was given preference to repurchase the land which was taken from him.

If this bill would void that particular provision in the law, I certainly believe someone on the committee ought to advise us about it and offer appropriate language to take care of that statute.

Mr. ROBERTS of Texas. I do not see how we could pass a bill which could possibly affect a land title already in existence.

Mr. ABERNETHY. I am not speaking of a land title. I am speaking of a right an original owner has to repurchase land declared surplus.

Mr. ROBERTS of Texas. I think that would be a right in the land. I do not believe we could do anything to affect it.

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

Mr. ROBERTS of Texas. I yield to the gentleman from Iowa.

Mr. KYL. The answer to the gentleman from Mississippi is very clear, from the language of the bill. There is a prescribed procedure set by law for the disposition of the property.

Mr. ABERNETHY. Military surplus property?

Mr. KYL. The language provides that the land, real estate and appurtenances, can be transferred first to other agencies of the Federal Government and then to the States and local governments for educational purposes, for health purposes, and so on. The bill would not affect, in any way whatsoever, any of the law governing the disposition of the property. It merely provides that after one has gone through all the procedure which the gentleman has described then if the property is sold the net proceeds—not the gross proceeds but the net proceeds—will go to the fund.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, on request of Mr. ABERNETHY, Mr. ROBERTS of Texas was given permission to proceed for an additional 5 minutes.)

Mr. ABERNETHY. Would the gentleman cite the language in the bill which takes care of this situation?

Mr. KYL. I do not have that before me. We can certainly find it. We can give that in a moment.

Mr. ROBERTS of Texas. I believe I can assure the gentleman that I was the author of an amendment to the bill in the committee which tracks as nearly as possible the present law. I do not see how it could affect that situation.

The sole question in this matter is whether we want all of the Government surplus property to be set aside into a fund over which the Congress will have no control, or whether we believe we can handle the Government surplus a little better than somebody over whom we have no control.

I hope the amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. ROBERTS].

The amendment was rejected.

AMENDMENT OFFERED BY MR. TAYLOR

Mr. TAYLOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR: On page 24, line 12, after the period add the following: "In the Smoky Mountains National Park unless fees are charged for entrance into said park on main highways and thoroughfares, fees shall not be charged for entrance on other routes".

Mr. MORRIS. Mr. Chairman, will the gentleman from North Carolina yield to me?

Mr. TAYLOR. I will be glad to yield to my committee chairman.

Mr. MORRIS. His amendment is exactly the intention of this committee that that be done, and as far as the committee is concerned, we accept the language of the gentleman from North Carolina.

Mr. TAYLOR. I thank the gentleman very much.

Mr. Chairman, as members of the House Interior Committee know, the Smoky Mountains National Park was created as a result of joint contributions of the States of North Carolina and Tennessee and the Federal Government. Land embracing the Smoky Mountains National Park was purchased by the States of North Carolina and Tennessee and donated to the Federal Government. Numerous citizens of North Carolina and Tennessee made gifts and donations to aid the States in purchasing this land. Fundraising dinners were held.

Many roads leading into the park had been constructed by the States and were conveyed by deeds of gift to the Federal Government. The Tennessee deed contained a provision that no fees could be charged on the State roads conveyed. One such road subject to this restriction is the road from Gatlinburg to Newfound Gap, which is the main entrance to the park.

The North Carolina deed did not contain such a restriction, but the North Carolina Highway Commission in 1938, in the resolution authorizing the deed, found as a fact that the commission had been assured that no fees would ever be charged.

It would be very inequitable to charge entrance fees into this park through certain entrances and not through other entrances. It would be difficult for us to live with that situation.

This amendment would prevent such from happening. Its effect would be that all entrances be treated alike and that, if fees are not charged for traveling on the main highways and thoroughfares, they shall not be charged for driving on any of the park roads or entering any section thereof.

The CHAIRMAN. The question occurs on the amendment offered by the gentleman from North Carolina [Mr. TAYLOR].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 25, line 13, after the word "administration" strike the period, insert a comma, and add the following: "Provided further, That no free passes shall be issued to any Member of Congress or other Government official."

Mr. GROSS. Mr. Chairman, this is the simplest amendment that has been offered today. There have been a lot of simple ones, they say, but I am sure every Member can understand this one. It is as plain as the nose on the end of your face. If you are going to expand the admission fees and thus tax the people of this country to enter the parks and other recreational areas, then Members of Congress and other officials ought to be fair enough to forgo those passes that they now get from the National Park Service—this free ride. This amendment gives Members the opportunity to get off the backs of the taxpayers and pay as you go along with all other citizens.

Mr. ASPINALL. Mr. Chairman, will my good friend from Iowa yield to me?

Mr. GROSS. I will be delighted to yield to my friend from Colorado, the committee chairman.

Mr. ASPINALL. As chairman of the committee, not having talked to the committee, I am glad to accept my friend's amendment. I receive passes each year, but I invariably pay, because I think anyone using these facilities should pay for them.

Mr. GROSS. Thank you. I am glad the amendment is going to pass with such ease in the House of Representatives.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am always pleased to yield to our distinguished Speaker.

Mr. McCORMACK. With the acceptance of the amendment, is the gentleman going to vote for the bill?

Mr. GROSS. Of course, the gentleman is a little premature with that question. I do not know what other amendments may yet be adopted to the bill.

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

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

Mr. SAYLOR. I am happy to accept the gentleman's amendment.

Mr. GROSS. I thank the gentleman and yield back my time.

The CHAIRMAN. The question occurs on the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Colorado: On page 25, line 18, after "both" strike out the balance of line 18, all of lines 19, 20, 21, and 22 and insert, "Any person charged with a violation of such rules and regulations may be tried and sentenced by any United States commissioner specially designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in title 18 of the United States Code, section 3401, subsection (b), (c), (d), and (e), as amended."

Mr. ASPINALL. Mr. Chairman, will my colleague from Colorado yield?

Mr. ROGERS of Colorado. Yes. I will yield to my chairman.

Mr. ASPINALL. We in the committee are willing to accept this amendment. We have not taken into consideration the advice, perhaps, that we should have from the Committee on the Judiciary. It so happens my colleague from the First District of Colorado has shown to us that the language we use is different from the language formerly used and which is more appropriate in this instance and which is good language.

Mr. ROGERS of Colorado. I thank you.

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

Mr. ROGERS of Colorado. I am happy to yield.

Mr. SAYLOR. I would like to say that I am happy to accept the amendment and the wisdom of the Committee on the Judiciary.

Mr. ROGERS of Colorado. Thank you.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. ROGERS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. EDMONDSON

Mr. EDMONDSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDMONDSON: On page 25, line 2, after the words "or charges" insert the words "authorized by this Act."

Mr. EDMONDSON. Mr. Chairman, this is a technical and limiting amendment which I understand the committee is prepared to accept.

Mr. ASPINALL. Mr. Chairman, the gentleman from Oklahoma is correct. The committee accepts this amendment.

The CHAIRMAN. Without objection, the amendment is agreed to.

There was no objection.

AMENDMENT OFFERED BY MR. EDMONDSON

Mr. EDMONDSON. Mr. Chairman, I ask unanimous consent that the amendments which I now offer, which I have labeled 1, 2, and 3, may be read in their entirety and considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. EDMONDSON: On page 23, line 2, strike the word "nonrecreational."

On page 23, line 4, strike the period, insert a comma, and the following: "or at any reservoir or lake constructed or authorized to be constructed pursuant to legislation providing specifically that water areas shall be open to public use generally, without charge."

On page 23, line 21, add a new sentence as follows: "No fee shall be collected from any person not actually entering a recreational facility or service area at land or water areas heretofore described, with the exception of the annual fees set forth in paragraph (1), which may be collected at time of actual entry or at any time."

Mr. EDMONDSON. Mr. Chairman, I do not know when a body of men has been more patient with one individual than this committee has been with me here today. I have had far more than the amount of time I would normally ask on a matter and to those whose time privileges have been invaded or abused I sincerely apologize.

This is the most serious kind of legislation possible in the district and State which I represent. When I tell you that we had 15 million visitor days at the Army Engineer reservoirs alone last year, of people attending and using them, without any fee of any kind, you can understand the concern I have over this legislation.

The purpose of this set of amendments—and I understand the chairman intends to offer a substitute for them—is to assure that there will not be any fee of any kind charged for the use of the waters if they are part of a navigation system; that is, whether they are used by a recreational boat or a non-recreational boat. The present language of the bill provides for fees only on recreational boats on waters that are units in a navigation system. It is my conviction that this could be a fatal wedge for waterway tolls if it were allowed to stand in its present form.

I understand the chairman's substitute will accept this principle and will eliminate the difference between nonrecreational and recreational. Whether you vote for the chairman's substitute or for my amendment I think this is a most important group of amendments and I hope that attention will be given to the arguments presented by our distinguished chairman in support of his substitute.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Chairman, I offer a substitute amendment to the Edmondson amendments.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL as a substitute amendment for the amendments offered by Mr. EDMONDSON: Page 23, line 1, after the period, strike out the next sentence and insert in lieu thereof the following:

"Strike all of the Edmondson amendment and insert the following in lieu thereof at the place where the first of the Edmondson amendments would be inserted:

"No fee of any kind shall be charged under any provision of this act for use of waters that are in fact navigated by commercial freight-carrying vessels or at any reservoir or lake constructed or authorized to be constructed without expense to the United States on account of recreation or the enhancement

of fish and wildlife and pursuant to legislation providing specifically that water areas shall be open to public use generally, without charge."

Mr. ASPINALL. Mr. Chairman and Members of the Committee, this goes further—I must be honest with my friend the gentleman from Oklahoma [Mr. EDMONDSON]—than he wanted me to go. This does provide that as far as navigable waters are concerned there shall be no fee charged for the use of those navigable waters for the purposes which have been expressed in the amendment. But it goes a little bit further than that and carries with it also the idea and the statement that if Federal moneys are used in the construction and development of water areas, no matter where they are found, that these shall be chargeable, and it is because of this second principle that it seems to me we could go that far and still not upset the philosophy behind this bill.

Mr. Chairman, I understand my colleague's feelings about navigable waters and, most certainly, we do not wish to upset the traditional customs that we have followed in the past as far as the charges of navigable waters are concerned. But on the other hand, if improvements are made and if water areas are made available, most certainly if they are to be found in such position as to come under the purview of this act as far as charges are concerned, they should bear the same charge as any other areas in the United States.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. The second part of the chairman's substitute does exempt from fee any reservoir or lake which is constructed without expense to the United States on account of recreation or the enhancement of fish and wildlife and pursuant to legislation providing specifically that water areas shall be open to public use generally, without charge. It requires both of those conditions as I understand it.

Mr. ASPINALL. The gentleman is correct.

Mr. EDMONDSON. But if they are present, those areas as well as the areas that are navigated would be free from fee; is that correct?

Mr. ASPINALL. The gentleman is correct.

Mr. EDMONDSON. I thank the gentleman.

The CHAIRMAN. The question is on the amendment of the gentleman from Colorado [Mr. ASPINALL] to the amendments of the gentleman from Oklahoma [Mr. EDMONDSON].

The amendment was agreed to.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Oklahoma [Mr. EDMONDSON] as amended.

The amendments were agreed to.

AMENDMENT OFFERED BY MR. ULLMAN

Mr. ULLMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ULLMAN: On page 23, line 14, after "United States Code"

insert "or any road within the national forest system or a public land area."

Mr. ULLMAN. Mr. Chairman, this is a technical amendment that goes to the problem of access roads in the forest and public land areas and deals with the problem of blocking access on those roads.

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

Mr. ULLMAN. I am happy to yield to the gentleman from Colorado.

Mr. ASPINALL. The gentleman has brought to the attention of the Members of the Committee a situation which we think does need attention in this particular legislation. We are glad to agree to the gentleman's amendment and accept it.

Mr. ULLMAN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment of the gentleman from Oregon [Mr. ULLMAN].

The amendment was agreed to.

LAND AND WATER CONSERVATION ACT—A GOOD BILL

Mr. CLEVELAND. Mr. Chairman, it is a pleasure to speak in support of the Land and Water Conservation Fund Act. In the last two decades, the American people have made increasing use of their excellent State and National Park Systems. Unfortunately, the growth of these systems has not kept pace with our growing population and its growing use of these parks.

In recognition of this fact, on June 28, 1958, Congress established the Outdoor Recreation Resources Review Commission. One of the members was my good friend, the late Katharine Jackson Lee of Peterborough, N.H., director of the American Forestry Association. It is my pleasure to serve with Mrs. Lee in the New Hampshire State Senate for several years. ORRRC's purpose was:

To determine the outdoor recreation wants and needs of the American people. * * * To determine the recreation resources of the Nation. * * * To determine what policies and programs should be recommended to insure that the needs * * * are adequately and efficiently met."

On January 31, 1962, ORRRC submitted its report to the President and the Congress.

BILL CAREFULLY CONSIDERED

This legislation, H.R. 3846, is designed to implement the recommendation of this report that additional recreational areas should and must be acquired and that the individual States should devise comprehensive plans for the acquisition and preservation of suitable land and water areas.

The careful preliminary study and the long and thoughtful committee deliberations that have laid the groundwork for this legislation are in happy contrast to some legislative matters that we are being asked to consider. In particular, I would like to commend the broad bipartisan support and effort that underlies this important proposal.

Under the titles of this act, provision is made for the establishment of a fund, similar to the highway trust fund.

The major function of this fund would be the acquisition of lands for recreational and conservation purposes. The moneys would be divided on an approximate 40-60 basis—40 percent for national parks and forests and 60 percent for State parks—and would be provided by charging admission and user fees at certain Federal recreational areas, by the net proceeds from the sale of Federal surplus property, and by the proceeds from Federal taxes on motorboat fuels.

Although I view with concern the increasing amount of federally owned land and plan to introduce legislation designed to arrest this trend, I still view with favor the acquisition of additional recreational properties for the enjoyment of our citizens when and where needed. There is much Government-owned land that can and should be sold. Indeed, the sale of Federal surplus property—if wisely planned—will do much to obtain the funds necessary for the recreational and conservation purposes of this important legislation.

NEW HAMPSHIRE ALREADY LEADS THE WAY

Mr. Chairman, this fund will be of great value to all States, for the preservation and best use of their land and water resources. In my own State of New Hampshire—already nationally famous for its superb recreational facilities and as a vacation haven for thousands of visitors annually—it will be possible, under the provisions of this act, to provide additional facilities which will enable many additional Americans to enjoy the beauties and pleasures of our numerous lakes and mountains.

As I have stated, Mr. Chairman, New Hampshire has available some of the finest recreational facilities in the Nation. In addition, I feel that my colleagues should know that for many years the New Hampshire State Park System, under the leadership of Russell Tobey, son of the late U.S. Senator Charles Tobey who once represented my congressional district, has pioneered in the concept of user fees for our State parks and recreational facilities. These have not proven unduly burdensome and have permitted the development of better recreational and conservation facilities in the Granite State. Thus, I view with approbation recognition by the Federal Government that user fees are not an unreasonable device and are a sound step toward self-sufficiency in this day of appalling deficits. Based on our experience in New Hampshire, it seems wise and fair to operate a Federal program on revenues obtained in part, at least, from those citizens who make the most use of them.

NEW HAMPSHIRE HOME OF WHITE MOUNTAINS NATIONAL FOREST

Not only does the State of New Hampshire have a fine State park system, it is also the home of the White Mountains National Forest, the fourth busiest national forest in the country. It covers 11 percent of the land area of our State and last year recorded more than 3.6 million visits by people from all over the Nation. Included in the White Mountains National Forest are the beautiful White Mountains crowned by the

lofty Presidential Range. Here, too, in Franconia Notch one finds the symbol of the Granite State, the famed Old Man of the Mountains, Nathaniel Hawthorne's "Great Stone Face."

During the 2-week recess from which we have just returned, I personally toured the White Mountains National Forest with Forest Supervisor Gerald Wheeler. I learned from firsthand observation that there are many needed improvements which passage of this legislation will make possible sooner. Increased camping facilities and improvement of the road system are just two of the many items which this act will help make possible now rather than in the distant future.

FAIR TO PRIVATE ENTERPRISE

The concept of user fees incorporated in this legislation is also important for additional reasons. In my State of New Hampshire, many people have organized private camping grounds which are an important supplement to those supplied by the State and Federal Governments. It is unfair to those private interests to have their Federal competition providing free facilities that their own taxes are helping support. For this reason, I hope that user fees will be designed to encourage, not discourage, private enterprise in the recreation and conservation field. Some objection has also been noted to taking moneys from the highway trust fund, but, in view of the fact that this comes from the tax on motorboat fuels, I fail to see the logic of the complaint. As a staunch supporter of the concept of the highway trust fund, I still support this phase of the legislation. In fact, I introduced H.R. 5601 to provide that the proceeds of all highway user taxes shall be used only to finance the Federal highway program.

Mr. Chairman, it is my hope that Congress will not long delay the passage of this vital, badly needed legislation.

Mr. SAYLOR. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois [Mr. McCLOY] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. McCLOY. Mr. Chairman, in urging support for this bill I am considering the broad interests of conservation of our great land and water resources. The bill affords opportunities for acquiring increased land and water areas, as well as for their appropriate utilization by our citizens.

This bill is certain to benefit not only today's citizens, but future generations of Americans, as well.

In the interests of round conservation practices and in behalf of the recreational, social, and cultural welfare of our great Nation, I urge support for this bill (H.R. 3846).

Mr. FULTON of Tennessee. Mr. Chairman, the objectives of the Land and Water Conservation Fund Act are worthy and necessary. I am a staunch advocate of extending and developing our recreational facilities in the United States to meet the increasing future demands on

rapid population growth, increased leisure time, and greater mobility.

Also, through additional recreational programs thousands of jobs will be available for the unemployed, particularly the unemployed in the Appalachia area.

However, I am opposed to the provision that would levy entrance and user fees for recreational facilities in our national parks and reservoirs. I am opposed to this section of the bill for several reasons:

First, the bill's provisions do not follow historical precedent. It reverses the long-established policy that there would generally be no charge to the American people for the use of waterways. Also, it could limit the future expansion of outdoor recreation to the public. Imposing fees and charges would increase the cost of recreation which could limit the appeal of these facilities and discourage public interest in their use.

I cannot support a bill that would deny families in the very low and middle income brackets the opportunity to share together the pleasures and beauties of their national parks and their reservoir areas. Even in this land of great wealth, there are still those who find it difficult to set aside money for paid relaxation and recreation. What if our local governments decided to charge fees for the use of public playgrounds.

This bill, if passed without amendments, might well cause our Nation to be known as the land of the fee, rather than the land of the free.

If recreational values decrease, the justification of additional projects are questioned and future plans would be threatened. In my own district under the proposed bill we are considering today, justification for such projects as the Percy Priest Dam would most likely not have been possible.

Second, entry fees, other than the sticker charges, are too loosely controlled. There are no meaningful congressional guidelines or limitations on the determination of the amounts of rates to be charged.

Third, it would be very difficult to collect this admission fee. The fee collection would be burdensome and costly. The amount collected would be minimized by the cost of administration.

Mr. Chairman, the existing lakes and areas belong to the citizens and were paid for with their money. The people should not be forced to pay for the use of these public facilities.

Mr. EDWARDS. Mr. Chairman, I consider H.R. 3846 one of the most important bills to come before this Congress, and I am hopeful that this House will approve it with a resounding majority. It comes to us most carefully researched and developed by the Outdoor Recreation Resources Review Commission, a bipartisan body, which studied the recreational needs of this Nation for years, and full debate and consideration in committee. There can be no question that unless we act soon our park areas, green spaces, and water recreational facilities will be so overburdened that they will not in fact be able to provide true recreation. The need for expanded facilities is here right now, but the future

needs of an expanding population with great leisure time require sensible preparation and planning. The bill would coordinate the efforts of the many Federal departments now peripherally concerned with public recreation. It embodies the wise principle of planning at the State level. The problems, however, are national and I believe it is the clear duty of Congress to assist the States in meeting this national need.

There are those who object to the fees to be charged for the use of certain facilities. I cannot believe that most of our citizens who use and enjoy facilities established for their pleasure will object to paying very minimal fees when they understand that the moneys collected will be used for the expansion and improvement of our parks, our seashores, and our waterways. Everyone knows that the increase in boating in this country has been phenomenal. Indeed, in some rivers and lakes the congestion resembles Pennsylvania Avenue at 5 p.m. It seems right and proper to me that users of gasoline for motorboats should have the opportunity to have the fuel taxes used to build better waterways.

Finally, I would like to say that this bill is crucial in the State of California where the recreational needs of mushrooming industrial communities present staggering problems. California is far ahead of many States in establishing joint authorities such as the Regional Recreation Committee of the Association of Bay Area Governments. Studies have been underway for a long time to develop an aquatic park which would serve the cities of Fremont, Hayward, Newark, and Union City. This park would, however, be a boon not only to the immediate residents, but to the many visitors and vacationers from every State. Likewise, my constituents will be able to enjoy the lake areas of Minnesota, the parks and beaches on the eastern seaboard. As it is now campers know that they must stop early in the day if they are to find a suitable place to pitch their tent.

This bill is clearly in the best interests of the people of this country, and I hope that minor criticisms will not deflect us from fulfilling our clear duty to pass H.R. 3846 this afternoon.

Mr. STAEBLER. Mr. Chairman, I wish to add my support and speak briefly about the truly significant and far-reaching conservation legislation before us—H.R. 3846, the land and water conservation fund bill.

The State of Michigan is richly blessed with an abundance of magnificent recreation resources. Tourists from throughout the country visit Michigan each year to enjoy our long stretches of beautiful open country, to hunt and camp in our magnificent forests, to fish and swim in our bountiful lakes, rivers, and streams. But in a recent year we had to turn back one out of every five campers because we lacked the space and facilities to accommodate them. Similar situations are occurring throughout the country and will occur more frequently if we fail to plan and provide necessary funds to meet the growing demand for outdoor recreation.

The situation we face in Michigan is typical throughout the Nation. Michi-

gan is a growing, progressive State. By the year 2000, Michigan population is expected to be 60-percent greater than it is today. This increased population will mean added pressures on our land and water resources for food, housing, and all the myriad needs of a growing population. The population will be higher, incomes will be increased, leisure time will be more abundant, and mobility will be greater. Already, our new four-lane highway from the southern boundary of Michigan to Sault Ste. Marie has opened up vast new areas of the State to weekend vacationers.

Michigan has recognized the need to look ahead and plan for the future—to set aside some of our choice land and water areas for public recreation and enjoyment.

In 1960 we passed a bond issue to finance a land acquisition and park improvement program. The program is helping—but it is not enough. The land and water conservation fund bill which this body is considering will give the added assist to assure that we in Michigan can meet the growing demand from our own citizens and from thousands of out-of-State tourists who seek opportunity to enjoy our great Michigan outdoors.

I would like to comment briefly on one particularly important aspect of the bill before us. First, the legislation is based on the philosophy that the States should play the pivotal role in providing outdoor recreation opportunity for their citizens. The bill provides for 50-50 matching grants to the States for planning, acquiring, and developing outdoor recreation areas and facilities. A portion of the fund money would go for Federal purposes, but most of it would go to the States. They would use it to plan, acquire, and develop the outdoor areas needed to serve our growing needs.

I urge prompt approval of this important legislation. It is a sensible approach to the problems every State faces in providing adequate outdoor recreation opportunities needed to assure our Nation's health, happiness, and well-being.

Mr. ROOSEVELT. Mr. Chairman, I rise in support of H.R. 3846, the Land and Water Conservation Fund Act.

This measure, which proposes to increase and improve our outdoor recreation facilities, is urgently needed by our ever-growing population which is blessed with an ever-increasing amount of leisure time. It is noted that special entrance and user fees will now be charged at certain recreation areas, and such revenues will be put into a special fund for the aforesaid purposes, and also to permit Federal acquisition of certain land and water areas. It is most earnestly hoped that such sums will be put to the best possible use so that the greatest benefit may inure to all our citizens, and I am confident the Congress will make its usual careful and continuing examination of the program to be established by this legislation to assure that this will be the case.

The bill now under debate has met with widespread approval, indeed, with enthusiasm, by the residents of my congressional district in California, and I

am pleased to give it my strong endorsement, as requested by the considerable number of letters I have received in its support.

Mr. WIDNALL. Mr. Chairman, I urge the adoption of H.R. 3846, the bill to establish a land and water conservation fund.

This bill is supported by 49 States, 43 Governors of States, the major national conservation and recreation associations, county, and city officials from coast to coast, and local public, and private organizations too numerous to mention.

Major impetus was given the bill by the Outdoor Recreation Resources Review Commission, a bipartisan group that included eight Members of Congress, and was headed by Laurance Rockefeller. Appointed in 1958, the Commission made its report to the President and to the Congress in 1962, and this report showed that the need and demand for outdoor recreation space had become one of basic significance. The Commission reported that:

Americans are seeking the out of doors as never before, with about 90 percent of them participating annually in some form of outdoor recreation.

It is clear, too, that the present recreation opportunities are far from adequate and will be in even shorter supply in the year 2000 as our population reaches the 350 million mark, as it is expected to do.

This legislation is in the deepest long-range interest of the Nation and the support for it is bipartisan.

This fund would be financed by modest admission and user fees at certain Federal recreation areas designated by the President; revenues from the sale of surplus Federal real property; the present motorboat fuels tax; and repayable advance appropriations up to an average of \$60 million annually over an 8-year period beginning the 3d year after enactment. Not 1 red cent of the fund could be spent until appropriated by the Congress through the usual route and with the usual safeguards. It is clear that there is no backdoor financing provided for in this measure.

Fifty percent of annual appropriations from the fund would be available to the States on a 50-50 matching basis, and the specific conditions required to protect both the fund and the public are as follows:

First, the area must be specifically designated and posted.

Second, the area must be administered by a Federal agency, a requirement which clearly excludes areas under lease to State or local public agencies.

Third, facilities located in such Federal recreation areas are provided at Federal expense.

Fourth, the areas must have scenic, scientific, historical, cultural, recreational, or wilderness purposes and values.

I would like to point out that no fees of any kind may be charged under the provisions of this bill for nonrecreation use of waters of the Federal navigation system; for travel through areas on Federal-aid highways; for access to private inholdings; for any commercial or other activities not related to recreation; or as a Federal hunting and fishing license.

It is highly significant, I am sure we all will agree, that all but one member of the House Interior and Insular Affairs Committee supports the present bill completely.

We have been a nation which historically, has had an almost unlimited land area with seemingly limitless prairies, and beautiful mountains, lakes, valleys, and vistas which were a delight to the soul.

However, our urbanized civilization is claiming more and more of our lands each year, and its natural beauty has already disappeared in some places and is on the way to disappearing in still others.

The land and water conservation fund would preserve many of these areas, enhance still others which are threatened, and thus would be a sound investment for ourselves and our posterity.

This fund would enable States to play an increasingly important role in preserving, improving, and enhancing recreation areas which will become increasingly important to us in the years ahead.

It is for these reasons that I support this bill and urge my colleagues to do likewise.

Mr. EDMONDSON. Mr. Chairman, I want to congratulate the distinguished and able chairman of the Committee on Interior and Insular Affairs, and other members of the committee who have participated in this debate.

We have been dealing with a matter of great national significance, and no one has questioned the worthwhile objectives inherent in the establishment of a land and water conservation fund bill.

My special appreciation is extended to the able chairman of the committee for the recognition he has given to the time-honored tradition that our waterways should remain free to all boats and vessels.

The Aspinall substitute to the amendment which I offered on this subject, while not as far reaching as my own, will undoubtedly preserve this important principle in the legislation.

There can be no mistake about the provision, "no fee of any kind shall be charged under any provision of this act for use of waters that are, in fact, navigated by commercial freight-carrying vessels," and about the effect of that provision in barring any fees or tolls on such waters.

I earnestly hope that the Members of the other body will accept this principle when they consider this bill, and will enlarge upon it to make it quite certain that all waters of this country remain free to vessels and boats of all kinds. The serious constitutional question presented by any Federal attempt to impose fees for taxes upon vessels using navigable waters should be carefully considered in the other body, in the light of the O'Toole memorandum which has been made a part of this record.

When that consideration has been given, I hope and trust we will end up with a bill which continues the great American tradition of complete freedom of movement upon the lakes, streams, and waterways of our country.

The CHAIRMAN. The question is on the committee amendment, as amended. The committee amendment as amended was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 3846) to establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people, and for other purposes, pursuant to House Resolution 738, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

Mr. WESTLAND. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. WESTLAND. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WESTLAND moves to recommit the bill to the Committee on Interior and Insular Affairs.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Washington [Mr. WESTLAND].

Mr. WESTLAND. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the Speaker announced that the yeas had it.

Mr. WESTLAND. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred twenty-three Members are present, a quorum.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

CONVEYANCE OF TWO TRACTS OF LAND SITUATED IN SALT LAKE CITY, UTAH, TO THE BOARD OF EDUCATION OF SALT LAKE CITY

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9021) to authorize the conveyance of two tracts

of land situated in Salt Lake City, Utah, to the board of education of Salt Lake City, with Senate amendments thereto, and agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

"That (a) the reversionary clause effective with respect to the following described tract of land which was conveyed by the United States to the Mount Olivet Cemetery Association of Salt Lake City, Utah, pursuant to the Act of January 23, 1909 (35 Stat. 589), shall not operate with respect to such tract of land so long as such tract is used for the public purposes specified in such Act or for public school purposes:

"Beginning at the southwest corner of the Mount Olivet Cemetery Association property (said point being 100 feet north from the original southwest corner of the Fort Douglas Military Reservation and in the north line of Sunnyside Avenue, Salt Lake City, Utah); running thence north 0 degrees 00 minutes 28 seconds east along the west line of the cemetery property 237.76 feet; thence southeasterly along the arc of a 573-foot radius curve to the right (tangent to which bears south 57 degrees 37 minutes 13 seconds east) a distance of 157.06 feet; thence south 41 degrees 49 minutes 59 seconds east 21.23 feet; thence southeasterly along the arc of a 730.146-foot radius curve to the left, a distance of 183.86 feet, to a point in the south line of the cemetery property, which is the north line of Sunnyside Avenue; thence south 89 degrees 59 minutes 50 seconds west along said north line of Sunnyside Avenue 272.77 feet to the point of beginning. Containing 0.75 acre.

"(b) The reversionary clause effective with respect to the following described tract of land conveyed by the United States to the Mount Olivet Cemetery Association of Salt Lake City, Utah, pursuant to the Act of January 23, 1909 (35 Stat. 589), and subsequently conveyed by such association to Salt Lake City, Utah, pursuant to the Act of April 3, 1952 (66 Stat. 36), shall not be operative with respect to such tract so long as such tract is used for the public purposes specified in such Acts or for public school purposes:

"Beginning at the original southwest corner of the Fort Douglas Military Reservation, which is located in Salt Lake City, Utah, and running thence north 0 degrees 00 minutes 28 seconds east along the west line of said military reservation, a distance of 100.00 feet, to the north line of Sunnyside Avenue; thence north 89 degrees 59 minutes 50 seconds east along said line 272.77 feet to a point in a curve, tangent to which bears south 56 degrees 15 minutes 38 seconds east; thence southeasterly along said curve to the left having a radius of 730.146 feet, a distance of 94.71 feet to a point of intersection with the west line of 14th East Street produced north; thence south 0 degrees 02 minutes 40 seconds west 52.64 feet to the south line of Sunnyside Avenue; thence south 89 degrees 59 minutes 50 seconds west along said south line of Sunnyside Avenue which is also the south line of the said military reservation, a distance of 354.77 feet to the point of beginning, containing 0.77 acre, more or less."

Amend the title so as to read: "An Act to authorize the use of two tracts of land situated in Salt Lake City, Utah, for public school purposes."

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

Mr. PHILBIN. Mr. Speaker, the basic purpose of this legislation is to permit a school to be built on certain property which the Government had previously deeded without the reversionary clause contained in the original deed taking effect.

H.R. 9021 as passed by the House of Representatives would permit the current holders of title to two contiguous parcels of land to convey an area totaling 1.52 acres to the Board of Education of Salt Lake City, Utah.

The Senate amendment was in the form of a substitute of new language in lieu of that proposed in the House-passed bill. It would broaden the reversionary clause itself with respect to a tract of land conveyed by the United States to the Mount Olivet Cemetery Association of Salt Lake City, Utah, pursuant to the act of January 23, 1909, to permit two smaller contiguous portions of land in question to be used for public school purposes.

Since the objective and the intent of the House bill remain the same, I have no objection to adoption of the Senate version.

WE MUST REVERSE OUR COURSE— WE ARE NOT CHANGING THE WORLD, THE WORLD IS CHANG- ING US

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and include three editorials.

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

There was no objection.

Mr. WHITTEN. Mr. Speaker, on May 4 I addressed the House at some length. This speech, the title to which is "We Must Reverse Our Course—We Haven't Changed the World, the World Has Changed Us," is on page 9964 of the Record of May 4, 1964. At that time I said:

It is in our country where people are being led to lie in the streets, to block the highways, to force their way into businesses to get what they want. No longer are people being taught to work, save, and accumulate capital so they may get ahead in the future. We have accepted foreign ways. We accept their policy of the shortcut; to demand, strike, insist upon, divide, and ask for what the other fellow worked for and has accumulated is condoned, if not promoted. The real tragedy is that a whole new generation is being taught that this is the way to get results. It is said individual rights must come ahead of property rights. My friends, if there were no property rights there would be no individual rights to enjoy.

With all the violence occurring in our Nation, I hope that once again you will read that entire speech.

Mr. Speaker, under leave to include other matter I include herewith: An editorial from the Manchester (N.H.) Union Leader, "Attack on Mississippi," of the date of July 18, 1964; an editorial from the July 13, 1964, issue of the Memphis (Tenn.) Commercial Appeal, "Has Negro Leadership Failed?" and an editorial from the July 20, 1964, issue of the Jack-

son Daily News, "New FBI Figures Show State Lowest in Crime."

This speech and these articles tell the story of "Destruction From Within":

[From the Manchester (N.H.) Union Leader, July 18, 1964]

ATTACK ON MISSISSIPPI

It is becoming increasingly more difficult to make a fair evaluation of the situation in Mississippi because so much of the coverage of events there has ceased to be factual news reporting and has instead turned into an attack upon the State.

Hysteria is replacing reason in evaluating the racial difficulties in Mississippi. Newspapers are carrying viciously distorted reports about the State. A leading magazine, which likes to boast about its alleged objectivity, noted sarcastically that Mississippians attend churches more often than they burn them and was even so silly as to refer to its girls as "gumchewing debutantes." A major television network canceled an hour of prime viewing time in order to run a bitter indictment of the State. This sort of thing, of course, does not help the situation.

The time has come to put the Mississippi matter into proper perspective by facing up to some stark facts.

It is—let's face it—imprudent for civil rights workers to be trying to cause what they like to refer to as "a long, hot summer of discontent" in Mississippi. By doing so they are unwisely inviting violence and risking lives, just as Mississippians would be doing if they were to take it upon themselves to go to Harlem to crusade against the Negro terrorism in that area.

It is hypocritical for so many northerners to express so much concern over racial disorder in Mississippi and at the same time ignore it or try to rationalize it when it occurs in their own backyard. When Negro gangs recently began a wave of terror in New York City, for example, many authorities swore that racial tension was not at all involved—even though the attackers were Negroes and the victims whites. And when a group of Negroes went on the rampage in Chicago recently, robbing and ransacking a store and beating and knifing several whites, the police tried to explain that they were "just looking for kicks." Mississippians at least admit that they have racial problems.

The attack on Mississippi is not only imprudent and hypocritical, it is unfair. The Magnolia State's bad points are being examined with a magnifying glass and its good ones virtually ignored.

We get the impression that Mississippi is crime ridden, but actually it has the second lowest crime rate in the United States. We hear that it is a poor State, but never seem to hear that it is having tremendous success in attracting new industry. If a bombing or killing takes place in Mississippi it's a national disgrace, but if 75 bombings and 11 killings occur in one decade in Youngstown, Ohio, to name one northern city, no one seems to particularly care.

Mississippi's racial problem, we should try to realize, is unique. Forty-two percent of its population is colored. Most northerners cannot imagine, let alone understand, what this is like. Naturally, Mississippians resist radical change because it would throw the balance of political power into the hands of people who are by no stretch of the imagination capable of voting intelligently. This happened once in Mississippi's history—during the reconstruction era—and it nearly wrecked the State. It is not wise for the civil rights workers to be registering Negroes to vote before they are even able to read and write. They should be putting first things first.

Certainly the persons responsible for the disappearance of the three civil rights

workers in Mississippi have done a despicable thing. But to condemn an entire State because of this incident about which no facts are known is simply not fair. Indeed, it is rather strange that the persons in charge of the civil rights operations in Mississippi have so easily escaped any blame. As Columnist Joe Alsop, Newsweek magazine, and others have pointed out, they were hoping in the back of their minds for violence so that the Federal Government would intervene in Mississippi. Toying with persons' lives, like this for political gain is irresponsible and cheap and should be strongly condemned instead of simply ignored.

Like it or not, admit it or not, racial disorder in the United States is not confined to the borders of the State of Mississippi or even to the South. The North has extremely serious racial problems which will become even more serious if we continue to soft-peddle them.

Northerners should stop spending their time attacking Mississippi and start working harder to clean up their own backyard.

Mississippi's problems, let us realize, are best understood by Mississippians and will be best solved by their efforts, not by the agitation and condemnation of northerners who foolishly demand a quick answer to an extremely complex problem which is going to require a good deal of time, patience, and understanding.

[From the Memphis (Tenn.) Commercial Appeal, July 13, 1964]

HAS NEGRO'S LEADERSHIP FAILED?

(By Cora Walker)

(NOTE.—Cora Walker, 39, a Negro attorney who lives and works in New York City's Harlem, believes Negroes must assume some of the blame for their own conditions and a large share of the responsibility for improving them. In this dispatch, adopted from a recent speech, she agrees that the Negro should not give "to any group of people the right to determine whether or not we are equal to them.")

Negroes are as much to blame for the present conditions as the white majority.

Most well-educated Negroes are very sensitive about this point, and will not even discuss it. But there is no question that the Negro has failed to develop the necessary leadership, which is essential for people to live together and function as a constructive, enlightened, progressive group of people.

Progress, freedom, and equality cannot be given or conferred upon any group of people. The group progresses when the whole group moves ahead.

Are we Negroes striving to make our communities livable? Are we bent on using our resources to create jobs and other opportunities for our youth? Or are we looking to and begging others for these things?

The Negro can be found telling his child that he cannot possibly learn anything in school unless he sits next to a white child, that the school is inferior unless white children attend it. There are some Negroes who insist that someone else develop the ideas, construct the factories, supply the materials, turn on the lights, and then look for him to give him a job.

In other words, the Negro has actually assumed a role of inferiority.

The fruits of a vast measure of the Negroes' labor can be found in the rows and rows of gleaming automobiles which stand idly on the uncleaned streets of his community. The fruits of his labor also endow the numerous bars, liquor stores and cocktail lounges throughout his community.

It has created the greatest boom in the wig business in the history of the industry. In Harlem alone, Negroes spend \$150 million a year on automobiles, \$80 million on liquor, and \$75 million on wigs and hair pieces.

Do you realize, with all that waste of money, over 90 percent of the businesses in Harlem are owned, controlled and managed by whites from outside the community? We do not create, manufacture or develop any of the goods we use.

Is this because of segregation? Or is it ignorance as to values? Or is it lack of ambition? Or a lack of initiative?

It should be made clear that many of our problems are self-inflicted and that any meaningful progress must come from the Negro himself.

Progress will begin when the Negro faces up to the fact that many of the black masses still possess the slave mentality. Their bodies are not enslaved and they are no longer someone else's property. But they are slaves in the only way a man can truly be a slave. That is in his mind.

There is no question but that the creation of a slave is brought about by an intensive brutal indoctrination over a long period of time. Negro slaves, after being properly "brainwashed," were not kept behind bars, were never enchained, and, in fact, had high places of trust in the slavemaster's own family.

The real bars to his freedom were erected in his mind. He was dependent on his master for everything the human body and spirit needed to survive. He was not allowed to develop the most basic social relationships.

Today, as a matter of fact, Negro communities are almost devoid of the necessary social institutions and relationships which are so essential for a viable community.

How can these qualities of mind be restored to a mentally enslaved person to make him once more a part of the family of man?

First, a pride in his heritage must be restored. He must rekindle the spirit to do for himself what every other group of people in the world is doing for themselves. All of us must understand that all other groups devote a good part of their lives, activities, money, and time to protect and develop their young people, who still subsequently take up where they leave off and continue to build, grow, and achieve.

By doing this we will come to respect ourselves, our communities, our race, and thereby gain the respect of others. Bigger cars, more gadgets certainly will not achieve this goal.

To start we must recapture our history and our heritage. Our young people will have to be taught the important achievements and contributions made by black people throughout history. I cannot stress this enough.

A project to educate and direct every person living on a single block in any one of our ghettoed areas to register and vote on an issue which will meet a serious problem of the group will really be meaningful progress.

It must be remembered that, after all, the only things a real man wants to share with another man are his ambitions, his energies, and his responsibilities. I do not think we should ever give to any group of people the right to determine whether we are equal with them.

We must continue to fight against inhuman actions but we should do it as a prepared people—prepared to finish whatever we undertake and to give a good account of ourselves, whether we win or lose.

Our task will be difficult and unending because the price of achievement of freedom and self-determination is eternal vigilance and hard work.

Let us prepare ourselves for a busy, useful, and constructive life. It is only in this way that we can achieve the things we say we want. Our future and our destiny are in our hands.

[From the Jackson (Miss.) Daily News, July 20, 1964]

NEW FBI FIGURES SHOW STATE LOWEST IN CRIME

Serious crime in the United States increased 10 percent in volume during 1963 over 1962, yet Mississippi had the lowest rate of any State in the Nation according to figures released in the FBI annual crime report.

Mississippi registered a total of 393.2 offenses based on the rate of 100,000 persons, with North Dakota second lowest showing 472.9 total offenses and West Virginia third from the bottom with 473.7 total offenses.

The highest rate of crime based on the 100,000 figure was attributed to Nevada with 2,990.1 offenses and California following a close second with 2,164.2 offenses.

FBI Director J. Edgar Hoover noted that the continued upswing in crime during 1963 was consistent in all areas led by the suburban communities up 13 percent, and cities averaged 10-percent rise, while rural areas accounted for only 6-percent increase.

The trend was greatest in the Northeastern States, registering 13-percent increase, Southern States 12 percent, and Western States 10 percent.

FBI Director Hoover also pointed out that crimes against property had an overall 11-percent rise, while crimes against the person showed a 5-percent increase with aggravated assault up 6 percent and forcible rape and murder 1 percent each.

There were over 2¼ million serious crimes reported in 1963.

Hoover warned that crime in the United States is increasing 5 times faster than the population growth, pointed out that since 1958 the Nation's population rise of 8 percent has been outstripped by a 40-percent increase in crime. In 1963, there were 12 serious crimes and victims for every 1,000 persons in the national population.

The FBI figures disclosed that during 1963 for the Nation as a whole, there were 35 arrests for all types of criminal acts per 1,000 inhabitants. In the cities, the arrest rate was 42 per 1,000, suburban area 19, and rural areas recorded 15 arrests per 1,000 population. Volumewise, the number of city arrests remained about the same level as 1962; however, suburban and rural areas each had a 6-percent increase in arrest activity.

Hoover said that the city arrest total was substantially influenced by a decrease in arrests for the offenses against public order such as drunkenness, vagrancy, disorderly conduct, and the like, while arrests for major criminal activity were generally up. He said that police arrests nationally for the serious crimes rose 8 percent, 1963 over 1962, which was one indicator of law enforcement's increased activity to meet the growing crime problem.

During 1963 arrests of young persons under 18 years of age for criminal acts soared 11 percent. This was the 15th consecutive year to register an increase. Since 1958 police arrests of juveniles have increased twice as fast as the young age population growth. For all criminal acts these young offenders made up 17 percent of all police arrests.

The report revealed that 88 law enforcement officers died in line of duty in 1963, 55 of them victims of vicious killers. Since 1960, a total of 168 officers have been murdered performing their official tasks.

A review of the criminal histories of the persons responsible for these murders disclosed that 79 percent had prior records of arrests.

Mr. Hoover concluded his report stating, "If we are to reverse our national crime trend, the average citizen must have a better comprehension of its cost in human suffering and economic loss. We are all directly involved, yet to some the problem seems remote despite a rapidly rising victim risk rate.

Law enforcement in performing its duty of preserving law and order and protecting life and property merely asks that each law-abiding citizen recognize his responsibility by reducing the opportunity for crime, by providing positive assistance to police and by keeping the total crime problem in proper perspective."

DODD FOR VICE PRESIDENT

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the Record and include an editorial.

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

There was no objection.

Mr. MONAGAN. Mr. Speaker, in discussing the various potential Vice Presidential nominees on the Democratic ticket, there has been some tendency to forget the availability and qualifications of the distinguished senior Senator from my own State of Connecticut.

John Chamberlain, the well-known columnist, is one who has long been aware of Senator Dodd's outstanding qualifications. I was happy to note that in his column of July 22, 1964, in the Waterbury-Republican, Mr. Chamberlain pointed out the many valid claims for consideration which Senator Dodd's designation might have, based upon his courageous and far-seeing positions on points of broad national interest.

For the general information of my colleagues, I append the appropriate portion of Mr. Chamberlain's column to these remarks:

L.B.J.'S OPTIONS FOR VICE-PRESIDENTIAL SLOT (By John Chamberlain)

The nomination of BILL MILLER, a Catholic from New York State, for Vice President on the Republican ticket puts pressure on Lyndon Johnson to balance like with like, but it still leaves the Democrats with plenty of options. If they want to pick a Catholic for Vice President at their Atlantic City convention, they can choose from a panel that includes Senators EUGENE MCCARTHY, of Minnesota, MIKE MANSFIELD, of Montana, and TOM DODD, of Connecticut. In addition to this they have Bobby Kennedy and Peace Corps Man Sargent Shriver.

The claims of Tom Dodd, of Connecticut, should be getting more consideration in Democratic ranks. Dodd is battling 1,000 when it comes to foreign policy. It wasn't so very long ago that Dodd was telling his fellow Senators—and the Nation as a whole—that the United States was pulling a big boner in lending prestige and money to the U.N. campaign to unseat Moise Tshombe in the Congo. President John F. Kennedy teetered for a moment in Dodd's direction, then decided to go along with the U.N. thesis that the Congo must be unified by carrying open war against Tshombe's Katanga Province, which was described as secessionist. Dodd, of course, knew that Tshombe had only become a secessionist with great reluctance. Tshombe had been for a Congo federation based roughly on the analogy of the American system.

Well, a year and a half of U.N. policy for the Congo has passed into history, and the Congolese have had to call upon the rejected Tshombe to essay the virtually impossible task of holding their country together.

Tom Dodd has claims to vindicated prophecy on every foreign policy issue which has engaged his attention. He told the world that Ghana was falling out of the Western orbit

in Africa long before the State Department saw it that way. He warned his fellow Senators that Prime Minister Cheddi Jagan, of British Guiana was a Castroite willing to accept help from Moscow when Britishers were saying that Jagan was, at worst, just a Tito. He opposed the neutralization of Laos, predicting that a tripartite division of that country into rightist, neutral, and leftist strips would result in a Communist stab at complete takeover.

TOM DODD has always been a "Johnson man" in the Democratic Party. He risked his political neck for L.B.J. in Connecticut in 1960. Johnson is lucky to have a friend whose record for accurate assessment of foreign affairs realities is virtually without a blemish.

AMERICA'S NEED FOR BARRY GOLDWATER

Mr. WYMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

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

There was no objection.

Mr. WYMAN. Mr. Speaker, for years now thoughtful Americans have become increasingly concerned at the drift of America away from strength and toward weakness. Liberal policies of spend and charge have weakened our fiscal strength to a perilous point. We have frankly appeased Communist aggression to the extent of permitting a Communist government to become established and to continue in this hemisphere in spite of its dangerous military implications.

As an alternative, BARRY GOLDWATER offers the assurance of return to policies of fiscal and military strength, as well as encouragement of internal morality and adherence to principle in the National Government.

The differences between the policies of the Johnson administration and those of BARRY GOLDWATER are profound, in virtually every aspect of domestic and foreign policy. Americans will have a real choice at the polls in November. I believe most voters will choose strength, freedom, and honor. They will choose GOLDWATER despite the present voices of discord in this period of adjustment.

In the weeks and months to come there will be an increasing awareness on the part of those who heretofore have felt that GOLDWATER's positions were unacceptable to them, that GOLDWATER's positions are neither rigid nor unreasonable, but are open and acceptable. This includes particularly the Northeast United States where I come from.

The umbrella represented by the Republican Party is large enough to hold all groups and welcome under it a new alignment of Americans of whatever political party who realize that if the policies of the present administration are continued, dollars saved and dollars earned by Americans everywhere will become virtually worthless. Even worse, the national security will be so compromised by accommodation of Communist nations as to render the United States and the world highly vulnerable to Communist

destruction which is still its blueprint for world conquest.

An excellent editorial in Foster's Daily Democrat of Dover, N.H., predicts that BARRY GOLDWATER will be elected President of the United States next November. I share this prediction. After the convention of the opposition party, Republicans everywhere, together with independents and aroused and concerned Democrats, will join together to support this courageous American who honestly and sincerely stands for policies that will save the United States, its people, its economy, and its jobs from the road to ruin that is the spend and run of Lyndon Johnson.

I commend this editorial to the reading of all presently reviewing the nomination of BARRY GOLDWATER to be President of the United States:

GOLDWATER'S NOMINATION

Naming Senator BARRY GOLDWATER of Arizona as the Republican nominee for President has implications that the majority of easterners fail to realize.

First and foremost is the fact that so-called "liberalism," as practiced by the Federal Government for better than 30 years, has been carried out so fast that a natural reaction has developed in many parts of the country. The industrial East has not yet realized that this aversion to many of these dominating principles has grown so strong.

Second: Heretofore, the eastern part of the country has, to a large degree, controlled the GOP, and we do not grasp the fact that the people west of the Mississippi are now in the driver's seat. Feeling in the West against the "liberal" philosophy of the Democratic Party and of the "moderate" Republicans, finally reached the boiling point. This revolt includes Democrats of long-standing, as well as Republicans.

The West fathered many of the "progressive" ideas that have dominated the U.S. political scene for two generations, with the East more or less remaining conservative. The fact is that there has been a reversal in area philosophy, with the West leading a reaction against its earlier political beliefs, and turning drastically conservative in its outlook, while the East has adopted most of the "liberal" philosophy.

Third: Though the "moderate" Republican leaders have argued that there is a vast difference between the Democratic and GOP brands of "liberalism," they have never succeeded in making the average Republican voter get away from the "me-tooism" idea. In principle there is little difference between the two major parties. As long as that thought has prevailed the GOP could never win an election fought only on political principles. The personal popularity of General Eisenhower carried the party to victory twice, but in these two instances principles carried little influence.

Immediately following every national convention there is a lot of bitterness expressed, but rarely does any party fail to heal these differences. The East should realize that its days of party control are over.

Americans as a whole are disgusted with Washington's wishy-washy foreign policy, or rather lack of any definite policy. Republicans want to get away from the prevailing thought of "me-tooism" that grips the average voter, whether or not the charge is true.

Fiscal irresponsibility that is rapidly leading the Nation to near bankruptcy with disastrous inflation is worrying everyone. A nation with the great majority of its families handicapped by mortgages on their earnings for years to come, a situation which is primarily responsible for the country's apparent prosperity, is not in a healthy condi-

tion. The now not very subtle moves to make our Government 100-percent socialistic has also alarmed hundreds of thousands of thinking people, who still believe in the free enterprise economy. Overall the Democratic administration in Washington today is extremely vulnerable.

We really believe that as people begin to appreciate the true significance of BARRY GOLDWATER's nomination they will get behind him.

And we predict that, contrary to present ideas, BARRY GOLDWATER can be and will be elected President of the United States next November.

LEGISLATIVE PROGRAM FOR WEEK OF JULY 27

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

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

There was no objection.

Mr. REIFEL. Mr. Speaker, may I ask the majority leader for the program for the balance of this week and what may be expected for next week?

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

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

Mr. ALBERT. There is no further legislative business for this week.

The program for next week is as follows:

Monday is District Day, and there are eight bills to be considered. They are as follows:

H.R. 8451, amend District of Columbia Sales Tax Act.

H.R. 9975, Woodrow Wilson House, tax exemption of.

H.R. 9995, Secret Service retirement, credit for prior police service.

H.R. 10683, police and firemen residence requirement.

H.R. 10777, divorce, amend requirements for.

H.R. 11222, amend Horizontal Property Act.

H.R. 11652, Supreme Council, Scottish Rite Freemasonry, tax exemption of.

H.R. 5990, amend Charitable Solicitation Act.

On Tuesday, H.R. 3873, with regard to medical care for fishing boatowners. This will come up under an open rule, with 1 hour of general debate.

For Wednesday and the balance of the week:

H.R. 11865, Social Security Amendments of 1964. This is a closed rule, waiving points of order, and providing for 5 hours of general debate.

H.R. 9070, with regard to the National Wilderness Preservation System.

This statement is made, of course, subject to the usual reservation that conference reports may be brought up at any time, and that any further program will be announced later.

ADJOURNMENT UNTIL MONDAY, JULY 27

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourns to meet on Monday next.

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

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY, JULY 29

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Calendar Wednesday may be dispensed with on Wednesday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

FILING OF REPORTS BY COMMITTEE ON DISTRICT OF COLUMBIA

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight Friday night to file certain reports.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

GENERAL LEAVE TO EXTEND REMARKS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill, H.R. 3846.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SALE OF WHEAT TO RUSSIA

Mr. REIFEL. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. NELSEN. Mr. Speaker, with great fanfare last fall, the administration cooked up its famous deal to sell wheat to Russia. In doing so, it made glowing promises that American wheat would not go to Cuba and other Russian satellites. At the same time, the administration insisted on giving Russia guaranteed credit, a demand that many of us opposed when we were called back to Washington on Christmas Eve to vote on the question.

Now, while the Organization of American States is meeting in Washington, with the United States claiming that it wants economic sanctions against Castro's Cuba, it appears that the wheat we have been selling to Russia is being reloaded aboard ships bound for Cuba. It makes our proposals for new action against Cuba sound rather hollow.

I call your attention to a statement by Joseph J. Lombardo, of Brooklyn, national commander in chief of the Veterans of Foreign Wars, who demands vigorous investigation of the

situation, and who asks that all shipments of U.S. wheat to Russia be suspended pending the completion of such an investigation. I request that the VFW release, including Mr. Lombardo's statement, be included in my remarks:

WASHINGTON, D.C., July 21.—The National commander in chief of the Veterans of Foreign Wars of the United States, Mr. Joseph J. Lombardo, of Brooklyn, N.Y., today called for a suspension of U.S. wheat shipments to the Soviet Union pending investigation of reports that our wheat is being transshipped to Cuba.

Explaining the VFW's position, Commander Lombardo said, "according to press stories, the captain and first mate of a U.S. ship report that U.S. wheat is being unloaded at a Russian Black Sea port and reloaded aboard a ship bound for Cuba. This is a direct violation of the terms under which the wheat sale was made to the Kremlin."

"It would appear, therefore," Commander Lombardo continued, "two vital issues are involved: First, the Soviet Union breaking its agreement with the United States, and second, the use of U.S. wheat as a means of strengthening the Castro Communist regime in Cuba. If this is happening, then the United States finds itself in the strange position of building up a regime dedicated to our own destruction."

"The VFW urges," Commander Lombardo added, "that an immediate and vigorous investigation be undertaken by the appropriate agencies of the U.S. Government to ascertain the correctness of these reports of the Kremlin sending U.S. wheat to Cuba. The VFW also urges that pending the completion of such investigation, U.S. wheat shipments should be completely suspended. If such reported doubledealing by the Soviet Union is correct, U.S. interests will have been protected by suspending such shipments immediately." Continuing, Commander Lombardo explained, "the investigation should not be confined to the matter of transshipment of U.S. grain to Cuba alone. If transshipment of our wheat to any Communist nation has taken place, it is, also, in violation of the wheat sale agreement, and would also justify termination of the arrangement."

Concluding, Commander Lombardo stated, "this entire episode of a U.S. merchant ship being shot at and boarded in international waters, together with the U.S. captain's report of transshipped wheat to Red Cuba, demonstrates clearly the background of hypocrisy, ingratitude, and apparent outright breach of faith on the part of the Kremlin. But, of course, we should have learned long ago that we shouldn't be surprised by any of these actions by the Soviet Union."

WHEAT BILL

Mr. REIFEL. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. NELSEN. Mr. Speaker, in the words of a well-respected individual in the milling industry, "this new wheat bill has brought chaos, confusion, and the most demoralized price situation that I think I have ever seen in the 43 years I have been in the milling industry."

The Government wheat program is expected to drop the market price about 52 cents a bushel below that of last year. Millers are required to pay a tax of 70

cents per bushel for all wheat ground into flour. This would seem to indicate the millers will have to pay a net of about 18 cents more per bushel for their wheat. Many in the flour-milling industry have not yet reached a decision on what they will have to charge for their flour and, of course, the situation is further complicated by the Federal grand jury investigation which hangs over the industry.

The confused situation which has confronted the flour-milling and bakery industries in the past few weeks could have been avoided had the Secretary of Agriculture and his aids in the Department consulted with the industries affected as to how they might adapt their business practices with the new certificate wheat plan. Having failed to recognize the need for such consultation in the first instance, the Secretary of Agriculture has now launched a campaign of advance criticism in an attempt to browbeat the industries into holding down the price of flour, according to an editorial which recently appeared in the *Bakers Weekly*. I ask that this editorial be printed in the RECORD at this point in my remarks:

[From the *Bakers Weekly*, July 20, 1964]

FLOUR AND BREAD PRICES—MADE-TO-ORDER THEORIES VERSUS MARKET REALITIES

At the Department of Agriculture the other day Secretary Orville L. Freeman called a press conference to give a report on the wheat certificate program that went into effect July 1. He used the occasion to expound his own concept of the economics of the wheat, flour and bread markets, and in particular, the proper price patterns that should be expected on flour and bread.

To no one's surprise, he told the assembled reporters, and through them the Nation, that despite the addition of a 70-cent-per-bushel tax on wheat now paid by the mills, there should be little or no adjustment in flour and bread prices.

Here are his own words from his statement distributed at the conference: "There is no justification for any substantial increase in flour prices this year, nor will the price of wheat and flour justify higher bread prices."

The Secretary's argument was buttressed by a carefully selected combination of statistics and assumptions. The average price of wheat declined by 56 cents between April and June this year "to the lowest level in 18 years." There was no decline in flour prices in those 3 months, he adds.

He makes much of the fact that mills were building inventories meanwhile, and that July asking prices don't reflect the lower cost of wheat bought before the tax went into effect. The fact that sales are currently down, he adds, "would indicate the baking industry reflects this view."

We suggest to Secretary Freeman that any checkup with buyers and sellers of flour in recent weeks would have disclosed that bakers were anxiously building inventories to get under the wire before the tax went into effect, with the millers doing their best to accommodate them. That was the chief reason for slack trading the first part of July. The other reason was that neither of the two industries most vitally concerned were able to determine just how much impact the new wheat tax would have on flour prices, and how soon—so the prevailing policy until early this past week has been one of watchful waiting.

(As reported in our National Affairs pages, the market broke into action again last Tuesday, touched off by a substantial sale of bakery flour at \$5.53, a price 58 to 65 cents above the same day a year ago.)

In both milling and baking industries, the trends in wheat and flour prices are closely observed by professional specialists. They do as little guessing as possible because mistakes can be very costly to themselves and their companies. However, they have recognized just one fact, obvious to any realist in or out of business. That is the fact that any arbitrary addition to the cost of wheat paid by the miller must be passed on to the baker, who in turn has no alternative but to adjust bread prices to cover the added cost of his major ingredient.

Secretary Freeman is duty bound to see that the farmer gets the benefit of whatever special grants Congress decides to give him. We cannot understand why that should justify a campaign of advance criticism of the industries on whom the farmer depends to put his crops through the channels of distribution and processing and into consumption.

We would also urge that he and his staff could do a more effective job for all concerned—from farm to table—if they consulted with the industries concerned and studied the realities as well as the theories involved in making these programs work.

LET'S NOT ENACT UNSOUND LEGISLATION

Mr. REIFEL. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. FRELINGHUYSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, it has been announced that the House Rules Committee will decide next Tuesday, July 28, whether or not to grant a rule on the Powell-Landrum poverty package, H.R. 11377. Because the President has placed this bill on his must list, it is assumed that a rule will be granted. I trust that this will not be the case.

One statement which I made yesterday while testifying before the Rules Committee has been widely quoted in the press. Since that statement, taken alone, implies that I am pessimistic that the House may accept this unwise proposal, should a rule be granted, I should like to clarify my position. I wish to make clear that I am confident this bill can be defeated, should it reach the floor of the House.

I did testify before the Rules Committee to the effect that patent and increasing pressure by the President might well force a vote, that Members generally do not want to vote for poverty, and that the minds of many Members are already made up. Unfortunately, however, the press accounts which I have seen failed to point out the specific reasons which I gave the Rules Committee which leads me to believe that many Members, both Democrats and Republicans, will vote against—and not in favor of—this unwise proposal.

It is the basic weakness of the bill, the unprecedented powers which it would give to a new, and unnecessary, Federal agency, and the dangers which this new agency poses to time-tested relationships between the Federal Government and our State and local governments, which

make me optimistic, not pessimistic, about the prospects for defeating this bill. This bill represents unsound legislation; it should be defeated.

I testified yesterday that this "poverty package" would make possible the financing by the Federal Government of private as well as public agencies, if a showing can be made that such agencies are engaged in fighting poverty. An organization such as the NAACP, for example, could receive Federal financing for a local "community action" program. As another example, the organization requesting help might have a religious affiliation. While I believe such organizations are meritorious, I do not believe their efforts should be automatically financed by taxpayers' money. To make matters worse, the community where a federally financed project would operate would have no power to decide whether or not this Federal money should be made available. Nor, I might add, would the State government have any role, except for such "comment" as a Governor might make. Such powers to a poverty czar, in my opinion, are far too broad.

This kind of Federal intervention, I testified, is not only unprecedented, it is entirely unwarranted. It would be an open invitation for struggles for power by various organizations within a community, without any control by that community over the Federal funds. In testimony before the Rules Committee several weeks ago, I pointed out that in New York City, for example, a well publicized struggle for power by various "poverty" organizations is already underway. For the Federal Poverty Director to have sole authority to tip the scales in such struggles seems to be both unwise and unnecessary. Mayor Wagner, I might add, specifically requested some control over use of Federal "poverty" funds in his city, but his suggestion has not been heeded.

In conclusion, Mr. Speaker, let me say once again, this "poverty package" has been hastily drafted, and it has not been adequately considered by the many committees which have most knowledge of, and experience with, the proposals contained in it. In my opinion, this bill's controversial and complex provisions would better be considered next year, when the political campaigning will be behind us.

THE FPC AND REA

Mr. REIFEL. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. LANGEN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. LANGEN. Mr. Speaker, it was my privilege earlier today to submit a statement before the Senate Commerce Committee in support of S. 2028, which is of particular interest to me, since I have introduced H.R. 8058, an identical bill. It, too, would seek to amend the Federal Power Act so as to prohibit the Federal Power Commission from extend-

ing its activities into nonprofit cooperatives. I would like to share my remarks with my colleagues in the House:

Much has been said by interested persons, both pro and con, as to the FPC's jurisdiction over certain electric cooperatives and the intent of Congress as to such jurisdiction. It is reassuring that Congress has chosen to exercise its rightful and proper duty in clarifying that intent and in defining the limitations of the Commission. This is the place, of course, where such authority finally rests.

I believe this bill should be enacted. It is necessary for a number of reasons, not the least of which was the show-cause order issued by the Federal Power Commission on July 22, 1963. That order was issued against Dairyland Power Cooperative, Minnkota Power Cooperative, and the South Central Rural Electric Cooperative, to show cause why they should not comply with the Commission's regulations on rate schedule filing, accounting, and reporting.

It is my contention that FPC intrusion into the operations of these electric cooperatives not only was not necessary, but constitutes a burden on the cooperatives, which, up to now, had existed without incident under the exclusive jurisdiction of the Rural Electrification Administration.

These cooperatives are faced with unwanted and burdensome expenses whether they fight the show-cause order or comply with it. If they fight it, the burden of proof is on the shoulders of the cooperatives, that can ill afford the expense of litigation. If they decide to comply, they are saddled with the added time and expense of accounting and reporting to the FPC.

Further, it is my interpretation, which was shared by Howard Morgan of the FPC in his dissenting opinion, that it was not the intent of Congress that the power provided the Commission by the Congress for the regulation of privately financed electric companies should be used for the regulation of rural electric cooperatives. Commissioner Morgan said that he didn't believe the Commission should dissipate its limited staff and resources in an attempt to expand its jurisdiction when, by the Commission's own admissions, limitations of staff and other resources already prevented it from solving problems in areas where it does have jurisdiction.

Gentlemen, there also is a big difference between an electric cooperative, which serves its owner-patrons in a geographic area that crosses State lines than a business dealing for profit in interstate commerce. This was graphically portrayed in Commissioner Morgan's dissenting views on the show-cause order:

"I believe Congress assumed that to carry out the objectives of rural electrification, cooperatives located almost exactly on the border between two States (such as Minnkota Cooperative and Dairyland Cooperative in the order) would engage in interstate commerce in the course of electrifying or supplying the immediately contiguous rural area in the adjoining State. And naturally, Congress assumed that in purchasing its power supply from a private company, a cooperative (such as the South Central Cooperative named in the order) might buy from a private profit company subject to regulation under part II of the Federal Power Act. But there is no evidence that Congress intended that non-profit rural electric cooperatives were to be subject to regulation under part II of the Federal Power Act."

In favoring this bill to more clearly direct the scope of activity for the FPC, I also must register some concern over the possibility of a further move into the field of cooperatives by the Commission. Authority to regulate electric cooperatives could conceivably be used as a stepping stone to eventual FPC

control of REA on every level of activity all the way down to the local co-ops, on the premise that individual co-ops buy power from the larger generating and transmitting cooperatives.

It is also noted that the Secretary of Agriculture is convinced that FPC jurisdiction over REA-financed systems would conflict with and overlap the statutory responsibilities of the REA Administrator. I would agree.

Even the Federal Power Commission's own statement to the Congress, relating to the bill under discussion here, failed to offer convincing reasons for not passing this bill. And contrary to the Commission's claim, this bill would not create problems for the FPC in its present regulatory capacity, since this bill merely adds nonprofit cooperatives to the list of businesses or other instrumentalities already excluded from FPC jurisdiction.

In closing, I would like to call attention to the complete absence of public clamor for FPC jurisdiction over electric cooperatives. All through my years as a State legislator and a Member of Congress, I have yet to receive a letter or request suggesting the need for such jurisdiction. Were such demands prevalent, I am sure they would have been conveyed to me, since one of the three cooperatives named in the show-cause order is that of the Minnkota Power Cooperative, which serves a good portion of my Congressional District.

As an REA patron of Minnkota, on my farm, I can, by experience and first-hand knowledge, assure you gentlemen of the high regard that is held throughout the area for the proficient service and management that has been provided by them over the years.

It would be tragic to burden these fine people, who have electrified America under the adequate supervision of the Rural Electrification Administrator, with the hardships that would result from further and unnecessary Government intervention.

It is for these reasons that I respectfully urge your favorable consideration of this legislation to establish a clear intent of Congress on the scope of activities intended for the Federal Power Commission.

CREDIT GUARANTEES TO COMMUNIST SHOULD BE SUSPENDED

Mr. REIFEL. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. FINDLEY. Mr. Speaker, here is the text of a letter I sent today to President Johnson requesting him to call a halt to further Communist trade credits pending investigation of suspected transshipment of wheat to Cuba by the Soviet Union:

JULY 23, 1964.

The Honorable LYNDON B. JOHNSON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Soviet Union's suspected transshipment to Cuba of United States wheat rekindles public concern over the hazards of trade with Communist countries. If transshipment has occurred, it is a violation of the agreement made between your administration and the Soviet Union.

On February 5, 1964, you notified Congress of your official determination that the extension of trade credit guarantees to the Soviet Union and six other Communist gov-

ernments is in the national interest. You did so under authority granted very reluctantly last Christmas eve by the Congress.

As a result, the Import-Export Bank, an institution owned and financed entirely by U.S. taxpayers is now authorized to give credit guarantees to the Soviet Union and the other Communist governments. I respectfully urge you to withhold further guarantees while our governmental intelligence agencies are getting the facts on the reported transshipment to Cuba.

If the investigation shows the Soviet Union did in fact violate the shipping agreement, the credit guarantees should, in my opinion, be permanently withdrawn, together with other appropriate steps.

Your action now to withhold further guarantees would be a clear warning to the Soviet Union and its satellites that the United States views with deep concern the reported violation of the export agreement. To permit your offer of credit guarantees to stand unchanged would be to invite further violation.

Sincerely yours,

PAUL FINDLEY,
Representative in Congress.

Mr. Speaker, surely we are not so hungry for trade that we will extend credit to Communist governments which go back on their word.

U.S. BALANCE OF PAYMENTS

Mr. REIFEL. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CURTIS. Mr. Speaker, on March 19, the Joint Economic Committee issued a report on "The U.S. Balance of Payments." The report followed a lengthy series of scholarly and highly useful hearings on the continuing balance-of-payments problem which confronts our Nation.

The Republican members of the committee, including myself, joined with the majority in signing that report because we felt that many of the findings and recommendations were pertinent to the problem and, if backed by the full weight of the committee, would have a greater impact upon policy.

Our support for the report, however, was not without reservations. It will be noted that many of the minority members wrote brief footnotes of dissent or clarification on a number of points throughout the report. In addition, Senator JACOB K. JAVITS and I wrote additional views.

Because of the importance of the report, Mr. Donald A. Webster, minority economist of the committee, asked Dr. Howard S. Piquet, senior specialist in international economics at the Library of Congress, for his comments on it. Dr. Piquet has responded to that request with a letter dated July 7 as well as a lengthy statement of detailed comments on the committee report.

I believe that Dr. Piquet's analysis should be read carefully by all those with an interest in this difficult and continuing problem posed by the balance of payments. Dr. Piquet has advanced the

debate significantly by his thoughtful criticism of the committee's report.

I ask unanimous consent that a copy of his letter of July 7 to Mr. Webster of the committee staff and a copy of his detailed comments on the committee's balance-of-payments report be included in the RECORD at this point.

THE LIBRARY OF CONGRESS,
Washington, D.C., July 7, 1964.

Mr. DONALD A. WEBSTER,
Joint Economic Committee,
New Senate Office Building,
Washington, D.C.

DEAR DON: Some weeks ago you said you would like to have my comments on the committee's March 19 report on "The United States Balance of Payments." Other assignments have interfered with my doing this for you, but I have finally succeeded in putting my thoughts on paper. I hope they will not be too late to be useful to you.

My overall criticism of the report is that it advances boldly up to the threshold of the problem and then stops abruptly—like a knight in armor against the fortress gate.

Quite properly, the report stresses the need for international "adjustment," but it fails to discuss what adjustment means. At just the point where it seems to be getting somewhere it abruptly tosses the ball into opponent territory, by saying that it is up to the "surplus" nations to do all the adjusting. There seems to be little appreciation of the fact that adjustment means adjustments "within" domestic economies, in both surplus and deficit countries. To be effective, adjustment involves changes in individual prices, wages, and interest rates, as well as the movement of labor and capital out of marginal lines of production into more efficient lines, as competitive imports increase.

What is popularly known as the "balance-of-payments problem" is not merely the problem of overcoming recent and present "deficits" of some \$3 billion per annum—the amounts by which exports of funds from the United States have exceeded imports of funds into the country. Rather, it is the problem of finding means for keeping the international financial accounts in stable, and continuing equilibrium, as was done with reasonable success prior to World War I. Maintaining equilibrium is more difficult than eliminating a contemporary "deficit." The continuing imbalance results from the fact that the amounts that the United States has been sending abroad in the form of long-term capital investment, and to support its large foreign military establishment, have not been matched by equally large excesses of merchandise exports over merchandise imports.

The basic reason for persistent imbalances is the unwillingness of practically all countries to allow their economies to adjust to each other.

International financial equilibrium was maintained before 1914 because countries were willing to allow their economies to adjust to each other. The leading countries were then on a free gold standard, which meant that if any country was running a surplus in its international accounts, its currency would appreciate on the foreign exchanges in terms of the currencies of the countries that were importing from it in excess. The foreign value of its currency would rise until it reached the "gold point" and gold would be imported from the deficit countries.

Since commercial credit and currency in circulation was directly linked to national gold reserves, the importation of gold would result in a larger credit base with resulting increases in the prices of certain commodities. In consequence, imports would be stimulated until balance in the international accounts was restored.

The heart of the gold standard system was willingness of countries to accept each other's imports and to allow internal prices and wages to adjust to them. To a certain degree, tariffs delayed adjustment, but countries did not try to exclude each other's goods by imposing quantitative controls, in the form of import quotas, exchange controls, and similar barriers to trade.

Contemporary critics of the international free gold standard are prone to criticize it on the ground that its readoption would be "deflationary." Underlying this contention is the belief that the world's stock of monetary gold is becoming increasingly inadequate to take care of the growing volume of world trade.

Such reasoning confuses across-the-board, or average, price movements with changes in prices of individual commodities. If countries were willing to allow goods and services to move freely across their borders—and to accept the consequences by allowing lines of production that are not suited to their environment to give way to lines that are better suited—there would be need for only small gold reserves. International settlements would be made on the clearing house principle, and individual prices would quickly adjust to each other so as to maintain equilibrium in the international accounts. Changes in individual prices would not necessarily result in across-the-board "deflation" or "inflation." Either could result, however, if countries interfered with the forces of economic adjustment. The imposition of quantitative trade restrictions, and of exclusionary tariffs, could cause this to come about. Inflation or deflation, thus caused, would not be the result of a freely functioning gold standard, but rather of interference with its operation.

There is, of course, little likelihood that countries will be willing to allow their economies to adjust to each other to the full degree necessary to reestablish an international free gold standard. Since the close of World War II national governments have turned more and more toward the objective of maintaining full employment. To this end they have been much more willing to interfere with, than to encourage, the free play of international economic forces. When imports interfere with the maintenance of domestic programs (domestic support programs in agriculture, for example) they are more likely to restrict imports than to abandon, or seriously modify, the programs.

Nevertheless, it remains true that international financial equilibrium will be maintained, only to the extent that countries are willing to accept each other's competitive goods. This is why foreign trade policy is so important as a solution to the problem of imbalance in the international financial accounts.

If national economies were allowed to adjust to each other through flexible exchange rates (either under a free gold standard, or on some other basis) the U.S. dollar would fall in value, relative to other currencies, sufficiently to enable U.S. merchandise exports to increase to the degree necessary to enable the United States to continue its foreign economic programs with a minimum of strain. Even though nations are not likely to allow their economies to adjust to each other freely, there is abundant opportunity for international cooperation. Really meaningful tariff cuts, and modifications in non-tariff trade barriers, in the current "Kennedy round" of trade negotiations at Geneva, could go a considerable distance toward facilitating the attainment of international equilibrium. Right now, it is up to the Europeans, especially the six countries comprising the European Common Market, to reduce their trade barriers against U.S. agricultural exports. Later on, the shoe may be on the other foot, and it will then be up to the United States to liberalize its trade

barriers. Then, troublesome questions of import competition will really come to the foreground. Which products shall we admit—cattle and beef? lead and zinc? shoes? cotton textiles? Such questions are loaded with political headaches.

It can be stated unequivocally, however, that liberalization of international trade restrictions throughout the free world is an essential ingredient of effective international cooperation. The only place where this is brought out in the committee's report is in the additional views of Representative CURTIS, and even here it is not followed through to a logical conclusion. The reference to foreign trade policy at the top of page 3 is little more than the usual administration line (Republican, as well as Democratic) that tries to make it appear that the United States has taken the lead in the effective tearing down of world trade barriers. Would that it were so.

My detailed comments on individual sections of the report are enclosed.

I should like to add that the thoughtful and closely reasoned remarks contained in the "additional views" of Representative CURTIS should be incorporated in the report proper. They are excellent, and contain many observations that are more important to a solution of the balance-of-payments problem than many of the points made in the report itself.

Yours sincerely,

HOWARD S. PIQUET,
Senior Specialist in
International Economics.

THE U.S. BALANCE OF PAYMENTS
(Committee's report of March 19, 1964)

Page 4, lines 1-3: The statement that "these deficits have resulted in significant gold losses and to some extent have diminished confidence in the dollar abroad" is misleading. It gives the impression that gold exports in any given year result from the balance-of-payments deficit in that same year, which is not necessarily so. It is the accumulation of past deficits that has given the foreign holders of dollar balances in U.S. banks power to withdraw gold, on demand, whenever they choose to do so. Whether, or when, they choose to do this has little, if any, relationship to the balance-of-payments deficit in any given year. The sentence also gives the impression that there has been substantially diminished confidence in the U.S. dollar abroad. A good test of confidence is the degree to which foreigners are converting their dollar balances into gold. As long as net total foreign dollar balances are growing it seems hardly correct to conclude that there has been any substantial "loss of confidence" in the dollar. If, and when, there is substantial conversion of these dollars into gold it might be correct to say that there has been a loss of confidence.

Page 5, first two paragraphs (under "III. Findings"): "Adjustment" lies at the very center of what has come to be called the "balance-of-payments problem." In these two paragraphs the word "adjustment" appears seven times, but is not defined. The thought-provoking sentence (line 4) "But liquidity is no substitute for adjustment, and no amount of liquidity would be adequate in its absence" whets the reader's appetite. He is led to think that at last we are getting to the heart of the problem. As he reads on, however, he finds that "adjustment" is only a word which has little concrete meaning.

Page 6, section (1): It is true that international equilibrium is the responsibility of all countries—"surplus" as well as "deficit" countries. But it would be well not to forget the past behavior of the United States in this respect. Throughout the period between the two World Wars, when the United States was in a strong surplus position, it hardly "behaved as a creditor nation should."

Instead, it maintained highly restrictive trade policies and accumulated the lion's share of the world's monetary gold. We should think twice before we blame today's creditor countries for "not doing their part" in effectuating international financial equilibrium.

Page 6, section (2): The statement that "it is imperative that the United States bring its balance of payments under firm control within the near future" echoes a frequently expressed feeling. It is important that we ask ourselves a few pertinent questions. If foreign depositors (holders of dollars) should convert their dollars into gold to the extent that the U.S. gold approached depletion, who would be hurt? Dollars are the IOU's of the United States, and the United States is the world banker. The foreign holders of dollars are our depositors (creditors). In the event of a bank failure, resulting from inability to meet its deposit obligations, who loses in the first instance, the bank or its depositors?

Foreigners have three choices with respect to their dollar holdings. First, they can continue to hold them as part of their monetary reserves; second, they can convert them into gold to the extent that the United States has gold with which to redeem them; or third, they can spend them in the United States for American-produced goods and services.

If they drain the United States of its monetary gold and are no longer willing to hold them as monetary reserves, they can always spend them for the purchase of U.S. merchandise. It is difficult to see why the United States would be the loser if convertibility of the dollar into gold were to come to an end.

The problem of confidence in the dollar is a problem of the free world as a whole, and not just a problem confronting the United States. The countries holding substantial sums of dollars have an even larger stake in the problem than the United States.

Page 6, section (3): These two paragraphs are tricky in that the terms under discussion are not defined. "Price stability," "domestic prices," "productivity," and "wage and salary rates" are slippery concepts. Because they mean different things to different persons, they appear to say something when, in fact, about all they do is to confirm existing preconceptions.

More specifically, "price stability" in the sense of a stable aggregate, as indicated by some kind of price index, should not be confused with stability of individual prices. To effectuate and maintain adjustment among the economies of the free world, it is essential that individual prices be flexible, in response to broad forces of supply and demand, within the framework of general price stability—the latter term meaning that aggregate price levels do not rise or fall (substantially) in response to monetary forces.

The first sentence of the second paragraph gives the impression that rising wages and rising dividends in a framework of stable prices is a desirable goal, all in terms of aggregates. What is really important to balance-of-payments adjustment is, not that aggregate wages and aggregate profits increase relative to the general price level, but that individual price, wage, and profit relationships be allowed to adjust freely in response to the principle of comparative advantage in international trade, under a system of full and free competition. That is to say, in the absence of overall inflation due to monetary and budgetary factors, wages, prices, and profits should be allowed to adjust, as far as possible, in response to the forces of free competition.

Guidposts for noninflationary wage and price behavior serve to obscure the balance-of-payments problem, rather than to clarify it. Overall productivity, in the physical

sense, has little to do with the relationship between wages and productivity in any given line of production. About the only correct generalization that can be made along these lines is that, for the economy as a whole, with a constant supply of money and credit (if such were possible) falling prices, falling wages, and falling profits would be consistent with increased physical productivity.

In essence, this section says little more than that the United States should do its best to avoid price inflation.

Page 7, section (4): Whether the Brookings Institution's balance-of-payments projections materialize or not is largely irrelevant to the central problem. The central problem is not elimination of the current deficit in the international accounts, but rather the attainment of sustained equilibrium through continuous adjustment of the economies of the leading countries of the free world to each other.

Page 7, section (5): This section is a combination of bogeyman and factual inaccuracies. As stated above, if foreign countries should decide to wreck the international monetary system by converting their large dollar holdings into gold, the catastrophe would be theirs more than ours. It is true that international trade and finance were chaotic in the 1930's, but to say that there has been substantial progress in freeing international trade and finance to the degree necessary to restore a system of international financial and economic equilibrium is an exaggeration. We have merely pecked at the problem since 1934, as brought out by Representative CURTIS in his comments on pages 20-23.

Third paragraph: It is precisely because foreign countries do realize their stake in the present international monetary system that they have refrained from "wrecking the dollar."

The fourth paragraph makes it appear that responsibility for maintaining and improving the functioning of the international payments system is solely that of the United States, which is not true. The word "help" should appear before the word "maintain," in the first line of the fourth paragraph.

The last statement on the page, that "the actions of some to increase the gold component of their reserves at the expense of the U.S. gold stock, would almost seem in the broad view a courting of self-destruction, etc." sounds naive. Since when has the United States had a God-given monopoly of the world's gold stock? The broad international economic forces are so powerful that our abnormally large gold stock is being redistributed among the leading countries of the world, in spite of wishful thinking and attempts to prevent it.

Page 8, lines 5 and 6: It is not clear that the United States has been "inhibited" from the pursuit of important policy objectives at home and abroad. There is still doubt whether we really know what we are trying to accomplish under our foreign aid programs, and our foreign military posture is not exactly crystal clear.

Page 8, section 6 (last paragraph on page): It is doubtful whether the proposed interest-equalization tax can be justified even in the short run. The fact that other countries restrict the international movement of capital hardly justifies our interference. Two wrongs do not make a right. A more logical approach would be for the United States to insist that liberalized trade and liberalized payments are two sides of the same coin, and use its power in the GATT and the IMF to insist that its fellow members and contracting parties observe both the spirit and the letter of the two agreements.

Page 9, section 8: There is no doubt that the assumption by European countries of a larger share of the support of the mutual

defense of the West would go a long way toward eliminating the current U.S. balance-of-payments deficit. Indeed, such action on the part of the European countries would be the 1964 counterpart of the Marshall plan of 1947-48 when the United States rescued Europe from its balance-of-payments deficit.

If elimination of the current balance-of-payments deficit were all that mattered, this could be the solution to the problem. But, as indicated above, the balance-of-payments problem is not the problem of eliminating large deficits on the part of one country or a group of countries, but of establishing a self-sustaining equilibrating mechanism. Without such a mechanism we can expect to be plagued by alternating, and persistent, "dollar shortages" and "dollar surpluses" for a long time to come.

Page 10, section 9: Here, too, the word "adjustment" is used freely without adequate definition. Because of failure to define it, this section presents a strange logic.

Presumably, adjustment means that economic forces within the various countries would be allowed to operate in such a way as to effect equilibrium in the international accounts. At the moment, this would mean that prices of certain commodities in Europe (not necessarily general price levels, however) would increase relative to prices of the same goods in the United States, thereby enabling the United States to increase its exports relative to its imports. If exchange rates were flexible and could vary in terms of each other (as they used to do under the international free gold standard) the dollar would fall in terms of other currencies sufficiently to stimulate certain exports.

Responsibility for allowing adjustments to occur should not be pinned on either the surplus countries, or the deficit countries, alone. Such willingness is the responsibility of both groups of countries. Adjustment, like trade itself, is a two-way street. Both the surplus countries and the deficit countries are guilty of resisting necessary internal adjustments.

Page 11, section 10: It is all too true that "the surplus countries, understandably, prefer giving to taking advice." It was not so many years ago that the shoe was on the other foot and the United States, then the world's largest surplus country, did not hesitate to give advice to the then-deficit countries. This part of the report sounds amateurish.

Page 11, section 11: This sounds like a case of the "pot calling the kettle black." Why are export subsidies on agricultural products by the United States any more justified than restrictions placed on agricultural imports by the European countries? And, does the fact that the proposed interest-equalization tax is less severe than certain of the capital controls existing in a number of the surplus countries justify the proposed tax? Are little sins justifiable, while bigger ones are to be condemned? Furthermore, does not the huge size of the U.S. economy, relative to the economies of our partner countries in Europe, have something to do with the locus of responsibility with regard to willingness to allow economies to adjust to each other? I doubt whether the Europeans will be greatly convinced by the arguments here presented.

Page 11, section 12: It is unrealistic to expect that the surplus countries will be willing to free their international trade and payments from existing restrictions without the United States being willing to do so, also. The Trade Expansion Act, in its present form, is hardly an adequate instrument to attain this goal. The latter part of this section comes close to prescribing a solution to the problem of international adjustment of economies to each other through the ex-

change rate mechanism. Devaluation of the dollar, in terms of gold, would not solve the problem, because other countries would immediately follow suit with respect to their own currencies. But, changes in exchange rates between the United States dollar and other currencies would make sense. The difficulty is to evolve a mechanism that will make this possible. The proposal, in this section of the report, that surplus countries appreciate their currencies, vis-a-vis the U.S. dollar would have the same effect as would depreciation of the dollar with respect to them. This line of reasoning is more convincing than the exhortations contained throughout most of the report.

Page 12, section 1: It is far from obvious that expanding world trade requires an increase in total international liquidity—i.e. "reserves." An adequately functioning system of international equilibrium, with flexible exchange rates and willingness of countries to accept each other's imports, through changes in individual price, wage, and profit relationships, would enable even expanding world trade to take place with a bare minimum of liquidity. Under the clearing house principle only small reserves are required, since debits and credits offset each other between viable economies.

Page 12, section 2: This section says very little. An adequate discussion would show how, under the old free gold standard mechanism, the adjustments, commonly credited to movements of gold, should be attributed, rather, to the fact that exchange rates were flexible within the limits of the gold points. Gold did not move as often as is sometimes thought. It was flexibility of exchange rates that made possible adjustments at the margin by the movement, first, of short-term capital, and then by trade in certain goods in response to these changes. Under a system of free trade changes in the international movement of certain goods would result in elimination of a number of marginal firms and workers, in favor of those in other lines, in accordance with the principle of comparative advantage. It is important to realize that such changes were marginal and, in and of themselves, did not precipitate either general inflation or general deflation.

Page 13, section 3: The rate of growth of the world's gold production, relative to growth of the volume of trade, is largely irrelevant to the problem under discussion. Existing gold stocks are adequate to satisfy the world's growing liquidity needs under a system of easy economic adjustments of national economies to each other (as indicated immediately above).

Why, as stated in the 12th line from the bottom, must "there come a time when confidence in the dollar as a reserve asset is impaired"? Upon what international assets is acceptability of the dollar dependent? Must it be gold? Why cannot it be the purchasing power of the dollar in terms of goods, kept stable (in the United States)? Certainly, American citizens do not accept dollars in payment for goods and services because of any gold backing of the currency. They accept them because they know that they can buy goods and services with them from other persons. Why cannot the same phenomenon prevail internationally?

Page 13, section 4: The proposal that removal of the 25-percent monetary gold reserve be eliminated is in order. The timing of such action, however, is important and a matter of psychological judgment. Meanwhile, the reserve requirement can be withdrawn, administratively, at relatively small cost.

Page 14, section 5: If the United States were willing to make the adjustments that would be called for, the establishment of a world reserve bank would mark a long step

forward in the direction of international economic equilibrium. But, Congress and the public need to be aware that an adequately functioning world reserve bank would require that the United States take certain financial and economic steps that might not always be politically convenient. It would be necessary for the United States, as well as for other countries, who would be depositors in such a bank, to accept the advice of the bank, just as borrowing depositors in any bank are required by the bank to keep their financial affairs in order.

Page 15. Recommendation 1: Requiring all Government agencies to give attention to the balance-of-payments deficit could be dangerous, unless there is real understanding of what the problem is all about. In the absence of such understanding, there is danger that individual agencies might be overzealous and pursue mercantilistic policies to avoid paying more abroad than they receive from abroad. Such action might not be consistent with the longrun interest of the United States. Here is an area where sophistication is a "must," and it is expecting a lot to expect that all agencies could act in such fashion on their own initiative.

Page 15. Recommendation 2: The United States can hardly expect the European Economic Community to abandon its highly protectionist agricultural policy unless the United States is willing to do the same thing with respect to its own import restrictions, not only with respect to EEC, but with respect to all countries, including Latin America (such as our quotas against imports of lead, zinc, and petroleum).

Page 16. Recommendation 4: The recommendation that European countries having balance-of-payments surpluses bear a larger share of the cost of the common military defense makes sense, just as the Marshall plan made sense back in 1947-48 when the United States had a balance-of-payments surplus. There is, however, some danger here of letting the tail wag the dog. As far as military defense is concerned, the primary consideration should be military, not financial.

Page 16. Recommendation 5: It is easy enough for the United States to advise European countries to remove their tariff and other trade restrictions. But, we must not forget that we were not willing to follow this advice ourselves a few years ago. Neither the United States nor the countries of Europe have been willing to remove, or substantially reduce, those trade barriers that would result in substantial increases in imports. What has been happening, since 1934, has very largely been a sloughing off of excess protection in the form of reducing tariffs that were higher than necessary to exclude highly competitive imports.

The suggestion that there be a careful review of the advisability of continuing the unconditional most-favored-nation policy is in order. This is not to say that the policy should be abandoned forthwith, but that there should be an intensive study of the question by qualified experts.

Page 18. Recommendation 8: The proposal that exchange rate variation under the IMF be increased beyond 1 percent on either side of parity is rather meaningless unless countries agree to accept each other's imports freely. To the extent that countries are willing to accept each other's goods, without governmental interferences, variable exchange rates provide the most important part of the key to a solution of the problem of international financial equilibrium.

Page 19. Recommendation 9: The last four lines of this section come close to the main point, namely, the willingness of the United States to undertake its share of the adjustment obligation.

IMPROVING OUR ECONOMIC INTELLIGENCE

Mr. REIFEL. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CURTIS. Mr. Speaker, the development of appropriate policies to deal with the Nation's unemployment problem depends, in the first instance, upon the existence of detailed and accurate unemployment statistics. As Martin R. Gainsbrugh, vice president and chief economist of the National Industrial Conference Board, pointed out recently, there are several great voids in our system of economic intelligence designed to measure unemployment.

In the first place, there is a glaring lack of statistics that break down the unemployed by category, showing, for example, how many are transitionally unemployed, how many are voluntarily idle, and how many are long-term unemployed. Mr. Gainsbrugh points out that joblessness in the United States today is not accompanied by the poverty and distress of earlier times or of other countries and that, therefore, there is probably a heightened degree of voluntary unemployment in the United States. This conclusion leads one to believe that unemployment today is vastly different from the mass prolonged unemployment of the thirties and calls for different remedies.

The second gap in our economic intelligence is the lack of a measurement of job vacancies. The conference board itself has done some pioneering work in this area through its index of help-wanted advertisements. The board's data for April show help-wanted ads higher than at any time in the past 7 years. This stands in contrast to the continued high level of the unemployment rate. The board's data shows that severe shortages of certain types of skills can occur even in areas where chronic unemployment is the norm. Mr. Gainsbrugh says that this lack of reliable measures of national job vacancies or the demand for labor is the most glaring void in our economic intelligence. Data on job vacancies can contribute to a clarification of public debate on some important economic problems, including whether our current unemployment is primarily traceable to insufficient aggregate demand or structural imbalances. I was pleased to see that the conference board is beginning an active effort to develop a series of statistics on job vacancies.

I ask unanimous consent that an article by Mr. Gainsbrugh entitled, "Plugging the Gaps in Jobless Data," from the Conference Board Record of July 1964, be included in the RECORD at this point.

[From the Conference Board Record, July 1964]

PLUGGING THE GAPS IN JOBLESS DATA

Just about a year ago in testimony before the Joint Economic Committee, I attempted to direct attention to two neglected areas in the official measurements of employment and unemployment. One such area—job vacancies—is my assigned topic today. The closing part of this commentary will deal with the need for just such estimates of labor demand.

Before commenting on job vacancies, however, I would like to discuss the second great void which persists in the system of economic intelligence designed to measure unemployment. We still cannot offer adequate explanations of the coexistence of high unemployment rates and record economic activity. I suspect this deficiency is in part owing to the glaring lack of statistics that break down the unemployed by category. How many are transitionally unemployed? How many voluntarily idle? And how many are long-term unemployed? As a result of today's dynamic economy there is reason to think that unemployment is a many-splintered thing as compared with the mass prolonged unemployment of the thirties. And yet the public in general and our foreign friends in particular assume that most unemployment is of the hardship type present in the thirties, and that the current rate indicates a sluggish if not a stagnant economy.

The figures just released for April highlight the contrast between today's unemployment and that of the depression-ridden economy of an earlier generation. As of April, 70.6 million civilians were at work for the highest pay on record. We now have 2 million more people in nonagricultural jobs (net) than just a year ago, and still the unemployment rate holds persistently above 5 percent.

One reason the unemployment rate remains so high despite this extraordinary record of job creation is that there has been an unprecedented rate of entry into the labor force. On a seasonally adjusted basis the labor force in April 1964 was 1,700,000 greater than in April 1963. In contrast, the growth in the labor force for calendar year 1963 was little more than 1 million. Joblessness on the part of the new entrants may well be of a short-term, transitional character, and cannot in any way be compared to the unemployment of the thirties.

VOLUNTARY UNEMPLOYMENT STRESSED

President Kennedy's Committee to Appraise Employment and Unemployment Statistics, while strongly endorsing the concepts and procedures that are currently in use to measure unemployment, correctly stressed the limited knowledge conveyed by any single statistic on joblessness. I and several other members of the committee felt that it suffered from too narrow a charter by being asked to confine its considerations solely to an appraisal of the techniques of measurement. As a result of its restrictive charter, the committee did not feel it should delve deeply into the adequacy of unemployment statistics for determining the reasons for unemployment, particularly the sticky unemployment of the past decade. The committee, however, did recommend that further steps be taken to identify the degree to which an unemployed individual was actively seeking a job. It recognized, too, the possibility that present-day unemployment may be far more optional or voluntary than was true in past generations or is possible today in other countries with lower rates of unemployment than ours. Such a statement stressing the heightened degree of voluntary unemployment in the United States does not necessarily imply malingering on the part of

the individual seeking a job. Instead, it is designed to emphasize that joblessness in the United States today is not accompanied by the poverty and distress that is the case in other sectors of the world.

ECONOMIC COMPULSION IS WEAKER

Although no authoritative body of data as yet exists to support the thesis of high optional unemployment, there are a number of circumstances that contribute to its feasibility. Unemployment insurance, both public and private, serves as a temporary source of income to tide over the transitional unemployed. With more than one breadwinner employed in most families, family income may be well maintained even though one family member may be unemployed. In this connection the recent study by the U.S. Bureau of Labor Statistics placed the average income of a family with an unemployed individual at \$4,400 in 1961.¹ Unemployment today is of shorter duration than in 1961 and incomes in general have since moved up by about 10 percent. On the average, what these figures suggest is that unemployment currently brings with it far less economic distress to the families of the unemployed than it did in the past. Add to this the higher savings rate of the worker when he is employed, his demonstrated credit worthiness, and his sharply improved net worth, and all of this should mean, and in my judgment does, that the economic compulsion to find or accept a new job immediately on the part of today's unemployed is far less than ever before in American history, if not the world's.

ROLE OF INNOVATION

Another factor contributing to optional unemployment is the rising rate of innovation, which has increased the number of skilled, highly paid jobs. Is it not reasonable to believe that people are prepared to undergo a period of idleness as they seek these newly opened positions? Lucrative job opportunities continue to present themselves in such new industries as aerospace, electronic data processing, record transmittal and retrieval, and automatic vending, to name only a few. A task force of sociologists, experts skilled in field interview and other behavioral scientists, might well begin to explore ways and means of determining, through the household survey, the degree of voluntary unemployment arising from the heightened tempo of change. Pending more direct information, I would strongly recommend that public release of unemployment data give greater prominence to changes in the duration of unemployment, in the belief that the length of a period of joblessness may throw some light on its enforced character. Thus unemployment of 15 weeks or more sharply suggests joblessness for economic as distinct from personal reasons. Optional or voluntary unemployment, on the other hand, lies largely in the short-term unemployment area.

In summary on this point, it would appear that in our war against unemployment and poverty we are now fighting with semiobsolete statistical weapons. The financial and scientific resources allocated to measure unemployment may still be adequate to provide an aggregate unemployment total, just as they were when mass unemployment plagued the American economy. But the present national sample of 35,000 households in 357 areas is admittedly inadequate to identify the composition of the new unemployed. Better knowledge of the distinguishing economic and social characteristics of today's

jobless is essential to job creation. A modernized system of unemployment intelligence could tell us each month not only the number of unemployed, but also their income status, their efforts to seek employment, their location, and related measures of need, as best could be determined.

MEASURING LABOR DEMAND

The tenor of my comments shifts from the negative to the positive as I now begin to discuss the need for measurements of job vacancies. The unqualified endorsement of the Gordon committee given to the collection of such figures has helped stir up private and governmental interest. In February 1965, a conference on the results of research institutions will be held by the National Bureau of Economic Research. The papers to be presented range from reports on feasibility studies in Illinois and other locales to intensive analyses of the data that have been collected on labor demand in Sweden, Britain and many other countries—and the use to which such data have been or can be put.

As a steppingstone toward a national measure of labor demand the Conference Board has been steadily broadening and deepening the data it assembles on help-wanted advertising. We are complimented that this material has been used by the Council of Economic Advisers and others in their attempts to measure trends in national labor demand. The primary purpose for which this series was designed, however, is as an index of cyclical change. Limited as it is as a measure of national labor demand, it has of late created a paradox for all concerned with unemployment. Our data for April show help-wanted ads higher than at any time in the past 7 years. This stands in stark contrast to the continued stickiness in the unemployment rate. Despite the limitations of the index, one would expect it to show less strength than it has in a period such as the present—so marked by labor surplus, at least according to the official statistics.

The help-wanted data, even as currently constituted, do provide insight into the relationship between labor demand and supply at the local level. In the accompanying chart the increase in help-wanted ads since 1959 is set against the current labor-market situation for the 52 areas for which advertising data are available. In the seven surplus labor market areas included in the sample, five show substantially less help-wanted advertising than they did in the midfifties. A priori, one would expect such a relationship. But in the case of Providence and Miami, the two remaining surplus labor areas, the rate of increase in help-wanted ads is well above the national average. Here, counter to expectations, employers are obviously intensifying their efforts to fill jobs in the midst of an overly ample supply of labor. The correlation between help-wanted ads and labor supply is evident but not too high in the 42 areas which fall in the C category (moderately in excess of job openings: 3 to 6 percent unemployment rate).

(Chart omitted from the Record.)

The existing body of data serves to emphasize that severe shortages of certain types of skills can occur even in areas where chronic unemployment is the norm. This further underscores the need for the collection of vacancy data on what kind of jobs are available, as well as on where they are.

To recapitulate, the existing system of intelligence is primarily concerned with labor supply. Even so, it suffers from serious limitations in reaching an adequate understanding of why a significant fraction of the labor supply remains unused even in a period of high-level business activity that has been sustained for several years. But a still

more glaring void in our economic intelligence is our lack of reliable measures of national job vacancies or the demand for labor.

Comparison of unemployment and help-wanted advertising, 52 selected areas, January 1964

	Labor market category	Unemployment rate (in order of severity), not seasonally adjusted	Help-wanted index 1957-59=100, seasonally adjusted
1. Providence.....	D	8.4	126
2. Seattle.....	D	8.2	99
3. Pittsburgh.....	D	8.1	95
4. Newark.....	D	7.7	117
5. San Diego.....	D	7.6	97
6. Philadelphia.....	D	7.4	120
7. Allentown.....	C	7.1	108
8. Miami.....	D	7.0	119
9. San Bernardino.....	C	6.4	140
10. New York.....	C	6.3	99
11. Kansas City.....	C	6.2	102
12. Sacramento.....	C	6.1	144
13. Los Angeles.....	C	6.0	127
14. San Francisco.....	C	6.0	114
15. Syracuse.....	C	5.9	109
16. Boston.....	C	5.8	105
17. Baltimore.....	C	5.6	116
18. Albany.....	C	5.3	114
19. St. Louis.....	C	5.3	114
20. San Antonio.....	C	5.2	111
21. Birmingham.....	C	5.1	117
22. Cincinnati.....	C	5.1	82
23. Louisville.....	C	5.1	129
24. New Orleans.....	C	5.1	104
25. Knoxville.....	C	5.0	110
26. Memphis.....	C	4.9	130
27. Phoenix.....	C	4.9	155
28. Toledo.....	C	4.9	162
29. Salt Lake City.....	C	4.8	141
30. Chicago.....	C	4.7	86
31. Detroit.....	C	4.7	156
32. Milwaukee.....	C	4.7	91
33. Nashville.....	C	4.7	152
34. Cleveland.....	C	4.6	106
35. Minneapolis.....	C	4.5	112
36. Houston.....	C	4.4	151
37. Tulsa.....	C	4.4	96
38. Columbus.....	C	4.3	172
39. Gary.....	C	4.3	124
40. Hartford.....	C	4.3	108
41. Indianapolis.....	C	4.3	117
42. Omaha.....	C	4.2	102
43. Dallas.....	C	4.1	144
44. Oklahoma City.....	C	3.9	166
45. Denver.....	C	3.8	105
46. Charlotte.....	C	3.7	165
47. Dayton.....	C	3.7	120
48. Rochester.....	B	3.3	125
49. Atlanta.....	C	3.2	124
50. Jacksonville.....	C	3.2	114
51. Washington.....	B	2.7	206
52. Richmond.....	B	2.5	132

Source: Bureau of Employment Security, the Conference Board.

I have already mentioned one related series—changes in the volume of help-wanted advertising in particular cities. A second is the number of unfilled job orders placed with the U.S. Employment Service. As a business indicator the index of help-wanted advertising has proved its value. But as a measure of the unsatisfied demand for labor it has serious limitations. Its coverage of industries and occupations is partial, to say the least, and even within this partial coverage there is much duplication. The index reflects changes in the space taken up by help-wanted advertising and not changes in the number of jobs to be filled. Equally serious is the absence of any occupational detail.

Unfilled job orders placed with the Employment Service also are admittedly highly partial in terms of occupational and industrial coverage. For example, studies of how workers obtain their jobs show that only 16 percent got jobs through the Employment Service. Also, the degree of partiality varies among labor markets.

The need and uses to be served by a comprehensive statistical series on job vacancies

¹ Monthly Labor Review, December 1963, p. 1412, based on a survey of 9.6 million workers, 18 years old or more, with at least 5 full weeks of unemployment.

are many and, in my judgment, significant. These fall into two broad types: (a) program uses and (b) analytical uses bearing on policy decisions. So obvious are the program uses that it seems sufficient merely to list them.

1. As operating information for employee recruitment and placement.

2. As pointers for training and retraining programs at all educational levels, particularly if the job vacancy statistics distinguish hard-to-fill jobs.

3. Indication of shortage occupations would also be valuable to employers in planning outside recruitment and on-the-job training.

4. As guides to assist retraining and emigration from depressed areas.

5. As an aid in the selection of localities for public works programs.

SOME ANALYTICAL USES

The analytical uses will depend in part, of course, on the amount of detail that is compiled. For the purpose of discussion, let us assume the detail required to serve the program uses is available. It would then be possible to relate the number of job vacancies to the number of unemployed, hopefully by meaningful occupational groupings and for each of the more important labor market areas as well as for the Nation. The difference is a measure of the excess demand for labor. The level, and changes in the level, can contribute to a clarification of public debate on some important economic problems. Let me illustrate this possibility by reminding you of the controversy during the midfifties over cost-push and demand-pull explanations for the extended rise in prices. This discussion was of more than academic importance because policies would have differed depending on the answer. With a continuing measure of excess demand for labor it would have been possible to analyze how well and to what extent changes in excess demand were associated with changes in wage rates and under what conditions of lead or lag. Such evidence, I submit, would have made a substantial contribution to the debate and hence to policy.

Or consider a problem that has concerned many of us over the past few years and is still prominent in public discussion. During the 5 years following the recovery from the 1957-58 recession the U.S. economy has been characterized by underutilization of the labor supply and of plant and equipment in manufacturing and mining. The gradual liquidation of the latter excess has not been matched by a similar decline in the excess of labor supply. This gives rise to a discussion of whether the failure to reduce unemployment is primarily traceable to insufficient aggregate demand or to structural imbalances. Here, too, policy recommendations may well differ, depending on the answer. A series on job vacancies could make a valuable contribution. For if the number of job vacancies increases and high-level unemployment persists, this can be read as strong evidence of structural imbalances.

PREVENTING "WAGE DRIFT"

Finally, I would like to touch briefly on another analytical use with policy implications. In time it may be possible to establish empirically how much unemployment or excess labor demand is required to prevent wage drift. This is relevant to fashioning policies for continuing expansion of the economy under conditions of stable prices.

The potential administrative and analytical uses for job vacancy measures are ample warrant for a serious effort to explore the development of job vacancy measures. With considerable gratification I can now say that the conference board's role is no longer limited to exhortation. In June, with funds

supplied by the Ford Foundation, we start active fieldwork as part of a broader exploratory effort on the job vacancy front.

EXTREMISM—PERSPECTIVE NEEDED

Mr. REIFEL. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CLEVELAND. Mr. Speaker, there has been a good deal of talk about "extremism" in the past several weeks. A thoughtful constituent of mine has sent me a copy of a letter written to the editor of the Concord Daily Monitor, Concord, N.H. In my opinion, this letter is of general interest and should be read by all who are truly interested in constructive discussion of important issues and proper perspective as we face complex problems. My constituent's letter to the editor follows:

JULY 20, 1964.

The Editor,
Concord Daily Monitor,
Concord, N.H.

DEAR SIR: There were some who listened to Mr. GOLDWATER's speech the other night and who, failing to grasp the sinister undertones immediately, were grateful to news media and commentators for their efforts to explain the true connotation of that overworked term, "extremism." That group might include a certain well-known gentleman who, when accused of using "extreme measures," said the following:

"I must admit that I was initially disappointed in being so categorized.

"But as I continued to think about the matter I gradually gained a bit of satisfaction from being considered an extremist. Was not Jesus an extremist in love? 'Love your enemies, bless them that curse you, pray for them that despitefully use you.' Was not Amos an extremist for justice—'Let justice roll down like waters and righteousness like a mighty stream.' Was not Paul an extremist for the gospel of Jesus Christ—'I bear in my body the marks of the Lord Jesus.' Was not Martin Luther an extremist 'Here I stand; I can do none other so help me God.' Was not John Bunyan an extremist—'I will stay in jail to the end of my days before I make a butchery of my conscience.' Was not Abraham Lincoln an extremist—'This Nation cannot survive half slave and half free.' Was not Thomas Jefferson an extremist—'We hold these truths to be self evident that all men are created equal.' So the question is not whether we will be extremist but what kind of extremist will we be. Will we be extremists for hate or will we be extremists for love? Will we be extremists for the preservation of injustice—or will we be extremists for the cause of justice? In that dramatic scene on Calvary's hill three men were crucified. We must never forget that all three were crucified for the same crime—the crime of extremism. Two were extremists for immorality, and thus fell below their environment. The other, Jesus Christ, was an extremist for love, truth, and goodness, and thereby rose above His environment. So, after all, maybe the South, the Nation, and the world are in dire need of creative extremists."

These are the words of Martin Luther King, Jr. as he wrote his "Letter from Birmingham city jail."

Very truly yours,

Mrs. CONSTANCE MEHEGAN.

CONCORD, N.H.

JOHN F. KENNEDY

Mr. MORRIS. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. FOGARTY] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. FOGARTY. Mr. Speaker, the late President of the United States, John F. Kennedy, had a magnificent impact on the young people of this country. While he was admired and loved by citizens of all ages in all walks of life, the young people of the Nation seemed to have had a closer attachment to him than any other group. This manifestation of feeling for John F. Kennedy has been expressed in many ways. The students in our schools have given much evidence to their sentiment for him in many tangible ways. A recent statement which has come to my attention was written by Miss Kathy Hughes, a graduating senior of Groveton High School, in Alexandria, Va. Kathy's editorial, published in the monthly newspaper of Groveton High School, was used as the frontispiece for the school yearbook this June. I take pleasure in quoting this editorial for the RECORD and to express my appreciation to Kathy for her tribute to the late President:

A LOOK AHEAD

More than any other leader of this century, John Fitzgerald Kennedy was a man with whom the youth of the Nation could identify. We remember him not as a politician, but as an intellectual, a diplomat, and an emancipator. Under his leadership there was a new search for learning and conquest; it is to us that he bequeathed the Peace Corps and the space program. It is through the youth of the Nation that John Fitzgerald Kennedy will receive immortality; we shall fulfill his ideals.

The New Frontier was launched just as we were realizing our outlook on life. "Now the trumpet summons us again" are the words which our generation shall take to heart. It is only fitting that our President should give the class of 1964 a motto for life.

KATHY HUGHES,

Coeditor, *Tiger Rag*, November 1963.

UNIVERSITY OF RHODE ISLAND TRAINING COURSE FOR DRUG INSPECTORS

Mr. MORRIS. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. FOGARTY] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. Speaker, recently it was a real pleasure and honor for me to be able to participate in the opening ceremony of

the first university training course in the country on drug manufacture for Federal drug inspectors which was held at the University of Rhode Island. I believe this is a real step forward in the goal of ultimate drug safety, and in this connection I would like to include in the RECORD the remarks made on this occasion:

OPENING CEREMONY, UNIVERSITY OF RHODE ISLAND TRAINING COURSE FOR DRUG INSPECTORS, FOGARTY HEALTH SCIENCE BUILDING (Welcome and introductory remarks by Heber W. Youngken, Jr., dean, College of Pharmacy, University of Rhode Island)

Congressman FOGARTY, Commissioner Larrick, drug inspector trainees, and invited guests, it is my pleasure on behalf of the faculty of the College of Pharmacy to welcome you this evening to the opening ceremony which begins the program of the first university-FDA sponsored training course for drug inspectors.

The 3-week course which begins tomorrow, July 6, and to which trainees have been invited, is the result of careful planning over several months. During the planning, Commissioner George P. Larrick and his staff, particularly in the division of field operations, and Prof. Robert J. Gerraughty, chairman of our department of pharmacy, have devoted many hours to the development of a curriculum considered pertinent to the work of the drug inspector in carrying out his responsibilities in the days ahead. We of the university college of pharmacy are pleased to make our facilities available in support of the program and we invite each trainee to participate fully in the lectures and laboratory sessions which will be presented.

It is rather fitting that the staff of the Food and Drug Administration has chosen the State of Rhode Island and its College of Pharmacy as a place for implementing this first university-FDA sponsored inspector training course. Many years prior to the enactment of the first Federal Food and Drug Act by the U.S. Congress in June 1906, the State of Rhode Island in 1844 became the first State in the Nation to pass legislation regulating drug adulteration and assess penalties for it. This State was also among the first three in the country to adopt a pharmacy law (1870) to regulate the distribution of drugs. The other two were the States of Alabama and Georgia.

Furthermore, the building in which you as trainees will receive your introduction to the subject of drug control is named in honor of Rhode Island and the Nation's champion of health, education, and welfare, the Honorable Congressman JOHN E. FOGARTY. Mr. FOGARTY has been the State's senior Member of the U.S. House of Representatives for many years. Not only has Congressman FOGARTY been a vigorous worker in support of State and National programs in health but his vast energies in this respect are recognized the world over. His present position as chairman of the U.S. House Subcommittee on Appropriations for Health, Education, and Welfare is but one of his several important activities associated with all phases of the Nation's welfare. Mr. FOGARTY has also participated with the organization of the training program for which you have been selected.

Two years ago in 1962, the Kefauver-Harris drug amendments to the Federal Food, Drug and Cosmetic Act of 1938 provided added responsibilities for FDA and the pharmaceutical industry in the matter of drug control. Since 1962 several regulations have been promulgated by the Food and Drug Administration and a tremendous effort is now underway to provide the best possible protection for the public in the production, control, and uses of all medicines. But we are dealing with modern agents of great potency,

chemical compounds or mixtures in many cases not available 10 to 15 years ago; drugs with great benefits but which by their very nature involve the possibilities of toxic effects and idiosyncrasies for some individuals who must use them. Therefore, the physician who prescribes life-saving drugs, the pharmacist who dispenses them, and the patient who uses them must be assured that every step in their production is carried out with most rigid control. The slightest mistake in manufacture, quality control, and distribution adds to the "calculated risk." There are shortcuts where a patient's life is at stake; nor is there a limit to the amount of education that is required for those who undertake a career in drug work.

The purpose of the University of Rhode Island training course, therefore, is to provide the drug inspector with additional background, knowledge, and skills needed to carry out an inspection for quality control in drug manufacturing and to develop his abilities for factually assessing proper compliance on the part of a drug manufacturer and distributor with the regulations established by Federal acts and regulations.

Specifically, drug inspector trainees selected for this university course will have the following objectives to achieve while here. Each will need to continue his education toward these objectives beyond what is presented here.

1. To become familiar with the literature references which can be used effectively by the inspector with special reference to activities of the FDA.
2. To learn several basic principles and the terminology of numerous dose forms and pharmaceutical protocol on manufacturing and control procedures.
3. To examine basic types of drug manufacturing and control equipment.
4. To become familiar with regulations governing drug inspection and the procedures that are to be followed in the performance of the inspector's duties.

You will spend a total of 120 hours during the next 3 weeks in lecture and laboratory work and will cover more than 40 major topics dealing with basic pharmaceutical principles and drug control. You will examine the operation of major instruments and manufacturing equipment in the laboratories here and observe numerous aspects of drug dosage forms. About 50 hours of your training will be in the laboratory. Nine faculty members of the college of pharmacy and seven members of the staff of FDA will participate in the course. In addition, a panel program has been scheduled on Wednesday evening of the third week (July 22). This will deal with "public relations", an important aspect of your work. Three representatives from pharmaceutical industry will be present at that time to discuss the manufacturer's problems as they relate to your work.

Later during tonight's program Dr. Gerraughty, director of the training course, will announce to you certain details of the program and arrangements contemplated for your stay on campus.

We are anxious to assist you in every way and, therefore, hope that each trainee will call upon the staff of the college for whatever assistance we can render. The responsibilities which each trainee has undertaken as a member of the health team are great indeed and we of the university are anxious to support your efforts to the fullest extent.

It is now my pleasure to call upon Thornton N. McClure, vice president and treasurer of University of Rhode Island, who will bring you the greetings of the university on behalf of our president, Francis H. Horn. Dr. Horn's schedule has taken him away from the campus at this time. Vice President McClure accompanied me to Washington a few months ago to meet members of the FDA staff and work out many financial details connected with arrangements for the course.

Congressman Fogarty, Dean Youngken, Dr. Gerraughty, Vice President McClure, distinguished guests, and fellow food and drug inspectors, I am sincerely pleased to participate today in the opening of our first university training course for advanced drug inspectors. Commissioner Larrick had planned to be with you today but is recuperating from an operation. I bring you his regards and good wishes.

Not too many years ago when I was a food and drug inspector, I inspected drug manufacturing plants from time to time. As I look back on the procedure I am amazed at how simple it really was then. Drugs in those days were not particularly complex. If you wanted to find out about what they should be, you looked in the U.S. Pharmacopoeia or the National Formulary, which were not nearly the size of the volumes put out today.

Additionally, if you were interested in drugs which were not in the official category, the U.S. Dispensatory gave a great deal of information about the drugs then known.

Looking back at these pillars of pharmacological knowledge, we now know that even they were not infallible. Continuous experience provides us the perspective to see that change is perhaps the most consistent fact in therapeutics.

To make the drugs which were marketed in those days required little equipment and, often, little know-how. There were opportunities for mistakes, but a lot of the mistakes that were made didn't make much difference to the ultimate user. The Food and Drug Administration gave a great deal more attention to those products fraudulently offered for conditions for which they had no real value.

In the early 1940's we ran into our first important drug manufacturing case in a plant then regarded as modern. Drugs were misbranded in a way to result in possible hazard to patients. This was a case where a drug which was intended for one condition was accidentally marketed for a condition calling for a drug which would have the opposite effect. It brought to our attention, dramatically, the need for being sure that important drugs were being manufactured under adequate safeguards. It showed us that proper controls were needed to see not only that they were properly made, but to see that they were not accidentally mixed up in the pharmaceutical plant.

As time went on, we and the pharmaceutical industry developed more specialized methods of checking, from the raw materials to the finished, packaged drugs. Subsequently some of the needs for additional controls came to be accepted only after one mishap or another demonstrated that the systems then in effect were not adequate. I believe the industry is justly proud of the control operations which they have set up.

However, experience also dramatized the need for stronger controls and led to the Kefauver-Harris amendment. As required by the new law, manufacturers must show that new drugs are not only safe, but also effective for their intended uses. Drugs that are manufactured under conditions that are incompatible with good manufacturing practice are violative per se. Manufacturers must advise the Administration promptly upon receipt of information about adverse effects involving their new drugs and antibiotics. New products that have been cleared may be withdrawn from the market if their safety or effectiveness is subsequently challenged. New drugs may be withdrawn from distribution if the manufacturer fails to maintain adequate records and controls or fails to make available related documents. Manufacturers of prescription drugs are required to provide a true statement about the side effects, contraindications, and effectiveness of their products for the guidance of physicians.

In addition, the amendment provides for more stringent controls over new drugs that are distributed solely for research purposes. All antibiotics for human use are now subject to certification by the FDA prior to sale and distribution. Authority to inspect establishments manufacturing prescription drugs, as well as consulting laboratories, has been strengthened. Finally, every drug manufacturing establishment in the United States must register with us annually and we are obligated to inspect each establishment at least once every 2 years.

Stringent as all of this may sound, it actually requires no more than what the competent ethical drug manufacturers have been doing for years past. But now our joint responsibilities have been spelled out in precise detail.

The FDA inspector has a tremendous obligation to the medical profession and to the consuming public. It is his function to make such checks as are necessary to determine first, that the control system set up in an establishment is fully adequate to do the job, and second, that the adequacy of this control system is maintained. Like the proverbial chain, a control system can be no stronger than its weakest link.

Lacking a source of ready-trained inspectors, FDA traditionally carried on what might be regarded as a do-it-yourself training program. This was not an entirely unsatisfactory way of proceeding. We are justly proud of the inspection work which our people have done over the years. Most inspectors who have had long experience with us have had the opportunity, so to speak, to grow up with the pharmaceutical industry.

Today, however, the situation is materially different. Many of our inspectors who have had longtime drug experience have retired or have been advanced to positions of greater and different responsibilities. Each year we hire a substantial number of new men. While in every case these men meet the qualifications calling for specific scientific backgrounds, most have had little, if any, opportunity to work in this very complicated pharmaceutical field.

It was at this point we concluded our "on-the-job" training was not the most efficient way to indoctrinate our inspectors in pharmaceutical manufacturing and control procedures. When the opportunity appeared to start this training program at the School of Pharmacy of the University of Rhode Island, with the outstanding facilities of the Fogarty Health Science Building, we knew this was something we could not afford to miss.

Food and drug inspectors are often referred to as the eyes and ears of the Administration and they are an integral part of the food and drug scientific team. We have turned to the universities and their scientific resources, in order to supplement and reinforce our training of drug inspectors. In this manner, we hope to achieve and sustain the high levels of professional competence that are demanded of us.

The highly qualified permanent staff, the physical facilities of the school, and the instructors from the university and outside, convince us that FDA and the consumer will reap substantial dividends from this course.

It is indeed a singular privilege to be here upon the initiation of the first university-sponsored drug training course for inspectors. Our meeting marks a significant advance in FDA's career development program and emphasizes the role of the university in relation to American life. It opens new vistas for continued cooperation between the Food and Drug Administration and the academic community.

We now turn you over to Dean Youngken and Dr. Gerraughty, knowing you will be in good hands, and we will be looking forward to concrete results after the conclusion of

the course and your return to day-to-day operations in your own districts.

In conclusion, I extend my best wishes to both the University of Rhode Island in this new undertaking and the participants in the course. Thank you, very much.

REMARKS OF U.S. REPRESENTATIVE JOHN E. FOGARTY, SECOND CONGRESSIONAL DISTRICT OF RHODE ISLAND, AT OPENING CEREMONY OF FIRST UNIVERSITY TRAINING COURSE ON DRUG MANUFACTURE FOR FEDERAL DRUG INSPECTORS AT UNIVERSITY OF RHODE ISLAND, KINGSTON, R.I., JULY 5, 1964

I feel greatly honored to have the opportunity to be here today to participate in the opening of the first university training school of advanced drug inspectors.

Many of you know that during my service in the House of Representatives I have had two deep and abiding convictions. While first I serve the people of the second district of Rhode Island, I have always had a real obligation to the people of all the States to do everything possible to see to it that no opportunities for better health are overlooked. I have worked long to be sure that our National Institutes of Health have adequate funds, equipment, and qualified personnel to pursue research against the diseases that strike down our people. There is no question but that the costs of this undertaking are great, but the results have been most rewarding—and who knows how many new discoveries are just over the horizon? The stakes are high—life or death—infirmary or healthful living. We must keep pushing to unlock the secrets of nature so that all of our people may have a better life.

I look back on the time—not too many years ago—when there were so many diseases with the odds all against the patient. Unless he were lucky or had unusual stamina, a cure was out of the question, and the most he could hope for was a life of disablement. But much of this has changed now—we have the sulfonamides and the antibiotics to cope with serious infections—and new drugs to deal with our mentally ill, to name just a few.

The physician of yesteryear did not have this array of drugs to deal with his patient's problems. But let us make no mistake—the drugs available and so valuable today are not simple remedies. Neither are they always to be used without hazard.

We have, in the Food, Drug, and Cosmetic Act, a system for dealing with these new drugs to be sure they may be used by the physician with full understanding of the benefits to be gained and the risks that are being taken in each case. Less than 2 years ago, the Congress amended the drug sections of the Food, Drug, and Cosmetic Act so that there would be even greater protection to the public in this area of potent drugs—many of which are truly described as lifesaving.

Almost without exception these new drugs are exceedingly complex in structure. They were developed only after tremendous amounts of experimentation. Properly, therefore, it is essential that the drugs be so formulated, prepared, and packaged that every batch will be of the same identity, and will be of the purity that it is represented to have. Thus, those who undertake to manufacture these drugs have a tremendous responsibility to control every operation—from the receipt of raw materials to the final labeling of the package, to insure the product as marketed is what it is supposed to be.

And the Food and Drug Administration has a substantial obligation in this area too. The new drug was approved for marketing on the basis of very substantial evidence that it will be safe and efficacious, with the manufacturing and control operations being set out in detail in the manufacturer's original application. FDA must be able to check on all of these operations, and the

1962 drug amendments I mentioned earlier helped by authorizing expanded factory inspection authority by the FDA in this prescription drug area. So this is where the drug inspectors come in.

But, in my opinion, Commissioner Larick and Deputy Commissioner Harvey have shown excellent judgment in wanting to do everything possible to see that the inspectional operations to check on the manufacture of these drugs are carried out to achieve the full purpose of the inspection. Just anybody isn't automatically qualified to make these complex inspections. I'm sure I don't have the know-how to do it—but hard training is essential.

FDA in the past has tried to do all this training itself, using its own people and facilities. But this effort fell short of its ultimate objective. So now we have a new approach—the specialized university training course. We have all seen the benefits of good education—no matter what walk of life we may be in—but we must always be on the lookout for ways to do things better.

With the FDA's decision to go to university training of its drug inspectors, it is only fitting and proper that they would select the School of Pharmacy of the University of Rhode Island as the place to start. The staff of this fine institution is eminently qualified to take on this assignment. Additionally, the training program here can be conducted not just as a classroom operation. The physical facilities, including the up-to-date pilot plant for the production of complex drugs represent a real bonus for those who take the course.

Let us not kid ourselves about the importance of your mission. About 1,300,000 Americans each year are sickened by adverse reactions to drugs to the point that they require medical attention or are incapacitated for more than a day.

That does not include millions of Americans—some say it is as high as 10 percent of the population—who are allergic to penicillin or one of its derivatives. We remember the problems of a few years ago when it was discovered that many people became sick after drinking milk.

The difficulty was traced to the fact that farmers had been treating mastitis in their cows with injections of penicillin. Small residues of the penicillin eventually found their way into the milk, which was drunk by individuals allergic to penicillin.

I wonder whether you people quite realize the extent to which you are in the front lines in the war against illness—you inspectors who represent the eyes and ears of the American public in the quest for drug safety; you pharmacologists in the laboratories, working out of the spotlight of headlines.

The experts tell us there is no such thing as absolute drug safety—and I guess they're right. But if we ever are going to make progress toward that goal, it will come through such courses as this, in which the problems in manufacturing drugs are brought home in "living color" to inspectors—not just something they read in a book or a technical manual.

We need courses like this in lots of places. Neither Rhode Island nor the university can rightfully claim a monopoly on this sort of training—although we can modestly claim the unique pride which goes with being pioneers.

You inspectors will be in good hands with Dean Youngken in charge and Dr. Robert J. Gerraughty as course director, and I have no reservations in predicting that if you will do your part during the next 3 weeks you will then start the business of inspecting drug manufacturing plants in a way which will do credit to the FDA, and indirectly to the School of Pharmacy of the University of Rhode Island. May I wish you all the very best.

SANTA ROSA HOSPITAL, SAN ANTONIO, TEX.

Mr. MORRIS. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. GONZALEZ. Mr. Speaker, on July 12, 1964, I had the wonderful opportunity to be present and to address those assembled for the dedication of the \$3,500,000 seven-floor addition to the Santa Rosa General Hospital in my hometown which is San Antonio, Tex.

One floor of this addition to this great medical institution is for mental health service. It is the first completely private psychiatric service offered in San Antonio and at the dedication ceremonies I had the distinct honor to be a part of the confirmation of its official name: "The John F. Kennedy Memorial Pavilion of the Santa Rosa Medical Center."

The story of Santa Rosa Hospital under the able leadership of Sister Mary Vincent, administrator, is a story of progress.

The center serves the 50-county San Antonio trade area with a total population of 2,214,000 residents who require major medical and surgical facilities. The greatest increase in population since the 1960 census has been in San Antonio and Bexar County.

The Texas State Department of Health, in its Texas State plan for fiscal year 1964 for construction of hospitals and allied facilities, states:

The city of San Antonio continues to be one of the metropolitan areas with a marked inadequacy of hospital facilities.

The U.S. Public Health Service states that San Antonio is nearly 2,000 beds short of the minimum needs for the city's 610,000.

This recent addition to the center helps to take up some of that shortage and serves as a tremendous example of the effectiveness of the Hill-Burton funds.

The dedication of the 7-floor addition to provide for an addition of 232 beds is just a part of a 5-year program that also includes an additional 130 beds to the Children's Hospital of Santa Rosa and enlarged supporting facilities. The total cost will be \$5 million, half of which must come from the community.

The work that is done at Santa Rosa to try to meet the medical needs of a large populous is a testimonial to the results of a Nation which through its government says "yes" to health and care of its citizenry.

Through such programs as the Hill-Burton grants combined with community action and support the good work of Sister Mary Vincent, her associate, Dr. John A. Bradley and the Sisters of the Incarnate Word can be brought to fruition by being better able to serve the medical needs of the people of south Texas.

Mr. Speaker, on that great occasion on July 12, a very beautiful invocation

was delivered by Rabbi David Jacobson, an outstanding leader in the San Antonio community. I would like to share with you Rabbi Jacobson's words:

Eternal God, we who are here lift our hearts and voices to Thee in thanksgiving. We are a minute part of the multitudes who are grateful, and celebrate Thy mercy and beneficence this day. Thou hast placed Thy spirit within the body of man, which Thou has created as well. To human kind Thou has presented the earth and its fullness, together with the entire universe, and with still a greater endowment beyond what we can see and hear and understand. We thank Thee for these faithful servants, exemplars of Thy ways, the holy congregation of the Sisters of the Incarnate Word who are dedicated to Thee and Thine ideal of health and healing for body and soul, and for all those who give their lives for the benefit of their fellowmen and in praise of Thee. We are upheld by Thine everlasting arms, and we are healed by Thy goodness. Continue to grant to all of us in this community and everywhere the opportunity to grow toward Thee in knowledge, in mercy, in justice, in humility, as we work together and walk together in love and understanding.

CIVIL RIGHTS

Mr. MORRIS. Mr. Speaker, I ask unanimous consent that the gentleman from South Carolina [Mr. WATSON] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. WATSON. Mr. Speaker, in 1954, the Supreme Court of the United States handed down a decision destined to be one of the most far reaching in American history. As the full impact of the decision settled over the Nation, glowing embers of resentment burned brighter and brighter in the hearts of Americans who saw that their way of life was being torn asunder by nine men sitting in judgment of the entire Nation.

And then in 1957, those embers burst forth into flames of action which resulted in the subjugation and humiliation of a proud southern city before the might of the Federal Government. Since that time, other parts of the South have felt the iron hand of Federal marshals, sent to put down the so-called integration riots, as the northern press branded them.

Recently, the disappearance of three civil rights workers in Mississippi evoked a Presidential reaction which turned that State almost upside down, and much of the rest of the South as well.

But can any of the events in the South even remotely compare to the turbulent riots, in the true sense of the word, which are ripping through Harlem and sections of Brooklyn? The violence and bloodshed there far surpasses the composite of all the violence and bloodshed which has taken place in the South. Also, it should be noted that the southern incidents have been directly inspired by northern troublemakers, who invaded that region with such thoughts in mind. However, these Harlem and Brooklyn riots are self-generated actions, with no outside encouragement.

And in how many southern cities is it not safe for a woman to go out on the streets alone, even during the daylight hours, much less at night? Today in many northern cities the only safe thing for a woman to do is stay at home with doors locked and windows bolted.

And how many southern cities are terrorized by bands of Negroes and whites which roam the streets, fighting with each other and wantonly beating innocent persons they meet on the street? The apathy of onlookers as they silently watch an innocent man being kicked and knocked about by one of these gangs on a New York street is more than a civilized person can even imagine.

There is no doubt about it: the so-called riots of the South are mere child's play compared to the brutality and cruelty, with definite racial motivations, which plague many northern cities.

Who is to blame for these Negro rampages? I am inclined to agree, at least to a large part, with an editorial in the Wall Street Journal which noted that "often white officials at various levels of government have said this—immediate redress of all wrongs—is not only right but possible. Thus have been raised false hopes and unrealistic expectations. If they—civil rights leaders—and white government officials persist in asserting what is manifestly untrue, that utopia is instantly attainable, they will continue to hurt the true interests of the Negro people and, we gravely fear, bring no end to violence."

In retrospect, one may recall the Harlem riots of 1943. Actually, both the current violence and that 21 years ago were sparked by the same type of incident—the shooting of a Negro by a white policeman. However, in the earlier incident, young Harlem hoodlums, interested in larceny, not civil rights, led the resulting fray. Also, when order was restored, Negro leaders commended the police for an admirable job. However, the current riots are inspired by jealousy and fed by hate.

The link between the New York riots and the civil rights bill is essentially a simple one: Negroes had been led to believe the bill would provide an overnight solution to all their problems, almost as if President Johnson possessed a magic wand. When no solutions appeared, frustration and anger soon resulted in violence—turbulent violence worse than the South has ever seen. Only yesterday, over 500 stores in Brooklyn were looted or damaged by rampaging Negroes, and two were shot in the confusion. However, apparently no arrests have been made and order has not been completely restored. Such a thing has never happened in the South.

Mr. Speaker, I for one am tired of the proud, peaceful, and patriotic South being used as the whipping boy for the entire integration movement. It is time this civil rights craze, which is besieging our Nation, is branded for what it is—pure and simple political demagoguery, designed to gain votes in the North, and not to guarantee rights.

Mr. Speaker, I ask these questions: Why have not Federal marshals or troops been sent to restore order in Har-

lem and Brooklyn? The Governors of Southern States, now or earlier infested with Federal marshals and troops, never requested them, so why must the administration apparently wait now until a request is made to send marshals or troops to Harlem and Brooklyn? Why has not the northern liberal press directed the spotlight of attention on these riots as sensationally as it did the so-called riots in the South? The questions suggest their own answers, and the failure of the administration to act, or the northern press to expose, smack of the rankest type of discrimination and regional prejudice.

RACIAL EXTREMISM

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from Louisiana [Mr. WAGGONER] is recognized for 30 minutes.

Mr. WAGGONER. Mr. Speaker, as this Nation's largest city cringes in a grip of fear after still another day and night of lawless bloodletting in its streets, there must come to at least some of those who, in either guilt or innocence made these days inevitable, a remembrance of this scene described in the 24th verse of the 27th chapter of Matthew, revised standard version:

So, when Pilate saw that he was gaining nothing, but rather that a riot was beginning, he took water and washed his hands before the crowd, saying: "I am innocent of this man's blood; see to it yourselves."

How many Pilates are there today who will now attempt to wash their hands of the disgraceful, shameful scene they brought to fruition?

Wherever there is a conscience today there must also be a question:

Was I right to urge any man to break down the protective force of law and order and, like a mad dog, take his grievances into the streets?

Every man and every woman who encouraged, aided, promoted, participated in, stood quietly by or otherwise gave comfort to those who have now brought us to the brink of insurrection, may wash their hands 10,000 times and cry, like Pilate, "I am innocent of any man's blood," but the blood will not wash away.

The Red stain will still be visible though every effort is being made to blame the tragedy of that city of shame on Communists and southern racists.

That Communists and their agents dominate the so-called civil rights movement is known by everyone.

The Department of Justice knows it.

The Federal Bureau of Investigation knows it.

Every man and every woman connected with the movement either knows it or would know it if they were not either blind to all that has been printed or deaf to all that has been said.

A known Communist, draft dodger, sex pervert, and jailbird led the March on Washington and it was reported in advance here on this floor. But no one wanted to listen. They were too busy preparing the welcome and the White House reception.

The known, provable, certified citations for memberships in Communist-front organizations of the present leaders of the NAACP filled 30 pages of the CONGRESSIONAL RECORD on July 29 of last year. But no one wanted to listen.

A shrug of their shoulders was enough to throw off the Communist-front associations of Roy Wilkins, Arthur Spingarn, A. Phillip Randolph, Robert C. Weaver, and dozens more of their Red-tinged followers. No one wanted to listen.

No, the terror of New York cannot be laid at the door of those of us, North, South, East, and West, who opposed the civil rights bill and who foresaw and foretold the lawlessness it and all that went before it would someday bring down upon the heads of civilized, law-abiding people.

The blame can only be put upon the Communists who feed on this disorder and upon the shoulders of those who have been misled and duped into espousing a common philosophy.

The end is nowhere in sight.

I have come into possession of a prophetic letter written to Rev. Roy Colum, pastor of the First Baptist Church, Philadelphia, Miss., and signed by a Chicago Negro. Copies of the letter were sent to J. Edgar Hoover, the Washington Post, the New York Times and a number of other individuals and officials.

It is a revelation that cannot be ignored.

The letter follows:

DEAR REV. ROY COLUM: June 29, 1964—The day Papa America, had his daughter, Mississippi exposed to the world as a cheap, common, whore. I do not know what kind of a minister you are, but the people you serve, I know. The white people in Mississippi are the lousiest two-legged rats, in the world.

How people like you can cry about Vietnam, etc., stinks. The world is no doubt laughing at your antic Americanism.

Why should angry Negroes fight China, when we want to fight you all the way. May I say, that we cannot lick you now, but when you go to war, we will get even with the Mississippi crackers, as have never been done before. This is a threat.

You, and your members know, that Sheriff Lawrence A. Rainey, and Neshoba County deputy sheriff gave those three heroes to that lynch mob. The deputy's name is Cecil Price.

Your Governor, Paul B. Johnson, Jr., is a disgrace to humanity and I warn you now, that when you whites go to war, we Negroes, will take all the civil rights we want, and then some, and will kill any white Mississippi bastard, that tries to stop us. You have got us now, but it won't be long.

As of now, most Negroes know that someday we will be forced to fight you and your kind. Can you beat China, Russia, and the Negroes?

Sincerely yours,

CLARENCE C. CARRAWAY, Jr.

CHICAGO, ILL.

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

Mr. WAGGONER. I am glad to yield to the gentleman from Mississippi.

Mr. WINSTEAD. I wish to say that this minister is my own pastor. He is not only a great individual minister of the Gospel, but also an outstanding citizen.

He was interviewed for some time and, unfortunately, as is usual, the news reports carried what they wanted to carry about people from this State—just a brief statement, warped around to suit themselves.

We do not have a greater minister of the Gospel, nor a more outstanding citizen, than this particular individual.

Mr. WAGGONER. This minister comes from my district, too, I say to the Members of the House.

This appalling letter is not the raving of a single, deluded, criminal mind. It echoes the sickness that is being preached in the pulpits and acted out in the streets of New York City this very day.

The cry is for guerrilla warfare against police and the white community. Threats have been sent to the authorities that policemen will be slaughtered in cold blood if the demands of the Negroes are not met.

Who is there among the pious advocates of racial extremism who does not feel a shiver down his back while reading this portion of a story in Tuesday's Washington Post:

At 4:15 p.m., we drove to a Harlem church with Judge James Watson to hear Jesse Gray address a rally. Gray is an irrational man who is a force in Harlem only because of the press, which failed in its obligation to check out people it writes of. Publicity made Jesse Gray and Sunday afternoon was to be his great chance for rabble rousing.

Police cars were lined up at the curb across from the church, and inside it Gray sat on the altar with a tan Band-Aid under his left eye. He was, he said, beaten by the police the night before. People sat in the pews and fanned themselves, and Watson, after going in, came back up the aisle and said quietly, "I spoke to him. I told him what the sense of starting anything now? He listened. It's all right."

CHURCH TRANSFORMED

Then Jesse Gray got up and this church turned into something you've never seen before.

"Before today is over, we'll be able to separate the men from the boys," Gray said when he got up.

"When do we start?" somebody yelled from the pews.

"Eight o'clock," somebody answered.

The place broke into applause.

"Jim Crow po-leece," Gray was saying.

"Only one thing can solve the problem in Mississippi, and that's guerrilla warfare," Gray said. "I'm beginning to wonder what's going to solve the problem here in New York."

He threw the line out into the hot airless church and he waited for the answer he knew would come. He got it.

"Guerrilla warfare," they shouted.

"Oh, my God," Judge Watson said in the back of the church. "Oh, my God."

We stand on the brink of anarchy.

One of the demagogues who leads the nonviolent mob in Harlem appeared on television last night to say that the police efforts to maintain order in the streets of Birmingham were nothing compared to what was being done to "his people" in New York.

Somewhere it should be noted that the police in Birmingham used police dogs and firehoses to quell the riots, but they did not have to use live ammunition.

The situation worsens each day.

Where once police dogs and firehoses could hold off these nonviolent rioters,

the police now have to fire over their heads.

If the Negro leaders, the vote-hungry politicians, the duped social workers, and the misguided people are able to curb law enforcement officials still further; if they are able to terrorize the officials of the Nation's largest city into reducing their peacekeeping efforts; if the looting and sacking of almost a thousand businesses goes unpunished; if the policeman who defended his life against a switch-blade knife-attacker is reprimanded in any way, the floodgates of violence will be thrown wide and the Nation will be subjected to a blood bath of lawlessness the like of which this Nation has never known.

A wild and animal force is loose in the land. When it will have spent itself, no one knows. I sadly predict that the monster that has been created in the misguided name of civil rights will slay its creator unless the backbone of law and order is stiffened no matter what the political price.

THE U.S. PATENT SYSTEM AND THE ANTITRUST LAWS

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from Indiana (Mr. ROUDEBUSH) is recognized for 30 minutes.

Mr. ROUDEBUSH. Mr. Speaker, since 1938 with the inception of the Temporary National Economic Committee during the Roosevelt administration, some lawyers and economists have been under the impression that our patent system is inconsistent with the Nation's antitrust laws, including the Sherman Act, the Clayton Act, and the Federal Trade Commission Act.

The authority for Congress to enact legislation granting patents as stimuli to inventors is found in the Constitution. Article I, section 8, provides "that the Congress shall have the power to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." In accordance with this constitutional provision, the first patent law was enacted by the first Congress and approved by President George Washington on April 10, 1790.

As I have stated before, our patent system has been supported by outstanding presidents of both political parties, including Thomas Jefferson, Abraham Lincoln, Franklin D. Roosevelt, Dwight D. Eisenhower, and John F. Kennedy. Thomas Jefferson, our third president, served as one of three administrators of the Nation's first patent law. They were, by statute, the Secretary of State, the Secretary of War, and the Attorney General. However, for all practical purposes, the major responsibility for patent administration fell to Thomas Jefferson. It should be noted that he was a distinguished inventor in his own right and, therefore, was favorably disposed to new inventions and discoveries. Nevertheless, he was also an opponent of monopolies and vested rights and privileges for a few citizens at the expense of the general public.

May I once again refer to the statement by President Jefferson which I included in my remarks of January 29, 1962, on this subject of patents. President Jefferson stated:

The issue of patents for new discoveries has given a spring to invention beyond my conception.

Mr. Speaker, to be sure, the antitrust laws, including the several statutes to which I have referred, were enacted long after the Nation's first patent act. However, there is no inconsistency between the grant of exclusive rights to an inventor's new product or process for a period not to exceed 17 years and those statutes which prohibit monopolies, restraint of trade, and price-fixing.

Mr. Speaker, I have spent a great deal of time in clarifying these problems in my own mind and in reconciling congressional intent in our present patent law and the antitrust statutes. I have come to the very clear and definite conviction that there is not only no conflict between the objectives of the antitrust statutes and the patent law but, on the contrary, these statutes are complementary in promoting competition. If stimulus for new invention and discovery were removed, existing products and processes would be protected from the competition of new discoveries. Hence, the entrenched positions of existing producers would never be subject to competitive pressures. The public under such conditions would suffer not only from the lack of price competition but it would be denied the benefits that stem from aggressive scientific and technological development efforts. Accordingly, the patent statutes, which encourage superior products and devices which compete in the marketplace with an established product, stimulate competition and are thus completely consistent with the intent of our antitrust laws. Apparently, many people have the mistaken notion that when the Government grants a patent it, in effect, is encouraging the establishment of a monopoly.

Mr. Speaker, nothing could be further from the truth. In the first place, the patent laws were not enacted merely as a reward to the inventor but more so for the benefit of the public. As I stated in my remarks of June 25, 1962, the patent system has eliminated industrial secrecy. One of the requirements which must be met before the issuance of a patent to an inventor is a complete disclosure of his invention so that, following the expiration of the patent, any firm would be in a position to provide new competition in this particular field.

The Temporary National Economic Committee, in its final report to the Congress filed on March 31, 1941, in effect supported this view by including among its recommendations proposals with respect to the patent laws.

Mr. Speaker, I request leave to insert at this point in my remarks one of the major TNEC recommendations with respect to the patent law:

Unrestricted licenses: We recommend that the owner of any patent be required to grant only unrestricted licenses, and that he not be permitted to impose restrictions upon the

buyer in sales of patented articles. In other words, the holder of a patent should not be permitted to restrict a licensee in respect of the amount of any article he may produce, the price at which he may sell, the purpose for which or the manner in which he may use the patent or any article produced thereunder, or the geographical area within which he may produce or sell such article. There should be a further prohibition against any other restriction which would tend substantially to lessen competition or to create a monopoly, unless such restriction is necessary to promote the progress of science and the useful arts. (Approved without objection.)

Mr. Speaker, while the term of an American patent under existing law is limited to 17 years, there are, nevertheless, some individuals who disregard the limited period of protection and draw the conclusion that it is of indefinite duration.

If we consider the difficulties and expense which must be incurred in the production and marketing of any new product, this is not an unduly long period of protection. Every patent holder is aware that all the information which he secured in his inventive efforts must be disclosed to the Patent Office and will then become public property. This information may be used to further our general advance in knowledge for the benefit of everyone as well as to provide the basic data for new inventions which will increase competition.

The Sherman Act was enacted in 1890 to protect trade and commerce against unlawful restraints and monopolies. It declares illegal both conspiracies in restraint of trade or commerce as well as attempts to monopolize any trade or commerce among the several States or with foreign nations.

Mr. Speaker, obviously, a patent granted under legislation enacted by the Congress in accordance with the provision of the Constitution, article I, section 8, is not an unlawful restraint. However, there have been instances where those granted a patent have attempted to extend the temporary monopoly provided by law to embrace areas or activities not authorized by the patent itself. Whenever this occurs, the Attorney General may institute action to bar such restraint. The courts have supported efforts to curb the misuse of patents to create unlawful monopolies.

Mr. Speaker, former Attorney General Herbert Brownell, Jr., established a National Committee To Study the Antitrust Laws in 1953. The Cochairmen were Stanley N. Barnes, then Assistant Attorney General in charge of the Antitrust Division, and S. Chesterfield Oppenheim, professor of law, University of Michigan Law School. The Committee included economists, lawyers, and Government officials of eminence and distinction. As would be expected patent antitrust problems received a careful screening by this National Committee, and their report supplies a guide for those concerned with reconciling our antitrust laws with our patent statutes. The Attorney General's National Committee To Study the Antitrust Laws referred to many judicial decisions with respect to patent grants, including the

court decision on the motion picture patents case, and I quote:

The scope of every patent is limited to the invention described in the claims contained in it, read in the light of the specification. * * * It is to the claims of every patent, therefore, that we must turn when we are seeking to determine what the invention is, the exclusive use of which is given to the inventor by the grant provided for by the statute—he can claim nothing beyond them.

In another decision, *Kendall v. Winsor*, 21 How. 322, 327-329 (U.S. 1858), which was cited by this National Committee, the Supreme Court stated:

It is undeniably true, that the limited and temporary monopoly granted to inventors was never designed for their exclusive profit or advantage; the benefit to the public or community at large was another and doubtless the primary object in granting and securing that monopoly. This was at once the equivalent given by the public for benefits bestowed by the genius and meditations and skill of individuals, and the incentive to further efforts for the same important objects.

Whilst the remuneration of genius and useful ingenuity is a duty incumbent upon the public, the rights and welfare of the community must be fairly dealt with and effectually guarded. Considerations of individual emolument can never be permitted to operate to the injury of these.

Mr. Speaker, under previous leave I insert at this point in my remarks the additional comments by the majority of the Attorney General's National Committee To Study the Antitrust Laws with respect to possible remedies for patent antitrust problems:

A majority of the Committee members deem compulsory license free of royalties and dedication penal rather than remedial in character, and hence beyond the Sherman Act's authority to prevent and restrain violations.

Hartford Empire Co. v. United States, held royalty-free licensing to be confiscatory. Hartford, a patent development company, controlled more than 600 patents on glass machinery. By restrictive cross-licensing covenants with major glass manufacturers Hartford used its patent pool, in violation of Sherman Act sections 1 and 2, to regiment the production and price policies of the glass container industry. Modifying the district court decree of royalty-free licensing, the Court held that since "the provisions * * * in effect confiscate considerable portions of the appellants' property, we think they go beyond what is required to dissolve the combination and prevent future combinations of like character."

Similarly, some 2 years later, the Court in the *National Lead* case rejected Government efforts to modify a district court decree providing for compulsory licensing at reasonable royalties. "On the facts before us," the Court reasoned, "neither the issuance of such licenses on a royalty-free basis nor the issuance of a permanent injunction prohibiting the patentees * * * from enforcing those patents has been shown to be necessary in order to enforce effectively the Antitrust Act." The decree below, accordingly, was approved as an "exercise of sound judicial discretion." Thus the Court found it unnecessary to "face the issue of the constitutionality of such an order which would arise only in a case where the order would be more necessary and appropriate to the enforcement of the Antitrust Act than here."

Following the apparent teaching of *Hartford-Empire* and *National Lead*, two of three district courts have refused to decree royalty-free licensing.

Apart from these precedents, the majority feels that royalty-free licensing and dedication differ in kind from divestiture. Divestiture of a patent or any property allows its owner whatever recompense the market affords. True, the law seems settled that divestiture or dissolution may be decreed in appropriate cases despite attendant hardship or stockholder loss. However, this loss, no matter how great, still leaves the property owner free to secure what he may, and the Court effectuating the decree has allowed such time for sale that fairness and antitrust goals permit.

Mr. Speaker, more recently a similar issue was again raised in 1962 during our consideration of the drug amendments of 1962, Public Law 87-781; 76 Stat. 780. The original bill which was considered by the Antitrust and Monopoly Subcommittees of the Judiciary Committees of both Houses contained a provision which provided that every patent for a drug issued after the effective date of the bill shall provide normal patent protection for a period of 3 years with an additional period not exceeding 14 years during which the patent holder is required to give each patent applicant an unrestricted license to make, use, and sell that drug:

The term "unrestricted license," when used with regard to a patent for any drug, means a license which (A) includes a grant of all technical information required for the safe and efficacious manufacture, preparation, or propagation of that drug, and (B) contains no condition, limitation, or restriction upon the manufacture, use, or sale thereof other than the payment by the licensee of a royalty not exceeding 8 per centum of the gross selling price received by the licensee for the sale of that drug, and (C) the royalty rate is not discriminatory between licensees when an identical compound is sold for different uses or in different forms.

The Subcommittee on Patents of the Senate Judiciary Committee expressed concern with the compulsory patent licensing feature of the proposed legislation. President Kennedy wrote a letter dated April 10, 1962, to the chairman of the Senate Judiciary Committee, urging the passage of the pending legislation which would further consumer interest in the marketing of drugs. However, he was well aware that unless the compulsory patent licensing provision was deleted there was little prospect that this measure would receive favorable consideration by the Congress. His letter to the chairman of the Senate Judiciary Committee stated, and I quote:

I understand that the members of the Subcommittee on Patents have decided that the compulsory licensing feature of the legislation requires further study and consideration. I would hope this would not, however, delay enactment of the other provisions of the bill.

The legislation finally enacted into law did not contain any provision with respect to compulsory licensing of patents for drugs.

Mr. Speaker, it must be quite obvious that if the Congress had required compulsory licensing in an antitrust measure research efforts would have been deferred or discontinued. Many firms would proceed on the theory that even though a

competitor had a 3-year head start with a new drug, which he had developed, after that period the field would be open to everyone who had not incurred the initial expense of research. It is doubtful that many companies would, under such conditions, attempt to pioneer new discoveries, and the great public benefits which have resulted would perhaps never have been attained.

There can be no question that after our experience with the Drug Amendments of 1962, compulsory licensing of patents will only destroy the patent system and deprive the public of the benefits which this stimulus to new invention provides. In addition, it furthers monopoly by eliminating the competition from new products.

Mr. Speaker, actions which tend to foster monopoly and restrain competitors or artificially fix prices can be corrected by enforcement of the existing antitrust statutes without any necessity of destroying our patent law in the process. I am a staunch advocate of our system of free competitive enterprise. Of necessity, this demands effective enforcement of the antitrust laws. However, I can see no incompatibility with effective antitrust enforcement efforts and the promotion of America's preeminence in many fields of scientific endeavor to which the patent system has contributed so much.

Mr. Speaker, in conclusion may I express the thought that any action which the Congress might take to deter research and development by U.S. firms will weaken their position in world markets. Our exports will decline, and imported products, developed under more favorable patent provisions, will make inroads into our gold holdings. This is another area of our patent system which I hope to explore more fully for the benefit of my colleagues in the near future.

SUPREME COURT USURPATION MUST BE CHECKED

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. ASHBROOK] is recognized for 15 minutes.

Mr. ASHBROOK. Mr. Speaker, some years ago President Truman claimed that he had "inherent power" to seize the steel mills of this country. Fortunately, that coup was checked by a Court decision in which Mr. Justice Jackson said that the claimed power "either has no beginning or it has no end." Many such as myself who look at the usurpation of power by the Supreme Court wonder where all of their decisions will stop. The power alleged by the Court under the equal protection clause of the Constitution is much of the same type, either it "has no beginning or has no end."

In his first inaugural address more than a century ago, President Abraham Lincoln hit the nail right on the head when he said:

The candid citizen must confess that if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by the decisions of the Supreme Court, the instant they are made in ordinary litigation by the parties in personal actions, the people will have ceased to be their own rulers, having to that extent

practically resigned their government into the hands of that eminent tribunal.

The Supreme Court decision regarding the apportionment of State legislative bodies is nothing more than a bald usurpation of power and one more nail in the coffin which is gradually destroying States rights and local government. Township trustees, county government, and all local subdivisions have already been put in a vise by gradual usurpation of taxing power by the Federal Government. In its bold decision, the Supreme Court is going further than any constitutionalist would ever have expected from a court which in the past 25 years has gone far out of its proper role.

Mr. Justice Harlan has well stated the case in an address to the American Bar Association. He directed some pointed comments at the specious contention of those Justices who seem to believe that the end justifies the means when he said:

A judicial decision which is founded simply on the impulse that "something should be done," or which looks no further than to the "justice" or "injustice" of a particular case, is not likely to have lasting influence. * * * Our scheme of ordered liberty is based, like the common law, on enlightened and uniformly applied legal principle, not on ad hoc notions of what is right or wrong in a particular case.

On the other hand, the views of Chief Justice and the liberals would seem to follow the line which was stated by Justice Douglas in an address to the New York State Bar Association on April 12, 1949. He bluntly said:

So far as constitutional law is concerned, stare decisis must give way before the dynamic component of history.

This, of course, is legal double talk for saying that the Court means to change things and change things it will. Stare decisis, or the adherence to precedent and an orderly interpretation of law has given us the security of laws over men. Now we are moving rapidly in a direction of men over men and the Supreme Court is one of the chief architects of this primrose path we are taking.

I believe the problem of Supreme Court usurpation should be approached in two ways. First, the Congress clearly has the constitutional right to limit the Court's jurisdiction. This it should do to prevent their arbitrary usurpation and destruction of our Federal system with its built-in checks and balances. Second, amendments should be introduced to repair the damage done by the recent decision.

Historically, the 14th amendment was introduced, discussed, and passed by the Congress and ratified by the States as a single unit. Its sections must be interpreted together and not split apart to stand alone in its meaning. History clearly reveals that from its inception, the 14th amendment was never intended to prevent a State from choosing any legislative structure it believes best suited to its needs. During the debate on the amendment in the House, it was concisely stated that the amendment "takes from no State any right that ever pertained to it." Of the 23 Northern States which ratified the amendment before 1870, 5 had constitutional provisions

for apportionment of at least 1 house of the legislature without regard to population. Ten others, while giving emphasis to population called for the consideration of other traditional principles of apportionment.

The policy of apportioning one body of a State legislature on factors other than population long preceded the enactment of the 14th amendment. The Federal Congress has indeed been the pattern for most State legislatures.

If we are to have any States rights at all, this Supreme Court decision must be negated. I have introduced House Joint Resolution 1123, a companion bill to the so-called McCulloch-Dirksen amendments and I strongly support its passage by this Congress and ratification by the States. There is very strong feeling everywhere that this is a matter for the States and I concur heartily with the words of Justice Harlan who said in his dissent:

In every accurate sense of the term * * * (the decision) involves the Court amending the Constitution * * *. If the time comes when this Court is looked upon by well-meaning people—or worse yet by the Court itself, if that day ever comes—as the repository of all reforms, I think the seeds of trouble are being sown for this institution.

The seeds have already been sown. They were sown many years ago and we are merely reaping the fruit of this harvest in the prayer decisions, the striking down of our effective laws which deal with communism and the destruction of States rights. Senator Jim Reed once said that Roosevelt failed to pack the Supreme Court but he succeeded in polluting it. Whether this is true or not we do know that we have liberal opportunists rather than constitutional statesmen who have reduced law and precedent to a shadow and have egotistically asserted the law of the land to be what they think it should be. Now is the time to act and I hope this resolution will be adopted.

The resolution is as follows:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE XXV

"SECTION 1. Nothing in the Constitution of the United States shall prohibit a State, having a bicameral legislature, from apportioning the membership of one house of its legislature on factors other than population, if the citizens of the State shall have the opportunity to vote upon the apportionment.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

SPECIAL STAMP FOR DANTE ALIGHIERI

The SPEAKER pro tempore. Under previous order of the House, the gentle-

man from Connecticut [Mr. GIAIMO] is recognized for 15 minutes.

Mr. GIAIMO. Mr. Speaker, "that singular splendor of the Italian race" was the noble phrase applied to Dante Alighieri by his first biographer, Giovanni Boccaccio. After seven centuries, that "singular splendor" still shines forth in undiminished glory. Later biographers have discussed the aptness both of his original given name, "Durante," "the much enduring," or "the long lasting," and of the contraction that became his name in actual use, "Dante," "the giver." In his earliest work, "La Vita Nuova," Dante celebrated his spiritual love for Beatrice in prose interspersed with lyric poems and sonnets. This work, together with Dante's later lyrics, powerfully influenced, not only Italian poetry, but the whole field of lyric poetry in Europe and England, contributing, in a marked degree, to the lyric achievements of Elizabethan England.

Dante's greatest work, the "Divine Comedy," depicts hell, purgatory, and heaven, and, in so doing, surveys the culture and knowledge of the age. Philosophy, history, classical literature, physical science, morals, theology—each is amply represented in this encyclopedic work—and yet all this learning is subordinated to the masterly dramatic movement and lyric eloquence of the poem. The Italian language, which hitherto had been hardly more than a Latin dialect used chiefly in conversation, was by this literary masterpiece established as a vehicle worthy to convey the most sublime thoughts and feelings. The "Divine Comedy" stands as one of the noblest achievements of the mind and heart of man, a literary work second only to the Bible in its influence upon writers, and one of the most quoted and most translated works in all literature. Dante's prose commentary, "Il Convito," has been pronounced worthy to stand by the side of the best works of antiquity. In his "De Monarchia," in Latin, he set forth a well thought out description of his ideal of government—incidentally casting great light upon the political and social theories back of the Guelph and Ghibelline struggles of the time; and in "De Vulgari Eloquencia," also in Latin, he discussed language in general, its developments, and particularly the dialects of Italian.

Dante was a man of his age—a man of action, involved in the affairs of Florence and the papacy; a man of intellect, deeply learned in the philosophy and religion of his time; and a man of eminence, acquainted with the great men in politics and literature, both of Italy and of the rest of Europe. He is truly representative of his time and place, yet his stature far transcends that time and place—his eloquent vitality exerts its powerful influence on contemporary thought as well. It is therefore most fitting that the United States of America, in the 20th century, separated from Dante by 4,000 miles and seven centuries, should, by the official act of issuing a postage stamp to celebrate his birthday, recognize that his poetic magnificence, his mastery of language, his human tenderness and moral grandeur, make

him a man worthy of the praise and emulation of all men.

For these reasons, I am introducing today a bill to provide that the U.S. Post Office shall issue a stamp celebrating, in May 1965, the 700th birthday of Dante Alighieri. I am also writing to the Postmaster General, requesting appropriate action on this proposal. I urge my colleagues to join in the sponsoring of this legislation.

I am happy to cooperate with the Dante Centenary Committee on this bill. I especially wish to thank Dr. Vincenzo Cioffari, national chairman of the committee, and Dr. Thomas G. Bergin, Sterling professor of romance languages at Yale University. Their assistance in the preparation of this bill was invaluable.

A HAM PICKS UP REPORT ON CUBAN SHIPPING

Mr. REIFEL. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] 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 South Dakota?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, a very responsible ham operator brought an interesting fact to my attention today. He notes that a great amount of transshipping to Cuba may be going on in the following manner which he pointed out in a letter:

Have you people ever investigated a vast traffic in American goods and supplies to Castro? It works this way. Nondescript foreign-flag ships mainly Liberian, Greek, and Panamanian load transship cargoes in Montreal, these cargoes being delivered in Montreal by Canadian and American lakers. They then proceed directly to Havana. They are as quiet as mice on the air at sea, but one day off of the Florida coast, one opened up and sent his destination and loading port. I am a radio operator and I heard it.

Mr. Speaker, I do not think it would do any good to bring this to the attention of the State Department. They have not done anything to toughen our policy toward Cuba. As a matter of fact they have directly encouraged such bypassing of the stated policy of this Government. Their recent role in the OAS conference should sicken any patriotic American. OAS members like Colombia, Costa Rica, and Panama have offered strong resolutions against Cuba but the United States has quietly opposed them. It would be interesting to know more about Cuban shipping. Will we ever know?

TREASURY AND POST OFFICE DEPARTMENTS, THE EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES—CONFERENCE REPORT

Mr. GARY submitted a conference report and statement on the bill (H.R. 10532) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1965.

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. ROUDEBUSH, for 30 minutes, today; and to revise and extend his remarks.

Mr. ASHBROOK (at the request of Mr. REIFEL), for 15 minutes, today.

Mr. GIAIMO (at the request of Mr. MORRIS), for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. REUSS.

Mr. GATHINGS.

Mr. ALGER.

Mr. EDMONDSON to revise and extend his remarks made in Committee of the Whole and to include extraneous material.

Mr. PHILBIN and to include extraneous matter.

(The following Members (at the request of Mr. MORRIS) and to include extraneous matter:)

Mr. GIAIMO.

Mr. PEPPER.

Mr. CAREY.

Mr. PATTEN.

Mr. BRADEMAS.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 8313. An act to repeal the District of Columbia Credit Unions Act, to convert credit unions incorporated under the provisions of the act to Federal credit unions, and for other purposes;

H.R. 9833. An act granting a renewal of patent No. D-162,975, relating to a medal of the American Legion;

H.R. 9834. An act granting a renewal of patent No. D-161,955, relating to a plaque of the American Legion; and

H.R. 10300. An act to authorize certain construction at military installations, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 944. An act to provide for the presentation by the United States to the people of Mexico of a monument commemorating the independence of Mexico, and for other purposes.

ADJOURNMENT

Mr. MORRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, July 27, 1964, 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:

2329. A letter from the Director of Civil Defense, Department of the Army, transmitting the report on property acquisitions of emergency supplies and equipment for the quarter ending June 30, 1964, pursuant to subsection 201(h) of the Federal Civil Defense Act of 1950, as amended involving property in the amount of \$3,061,702; to the Committee on Armed Services.

2330. A letter from the Comptroller General of the United States, transmitting a report on a review of the U.S. Army Engineer Depot, Ascom, Korea, disclosed that the effectiveness of missile systems, communication systems, aircraft and construction equipment was impaired; \$376,000 of unneeded stock was ordered; at least \$101,000 of unnecessary procurement was in process; and inventory losses of about \$12.6 million were not adequately investigated as a result of inadequate supply management, Department of the Army; to the Committee on Government Operations.

2331. A letter from the Comptroller General of the United States, transmitting a report on a review of the adequacy of maintenance of combat and combat support vehicles disclosed that armored personnel carriers and 2½-ton cargo trucks assigned to the 1st Battalion, 30th Infantry, 3d Infantry Division, in Europe were not properly maintained and as a result the combat capability of this battalion was impaired. Our review, although it covered only one Infantry battalion, disclosed further evidence of the serious maintenance problem in the Army, Department of the Army; to the Committee on Government Operations.

2332. A letter from the Director, Office of Emergency Planning, Executive Office of the President, transmitting a report stating that two claims were paid by the Office of Emergency Planning during fiscal year 1964, pursuant to the Federal Tort Claims Act of 1946; 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. WILLIS: Committee on the Judiciary. S. 1664. An act to provide for continuous improvement of the administrative procedure of Federal agencies by creating an Administrative Conference of the United States, and for other purposes; with amendment (Rept. No. 1565). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 10672. A bill to provide for the disposition of judgment funds now on deposit to the credit of the Pawnee Tribe of Oklahoma; without amendment (Rept. No. 1566). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 11052. A bill to declare that 80 acres of land acquired for the Flaudreau Boarding School is held by the United States in trust for the Flaudreau Santee Sioux Tribe; with amendment (Rept. No. 1567). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 11425. A bill to provide for the conveyance of 10 acres of federally owned land on the White Earth Reservation to the Minnesota Annual Conference of the Methodist Church and for other

purposes; with amendment (Rept. No. 1568). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 11562. A bill to authorize the Secretary of the Interior to sell Enterprise Rancheria No. 2 to the State of California, and to distribute the proceeds of the sale to Henry B. Martin, Stanley Martin, Ralph G. Martin, and Vera Martin Kiras; without amendment (Rept. No. 1569). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 11329. A bill to provide for the relocation and reestablishment of the Village of Sil Murk and of the members of the Papago Indian Tribe inhabiting the village of Sil Murk, and for other purposes; with amendment (Rept. No. 1570). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Texas: Committee on Interior and Insular Affairs. H.R. 3672. A bill to provide for the construction, operation, and maintenance of the Savery-Pot Hook, Bostwick Park, and Fruitland Mesa participating reclamation projects under the Colorado River Storage Project Act; with amendment (Rept. No. 1571). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Texas: Committee on Interior and Insular Affairs. Senate Joint Resolution 49. Joint resolution authorizing the Secretary of the Interior to carry out a continuing program to reduce nonbeneficial consumptive use of water in the Pecos River Basin, in New Mexico and Texas; with amendment (Rept. No. 1572). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 9975. A bill to exempt from taxation certain property of the National Trust for Historic Preservation in the United States in the District of Columbia; with amendment (Rept. No. 1573). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 8451. A bill to amend the District of Columbia Sales Tax Act, as amended, relating to certain sales to common carriers or sleeping-car companies; without amendment (Rept. No. 1574). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 11222. A bill to make certain technical amendments to the Horizontal Property Act of the District of Columbia; with amendment (Rept. No. 1575). Referred to the House Calendar.

Mr. GARY: Committee of conference. H.R. 10532. A bill making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending June 30, 1965, and for other purposes (Rept. No. 1576). Ordered to be printed.

Mr. POWELL: Committee on Education and Labor. H.R. 10873. A bill to amend the bonding provisions of the Labor-Management Reporting and Disclosure Act of 1959 and the Welfare and Pension Plans Disclosure Act; with amendment (Rept. No. 1598). Referred to the Committee of the Whole House on the State of the Union.

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. POFF: Committee on the Judiciary. H.R. 1262. A bill for the relief of Mrs. Maisie

Magdalene Lim Ketchens; with amendment (Rept. No. 1577). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H.R. 1322. A bill for the relief of Lucia Salvucci; with amendment (Rept. No. 1578). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 1534. A bill for the relief of Chong Lam; with amendment (Rept. No. 1579). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 2324. A bill for the relief of Rosa Stefano Ratajczak; with amendment (Rept. No. 1580). Referred to the Committee of the Whole House.

Mr. POFF: Committee on the Judiciary. H.R. 5510. A bill for the relief of Carmela Macaro; with amendment (Rept. No. 1581). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 6093. A bill for the relief of Lee Chung Woo; with amendment (Rept. No. 1582). Referred to the Committee of the Whole House.

Mr. POFF: Committee on the Judiciary. H.R. 6578. A bill for the relief of Mrs. Cesira Duddy; without amendment (Rept. No. 1583). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 9519. A bill for the relief of Young Soon Kim and Tai Ung Choi; without amendment (Rept. No. 1584). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 9561. A bill for the relief of Moni Parvanoff Floroff; without amendment (Rept. No. 1585). Referred to the Committee of the Whole House.

Mr. POFF: Committee on the Judiciary. H.R. 10216. A bill for the relief of Dr. Miguel de Socarras; without amendment (Rept. No. 1586). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 479. An act for the relief of Chung K. Won; with amendment (Rept. No. 1587). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 2336. An act for the relief of John Richard Dolby; without amendment (Rept. No. 1588). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 858. An act for the relief of Miladin Kljajin; without amendment (Rept. No. 1589). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 2088. An act for the relief of Tomoe Ishikawa Westley; without amendment (Rept. No. 1590). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 2219. An act for the relief of Helen Marghita Georgalas; without amendment (Rept. No. 1591). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H.R. 1172. A bill for the relief of Rolando de la Torre Arceo and John Antony Arceo; with amendment (Rept. No. 1592). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 7617. A bill for the relief of Vula Roed; without amendment (Rept. No. 1593). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 2225. An act for the relief of Christiane Antoine Bronas; without amendment (Rept. No. 1594). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 2436. An act for the relief of Mihailo

Radosavljevic; without amendment (Rept. No. 1595). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 31. An act for the relief of Sonja Dolata; without amendment (Rept. No. 1596). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 9361. A bill for the relief of Kathryn Choi Ast; without amendment (Rept. No. 1597). 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. BLATNIK:

H.R. 12033. A bill to further amend the transitional provisions of the act approved September 6, 1958, entitled "An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to prohibit the use in food of additives which have not been adequately tested to establish their safety", and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FRIEDEL:

H.R. 12034. A bill to amend the Federal Aviation Act of 1958 so as to provide for a method of certification and regulation with respect to certain transportation performed with hovercraft; to the Committee on Interstate and Foreign Commerce.

By Mr. HERLONG:

H.R. 12035. A bill to amend the Internal Revenue Code of 1954 to apply to gross income from sales of items of income in respect of decedents the ordinary rules for determining the proper taxable year of inclusion in gross income; to the Committee on Ways and Means.

By Mr. MATTHEWS:

H.R. 12036. A bill defining the jurisdiction of the U.S. Supreme Court and all Federal courts inferior thereto, in certain instances; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 12037. A bill to amend chapter 57 of title 39, United States Code, so as to authorize the free use of the mails in making reports required by law of certain payments to others; to the Committee on Post Office and Civil Service.

By Mr. ABBITT:

H.R. 12038. A bill to indemnify dairy farmers; to the Committee on Agriculture.

By Mr. ARENDS:

H.R. 12039. A bill to provide that no Federal court shall have jurisdiction of any action to reapportion one house of a State legislature if the other house of such legislature is apportioned according to population; to the Committee on the Judiciary.

By Mr. AYRES:

H.R. 12040. A bill to establish a National Human Resources Development Commission; to the Committee on Education and Labor.

By Mr. BROWN of Ohio:

H.R. 12041. A bill to limit jurisdiction of Federal courts in reapportionment cases; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 12042. A bill to amend the District of Columbia Teachers' Salary Act of 1955, and for other purposes; to the Committee on the District of Columbia.

H.R. 12043. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958, as amended, to increase salaries, to adjust pay alignment, and for other purposes; to the Committee on the District of Columbia.

By Mr. GIAIMO:

H.R. 12044. A bill to provide for the issuance of a special postage stamp commemorat-

ing the 700th anniversary of the birth of Dante Alighieri; to the Committee on Post Office and Civil Service.

By Mr. KORNAGAY:

H.R. 12045. A bill to amend section 4233 of the Internal Revenue Code of 1954 to exempt from the admissions tax admissions to motion picture exhibitions, carnivals, rodeos and circuses promoted by municipally owned facilities; to the Committee on Ways and Means.

By Mr. ROBERTS of Texas:

H.R. 12046. A bill defining the jurisdiction of the U.S. Supreme Court and all Federal courts inferior thereto, in certain instances; to the Committee on the Judiciary.

By Mr. KEOGH:

H.R. 12047. A bill to adjust the tax rates on light sparkling wines in relation to those imposed on other wines; to the Committee on Ways and Means.

By Mr. HALLECK:

H.J. Res. 1125. Joint resolution for the commemoration of the Honorable Herbert Hoover's 90th birthday, August 10, 1964; to the Committee on the Judiciary.

By Mr. ALBERT:

H.J. Res. 1126. Joint resolution for the commemoration of the Honorable Herbert Hoover's 90th birthday, August 10, 1964; to the Committee on the Judiciary.

By Mr. MINISH:

H.J. Res. 1127. Joint resolution to authorize the President to proclaim the last Friday of April of each year as National Arbor Day; to the Committee on the Judiciary.

By Mr. CHENOWETH:

H. Con. Res. 332. Concurrent resolution expressing the sense of the Congress that the President should bring the Baltic States question before the United Nations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MURRAY:

H. Res. 803. Resolution relating to the bill H.R. 11049, the House disagreement to the Senate amendment thereto, and agreeing to the conference on the disagreeing votes of

the two Houses thereon; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

The SPEAKER presented a memorial of the Legislature of the Territory of Guam, memorializing the President and the Congress of the United States relative to requesting the Congress of the United States to enact legislation to amend the Federal Property Administrative Services Act of 1949, to include Guam, which was referred to the Committee on Government Operations.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. CAREY:

H.R. 12048. A bill for the relief of Vincenzo Clorone; to the Committee on the Judiciary.

H.R. 12049. A bill for the relief of Fotini Papadokou; to the Committee on the Judiciary.

H.R. 12050. A bill for the relief of Gaetano Salmeri; to the Committee on the Judiciary.

H.R. 12051. A bill for the relief of Stavroula P. Stratigos; to the Committee on the Judiciary.

By Mr. GURNEY:

H.R. 12052. A bill for the relief of Mr. Sabas Murillo; to the Committee on the Judiciary.

By Mr. MATHIAS:

H.R. 12053. A bill for the relief of Mrs. Julia Kok; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 12054. A bill for the relief of Carmello Zammitti; to the Committee on the Judiciary.

H.R. 12055. A bill for the relief of Antonio Florio; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 12056. A bill for the relief of Denis H. Skinner; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 12057. A bill for the relief of Giovanna Cicco; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 12058. A bill for the relief of Gus Katranis; to the Committee on the Judiciary.

By Mr. RYAN of New York:

H.R. 12059. A bill for the relief of Mrs. Angel Virjin Papas; to the Committee on the Judiciary.

H.R. 12060. A bill for the relief of Mrs. Zenovia P. Lioulis; to the Committee on the Judiciary.

By Mr. SICKLES:

H.R. 12061. A bill for the relief of Anna Oleksiejuk; to the Committee on the Judiciary.

By Mr. STINSON:

H.R. 12062. A bill for the relief of Hirdaki Katsuno; to the Committee on the Judiciary.

PETITIONS, ETC.

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

983. By The SPEAKER: Petition of J. L. Savitz, and others, mayor of Abbeville, S.C. relative to requesting that the Duke Power Co. be granted a permit to construct a steam powerplant at Middleton Shoals on the Savannah River in Anderson County, S.C., adjacent to our county; to the Committee on Interstate and Foreign Commerce.

984. Also, petition of Clyde Rodolph, Jr., manager, Oklahoma Electric Cooperative, Norman, Okla., to initiate an amendment to the Constitution of the United States relating to the question of apportionment of State legislatures, by leaving this determination up to the States themselves; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

The Silver Dollar

EXTENSION OF REMARKS OF

HON. A. WILLIS ROBERTSON
OF VIRGINIA

IN THE SENATE OF THE UNITED STATES
Thursday, July 23, 1964

Mr. ROBERTSON. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a letter that I received today from the Secretary of the Treasury on the subject of the silver dollar.

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

THE SECRETARY OF THE TREASURY,
Washington, D.C., July 23, 1964.

Hon. A. WILLIS ROBERTSON,
Chairman, Treasury-Post Office Subcommittee,
Senate Appropriations Committee,
U.S. Senate, Washington, D.C.

DEAR Mr. CHAIRMAN: In connection with the coming conference on Treasury appropriations, there is in disagreement, as you know, an item of \$600,000 for the manufacture of 45 million silver dollars in fiscal 1965. I wanted to reemphasize the interest of the Treasury Department in security approval of this item.

While I know you are familiar with our problem, I wanted to reassure you that the administration feels it important to continue the use of the silver dollar, as it is one of the six standard coins prescribed by law, and is particularly used as an ordinary and traditional medium of exchange in many far western States. Also, use of the silver dollar will, to a great extent in the West at least, alleviate the heavy demands we have had on the quarter and 50-cent pieces. This eventually will about balance out the use of silver, as the minting of enough halves and quarters to substitute for the 45 million silver dollars will take almost as much metal for the same end use.

You are fully aware of the Treasury's crash program for the minting of some 8 billion coins this fiscal year, with still higher production planned for fiscal 1966. Under this program we are acquiring many presses from the Department of Defense, GSA, and private industry and converting them for emergency use, although they will not be suitable nor economical on a long-range basis. With these presses now, however, and the continued purchase of bronze and nickel strip, we will be able to produce the 45 million silver dollars without cutting down on the production of coin of smaller denominations.

Present plans call for the minting of the dollars, if approved, at the Denver Mint only using an old design, and the 1964 date, if the bill for that purpose becomes law, as we hope will be the case.

If this item is approved in our appropriation bill it would be our policy to distribute the silver dollars through the Federal Reserve banks in the West where they are used as a medium of exchange. We would not use them in redemption of silver certificates at the Treasury.

Thank you for your past assistance in this matter, and whatever you can do in the conference to help secure approval of this \$600,000 item will be doubly appreciated.

Sincerely yours,

DOUGLAS DILLON.

Sixth National Boy Scout Jamboree

EXTENSION OF REMARKS OF

HON. ROBERT N. GIAIMO
OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1964

Mr. GIAIMO. Mr. Speaker, one of the great Boy Scout jamborees in the annals of the American Scouting movement comes to a close today at Valley Forge, Pa. There, in that historic land, more than 52,000 Scouts and Scouters have