is equipped better than any other army on earth. There is no doubt about that. It has the finest equipment, it has the best equipment, it has the most equipment per man of any army on earth. And our divisions that are stationed in Germany have practically everything that they ever asked for.

Some of the divisions—and particularly our Reserve Forces in this country—do not have all of the equipment that is supposed to go with a division. It is not rifles, it is not cartridges, it is not machineguns—but they don't have, for example, some of these divisions—and particularly Reserve divisions—do not have sufficient mobile equipment, trucks and things of that kind. And that is what I had in mind. I didn't mean to leave any impression that the Army is deficient in fighting a war because they have got the best equipment and the most equipment of any army in the world today.

But I just would like to see them have everything that goes with the table of organization of an Army division or an Army regiment or brigade or whatever entity you are dealing with.

Mr. STRAWSER. Senator, can we carry it just to one more point? Could you clarify this, the implication of what you said was that we should have all the weapons necessary which carries us, of course, to atomic weapons and to tactical weapons. Do you or do you not have that in mind?

Senator RUSSELL. No; I do not. We have got them running out of our ears. That is one area where there is no shortage. We have got plenty of atomic weapons, but I think everyone knows that we are not going to fire the first atomic weapons unless it is in a moment of very great desperation, and the lives of thousands of American citizens are involved. We have plenty of atomic weapons, and I think we have the—the regular forces have plenty of conventional weapons.

Mr. AGRONSKY. You feel you express the consensus of the Congress, sir, when you indicate that President Johnson's decision to keep this a conventional war, what we call a conventional war, today is the right one?

Senator RUSSELL. Well, of course, we can't afford to use nuclear weapons in Asia at this time. And with our world image and our position of leadership puts us at a terrible disadvantage in using atomic weapons. We almost have to save them until we retaliate against an atomic attack.

Mr. STRAWSER. Senator RUSSELL, in the very few seconds remaining to us, the voting rights bill, the compromise comes back to the Senate floor this week. You weren't here for the debate; do you plan any last-ditch stand now?

Senator RUSSELL. I have not consulted with those who opposed the bill in the long days of debate in the Senate. They were finally gagged in that debate; it is very evident that the votes are present in the Senate to enforce a gag rule at the present time. There has been so much feeling generated throughout the country due largely to the acts of a few individuals that I doubt very much that any prolonged discussion would avail.

Mr. AGRONSKY. John, I would like to ask many more questions, as you do. It has been so interesting, but I am awfully sorry that time is up, and thank you, Senator RUSSELL, for being with us here on "Face the Nation." A concluding word in a moment.

Senator RUSSELL. Thank you.

ADJOURNMENT UNTIL TUESDAY NEXT

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move, under the previous order, that the Senate stand in adjournment until 12 o'clock noon on Tuesday next.

The motion was agreed to; and (at 12 o'clock and 59 minutes p.m.) the Senate adjourned, under the previous order, until Tuesday, August 10, 1965, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 6, 1965:

DEPARTMENT OF THE AIR FORCE

Harold Brown, of California, to be Secretary of the Air Force.

Norman S. Paul, of the District of Columbia, to be Under Secretary of the Air Force.

DEPARTMENT OF DEFENSE

Thomas D. Morris, of Maryland, to be an Assistant Secretary of Defense.

U.S. AIR FORCE

To be lieutenant general

Maj. Gen. Glen W. Martin, 1955A, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade indicated, under the provisions of section 8066, title 10, of the United States Code.

U.S. ARMY

The following-named officer to be placed on the retired list, in grade indicated, under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Robert Jefferson Wood, O18064, Army of the United States (major general, U.S. Army).

U.S. NAVY

To be vice admiral

Rear Adm. Waldemar F. A. Wendt, U.S. Navy, having been designated, under the provisions of title 10, United States Code, section 5231, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade indicated while so serving.

The following-named officers of the Navy for permanent promotion of the grade indicated:

LINE

To be rear admirals

John K. Leydon.

CHAPLAIN CORPS

Henry J. Rotrige.

DENTAL CORPS

Maurice E. Simpson.

U.S. MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade indicated, subject to qualification therefor as provided by law:

To be major generals

Wood B. Kyle.
Joseph O. Butcher.
Norman J. Anderson.
Keith B. McCutcheon.

DISTRICT OF COLUMBIA COURTS

Aubrey E. Robinson, Jr., of the District of Columbia, to be associate judge of the juvenile court of the District of Columbia for the term of 10 years.

Harold H. Greene, of Maryland, to be associate judge of the District of Columbia court of general sessions for the term of 10 years.

IN THE NAVY AND MARINE CORPS

The nominations beginning Joseph F. Clare to be ensign in the Navy, and ending Thomas S. Hubbell to be first lieutenant in the Marine Corps, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 15, 1965.

HOUSE OF REPRESENTATIVES

MONDAY, AUGUST 9, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., prefaced his prayer with these words of Scripture: Psalm 72: 19:

Blessed be His glorious name forever, and let the whole earth be filled with His glory.

Almighty God, open our eyes that we may see Thee as the light shining through all mystery, the love glowing in our fellowships, the laborer toiling with us for that higher good which we constantly aspire to and have not yet attained.

Lead us in our halting and stumbling efforts to reach that which is noble and good and lift us out of our doubts and fears which cause us to stand in weakness into that faith and courage which enable us to walk in strength and power.

Quicken our spirit into newness of life and may the seeds of aspiration bud and bloom into new achievement and may all that is good within us praise and glorify Thee.

In Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, August 5, 1965, 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 and a concurrent resolution of the House of the following titles:

H.R. 4346. An act to amend section 502 of the Merchant Marine Act, 1936, relating to construction differential subsidies;

H.R. 4714. An act to amend the National Arts and Cultural Development Act of 1964 with respect to the authorization of appropriations therein; and

H. Con. Res. 100. Concurrent resolution expressing the approval of Congress for the disposal of raw silk and silk noils from the national stockpile.

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

H.R. Res. 7765. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1966, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HILL, Mr. STENNIS, Mr. PASTORE, Mr. BIBLE, Mr. BYRD of West Virginia, Mr. COTTON, and Mrs. SMITH to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 561. An act to achieve the fullest cooperation and coordination of activities among

the levels of government in order to improve the operation of our Federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to provide for congressional review of Federal grants-in-aid, to permit provision of reimbursable technical services to State and local governments, to establish coordinated intergovernmental policy and administration of grants and loans for urban development, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, and for other purposes;

S. 944. An act to provide for expanded research and development in the marine environment of the United States, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering, and Resources, and for other purposes; and

S. 1559. An act to amend the Federal Reserve Act in order to enable the Federal Reserve banks to extend credit to member banks and others in accordance with current economic conditions, 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 amendments of the Senate to the bill (H.R. 7997) entitled "An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1966, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to Senate amendment No. 77 to the foregoing bill.

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 (S. 24) entitled "An act to expand, extend, and accelerate the saline water conversion program conducted by the Secretary of the Interior, and for other purposes."

The message also announced that the Vice President, pursuant to Public Law 170, 74th Congress, had appointed the following Members on the part of the Senate to the 54th Interparliamentary Union Conference to be held in Ottawa, Ontario, September 9 to 17, 1965: Mr. TALMADGE, chairman, Mr. ROBERTSON, Mr. MCNAMARA, Mr. JORDAN of North Carolina, Mr. YOUNG of Ohio, Mr. MUSKIE, alternate, Mr. ALLOTT, Mr. SCOTT, Mr. COOPER, Mr. SIMPSON, and Mr. THURMOND.

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL, 1966

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, H.R. 8370 with Senate amendments, disagree to the amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. WHITTEN, NATCHER, HULL, MORRIS, MAHON, MICHEL, LANGEN, and Bow.

CALL OF THE HOUSE

Mr. ASHBROOK. 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. 226]

Adams	Harvey, Ind.	O'Neill, Mass.
Andrews, N. Dak.	Hawkins	Passman
Ashley	Hicks	Pelly
Bandstra	Holland	Pepper
Bonner	Hosmer	Pirnie
Brademas	Hull	Pool
Brock	Huot	Powell
Brown, Ohio	Ichord	Quie
Cahill	Irwin	Resnick
Carter	Jarman	Rivers, Alaska
Cederberg	Jennings	Robison
Celler	Jones, Mo.	Rogers, Fla.
Clausen, Don H.	Keith	Rogers, Tex.
Colmer	Keogh	Roncalio
Conyers	King, N.Y.	Roosevelt
Corbett	Kluczynski	Rostenkowski
Corman	Kornegay	Roybal
Cramer	Krebs	Ryan
Curtis	Laird	St Germain
Devine	Lindsay	Saylor
Diggs	Long, Md.	Schmidhauser
Ellsworth	McCarthy	Senner
Erlenborn	McCulloch	Shipley
Evins, Tenn.	McDowell	Smith, Iowa
Farnsley	Macdonald	Smith, N.Y.
Farnum	MacGregor	Springer
Fino	Mackay	Stalbaum
Fogarty	Martin, Ala.	Sweeney
Foley	Martin, Mass.	Thomas
Fraser	Mathias	Thompson, N.J.
Frelinghuysen	May	Toll
Fulton, Pa.	Meeds	Tuck
Fulton, Tenn.	Michel	Van Deerlin
Gilligan	Moeller	Vivian
Goodell	Moore	Weltner
Griffin	Moorhead	Widnall
Halpern	Morrison	Wilson, Charles H.
Hardy	Morton	Yates
Harris	Moss	
	Murphy, N.Y.	
	Nix	

The SPEAKER. On this rollcall, 313 Members have answered to their names, a quorum.

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

MILITARY CONSTRUCTION, DEPARTMENT OF DEFENSE, FISCAL YEAR ENDING JUNE 30, 1966

Mr. SMITH of Virginia. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution, House Resolution 504, and ask for its present consideration.

The Clerk read the resolution, as follows:

Resolved, That during the consideration of the bill (H.R. 10323) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1966, and for other purposes, all points of order against the bill are hereby waived.

The SPEAKER. The gentleman from Virginia [Mr. SMITH] is recognized for 1 hour.

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

Mr. SMITH of Virginia. I yield to the gentleman.

Mr. GROSS. Would the gentleman state why waiving points of order is necessary?

Mr. SMITH of Virginia. I have not had the opportunity to do so yet. I have just been recognized.

Mr. Speaker, this resolution is necessary to alleviate a situation that is somewhat unusual but it is very simple.

The House and Senate passed the military construction bill. It has been sent to the President for his signature. It has not as yet been signed by the President and, therefore, it is not law and it is not lawful to pass the appropriation bill unless there is a waiver of points of order. It is expected that the appropriation bill will be taken up on the floor tomorrow and it is the desire of the Committee on Appropriations that the points of order may be waived, which involves as I understand it only this question—that the President just has not gotten around to signing the bill. Does that explain it to my friend's satisfaction?

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

Mr. SMITH of Virginia. I yield to the gentleman.

Mr. GROSS. Would this mean that additional money can be added to this bill, by the request from the White House for additional money?

Mr. SMITH of Virginia. No. This is no request from the White House at all. I knew nothing about it and it first came to me from the Committee on Appropriations because of this situation which I hope I have described to the satisfaction of the Members of the House.

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

Mr. SMITH of Virginia. I yield to the gentleman.

Mr. JONAS. Mr. Speaker, will the rule waiving points of order apply only to the fact that the authorizing legislation has not become law or does it waive all points of order?

Mr. SMITH of Virginia. I am not aware of any points of order that could be raised against the bill itself. This is to take care of the situation I have described, but it does not specify anything except that points of order are waived.

Mr. JONAS. Referring to section 103, I think the Members of the House should be aware of the fact that section 103 might be subject to a point of order. I would like to ask the gentleman from Florida if he will turn to this section so that we can discuss it just a bit before the rule is adopted. That section would require certification by the Secretary of Defense—and one or two other general provisions that might be subject to points of order. I think the Members of the House should be made aware of that and that it should be made clear that the committee does not intend to include any new legislation in the appropriation bill.

Mr. SMITH of Virginia. Mr. Speaker, I yield to the gentleman from Florida [Mr. SIKES], a member of the committee.

Mr. SIKES. Mr. Speaker, may I state to my distinguished friend that there is no new legislation in this bill. Each section in the general provisions has been approved by the Congress in previous legislation. The items which would be subject to a point of order are the line items for new military construction.

Again let me say that the only reason a rule is being requested is that the authorization bill which has been approved by both branches of Congress has not been signed by the President. There is no new legislation in here, and everything in the general provisions was in previous measures.

Mr. JONAS. Mr. Speaker, will the gentleman from Virginia yield?

Mr. SMITH of Virginia. I yield to the gentleman from North Carolina.

Mr. JONAS. I am delighted to have the distinguished chairman of the subcommittee make that point clear and also make it clear to the membership that general provisions in the bill are similar to provisions which have previously been approved by Congress. It is not the intention of the subcommittee or of the Committee on Appropriations to propose new legislation in this bill.

Mr. SMITH of Virginia. That is my understanding of the situation. I thank the gentleman.

Mr. Speaker, I now yield such time as he may consume to the gentleman from California [Mr. SMITH].

Mr. SMITH of California. Mr. Speaker, I learned of this situation only this morning. I have been informed that the authorization legislation has not been signed. In order to consider the appropriation bill tomorrow this special rule is necessary.

I am not familiar with whether or not any points of order could be lodged against the bill, other than this particular point of order.

It would be my personal suggestion that we could add language at the end of the resolution stating, "so far as the authorization legislation not having been signed into law is concerned." I believe that is what we are trying to do.

I ask the gentleman from Florida and the gentleman from Virginia if that particular language would accomplish what we want, and whether they would accept an amendment in that regard. That is what we are trying to do, is it not?

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

Mr. SMITH of California. I am happy to yield to the gentleman from Florida.

Mr. SIKES. I can see no useful purpose that such language would accomplish.

Again let me point out that we are here because the authorizing legislation has not been signed into law. There is no new legislation in this bill. Everything in this bill in the general provisions has been enacted into law by previous Congresses. It is a repetition of legislation which is already on the statute books.

I see no reason for a limitation of the rule, as proposed. We are here because we are trying to expedite the work of the House.

It is almost mid-August. We have been ready to bring this bill to the floor for 2 months, but there has not been authorizing legislation. If we are going to finish our work at a reasonable time in September, as proposed, then we have to get this bill to the other body. We are ready to go to the floor. We are not proposing any new legislation. I would hope that we could have a simple rule waiving points of order. There is no new legislation in the bill.

Mr. SMITH of California. I say to the gentleman, I commend him for his approach. I agree entirely, and I want to do everything I can to bring the bill to the floor tomorrow so that we can consider it. I was merely trying to tie it down to what was my understanding of what the Rules Committee was being asked to do as to waiving points of order.

If everybody is satisfied that there are no other points of order, it is not my will to push it further. It was merely a suggestion to do what we have been asked to do.

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

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. With respect to this business of expediting the work of the House of Representatives, we can all agree that it ought to be expedited. However, I wonder when somebody is going to break the logjam on the foreign aid authorization bill. Are we going to be confronted with another resolution from the Rules Committee asking that all points of order be waived, in dealing with that legislation?

And what about the farm bill? According to stories appearing in the newspapers, there was a lot of trafficking going on around here by way of trading on the farm bill for repeal of 14b. I am wondering, if we are truly interested in expediting the business of the House, why the farm bill is not up here? Is there some more trafficking going on with respect to votes?

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA DAY

The SPEAKER. This is District of Columbia Day. The Chair recognizes the gentleman from South Carolina [Mr. MCMILLAN] chairman of the Committee on the District of Columbia.

RELIEVE PHYSICIANS OF LIABILITY

Mr. MCMILLAN. Mr. Speaker, I call up the bill (H.R. 5597) to relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia and ask for its immediate consideration.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no physican licensed to practice medicine in the District of Columbia or in any State shall be liable in civil damages for his act or omission, not constituting gross negligence, which occurs outside a hospital in the course of his rendering (in good faith and without compensation) medical care or assistance at the scene of an accident in the District of Columbia.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That no physician licensed to practice medicine in the District of Columbia or in any State shall be liable in civil damages for his act or omission, not constituting gross negligence, in the course of his rendering (in good faith and without expectation of receiving or intending to seek compensation) medical care or assistance at the scene of an accident or other medical emergency in the District of Columbia and outside a hospital."

The committee amendment was agreed to.

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

PURPOSE OF THE BILL

Mr. MCMILLAN. Mr. Speaker, the purpose of H.R. 5597, as amended, is to relieve physicians from liability for civil damages for any act of omission, not constituting gross negligence, upon the occasion of their rendering free and voluntary medical treatment at the scene of an accident or other medical emergency outside of a hospital, in the District of Columbia. For the purpose of this bill, the term "physician" includes all persons licensed to practice medicine in the District of Columbia, including doctors of osteopathy.

BACKGROUND

Good Samaritan laws such as this are designed to assure a physician immunity from liability when he renders emergency medical care in good faith, and without expectation of or desire for compensation, at the scene of an accident or any medical emergency occurring in a public place.

Your committee is advised that such laws have been enacted in 32 States, as follows: Alaska, Arkansas, California, Connecticut, Delaware, Georgia, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, Wisconsin, Wyoming.

Physicians today have become increasingly conscious of the danger of lawsuits against them alleging malpractice. This awareness of being made a party to a lawsuit undoubtedly stems from an increasing number of such litigations, and this fear of litigation has become a very real one for the physician in his daily practice. Prior to the enactment of the first good Samaritan law in California in 1959, for example, it was widely known and appreciated that few California physicians were willing to expose themselves to a possible suit for malpractice as a consequence of stopping to lend assistance at the scene of an accident.

A Massachusetts physician, Dr. Robert S. Thrope, of Hyannis, was threatened with a possible charge of homicide as a result of attempting to save the life of an accident victim in the Virgin Islands

a few years ago. A letter in the Chicago Sun-Times on December 4, 1962, from another physician stated:

> I am a doctor who spent the better part of a night saving the lives of four drunks who were involved in a serious auto accident. My thanks came 3 weeks later when their attorneys charged me with "neglect."

In the normal physician-patient relationship, when a physician treats his patient in his office or in a hospital, he has available to him all the necessary facilities and the time to make a thorough and careful approach to treatment. Also, he knows the patient's medical background, allergies, and so forth. Obviously, none of these advantages is present when, because of his happneing to be present at the scene of an accident, or a person's being taken ill in a public place, the physician is called upon to render emergency care to an individual whom he has never seen before. In these situations, lifesaving procedures may be required instantly, and the physician must act promptly and to the best of his ability.

Good Samaritan laws reinforce an ancient principle of common law, to the effect that any act performed in good faith, carried out with reasonable care and for good purposes, shall not be punished. The Hippocratic oath, to which every medical graduate in the United States must subscribe, requires the physician to give assistance to those in need of medical care. The "Principles of Medical Ethics," perhaps the best-known of all guides for professional conduct and obligation, states in section 5:

> A physician may choose whom he will serve. In emergencies, however, he should render service to the best of his ability.

There is no question that physicians, through the instinct and the training of their profession, want to render such Good Samaritan services whenever the occasion may raise. With the general increase in liability claims associated with professional malpractice, however, their reluctance to give assistance which may lead to an unfair suit against them is understandable. In the face of this situation, the District of Columbia Medical Society strongly endorses this proposed legislation.

Moreover, the absence of a Good Samaritan law in any jurisdiction not only leaves the well-meaning, responsible physician who assists in an emergency in danger of a lawsuit, but such a lack also may operate to jeopardize the well-being of the accident victim himself. Thus, another primary and highly beneficial aspect of H.R. 5597 will be to aid the injured or ill person, by making more readily available to him the services of the volunteer physician responding to an emergency call.

Another necessity for this proposed law is the nature of the physician-patient relationship from both ethical and legal viewpoints. This relationship begins when the physician responds to a valid request to render care. In many accident cases, the patient or a lawful representative is unable to initiate the relationship because of unconsciousness, yet it is highly necessary in the interest of life itself that care be undertaken without delay—and without the formality of the relationship. Surely, this urgent need should be accordingly recognized in law.

In a nation where nearly 50,000 persons are killed annually on the highway—some through lack of first aid—it is not difficult to perceive the serious implications of the problem.

Traffic Safety magazine had this to say on the subject in February 1963:

> The two important phases in the treatment of an accident victim are immediate care and definitive care. The responsibility for definitive care is usually assumed by a hospital where specialized assistance and equipment are available. But the most important phase in treatment of the injured is immediate care at the scene of the accident, because very often the end result depends upon initial handling * * *. It is ironic that people trained in medicine are discouraged from offering their services.

The article continued to point out that it was not so much a rash of malpractice suits that brought about the enactment of these laws as it was fear on the part of doctors who were afraid of the total lack of protection in the giving of an act of mercy.

Your committee is informed that the National Safety Council has endorsed Good Samaritan laws, as have State medical associations in a great majority of our States.

Of course, no Good Samaritan law should accord anyone relief from liability for wrongdoing. H.R. 5597, for example, as amended by your committee, specifically excludes from such immunity any act "constituting gross negligence" on the part of a physician.

The legal counsel for the Pennsylvania Medical Society, Hon. John C. Keene, writing in the Pennsylvania Medical Journal in October 1963, arrived at this conclusion with reference to his State's law:

> The Good Samaritan Act represents a significant and necessary modification to the law of medical malpractice in Pennsylvania. It demonstrates a recognition by the general assembly (legislature) of the importance of assuring physicians who are called to give emergency treatment to people they have never seen before, that they will not be subjected to unwarranted liability as a result of their disinterested and charitable services.

It is the belief of your committee that this proposed legislation is in the public interest, as it will assure the residents of and visitors to the District of Columbia that medical assistance will be more readily forthcoming in an hour of need, and that the physician rendering his charitable assistance will be relieved from the threat of unwarranted litigation.

At a public hearing conducted on August 3, 1965, by Subcommittee No. 4, support for this bill was expressed by the District of Columbia Board of Commissioners, the District of Columbia Department of Public Health, and the Medical Legal Committee of the District of Columbia Medical Society.

AMENDMENTS REGARDING CONDEMNATION OF INSANITARY BUILDINGS

Mr. McMILLAN. Mr. Speaker, I call up the bill (H.R. 1778) to amend the act entitled "An act to create a Board for the Condemnation of Insanitary Buildings in the District of Columbia, and for other purposes," approved May 1, 1906, as amended, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

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

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (d) of section 2 of the Act entitled "An Act to create a Board for the Condemnation of Insanitary Buildings in the District of Columbia, and for other purposes", approved May 1, 1906 (34 Stat. 157; title 5, chapter 6, D.C. Code, 1961 edition), as amended, is amended by striking "same manner as general taxes are collected in the District of Columbia", and inserting in lieu thereof "manner provided in section 7 of this Act".

SEC. 2. (a) Section 7 of said Act, as amended, is amended (1) by striking "in the same manner as general taxes are collected in the District of Columbia", and inserting in lieu thereof "as provided in this section"; and (2) by inserting immediately before the period at the end of said section the following: ": *Provided further,* That the taxes authorized to be levied and collected under this Act may be paid without interest within sixty days from the date such tax was levied. Interest of one-half of 1 per centum for each month or part thereof shall be charged on all unpaid amounts from the expiration of sixty days from the date such tax was levied. Any such tax may be paid in three equal installments with interest thereon. If any such tax or part thereof shall remain unpaid after the expiration of two years from the date such tax was levied, the property against which said tax was levied may be sold for such tax or unpaid portion thereof with interest and penalties thereon at the next ensuing annual tax sale in the same manner and under the same conditions as property sold for delinquent general real estate taxes, if said tax with interest and penalties thereon shall not have been paid in full prior to said sale".

(b) Any tax levied pursuant to such Act approved May 1, 1906, as amended by the Act approved August 28, 1954, which was levied after the effective date of such Act of August 28, 1954, and prior to the effective date of this section, shall, for the purpose of computing interest thereon, be deemed to have been levied as of the effective date of this section.

SEC. 3. Section 10 of such Act, as amended, is amended to read as follows:

"SEC. 10. (a) Any notice required by this Act to be served shall be deemed to have been served when served by any of the following methods: (a) when forwarded to the last known address of the owner as recorded in the real estate assessment records of the District of Columbia by registered or certified mail, with return receipt, and such receipt shall constitute prima facie evidence of service upon such owner if such receipt is signed either by the owner or by a person of suitable age and discretion located at such address: *Provided,* That valid service upon the owner shall be deemed effected if such notice shall be refused by the owner and not

delivered for that reason; or (b) when delivered to the person to be notified; or (c) when left at the usual residence or place of business of the person to be notified with a person of suitable age and discretion then resident or employed therein; or (d) if no such residence or place of business can be found in the District of Columbia by reasonable search, then if left when any person of suitable age and discretion employed at the office of any agent of the person to be notified, which agent has any authority or duty with reference to the land or tenement to which said notice relates; or (e) if any such notice forwarded by registered or certified mail be returned for reasons other than refusal, or if personal service of any such notice, as hereinbefore provided, cannot be effected, then if published on three consecutive days in a daily newspaper published in the District of Columbia; or (f) if by reason of an outstanding unrecorded transfer of title the name of the owner in fact cannot be ascertained beyond a reasonable doubt, then if served on the owner of record in a manner hereinbefore provided. Any notice to a corporation shall, for the purposes of this Act, be deemed to have been served on such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of notices on natural persons holding property in their own right; and notices to a foreign corporation shall, for the purposes of this Act, be deemed to have been served if served personally on any agent of such corporation, or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District of Columbia.

"(b) In case such notice is served by any method other than personal service, notice shall also be sent to the owner by ordinary mail."

With the following committee amendment: Page 4, line 1, strike out "when" and insert in lieu thereof "with".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. BENNETT

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

The Clerk read as follows:

Amendment offered by Mr. BENNETT: Page 5, after line 3, add the following new section:

"SEC. 4. (a) The District of Columbia Alley Dwelling Act (D.C. Code, secs. 5–103—5–105 and 5–106—5–116) is amended by adding at the end thereof the following new section:

"'SEC. 206. Notwithstanding any other provision of this Act or of the United States Housing Act of 1937, the requirement of the fourth sentence of section 10(a) of the United States Housing Act of 1937 shall be deemed satisfied with respect to any housing project within the District of Columbia only if the elimination of unsafe or insanitary dwelling units described therein will be fully accomplished (under the agreement referred to in such sentence) no later than the date of the completion of such project.'

"(b) The amendment made by subsection (a) shall apply only with respect to projects covered by contracts for annual contributions entered into on or after the date of the enactment of this Act."

Mr. MCMILLAN. Mr. Speaker, I have discussed this amendment with the minority and some of the majority Members, and we accept this as a committee amendment.

Mr. BENNETT. Mr. Speaker, this amendment would encourage the destruction of slums or encourage bringing them up to at least minimum standards by preventing the continuous occupancy of slums and thus preventing successive waves of requests for new public housing based on their occupancy.

This amendment will stop the present persistent trend of making the District of Columbia disproportionately a public housing area.

The amendment will also save the taxpayers expenditures, that should be incurred instead by the owners of the slums.

The Federal public housing law—section 10(a) of the U.S. Housing Act of 1937—provides that a locality cannot receive Federal assistance under an annual contributions contract in connection with a low-rent public housing project unless the governing body of such locality agrees to eliminate, by demolition, condemnation, or compulsory repair, a number of substandard—unsafe or unsanitary—dwelling units substantially equal to the number of units in the project. The elimination of these substandard units must occur after the project is begun and must be fully accomplished within 5 years after the project is completed. The requirement is in terms of numbers of units only; it is not necessary for the locality to specify the particular units to be eliminated, and it makes no difference how the elimination occurs.

In practice, apparently, most localities have no difficulty meeting this requirement; by the time the 5-year period is over the requisite number of substandard units will generally have disappeared from the community as a result of private action or as an incident of other—unrelated—public activities; and there is seldom a need for the locality to take any special steps at all in order to carry out the elimination agreement.

This proposed amendment modifies this requirement, insofar as it applies to a project located in the District of Columbia, by providing that—under future contracts—the elimination of the requisite number of substandard units must be fully accomplished by the time the project is completed. This amendment, by removing the additional 5-year period presently available for satisfying the requirement, will compel the District authorities to take at least some affirmative action to eliminate substandard units when a public housing project is being built.

The District of Columbia is a small piece of geography; and if something like I have suggested does not take place, it will be only a question of time before most of the occupants of the District, will live either in public housing or in slums.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. HARSHA] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. HARSHA. Mr. Speaker, my design in introducing the bill now under consideration, H.R. 1778, is to assist the government of the District of Columbia by modernizing what currently is an awkwardly ineffectual section of the law dealings with insanitary buildings in our Nation's Capital.

In the public interest of keeping the city rid of filthy and insanitary hovels, current law requires owners of property to keep same up-to-snuff. If the owners refuse or are unable to comply, the District government can condemn the property and on its own volition either order the property demolished or have it repaired to comply with the sanitary standards imposed by the law.

The cost to the government if it has to assume the responsibility for demolition or repair must be assessed against the property collectable at an annual tax sale. At first glance, this would seem a very desirable or simple operation. However, because of several glaring oversights in the law, it rarely works.

Inasmuch current law does not spell out specifically when the assessment shall be paid and, in addition, makes no provision for interest on delinquent payments, the law has proved largely unworkable, bogging down District efforts to clean up the city.

My bill is designed to plug up the several oversights in the law to enable the District government to move forward promptly, legally armed to insure that rickety pestholes and vermin-infested hovels—dangerous to health and safety—are not allowed to develop and flourish in our Nation's Capital.

I urge my colleagues to support this needed measure.

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

Mr. MCMILLAN. Mr. Speaker, the purpose of this bill, which was requested by the District of Columbia Commissioners, is to amend the act of May 1, 1906, as amended by the act of August 28, 1954—Public Law 681, 83d Congress—so as to correct what has proved to be certain administrative deficiencies in the act. The proposed amendments would bring the provisions of the act relating to assessment and collection of taxes into conformity with the provisions for assessment and collection of taxes applicable to special assessments levied for public improvements under the act of July 25, 1935—section 47–1103(b), District of Columbia Code, 1951 edition.

Existing law provides for the repair or the demolition by the District of Columbia of buildings condemned under such law, in the event the owner fails to comply with orders of the Board for the Condemnation of Insanitary Buildings to repair or demolish such buildings. Present law further provides that the costs incurred by the District government in repairing or demolishing any such buildings be assessed as a tax against the property and collected in the same manner as general taxes are collected, the tax assessment being enforced by the sale of the property at an annual tax sale. However, there is no provi-

sion for a specific time when the assessment shall be paid, nor does it provide for interest on delinquent payments.

The bill would amend the act of May 1, 1906, as amended, so as to provide that the assessment may be paid without interest within 60 days after the assessment is levied. Interest at the rate of one-half of 1 percent a month or portion of a month would be charged after such 60-day period. The tax would be payable in three equal installments, with interest. If the tax is not paid in full within 2 years after the assessment is levied, the property would be subject to sale at the next ensuing tax sale. The bill also provides that any tax levied after August 28, 1954, shall be deemed to have been levied on the effective date of the bill for the purpose of determining dates of payment and computing interest thereon.

Another deficiency in the existing law is the specified number of methods of giving notice to the owner of the property affected of the proposed action to be taken by the Board. Any notice required by this act to be served shall be deemed to have been served if delivered to the person to be notified or is left at the usual residence of place of business of the person to be notified, with a person of suitable age and discretion, or if no such residence or place of business can be found in the District by reasonable search, if left with any person of suitable age and discretion employed therein at the office of any agent of the person to be notified. If no such office can be found in the District by reasonable search, notice shall be forwarded by registered mail to the last known address of the person to be notified; or if no address be known or can by reasonable diligence be ascertained, or if any notice forwarded by registered mail is returned by the post office authorities, then it shall be published on 3 consecutive days in a daily newspaper published in the District of Columbia. These several methods must be followed in chronological order.

The bill amends this section of the act so that any order of precedence is eliminated and permits the use of the respective methods of service of notice without the necessity of first exhausting any other method of accomplishing service. The bill provides that in case such notice is served by any method other than personal service, notice shall also be sent to the owner by ordinary mail.

A bill identical to this (S. 994) was passed by the Senate in the 88th Congress. Substantially similar bills were passed by the Senate also in the 86th and 87th Congresses.

In the 88th Congress, your committee reported and the Congress approved H.R. 7441—Public Law 88-486—a bill requested by the District of Columbia Board of Commissioners and containing provisions very similar to those of H.R. 1778, with respect to assessments for dangerous and unsafe buildings, and procedures related thereto.

At a public hearing conducted by Subcommittee No. 2 on August 2, 1965, no opposition to this bill was expressed. Your committee was advised that enactment of this measure will result in no additional costs to the District of Columbia.

LICENSING OF INSURANCE PREMIUM FINANCE COMPANIES

Mr. McMILLAN. Mr. Speaker, I call up the bill (H.R. 8466) to amend the Fire and Casualty Act to provide for the licensing and regulation of insurance premium finance companies in the District of Columbia and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fire and Casualty Act (D.C. Code, secs. 35-1301—35-1350) is amended by adding at the end thereof the following new chapter:

"CHAPTER III—INSURANCE PREMIUM FINANCE COMPANIES

"SEC. 51. APPLICATION.—The provisions of this chapter shall not apply with respect to (A) any insurance company licensed to do business in the District, (B) any banking institution, trust, loan, mortgage, safe deposit, or title company, building association, credit union, moneylenders, or common trust fund authorized to do business in the District, (C) the inclusion of a charge for insurance in connection with an installment sale of a motor vehicle made in accordance with the Act of April 22, 1960 (D.C. Code, secs. 40-901—40-910), or (D) the financing of insurance premiums in the District in accordance with the provisions of sections 28-3301 and 28-3302 of the District of Columbia Code relating to rates of interest.

"SEC. 52. DEFINITIONS.—For the purposes of this chapter—

"(1) The term 'insurance premium finance company' means a person engaged in the business of entering into insurance premium finance agreements.

"(2) The term 'premium finance agreement' means an agreement by which an insured or prospective insured promises to pay to a premium finance company the amount advanced or to be advanced under the agreement to an insurer or to an insurance agent or broker in payment of premiums on an insurance contract together with a service charge as authorized and limited by this chapter.

"(3) The term 'licensee' means a premium finance company holding a license issued by the Superintendent under this chapter.

"SEC. 53. LICENSES.—(a) No person shall engage in the business of financing insurance premiums in the District without first having obtained a license as a premium finance company from the Superintendent. Any person who shall engage in the business of financing insurance premiums in the District without obtaining a license as provided hereunder shall, upon conviction in the District of Columbia Court of General Sessions, be guilty of a misdemeanor and shall be subject to the penalties provided in section 43 of this Act.

"(b) The annual license fee shall be $50. Licenses may be renewed from year to year as of the first day of May of each year upon payment of the fee of $50. The fee for said license shall be paid through the Superintendent to the District of Columbia Treasurer.

"(c) The person to whom the license or the renewal thereof may be issued shall file sworn answers, subject to the penalties of perjury, to such interrogatories as the Superintendent may require. The Superintendent shall have authority, at any time, to require the applicant fully to disclose the identity of all stockholders, partners, officers, and employees and he may, in his discretion, refuse to issue or renew a license in the name of any firm, partnership, or corporation if he is not satisfied that any officer, employee, stockholder, or partner thereof who may materially influence the applicant's conduct meets the standards of this chapter.

"SEC. 54. ACTION BY SUPERINTENDENT ON APPLICATION.—(a) Upon the filing of an application and the payment of the license fee the Superintendent shall make an investigation of each applicant and shall issue a license if the applicant is qualified in accordance with this chapter. If the Superintendent does not so find, he shall, within thirty days after he has received such application, at the request of the applicant, give the applicant a full hearing.

"(b) The Superintendent shall issue or renew a license as may be applied for when he is satisfied that the person to be licensed—

"(1) is competent and trustworthy and intends to act in good faith in the capacity involved by the license applied for,

"(2) has a good business reputation and has had experience, training, or education so as to be qualified in the business for which the license is applied for, and

"(3) if a corporation, is a corporation incorporated under the laws of the District or a foreign corporation authorized to transact business in the District.

"SEC. 55. REVOCATION AND SUSPENSION OF LICENSES.—(a) The Superintendent may revoke or suspend the license of any premium finance company when and if after investigation it appears to the Superintendent that—

"(1) any license issued to such company was obtained by fraud,

"(2) there was any misrepresentation in the application for the license,

"(3) the holder of such license has otherwise shown himself untrustworthy or incompetent to act as a premium finance company,

"(4) such company has violated any of the provisions of this chapter, or

"(5) such company has been rebating part of the service charge as allowed and permitted herein to any insurance agent or any employee of an insurance agent or to any other person as an inducement to the financing of any insurance policy with the premium finance company.

"(b) Before the Superintendent shall revoke, suspend, or refuse to renew the license of any premium finance company, he shall give to such person an opportunity to be fully heard and to introduce evidence in his behalf. In lieu of revoking or suspending the license for any of the causes enumerated in this section, after hearing as herein provided, the Superintendent may subject such company to a penalty of not more than $200 for each offense when in his judgment he finds that the public interest would not be harmed by the continued operation of such company. The amount of any such penalty shall be paid by such company through the office of the Superintendent to the District of Columbia Treasurer. At any hearing provided by this section, the Superintendent shall have authority to administer oaths to witnesses. Anyone testifying falsely, after having been administered such oath, shall be subject to the penalty of perjury.

"(c) If the Superintendent refuses to issue or renew any license or if any applicant or licensee is aggrieved by any action of the Superintendent, said applicant or licensee shall have the right to a hearing and court proceeding as provided for in sections 35, 44, and 45 of this Act.

"SEC. 56. BOOKS AND RECORD.—(a) Every licensee shall maintain records of its premium

finance transactions and the said records shall be open to examination and investigation by the Superintendent. The Superintendent may at any time require any licensee to bring such records as he may direct to the Superintendent's office for examination.

"(b) Every licensee shall preserve its records of such premium finance transactions, including cards used in a card system, or at least three years after making the final entry in respect to any premium finance agreement. The preservation of records in photographic form shall constitute compliance with this requirement.

"SEC. 57. POWER TO MAKE RULES.—The Superintendent shall have authority to make and enforce such reasonable rules and regulations as may be necessary in making effective the provisions of this chapter, but such rules and regulations shall not be contrary to nor inconsistent with the provisions of this chapter.

"SEC. 58. FORM OF PREMIUM FINANCE AGREEMENT.—(a) A premium finance agreement shall—

"(1) be dated, signed by or on behalf of the insured, and the printed portion thereof shall be in at least eight-point type.

"(2) contain the name and place of business of the insurance agent negotiating the related insurance contract, the name and residence or the place of business of the premium finance company to which payments are to be made, a description of the insurance contracts involved and the amount of the premium therefor; and

"(3) set forth the following items where applicable:

"(A) the total amount of the premiums,

"(B) the amount of the downpayment,

"(C) the principal balance (the difference between items (A) and (B)),

"(D) the amount of the service charge,

"(E) the balance payable by the insured (sum of items (C) and (D)), and

"(F) the number of installments required, the amount of each installment expressed in dollars, and the due date or period thereof.

"(b) The items set out in clause (3) of subsection (a) need not be stated in the sequence or order in which they appear in such clause, and additional items may be included to explain the computations made in determining the amount to be paid by the insured.

"SEC. 59. MAXIMUM SERVICE CHARGE.—(a) A premium finance company shall not charge, contract for, receive, or collect a service charge other than as permitted by this chapter.

"(b) The service charge is to be computed on the balance of the premiums due (after subtracting the downpayment made by the insured in accordance with the premium finance agreement) from the effective date of the insurance coverage, for which the premiums are being advanced, to and including the date when the final installment of the premium finance agreement is payable.

"(c) The service charge shall be a maximum of $6 per $100 per year plus and additional charge of $10 per premium finance contract which need not be refunded upon cancellation or prepayment.

"SEC. 60. DELINQUENCY CHARGES.—A premium finance agreement may provide for the payment by the insured of a delinquency charge of $1 to a maximum of 5 per centum of the delinquent installment but not to exceed $5 on any installment which is in default for a period of five days or more.

"SEC. 61. CANCELLATION OF INSURANCE CONTRACT UPON DEFAULT.—(a) When a premium finance agreement contains a power of attorney enabling the premium finance company to cancel any insurance contract or contracts listed in the agreement, the insurance contract or contracts shall not be canceled by the premium finance company unless such cancellation is effectuated in accordance with this section.

"(b) Not less than ten days' written notice shall be mailed to the insured of the intent of the premium finance company to cancel the insurance contract unless the default is cured within such ten-day period.

"(c) After expiration of such ten-day period, the premium finance company may thereafter request in the name of the insured, cancellation of such insurance contract or contracts by mailing to the insurer a notice of cancellation, and the insurance contract shall be canceled as if such notice of cancellation had been submitted by the insured himself, but without requiring the return of the insurance contract or contracts. The premium finance company shall also mail a notice of cancellation to the insured at his last known address.

"(d) All statutory, regulatory, and contractual restrictions providing that the insurance contract may not be canceled unless notice is given to a governmental agency, mortgagee, or other third party shall apply where cancellation is effected under the provisions of this section. The insurer shall give the prescribed notice in behalf of itself or the insured to any governmental agency, mortgagee, or other third party on the day it receives the notice of cancellation from the premium finance company and shall determine the effective date of cancellation from that date, taking into consideration the number of days notice required to complete the cancellation.

"(e) Whenever an insurance contract is canceled in accordance with this section, the insurer shall return whatever gross unearned premiums are due under the insurance contract to the premium finance company effecting the cancellation for the account of the insured or insureds.

"(f) In the event that the crediting of return premiums to the account of the insured results in a surplus over the amount due from the insured, the premium finance company shall refund such excess to the insured provided that no such refund shall be required if it amount to less than $1.

"SEC. 62. EXEMPTION FROM ANY FILING REQUIREMENT.—No filing of the premium finance agreement shall be necessary to perfect the validity of such agreement as a secured transaction as against creditors, subsequent purchasers, pledgees, encumbrances, successors, or assigns."

SEC. 2. The amendments made by this Act shall take effect on the sixtieth day after the date of enactment.

With the following committee amendments:

Page 10, line 13, strike out "on the day" and substitute in lieu thereof "on or before the second business day after the day."

Page 10, line 15, strike out "from that date,".

The committee amendments were agreed to.

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

Mr. BROYHILL of Virginia. Mr. Speaker, I introduced this bill for the purpose of providing for the licensing and regulation of companies which finance the payment of premiums on property and public liability insurance in the District of Columbia.

When this is put into effect, I anticipate that responsible people will be encouraged to organize and operate such premium finance businesses, and the public will be assured that such businesses will be conducted ethically, with reasonable rates and fair treatment for their clients.

In our times, it is essential for any prudent person to protect himself with adequate property and public liability insurance. The most important type of such insurance, of course, is liability and property damage coverage for the owner and operator of an automobile. As we all are aware, however, steady increases in insurable values have resulted in soaring costs of liability insurance.

As a result, increasing numbers of persons are finding it necessary to arrange for payment of these insurance costs in installments. While some insurance companies themselves provide for installment payments of premiums, their plans are not sufficiently liberal to solve the problem for many persons seeking such a plan, nor are such arrangements available from all insurance companies.

Also, banks and other normal lending institutions do not offer a solution to this problem, both because the amounts of money involved are usually not sufficiently large to justify the expense involved in the operation of such business establishments, and also because many people who need this service have no established credit with these institutions.

For these reasons, the specialized business of financing premiums on such insurance has come into being within the past 10 years, and is growing rapidly. One such company, for example, financed more than $127 million of insurance premiums last year in the United States.

Since this is a finance business in which the payment of a very small amount of money by the insured may result in a cost of many thousands of dollars to his insurers, ethical and responsible performance on the part of the financers is essential. For this reason, laws similar to this proposed legislation have been adopted in the States of California, Florida, Maryland, Massachusetts, New York, North Carolina, and Virginia. Also, such legislation is being considered in the States of Michigan, New Jersey, Oklahoma, South Carolina, and Tennessee.

In the absence of such a law in the District of Columbia, the District of Columbia Superintendent of Insurance informs me that he has had complaints of unethical practices on the part of several insurance premium finance operations in the District, mostly on the basis of excessive finance charges and the cancellation of insurance policies without reasonable notice to the insured. The Superintendent states that he is very much in favor of this bill, which will provide him for the first time with the authority to regulate these companies and to prosecute those who are guilty of abuses.

This bill also has the approval of the District of Columbia Board of Commissioners and of the leading companies engaged in this business in the District of Columbia.

I am convinced that this authority for supervision of this business is essential for the protection of the public in the Nation's Capital, and I strongly urge the support of my colleagues for its enactment.

PURPOSES OF THE BILL

Mr. McMILLAN. Mr. Speaker, the purposes of H.R. 8466 are to provide a means for licensing and regulating the activities of companies which finance premiums on property and public liability insurance in the District of Columbia, and thus to encourage the organization and operation of such premium finance businesses by responsible people; and to insure that such financers conduct their businesses reliably, charging only reasonable rates for their services and treating the public fairly.

The bill seeks to accomplish these aims by adding a new chapter III to the Fire and Casualty Act of the District of Columbia. It is similar in scope and effect to laws which have been enacted in the States of California, Florida, Maryland, Massachusetts, New York, North Carolina, and Virginia. In addition, legislation of this type has also been introduced or considered in the States of Michigan, New Jersey, Oklahoma, South Carolina, and Tennessee.

BACKGROUND FOR LEGISLATION

There is no doubt that property and public liability insurance coverages are necessities for the prudent person. With the increase in insurable values and consequent increase in the dollar amount of insurance premiums, a need has arisen for ways of permitting many insurance buyers to pay their premiums in installments. While some insurance companies provide facilities for the payment of their policy premiums in installments, these facilities are limited in scope and are not made available by all insurance companies.

Other financing institutions, such as banks, and credit unions, do not usually finance insurance premiums, often because the dollar amount of the transaction is not large enough to be worthwhile in relation to the expense and specialized handling required or the insurance buyer does not have an established relation with such institutions. In addition, the public has found it more convenient to arrange financing of their insurance premiums at the same time in the same way that they place their insurance, that is, through their insurance agent. In response to the need for such specialized financing, a number of independent companies have been established, largely in the last 10 years, which engage solely in the financing of property and casualty insurance premiums.

The largest of these companies is the American Finance Co., with nine offices in the United States and three in Canada. Last year in the United States, American Finance Co. financed more than $127 million if insurance premiums. In addition, there are many other smaller premium finance companies which operate in a limited number of States or within a limited area in a State. For example, 69 such companies are licensed in Florida, 68 in North Carolina, and 27 in Virginia. While some of these licensees are local insurance agents financing premiums or insurance policies issued by their own office, many are companies which accept premium finance agreements from insureds submitted via their insurance agents.

NEED FOR LEGISLATION

The business of financing insurance premiums is similar in many respects to financing the purchase of automobiles or other chattels. In recent years, Congress has passed laws with respect to regulating the financing of automobiles and other retail installment sales in the District. However, these laws are inapplicable to insurance premium financing. It should be noted that, as in the case of the installment purchase of automobiles and other tangible personal property, where the buyer has the use of the item being purchased, insurance premium financing also permits the insurance purchaser to have the benefits of the coverage while it is being paid for.

At the present time, there is no provision in the District of Columbia Code applicable to the financing of insurance premiums of the citizens of the District who may desire to pay their premiums in installments. Similarly, there is no regulation of the business of financing premiums by any department of the District government, whereby the conduct of those in the business of financing premiums may be regulated in the public interest.

Your committee is informed that some abuses have taken place in the District and that the public has been taken advantage of when they have financed their insurance premiums with premium financers not regulated by any governmental agency. These abuses have included excessive finance charges and cancellation of insurance policies without reasonable notice to the insured.

H.R. 8466 will rectify those and other possible abuses.

PROVISIONS OF THE BILL

The bill limits the charges which premium financers can make. The charges permitted by H.R. 8466 are the same as those allowed by the recently amended premium finance law of the State of Maryland, and are slightly less than those allowed by the premium finance law of Virginia. A comparison of the charges allowed by the laws of Virginia and Maryland with those allowed under the proposed legislation for the District are set forth in the following chart:

Principal balance charges for 12-month period

	$100	$125	$150	$175	$200	$250	$300	$350	$400	$500
Virginia	$16.38	$17.97	$19.57	$21.17	$22.76	$25.95	$29.14	$32.34	$35.53	$41.91
Maryland and proposed District of Columbia	16.00	17.50	19.00	20.50	22.00	25.00	28.00	31.00	34.00	40.00

These charges are sufficient to permit a financer to cover the cost of handling the large number of smaller transactions, which make up the major part of the business.

In connection with the cost of doing business, it should be borne in mind that under the normal finance transaction there are only two parties involved—the borrower and the lender. However, in premium financing there are always at least four parties involved—the insured borrower, his insurance agent, the insurance company, and the premium financer—all of whom must be kept advised of the status of an account, which results in considerably more paperwork and handling expense than is present in most other forms fo lending.

Another point to be considered in connection with the premium finance business is that normally the lender has only the dollar amount of the loan at risk. In premium financing, great care must be exercised because a $100 premium could represent $100,000 in insurance protection. If a premium financer improperly caused an insurance policy to be canceled, it could be liable to the insured or to the party damaged for the full amount of the coverage, which could be hundreds or thousands of times the amount of the loan.

With respect to the question of cancellation for nonpayment of an installment, section 61 of the bill provides detailed procedures for the protection of the public. A 10-day preliminary notice must be given by the premium financer to the insured, advising him of the intent of the financer to request cancellation of the policy, unless the installment due is paid within the 10-day period. If the default continues, a final notice of cancellation must be given by the financer to the insured at the time notice requesting cancellation of the policy is given to the insurance company. Under the provisions of this bill, if those procedures are not followed, the cancellation is improper. The notice provisions of the proposed bill are similar to those contained in the laws of other States. Section 61 provides also for the giving of notice to mortgagees or other third parties before a policy may be canceled.

H.R. 8466 further protects the public in that it requires premium financers to be licensed by the Superintendent of Insurance. Your committee believes that those licensing requirements are reasonable. A high degree of integrity and responsibility is required in the premium financing business, because the rights of the insureds could be seriously affected by irresponsible conduct of the premium financer, and funds belonging to insureds and insurance companies pass through the financer. We are advised that there have been instances in other jurisdictions where a premium financer has become insolvent, which inured to the detriment of insureds, to the public at large, and to the insurance industry. The licensing requirements of this bill will tend to insure the integrity and responsibility of such premium financers to the public.

The proposed bill places the supervision and regulation of premium financers under the Superintendent of Insurance rather than under some other department of the government of the District of Columbia. This is consistent with the practice elsewhere, as all but one State which has enacted this kind of

legislation has placed supervision of premium financing under its insurance department. The reason for this is that the financing of premiums is so affected with the subject of insurance, the rights of insureds, and the selling of insurance coverages, that practical and effective administration of such a law may best be accomplished under the Superintendent of Insurance.

At a public hearing conducted by Subcommittee No. 2 on August 2, 1965, no objection was expressed to the enactment of this bill. One of the companies which would be affected, however, pointed out that subsection (d) of section 61 of the bill, as introduced, would require an insurer to give notice to governmental agencies, mortgagees, or other third parties in certain cases, on the day the insurer receives notice of cancellation from a premium finance company. This requirement, of course, would be burdensome on the insurer and could lead to difficulties because ordinary processing of incoming mail is not always feasible on the same day. For example, mail received on a Friday afternoon usually cannot be processed until at least the following Monday. Accordingly, your committee incorporated the suggested amendments into the bill as reported to to this body.

It is the opinion of your committee that this proposed legislation will fill a void in the laws of the District of Columbia with respect to the increasing number of people in the District who finance some or all of their property and public liability insurance coverages, and that its enactment is in the public interest.

The District of Columbia Board of Commissioners, by letter dated July 15, 1965, expressed their approval of this proposed legislation.

CAPITAL STOCK REQUIREMENTS—FIDELITY BUSINESS IN DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 959) to amend the Fire and Casualty Act regulating the business of fire, marine, and casualty insurance in the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 13 of chapter II of the Fire and Casualty Act (D.C. Code, sec. 35–1316) is amended by striking out the period at the end of the first sentence and inserting in lieu thereof a comma and the following: "except that every domestic stock company authorized to do a fidelity or surety business in the District shall have and shall at all times maintain a paid-up capital stock of not less than $500,000, and a surplus of not less than $250,000.".

(b) Section 715 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 26–301), is amended by inserting after "one million dollars" the following: "except as otherwise provided in section 13 of chapter II of the Fire and Casualty Act (D.C. Code, sec. 35–1316)".

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

Mr. BROYHILL of Virginia. Mr. Speaker, at present, any domestic insurance company in the District of Columbia wishing to write fidelity or surety bonds may be authorized to do so only under an act of 1901 "An act to establish a code of law in the District of Columbia," which requires such a company doing this business to have and maintain a paid-up capital stock of $1 million.

A foreign insurance company, on the other hand, may be authorized to write fidelity or surety bonds in the District of Columbia under the District of Columbia Fire and Casualty Act, which requires of such a company only $150,000 of paid-up capital stock and a surplus of at least $150,000.

This inequity in the present law, which undoubtedly was never intended, obviously subjects domestic insurance companies in the District to unfair discrimination. In fact, this competitive disadvantage is so severe that no local insurance company in the District is engaged in the fidelity or surety business, although several probably would like to enter this field.

In order to correct this situation, I introduced H.R. 959, which will provide that domestic insurance companies may be authorized under the District of Columbia Fire and Casualty Act to write fidelity or surety bonds, provided they maintain a paid-up capital stock of at least $500,000 and a surplus of not less than $250,000.

It will be noted that this amendment to present law will still leave a considerable difference between the minimum financial requirements for domestic insurance companies to engage in fidelity and surety business—$500,000 capital stock and $250,000 surplus—and the standards required of foreign companies—$150,000 capital stock and $150,000 surplus.

However, I am assured by the District of Columbia Superintendent of Insurance and by representatives of some local insurance companies that this difference is of no practical importance whatever, because the foreign insurance companies writing fidelity or surety bonds in the District are all large companies, with financial resources far in excess of these requirements. In determining the minimum requirements for domestic companies provided in this bill, therefore, it was deemed important to impose a minimum limitation sufficiently high to assure the protection of the public, and yet low enough to permit local companies reasonably to compete in the business. The Superintendent of Insurance and the affected local insurance companies themselves feel that the amounts provided in H.R. 959 are adequate to serve both these purposes.

This bill is eminently desirable, as it will correct an unfair situation of long-standing and enable local insurance companies for the first time to enjoy the benefits of engaging in fidelity and surety business in the District of Columbia in competition with foreign insurance companies.

PURPOSE OF THE BILL

Mr. McMILLAN. Mr. Speaker, the purpose of H.R. 959 is to amend the Fire and Casualty Act of the District of Columbia so as to require that all domestic insurance companies authorized to do a fidelity or surety business in the District of Columbia maintain a paid up capital stock of not less than $500,000 and a surplus of not less than $250,000.

PRESENT LAW

As administered in the District of Columbia, the only legal authority by which a domestic insurance company may be permitted to write fidelity or surety bonds is in an act of March 3, 1901, entitled "An act to establish a code of law for the District of Columbia" (31 Stat. 1303), set forth in sections 26–301 and 26–309—(D.C. Code, 1961 edition). This law requires such domestic insurance companies to maintain a capital stock of not less than $1 million. Foreign insurance companies, on the other hand, may be authorized to do a fidelity or surety business in the District of Columbia under the provisions of the District of Columbia Fire and Casualty Act (54 Stat. 1063; D.C. Code, sec. 35–1301 et seq.), which requires a paid up capital stock of only $150,000, and a surplus of $150,000. It will be seen, therefore, that since companies chartered outside the District of Columbia may do such business here with a much lower capital stock, domestic insurers in the District are subjected to unfair discrimination and are put to a severe competitive disadvantage. As a consequence, no insurance company domiciled in the District of Columbia engages in the business of fidelity or surety.

Furthermore, although the Casualty Rating Act of 1948 (D.C. Code, sec. 35–1501; 62 Stat. 242) provides for the regulation of fidelity and surety rates, there is no express provision in the District of Columbia insurance law for the licensing or general supervision of companies doing a fidelity or surety business. However, fidelity and surety companies are licensed under the Fire and Casualty Act and are subject to all its regulatory provisions because, although the provisions of this act do not expressly extend to fidelity and surety, that business is written by companies which also write other kinds of casualty insurance to which this act does expressly apply.

Your committee is informed that whereas this bill would lower the capital stock requirement for domestic companies wishing to do a fidelity or surety business in the District from $1 million to $500,000, which is still materially higher than the requirement imposed upon foreign insurance companies, this difference will be of no practical significance because the foreign companies doing such business here are all large companies, capitalized far in excess of these requirements. The only important consideration, therefore, is to lower the present limitations on domestic companies sufficiently so that they no longer are prohibitive, and yet to keep these limitations sufficiently high to assure the public interest. It is the opinion of the District of Columbia Superintendent of Insurance that the provisions of H.R.

959 will serve both of these essential purposes.

At a public hearing conducted on August 2, 1965, approval of this bill was expressed on behalf of the Board of Commissioners of the District of Columbia, and by the District of Columbia Superintendent of Insurance and a spokesman for the industry. No opposition to the bill was expressed.

It is the opinion of your committee that this bill would have the desirable effect of mitigating the present competitive disadvantage so that a domestic insurer may compete with others in the fidelity and surety business.

Mr. Speaker, I yield to the gentleman from New York [Mr. MULTER] to call up certain bills from his subcommittee.

REPORTING BY PHYSICIANS OF PHYSICAL ABUSE OF CHILDREN

Mr. MULTER. Mr. Speaker, I call up the bill (H.R. 10304) to provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PURPOSE

SECTION 1. The purpose of this Act is to provide for the protection of children who have had physical injury inflicted upon them or who have suffered physical harm due to neglect. Physicians who become aware of such cases should report them to the Metropolitan Police Department of the District of Columbia thereby causing the protective services of the District of Columbia to be brought to bear in an effort to protect the health and welfare of these children to prevent further abuses, and preserve family life whenever possible.

REPORTS BY PHYSICIANS AND INSTITUTIONS

SEC. 2. Notwithstanding section 14–308 of the District of Columbia Code, any physician in the District of Columbia, including persons licensed under the Healing Arts Practice Act, District of Columbia, 1929 (45 Stat. 1326; secs. 2–101 et seq., D.C. Code, 1961 edition), as amended, having reasonable cause to believe that a child under the age of eighteen brought to him or coming before him for examination, care, or treatment has in his opinion had serious physical injury or injuries inflicted upon him other than by accidental means, or has suffered serious physical harm due to neglect, shall report or cause reports to be made in accordance with this Act: *Provided,* That when a physician in the performance of service as a member of the staff of a hospital or similar institution attends a child, he shall notify the person in charge of the institution or his designated agent who shall report or cause reports to be made in accordance with this Act.

NATURE AND CONTENT OF REPORT; TO WHOM MADE

SEC. 3. An oral report shall be made immediately by telephone or otherwise, and followed as soon thereafter as practicable by a report in writing, to the Metropolitan Police Department of the District of Columbia. Such reports shall contain the names and addresses of the child and his parents or other persons responsible for his care, if known, the child's age, nature and extent of the child's injuries (including any evidence of previous injuries), and may furnish any other information which the physican or other person required to make the report believes might be helpful in establishing the cause of the injuries and the identity of the perpetrator.

IMMUNITY FROM LIABILITY

SEC. 4. Anyone participating in the making of a report pursuant to this Act shall have immunity from liability, civil or criminal, which might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceedings involving such report.

EVIDENCE NOT PRIVILEGED

SEC. 5. Notwithstanding the provisions of the District of Columbia Code, sections 14–306, 14–307, and 14–308, neither the physician-patient privilege nor the husband-wife privilege shall be a ground for excluding evidence in any proceeding in the Juvenile Court of the District of Columbia concerning the welfare of such child, provided that the Juvenile Court determines such privilege should be waived in the interest of public justice.

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

PURPOSE OF THE BILL

Mr. MULTER. Mr. Speaker, the purpose of H.R. 10304 is to provide for the protection of children in the District of Columbia who have had physical injury inflicted upon them other than by accidental means, and who may be threatened by further such injury. This protection would be accomplished by requiring physicians or institutions in the District who become aware of such a case to report it to the Metropolitan Police Department, thereby causing the protective services of the city to be brought to bear in an effort to protect the health and welfare of such a child and to prevent further abuses.

PROVISIONS OF THE BILL

A physician or any other person in the District of Columbia licensed under the District of Columbia Healing Arts Practices Act of 1929 (45 Stat. 1326; D.C. Code, sec. 2–101 et seq.), who has reasonable cause to believe that a child under the age of 18, whom he has reason to examine or treat, has been physically injured other than by accidental means, must report the incident immediately by telephone, and as soon thereafter as practicable in writing as well, to the Metropolitan Police Department. The report shall include such data as the names and addresses of the child and those responsible for his care, if known, the child's age, and the nature and extent of his injuries. When the physician in such an instance is performing the medical service as a staff member of a hospital, he shall advise the person in charge of the institution, who in turn must make the above-described report to the police department.

The bill provides immunity from any civil or criminal liability to any person participating in the making of such a report, and the same immunity with respect to participation in any judicial proceeding involving such a report.

The third major provision is that neither the physician-patient privilege nor the husband-wife privilege shall be a ground for excluding evidence, if the juvenile court decides that such privilege should be waived in the interests of justice.

Your committee is informed that some complaints were made voluntarily by a certain few local hospitals, public health officials, teachers, parent, other relatives, friends, neighbors, anonymous persons, and, in rare instances, the family physician. We are told also that there is every reason to believe that these physicians are aware of many more cases than they report, but are in fear of ensuing liability.

This then, clearly is a problem which cries out for a solution. The first step, obviously, is to provide means for bringing these cases to attention so that efforts may be made to protect the child and, wherever possible, to preserve family integrity. Since the recognition that serious injury has occurred by other than accidental means is most often a matter of medical diagnosis, the responsibility for reporting specific cases must fall primarily with physicians. Members of the medical profession recognize this fact, and favor the enactment of this bill which would allow physicians in the District of Columbia to call attention to cases of child abuse without concern about incurring potential criminal or civil liability for so reporting. The provisions and purposes of this bill, we are advised, are consistent with the beliefs and the wishes of a majority of physicians in regard to this problem.

The Bar Association of the District of Columbia expressed the belief that H.R. 10304 would strongly implement the existing laws and professional practices in the District of Columbia, particularly in enabling physicians to act in accordance with section 9 of the principles of medical ethics, which states:

A physician may not reveal the confidence entrusted to him in the course of medical attendance, or the deficiencies he may observe in the character of patients, unless he is required to do so by law or unless it becomes necessary in order to protect the welfare of the individual or of the community.

Whereas present District of Columbia law—District of Columbia Code, section 14–308—provides for the waiver of the physician-patient privilege in the instance of judical proceedings in criminal cases, no such waiver is presently provided in regard to proceedings in the juvenile court. Since such proceedings are often necessary as a step in protecting a child who is apparently the subject of abuse, the vital importance of section 5 of this bill, which provides for the waiver of both physician-patient and husband-wife privilege in a juvenile court proceeding when the judge of such court determines this to be in the interest of public justice, is amply clear.

You committee received and considered an amendment relating to Christian Science practitioners. It was the feeling of your committee that the language of the bill was not capable of any interpretation which might differentiate between any of the healing arts which are recognized and licensed for practice in the District of Columbia as are Christian Science practitioners.

The bill proposes only a reporting statute under which the same obligations

falls upon each person licensed to practice the healing arts in the District of Columbia to report any case of child abuse brought to his practice. The bill in no way relates to the relative merit of any method of treatment. Whenever the reporting requirements stated in the bill are met, the duty of the person licensed to practice has been discharged. No question may be raised, under the language of this bill, as to the efficacy of the healing art used by the person licensed to practice.

Your committee neither approves nor disapproves the practice of any religious or other group with respect to treatment of children as long as such treatment is proper and lawfully recognized.

At a public hearing conducted by Subcommittee No. 3 on June 10, 1965, support for this bill was expressed by the District of Columbia Board of Commissioners, the Woman's Bureau of the Metropolitan Police Department, the District of Columbia Coroner's Office, the District of Columbia Department of Public Health, the District of Columbia Health and Welfare Council, the Medical Society of the District of Columbia, the Bar Association of the District of Columbia, and public witnesses. No opposition to the bill was expressed.

Mr. SICKLES. Mr. Speaker, as a member of this committee, Congressman, and more important as a parent, I take great pleasure in supporting H.R. 10304. We are aware that much has been said and written about the "battered child." Now we must act so that these children will be identified and protected from further harm.

To date, 40 States have passed reporting statues and additional bills are pending in several of the remaining jurisdictions. The Children's Bureau strongly endorses legislation similar to H.R. 10304 and an identical bill I have introduced, H.R. 3411.

As recently as 1962, 365 child-abuse cases were reported by the news media in the District of Columbia. It has been estimated that eight children die every year in the District of Columbia as a result of improved diagnostic methods and a tendency on the part of physicians not to accept without question explanations made by parents or others, that the injuries being treated were due to accidents.

However, these doctors are not required to report cases of child abuse. Moreover, if the doctor does report a suspected case of child abuse, he is subject to liability.

I am urging the passage of H.R. 10304 which is a clear mandate to the medical profession and others to report all suspected child-abuse cases to the Metropolitan Police Department of the District of Columbia. Doctors are qualified to determine whether injuries are the probable result of an accident or physical abuse. Therefore, it is necessary that they be legally freed to take responsible action on behalf of abused children, and for reporting these cases.

AMEND DISTRICT OF COLUMBIA CHANCERIES ACT

Mr. MULTER. Mr. Speaker, I call up the bill (H.R. 10274) to amend the act of October 13, 1964, to regulate the location of chanceries and other business offices of foreign governments in the District of Columbia.

The Clerk read the bill, as follows:

H.R. 10274

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of October 13, 1964 (78 Stat. 1091), is amended by striking out the period at the end thereof and inserting in lieu thereof ", or" and by adding at the end thereof the following:

"(3) the future or continued use of a building as a chancery which was used as a chancery contrary to any zoning law, rule, or regulation at any time between May 12, 1958, and October 13, 1964, without any written notice by any governmental authority prior to October 13, 1964, to the owner or occupant of the fact that such use was in violation of such law, rule, or regulation, or

"(4) the future or continued use of a building as a chancery where such use is interrupted at some future date or where such use of such building is transferred from one foreign government to another."

Mr. GROSS. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, is this going to open up, may I ask the gentleman from New York, a situation in Washington whereby other foreign governments will be able to open up chanceries to transact business in areas where they are now prohibited from doing so?

Mr. MULTER. It will not. This bill is intended solely to correct a situation that we thought we had provided for in the act of 1964 when we presented it to the House. As the gentleman probably knows, it would be unconstitutional to deprive any person of the right to use his property because of a change in a zoning law. We thought we had written into the act a provision that would preserve to these people the right to continue to use their property as it had been used theretofore. Unfortunately, the language has been construed by the Zoning Board differently. All we do here is to clarify that situation and make sure that anyone who had been using property for chancery purposes, has the right to continue to so use it. We make clear that he will be given that right under this bill.

This bill does not affect any others. As a matter of fact if the law could be interpreted as the Zoning Board has sought to interpret it, a court case would lie, and undoubtedly the Zoning Board would be reversed, because we cannot constitutionally deprive these people of the use of their property because of the subsequent enactment of a zoning law or regulation.

Mr. GROSS. Mr. Speaker, I would call the attention of the gentleman that this report, as well as a number of other reports on bills from the Committee on the District of Columbia today, have no indication of the attitude of any official of the District government. May I ask the gentleman why there are no reports or practically none from anyone in the District of Columbia in relation to these bills that have been brought here this morning?

Mr. MULTER. If the gentleman will yield further, I believe the gentleman is correct in indicating that the reports do not indicate what the District Commissioners have said. The bill passed just a moment ago, H.R. 10304, was the Commissioners' recommendation.

As a matter of fact we adopted all of the Commissioners' recommendations, to amend the bill as introduced. We considered and passed a clean bill.

On this bill we had the Commissioners before us, or their representatives, and they testified on the matter. They agreed with us, if I recall the testimony correctly, it was always the intent of the original act as presented to do precisely what we are doing by this amendment.

Mr. GROSS. I do not always agree—more often than not I do not agree—with the Commissioners of the District of Columbia, but I do think it would be helpful if in these reports accompanying bills of this nature, the attitude of the District government or some segment of the District government was made plain to the Members of the House.

I just do not like to see reports that are completely barren of any reflection of attitude on the part of the District Commissioners.

Mr. MULTER. If the gentleman will yield further to me, the practice in the District Committee, I believe, since I have been on it, is, except in rare instances, not to put the reports from the Commissioners in the committee report to the House. We always include them in the transcript of the hearings and they are set forth in full in these hearings.

We have Commissioner Tobriner's statement set forth in the record of the hearings—the hearing record—at page 21 thereof.

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

Mr. MULTER. I yield to the gentleman from South Carolina.

Mr. McMILLAN. Mr. Speaker, I would like to state to the gentleman from Iowa that we always request the Commissioners to give their opinion on every bill that is introduced concerning any proposed legislation for the District of Columbia. But, we do not necessarily take their advice. We try to write our own legislation as agreed to by the 25 members of the District Committee.

Mr. GROSS. I would not expect the gentleman from South Carolina or the committee to take their advice on all matters, but it seems to me it might be helpful to know the position of District officials.

Mr. HALL. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I would like to carry this colloquy just one step further. On page 22 of the hearings over the signature of Walter N. Tobriner, President of the Board of Commissioners of the District of Columbia, in the last sentence of the

penultimate paragraph thereof, there is a very serious question raised by the Commissioners.

I had the impression the gentleman stated that the District Commissioners had appeared in person at the hearings and they were in general agreement with this bill which we are considering, H.R. 10274.

However, that sentence says:

However, if this bill were enacted, it could very well lead to nullification of Public Law 88–659—

That is the preceding clause which we are herein amending and perfecting.

Therefore, the Commissioners recommend that the bill not be enacted.

I would ask the distinguished lawyer and gentleman from New York who has brought this bill before us if, indeed, there is any danger of the likely nullification of such public law by action taken here today?

Mr. MULTER. If the gentleman will yield, in this case the committee recognized the possibility of such danger and we did not report the bill H.R. 7488 which was then before the committee, but did report the bill now before the House. It does not create any such danger and certainly does not nullify but merely clarifies the original law as enacted last year.

Mr. HALL. Then the so-called report from the affected department is not applicable to this bill per se?

Mr. MULTER. The gentleman is correct.

Mr. HALL. I would certainly like to associate myself with the remarks of the gentleman from Iowa to the effect—just as on the Consent Calendar day—we require that bills meet certain specifications agreed to by the House itself, one of which is that departmental reports should be present and that we have the thinking of the duly appointed representatives of the government of the District of Columbia before we are asked to exercise our wisdom or to pass our judgment on these bills, as a superduper city council for the District of Columbia.

I think it only fair, and ordinary channels and staff coordination would seem to commend, that we do such. This, in effect, leaves us with nothing more than a very excellent committee report and a statement of the gentlemen in this colloquy that the bill will do no damage and will accomplish the purposes intended. I shall support the bill.

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

PURPOSE OF H.R. 10274

Mr. MULTER. Mr. Speaker, the purpose of the bill H.R. 10274 is to amend the act of October 13, 1964 (78 Stat. 1091; D.C. Code, title 5, sec. 418a), approved by the 88th Congress to regulate the location of chanceries and other business offices of foreign governments in the District of Columbia. In reporting the bill S. 646 in the last Congress—House Report 1727—your committee recognized the complexity of the problem of providing for the location of chanceries and that the bill, later enacted as Public Law 88–659, might require amendments pending some final solution to this problem in the District of Columbia.

Since the enactment of the above-mentioned law, additional problems have been brought to the attention of your committee in connection with the administration of that law under its terms and concerning unique, or at least unusual, situations which have resulted in substantial hardship to property owners. This bill is an effort to supplement and clarify the previous enactment and meet some of the difficulties which have been presented to your committee.

For many years, foreign governments were without any restriction as to the purchase or rental of property to be used for chancery purposes. The great majority of foreign chanceries were located within single-family detached residential areas. Because of the substantial and sometimes intense, business usage of such properties, they were not compatible, in many instances, with the character of the neighborhoods in which they existed. With the development of zoning laws and establishment of zoning categories, the admissibility of chanceries in residentially zoned areas became an increasingly controversial matter. Although zoning regulations were developed to require at least some parking facilities to avoid traffic congestion, and to preserve the residential character where chanceries were located, existing laws and regulations did not provide a suitable basis to the District of Columbia for providing for chancery locations, nor did they provide a suitable basis for harmonious relations between foreign governments and the State Department. The latter agency is the only agency which might exercise any sanctions to bring about the enforcement of District of Columbia regulations regarding the location of chanceries. This situation led to action taken during the 88th Congress, and the enactment of Public Law 88–659, approved October 13, 1964.

Aside from specifying the zoning categories within which chanceries of foreign governments might be located, the intent of Congress was clearly expressed concerning the preservation of existing rights established by previous use under law. Existing uses of buildings as chanceries where such use had been established under the benefit of statute or by use preceding applicable zoning laws and regulations were to be continued. Although that act appears to have had the effect of extinguishing the use of some properties as chanceries where such use did in fact exist and was without notice that the use was not based upon any law, rule, or regulation, some instances of hardship have been demonstrated. These represent borderline cases where, under the normal operation of law and regulation prior to the act of the last Congress, chancery uses would have been permitted and approved, the owners of such property now find that they are precluded under the strict language of the act from continued use of their property for chancery purposes.

THE APPLICATION OF THE TERMS OF THE BILL

Under the terms of H.R. 10274, the act of October 13, 1964 (78 Stat. 1091), is amended by this bill by the addition of a new clause 3 to section 2. The future use or the continued use of a building as a chancery would not be prohibited even though such use was contrary to provisions of law if such use existed between the date of May 12, 1958, the date of the revision of the zoning rules and regulations of the District of Columbia under the Lewis plan, and the date of October 13, 1964, the effective date of Public Law 88–659. It is provided, however, that the owner or occupant of the property was not given a written notice by any governmental authority of noncompliance with existing zoning provisions prior to the date of October 13, 1964. Thus, any use of a building as a chancery which qualifies under the provisions of this bill, becomes a lawful use as specified in the first clause of section 2 of the act of October 13, 1964.

From hearings before your committee, and other information available regarding the interpretation and application of the provisions of the act of October 13, 1964, your committee believes that it is necessary to further clarify its intent as to the right of transfer and the right to continued use of property for chancery purposes where such use has been lawfully established.

Section 2 of the act of October 13, 1964, which the pending bill, H.R. 10274, amends, was the subject of a clear expression of intent in House Report 1727 of the 88th Congress. That report stated as follows:

It is the specific intent that no existing lawful rights of use shall be affected by any provision of the bill. Where the lawful use of the building as a chancery has been established and exists on the date of enactment, whether the property be vacant, whether the use as a chancery be interrupted at some future date, or whether the use of the building be transferred from one foreign government to another, nothing in the act shall affect such right of use.

In the pending bill, H.R. 10274, your committee amends section 2 of the act of October 13, 1964, by adding a new clause (4) which states that nothing in the act shall prohibit the future or continued use of a building as a chancery even though the use of the building as a chancery may be interrupted and the property may become vacant at some time or the use of the building may be transferred from one foreign government to another. Thus, wherever a building which has been lawfully used for chancery purposes, pursuant to Public Law 88–659 as amended by this bill, becomes vacant, the fact of vacancy alone has no effect upon the future or continued right of use of the building for chancery purposes. The amendment is intended to preserve the right of such use even though such use may be interrupted, the property vacant, or used for other purposes so long as the use of the property as a chancery is not abandoned. Further, the use of a building for chancery purposes may be transferred from one foreign government to another.

It is believed that the enactment of the amendment as favorably reported by your committee will aid in resolving inequities and hardship situations, and relieve any area of doubt as to the committee's intent in preserving a right, once established, for the future and continued use of a building as a chancery and the right of transfer of the use from one foreign government to another or from one owner to another where the premises are leased for such use.

ANALYSIS OF THE BILL

The bill H.R. 10274 amends the act of October 13, 1964, regulating the location of chanceries of foreign governments in the District of Columbia, by adding two new clauses at the end of section 2 of that act. The first new clause (3) provides that the limitations and restrictions of the act shall not prohibit the future or continued use of a building as a chancery even though such building was used contrary to law or regulation in existence and where such use was between the dates of May 12, 1958, and October 13, 1964, and the owner or occupant received no written notice prior to the latter date from any governmental authority that the use as a chancery was in violation of any law, rule, or regulation.

The second new clause (4) provides that the provisions of the act shall not prohibit the future or continued use of a building as a chancery even though the use may be interrupted and the building becomes vacant or is used for other purposes or where the use of the building as a chancery is transferred from one foreign government to another, or from a private citizen to a foreign government.

Mr. BROYHILL of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks immediately after the passage of the bill, H.R. 959 and H.R. 8466.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. McMILLAN. Mr. Speaker, I now yield to the gentleman from Texas [Mr. DOWDY] to call up bills from his subcommittee.

INCORPORATION OF MERCHANT MARINE WAR VETERANS ASSOCIATION

Mr. DOWDY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill H.R. 3864 for the incorporation of the Merchant Marine War Veterans Association.

The Clerk read the bill, as follows:

H.R. 3864

A bill for the incorporation of the Merchant Marine War Veterans Association

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following named persons, to wit:

Raymond Jacobs, Chicago, Illinois;
Tom Truxtun McWade, Chicago, Illinois;
John Scotello, Chicago, Illinois;
E. A. Garrett, Chicago, Illinois;
F. L. Staszewski, Chicago, Illinois;
Frank L. Morgan, Bensenville, Illinois;
Ira E. Bishop, Homewood, Illinois;
Robert Kaforski, Chicago, Illinois;
Thomas V. Murphy, Chicago, Illinois;
James W. MacKenzie, Chicago, Illinois;
Stanley T. Deering, Chicago, Illinois;
Robert H. Salvesen, Franklin Park, Illinois;
Charles W. Wilson, Chicago, Illinois;
Chester L. Ratowski, Chicago, Illinois;
Obie A. Hawker, Senior, Washington, District of Columbia;
Art Payne, Chicago, Illinois;
William G. May, Chicago, Illinois;
Alfonso DeSoto, Chicago, Illinois;
Captain Daniel C. Green, Chicago, Illinois;
Robert J. Morgan, Skokie, Illinois;
Robert Broadhead, Elmhurst, Illinois;
Raymond E. Gongola, Elmwood Park, Illinois;
James Sheehan, Downers Grove, Illinois;
Willi Willis, Lake Forest, Illinois;
Terry Kenny, Chicago, Illinois;
Captain David A. Jones, Chicago, Illinois;
George Bean, Chicago, Illinois;
William Berkovitz, Chicago, Illinois;
John Dewar, Chicago, Illinois;
Frank Draper, Chicago, Illinois;
John S. Hambright, Chicago, Illinois;
Robert Kannberg, Chicago, Illinois;
George Laudermith, Chicago, Illinois;
John C. Mead, Chicago, Illinois;
Harry A. Skinner, Chicago, Illinois;
Captain Robert Ammon, Chicago, Illinois;
Jack Billow, Chicago, Illinois;
Captain Roy Christianson, Chicago, Illinois;
William J. Curtin, Chicago, Illinois;
Harry L. Siegler, Chicago, Illinois;
Captain Don K. McRae, Chicago, Illinois;
Richard Nowak, Chicago, Illinois;
Stanley M. Repel, Chicago, Illinois;
Roscoe J. Williams, Chicago, Illinois;
William Fitch, Chicago, Illinois;
Richard Christ, Chicago, Illinois;
George S. Cronk, Chicago, Illinois;
Joe Rosengard, Chicago, Illinois;
Joseph W. Zinn, Chicago, Illinois;
Louis Roskopf, Cicero, Illinois;
R. Wojcukiewicz, Chicago, Illinois;
Walter J. Hetzel, Chicago, Illinois;
Bertram W. Brown, Oak Park, Illinois;
Captain John J. Klocko, Junior, Prospect Heights, Illinois;
Louis B. Lambert, Claremont, Illinois;
Nick J. DeBrown, Franklin Park, Illinois;
Thomas F. Skahill, Elmhurst, Illinois;
William Bradley, Deerfield, Illinois;
R. B. Foryst, Olney, Illinois;
J. J. Fahrenbach, Glenview, Illinois;
Michael S. Morgan, Skokie, Illinois;
Vern Colvin, Lombard, Illinois;
Phil Provenzano, Addison, Illinois;
Sid Luckman, Highland Park, Illinois;
Reverend Arnold J. Parker, Riverdale, Illinois;
Harold Kowalski, Cicero, Illinois;
Bud Carlson, Lombard, Illinois;
Robert A. Carlsen, Berwyn, Illinois;
Steve Manookian, Melrose Park, Illinois;
Joseph M. Kerekes, Des Plaines, Illinois;
Robert E. Olson, Mount Vernon, Illinois;
E. E. Milde, Champaign, Illinois;
Ken Bruckelmeyer, Worth, Illinois;
K. J. Bailey, Gurnee, Illinois;
Charles W. Wright, Chillicothe, Illinois;
Thomas A. Ross, Chicago, Illinois;
John Miaso, Chicago, Illinois;
Paul Maresky, Chicago, Illinois;
Benjamin J. Linkus, Chicago, Illinois;
Anton A. Bernacki, Chicago, Illinois;
Vincent Flack, Chicago, Illinois;
Frank A. Mendyke, Chicago, Illinois;
August J. Goyke, Chicago, Illinois;
Ray Litterski, Chicago, Illinois;
Richard L. Anderson, Baltimore, Maryland;
Kenneth F. Clausen, Fond Du Lac, Wisconsin;
Ferdinand J. Simon, Lutcher, Louisiana;
Richard M. Stevenson, Groton, Connecticut;
Joe R. McAllister, Madison, South Dakota;
Paul H. Apmann, Saint Petersburg, Florida;
B. Alan Stone, Greeley, Colorado;
H. K. Martin, Muskegon, Michigan;
Richard A. Sells, Saint Louis, Missouri;
Charles J. Steichen, El Segundo, California;
Raymond L. Loftesness, Sioux Falls, South Dakota;
Martin Avignon, Junior, Laurel, Mississippi;
Clyde J. Beck, Minneapolis, Minnesota;
Arthur Chambless, Saralan, Alabama;
Laurence N. Holden, Lincoln, Rhode Island;
Glen M. Svaren, Ashland, Oregon;
Captain John L. Beebe, New Shrewsbury, New Jersey;
Frank Harveston, Augusta, Georgia;
Robert Hotchkiss, Sedley, Virginia;
Floyd W. Reed, Pickstown, South Dakota;
Richard R. Meurer, Billings, Montana;
Warren Peterson, Indianapolis, Indiana;
Rosa Eleuterio, Bronx, New York;
Vergil Patrick, Andrews, Texas;
Gordon Westford, Spokane, Washington;
Donald C. Ahern, Brookings, South Dakota;
Robert J. Garvey, Roswell, New Mexico;
Wellington Coolidge, Saratoga, Wyoming;
David E. Fisher, Allentown, Pennsylvania;
Sterling Hayden, Nantucket, Massachusetts;
Frank A. Joslyn, Rock Rapids, Iowa;
H. S. Feay, Junior, Sioux Falls, South Dakota;
Robert E. Armstrong, Junior, Portland, Maine;
Richard R. Powers, Clarksville, Tennessee;
Joseph D. Kelly, Mansfield, Ohio;
Frank H. Throop, Marshall, Minnesota;
E. K. Verley, Sioux Falls, South Dakota;
Charles W. Bartlett, Valley City, North Dakota;
Elwin B. Benson, O'Neill Nebraska;
Robert R. Shebal, El Cajon, California;
Lester Sampson, Sioux Falls South Dakota;
Charles Shaw, Detroit, Michigan;
John Roscoe, Pueblo, Colorado;
Vicente R. Santos, Lake Placid, Florida;
Domenico Gallo, Danbury, Connecticut;
James Chrystal, New Orleans, Louisiana;
Eugene A. Peterson, Sioux Falls, South Dakota;
James P. Grant, Washington, District of Columbia;
Captain Willian W. Clendaniel, Baltimore, Maryland;
Leonard A. Cernik, Milwaukee, Wisconsin;
Ralph S. Floyd, Boston, Massachusetts;
Philip Klein, Bryn Mawr, Pennsylvania;
Dale Dean, Sioux Falls, South Dakota;
Roy Myers, El Paso, Texas;
Captain Cleair F. Bee, Cornwall on the Hudson, New York;
Charles R. Kluge, Gary, Indiana;
Dale A. Meurer, East of Billings, Montana;
William A. McGregor, North Providence, Rhode Island;
William Meyer, Volga, South Dakota;
George Holland, New Providence, New Jersey;
Robert A Graves, Minneapolis, Minnesota;
Elton E. Dalin, Ashtabula, Ohio;
John B. Orrand, Nashville, Tennessee;
Earl D. Muhs, Sioux Falls, South Dakota;
Thomas J. O'Connor, Los Angeles, California;
Richard Kujawa, Alpena, Michigan;
Francis J. Brady, Clearwater, Florida;
Warren A. Ferguson, Falls Village, Connecticut;
Luverne P. Jorgensen, Flandreau, South Dakota;
Clyde M. Case, Mukwonago, Wisconsin;
Captain B. Ralph Ludy, Braintree, Massachusetts;
R. J. Bish, York, Pennsylvania;
R. A. Chambers, Buffalo, New York;
Richard M. Bielski, Sioux Falls, South Dakota;
Evan O. Davis, Merriville, Indiana;

Richard J. Augsbach, Westwood, New Jersey;
Carl A. Peters, Minneapolis, Minnesota;
James H. Kruser, Toledo, Ohio;
Leland S. Sorensen, Viborg, South Dakota;
Raymond F. Hiltgen, Torrance, California;
Robert Raehl, Muskegon, Michigan;
M. M. Boker, Fort Pierce, Florida;
Orville M. Heemstra, Milwaukee, Wisconsin;
Paul H. Parsley, Brookings, South Dakota;
Edward P. Lyons, Fall River, Massachusetts;
William Grabiak, Mount Pleasant, Pennsylvania;
Kenneth U. Marshall, Central Nyack, New York;
Edward M. Meagher, Hammond, Indiana;
Carrol D. Moeller, Naples, South Dakota;
Adrianus Van Ryn, Hoboken, New Jersey;
Florian P. Ritschel, Saint Paul, Minnesota;
Paul A. Hoiriis, Parma, Ohio;
Paul Gehris, Wyomissing, Pennsylvania;
Clifford Gartmann, Wausau, Wisconsin;
Captain C. J. Van Dongen, Muskegon, Michigan;
E. V. Zafft, Sioux Falls, South Dakota;
John G. Hanks, Lakewood, California;
Paul Aaron, Arlington, South Dakota;
Everett E. Robertson, Junior, Oakland City, Indiana;
Wayne Culbertson, Caledonia, New York;
Harold R. Fredrickson, Sunnyvale, California;
James Swinford, Louisville, Ohio;
D. E. Bigler, North Bergen, New Jersey;
Arvid Olson, El Cajon, California;
J. H. Muellers, Robbinsdale, Minnesota;
Robert Nelson, Fort Dix, New Jersey;
Anthony P. Velligan, Gary, Indiana;
Orval Herington, Onamia, Minnesota;
Van Heflin, Beverly Hills, California;
Worrell Klaenhammer, Saint Paul, Minnesota;
Delbert W. Houts, Chippewa Falls, Wisconsin;
Walter Skotynski, Toledo, Ohio;
H. A. Kuns, Osseo, Minnesota;
G. J. Burdick, Daly City, California;
George L. Smokovitch, Escanaba, Michigan;
Ray J. Arkell, Iona, Minnesota;
Robert W. Forsberg, Watertown, South Dakota;
Clarence Bowes, Nekoosa, Wisconsin; and
William N. Walker, Junior, Ashtabula, Ohio;

and their successors, are hereby created and declared to be a body corporate of the District of Columbia, where its legal domicile shall be, by the name of the Merchant Marine War Veterans Association (hereinafter referred to as the corporation), and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act, acting in person or by written proxy, are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose.

PURPOSES

SEC. 3. The purposes of the corporation shall be to foster appreciation for the wartime services of veterans of the American merchant marine and the United States Maritime Service, and the betterment of the plight of said veterans, through recognized methods of obtainment; the perpetuation of the Memorial Day shipboard ceremony to honor the war dead of these services, as inaugurated on Memorial Day, May 30, 1958; to encourage the retention and availability of a modernized and adequate American merchant marine held in readiness at all times; to encourage the governmental formation of a United States Maritime Service Reserve, the acknowledged training branch of the wartime American merchant marine.

CORPORATE POWERS

SEC. 4. The corporation shall have power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use, and alter a corporate seal;

(4) to choose such officers, managers, agents, and employees as the activities of the corporation may require;

(5) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States, or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(6) to contract and be contracted with;

(7) to take by lease, gift, purchase, grant, devise, or bequest from any public body or agency or any private corporation, association, partnership, firm, or individual, and to hold absolutely or in trust for any of the purposes of the corporation any property, real, personal, or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of the law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State.

(8) to transfer, convey, lease, sublease, encumber, and otherwise alienate real, personal or mixed property;

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal and State laws; and

(10) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights, privileges, and designation of classes of members shall, except as provided in this Act, be determined as the constitution and bylaws of the corporation may provide. Eligibility for membership in the corporation shall be limited to male wartime veterans of the American merchant marine, and the United States Maritime Service, who are eligible for an honorable discharge from the United States Shipping Board recruiting service of World War I; a certificate of substantially continuous service from World War II; the equivalent discharge from the Korean conflict; and any similar type discharge from previous or subsequent conflicts.

GOVERNING AUTHORITY OF THE CORPORATION

SEC. 6. The supreme governing authority of the corporation shall be the national headquarters and national board of directors thereof, composed of such officers and elected representatives from the several States and other local subdivisions of the corporate organization as shall be provided by the constitution and bylaws: *Provided*, That the form of the government of the corporation shall always be representative of the membership at large and shall not permit the concentration of the control thereof in the hands of a limited number of members or in a self-perpetuating group not so representative. The meetings of the national headquarters may be held in any State or territory or in the District of Columbia.

BOARD OF DIRECTORS: COMPOSITION, RESPONSIBILITIES

SEC. 7. (a) Upon the enactment of this Act the membership of the initial national headquarters and the national board of directors of the corporation shall consist of the present members of the national headquarters and the national board of directors of the Merchant Marine War Veterans Association, the corporation described in section 18 of this Act, or such of them as may then be living and are qualified members of such national headquarters and national board of directors, to wit: Raymond Jacobs, Chicago, Illinois; Tom Truxtun McWade, Chicago, Illinois; John Scotello, Chicago, Illinois; E. A. Garrett, Chicago, Illinois; Frank Morgan, Bensenville, Illinois; Ira E. Bishop, Homewood, Illinois; Robert Kaforski, Chicago, Illinois; Thomas V. Murphy, Chicago, Illinois; James W. MacKenzie, Chicago, Illinois; Stanley T. Deering, Chicago, Illinois; and Francis L. Staszewski, Chicago, Illinois.

(b) Thereafter, the national headquarters and national board of directors of the corporation shall consist of such number as may be prescribed in the constitution of the corporation, and the members of such offices shall be selected in such manner (including the filling of vacancies), and shall serve for such terms, as may be prescribed in the constitution and bylaws of the corporation.

(c) The national headquarters and national board of directors shall be the managing body of the corporation and shall have such powers, duties, and responsibilities as may be prescribed in the constitution and bylaws of the corporation.

OFFICERS: SELECTION AND DUTIES OF OFFICES

SEC. 8. The officers of the corporation shall be a national commander, national vice commander, national junior vice commander, national secretary, national treasurer, national master at arms, five members of the national board of directors, and such other officers as may be prescribed in the constitution and bylaws. The officers of the corporation shall be selected in such manner and for such terms and with such duties and titles as may be prescribed in the constitution and bylaws of the corporation.

PRINCIPAL OFFICE: SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 9. (a) The principal office of the corporation shall be located in Chicago, Illinois, or in such other place as may be later determined by the national officers and national board of directors; but the activities of the corporation shall not be confined to that place, but may be conducted throughout the various States, the District of Columbia, and territories and possessions of the United States.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process for the corporation; and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

USE OF INCOME: LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 10. (a) No part of the income or assets of the corporation shall inure to any of its members, directors, or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the national officers and national board of directors of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any member of the national headquarters and national board of directors who votes for or assents to the making of a loan or advance to an officer, director, or employee of the corporation, and any officer who participates in the making of such a loan or advance,

shall be jointly and severally liable to the corporation for the amount of such loan until the payment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 11. The corporation and its officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for public office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 12. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 13. The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

BOOKS AND RECORDS: INSPECTION

SEC. 14. The corporation shall keep correct and complete books and records of accounts and shall keep minutes of the proceedings of its national conventions, national headquarters, and national board of directors. All books and records of the corporation may be inspected by any member, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 15. (a) The financial transactions of the corporation shall be audited annually by an independent certified public accountant in accordance with the principles and procedures applicable to commercial corporate transactions. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than March 1 of each year. The report shall set forth the scope of the audit and shall include a verification by the person or persons conducting the audit of statements of (1) assets and liabilities, (2) capital and surplus or deficit, (3) surplus or deficit analysis, (4) income and expense, and (5) sources and applications of funds. Such report shall not be printed as a public document.

REPORT TO THE CONGRESS

SEC. 16. On or before March 1 of each year the corporation shall report to the Congress on its activities during the preceding fiscal year. Such report may consist of a report on the proceedings of the national convention covering such fiscal year. Such report shall not be printed as a public document.

CERTAIN EXCLUSIVE RIGHTS OF CORPORATION

SEC. 17. The corporation and its subordinate divisions shall have the sole and exclusive right to use the name Merchant Marine War Veterans Association. The corporation shall have the exclusive and sole right to use, or allow or refuse the use of, such emblems, seals, and badges as have heretofore been used by the Illinois corporation described in section 18 and the right to which may be lawfully transferred to the corporation.

TRANSFER OF ASSETS

SEC. 18. The corporation may acquire the assets of the Merchant Marine and Maritime Service Veterans Association, a corporation organized under the laws of the State of Illinois, upon discharging or satisfactorily providing for the payment and discharge of all the liability of such corporation and upon complying with all laws of the State of Illinois applicable thereto.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 19. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the corporation shall be distributed in accordance with the determination of the national headquarters and national board of directors and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 20. The right to alter, amend, or repeal this Act is expressly reserved.

With the following committee amendments:

1. At the end of the first section of the bill (p. 10, line 10) add the following sentence:

It shall be the duty of the persons named in this section, jointly and severally, to file with the Commissioners of the District of Columbia or their designated agent a copy of this Act within 15 days after the date of its approval.

2. Page 11, line 19, insert the following immediately after the word "States": ", the District of Columbia".

3. Page 12, line 6, insert the following immediately after the word "State": "or the District of Columbia".

4. Page 12, line 9, strike the semicolon at the end of the line and add the following: "or the District of Columbia;".

5. Page 12, line 16, insert the following immediately after the word "Federal": ", District of Columbia,".

6. Page 15, strike all of lines 22 through 24, and on page 16, strike all of lines 1 through 3, and insert in lieu thereof the following:

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process, notice, or demand for the corporation, and service of such process, notice, or demand required or permitted by law to be served upon the corporation may be served upon such agent. The corporation shall file with the Commissioners of the District of Columbia, or their designated agent a statement designating the initial and each successor registered agent of the corporation immediately following any such designation.

7. Page 20, line 4, insert the following immediately after the word "Federal": ", District of Columbia,".

The committee amendments were agreed to.

Mr. HALL. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I would like to query the chairman of the subcommittee, the gentleman from Texas, who has presented this bill, as to whether or not this is a District of Columbia local organization or it has a charter for the national organization which simply has its office and legislative representative located physically in the District of Columbia.

Mr. DOWDY. This is a District of Columbia incorporation of a national organization. It is the incorporation of a national corporation.

Mr. HALL. This would in no manner or means, therefore, exempt by declaration of a nonprofit organization or by a specific tax exemption of a local organization in the District of Columbia, such as a local chapter of the Merchant Marine War Veterans Association, is that correct?

Mr. DOWDY. It would not. As I understand it, it would not exempt this organization unless it is already exempt.

Mr. HALL. Does the gentleman know if there are favorable comments or not from District of Columbia officials?

Mr. DOWDY. I am not sure.

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

Mr. HALL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. May I advise the gentleman that the District Commissioners have no objection to this legislation.

Mr. HALL. But it is not so stated in the report.

Mr. PUCINSKI. There is nothing in the report of the committee to that effect.

Mr. HALL. Would the gentleman who is supporting the bill tell us whether there is any expense involved? I notice on page 3 of the report it says this is a self-supporting institution; there would be no expense to the taxpayers or the U.S. Treasury?

Mr. DOWDY. That is correct. There is no expense, there is no cost to the taxpayers.

Mr. PUCINSKI. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, it is my hope Congress will approve the incorporation of the Merchant Marine War Veterans Association, as expressed in my own bill, H.R. 7615, and an identical bill introduced by my colleague [Mr. DERWINSKI].

The Merchant Marine War Veterans Association is a national organization composed of approximately 5,000 men with branch organizations in 49 States. These war veterans are recognized by the Treasury Department as meeting the qualifications for tax exemption. The State of Illinois in 1957 officially granted the Merchant Marine War Veterans Association permission to incorporate.

Since that time, and in the Congresses since 1959, the Merchant Marine War Veterans Association has attempted to obtain official recognition of the organization from the Federal Government.

The purpose of the organization is, as expressed in H.R. 7615, "to foster appreciation for the wartime services of veterans of the American Merchant Marine and the U.S. Maritime Service, and the betterment of the plight of said veterans, through recognized methods of obtainment; the perpetuation of the Memorial Day shipboard ceremony to honor the war dead of these services, as inaugurated on Memorial Day, May 30, 1958; to encourage the retention and availability of a modernized and adequate American merchant marine held in readiness at all times; to encourage the governmental formation of the U.S. Maritime Service Reserve, the acknowledged training branch of the wartime American merchant marine."

Those eligible for membership are those male veterans of the maritime merchant marine and the U.S. Maritime Service who served in either World War I, World War II, the Korean conflict or subsequent conflicts and who obtained an honorable discharge from service.

The Merchant Marine War Veterans Association is nonpolitical in structure and in philosophy. The national commander, Mr. Raymond Jacobs, is a resident of my district in Chicago.

Mr. Jacobs' tireless efforts on behalf of merchant marine war veterans have gained him the admiration and respect of citizens of all walks of life.

I share his firm opinion that the Merchant Marine War Veterans Association is worthy of incorporation. More than 1,500,000 men now living in our country are eligible for membership in this organization. I believe we owe them a debt of gratitude which can be symbolized in your recommendation today. They endured all the terrifying hazards of war at sea and helped save America from invasion. This legislation will go a long way toward repaying our debt to the many thousands who have responded to the call throughout the years and who gave their lives in defense of this Nation.

I feel confident approval of this legislation will give the Merchant Marine War Veterans Association every assistance in realizing its goal.

What this legislation does, in effect, is to permit this organization to incorporate in the District of Columbia. This is not a national charter. As should be known, a national charter bill would come through the Committee on the Judiciary. This merely permits them to incorporate in the District of Columbia. The amendments to the bill have been suggested by the District Commissioners and they have accepted the bill and the amendments.

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

Mr. PUCINSKI. I yield to the gentleman.

Mr. HALL. Do I understand the gentleman is changing the statement that was made a while ago in answer to my direct question about this being a national organization chartered in the District of Columbia vis-a-vis a local one?

Mr. PUCINSKI. This is a national organization with chapters in 49 States. It is an organization that is national in scope. It has a Treasury Department exemption. I would like to call my colleague's attention to the fact that a national charter and a permission to incorporate in the District of Columbia constitutes the difference involved here. This legislation is not opposed by the District Commissioners and the amendments in the legislation were written at the request of the Commissioners and the bill merely gives this organization the right to incorporate in the District of Columbia. I merely point out this is not a national charter such as enjoyed by the American Legion, the VFW and various other organizations chartered by an act of Congress.

Mr. HALL. Mr. Speaker, will the gentleman yield further?

Mr. PUCINSKI. I yield to the gentleman.

Mr. HALL. This is at some variance to the statement of the subcommittee chairman in answer to my original request a while ago. But I simply ask the gentleman because he has explained it so adequately: Will this confer tax-exempt status so far as property holdings in the District of Columbia are concerned as to this local chapter?

Mr. PUCINSKI. No, it will not. It will not confer any tax-exempt status, nor will it give them any special benefits. All it does is give them permission to incorporate in the District of Columbia, which does give them a national status but that is not to be confused with a national charter. I would presume that at some future date, they may attempt to get a national charter and, of course, that would be their privilege. Then the Congress would take another look at this whole proposal.

Mr. HALL. I want to state, I am in favor of this incorporation of the Merchant Marine Association and want to associate myself with the statement that the gentleman has made.

Mr. DERWINSKI. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I earnestly urge favorable House action today on my bill for the incorporation of the Merchant Marine War Veterans Association. I introduced this measure, H.R. 3864, at the behest of this fine organization, and the gentleman from Illinois [Mr. PUCINSKI] indicated his support by sponsoring an identical measure, H.R. 7615. In addition, the distinguished Democrat whip, the gentleman from the State of Illinois [Mr. ROSTENKOWSKI], appeared before the House Committee on the District of Columbia to testify on behalf of this legislation.

Senator DIRKSEN has also introduced a bill for this purpose which is pending before the Senate Judiciary Committee. An identical measure which he sponsored in the 87th Congress was passed by the Senate, and I believe, therefore, that the other body will approve this legislation again this session if we in the House give it the favorable consideration which it deserves.

The Merchant Marine and Maritime Service Veterans Association is incorporated in the State of Illinois and now has members in all 50 States. It is dedicated to the betterment of the plight of the wartime veterans of the American merchant marine and the U.S. maritime service and to the retention and availability of a modernized and adequate American merchant marine held in readiness at all times. The association is also dedicated to the encouragement of the governmental formation of the U.S. maritime service reserve as a training branch of the wartime American merchant marine.

Eligibility for membership in the association is restricted to male wartime veterans of the American merchant marine and the U.S. maritime service who are eligible for an honorable discharge from the U.S. Shipping Board Recruiting Service of World War I, or who hold a certificate of substantially continuous service in World War II, or the equivalent discharge from the Korean conflict, or any similar type discharge from previous or subsequent conflicts.

Mr. Speaker, I certainly believe the Merchant Marine War Veterans Association, a nonprofit, nonpartisan, and nonpolitical public service organization, is deserving of this recognition by the Congress. Passage of this legislation to incorporate the organization will give it added prestige which will assist it in informing the public of the highly important and necessary functions of the American merchant marine and U.S. maritime service.

Mr. Speaker, I urge House approval of H.R. 3864.

The SPEAKER pro tempore (Mr. ALBERT). The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

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

PURPOSE OF THE BILL

Mr. DOWDY. Mr. Speaker, the purpose of the bill is to provide for the incorporation of the Merchant Marine War Veterans Association in the District of Columbia, where its legal domicile shall be.

The names of the incorporators, the corporate purposes, powers and procedures, membership requirements and duties of the officers are set forth under various sections of the bill.

While the bill provides that the principal office of the corporation shall be located in Chicago, Ill., or such other place as may be determined, it is stipulated that the corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process.

The Merchant Marine & Maritime Service Veterans Association, numbering over 10,000 members in 50 States, was organized in 1957 in the State of Illinois and chartered under the "not for profit" corporation laws of that State.

Its purposes, as expressed in section 3 of H.R. 7615, are first, to foster appreciation for the wartime services of veterans of the American merchant marine and the U.S. maritime service, and the betterment of the plight of said veterans, through recognized methods of obtainment; second, the perpetuation of the Memorial Day shipboard ceremony to honor the war dead of these services, as inaugurated on Memorial Day, May 30, 1958; third, to encourage the retention and availability of a modernized and adequate American merchant marine held in readiness at all times; and fourth, to encourage the governmental formation of a U.S. Maritime Service Reserve, the acknowledged training branch of the wartime American merchant marine.

Eligibility for membership in the Merchant Marine & Maritime Service Veterans Association is limited to male wartime veterans of the American merchant marine and the U.S. maritime service who are eligible for an honorable discharge from the U.S. Shipping Board Recruiting Service of World War I, or who hold a certificate of substantially continuous service in World War II, or the equivalent discharge from the Korean conflict, or any similar type discharge from previous or subsequent conflicts.

COMMITTEE ACTION

At a public hearing August 2, 1965, on this legislation—and an identical bill, H.R. 7615—before Subcommittee No. 2 of your committee, testimony supporting the enactment of the bill was presented by Members of Congress, by the national commander of the association, and by a representative of the Corporation Counsel's office on behalf of the Board of Commissioners of the District of Columbia. No testimony was offered in opposition to the bills.

It was represented that more than 1.5 million men now living in the United States are eligible for membership in the Merchant Marine and Maritime Service Veterans Administration; that the association, in line with its purposes, is dedicated to the betterment of the plight of the wartime veterans of the American merchant marine and the U.S. maritime service and to the retention and availability of a modernized and adequate American merchant marine held in readiness at all times; and that it is dedicated to the encouragement of the governmental formation of the U.S. maritime service reserve as a training branch of the wartime American merchant marine.

Enactment of this bill will not involve any additional expense to the District of Columbia, the District of Columbia Commissioners advised the committee. The amendments offered were recommended by the Commissioners as the usual additions to measures of this kind.

CONCLUSION

Your committee agrees with the proponents of this legislation that the Merchant Marine War Veterans Association, as a public service organization, is deserving of charter by Congress and that the prestige of a Federal charter will assist it in informing the public of the highly important and necessary functions of the American merchant marine and U.S. maritime service.

This is a nonprofit, nonpartisan, and nonpolitical organization; it is self-supporting, its only income being membership dues; and it has been granted tax-exempt status by the Treasury Department.

The Congress on behalf of the American people owe the veterans of the maritime service a debt of gratitude which can be symbolized in the reported bill. They endured all the terrifying hazards of war at sea and helped save America from invasion. This legislation will also provide recognition of our debt to the many thousands who gave their lives in defense of this Nation.

MANDATORY REPORTING OF INJURIES CAUSED BY FIREARMS OR OTHER DANGEROUS WEAPONS

Mr. DOWDY. Mr. Speaker, I call up the bill H.R. 9985 to provide for the mandatory reporting by physicians and hospitals or similar institutions in the District of Columbia of injuries caused by firearms or other dangerous weapons.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any physician in the District of Columbia, including persons licensed under the "Healing Arts Practice Act, District of Columbia, 1929" (45 Stat. 1326; sec. 2–101, et seq., D.C. Code), as amended, having reasonable cause to believe that a person brought to him or coming before him for examination, care or treatment has suffered injury caused by a firearm, whether self-inflicted, accidental or occurring during the commission of a crime, or has suffered injury caused by any dangerous weapon in the commission of a crime, shall report or cause reports to be made in accordance with this Act: *Provided,* That when a physician in the performance of service as a member of the staff of a hospital or similar institution attends an injured person, he shall notify the person in charge of the hospital or institution or his designated agent who shall report or cause reports to be made in accordance with this Act.

SEC. 2. An oral report shall be made immediately by telephone or otherwise, and followed as soon thereafter as possible by a report in writing, to the Metropolitan Police Department of the District of Columbia. Such reports shall contain the name and address of the injured person, the person's age, the nature and extent of the person's injuries, and any other information which the physician or other person required to make the report believes might be helpful in establishing the cause of the injuries and the identity of the person who caused the injuries.

SEC. 3. Any person who makes a report pursuant to this Act shall not, by reason thereof, be personally liable in damages.

SEC. 4. Notwithstanding the provisions of the District of Columbia Code, sections 14–306 and 14–307, neither the physician-patient privilege nor the husband-wife privilege shall be a ground for excluding evidence in judicial proceedings resulting from a report made pursuant to this Act.

SEC. 5. Anyone knowingly and willfully violating the provisions of this Act shall be fined not more than $1,000, or imprisoned for not more than one year, or both.

With the following committee amendment.

On page 3, strike out lines 3, 4, and 5.

The committee amendment was agreed to.

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

Mr. DOWDY. Mr. Speaker, the first section of this bill provides that a report must be made by any physician or other person licensed under the Healing Arts Practice Act, District of Columbia, 1929 (45 Stat. 1326; District of Columbia Code, sec. 2–101 et seq.), as amended, having reasonable cause to believe that a person coming to his attention for examination or treatment has suffered an injury caused by any dangerous weapon occurring during the commission of a crime, or has suffered an injury caused by a firearm, whether self-inflicted, accidental, or occurring during the commission of a crime. It is further provided that when such a physician is performing as a member of the staff of a hospital or similar institution, and detects such an injury as is described above, he shall notify the person in charge of the hospital or institution, who in turn is required to make the report.

Section 2 provides that an oral report shall be made immediately by telephone to the Metropolitan Police Department of the District of Columbia, to be followed as soon thereafter as practicable by a report in writing. Such reports must contain the name, address, and age of the injured person, and the nature and extent of the person's injuries.

Section 3 indemnifies a person making a report pursuant to this act from any liability in damages resulting therefrom.

Section 4 provides that neither the physician-patient privilege nor the husband-wife privilege shall be a ground for excluding evidence in any judicial proceeding resulting from a report made pursuant to this act.

BACKGROUND FOR LEGISLATION

Your committee is advised that this proposed legislation was requested of the District of Columbia Commissioners jointly by the Metropolitan Police Department and the U.S. attorney for the District of Columbia, in 1964. The request was made in view of the rising incidence of crimes of violence in the District of Columbia.

At this time, there is no law in the District making mandatory the reporting by physicians of injuries caused by firearms or other dangerous weapons. Your committee is informed by officials of the Police Department, however, that such reporting is done by local physicians as a voluntary service, and that such reports have been the means of solving many crimes in the Nation's Capital. The Police Department and the U.S. attorney's office feel, however, that despite this voluntary cooperation on the part of physicians in the District, the seriousness of the situation regarding crimes involving the use of firearms and other dangerous weapons in the city justifies the enactment of a law making such reporting mandatory, simply as a means of assuring as fully as possible the receipt of this invaluable information in every instance.

Your committee feels that section 3 of the bill, which assures a physician reporting such an injury immunity from any liability for damages as a result, will certainly serve to remove a natural reluctance on the part of the physician in some instances to report these cases to the Police Department.

As introduced, H.R. 9985 contained a section providing criminal penalties for willful violation of the other provisions of the bill. It was the feeling of your committee, however, that such criminal penalties need not be threatened against nonreporting persons in order to carry out the purpose of the bill, which is the encouragement of reporting rather than the prosecution of those who fail to report.

This legislation was requested by the Board of Commissioners of the District of Columbia in a letter addressed to the Speaker of the U.S. House of Representatives under date of July 15, 1965.

Your committee is pleased to endorse this step toward alleviation of the present serious problem of law enforcement and the solution of crime in the District of Columbia.

Mr. NELSEN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. HARSHA] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. HARSHA. Mr. Speaker, in the interest of strengthening the hands of an already severely handicapped police force in the Nation's Capital, I introduced the bill now under consideration, H.R. 9985, which, in effect, makes it mandatory for physicians to report immediately all wounds that they suspect might have been caused either by a firearm or any other dangerous weapon. The net effect being to aid the police in determining if a crime has been committed, if so, by whom, and then, hopefully, the wheels of justice would commence to turn.

The design of this bill is to further aid the Police Department's heroic efforts to curb the appalling mushrooming of crime in Washington, where from 1957 to 1965, criminal homicide is up 103.4 percent, robbery up 320.4 percent, housebreaking up 209.6 percent, ad infinitum.

The Metropolitan Police Department has informed us that at the present time there is no law in the District which requires a physician to report to police a gunshot or other wound. They tell us that when a person is shot during the commission of a crime, the logical story for him to tell a physician when he seeks treatment is that the wound was accidentally self-inflicted. Consequently, unless the doctor becomes suspicious, the criminal can obtain treatment for his injury without a report being made to the police. Such a serious oversight in the law should not be allowed to stand.

This bill also grants to physicians who comply immunity from civil and criminal liability.

It is somewhat interesting to note that present law—evidently a holdover from prohibition days—requires that mechanics must report to the police bullet holes they may find in an automobile. My bill—ironically enough—would bring human beings up to the level of the auto; or at any rate it requires of physicians the same responsibility to the public now asked of auto mechanics.

I strongly urge my colleagues to support this essential public-interest legislation.

AMENDING DISTRICT OF COLUMBIA INCOME AND FRANCHISE TAX ACT OF 1947

Mr. DOWDY. Mr. Speaker, I call up the bill (H.R. 8058) to amend section 4 of the District of Columbia Income and Franchise Tax Act of 1947, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2) of section 4(h) of title I of the District of Columbia Income and Franchise Tax Act of 1947, as amended (D.C. Code, sec. 47–1551c(h)), is amended to read as follows:

"(2) Sales of tangible personal property by a corporation or unincorporated business which—

"(A) has or maintains an office, warehouse, or other place of business in the District, or

"(B) has an officer, agent, or representative having an office or other place of business in the District,

during the taxable year for the sole purpose of dealing with the United States for commercial or noncommercial purposes or of dealing with the District or persons for noncommercial purposes; but each such corporation and unincorporated business which does business in the District with the United States shall be subject to the licensing provisions in title XIV of this article."

SEC. 2. The amendment made by the first section of this Act shall apply with respect to taxable years ending on or after the date of the enactment of this Act and with respect to taxable years ending with or within the three-year period ending on the day before the date of enactment of this Act. No interest shall be allowed or paid upon any overpayment of tax—

(1) with respect to any taxable year ending before the date of the enactment of this Act, and

(2) arising by reason of the enactment of this Act, for any period before the expiration of the fifteenth day of the fourth month following the month in which this Act is enacted.

AMENDMENT OFFERED BY MR. DOWDY

Mr. DOWDY. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. DOWDY: On page 2, line 13, strike out "three-year" and insert in lieu thereof "seven-year".

On page 2, line 15, after the period insert the following: "Notwithstanding any law or rule of law, refund or credit of any overpayment attributable to the application of the amendment made by the first section of this Act shall be made or allowed if claim therefore is filed before the sixtieth day after the date of enactment of this Act."

The amendment was agreed to.

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

PURPOSE OF THE BILL

Mr. DOWDY. Mr. Speaker, the purpose of H.R. 8058 is to restate, by amendment, certain provisions of the Income and Franchise Tax Act of the District of Columbia (act of July 16, 1947; 61 Stat. 328), as amended by the act of May 3, 1948 (62 Stat. 206), relating to foreign corporations which have a place of business, an officer, or representative located in the District of Columbia for the sole purpose of doing business with the United States.

The necessity for this restatement of a portion of section 4 of title I of the Income and Franchise Tax Act arises as a result of a recent interpretation by the government of the District of Columbia which imposed tax liability for the first time on foreign corporations which maintain an office or have representatives in the District of Columbia who merely deal with Federal agencies because this is the seat of the National Government. This restatement makes it clear that "noncommercial" activities will not subject persons or corporations to taxation.

The theory of tax liability employed in the District of Columbia Income and Franchise Tax Act is directed to the conduct of "trade or business" on which net income is derived from sources within the District of Columbia. Thus, as to net income from a "trade or business," involving the sale of tangible personal property by persons, local or foreign, who have a place of business or are physically present or act through a representative, agent, or independent broker located in the District and the product is produced locally or is produced without the District but comes to rest within the District for use by local consumers, the District of Columbia government, or the Federal Government, such net income is from a District of Columbia source and is taxable. But as to net income from sales of tangible personal property to the Federal Government, where the product is produced without the District and is used without the District, and which sales are by persons whose activities are "for the sole purpose of doing business with the United States," such net income is not from District of Columbia sources and not taxable.

Existing language in the District of Columbia Income and Franchise Act (D.C. Code, sec. 47–1551c (h)(1) and (2)), provides an exemption to foreign corporations by excluding certain sales of tangible personal property from the definition of the term "trade or business" which furnishes the basis for the imposition of the privilege or franchise tax.

This history of the existing law and the clearly expressed intent of Congress was that a foreign corporation which conformed to the provisions of the act should be exempt from the imposition of taxes on net income derived from sales of personal property to the U.S. Government. Any interpretation of the language of the act, which provides the exemption, that diminishes the exemption and essentially makes meaningless the language of the act, requires the action recommended by your committee in this report.

District of Columbia officials contend that the language stating the exemption is ambiguous. Your committee is not convinced that such ambiguity exists, and further is of the view that the intent of Congress at the time of enactment of the exemption is so clear as to remove any element of doubt as to the application of the exemption to foreign corporations engaged in doing business solely with the U.S. Government.

TAX POLICY IN THE DISTRICT OF COLUMBIA

The bill, H.R. 8058, is in no way related to the corporate income tax provisions of the Internal Revenue Code enacted by the Congress in its capacity as the National Legislature and which laws are applicable throughout the 50 States and the District of Columbia. The bill relates only to tax law of the District of Columbia enacted by the Congress as the local legislature for the District of Columbia.

The city of Washington is unique among all other cities in the Nation. It is not a territory of the United States. It is not a State. Its status is that of the seat of the Federal Government, an exclusively Federal jurisdiction. The people of the States, in whom reposes the sovereign power of this free representative Government, established the District of Columbia for their benefit as the seat of government for the conduct of their business. In the Constitution the people delegated their powers to their representatives in Congress for the "exercise of exclusive jurisdiction in all cases whatsoever * * *" in the District of Columbia to assure that the wishes, purposes, and business of the people of the States continue as the predominate interest and purpose in the Nation's Capital.

In executing this constitutional mandate, the Congress for many years has followed a general policy relating to taxation in the District of Columbia. Since the sole purpose of the District of Columbia is to serve as the seat of the Federal Government, the question is not how much the Federal Government—the people of all the States—should contribute in taxes but rather what is the fair measure of the tax burden which should be borne by the residents of the District of Columbia for the use of the facilities and protections provided in the community. If the residents of the District of Columbia pay less than their reasonable share of the local tax burden, then the people in all of the States are called upon to provide additional tax funds which, in a sense, become a subsidy to the taxpayers in the District of Columbia. Conversely, if a tax burden placed upon the residents of the District of Columbia exceeds the reasonable amount related to the benefits of the community, then the people of the District of Columbia are supplying more than their fair share and, in a sense, are subsidizing the taxpayers in the States of the Union.

To balance the burden of taxation for the District of Columbia as between those who reside in the Nation's Capital and the people in all of the States, the Congress has endeavored for many years to maintain, as nearly as possible, the tax burdens in the District at a level comparable to the tax burdens of citizens in the metropolitan area immediately adjoining the District of Columbia. This policy of balance relates not only to taxes on property, sales taxes, and personal income taxes, but also to taxes on business activities including local and foreign corporations. The exemption provided in the Income and Franchise Tax Act, which the pending bill restates, is in harmony with the policy of Congress in the application of fair and equitable tax burdens within the District of Columbia.

CORPORATIONS SUBJECT TO TAX

Fully separate from the exemption involved in the pending bill, corporations are subject to tax in the District of Columbia. In a manner similar to that used in many States, the District of Columbia Code—section 47–1580—imposes a tax upon the net income of corporations for the privilege of carrying on and engaging in a "trade or business" within the District. The term "trade or business" is defined to include the carrying on of "commercial activity." This section of the District of Columbia Code relates to both foreign and local corporations—and other business activities—which maintain offices, representatives, or agents, or who have factors or independent brokers located within the District of Columbia engaged in a "trade or business." Nothing in the pending bill is related to or changes the taxability of corporations engaged in a trade or business within the provisions of section 47–1580 of the District of Columbia Code. Under that section, the tax liability is at the rate of 5 percent on that portion of the net income of the corporation which is fairly attributable to the "trade or business" carried on in the District of Columbia.

HISTORY OF THE EXEMPTION

Prior to the enactment of the Income and Franchise Tax Act of 1947, the test for tax liability of corporations on the sale of tangible personal property was whether or not title to the property sold passed within or without the District of Columbia. This test for tax liability was added in the act of June 22, 1942 (56 Stat. 376), which amended the District of Columbia Revenue Act of 1939 (53 Stat. 1087). That amendment was as follows:

Provided, however, That income derived from the procurement of orders for the sale of personal property by means of telephonic communication, written correspondence, or solicitation by salesmen in the District where such orders require acceptance without the District before becoming binding on the purchaser and seller and title to such property passes from the seller to the purchaser without the District is not from District of Columbia sources: *Provided further,* That income from the sale of personal property to the United States is not from District of Columbia sources, unless the taxpayer is engaged in business in the District and such property is delivered for use within said District.

This amendment established a new test for determining the tax liability of foreign corporations. Net income derived from sales of personal property was not considered to be from District of Columbia sources whenever title to the property passed outside of the District of Columbia. It may also be noted that the second portion of the proviso clause excluded sales of personal property to the United States under the circumstances specified.

In the years following the enactment of the foregoing passing of title test, the District of Columbia experienced mounting problems in determining tax liability of corporations because of difficulty in determining where title to tangible personal property sold actually passed. To remedy this situation and for other purposes, the Congress enacted the Income and Franchise Tax Act of 1947. This act substituted the test of whether the "trade or business" was being conducted within the District of Columbia as a substitute for the passing of title test. The act became law on October 13, 1947. New difficulties arose almost immediately when it was discovered that the 1947 act taxed foreign corporations for solicitations and business activity within the District, no matter where title passed, and regardless of whether the corporation maintained a place of business in the District of Columbia. Almost immediately numerous complaints were made to the Congress and legislation to correct and clarify the act was introduced before the next session of Congress.

In the course of committee hearings on H.R. 5317 and S. 2409 of the 80th Congress, testimony was received concerning the inequities resulting from the omission of the usual exemption for foreign corporations doing business solely with the Government of the United States. The issue may be illustrated by extracts from committee hearings. On page 14 of the transcript of the hearings on S. 2409 there is comment between Congressman BATES and Corporation Counsel Vernon E. West.

Mr. BATES. Let us take an example, Mr. West. * * * The contracts are consummated down at the Bureau of Aeronautics and the Bureau of Supplies and Accounts, and they will run into perhaps billions of dollars, let alone millions; and these things are going to be delivered everywhere except in the District of Columbia although they may send a few to Anacostia. Now do you think all those purchases should be taxed in the District?

Mr. WEST. Personally, I do not believe so.

At page 17 Corporation Counsel West requested his assistant, Mr. Updegraff, to explain the difference between S. 2409 and H.R. 5317:

Mr. UPDEGRAFF. Under the proviso in H.R. 5317, the income from the sale of personal property to the United States would not be from District sources unless the taxpayer was engaged in business in the District and such property was delivered for use within the District. That is the same language that was in the 1939 act as amended by the 1942 act.

By May 3, 1948, Congress had completed action upon the amendments and S. 2409, as reported to the Congress, had become Public Law No. 509 of the 80th Congress. The exemption for corporations which is the subject of the pending bill is found in amendments to section 4(h) of title 1 of article 1 of the Revenue Act for the District of Columbia of 1947. Section 4(h) with the amendments (D.C. Code 47–1551c(h)) was stated as follows:

(h) The words "trade or business" include the engaging in or carrying on of any trade, business, profession, vocation, or calling or commercial activity in the District of Columbia; and include the performance of the functions of a public office: *Provided, however,* That these words "trade or business" shall not include, for the purposes of this subchapter—

(1) Sales of tangible personal property whereby title to such property passes within or without the District, by a corporation or unincorporated business which does not physically have or maintain an office, warehouse, or other place of business in the District, and which has no office, agent, or representative having an officer or other place of business in the District, during the taxable year; or

(2) Sales of tangible personal property by a corporation or unincorporated business which does not maintain an office or other place of business in the District and which has no officer, agent, or representative in the District except for the sole purpose of

doing business with the United States, but such corporation and unincorporated businesses shall be subject to the licensing provisions in title XIV of this subchapter.

In its report to the House of Representatives—House Report No. 1792, 80th Congress, 2d session—your committee stated in reference to the bill:

The purpose of the bill, as amended, is to clarify the language and intent in the District of Columbia Income and Franchise Act of 1947, in order that the tax so provided be not imposed on corporations or unincorporated businesses which do not maintain places of business or representative in the District of Columbia, or on such concerns which maintain places of business or representatives in the District for the sole purpose of doing business with the United States, with respect to sales of tangible personal property delivered outside the District for use outside the District.

In the Senate report which accompanied the bill—Senate Report No. 1042, 80th Congress, 2d session—the report stated:

The purpose of the bill is to clarify and limit the imposition of a tax upon the income of corporations or businesses which is "derived from sources within the District of Columbia." Due to the language appearing in the existing District of Columbia income tax law, the imposition or assessment of the income tax was heretofore made against concerns casually engaged in business within the borders of the District of Columbia by such means as telephone, mail orders, traveling salesmen, and other nonconsistent means of solicitation. This bill will correct such situation, and limit the imposition of an income tax to those concerns casually engaged in business on their own account or through representatives or agents within the District of Columbia.

ADMINISTRATION OF THE 1948 AMENDMENTS

From the foregoing much-abridged history of the 1948 amendments to the Income and Franchise Tax Act of 1947, the purpose and intent of the Congress becomes clear. Prior to the 1947 act, the Congress had not imposed any tax upon foreign corporations having offices or representatives in the District of Columbia for the sole purpose of doing business with the Federal Government. Within 5 months following the approval of the 1947 act, the Congress had acted to clarify the provisions of that act in harmony with the long-standing policy relating to foreign corporations doing business with the U.S. Government.

It may be noted that the very essence of the issues involved related to income-producing activities involving engagement in a "trade or business" related to the sale of tangible personal property. At no time since the ratification of the Constitution had the Congress imposed any tax upon any person, natural or otherwise, who maintained an office or a representative in the District of Columbia for the purpose of liaison with agencies of the Federal Government or for the purpose of petition to the Congress. In fact, any such proposal would have cut deeply across the guarantees to the citizens of the United States in the exercise of their rights under the Constitution.

Following the enactment of the amendments of 1948 to the Income and Franchise Tax Act, the District of Columbia interpreted those amendments in line with the intent of Congress, and foreign corporations which observed carefully the requirements established in the exemptions were not notified of any tax liability where their operations were solely for the purpose of "doing business" with the United States. However, during this period, the District of Columbia did notify two foreign corporations of tax liability where such corporations failed to meet the requirements for exemption as stated in the act—*Owens-Illinios Glass Company* v. *D.C.*, 204 F. 2d 29; *Lever Bros. Co.* v. *D.C.*, 204 F. 2d 39.

In one case it was found that the corporation which had established a "sole purpose" office for doing business with the United States had also permitted local salesmen to use the office while engaging in a "trade or business" in the District of Columbia. In the other case, it was found that the corporation was represented by a factor who was engaged in the sale of the products of the corporation and who was located within the District of Columbia.

At some time, shortly prior to 1960, tax officials of the District of Columbia conceived a new interpretation of the exemptions provided by the amendments to the income and franchise tax enacted in 1948, and the District government issued notices of a tax liability to a very limited number of corporations on the ground that the "sole purpose" offices maintained in the District of Columbia were not devoted to "the sole purpose of doing business with the United States." Tax officials found that such foreign corporations in the course of the operations of their "sole purpose" offices secured or provided information by contact with other Government offices or agencies in addition to those Government offices engaged in the procurement of tangible personal property.

Apparently without attention to the clear legislative history of the exemption provisions or to the intent of Congress, tax officials decided that, since the exemption applied to foreign corporations maintaining facilities for the "sole purpose" of doing business with the United States, such corporations lost the benefit of the exemption if they were engaged in any other activity which was not related to the sale of tangible personal property to the Government of the United States. Thus, any activity by a foreign corporation in the nature of providing to or securing from agencies of the Federal Government any information, which activity of itself was not and never has been subject to any tax nor had been considered as the engaging in "a trade or business," now became a taxable activity. If a foreign corporation operating a "sole purpose" office in the District of Columbia found it necessary to make inquiry of the Bureau of Standards for specifications on materials to be used in connection with the production of tangible personal property for sale to the Federal Government, such action was deemed to violate the exemption provisions in the Income and Franchise Tax Act. The theory was that in contacting the Bureau of Standards, the foreign corporation was not doing business with the United States but was "dealing" with the United States and was beyond the authority granted in the exemption provisions of the act. Thus, a foreign corporation was deemed to incur a liability for taxes for an action which was not doing business in the District of Columbia and which activity was not otherwise taxable. On the contrary, it has never been the intent of the Congress to impose a tax on any person or corporation merely because an office or representative was maintained in the District of Columbia for the purpose of liaison with the Federal Government.

In some cases, foreign corporations paid the assessment under compromise agreement, or carried the question to litigation. Not until 1964 was any foreign corporation able to secure an opinion on tax liability in such cases from the Office of the Corporation Counsel for the District of Columbia.

On September 23, 1964, the Office of Corporation Counsel for the District of Columbia issued an opinion dealing with the "sole purpose" exemption for foreign corporations stated in the District of Columbia Income and Franchise Tax Act. This opinion recited in detail the noncommercial activities of one foreign corporation other than matters relating to the sale of tangible personal property to the United States and construed the word "sole" to exclude such activities as being within the exemption provided in the act. Under this interpretation, it appears that essentially no foreign corporation could qualify under the exemptions provided in the act.

An examination of the application of this opinion produces a curious contradiction. In testimony before your committee, it was argued that, since collateral activities relating to other Government agencies than those engaged strictly in the procurement of personal property were not activities directed to doing business as defined in the exemption provisions of the act, therefore the foreign corporations could not receive the benefit of the exemption. On the other hand, to bring the corporations within the basic provisions of the Income and Franchise Tax Act as to liability for the payment of taxes, it was necessary to show that the activities rendering a foreign corporation taxable resulted in net income derived from District of Columbia sources. To sustain this requirement, it was argued that any activities of a foreign corporation accrued some benefit to the corporation and inevitably generated some net income within the District of Columbia although not measurable. Thus, for the purposes of the interpretation of the District of Columbia a foreign corporation was taxable because of the activities which were not doing business with the United States; but, on the other hand, the activities were taxable as doing business because the same activities accrued to the benefit of the corporation ultimately in the form of net income. Such a contradictory situation can result only in intolerable confusion.

APPLICATION OF H.R. 8058

The pending bill, H.R. 8058, as recommended by your committee, is designed

as a restatement of the existing law to remove the confusions which attend its present administration. The substance and purpose of section 1 of the bill remains the same as the similar provisions of the existing law. It does not enlarge nor narrow the original intent of the Congress or the longstanding policy of the Congress regarding tax liability of foreign corporations doing business with the United States. Section 1 provides that the definition of the term "trade or business" in the Income and Franchise Tax Act of 1947, as amended, shall not include sales of tangible personal property by a foreign corporation which maintains any office or place of business or has an officer, agent, or representative located in the District of Columbia for the sole purpose of dealing with the United States for commercial or noncommercial purposes or of dealing with the District of Columbia or persons for noncommercial purposes.

Dealing with the United States for commercial purposes relates to any activities involving the sale of tangible personal property produced outside of the District of Columbia and which comes to rest outside of the District of Columbia. Dealing with the United States, the District of Columbia, or persons for "noncommercial purposes" applies to activities not related to the sale of tangible personal property.

Your committee recognizes that the District of Columbia, by provisions under the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), is considered to be a Federal agency for the purposes of purchasing tangible personal property from Federal schedules.

It is the clear intent of your committee that, in the event the District of Columbia exercises authority to purchase under that act or under any similar law, from such schedules which may involve the offices or representatives of a foreign corporation located in the District of Columbia for the sole purpose of doing business with the Federal Government, such sale shall be within the exemption provided in the statute. In the use of Federal schedules for purchases, the District of Columbia assumes the character of a Federal agency and the exemption for foreign corporations applies to the sales to the District in the same manner as it applies to sales to Federal agencies. Any net income derived from such sales from Federal schedules to the District government is not to be considered as coming from a District of Columbia source.

Your committee believes that the amendment proposed in section 1 of the bill preserves the right granted to every person, including corporate bodies, for the opportunity to deal with their Government from and within the District of Columbia and particularly so when such persons or organizations find themselves present in the District solely because the District is the seat of the National Government. The assessing of taxes on an activity by a foreign corporation, which activity is otherwise exempt, because such corporation engages in activities which are not themselves subject to tax places the District of Columbia government in the position of taxing persons attending their own National Capital on matters which call them to the seat of the Government. Curiously, Mr. Grayson, of Virginia, during the debates on the ratification of the Constitution by that State, observed:

> It would be the interest of the citizens of that District to aggrandize themselves by every possible means in their power, to the great injury of the other States ("Elliott's Debates on the Federal Constitution," volume 3 at page 433 (2d ed., 1876)).

Certainly the framers of the Constitution firmly intended that this government of the National Capital not be administered in any manner to produce such a result.

RETROACTIVITY PROVISIONS

In the course of the hearings before your committee, and its study of the problem, no clear indication was obtained concerning the number of foreign corporations which are presently involved or which have been involved in the interpretation by the District government of the tax exemption provision. The appearances were that the District of Columbia had embarked primarily on test cases but intended to make assessments on a substantial number of corporations if the foreign corporations involved acquiesced or in the event of a court decision which upheld the interpretation of the District government.

Since your committee deemed the interpretation of the District government as being without support in the language of the Income and Franchise Tax Act or by any intent of the Congress, it was the feeling that all corporations, which had been subject to any action by the District government and had made overpayments of taxes or might be subject to any overpayment of taxes, should be treated as equally as possible by a retroactive provision, provided in section 2 of the bill, to extinguish any possibility of further tax assessments by the District of Columbia and bring about reimbursement of tax overpayments, without interest. At the time of the committee hearings, it appeared that retroactive provisions reaching back to 3 years prior to the effective date of the act would probably accomplish this purpose.

Your committee was not furnished, and does not have, any estimate of the refunds which might be required under the provisions of section 2 of the bill. The amendments do not, in effect, deprive the District of Columbia of tax revenues since there has never been any final determination that the District of Columbia government had the authority under existing law to enforce such collections. The result of the retroactive provisions is that it merely restores the District of Columbia to the financial position it enjoyed prior to the misinterpretation of the exemption provisions of the act.

SECTION-BY-SECTION ANALYSIS

Section 1 of H.R. 8058 is a restatement of paragraph (2) of section 4(h) of title I of the District of Columbia Income and Franchise Tax Act of 1947, as amended—District of Columbia Code, section 47–1551c(h).

Section 4(h) of the act defines the term "trade or business." Those engaged in a "trade or business," as defined, are subject to the taxes imposed by the act since any net income derived from such activity is considered as coming from District of Columbia sources.

Paragraph (2) of this section, states an exemption to the definition of "trade or business" in relation to sales of tangible personal property by a foreign corporation which maintains a place of business, an officer, or representative in the District for the "sole purpose of doing business with the United States." Section 2 of H.R. 8058, restates this exemption to make clear that noncommercial dealings and activities by foreign corporations, having such sole purpose offices, does not affect the application of the exemption.

Section 1 of H.R. 8058 provides that the term "trade or business" shall not include a corporation or unincorporated business which maintains an office, warehouse, or other place of business in the District or which has an officer, agent, or representative having an office or other place of business in the District for the sole purpose of dealing with the United States for commercial or noncommercial purposes. Likewise, the definition of "trade or business" shall not apply to dealing with the District of Columbia or persons in the District for noncommercial purposes. All businesses, however, are subject to the licensing provisions of the act.

Section 2 of H.R. 8058 provides that the first section shall apply to taxable years ending on or after the date of enactment and retroactively to taxable years ending with or within the 3-year period ending on the date before the date of enactment. No interest shall be allowed or paid upon any overpayment of tax for any taxable year ending before the date of enactment or which overpayment arises, by reason of enactment of the amendment, in the period before the 15th day of the 4th month following the month in which the act is enacted.

The amendment which has been offered became necessary in view of additional information which has come to the attention of the committee since the introduction of H.R. 8058. It was clear from the record that the 1948 amendments to the District of Columbia Income and Franchise Act exempted foreign corporations from any tax of net income derived from the sale of tangible property in the course of doing business with the U.S. Government and which property was not produced within the District of Columbia and which was used outside the District of Columbia. The net income from such sales was not considered to have been from a District of Columbia source.

Because of the erroneous interpretation of the law, the District of Columbia in the late 1950's began to assess taxes of such sales, although the District of Columbia did not issue a formal opinion in support of its action until 1964. In the beginning a very few corporations were given notice of tax liability by the District of Columbia, some corporations paid under protest, some compromised the tax

assessment or compromise while others resorted to litigation over the District's tax claims. No court test was ever concluded.

The objective of the committee in section 2 of the bill was to provide an equal treatment, as far as possible, to all corporations retroactively and to extinguish any further action against other corporations. It was felt that applying the terms of section 1 of the bill retroactively for a period of 3 years would result in essentially equal treatment of all corporations. Any overpayment of tax would be refunded without interest.

Although very few corporations were involved, it now appears that some of the cases which are still open extend back more than 3 years. The amendment extends the retroactive effect for a period of 7 years from the date of enactment. This will more nearly provide equal treatment to all corporations.

The committee was not furnished with any estimate of the refunds which might be required under the provisions of section 2 of the bill. The amendment does not, in effect, deprive the District of Columbia of tax revenues since there has never been any determination that the District of Columbia government had the authority to enforce such collections. The results of the retroactive provisions merely restores the District of Columbia to the financial position it enjoyed prior to the misinterpretation of the exemption provisions of the act.

MOTOR VEHICLE INSURANCE

Mr. DOWDY. Mr. Speaker, I call up the bill (H.R. 9918) to amend the Fire and Casualty Act and the Motor Vehicle Safety Responsibility Act of the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. Section 27 of the Fire and Casualty Act, approved October 9, 1940 (54 Stat. 1076; D.C. Code, sec. 35–1331), is amended by inserting "(a)" immediately after "SEC. 27." and by adding at the end thereof the following new subsection:

"(b) No automobile liability or motor vehicle liability policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance, or use of a motor vehicle or motor vehicles shall be delivered or issued for delivery in the District of Columbia to an insured with respect to any motor vehicle registered or principally garaged in the District of Columbia unless coverage is provided therein or supplemental thereto, in limits for bodily injury or death set for in section 19 of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954, as amended (68 Stat. 126; D.C. Code, sec. 40–435), under provisions approved by the Superintendent, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness, or disease, including death, resulting therefrom. The named insured shall have the right to reject such coverage, and, unless the named insured requests such coverage in writing, such coverage need not be provided in or supplemental to a renewal policy where the named insured had rejected the coverage in connection with a policy previously issued to him by the same insurer."

SEC. 102. The amendment made by section 101 of this Act shall take effect on the ninetieth day after the date of enactment of this Act.

TITLE II

SEC. 201. Section 10 of the Motor Vehicle Safety Responsibility Act of the District of Columbia (68 Stat. 124; D.C. Code, sec. 40–426) is amended by striking out "$100" and inserting in lieu thereof "$50".

SEC. 202. Section 11 of such Act (D.C. Code, sec. 40–427) is amended by adding at the end thereof the following new sentence: "The Commissioners may rely upon the accuracy of this information, unless and until they have reason to believe that such information is erroneous."

SEC. 203. Section 16 of such Act (D.C. Code, sec. 40–432) is amended to read as follows:

"SEC. 16 APPLICATION.—The provisions of this Act, requiring deposit of security and giving proof of financial responsibility after an accident and suspensions for failure to deposit security and give proof of financial responsibility after an accident subject to certain exemptions, shall apply to the driver and owner of any vehicle of a type subject to registration under the motor vehicle laws of the District of Columbia which is in any manner involved in an accident within the District of Columbia, which accident has resulted in bodily injury to or death of any person or damage to the property of any one person in excess of $50."

SEC. 204. Section 17 of such Act (D.C. Code, sec. 40–433) is amended to read as follows:

"SEC. 17. DETERMINATION OF THE AMOUNT OF SECURITY.—(a) The Commissioners, not less than twenty days after receipt of a report of an accident as described in the preceding article, shall determine the amount of security which shall be sufficient in their judgment to satisfy any judgment or judgments or damages resulting from such accident, as may be recovered against each driver or owner, but which in no event shall be less than $500. Such determination shall not be made with respect to drivers or owners who are exempt under succeeding sections of this Act from the requirements as to security, proof, and suspension.

"(b) The Commissioners shall determine the amount of security deposit required of any person upon the basis of the reports or other information submitted. In the event a person involved in an accident as described in this Act fails to make a report or submit information indicating the extent of his injuries or the damage to his property within fifty days after the accident and the Commissioners do not have sufficient information on which to base an evaluation of such injuries or damage, then the Commissioners, after reasonable notice to such person, if it is possible to give such notice, otherwise without such notice, shall require a deposit of security in the minimum amount of $500. If the Commissioners find that a person required by this subsection to make such report or submit such information is or was physically incapable of so doing within the specified fifty-day period, the Commissioners shall permit such person to make such report or submit such information within thirty days after becoming physically able so to do.

"(c) The Commissioners within fifty days after receipt of report of any accident referred to herein and upon determining the amount of security to be required of any person involved in such accident or to be required of the owner of any vehicle involved in such accident shall give written notice to every such person of the amount of security required to be deposited by him, and that he is required to give proof of financial responsibility, and that an order of suspension will be made as hereinafter provided upon the expiration of ten days after the sending of such notice, unless within said time security be deposited and proof of financial responsibility given as required by said notice."

SEC. 205. So much of section 18 of such Act (D.C. Code, sec. 40–434) as precedes paragraph (1) of such section is amended to read as follows:

"SEC. 18. EXCEPTIONS TO REQUIREMENTS AS TO SECURITY AND PROOF AND SUSPENSION.—The requirements as to security proof of financial responsibility, and suspension in this article shall not apply."

SEC. 206. Section 18 of such Act (D.C. Code, sec. 40–434) is further amended by striking out "or" at the end of paragraph (8), by striking out the period at the end of paragraph (9) and inserting in lieu thereof: "; or" and by adding at the end thereof the following new paragraph (10):

"(10) to the owner or driver of any motor vehicle if at the time of the accident the driver was an employee of the United States or the District of Columbia and the motor vehicle was operated within the scope of such employment."

SEC. 207. Subsection (a) of section 20 of such Act (D.C. Code, sec. 40–436) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and in no case less than $500."

SEC. 208. Section 21 of such Act (D.C. Code, sec. 40–437) is amended to read as follows:

"SEC. 21. FAILURE TO DEPOSIT SECURITY AND GIVE PROOF OF FINANCIAL RESPONSIBILITY—SUSPENSIONS.—In the event that any person required to deposit security and give proof of financial responsibility under this article fails to deposit such security and give proof of financial responsibility within ten days after the Commissioners have sent the notice as hereinbefore provided, the Commissioners shall thereupon suspend—

"(1) the license and all registrations of each driver in any manner involved in the accident;

"(2) the license and all registrations of the owner of each vehicle of a type subject to registration under the laws of the District of Columbia involved in such accident;

"(3) if the driver is a nonresident the privilege of operating, within the District of Columbia, a vehicle of a type subject to registration under the laws of the District of Columbia; and

"(4) if such owner is a nonresident, the privilege of such owner to operate or permit the operation within the District of Columbia of a vehicle of a type subject to registration under the laws of the District of Columbia.

"Such suspension shall be made in respect to persons not otherwise exempt under this Act who are required by the Commissioners to deposit security and give proof of financial responsibility and who fail to deposit such security and give such proof of financial responsibility, except as otherwise provided under this Act."

SEC. 209. Section 23 of such Act (D.C. Code, sec. 40–439) is amended to read as follows:

"SEC. 23. ADJUDICATION OF NONLIABILITY—RELEASE FROM REQUIREMENT OF THE DEPOSIT OF SECURITY.—A person shall be relieved from giving proof of financial responsibility and from the requirement for deposit of security in respect to a claim for injury or damage arising out of the accident in the event such person has been finally adjudicated not to be liable in respect to such claim"

SEC. 210. (a) Subsection (b) of section 24 of such Act (D.C. Code, sec. 40–440) is amended to read as follows:

"(b) The Commissioners, to the extent provided by any such written agreement filed with them, shall not require the deposit of security and shall determine any prior order of suspension and the requirement of proof of financial responsibility, or if security had previously been deposited, shall return such security to the depositor or his personal representative, or pay such security to the depositor's assignee, as the case may be, when all payments required by such agreement have been made in full, when an amount equal to such security has been paid in accordance with such agreement, or when such security is assigned to the person injured or damaged as a result of said accident."

(b) Subsection (e) of section 24 of such Act (D.C. Code, sec. 40–440) is amended to read as follows:

"(e) The Commissioners may accept evidence of a payment to the driver or owner of a vehicle involved in any accident by any other person involved in such accident or by the insurance carrier of any other person involved in such accident on account of damage to property or bodily injury as a settlement agreement relieving such driver or owner from the security and suspension provisions of this article, if proof of financial responsibility has been given, in respect to any possible claim by the person on whose behalf such payment has been made might have for property damage or bodily injury arising out of the accident. A payment to the insurance carrier of a driver or owner under the carrier's right of subrogation for the purposes of this article shall be considered the equivalent of payment to such driver or owner."

SEC. 211. Paragraphs (1) and (2) of section 27 of such Act (D.C. Code, sec. 40–443) are amended to read as follows:

"(1) such person shall deposit and file or there shall be deposited and filed on his behalf the security and proof required under this article; or

"(2) two years shall have elapsed following the date of such suspension and evidence satisfactory to the Commissioners has been filed with them that during such period no action for damages arising out of the accident resulting in such suspension has been instituted; provided such person files proof of financial responsibility."

SEC. 212. Subsection (c) of section 28 of such Act (D.C. Code, sec. 40–444) is amended to read as follows:

"(c)(1) Upon receipt of certification that the operating privilege of a resident of the District of Columbia has been suspended or revoked in any State pursuant to a law providing for suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, or for failure to deposit both security and proof of financial responsibility, under circumstances which would require the Commissioners to suspend a nonresident's operating privilege had the accident occurred in the District of Columbia, the Commissioners shall suspend the license of such resident and all of his registrations. Such suspension shall continue until such resident furnishes evidence of his compliance with the law of such State relating to the deposit of security; and until such resident files proof of financial responsibility if required by such law.

"(2) The provisions of this subsection shall be applicable only to a certification from a State which by its laws has made provision for the suspension or revocation of the license and all registrations of a resident of such State for failure to deposit security for the payment of any judgment arising out of a motor vehicle accident in the District of Columbia, or failure to give proof of financial responsibility, or for failure to make payment of an agreed amount with respect to all claims arising from such accident, in accordance with the provisions of this Act."

SEC. 213. Section 29 of such Act (D.C. Code, sec. 40–445) is amended to read as follows:

"SEC. 29. COMMISSIONERS AUTHORIZED TO DECREASE AMOUNT OF SECURITY.—The Commissioners may reduce the amount of security ordered in any case within six months after the date of accident if in their judgment the amount ordered is excessive, except that such security shall not be reduced to an amount less than $500. In case the security as originally ordered has been deposited, the excess deposit over the reduced amount shall be returned to the depositor or his personal representative forthwith."

SEC. 214. Paragraph (2) of subsection (a) of section 31 of such Act (D.C. Code, sec. 40–447) is amended by striking out "one year" and inserting in lieu thereof "two years".

SEC. 215. The first sentence of section 32 of such Act (D.C. Code, sec. 40–448) is amended by striking out "one year" and inserting in lieu thereof "two years".

SEC. 216. Section 37 of such Act (D.C. Code, sec. 40–453) is amended by adding at the end thereof the following new subsection:

"(c) Whenever the Commissioners suspend the license of any person, upon receiving record of a conviction, and such person was not the owner of the motor vehicle used at the time of the violation resulting in conviction, the Commissioners shall also suspend the license and all registrations in the name of the owner of the motor vehicle so used, if such vehicle was operated with such owner's permission or consent at the time of violation, unless such owner has previously given or shall immediately give and maintain proof of financial responsibility. This subsection shall not apply to such owner if he had in effect at the time of the violation an automobile liability policy or bond with respect to such motor vehicle; or if there was in effect an automobile liability policy or bond with respect to the operation of the motor vehicle; or if the liability of such operator or owner was then, in the judgment of the Commissioners, covered by any other form of liability insurance policy or bond; or if the owner or operator was then qualified as a self-insurer under section 79 of this Act."

SEC. 217. Paragraph (1) of subsection (a) of section 68 of such Act (D.C. Code, sec. 40–484) is amended by striking out "three" both places it appears and inserting in lieu thereof at each such place "five".

SEC. 218. Subsection (b) of section 68 of such Act (D.C. Code, sec. 40–484) is amended by striking out "one year" and inserting in lieu thereof "two years".

SEC. 219. Subsection (c) of section 68 of such Act (D.C. Code 40–484) is amended by striking out the word "three" both places it appears and inserting in lieu thereof at each such place "five".

SEC. 220. Article VII of such Act is amended by inserting immediately after section 79 the following new sections:

"SEC. 79A. REINSTATEMENT OF LICENSES AND REGISTRATION; FEE.—Whenever a license or registration is suspended or revoked and the filing of proof of financial responsibility is, by this Act, made a prerequisite to reinstatement of such license or registration, or both, or to the issuance of a new license or registration, or both, no such license or registration shall be reinstated or new license or registration issued unless the licensee or registrant, in addition to complying with the other provisions of this Act, pays to the Commissioners a fee of $25. Only one such fee shall be paid by any one person irrespective of the number of licenses and registrations to be then reinstated for or issued to such person. The fees paid pursuant to this section shall be used by the Commissioners to administer this Act.

"SEC. 79B. IMPOUNDMENT.—(a) Any motor vehicle in any manner involved in an accident, with respect to which the Commissioners are required to suspend the operator's license or nonresident's operating permit shall be subject to impoundment immediately after such accident. Except as provided in subsections (d) and (f) of this section, the owner of each such motor vehicle or his representative shall within forty-eight hours after the accident cause such motor vehicle to be stored at the expense of the owner, in such private or public garage or storage place in the District of Columbia as the owner or his representative may select and shall continue such storage for such period of time as is provided in this section. Such storage shall constitute impoundment within the meaning of this section. So long as the impoundment is in force no person shall remove the impounded vehicle or permit it to be removed from its place of impoundment except upon the order of the Commissioners.

"(b) Immediately following the commencement of the impoundment, such owner or his representative shall forthwith—

"(1) Notify the Commissioners in writing of the street address and city or municipality where said motor vehicle is stored, and

"(2) If the owner is a resident of the District of Columbia, return the registration certificate and registration plates with respect to such motor vehicle to the Commissioners.

If the owner or his representative fails to return such registration certificate and registration plates, the Commissioners are authorized to take possession thereof or to direct any peace officer to take possession thereof and to return the same to the office of the Commissioners.

"(c) The impoundment shall continue until the owner or operator of such motor vehicle, or both, shall furnish security required under section 17 of this Act. Such impoundment shall not be operative pending the determination by the Commissioners of the amount of security to be required if security in the sum of $500 is furnished.

"(d)(1) If repairs to a motor vehicle subject to impoundment are necessary and immediately desired by the owner, the owner may, notwithstanding the provisions of subsection (a), cause such motor vehicle to be taken to such repair shop or garage as he may select for the purpose of having it repaired. Upon completion of such repairs, such motor vehicle shall be impounded as provided in subsection (a).

"(2) Where the Commissioners are satisfied by a certificate signed by a qualified mechanic, or by such other written or documentary evidence as he deems sufficient, that any motor vehicle is so damaged that it is impracticable to restore it to operable condition, the Commissioners may, upon such conditions as they deem proper, consent to the release of such motor vehicle from the requirement of impoundment.

"(e) The Commissioners shall order the release of the motor vehicle from impoundment, and if the term for which the registration certificate and registration plates surrendered to the Commissioners has not expired, shall return such certificates and plates to the owner, when—

"(1) security has been furnished in accordance with the requirements of section 37 of this Act, or

"(2) the owner has obtained a release or a final judgment in his favor has been rendered in an action at law to recover damages resulting from the accident, or

"(3) any judgment against the owner or operator in any such action has been satisfied as provided in section 25 of this Act, or

"(4) two years have elapsed since the date of the accident and no notice has been given to the Commissioners, on a form prescribed by them, of the institution of any action against such owner to recover damages because of such accident, or

"(5) a judgment has been rendered against the owner and the motor vehicle has not, within sixty days from the date of the judgment become final, been seized under an execution issued on such judgment.

"(f)(1) Upon receipt of notice of an accident involving a motor vehicle owned by a nonresident of the District of Columbia which may require the Commissioners to take action under section 37 of this Act, the Commissioners shall notify the motor vehicle Commissioner or other officer performing the functions of such a Commissioner of the State in which such nonresident resides, of the occurrence of such accident, if the law of such other State provides for action similar to that provided for in this subsection. The owner of such vehicle shall not be required to impound such vehicle in the District of Columbia provided it shall be removed from the District of Columbia within forty-eight hours after the accident, or within forty-eight hours after the necessary repairs thereto are completed.

"(2) A resident of the District of Columbia owning a motor vehicle involved in an accident in another State and with respect to which a motor vehicle Commissioner or other officer thereof may be required to suspend operating privileges, shall impound such motor vehicle in the District of Columbia within forty-eight hours after the vehicle is returned to the District of Columbia and such resident shall comply with subsection (b) of this section, if the law of such other State provided for action similar to that provided for in this subsection. Such impoundment shall continue until such motor vehicle is ordered released by the Commissioners upon a showing that the owner is entitled to a release thereof in accordance with the provisions of the law of such other State.

"(g) If a judgment has been recovered in an action against the owner of the motor vehicle impounded pursuant to this section and the motor vehicle has been seized under an execution issued pursuant thereto, the Commissioners shall order the motor vehicle to be released to the person making the seizure.

"(h) No owner, including a purchaser under a conditional sales contract, of a motor vehicle subject to impoundment hereunder shall transfer title to said motor vehicle nor his interest therein unless he furnishes to the Commissioners security in an amount which the Commissioners are satisfied is equivalent to the value of said vehicle or his interest therein, but not exceeding the amount of security fixed by the Commissioners under section 37 of this Act.

"(i) Nothing contained in this section shall affect the rights or remedies of any persons holding prior valid liens on impounded vehicles, including the right to take possession: *Provided*, That such person shall, after the sales of such vehicles for the satisfaction of any lien thereon, remit to the Commissioners deposits of security under section 37 of this Act, on behalf of the former owners or purchasers of such vehicles any sums which such owners or purchasers would otherwise be entitled to receive to the extent of the required deposits.

"(j) Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than $100 and not more than $1,000 for each offense or by imprisonment for not more than ninety days, or both."

SEC. 221. The amendments made by this title shall take effect on the ninetieth day after the date of enactment of this Act.

AMENDMENT OFFERED BY MR. SICKLES

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

The Clerk read as follows:

Amendment offered by Mr. SICKLES: Strike out all after the enacting clause and insert in lieu thereof the following:

"That this Act may be cited as the 'District of Columbia Motor Vehicle Unsatisfied Judgment Fund Act'.

"ARTICLE I

"Declaration of policy; definitions

"SEC. 2. DECLARATION OF POLICY.—It is hereby declared to be a matter of legislative determination that the operation of uninsured motor vehicles on the highways of the District of Columbia exposes the general public to great financial loss by reason of injury or damage; and that, while the Motor Vehicle Safety Responsibility Act of the District of Columbia has induced a great number of motorists to insure their vehicles, it has failed to accomplish its full purpose of providing a source of compensation for innocent victims of the negligent operation of motor vehicles in that it permits financially irresponsible motorists to insure their vehicles or not as they choose and imposes no penalties against such motorists until after they have caused death, personal injury, or property damage; and that, since an estimated thirty-five thousand vehicles registered in the District of Columbia are not covered by automobile liability insurance, it is apparent that the indirect sanctions of the present Act are ineffective in providing protection for a great number of innocent motor vehicle accident victims. Accordingly, as a direct means of encouraging owners of vehicles, registered in the District of Columbia to cover the same with a liability insurance policy or bond and of protecting a substantial portion of the general public against financial loss arising out of the operation of uninsured motor vehicles, the Congress finds it necessary that owners of motor vehicles who choose to continue not to insure motor vehicles registered in the District of Columbia be required to pay an additional fee at the time such vehicles are registered, such fees to be paid into a fund from which certain persons suffering loss or injury as a result of the negligence of uninsured motorists may obtain payment of otherwise uncollectible claims and judgments. The payment of such additional fee by owners of uninsured vehicles registered in the District of Columbia is not in any manner to be considered a purchase of automobile liability insurance, but is to be considered only as a fee permitting such owners to operate uninsured motor vehicles in the District of Columbia. The Congress further is of the intent that the fund to be created in accordance with the provisions of this Act shall be administered and regarded solely as a source from which certain persons who become innocent victims of the negligent operation of motor vehicles shall have the opportunity of receiving compensation for loss and damage not otherwise compensable. In all instances, particularly those involving hit-and-run accidents, those persons claiming payment from the fund shall be held to strict proof, and the administrators of the fund and the courts shall regard themselves as guardians of the fund to effectuate this declared policy.

"SEC. 3. DEFINITIONS.—For the purposes of this Act, the following words and phrases shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning.

"(a) ACCIDENT.—An incident occurring in connection with or arising out of the operation of a motor vehicle and involving injury to or death of an individual or damage to property, or any combination of such injury, death, or damage, without regard to whether such incident is or may be attributable to the negligence of any person.

"(b) ACTION.—An action at law filed in any appropriate court in the District of Columbia arising out of the operation, ownership, maintenance, or use of a motor vehicle in the District of Columbia.

"(c) COMMISSIONERS.—The Board of Commissioners of the District of Columbia or their designated agent or agents.

"(d) DRIVER OR OPERATOR.—Every person who drives or is in actual physical control of a motor vehicle or who is exercising control over or steering a motor vehicle being pushed or towed.

"(e) INSURER.—Any insurer authorized to write automobile liability insurance in the District of Columbia.

"(f) LIABILITY INSURANCE POLICY OR BOND.—A bond, an automobile liability policy, or a motor vehicle liability policy meeting the basic limits of coverage required by the Safety Responsibility Act.

"(g) LICENSE.—Any operator's permit or any other license or permit to operate a motor vehicle issued under the laws of the District of Columbia including—

"(1) any temporary or learner's permit;

"(2) the privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and

"(3) any nonresident's operating privilege as defined herein.

"(h) MOTOR VEHICLE.—Every vehicle which is self-propelled or every device in, upon, or by which any person or property is or may be transported or drawn upon a highway other than a vehicle or device which is designed to be moved by human or animal power or is operated upon rails.

"(i) NET DIRECT WRITTEN PREMIUMS.—Direct gross premiums written on policies insuring against legal liability for bodily injury or death and for damage to property arising out of the ownership, operation, or maintenance of motor vehicles registered in the District of Columbia, less return premiums thereon.

"(j) NONRESIDENT.—Every person who is not a resident of the District of Columbia.

"(k) NONRESIDENT'S OPERATING PRIVILEGE.—The privilege conferred upon a nonresident by the laws of the District of Columbia pertaining to the operation by such person of a motor vehicle, or the use of a motor vehicle owned by such person in the District of Columbia.

"(l) OWNER.—A person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon the performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this Act.

"(m) PERSON.—Every natural person, firm, copartnership, association, or corporation.

"(n) QUALIFIED PERSON.—A resident of the District of Columbia who is not the owner of a motor vehicle and who is not protected under the 'uninsured motorist' provision of an automobile liability policy or motor vehicle liability policy; except the term 'qualified person' shall not include (1) any person residing in the District of Columbia whose motor vehicle is registered elsewhere than in the District of Columbia at the time such motor vehicle is involved in an accident within the purview of this Act, and such

person shall be considered a resident of the jurisdiction in which such vehicle was then registered, or (2) any person who at the time of the accident was operating a motor vehicle in violation of an order of suspension or revocation, or without the permission of the owner thereof.

"(o) REGISTRATION.—The registration of a motor vehicle under the laws and regulations of the District of Columbia, and where appropriate, the identification tags issued pursuant to such registration.

"(p) REGISTRATION YEAR.—The twelve-month period for registering motor vehicles as provided in section 2, title IV, of the Act of August 17, 1937 (60 Stat. 680), as amended (sec. 40–102(c), D.C. Code, 1961 edition).

"(q) SAFETY RESPONSIBILITY ACT.—The Motor Vehicle Safety Responsibility Act of the District of Columbia approved May 25, 1954, as amended (68 Stat. 120; sec. 40–417, et seq., D.C. Code, 1961 edition).

"(r) UNINSURED MOTOR VEHICLE.—A motor vehicle, other than one owned by the District of Columbia or the United States, as to which there is not in force a liability policy or bond meeting the requirements of the Safety Responsibility Act of the District of Columbia or which is not owned by a holder of a certificate of self-insurance under this Act or under the Interstate Commerce Act, or as to which after a trial on the merits there is a final judgment in favor of the insurer of the owner of such motor vehicle based on a disclaimer or denial of coverage by the insurer.

"(s) UNSATISFIED JUDGMENT FUND BOARD, OR BOARD.—The Board created by section 10 of this Act.

"(t) UNSATISFIED JUDGMENT FUND, OR FUND.—The fund derived from the sources specified in this Act.

"(u) UNSATISFIED JUDGMENT FUND FEE, OR FEE.—The additional fee to be collected under this Act as contribution to the fund from the owner of an uninsured motor vehicle upon the registration thereof in the District of Columbia.

"ARTICLE II

"Automobile liability policies required to include uninsured motorist coverage endorsements

"SEC. 4. AMENDMENT OF FIRE AND CASUALTY ACT.—Section 27 of the Fire and Casualty Act approved October 9, 1949 (54 Stat. 1076; D.C. Code, sec. 35–1331), is amended by inserting '(a)' immediately after 'SEC. 27.' and by adding at the end thereof the following new subsection:

"'(b)(1) No automobile liability policy or motor vehicle liability policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person, or injury to, or destruction of property, arising out of the ownership, maintenance, or use of a motor vehicle or motor vehicles shall be delivered or issued for delivery in the District of Columbia to an insured with respect to any motor vehicle registered in the District of Columbia unless coverage is provided therein or supplemental thereto, in limits for bodily injury or death or injury to or destruction of property set forth in section 19 of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 126), as amended (sec. 40–435, D.C. Code, 1961 edition), under provisions approved by the Superintendent, for the protection of persons thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness, or disease, including death, or injury to or destruction of property resulting therefrom. Any such policy may provide an exclusion of not more than $100. As used in this subsection, the term "insured" means (1) the named insured, (2) the spouse of the named insured and relatives of either while residing in the same household as the named insured, (3) any person who, with the consent of the insured, express or implied, uses the motor vehicle to which the policy applies, (4) a guest in such motor vehicle, or (5) the personal representative of any of the above.

"'(2) No endorsement or provisions required by paragraph (1) of this subsection shall limit liability thereunder to bodily injury, death, or property damage arising out of an accident only occurring within the District of Columbia.

"'(3) The provisions of paragraph (1) of this subsection shall not apply to any policy of insurance to the extent that it covers the liability of an employer under any workmen's compensation law, but no provision or application of this subsection shall be construed to limit the liability of the insurance company, insuring motor vehicles, to an employee or other insured under this subsection who is injured by an uninsured motor vehicle.'

"ARTICLE III

"Creation of and payments into fund; and availability of fund

"SEC. 5. CREATION OF FUND.—There is hereby created in the Treasury of the United States a special fund, without fiscal year limitation, which shall be known as the unsatisfied judgment fund, District of Columbia, into which shall be deposited all fees and payments made in accordance with the provisions of this Act, and from which shall be disbursed payments required by this Act, without fiscal year limitation. The fund shall not be subject to attachment, execution, or to any other legal process except as provided in this Act.

"SEC. 6. OWNERS OF UNINSURED MOTOR VEHICLES TO PAY FEE.—(a)(1) For the purpose of creating and maintaining the fund established by section 5, every person who registers an uninsured motor vehicle in the District of Columbia, or who obtains a special use tag for use on an uninsured motor vehicle in the District of Columbia, shall pay, at the time such motor vehicle is registered, or at the time such special use tag is obtained, the fee specified by paragraph (2): *Provided,* That no person qualifying as a self-insurer under the Safety Responsibility Act, or complying with the requirements of section 5 of the Act of June 29, 1938 (52 Stat. 1233), as amended (sec. 44–305, D.C. Code, 1961 edition), shall be required to pay the fee specified by or pursuant to this section, if such person has also complied with the requirements of subsection (c) of this section. Such fee shall be in addition to any other fee prescribed by law.

"(2) The fee required by paragraph (1) shall be $40 for the first registration year for which this Act is effective, and such amount for each subsequent registration year as shall be determined by the Board pursuant to authority contained in subsection (b) of this section.

"(3) The fee required by paragraph (1) of this subsection shall not be required of the motor vehicle owner who—

"(i) has, in connection with the registration of his motor vehicle for a registration year, demonstrated to the satisfaction of the Commissioners that there is or will be in effect on the first day of the period for which such motor vehicle is being registered, a liability insurance policy or bond; or

"(ii) is exempt by law from paying to the government of the District of Columbia any fee for the registration of such motor vehicle.

"(4) Whenever the liability insurance policy or bond referred to in the preceding paragraph is not an extension or renewal of an existing policy or bond, the initial premium paid therefor shall be not less than 25 per centum of the total annual premium for such policy or bond, and the insured or some person on behalf of the insured shall, in connection with registering a motor vehicle, submit with his application for registration a certificate from the insurer stating that the insured or some person on his behalf has paid to the insurer an initial premium at least equal to 25 per centum of such total annual premium, and no part of such premium, as of the date of such certificate, has been refunded, or otherwise returned to the insured to the extent that the balance of such initial premium is less than 25 per centum of such total annual premium.

"(5) In the event the initial premium paid for a liability insurance policy or bond as required by paragraph (4) does not at least equal 25 per centum of the total annual premium for such liability insurance policy or bond, then the motor vehicle covered by such policy or bond shall be deemed to be an uninsured motor vehicle, and the person registering such vehicle shall pay the fee required by paragraph (1).

"(6) All determinations required by this subsection to be made and all actions required thereby to be taken with respect to the determination of the insurance coverage offered by applicants for registration, and the collection of the fees required to be paid by uninsured motorists shall be made, taken, or collected, as the case may be, by the Commissioners. In performing these functions, the Commissioner's shall maintain records relating to such insurance coverage and fees, including records of all notices issued by them respecting the same, and shall make available to the Board, either routinely or at the Board's request, such information concerning such insurance and fees as the Board may from time to time require in connection with its administration of this Act.

"(b) Prior to each registration year, beginning with the second registration year in which such fee is required to be paid, the Board shall estimate the probable amount which during such registration year will be required in the fund to make all expenditures expected to be required by this Act, including the cost of administration, the payment of existing and anticipated judgments and the settlement of existing and anticipated claims, and all other expenditures which this Act authorizes or requires to be disbursed from the fund created by section 5. If, in the opinion of the Board, the estimated balance of the fund at the beginning of such registration year will be insufficient to meet the needs of the fund during any such year, it shall determine on an actuarial basis the fee to be paid by any person referred to in subsection (a).

"(c) No person shall be considered a self-insurer within the meaning of this Act unless such person, in addition to qualifying as a self-insurer under the Safety Responsibility Act or under section 5 of the Act of June 29, 1938, supra, shall also have filed with the Commissioners an undertaking or certificate, in such form as the Commissioners may by regulation prescribe, guaranteeing that such self-insurer will, with respect to a judgment secured by any individual against the owner or operator of an uninsured motor vehicle, arising out of an accident involving a motor vehicle owned or operated by or on behalf of such self-insurer in which such individual was riding at the time of such accident as a passenger or employee of the self-insurer, satisfy such judgment to the extent that it remains unsatisfied at the expiration of thirty days from the date on which it became final, subject to the limits set forth in section 19 of the Safety Responsibility Act. No such judgment shall be satisfied by a self-insurer complying with the requirements of this section until the judgment creditor shall have assigned the judgment to the self-insurer or to some person designated by the self-insurer, and, thereupon, the self-insurer or the person so designated shall be deemed to have all the rights of the judgment credi-

tor under the judgment and shall be entitled to enforce the same for the full amount thereof with interest and costs. If more money is collected by the self-insurer or the person designated by the self-insurer upon any such judgment than the amount paid to the judgment creditor, the self-insurer or the designee of the self-insurer shall, after reimbursing himself or itself, pay the balance to the judgment creditor.

"SEC. 7. "MOTOR VEHICLE BECOMING UNINSURED.—(a) Any person whose motor vehicle is insured shall, if such vehicle becomes uninsured at any time during the registration year, immediately notify the Commissioners of such fact and shall pay the fee prescribed in section 6 or return his registration tags to the Commissioners. The fee prescribed for an uninsured motor vehicle shall be paid whenever insurance coverage lapses during any registration year, unless the owner of such vehicle has, prior to the expiration of cancellation of such insurance coverage, surrendered his registration and all evidence thereof.

"(b) Upon the failure of any person to return to the Commissioners the registration tags of any vehicle becoming uninsured at any time during the registration year, as required by the preceding subsection, the Commissioners shall suspend such registration until such time as the motor vehicle again is insured in accordance with the requirements of this Act and written notice of such action has been furnished the Commissioners, or until the owner of the vehicle has paid to the Commissioners the fee prescribed by section 6.

"(c) No motor vehicle shall be registered in the name of any person who has failed to comply with the provisions of subsection (a) of this section until all fees then due and owing under this section have been paid.

"SEC. 8. AVAILABILITY OF FUND.—(a) The fund shall be available to the Board for disbursements required under or authorized by this Act. Such disbursements are to be made in the same manner as other disbursements are made for the District of Columbia.

"(b) The fund shall be available to the Board to pay all costs incurred by the Board in the administration of this Act, and by an insurer in connection with any review or appeal prosecuted or defended by it from a judgment rendered in an action filed under the authority of this Act. Disbursements for such costs shall have priority over all other disbursements from the fund.

"SEC. 9. MANAGEMENT OF FUND.—The Board may invest any portion of the fund created by section 5 of this Act. Any investment made by the Board shall be made in a manner consistent with laws and regulations governing investment of funds of the District of Columbia.

"ARTICLE IV

"Unsatisfied judgment fund board

"SEC. 10. CREATION OF BOARD.—(a) There is hereby created an Unsatisfied Judgment Fund Board consisting of four representatives of insurers designated as prescribed by subsection (b) and five other persons who shall be appointed by the Commissioners. Such representatives of insurers shall include one representative for each of the following classes of companies:

"(1) Stock company rating organization members;

"(2) Mutual company rating organization members;

"(3) Independent stock companies; and

"(4) Independent mutual and other companies.

"(b) A person designated as a representative of a class of companies shall be an employee or officer of an insurer of the class which he represents, and shall be designated from among list of persons nominated by the members of each such class. Whenever the supervision of the business of insurance or the supervision of the licensing of automobiles and automobile operators shall have been delegated by the Commissioners to other District employees, such employees shall be appointed as members of the Board, and the employee to whom the Commissioners shall have delegated the function of supervising the business of insurance shall designate the representatives of the classes of companies specified in subsection (a). The remaining three members shall be persons not employed either in the insurance business or by the Federal or District governments, each of whom shall reside in the District of Columbia, or be the owner of an interest in real property located therein, or actively practice a profession or engage in an occupation therein, or own, be associated with, or be employed in, a business, organization, or firm located therein. One of the three members last mentioned shall be designated by the Commissioners as Chairman of the Board, without vote except in the case of a tie vote among the other members of the Board, in which case the Chairman shall vote to break the tie.

"(c) Each member of the Board other than those employed by the government of the District of Columbia, who serve ex officio, shall be designated or appointed for terms of three years, except that, of the first persons designated to represent the several classes of insurers, one shall be appointed for one year, two shall be appointed for two years, and one shall be appointed for three years, while, of the remaining three members first appointed, one, who shall be the Chairman, shall be appointed for three years, one shall be appointed for two years and one shall be appointed for one year. A vacancy occurring during a term shall be filled by the Commissioners for the remainder of such term. Board members shall continue to serve until their successors are appointed and have qualified. No person designated or appointed a member of the Board, other than those persons in the employ of the District of Columbia, shall serve more than two consecutive full three-year terms: *Provided,* That a term of less than three years shall not, for the purposes of this subsection, be considered a three-year term.

"(d) The Commissioners are authorized, in their discretion, to pay compensation to each member of the Board other than the two members employed by the government of the District of Columbia. Such compensation, which may be paid for each day or part thereof a member is actually employed in the work of the Board, shall not exceed the per diem rate for grade 18 of the General Schedule set forth in section 603(b) of the Classification Act of 1949, as amended. In addition to the compensation authorized by the foregoing, each member of the Board, without exception, may, in the discretion of the Commissioners, be reimbursed for all necessary expenses, including traveling expenses, incurred in the discharge of his duties as a member of the Board. The compensation and reimbursement authorized by this subsection shall be a charge against the fund created by section 5.

"(e) Such Board shall maintain an office in the District of Columbia, administer the fund, and, subject to the provisions of this Act, determine the cash requirements of the fund, and the amounts, if any, available for investment. The Board is authorized to request and receive from the Commissioners advances of such funds as the Board and the Commissioners shall jointly find are necessary to carry out the purposes of this Act: *Provided,* That such advances shall be reimbursed from the fund. The Board is authorized to employ personnel necessary for carrying out the purposes of this Act, such personnel to have qualifications to be specified by the Board. Such employees shall, for purposes of determining conditions of their employment, be deemed to be District employees and shall be entitled to, and receive, the same benefits as other District employees, including compensation fixed in accordance with the Classification Act of 1949, as amended. The compensation of such employees and the cost of the employer's share of providing employee benefits shall be borne by the fund.

"(f) In addition to any employees made available to the Board by the Commissioners under the authority of the preceding subsection, the Board is authorized to employ a Director and an Assistant Director of the fund, each of whom shall serve at the pleasure of the Board. The Director shall receive compensation, payable by the Board from the fund, at not to exceed the rate for grade 18 of the General Schedule of the Classification Act of 1949, as amended. The Assistant Director shall receive compensation, payable from the fund, at not to exceed the maximum rate for grade 17 of such schedule. Neither the Director nor the Assistant Director shall be employees of the government of the District of Columbia or the United States for any purpose, except that for the sole purpose of supervision of their subordinate employees, the Director and Assistant Director shall be deemed to be employees of the government of the District of Columbia.

"SEC. 11. RULES AND REGULATIONS OF THE BOARD.—The Board may, from time to time, adopt, amend, and enforce all reasonable rules and regulations necessary or desirable, in the Board's opinion, in connection with its functions, duties, and responsibilities in administering this Act. The Board may also require notice of cancellation or expiration of any automobile liability policy or bond when certification of such policy or bond is required.

"ARTICLE V

"Procedure for making claim against fund

"SEC. 12. NOTICE OF ACCIDENT AND INTENTION TO FILE CLAIM.—Whenever, on or after the first day of the second registration year for which this Act is effective, any qualified person suffers damages resulting from bodily injury or death or damage to property arising out of the ownership, maintenance, or use of a motor vehicle in the District of Columbia, and such damages may be sought in whole or in part from the fund, such person (or the personal representative of such person) shall, within one hundred and eighty days after the accident, as a condition precedent to the right thereafter to apply for the payment from the fund, give notice to the Board, as prescribed by it, of his intention to make a claim against the fund for such damages, if otherwise uncollectible, and shall otherwise comply with the provisions of this section: *Provided,* That any such qualified person (or his personal representative) may, in lieu of giving said notice within said time, make proof to the court on the hearing of the application for the payment of a judgment, or during the hearing of an application, under section 29, to sue the Board, either (1) that he was physically incapable of giving said notice within said period and that he gave said notice within thirty days after he became physically capable to do so or, in the event he did not become so capable, that a notice was given on his behalf within a reasonable period; or (2) that he gave notice to the Board within thirty days of receiving notice that an insurer had disclaimed on a policy of insurance so as to remove or withdraw liability insurance coverage for his claim against a person or persons who allegedly cause him to suffer damages. In any such notice he shall describe the manner in which the accident occurred, specifying the time and place of occurrence, identify the operators and vehicles involved therein and such witnesses to said accident as are known to him, and describe the injuries then known to him and the damage to property sustained. Said notice shall be accompanied by—

"(1) the statement of the qualified person that he has complied with the requirements of the Safety Responsibility Act to the extent that such Act is applicable to him;

"(2) certification by a physician of the injuries sustained so far as they can then be anticipated, and of the treatment afforded by such physician or by other physicians;

"(3) an itemized estimate of an automobile repairman, or an itemized bill, showing the cost of repairs, if the damage is to an automobile;

"(4) such information as is known to him with regard to liability insurance in effect with respect to the motor vehicle involved in the accident; and

"(5) a copy of the complaint if an action has therefore been brought for the enforcement of such claim, and such person shall, within 15 days after the institution thereof, also notify the Board of any action thereafter instituted for the enforcement of such claim, and such notice shall be accompanied by a copy of the complaint.

The Board shall be authorized, upon a showing of good cause, to extend the period for filing any of the documents to accompany the said notice.

"SEC. 13. COMMISSIONERS TO FURNISH INFORMATION TO BOARD.—The Commissioners are hereby authorized and empowered, notwithstanding the provisions of any other law relating to the confidential nature of any reports of information furnished to or filed with them, to furnish to the Board upon its request, for such use, utilization and purposes as the Board may deem reasonably appropriate to administer this Act and discharge its functions hereunder, any reports and information filed by any person or persons claiming benefits under the provisions of this Act that the Commissioners may have with regard to any accident, any operator or owner of a motor vehicle involved in any accident, and as to any automobile or motor vehicle liability insurance or bond carried by any operator or owner of any motor vehicle.

"SEC. 14. INVESTIGATION AND DEFENSE OF CLAIMS.—(a) The Board shall assign to insurers for investigation and defense all default actions described in section 22 and all actions against the Board brought under section 29.

"(b) Any time after the receipt of a notice of intention to make a claim as provided in section 12, the Board may also assign to insurers for the purpose of making investigations such of said claims as in the judgment of the Board it is advisable to investigate. At any time after receipt of a notice of the institution of any action against the operator or owner of a motor vehicle as provided in section 12, the Board may also assign to insurers for the purpose of conducting the defense thereof those actions which in the judgment of the Board it is advisable to defend.

"(c) All assignments made under this section shall be made to insurers in approximately the proportion to their net direct written premiums in the District of Columbia. Each insurer shall at its own expense (1) make such investigation of any claim or action as may be appropriate, and (2) cause to be conducted on behalf of the fund the defense of any action assigned to it.

"(d) All expenses incurred by such insurer in connection with any review or appeal prosecuted or defended by it from a judgment rendered in such action shall be borne by the fund, and the insurer's attorneys' fees in connection therewith shall be subject to approval by the court.

"(e) The Board shall establish a reasonable plan for the equitable apportionment among insurers of claims against operators and owners of motor vehicles, for investigation and defense, in accordance with this Act. Such plan shall be subject to the approval of the Commissioners, and, upon the approval of the plan by the Commissioners, all insurers shall subscribe thereto and participate therein.

"SEC. 15. DEFENSE OF ACTIONS AGAINST MOTORISTS.—The insurer to whom an action has been assigned may through counsel enter an appearance on behalf of the defendant, file a defense, appear at the trial, or take such other steps as it may deem appropriate on the behalf and in the name of the defendant and may, thereupon, on the behalf and in the name of the defendant, conduct his defense and take recourse to any appropriate method of review on behalf of and in the name of the defendant, and all such acts shall be deemed to be the acts of such defendant: *Provided,* That nothing contained herein shall deprive the defendant of the right to also employ his own counsel to participate in the defense of the action.

"SEC. 16. COOPERATION OF DEFENDANT.—(a) In any case in which an insurer has assumed under this Act the defense of any action, the defendant shall cooperate in the defense of such action in any manner necessary for such defense. In the event of the defendant's failure to cooperate, the insurer conducting such defense may apply to the court for an order directing such cooperation. Failure to comply with the court's order shall be punishable by a fine not exceeding $300 or imprisonment not exceeding ninety days, or both.

"(b) The license and registration of any person failing to comply with a court order issued pursuant to subsection (a) of this section shall be suspended and shall remain suspended until the court is satisfied that there has been compliance with its order.

"SEC. 17. APPLICATION FOR PAYMENT OF JUDGMENT.—When any qualified person or the personal representative of such person recovers a valid final judgment in any court of competent jurisdiction in the District of Columbia against any person who was the operator or owner of an uninsured motor vehicle for injury to, or death of, any person or persons or for damages to property, except property of others in charge of such operator or owner or such operator's or owner's employees, aising out of the ownership, maintenance, or use of such motor vehicle in the District of Columbia on or after the first day of the second registration year for which this Act is effective, the judgment creditor may, upon the termination of all proceedings, including reviews and appeals in connection with such judgment, file a verified claim in the court in which the judgment was entered and, upon ten days' written notice to the Board, may apply to the court for an order directing payment out of the fund, of the amount unpaid upon such judgment, subject to the limitations stated in section 21.

"SEC. 18. HEARING ON APPLICATION FOR PAYMENT OF JUDGMENT.—(a) The court shall proceed promptly to hold a hearing on any application filed under the authority of section 17 and shall give the Board opportunity to be represented at such hearing. At the hearing, the applicant shall be required to show that—

"(1) he is a qualified person;

"(2) he is not a spouse of the judgment debtor, or the personal representative of such spouse;

"(3) he has complied with all requirements of section 12;

"(4) the judgment debtor at the time of the accident was not insured under a policy of automobile liability insurance under the terms of which the insurer is liable to pay the amount of the judgment, up to the limits set forth in section 21, or, if the judgment debtor is so insured, that the insurer, by reason of being insolvent, is unable to pay the amount of the judgment up to such limits;

"(5) he has obtained a judgment as set out in section 17, stating the amount thereof and the amount owing thereon at the date of his application;

"(6) he has caused to be issued a writ of execution upon said judgment, and the United States marshal executing the same has made a return showing that no personal or real property of the judgment debtor liable to be levied upon in satisfaction of the judgment could be found, or that the amount realized on the sale of such property as was found, under said execution, was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application thereon of the amount realized;

"(7) he has caused the judgment debtor to make discovery under oath, pursuant to law, concerning his personal property and as to whether such judgment debtor was at the time of the accident insured under any policy or policies of insurance described in paragraph (4) of this subsection;

"(8) he has made all reasonable searches and inquiries to ascertain whether the judgment debtor is possessed of personal or real property or other assets, liable to be sold or applied in satisfaction of the judgment;

"(9) that by such search he has discovered no personal or real property or other assets liable to be sold or applied or that he has discovered certain of them, describing them, owned by the judgment debtor and liable to be so sold and applied that he has taken all necessary actions and proceedings for the realization thereof, and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized;

"(10) that the application is not made by or on behalf of any insurer by reason of the existence of a policy of insurance whereby the insurer is liable to pay, in whole or in part, the amount of any claim or judgment, or by or on behalf of any insurer for any amount sought or claimed for damages to or destruction to the applicant's or an insured's real or personal property, including automobiles, by reason of collision with an automobile or object, or by upset of the automobile, and that no part of the amount to be paid out of the fund is sought in lieu of making a claim or receiving a payment which is payable by reason of the existence of such a policy of insurance, and that no part of the amount so sought will be paid to an insurer to reimburse or otherwise indemnify the insurer in respect of any amount paid or payable by the insurer by reason of the existence of such a policy of insurance; and

"(11) whether he has a cause of action against any person other than the judgment debtor in respect of his damages for bodily injury, death, or damage to property, and, if so, what steps, if any, he has taken to recover damages from such person, stating the amounts recovered, if any.

"(b) Whenever the applicant satisfies the court that it is not practicable to comply with one or more of the requirements enumerated in paragraphs (5) and (6) of subsection (a) of this section, and that the applicant has taken all reasonable steps to collect the amount of the judgment or the unsatisfied part thereof, and has been unable to collect the same, the court may dispense with the necessity for complying with such requirements.

"SEC. 19. ORDER FOR PAYMENT OF JUDGMENT.—The court shall make an order directed to the Board requiring it to make payment from the fund of such sum, if any, as the Board shall find to be payable on said

claim, pursuant to the provisions and in accordance with limitations contained in this Act, if after the hearing required by section 18, the court is satisfied, and affirmatively find in formal findings of fact—

"(1) of the truth of all matters required by section 18 to be shown by the applicant;

"(2) that the applicant has fully pursued and exhausted all remedies available to him for recovering the amounts referred to in paragraph (3) of subsection (b) of section 21 by commencing action against all such persons against whom the applicant might reasonably be considered as having a cause of action in respect of such damages and prosecuting every such action in good faith to judgment and taking all reasonable steps available to him to collect on every judgment so obtained.

"SEC. 20. SETTLEMENT OF ACTIONS.—(a) In any action against an operator or owner of a motor vehicle for injury to or death of any person or for damage to property arising out of the ownership, maintenance, or use of said vehicle in the District of Columbia on or after the first day of the second registration year for which this Act is effective, pending in any court of competent jurisdiction in the District of Columbia, the plaintiff may upon notice to the Board file a verified petition with the court alleging—

"(1) the matter set forth in paragraphs (1) through (5) of subsection (a) of section 18;

"(2) that the petition is not presented on behalf of an insurer under circumstances set forth in paragraph (10) of subsection (a) of section 18;

"(3) that he has entered into an agreement with the defendant to settle all claims set forth in the complaint in said action and the amount proposed to be paid to him pursuant to such agreement;

"(4) that said proposed settlement has been consented to by the Board;

"(5) that the defendant has executed and delivered to the Board a verified statement of his financial condition;

"(6) that a judgment against the defendant would be uncollectible; and

"(7) that the defendant has undertaken in writing to repay to the Board the sum that he would be required to pay under such settlement if approved by the court, and has executed a confession of judgment in connection therewith.

"(b) If the court be satisfied of the truth of the allegations in said petition, and of the fairness of such proposed settlement, it may enter an order approving the same and directing the Board, upon receipt of the undertaking and confession of judgment mentioned in paragraph (7) of subsection (a) of this section, to make payment to the plaintiff of the amount agreed to be accepted.

"(c) An insurer to whom a claim has been assigned may settle any claim involving the payment of less than $2,500 if the Board or its designated agent is satisfied, and so states in writing that—

"(1) the claimant has complied with all the requirements of section 12 and is not a person of the character described in paragraph (2) of subsection (a) of section 18, and that the owner or operator of the motor vehicle was not at the time of the accident insured under a policy of automobile liability insurance under the terms of which the insurer is liable to pay in whole or in part the amount of the judgment;

"(2) the settlement is not made on behalf of an insurer under circumstances set forth in paragraph (10) of subsection (a) of section 18;

"(3) a judgment against the owner or operator of the motor vehicle involved in the accident would be uncollectible; and

"(4) if such owner or operator has consented to such settlement, he has executed and delivered to the Board a verified statement of his financial condition and has undertaken in writing to repay to the Board the sum to be paid under the settlement, and has executed a confession of judgment in connection therewith.

"(d) Upon receipt by the Board of said undertaking to repay and of said confession of judgment, it shall make the required payment to claimant out of the fund.

"SEC. 21. LIMITATION ON AMOUNTS PAYABLE FROM FUND.—(a) The maximum amounts payable from the fund shall be $10,000, inclusive of costs, on account of bodily injury to or death of one person in any one accident, and, subject to such limit for any person so injured or killed, $20,000, inclusive of costs, on account of bodily injury to or death of more than one person in any one accident, and $5,000, inclusive of costs, for damages to property in any one accident. Costs, in addition to the amount of the judgment, may be allowed by the court in which such costs are incurred. Interest shall not be allowed on any payment out of the fund.

"(b) There shall be deducted from the applicable maximum amounts referred to in subsection (a) of this section, or from the amount of the claim or judgment, whichever is smaller—

"(1) $100 from claims and judgments involving bodily injury or damage to property, or both such injury and damage;

"(2) all amounts that the applicant has received or, in the opinion of the court, is likely to receive from any source, in or toward payment of the judgment or claim against any person against whom the applicant has or had a cause of action for damages for bodily injury or death or damage to the property, arising out of the same accident; and

"(3) all amounts that the applicant has received or, in the opinion of the court, is likely to receive under any policy affording indemnity for damage to or destruction of his real or personal property.

"(c) Notwithstanding the provisions of subsections (a) and (b), the payment of any claim based on damage to property shall not include any payment for damage to a motor vehicle operated by any operator involved in the accident in which such damage occurred, nor include any payment for damage to personal property covered by a liability insurance policy or bond.

"(d) Any amount paid out of the fund in excess of the amount authorized by this section may be recovered by the Board in any action brought by it against any person who, directly or indirectly, received such excess amount.

"(e) Notwithstanding the provisions of any workmen's compensation or similar law to the contrary, neither the employer of an injured person or decedent, nor the insurer of such employer, shall be entitled to a lien on payment from the fund where the amount of such payment has been reduced by the amount of benefits paid or to be paid pursuant to any workmen's compensation or similar law, nor shall such benefits be reduced because of such reduced payment from the fund.

"SEC. 22. DEFAULT AND CONSENT JUDGMENTS.—No claim shall be allowed and ordered to be paid out of the fund if the court shall find, upon the hearing for the allowance of the claim, that it is founded upon a judgment which was entered by default unless—

"(1) the claimant shall have complied with the requirements of section 12; and

"(2) prior to the entry of such judgment the Board shall have been given notice of intention to enter the judgment and to file a claim thereon against the fund and shall have been afforded an opportunity to take such action as it shall deem advisable under section 23.

"SEC. 23. DEFENSE OF DEFAULT ACTIONS.—(a) When the Board receives notice as provided in section 22, the insurer to which the action has been assigned by the Board may, through counsel, enter an appearance, file an answer, appear at the trial, defend the action, or pursue any course it may deem appropriate on behalf and in the name of the defendant, and take recourse to any appropriate method of review on behalf and in the name of the defendant.

"(b) In the event the time allowed for filing an answer had expired or judgment has been entered by default of any such action, the insurer to which the action has been assigned shall be granted a reasonable time after the receipt of notice by the Board to answer or to apply for relief against the judgment and leave to answer and defend such action.

"SEC. 24. COLLUSIVE JUDGMENTS.—No claim against the fund shall be allowed in any case in which the court shall find, upon the hearing for the allowance of the claim, that the judgment upon which the claim is founded was obtained by fraud, or by collusion of the plaintiff and of any defendant in the action, relating to any matter affecting the cause of action upon which such judgment is founded or the amount of damages assessed therein.

"SEC. 25. ASSIGNMENTS OF JUDGMENTS TO BOARD.—The Board shall not pay any sum from the fund, in compliance with an order made for that purpose, in any case in which the claim is founded upon a judgment, except a judgment obtained against the Board under this Act, until the applicant assigns the judgment to the Board, and, thereupon, the Board shall be deemed to have all the rights of the judgment creditor under the judgment and shall be entitled to enforce the same for the full amount thereof with interest and costs, and if more money is collected upon any such judgment than the amount paid out of the fund, the Board shall, after reimbursing the fund, pay the balance to the judgment creditor.

"SEC. 26. PAYMENT OF COURT COSTS AND FEES.—Notwithstanding any other provision of law, the fund shall be liable for all court costs and fees properly taxable against any litigant other than the Board, but the Board shall not be required to prepay any such costs or fees to the clerk of any court or to the United States marshal.

"SEC. 27. FEES, BOND, OR UNDERTAKING NOT REQUIRED.—In connection with its administration of this Act, the Board shall not be required to pay court fees or costs, or give bond to or enter into undertaking with the clerk of any court or the United States marshal to obtain or enforce any injunction, writ of attachment, or other writ, process, or order, or to perfect an appeal in or of any court in the District of Columbia, nor shall any insurer defending an action assigned to it by the Board be required to pay such fees or costs, give such bond, or enter into such undertaking.

"SEC. 28. DISTRICT OF COLUMBIA NOT LIABLE FOR ANY PAYMENT DUE FROM FUND.—The District of Columbia, a municipal corporation, shall not be liable for any debts of or claims against the fund. In the event the fund is depleted to such extent as to be unable to pay any claim or satisfy any judgment required or authorized to be paid or satisfied therefrom, or if for any reason the Board, in connection with its administration of this Act, either refuses or is unable to make any disbursement required or authorized to be made by it pursuant to the authority conferred by this Act, nothing in this Act shall be construed so as to require or authorize the government of the District of Columbia to use for the purpose of paying any such claim, satisfying such judgment, or making such disbursement, moneys appropriated or available for the operation of said government, and any such use of said moneys is hereby expressly prohibited.

"ARTICLE IV

"Hit-and-run and unauthorized use cases

"SEC. 29. HIT-AND-RUN AND UNAUTHORIZED USE CASES.—(a) When the death of, or bodily injury to, any qualified person arises out of the operation, ownership, maintenance, or use of a motor vehicle in the District of Columbia on or after the first day of the second registration year for which this Act is effective, and the identity of the motor vehicle, or of the operator or owner thereof, cannot be ascertained, or it is established that the motor vehicle was, at the time such injury or death occurred, in the possession of some unidentified person without the owner's permission, expressed or implied, the said qualified person may, upon notice to the Board, apply to an appropriate court of the District of Columbia for an order permitting the said person to bring an action against the Board. The court may, after an adversary hearing to determine the facts, issue an order permitting the applicant to bring such action against the Board when the court finds and makes specific formal findings of fact based on convincing evidence—

"(1) that the applicant is a qualified person;

"(2) that the applicant has satisfied the requirements of section 12;

"(3) that the applicant has an apparent and valid cause of action against some unidentified motor vehicle operator or owner, or against an unidentified operator who was operating a motor vehicle without the consent of the owner thereof, and such applicant has established that the injury or death which is the basis of the claim was of a type which could have been and probably was caused only by the negligent operation of a motor vehicle, and that there was actual physical contact between the injured or deceased person and such vehicle;

"(4) that all reasonable efforts have been made by the applicant to ascertain the identity of the motor vehicle and the operator thereof, and either that the identity of the motor vehicle and the owner and operator thereof cannot be established, or that the identity of the operator who was operating the motor vehicle without permission of the owner cannot be established; and

"(5) that the application is not made by or on behalf of any insurer or surety by reason of the existence of an automobile policy or bond of whatever kind whereby the insurer or surety is liable to pay, in whole or in part, the amount of the damages, judgment, or claim; that no part of the amount to be paid out of the fund is sought in lieu of making a claim or receiving payment which is payable by reason of the existence of any such insurance policy or bond, and that no part of the amount so sought will be paid to an insurer or a surety to reimburse, or otherwise indemnify, the insurer or surety by reason of the existence of such insurance policy or bond.

"SEC. 30. OTHER HIT-AND-RUN CASES.—When in an action in respect to the death of, or bodily injury to, any person, arising out of the ownership, maintenance, or use of a motor vehicle in the District of Columbia on or after the first day of the second registration year for which this Act is effective, judgment is rendered for the defendant on the sole ground that such death or bodily injury was occasioned by a motor vehicle—

"(1) the identity of which, and of the owner and operator of which, has not been established; or

"(2) which was in the possession of some person other than the owner or his agent without the consent of the owner, and identity of the operator has not been established, such cause shall be stated in the judgment and the plaintiff in such action may, within three months from the date of the entry of such judgment, make application for authority to bring an action upon said cause of action against the Board in the manner provided in section 29. In any such action, the Board shall have available to it the complete record of the trial resulting in such judgment, including transcripts of testimony and exhibits.

"SEC. 31. IMPLEADING BOARD IN HIT-AND-RUN CASES.—When an action has been commenced in respect of the death or bodily injury of any person arising out of the ownership, maintenance, or use of a motor vehicle in the District of Columbia on or after the first day of the second registration year for which this Act is effective, the plaintiff shall be entitled to make the Board a party thereto if the provisions of section 29 or section 30 shall apply in any such case, and the plaintiff has made the application and the court has entered the order provided for in section 29.

"SEC. 32. DEFENSE BY BOARD OF HIT-AND-RUN AND UNAUTHORIZED USE CASES.—In any action brought under section 29 or section 30 of this Act, the Board may appear by counsel for the insurer to whom such action has been assigned. The Board shall for all purposes of the action be deemed to be the defendant. It shall have available to it any and all defenses which would have been available to the unidentified operator or owner, or both, if the action had been brought against them or either of them, and process upon them or either of them had been duly served within the District of Columbia.

"SEC. 33. SETTLEMENT OF ACTIONS AGAINST THE BOARD.—In any action brought against the Board pursuant to an order by the court entered in accordance with the provisions of section 29, the plaintiff may file a verified petition alleging that he has entered into an agreement with the Board to settle all claims set forth in the complaint filed in the action and stating the amount proposed to be paid to him pursuant thereto. If the court be satisfied of the fairness of such proposed settlement, it may enter an order approving such settlement and enter a judgment against the Board for the amount so agreed to be paid thereunder.

"SEC. 34. JUDGMENT AGAINST BOARD.—When judgment is obtained against the Board in an action brought under section 29 or 30 of this Act, and there has been determination of all proceedings, including appeals and reviews, the court shall make an order directing the Board to pay out of the fund to the plaintiff the amount thereof which does not exceed $10,000, inclusive of costs, on account of injury to, or death of one person, and subject to such limit for the death of or bodily injury to any one person, does not exceed $20,000, inclusive of costs, on account of bodily injury to, or death of more than one person, in any one accident: *Provided,* That the applicable maximum amount, or the amount of the judgment, whichever is smaller, shall be reduced by the total of the amounts referred to in subsection (b) of section 21.

"ARTICLE VII

"Reimbursement of fund

"SEC. 35. SUBROGATION.—When judgment has been obtained against the Board in an action brought under this Act, the Board shall, upon payment from the fund of the amount of the judgment to the extent provided by this Act, be subrogated to the cause of action of the judgment creditor against the operator and the owner of the motor vehicle by which the accident was occasioned, and shall be entitled to bring an action against either or both such persons for the amount of the damage sustained by the judgment creditor. The Board shall have all the rights of the judgment creditor and shall be entitled to enforce the same for the full amount, together with interest and costs. In the event that an amount collected and recovered in any action exceeds the amount paid out of the fund, the Board shall pay the balance, after reimbursing the fund, to the judgment creditor. In any case in which the Board makes payment from the fund as the result of an action brought under section 29 or section 30 of this Act, the Board shall be entitled to bring an action against the unidentified operator or the unidentified owner, or both of them, for the amount of the damage sustained by the judgment creditor when, and in the event that, the identity of either or both of such persons shall be established.

"SEC. 36. PRIVILEGES AND REGISTRATION NOT TO BE RESTORED UNTIL FUND REIMBURSED.—Whenever the Board has paid from the fund any amount in settlement of a claim or toward satisfaction of a judgment against any uninsured operator or owner under this Act, the Board shall so notify the Commissioners, who shall suspend the license and registration of such operator or owner. Such suspension shall remain in effect until such operator or owner has—

"(1) repaid in full, to the Board, the amount paid from the fund, with interest at the rate of 4 per centum per annum from the date of such payment from the fund, or has filed with the Board his written agreement in terms approved by the Board, to repay to the fund any such amount and a confession of judgment in connection therewith, or has obtained a court order, permitting payment of the amount of his indebtedness to the fund to be made in installments; and

"(2) satisfied all requirements of the Safety Responsibility Act in respect of giving proof of his ability to respond in damages for future accidents.

"SEC. 37. INSTALLMENT PAYMENTS OF INDEBTEDNESS TO BOARD.—In any case in which a judgment is paid out of the fund, the court in which such judgment was rendered may, upon ten days' notice to the Board, make an order permitting payment of the amount of the judgment debtor's indebtedness to the fund to be made in installments and in such case the judgment debtor's license or registration, or both, if the same have been suspended or revoked, or have expired, may be restored or renewed. The court may, in such order, fix the amounts and spacing of the installment payments required to be made by the judgment debtor.

"SEC. 38. ACTION IF BREACH OF INSTALLMENT ORDER OR AGREEMENT.—In the event of any default in the payment of any installment as specified in any court order, or in any written agreement with the Board to repay the fund, the Commissioners shall, upon receipt from the Board of notice of such default, forthwith suspend the license and registration of the debtor until he has paid all the payments then in default.

"SEC. 39. DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy shall not relieve a person from the penalties and disabilities provided in this Act.

"SEC. 40. REPORTS OF BOARD.—The Board shall make an annual report to the Congress and to the Commissioners of its activities in carrying out this Act, including therein information relating to such audit or audits and such determination or determinations of the sufficiency of the reserves as may have been made during the period covered by such annual report.

"ARTICLE VIII

"Powers and duties of Commissioners, restoration fee, violations of Act and regulations, penalties

"SEC. 41. POWERS AND DUTIES OF COMMISSIONERS.—(a) The Commissioners are hereby vested with full power and authority to delegate, from time to time, to their designated agent or agents, any of the functions vested in them by this Act, except the function of making rules and regulations.

"(b) The Commissioners are authorized to adopt from time to time and promulgate

such rules and regulations as may be necessary to carry out their functions under this Act.

"(c) The Commissioners are further authorized, subject to reimbursement of the District of Columbia from the fund, to supply to the Board, to meet the needs of the Board as determined jointly by the Board and the Commissioners, office space (either in a building under the jurisdiction of the Commissioners or space rented by the District of Columbia in a privately owned building), personnel, equipment, and supplies, including postage. The Commissioners are authorized to make advances to the Board from any unobligated funds available to them and such advances shall be reimbursed by the Board, when funds become available.

"(d) The Commissioners are authorized and directed (1) to audit the fund and, (2) from time to time, to test and determine the sufficiency of the reserves, using for such tests and determinations personnel employed by the government of the District of Columbia, or personnel not so employed, or both. For the purpose of making such tests and determinations, the Commissioners are authorized to retain, from time to time, privately employed persons qualified to make such tests and determinations, and to compensate such persons from unobligated funds of the District of Columbia, subject to reimbursement from the fund. The result of each audit and determination made by the Commissioners under the authority of this subsection shall be furnished to the Board and be included in the report required of the Board.

"(e) The Commissioners are authorized and directed, in their administration of the Safety Responsibility Act, to cooperate with the Board in the administration of this Act so as to avoid duplication and achieve efficiency and economy.

"SEC. 42. FEE FOR RESTORATION OF LICENSE AND REGISTRATION.—Whenever the Commissioners restore to any person a license or registration, or both a license and registration, suspended under the authority of this Act, they shall charge such person, for each such restoration, a fee not to exceed $25, and such license or registration, or such license and registration where suspended jointly, shall not be restored until such fee has been paid.

"SEC. 43. TRANSFER OF REGISTRATION TO DEFEAT PURPOSES OF ACT PROHIBITED.—(a) If an owner's registration has been suspended under the authority of this Act, such registration shall not be transferred and the motor vehicle in respect to which such registration was issued shall not be registered in any other name until the Commissioners are satisfied that such transfer or registration is proposed in good faith and not for the purpose of defeating the purposes of this Act.

"(b) Nothing in this section shall in any way relate to the transfer of the registration of a motor vehicle upon the death of the owner thereof, or affect the rights of any conditional vendor, chattel mortgagee, or lessor of a motor vehicle registered in the name of the vendor, mortgagee, or lessee as owner who becomes subject to the provisions of this Act.

"(c) Upon receiving information that the registration of any motor vehicle has been transferred in violation of the provisions of subsection (a), the Board shall notify the Commissioners to such effect, and, upon receipt of such notice from the Board, the Commissioners shall suspend the registration of such motor vehicle.

"SEC. 44. FALSE STATEMENTS.—Any person who files with the Board or the Commissioners any false notice, statement, or other document required under this Act, or under regulations issued by the Commissioners or Board pursuant thereto, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"SEC. 45. OPERATING UNINSURED MOTOR VEHICLE ON WHICH FEE HAS NOT BEEN PAID.—(a) Any owner of an uninsured motor vehicle who operates such motor vehicle in the District of Columbia, or permits such motor vehicle to be so operated, at a time when the fee prescribed by section 6 has not been paid, shall be fined not more than $500 or be imprisoned for not more than ninety days, or both.

"(b) Upon receipt of evidence that the owner of an uninsured motor vehicle on which the prescribed fee has not been paid has operated such vehicle in the District of Columbia, or has permitted it to be so operated, the Commissioners shall suspend the license of such owner and the registration of all vehicles owned by him. No motor vehicle of any such owner shall be registered or reregistered in the name of such owner, nor shall any license be issued or restored to such owner until—

"(1) one year has passed since the date of suspension and surrender of such owner's license and registration; and

"(2) such owner has complied with the requirements of the Safety Responsibility Act with respect to giving proof of financial responsibility for the future.

"SEC. 46. SURRENDER OF LICENSE AND REGISTRATION.—(a) Any person whose license or registration shall have been suspended under any provision of this Act shall immediately surrender his license and registration to the Commissioners. Upon failure of any person to surrender to the Commissioners the license and registration as provided herein, the Commissioners may direct any police officer to secure the possession of such license and registration and to return the same to the Commissioners.

"(b) Any person willfully failing to surrender a license and registration as required by this section shall be fined not more than $500 or imprisoned not more than ninety days, or both.

"SEC. 47. OPERATING A MOTOR VEHICLE WHEN LICENSE OR REGISTRATION SUSPENDED.—Any person whose license or registration has been suspended under this Act and who, during the suspension, drives any motor vehicle upon any highway in the District of Columbia, or knowingly permits any motor vehicle of a type subject to registration under the law of the District of Columbia owned by such person to be operated by another upon any such highway, shall be fined not more than $1,000 or imprisoned not more than six months, or both.

"SEC. 48. PENALTY FOR OTHER VIOLATIONS.—Any person who shall violate any provision of this Act or any regulation promulgated under the authority of this Act for which no penalty is provided shall be fined not more than $500 or be imprisoned for not more than ninety days, or both.

"SEC. 49. CONDUCT OF PROSECUTIONS.—All prosecutions for the violation of any provision of this Act, or of any regulation adopted by the Commissioners or the Board pursuant to authority contained in this Act, shall be in the District of Columbia Court of General Sessions, in the name of the District of Columbia, by the Corporation Counsel or any of his assistants.

"ARTICLE IX

"Appropriations, past application of act, separability of provisions, and effective date

"SEC. 50. AUTHORIZATION OF APPROPRIATIONS.—Subject to the prohibition contained in section 28, there is hereby authorized to be appropriated out of the general fund of the District of Columbia such sums as may be necessary to carry out the provisions of this Act, such sums to be repaid to the general fund from the fund established by section 5.

"SEC. 51. PAST APPLICATION OF ACT.—This Act shall not apply with respect to any accident (nor to any judgment arising therefrom even though later entered) which occurred prior to the first day of the second registration year for which this Act is effective.

"SEC. 52. UNCONSTITUTIONALITY.—If any part of this Act shall be held unconstitutional or invalid for any reason, such unconstitutionality or invalidity shall not affect the validity of the remaining parts of this Act.

"SEC. 53. EFFECTIVE DATE.—This Act shall become effective ten days after the date of approval, except that sections 4, 6, and 7 shall be effective for and after the first registration year beginning more than one hundred and fifty days after the approval of this Act."

Mr. SICKLES (interrupting the reading). Mr. Speaker I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

(By unanimous consent, Mr. SICKLES was granted permission to proceed for an additional 5 minutes.)

Mr. SICKLES. Mr. Speaker and Members of the House, the amendment offered by myself is H.R. 7174 and another bill which has usually been referred to as the consensus bill because it is the bill that has been agreed to by most of the interested parties who are concerned with the problem of uninsured motorists in the Metropolitan Washington area. But the bill which was reported out by the District Committee, H.R. 9918, which is now under consideration, does not really begin to meet the problem of the uninsured motorist in the District of Columbia because it fails to close the existing gap of some 300,000 persons there, I believe, who would have no realistic financial recourse to compensation if they suffered injury or property damage at the hands of an uninsured motorist or a hit-and-run driver. This includes persons who do not have any uninsured motorist coverage endorsement on their own automobile policies and who do not own motor vehicles themselves, or hit-and-run victims. This bill, H.R. 9918, in effect allows uninsured motorists one free victim because it does not penalize a motorist or require him to insure his vehicle until after he has killed or injured his first victim. It does not require the uninsured motorist to be included in the uninsured motorist coverage laws. On the other hand, the bill which was worked out by the District Commissioners, the Bar Association, and the local citizens groups, the AAA and GEICO, the largest insurer in the District of Columbia area, is especially designed to close this protection gap fully.

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

Mr. SICKLES. I will be glad to yield, but the gentleman must remember that I have only a limited time in which to make my statement.

Mr. DOWDY. I think we can take care of that all right.

The gentleman did not attend the hearings on the bill when these people were testifying. Is that right?

Mr. SICKLES. That is right. I did not.

Mr. DOWDY. Are you aware of the fact that the various proponents of the bill that you are advocating here disagreed among themselves as to what its provisions amounted to and to a tremendous number of amendments they thought should be made to the bill before it should ever be considered?

Mr. SICKLES. I understand, after having reviewed the testimony, that there was some disagreement among the proponents as to the bill, just as you do. I have rechecked with many of these proponents, and they are satisfied with the bill as it is. If in the administration of the bill there is found to be some inequity in the bill—and among other things, the bill would not be operative for 1 year—it seems to me these could be worked out.

Mr. DOWDY. I did not want to interrupt you too much at this time.

Mr. SICKLES. Thank you.

The bill requires any motorist who is not insured to pay into an unsatisfied judgment fund, that is, the McMillan bill, that I am proposing to offer as an amendment to H.R. 9918. It requires all insured motorists to include as a protection that you must buy an uninsured motorist clause and the insurance companies must make this rider available to everyone purchasing insurance. It permits nonowners of vehicles and hit-and-run victims to gain financial compensation from the fund for injuries and damages sustained at the hands of an irresponsible motorist. I am asking you to substitute this carefully and painstakingly drafted measure, H.R. 7174, for what I consider to be a totally unsatisfactory approach, H.R. 9918. H.R. 7174 is just, because it does take care of those who are injured and does not give everybody the one free victim that the current law does provide. It really contains the best kind of legislation drawn from similar bills in several States, because it is a combination of the best features in the laws of the States of New Jersey, Maryland, and Virginia. There are penalties which are imposed in the Dowdy bill before us now on an uninsured motorist after he has taken his first victim. Of course, this does not meet the problem. It will not encourage the hard core of financially irresponsible motorists to become insured, and certainly the insured motorists will not be encouraged to pay an additional fee to protect themselves against uninsured drivers. And most important of all there would be no financial protection for the innocent victims. Saying that an uninsured motorist will lose his permit or his tags and even have his car taken away is hardly much consolation or just compensation for the person who has suffered either property damage or an expensive hospitalization and physical injury.

The District of Columbia Division of Safety Responsibility has revealed that about 2,000 uninsured motorists are involved each year in accidents after their permits and tags, or both, have already been suspended for failure to post security or satisfy a judgment in a previous accident. In some cases the period of suspension has elapsed. In some cases the offender was operating without a permit. In about 10 percent of the cases permits and tags are believed to have been secured by misrepresentation. Increased penalties alone will neither keep these offenders off the roads nor protect their victims.

Inasmuch as the protection of the innocent is our prime concern, it seems clear to me that H.R. 9918 fails miserably to solve the problem at hand. My substitute would have the advantage of making lack of insurance uneconomical in the first instance, by requiring payment of a fee in lieu of insurance before permit and tags are issued—the uninsured motorist would have to pay the $40 per person to secure permits and tags—and would serve to protect the public who, when victimized by the financially irresponsible motorist would no longer be left holding the liability bag.

Offenders must be prosecuted, yes. But we must not continue to leave the public utterly bereft of protection, especially when the means for that protection are available.

Now, as to the amendment that I am offering, let me briefly go through the principles embodied in H.R. 7174. First, it would amend the District of Columbia Fire and Casualty Act to require every insurance policy covering a District of Columbia registered vehicle to contain what they call the uninsured motorist's endorsement, covering bodily injury and property damage and would allow a maximum of $100 deductible.

The uninsured vehicle owners are required to pay a fee into the unsatisfied judgment fund to pay unsatisfied claims and judgments in favor of District of Columbia residents who do not own a motor vehicle or are not protected under the uninsured motorist endorsement.

As to the unsatisfied judgment fund and how it is going to operate: It would include a board, which would be composed of the Director of Motor Vehicles, the Superintendent of Insurance, the representatives of the public and four representatives from the insurance industry representing stock companies, mutual companies, independent stock companies and independent mutual companies. The fund board is to perform the function of administering the act and determining the cash requirements of the fund and the amounts, if any, available for investment and to pay the employees.

There was some question about bureaucracy and adding to the District of Columbia budget, but this is all being taken care of by the setting up a separate group of District employees. These employees will still be employees of the District of Columbia in order to protect them as far as their longevity and the like are concerned.

The Director of Motor Vehicles shall make all determinations respecting required insurance, keep the records, collect payments from uninsured motorists, suspend permits and tags, and in general he will continue to help the Board carry out the purposes of the act.

Claims against the fund are not to be made until after the act has been in effect for a full year, so we can build up some funds. Claims against the fund are to be allowed only after notice of intent to make a claim is given by the potential claimant within 6 months after the accident, except where the notice might be, in effect, impossible.

The board is to assign cases to the insurers for investigation and possible defense in proportion to the amount of premiums of each insurer. Appeals from court action are to be paid out of the fund.

Certain victims of hit-and-run accidents would be entitled to claims against the fund. These cases would be limited to personal injury claims arising out of accidents where the claimant can satisfactorily show, preliminarily, on application to the court, that there was actual contact with the motor vehicle and definite evidence of a hit-and-run accident.

The SPEAKER pro tempore. The time of the gentleman from Maryland [Mr. SICKLES] has expired.

Mr. SICKLES. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

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

There was no objection.

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

Mr. SICKLES. I yield.

Mr. GROSS. Can the gentleman state what has been the experience in States which have had this law with respect to the fund?

Mr. SICKLES. The experience in Maryland has been that there has been a heavy drain on the fund and it was for this reason that the bill proposed today, my amendment, has most of the features of the Maryland law but is not as broad as the Maryland law. We, in Maryland, have no requirement that those who are insured must purchase this uninsured-motorist rider. The feature in this bill makes this mandatory so that those people who are insured would be protected by the uninsured-motorist rider and would have no claim on the fund.

Also, the uninsured person who does not have insurance under the provisions we have, could not himself, if he were a victim of such an accident, deplete the fund. We feel, because we have added this safeguard that they would not be covered.

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

Mr. SICKLES. I would be glad to yield to the gentleman from New York.

Mr. MULTER. I voted to report this bill to the House because I thought it was a step in the right direction, and I still believe so. I think it is highly important that we have some legislation like this enacted in the District of Columbia.

Frankly, I would have preferred to see my own bill reported to the House, not because it is my bill but because it is the New York State law on the subject. It has worked rather well despite the District Commissioners' statement to the contrary.

As between the bill that is now before us as reported by the committee and your

bill which you are now offering as a substitute, I prefer your bill. I think that it is the better of the two bills and I will support the gentleman's amendment.

Mr. SICKLES. I thank the gentleman very much.

Mr. Speaker, let me discuss now some of the features contained in the amendment.

The cost of the appeals from court action are to be paid out of this fund. They must have a dated default before they are to be assigned by the Board to the insured for investigation and defense to insure that they are valid claims.

The fund is to operate on a $100 deductible basis for both personal injury and property damage claims. Payment from the fund would follow application for a hearing before a court which, if satisfied, would issue an order for the requested payment.

The settlement of pending court actions would be on the basis of petitions to the court which if satisfied would issue an order approving the settlement covering assigned claims of less than $2,500 and would be authorized to settle them subject to the approval of the Board. And claims based upon a default judgment would be valid where notice had been given of an intent to claim against the fund.

Uninsured motorists, on whose behalf payment from the fund is made, are to be required to reimburse the fund. The fund is not to be required to pay court costs and fees or give bond in those cases in which the District of Columbia would be exempt from such action.

Lastly, the District of Columbia specifically is not to be liable for payment under the fund.

Therefore, Mr. Speaker and Members of the House, I feel that the legislation before you, unamended, does not get to the root of our problem. We are concerned with those who are struck and there is no reason that the person who did the striking is judgment free. We have gone through this and many of us have had experience in our own States with reference to this particular problem and have finally concluded that unless some fund is established by some method, without the necessary safeguards, we are not getting to the root of the problem. In many areas we penalize the person after the injured person has been struck, injured, or maimed. This approach does not get to the heart of the problem.

Therefore, Mr. Speaker, I respectfully request this House to support this amendment.

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

Mr. SICKLES. I yield to the gentleman from Illinois.

Mr. McCLORY. Were there any limitations on liability against this fund with respect to personal claims for personal injury or property damage?

Mr. SICKLES. The figure as I recall it is a $10,000 individual limitation.

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

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

Mr. DOWDY. The figure is $10,000 and $20,000.

Mr. McCLORY. Mr. Speaker, if the gentleman will yield further, at the present time there is no requirement for an uninsured-motorist clause in the District of Columbia?

Mr. SICKLES. That is right. The bill now pending before us would make the insurance companies provide this and make it available to the individual who is purchasing insurance, but an individual would have the right to reject it.

CALL OF THE HOUSE

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

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

Mr. BOLLING 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. 227]

Adams	Hawkins	Pelly
Andrews, N. Dak.	Hicks	Pepper
Ashley	Holland	Pirnie
Ayres	Hosmer	Pool
Bandstra	Hull	Powell
Blatnik	Huot	Quie
Bonner	Irwin	Reid, N.Y.
Brademas	Jarman	Resnick
Brock	Jennings	Rivers, Alaska
Brown, Calif.	Jones, Mo.	Robison
Brown, Ohio	Keogh	Rogers, Tex.
Cahill	King, N.Y.	Roncalio
Cameron	Kluczynski	Roosevelt
Carter	Laird	Roybal
Cederberg	Landrum	Ryan
Celler	Leggett	St Germain
Clancy	Lindsay	Schmidhauser
Colmer	Long, Md.	Senner
Conyers	McCarthy	Shipley
Corbett	McCulloch	Smith, Calif.
Cramer	McDowell	Smith, Iowa
Curtis	Macdonald	Smith, N.Y.
Diggs	MacGregor	Springer
Erlenborn	Mackie	Stalbaum
Evins, Tenn.	Mailliard	Sweeney
Farnum	Martin, Ala.	Talcott
Fino	Martin, Mass.	Thomas
Fisher	Mathias	Thompson, N.J.
Foley	May	Toll
Fraser	Meeds	Tuck
Fulton, Pa.	Miller	Vivian
Goodell	Moeller	Weltner
Griffin	Moore	Widnall
Halpern	Morrison	Williams
Hanna	Morton	Willis
Hansen, Wash.	Murphy, N.Y.	Wilson, Charles H.
Harris	Nix	Young
Harsha	O'Hara, Mich.	
	O'Neill, Mass.	

The SPEAKER pro tempore. On this rollcall 320 Members have answered to their names, a quorum.

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

MOTOR VEHICLE INSURANCE

Mr. McCLORY. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I wonder if the gentleman from Maryland would be willing to answer a few questions.

Mr. SICKLES. I shall be glad to undertake to answer them.

Mr. McCLORY. Do I understand from the gentleman's amendment that it would not provide for an uninsured-motorist clause requirement in the policy, but would provide an unsatisfied judgment clause requirement; is that it?

Mr. SICKLES. Mr. Speaker, if the gentleman will yield [no], we will have both. We will make it a matter of law that the insurance company must provide and issue "U.M." riders. We would make it mandatory. Under the amendment we would provide that each insurance company issuing a policy in the District of Columbia must provide the U.M.—the uninsured-motorist—rider, and unlike the original bill, this could not be waived by the policyholder. He must have the U.M. rider.

Mr. McCLORY. This would be administered by the private insurance companies, then, would it not?

Mr. SICKLES. Yes.

Mr. McCLORY. And then with regard to the unsatisfied judgment fund there would be a contribution by the uninsured motorist into that fund; is that correct?

Mr. SICKLES. That is exactly right. It would start out at $40 and would be gradually increased.

Mr. McCLORY. Is there any requirement for the insured motorist to also contribute to the unsatisfied judgment fund?

Mr. SICKLES. He would not contribute directly, but to the extent that the insurance companies become involved in processing claims and the like, there would certainly be some effect upon him.

Mr. McCLORY. Would that contribution be some part of the premium?

Mr. SICKLES. Yes, but no specific amount.

Mr. McCLORY. That fund would be administered by the District Commissioners; is that correct?

Mr. SICKLES. Actually, it would be a separate fund. There is provided for a nine-man board and on that board four of those nine people would be representatives of the insurance industry, and three would be representatives of the District of Columbia and the others would be public members.

Mr. McCLORY. And as I understand it, insofar as the uninsured-motorist clause is concerned it would be mandatory under the gentleman's proposed amendment whereas under the other bill which the gentleman is seeking to amend—it would be possible for the insured to reject the clause and to not take it and therefore one would not know whether a motorist had such protection or not?

Mr. SICKLES. That is correct.

Mr. McCLORY. Are there any persons who would not be covered then by the gentleman's proposed amendment? What about out-of-State motorists? I believe the gentleman from Maryland mentioned hit-and-run drivers. What about the operator of a stolen vehicle? Would he be covered against such a contingency?

Mr. SICKLES. Yes; he would. He would be covered against this contingency.

Mr. McCLORY. And as I understand it the limitation of a claim would be $10,000 and $20,000, I believe, from an examination of this bill?

Mr. SICKLES. That is right.

Mr. McCLORY. And for a personal injury it would be $10,000, or for an individual injury, and $20,000 for all injuries in one accident as well as a $5,000 limit on property damage?

Mr. SICKLES. That is exactly correct.

Mr. DOWDY. Mr. Speaker, will the gentleman yield to me?

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

Mr. DOWDY. I would like to correct an answer which has previously been given. There is no provision for property damage; none at all. It is $5,000 and $10,000 for personal injury.

Mr. McCLORY. Is that provision contained in the Sickles amendment?

Mr. DOWDY. In the Sickles amendment.

Mr. JONAS. Mr. Speaker, will the gentleman yield so that I may ask a question of the gentleman from Maryland?

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

Mr. JONAS. Are provisions similar to those contained in the gentleman's amendment contained in the laws of any of the States and, if so, which ones?

Mr. SICKLES. The unsatisfied judgment feature has been adopted in the State of Maryland and the State of New Jersey. The compulsory uninsured-motorist rider has been adopted in the State of Virginia, and in the State of Virginia in order to make the uninsured-motorist rider less expensive there is a $10 fee charged to each insured motorist in order to build up a fund to help reduce the cost of the uninsured fund.

Mr. JONAS. In North Carolina, we have the rider which gives an option.

Mr. SICKLES. That would be the crux of the main bill before us.

Mr. JONAS. The gentleman's bill instead of leaving discretion on the part of the motorist or the insured would make it mandatory?

Mr. SICKLES. That is right. Let me say it is compulsory that the insurance contract provide these provisions.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

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

Mr. BROYHILL of Virginia. I would like to correct the statement of the gentleman from Maryland concerning the requirements for uninsured motorists in Virginia. In Virginia there is a mandatory fee of $20 per uninsured motorist. That fee goes into a fund controlled by the State to subsidize the cost of underwriting their insurance.

There is a charge of $4 added to the cost of the policies of all insured motorists to help bear the cost of insurance for the uninsured motorists.

Mr. DOWDY. Mr. Speaker, I rise in opposition to the amendment.

Members of Congress for some years have been greatly concerned over the lack of adequate protection for residents of the District of Columbia, as well as to the millions of visitors to the District, from hazards and losses resulting from automobile accidents in the Nation's Capital. For several years now the chairman of your committee, along with other Members, has sponsored various bills aimed at securing proper protection to individual drivers of the District streets, protection against financially irresponsible motorists, protection against uninsured motorists.

Your committee is quite aware of the fact that none of the basic legislative approaches contained in the various bills that were considered can guarantee a completely satisfying answer to the uninsured motorists' problem. But your committee feels that the provisions of H.R. 9918 are more in the public interest and we recommend its adoption.

For several years, subcommittees of your committee have studied various bills referred to them, dealing with motor vehicle insurance, we have held many conferences with the District of Columbia government officials and other interested parties. We have sought to secure unanimity among the groups actively considering such legislation. However, we have not been able to obtain that and your committee can delay no longer, as it appears that no full agreement can be reached. Meanwhile, problems created by the uninsured motorist are so acute and so diverse as to require prompt legislative action.

I might answer some of the questions that have arisen in reference to the substitute. It would certainly result in the entire insurance rates for the motorist buying insurance to pay more. It will do that because the burden will be placed by the substitute proposed here on the insurance companies to furnish lawyers and to defend all suits that are brought against the uninsured motorist. It will require them to furnish investigators and do all the investigating and there is no reimbursement from the District of Columbia or any other source.

Under the proposal setting up an unsatisfied judgment fund, it will create a State fund and it will put the District of Columbia in the insurance business. It may and probably will even reduce the percentage of insured cars we have already because persons would believe they would be paying for insurance coverage when they paid the uninsured-motorist fee of $40 and feel that other insurance is not necessary. My insurance, for example, costs more than twice as much as the $40, and if I could get by with $40, rather than the $100, I would rather pay the $40.

There is a statement made here as to Maryland. I would like to call attention to the fact that Maryland has had an unsatisfied judgment fund for some time. It has a deficit that is nearly $4 million and this in spite of the fact that the State has been charging a fee of $70 from uninsured motorists. In this Sickles substitute that is offered here, there is a proposal to charge only $40 for uninsured motorists to get a license for their car. I do not have any idea from the testimony during our hearings or from the debate here as to how many $40 fees would be collected each year from the uninsured motorists. When you read the substitute you will find there is a big bureaucracy set up to run this uninsured-motorist fund. I would hazard a guess there will not be enough money in this uninsured fund to pay the bureaucratic costs that the Sickles bill sets up.

In the course of the hearings on this substitute which was H.R. 7174, and I might say that the members of the subcommittee were present to hear the testimony besides myself—and I was there all the time, the other two of our colleagues were the gentleman from Tennessee [Mr. GRIDER] and the gentleman from California [Mr. SISK], and I appreciate their interest. We went into the bill, H.R. 7174, very thoroughly. From the testimony before us, even the proponents of the bill acknowledged that they did not know what it would do. We did get this testimony from them and I think the Members will be interested in this: that the only persons who could possibly benefit by this uninsured-motorist fund would be residents of the District of Columbia who do not own an automobile.

The SPEAKER. The time of the gentleman has expired.

Mr. DOWDY. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

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

There was no objection.

Mr. DOWDY. What would you think about such a fund as is proposed here, with all the children coming from school districts throughout the United States, with no protection for them from this uninsured-motorist fund, and the Girl Scouts, for example, and all of the other groups?

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

Mr. DOWDY. I yield to the gentleman.

Mr. JONAS. I am glad the gentleman touched on that point. I want to ask the gentleman if I understand correctly that neither the substitute bill nor the committee bill will provide any protection for an uninsured person such as a school student who is visiting here in the District of Columbia.

Mr. DOWDY. This uninsured-motorist fund, or unsatisfied judgment fund would not provide any protection for either an insured or uninsured person who was not a resident of the District of Columbia.

Mr. JONAS. And it provides protection only with respect to residents of the District of Columbia, if they carry insurance?

Mr. DOWDY. That is if they do not own an automobile and do not have any insurance.

Mr. JONAS. Then there is no protection even for residents?

Mr. DOWDY. That is right—if they own an automobile or have their own insurance.

Mr. JONAS. That is really very little protection being provided in either the substitute bill or the committee bill.

Mr. DOWDY. There is protection in the committee bill, which is much more than we have now. We are trying to build up to it. But I stated, and I intend to do it, when these witnesses came before us they could not even tell us what was in the bill and they admitted

there were many places where it needed amendment so that it would do what it was expected to do—I stated that I wanted to hold some hearings and to bring a bill out later. But we need to do something now and the bill we have brought before this Congress is an attempt to do something under the circumstances. The committee bill has language similar to the laws in some 30 of the States today. In contrast, the 2 or 3 States that have this unsatisfied judgment fund, it has been a miserable failure and each one is millions of dollars in the hole and if you put one in in the District of Columbia, the same thing would happen to it, and it would give false hopes and no protection. I would personally much favor rather than the substitute proposal a bill providing for compulsory insurance. That would reach everybody and if you are going to reach everybody that is what it is going to take.

Now I have discussed the language of this proposal showing that it excludes everybody except a few residents.

It would exclude the millions of visitors to Washington from any protection under the fund. It would exclude as well the thousands of residents of Maryland and Virginia who come to the District daily who are not otherwise protected by their own insurance.

It was freely admitted by the proponents of the bill before the subcommittee that further study is necessary to determine how the term "resident" should be applied under the bill to meet the need for protection of visitors to the District of Columbia.

A second area needing attention, according to the witnesses who supported this bill, involved the rights of the families of uninsured motorists to assert claims against the fund. The testimony before us from the proponents of the Sickles substitute was that the families of uninsured motorists should not have the protection of the resort to the unsatisfied judgment fund.

The bill does not protect the uninsured motorist, but does give protection to families of the insured motorist—according to some, but according to others it does not. This conflict of opinion came from two representatives from the Office of Corporation Counsel. There is a question even in the minds of the proponents as to the effect of the language of this Sickles bill.

It was felt that this could raise substantial claims against the fund, possibly without justification.

Another area which was gone into, which was agreed on, was with respect to the adequacy of the fund to be created. In the testimony before the committee it became very clear that the $40 fee charged the uninsured motorist at the time of registration would not be considered sufficient by any insurance company to provide the coverage which the fund was to give. As I said, I doubt that it would cover the bureaucratic cost involved in this thing.

There are many questions which were raised during our hearings, and we determined it would be necessary to have extensive hearings on this particular bill. In the meantime, we wanted to bring something here to improve the District law as it is presently written. We feel that the bill we have will do so.

Let me give an example of one dispute which came up. There were two members from the Corporation Counsel testifying. One of them said if a person were driving an uninsured vehicle he could not look to the fund even though he was not the owner because drivers of uninsured vehicles who are involved in accidents cannot look to the fund. The other member from the Corporation Counsel said he could.

There is no doubt there are many questions presented to us, and we feel that the committee should look into them. We will certainly have hearings to try to work with the bar association and the District Commissioners to work out a sensible bill. But that is going to take some time and the District of Columbia needs something at the present.

Mr. MULTER. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the substitute as offered by the gentleman from Maryland [Mr. SICKLES] is the only bill which was before the subcommittee supported by the District Commissioners and the local bar association. I would prefer the New York State law, as I said before, which is contained in my bill, H.R. 634.

It has already been stated that each bill represents a very belated start toward doing something which must be done in the District of Columbia. As between the two bills before us, I would prefer the approach of the Sickles bill, H.R. 7174.

In that connection I should like to call attention to the fact that section 21 of the Sickles bill would put limits on the amounts payable from the fund—$10,000 for personal injuries or death to any one person, with a maximum of $20,000 for personal injuries or death arising out of a single occurrence, and $5,000 for damages to property in any one accident, with a deduction of $100 for property damage in any such one accident.

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

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

Mr. JONAS. What will happen if the fund is exhausted?

Mr. MULTER. No payments can be made. There is no obligation on the part of the District government or the Federal Government to make any payments. The payments must come from the fund. If at any time there are unpaid claims against the fund, those claimants will have to wait until the fund has been replenished with additional funds. This is just a start——

Mr. JONAS. That is the Sickles bill?

Mr. MULTER. That is the Sickles bill; yes. This is just a start of a program too long delayed.

It is limited to residents only. If it works out, maybe we can enlarge it. If it does not work, then by that time I trust the subcommittee and the full committee will have had further hearings and completed their studies on this problem and possibly come up with a better bill. But let us try the approach of the Sickles bill now.

Mr. GROSS. Mr. Speaker, I move to strike out the necessary number of words.

Mr. Speaker, I want to support the Sickles amendment, but I want to be sure as best I can that I know what it will accomplish. Does this mean that the insurance is before the fact; that is, owners of automobiles are required to take out some form of protection for the general public when they license a car or register it and, therefore, the protection is before the fact of an accident or before the fact of liability?

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

Mr. GROSS. Yes. I am glad to yield to the gentleman.

Mr. SICKLES. In response to the gentleman, let me say that this is the thrust of my amendment. It is an attempt to establish a fund for those who would not otherwise be protected because an individual is not insured. The whole thrust of my amendment is to provide that unless you show that you have insurance with this uninsured motorist rider on it, then you must pay into the fund $40 so that the uninsured person in order to have a license to drive must contribute beforehand to the accidents that occur.

Mr. GROSS. Let us get this straight. The person who gets a driver's license to operate a vehicle—is that what the gentleman is saying—must pay into this fund?

Mr. SICKLES. In order to drive a car he has to pay into the uninsured motorist fund a fee of $40.

Mr. GROSS. In order to drive a car?

Mr. SICKLES. That is right.

Mr. GROSS. I am sure the gentleman means in order to register or license a car?

Mr. SICKLES. I stand corrected. It is in the process of registration.

Mr. GROSS. I was going to say this would be a pretty high fee for a driver's license—$40.

Mr. SICKLES. Yes. I agree with you. Just the license to drive any vehicle. The annual or periodic renewal of a permit does not require you to pay that, but when you register a motor vehicle, unless you show you have the insurance required, it means you must pay $40.

Mr. GROSS. And the responsibility goes to the owner of the motor vehicle?

Mr. SICKLES. That is right.

Mr. GROSS. Who has registered it?

Mr. SICKLES. That is right.

Mr. GROSS. And it must be done when the vehicle is registered. Of course, $5,000 and $10,000 is very modest coverage in these days, I will say to the gentleman, but for whatever it is worth it is at least some protection to the public. I support the amendment since this obligation must be assumed when the vehicle is registered.

Mr. SICKLES. That is right.

Mr. GROSS. Mr. Speaker, I yield back the balance of my time.

Mr. DOWDY. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, I would like to correct a statement I made earlier in answer to a question which I thought was correcting an answer made by Mr. SICKLES. I I apologize for it. According to the testimony we had, as I understood it, the testimony before our subcommittee was that this uninsured-motorist fund would cover only personal injuries to the extent of $10,000 and $20,000. I have been checking the bill now and I find it would also cover $5,000 for damages to property in any one accident, so I would like to correct my original statement. This would just further impoverish and bankrupt the fund that is set up.

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

Mr. DOWDY. Yes, I yield to the gentleman.

Mr. SICKLES. With respect to the impoverishment of the fund, I am sure the gentleman is aware that the $40 contribution is an estimate of what would be required in the initial instance. If it were necessary in the future to have more funds available, then this board would change that rate, so that the $40 fee is not a final fee.

Further, when we look at the State of Maryland and look at the $4 million deficit or approximately a little less than that, we now have no requirement in the State of Maryland that each insurance policy issued will have this uninsured-motorist rider on it.

So that those who have this policy in the District of Columbia would get their recovery under the insurance policy they have and it would greatly reduce the claims against these people. So when we compare a few bills with respect to Maryland and the potential one in the District of Columbia, we are really comparing apples and pears because we are talking about a different bill, although they are substantially similar.

Mr. DOWDY. The same impoverishment happens in the other two States that have this fund. They just do not get enough money in. Of course, another thing occurs to me. We are setting up a nine-man board with all of their employees to administer thus fund. Is it anticipated that the District taxpayers or the Federal taxpayers are to pay their salaries?

Mr. SICKLES. I am glad the gentleman asked that question, because that is one that concerns me. I checked with the gentleman who is now administering the provision of the law which is currently in effect. The cost in the fiscal year 1965 is $133,000. As a result of the gentleman's bill, if adopted, he estimates that it would cost another $120,000 to administer the financial responsibility law as a result of the changes you are making in the bill. So that it would go from $133,000 in 1965 to $253,000 as the cost to administer this act.

But under the amendment that I propose this cost would be paid from the fund.

Mr. DOWDY. There was no such testimony before our committee.

Mr. SICKLES. I checked with the gentleman in order to find out the figures. These were his best estimates. But under the unsatisfied judgment fund the money that would be used to pay for the administration of the fund would come from the $40 which is collected from those persons who are uninsured.

Mr. DOWDY. Mr. Speaker, does the gentleman honestly believe that there will be enough of the $40 collections to pay for this board that is being set up?

Mr. SICKLES. I believe those people who are interested in this legislation, the District of Columbia Commissioners, the bar association, practically everyone who is concerned with the problem except a certain portion of the insurance industry, are reasonable people. I think they have estimated the cost accurately, and based upon their integrity and experience I think the $40 figure is an accurate estimate.

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

Mr. DOWDY. I yield to the gentleman.

Mr. JONAS. Can the gentleman from Texas or the gentleman from Maryland inform the House how many motor vehicles we are talking about that are now in operation in the District that are uninsured? Then we can find out how much money would be in this fund for the use of the agency.

Mr. DOWDY. I endeavored to find out how many there were. There are about 230,000 automobiles registered. Last year's total is 235,760 registered motor vehicles in the District of Columbia. We tried every source to get some testimony about how many of them had insurance, but we failed.

Mr. JONAS. There is no information available as to the number who would be expected to pay this $40 fee?

Mr. DOWDY. Nobody has that information. That is one thing we are trying to find out.

Mr. JONAS. You are going to put nine people on the payroll to administer this fund, and there are bound to be many other costs. I should think there should be some estimate as to how much the costs would be. That ought to be available for the consideration of the Members.

Mr. DOWDY. All of these things that we have been discussing here today were considered by our subcommittee in passing on this matter.

Mr. SICKLES. Mr. Speaker, will the gentleman yield to me? I would like to respond to the question.

The SPEAKER. The time of the gentleman from Texas [Mr. DOWDY] has expired.

Mr. DOWDY. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

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

There was no objection.

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

Mr. DOWDY. I yield.

Mr. HUNGATE. I would like to make an inquiry of the gentleman from Maryland who offered the substitute through this example. If I were insured with collision insurance and you and I had a collision and you were uninsured, my collision carrier would pay me. Then would they have a subrogation claim against this fund?

Mr. SICKLES. They would not. That reduces the impact upon the fund. That is why we make it compulsory that each insurance policy which is issued has the uninsured-motorist rider on it.

Mr. HUNGATE. I thank the gentleman.

Mr. SICKLES. Mr. Speaker, if the gentleman will yield to me, I want to give a figure that I received from the hearings. The figure given is that 20 percent of the vehicles registered in the District of Columbia are not covered by automobile liability insurance. We are talking about 35,000 District of Columbia registered vehicles plus any other vehicles that may be operating.

Mr. DOWDY. We could not get any definite figure; 35,000 times $40 would be—what?—$1,200,000 or some such amount of money? A trivial sum to pay tort claims for personal injury and death claims, as well as claims for property damage—and, of course, the first and foremost claim against the fund would be the cost to run the nine-man board with all of its employees; it would cost $1 million to do that. The unsatisfied judgment claimants would have claims only against a bankrupt fund, and would be in no better position than they now enjoy. The only beneficiaries of this Sickles substitute will be the members of the new board and their employees. They will enjoy handsome salaries.

This substitute should be defeated.

PURPOSE OF THE BILL

Mr. Speaker, the purpose of the bill is to provide protection to individual drivers, passengers, and pedestrians of the District of Columbia streets, from financially irresponsible uninsured motorists.

The legislation reported would, in title I, amend the Fire and Casualty Act of the District of Columbia and make uninsured motorists coverage a required part of every automobile liability policy, with the right of the insured to reject the coverage if he does not want it. This is a simple, direct way of meeting the problem, obviating all the administrative details, involving no State fund, involving no additional work on the part of insurers or their producers, and making it unnecessary for the Government to become in any way involved.

Title II would amend the District of Columbia Motor Vehicle Safety Responsibility Act, strengthening it greatly to make it more effective.

The enactment of this legislation would afford protection through uninsured-motorist coverage to all insured motorists who might be injured through the fault of an uninsured motorist, whether a resident of the District of Columbia or elsewhere. Not only does this protection apply to the insured motorist but in addition it covers anyone riding in his car, and extends to the insured and relatives resident in his household involved in any kind of automobile accident whether as an occupant in any car or as a pedestrian.

In addition to protecting against accidents caused by uninsured motorists,

it protects against those caused by hit-and-run drivers, operation of a car without permission of the owner, and cases where the motorist is insured but the insurer disclaims coverage. The coverage under this policy would apply to accidents both within and without the District of Columbia.

Admittedly, persons in the category of non-car-owning families injured as pedestrians or while passengers in uninsured cars, where the car causing the injury was uninsured, would not be protected by this coverage, but we believe the number of such cases would be relatively small. Furthermore, this coverage is available to noncarowners at a relatively small cost, so they also have the opportunity to protect themselves.

It is believed this legislation will assist substantially in solving the uninsured-motorist problem in the District; afford greater protection to persons injured by uninsured motorists; and serve to increase the number of persons insuring, a result which will also serve to alleviate the problem.

SUMMARY OF BILL'S MAJOR PROVISIONS

TITLE I

This title—which amends the District of Columbia Fire and Casualty Act, approved October 9, 1940, 54 Stat. 1063, D.C. Code, title 35, sec. 1301 et seq.—would require that all motor vehicle liability insurance policies insuring against bodily injury or death shall contain uninsured motorist coverage. However, the named insured would have the right to reject such coverage.

This form of insurance coverage, as presently conceived, was developed back in 1954–55. It is extremely broad in scope. It affords protection for the named insured and, while residents of his household, his spouse, and relatives of either, while riding in an insured car and while they are pedestrians, or in the event they are insured in a hit-and-run accident. It also affords protection to guests in the insured car while it is being operated by the named insured or his spouse or with his or her permission, and in the event it is involved in a hit-and-run accident. The coverage afforded extends only to bodily injury claims; property damage claims are not covered because there are other readily available forms of coverage which are far more suitable for this type of exposure. Uninsured-motorist coverage in the District of Columbia, your committee was informed, costs between $6 and $7 per year for an entire family and its passengers. Incidentally, pedestrian noncarowners can purchase similar protection for about $15 a year, according to testimony before your committee.

TITLE II

In brief, this title—which amends the District of Columbia Motor Vehicle Safety Responsibility Act, approved May 25, 1954 (68 Stat. 120, D.C. Code, title 40, sec. 401 et seq.), would—

First. Reduce from $100 to $50 the property damage necessary before an accident report is required, and security is required to be given.

Second. Provide that the Commissioners may rely upon the accuracy of insurance information contained in the accident report.

Third. Provide for suspension of both the license and registration of both the owner and the operator of an uninsured vehicle involved in an accident or in a serious traffic violation if the requirements of the law are not met.

Fourth. Add a requirement of a minimum security deposit of $500 in all cases in which security is required.

Fifth. Provide that security is to remain on deposit for a minimum of 2 years, and provide for suspension of at least 2 years where security is not deposited and claims are not settled.

Sixth. Add a provision requiring proof of financial responsibility following an accident (in addition to security) on the part of the owner of the automobile as well as the operator.

Seventh. Require that in all cases in which a person must give proof of financial responsibility for the future, he shall maintain such proof for a period of 5 years.

Eighth. Impose a $25 fee for reinstatement of a license suspended under the law.

Ninth. Provide impoundment of uninsured motor vehicles involved in accidents, without affecting rights or remedies of persons holding prior valid liens.

BACKGROUND

Members of Congress for some years have been greatly concerned over the lack of adequate protection for residents of the District of Columbia, as well as to the millions of visitors to the District, from hazards and losses resulting from automobile accidents in the Nation's Capital.

For several years now the chairman of your committee, along with other members, has sponsored various bills aimed at securing proper protection to individual drivers and to pedestrians of the District streets, protection against financially irresponsible motorists, protection against uninsured motorists.

Also, the legislation culminates a long period of effort of a number of businesses and organizations and persons in seeking a solution to the irresponsible-motorist problem in the District of Columbia. Simply stated, the problem is that in the District of Columbia a number of motorists have not, through the purchase of liability insurance coverage or other accepted means of providing for their financial responsibility, taken steps to protect persons who may be injured as a result of their negligent operation of an automobile. As a result, injured persons may not receive compensation for injuries to their person or damage to their property.

The Director of Motor Vehicles of the District of Columbia advised your committee that as of May 31—June figures are not yet available—the gross number of motor vehicles registered so far this year—March 1 to May 31, 1965—is 213,569. Of this total number, 208,156 are paid registrations. The remainder are free registrations for vehicles such as those belonging to the U.S. Government and District of Columbia government and the diplomatic corps. Last year there were a total of 235,760 registered motor vehicles in the District.

It was reported to your committee that 41,179 motor vehicles were involved in accidents in the District of Columbia in fiscal 1964. Of this number 30 percent, or 12,445, were uninsured. Of the total 41,179 vehicles, 22,968 were District of Columbia registered and 18,211 were nonresidents.

Significantly, of the District of Columbia registered motor vehicles involved, 43 percent, or 9,956, were not insured—as contrasted with only 15 percent, or 2,489 of the nonresidents who were not insured.

The figures referred to are as follows:

Motor vehicles involved in accidents in District of Columbia in fiscal 1964

	District of Columbia registered	Nonresident	Total vehicles
Uninsured	9,956	2,489	12,445
Insured	13,012	15,722	28,734
Total	22,968	18,211	41,179

It is this situation which accentuates the need for legislation dealing with this subject in the District of Columbia, and which has prompted the introduction of numerous bills with respect thereto.

Full hearings were held by Subcommittee No. 4 on July 1 and 12, 1965, at which representatives of the insurance industry, of the Corporation Counsel's Office on behalf of the District of Columbia Commissioners, the Bar Association of the District of Columbia, and others were heard. The proposals considered were those set forth in the reported bill, as well as those in other bills which included provisions for compulsory insurance, and provisions for setting up an unsatisfied judgment fund.

Your committee, after fully considering the merits of these various bills as well as the experience in various States, is of the opinion that the approach set forth in the reported bill most nearly meets the needs of the District of Columbia.

COMMITTEE ACTION

Your committee found almost no support for compulsory insurance-type legislation such as has been in effect in Massachusetts, New York, and North Carolina, and which has not been adopted elsewhere. Likewise, despite the number of years devoted by many responsible groups in the District of Columbia to arrive at acceptable legislation, the unsatisfied judgment fund proposal submitted by the Commissioners and the bar association has no widespread acceptance, only North Dakota, New Jersey, Maryland, and New York having adopted similar proposals. The experience in these States, as testified to before your committee—as Maryland with a $3.7 million deficit after only 6 years' operation and despite a $70 fee collected from uninsured motorists—does not commend this approach as desirable for approval by the Congress for the District of Columbia.

On the other hand, the strengthening of the financial responsibility laws—as are already in effect in 50 States and the

District of Columbia—designed to encourage motorists to become insured by imposing financial requirements on them if they are involved in accidents causing bodily injury or death, or property damage, appears the preferable approach and more in the public interest. H.R. 9918 does not pretend to be a panacea for all the problems arising out of injuries in automobile accidents in the District of Columbia. Your committee was not advised of any plan or system, or combination of methods, which furnishes a full and complete solution to the problems at hand. But in the judgment of your committee, the reported legislation more reasonably and effectively meets the uninsured motorist menace and affords better protection against the uninsured and financially irresponsible motorist.

The manner of meeting the problem through uninsured motorist coverage legislation—with the right of rejection reserved to the insured—has been accepted as a solution in 15 States. Indeed, in the past several years this has been a pattern which the States have been following in arriving at a solution. On the other hand, your committee was informed, no States have enacted either compulsory insurance laws since the enactment of the New York laws in 1956 and North Carolina in 1957, or unsatisfied judgment fund laws since the enactment in New Jersey in 1953 and Maryland in 1957.

Your committee is quite aware that none of the basic legislative approaches contained in the various bills considered can guarantee a satisfactory or completely satisfying answer to the uninsured motorist problem. But your committee feels that the provisions of H.R. 9918 are more in the pubic interest and hence recommends its adoption.

The bill as reported has the strong support of all but one of the local insurance companies. Even that company does not oppose this legislation, but merely prefers the unsatisfied judgment fund approach with compulsory uninsured motorist coverage included therein.

Also this legislation has the support of the National Association of Independent Insurers, whose trade association represents 348 property and casualty insurers of all types—stock companies, mutual companies, reciprocals, and Lloyd's plan insurers—80 of whose members are licensed to do business in the District of Columbia. It has the support also of the District of Columbia Association of Insurance Agents.

It should be pointed out that not all persons injured by uninsured motorists are presently without redress. It was represented to your committee that under the present District of Columbia Motor Safety Vehicle Responsibility Act, a fairly substantial number of uninsured motorists involved in accidents either deposit the required security, which is available to the injured party upon recovery of a judgment, or settle with the injured person in order to avoid suspension of license.

Further, many cases against uninsured motorists involve situations where the uninsured is not at fault and therefore the injured party is not entitled to any recovery.

Additionally, many of these cases involve damages in small amounts, and the inability to recover would not constitute any real social problem. All these factors, it seems to us, must be taken into account in considering the extent of the problem and the solution required.

PRECEDENTS FOR THIS LEGISLATION

Briefly, there are four basic approaches which have been proposed—sometimes one or more of these approaches are joined—in an effort to assure the financial responsibility of motorists on the highways of our country.

These are: First, mandatory uninsured motorist insurance coverage for inclusion in motor vehicle or automobile liability insurance policies—with or without the right of rejection reserved to the insured motorist; second, financial responsibility laws; third, unsatisfied judgment fund laws; and fourth, compulsory insurance laws. The reported bill combines features of the first two approaches.

Title I deals with the coverage afforded under the uninsured motorist endorsement, sometimes called family protection coverage.

This coverage is designed to place the insured who has been involved in an accident with a financially irresponsible motorist in substantially the same position he would have been had he been injured by an insured motorist. It provides protection against not only the uninsured motorist but also hit-and-run accidents and accidents involving stolen cars. Further, it protects against accidents both inside a State and outside a State or the District of Columbia regardless of where the vehicle is registered. It not only protects the insured motorist against these hazards but also protects all occupants in his car when involved in an accident; and it also protects as pedestrians or occupants of another car the insured, his or her spouse, and relatives of either who are resident in the household.

Fifteen States—Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Illinois, Indiana, Louisiana, Nebraska, North Carolina, Ohio, Pennsylvania, and Rhode Island—have enacted laws that require all motor vehicle liability insurance policies to contain uninsured motorist coverage, unless rejected by the insured. This type of law is embodied in title I of the reported bill.

Five States—New Hampshire, New York, Oregon, South Carolina, and Virginia—require insurers to include such coverage but do not give the insured the right of rejection thereof. Your committee believes that the insured should specifically be given the right to either accept or reject uninsured motorist coverage, and title I so provides.

Title II amends the District of Columbia Motor Vehicle Safety Responsibility Act. Similar financial responsibility laws are in effect in each of the 50 States. Such laws are designed to encourage motorists to become insured by imposing financial requirements on them in the event they are involved in accidents causing bodily injury, death, or property damage above a stated amount—usually $50 or $100. In such cases, the States require a security deposit designed to assure that irresponsible motorists assume responsibility for these accidents. Failure to make the required deposit results in the suspension of the offender's driver's license and, in most jurisdictions, in suspension of the motor vehicle registration.

Most States return the security deposit if there has been no action brought against the depositor within a specified period or if he has been released from liability.

Proof of financial responsibility for the future is the next step. Its aims are to make certain that the financially irresponsible motorist becomes and remains financially responsible for a specified period in the future, usually 3 to 5 years.

In 48 States and the District of Columbia, the financial responsibility laws provide that motorists found guilty of certain traffic violations shall be required to show such proof. Twenty-one States require both the security deposit and proof of future responsibility from persons involved in accidents. This usually involves showing a certified policy of liability insurance.

Your committee was advised that financial responsibility laws have raised the number of insured motorists nationally from 25 percent in 1920 to an estimated 90 percent today. Also, reciprocity agreements between States provide a means of dealing with interstate motorists. Thus, motorists whose licenses are revoked in one State can be denied licenses in other States.

Strengthening amendments to the existing District of Columbia Motor Vehicle Safety Responsibility Act are set forth in title II of the reported bill and are summarized heretofore in this report.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY LAW—PROPOSED CHANGES

Following are the major substantive changes made in the District of Columbia's existing Motor Vehicle Safety Responsibility Act under the provisions of H.R. 9918. In addition, reasons justifying such amendments are set forth.

I. ACCIDENT REPORT REQUIREMENT

Present law: Provides that accidents involving bodily injury, death, or damage to the property of any one person in excess of $100 must be reported to the Commissioner within 5 days.

Proposed law: Lowers the limit of property damage required for the reporting of an accident to $50.

Comment: Such a change would broaden the application of the financial responsibility law by bringing within its provisions those persons involved in accidents in which property damage amounts from $50 to $100, a group formerly not covered by the act. Similarly, it will provide the Commissioner with a more complete picture of the motor vehicle accident problem.

II. RELIANCE BY COMMISSIONER UPON INFORMATION CONTAINED IN ACCIDENT REPORT

Present law: No provision.

Proposed law: Provides that the Commissioner may rely upon the accuracy of insurance information contained in acci-

dent reports, unless and until the Commissioner has reason to believe that such information is erroneous.

Comments: The above change is expected to eliminate unnecessary administrative procedures, resulting in a material saving to the public.

III. SUSPENSION AND REVOCATION OF LICENSE AND REGISTRATION FOLLOWING ACCIDENTS

Existing law: The failure to deposit the required security results in the suspension of the license of each driver involved in the accident, and suspension of the registrations of all vehicles owned by the owner of each vehicle involved in the accident.

Proposed law: Provides that where suspension applies for failure to deposit security and file proof of financial responsibility following accidents, that such suspension and revocation should extend to the license of both the operator and owner, and to the registrations of both the operator and the owner involved.

Comments: This proposal is designed to broaden the scope of the license and registration forfeiture provisions of the motor vehicle laws as they apply to the financially irresponsible motorist who fails to meet the security deposit and future proof requirements following an accident.

IV. PERIOD OF SUSPENSION

Present law: Requires that when a person's license or registration is suspended or revoked for failure to deposit security following an accident, it shall remain suspended for a period of 1 year unless such person deposits security within that period or after the lapse of 1 year from the date of the suspension evidence satisfactory to the Commissioner has been filed that during such period no action for damages arising out of the accident has been instituted.

Proposed law: Provides that when a person's license and registrations are suspended, they shall remain so suspended for a period of 2 years unless such person deposits security and files proof of financial responsibility within that period or after the lapse of 2 years following the date of such suspension and revocation evidence satisfactory to the Commissioner has been filed indicating that during such time no action for damages arising out of the accident resulting in such suspension has been instituted; provided such person files proof of financial responsibility.

Comments: The reasons for extending the time period in this situation are twofold: First, it will result in a greater restriction on financially irresponsible drivers by subjecting them to a longer period of suspension, and second, it will provide more protection to the victims of irresponsible motorists by extending the period of time a deposit may be held for the protection of claimants.

V. FEE FOR REISSUANCE OF LICENSE AND REGISTRATIONS

Present law. No provision.

Proposed law. Provides that no license or registration shall be reinstated or no new license or registration issued unless the licensee or registrant, in addition to complying with the other provisions of this act, pays the Commissioner a fee of $25. Only one fee shall be paid by any one person irrespective of the number of licenses and registrations to be then reinstated for or issued to such person.

Comments: A provision of this type will indirectly strengthen the penalties against financially irresponsible drivers and other motor vehicle violators and provide the Motor Vehicle Department with an additional source of needed revenue. It is only fitting that those who come under the financial responsibility law, and are therefore responsible for a substantial portion of the administrative burdens, should bear a commensurate share of the costs.

VI. MINIMUM SECURITY DEPOSIT

Present law: No provision.

Proposed law: Requires that a minimum security deposit be not less than $500 in all cases in which security is required.

Comments: This provision will give better assurance of adequate recovery to those injured or damaged, and will facilitate the settlement of claims. Also, it will eliminate the need for the Commissioner to evaluate the amount of damage in those cases of less than $500, thus tending to improve the administration of the law.

VII. RELEASE OF SECURITY

Present law: Requires that security be held for a period of 1 year in the absence of one of the specified causes for release.

Proposed law: Provides that security where required to be deposited shall remain on deposit for a minimum of 2 years.

Comments: The extension of the period during which the deposit must be maintained assures that persons injured or damaged in the accident are more likely to have their claims or judgments satisfied.

VIII. FUTURE PROOF FOLLOWING ACCIDENTS

Present law: No provision.

Proposed law: Requires that whenever an operator or owner must deposit security for a past accident, he shall give and maintain proof of financial responsibility for the future.

Comments: Although the present sanctions of the law against financially irresponsible drivers have proved reasonably effective, there still remain some who apparently require stronger policy in the law such as is advocated in this procedure. This is accomplished by requiring the driver, who has been brought under the provisions of the act by reason of having been involved in an accident, to maintain insurance or some other form of financial responsibility for a period in the future. Most people agree that if all motorists could be made aware of the importance of liability protection to themselves, there would be little or no need for legislation in this area. This proposal then combines the restraints of the law against irresponsible drivers with an education process designed to show them the need for liability protection in their own interest, as well as in the interest of society.

IX. DURATION OF FUTURE PROOF

Present law: Where proof of financial responsibility for the future is required to be filed, it must be maintained for a period of 3 years.

Proposed law: Requires that in all cases in which a person must give proof of financial responsibility for the future, he shall maintain such proof for a period of at least 5 years.

Comments: This amendment will assure protection to the public for a longer period against injury or damage which the motorist may cause. This extended period for maintaining proof should also help in educating the particular motorist on the need for protection for his own benefit.

CONCLUSION

For several years, subcommittees of your committee have studied various bills referred to them, dealing with motor vehicle insurance, have held many conferences with the District of Columbia government officials, and other interested parties, and have sought to secure unanimity among the groups actively considering such legislation. However, your committee can delay no longer, as it appears that no full agreement can be reached. Meanwhile, problems created by the uninsured motorist are so acute and so diverse as to require prompt legislative action.

Your committee believes that this bill strengthening amendments to the District's safety responsibility law and providing for uninsured motorist coverage subject to the right of rejection, offers an efficient and economical package program which will, first, provide a highly effective means of inducing the financially irresponsible motorist to provide protection for those persons they may injure and, second, reduce the problem of the financially irresponsible motorist to a point where it will no longer be of social significance.

We strongly urge that the above package program, embodied in H.R. 9918, which goes directly to the heart of the problem of the financially irresponsible motorist, be adopted for the District of Columbia.

The SPEAKER. The question is on the amendment offered by the gentleman from Maryland.

The question was taken; and the Speaker announced that the noes appear to have it.

Mr. SICKLES. 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. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 173, nays 156, not voting 105, as follows:

[Roll No. 228]

YEAS—173

Addabbo	Blatnik	Collier
Anderson, Ill.	Boland	Conte
Anderson, Tenn.	Bolling	Corman
Andrews, Glenn	Broomfield	Craley
Annunzio	Brown, Calif.	Culver
Ayres	Burke	Curtin
Bates	Burton, Calif.	Daddario
Belcher	Byrne, Pa.	Dague
Bell	Clark	Daniels
Bingham	Cleveland	Dawson
	Clevenger	Delaney
	Cohelan	Denton

Dickinson	Joelson	Philbin
Dingell	Johnson, Calif.	Pike
Dole	Johnson, Pa.	Price
Donohue	Jones, Ala.	Pucinski
Dow	Karsten	Race
Duncan, Oreg.	Karth	Randall
Dyal	Kastenmeier	Reid, Ill.
Edwards, Calif.	Kee	Reid, N.Y.
Ellsworth	Kelly	Reuss
Fallon	King, Calif.	Rhodes, Pa.
Farbstein	King, Utah	Rodino
Fascell	Kirwan	Ronan
Feighan	Kornegay	Rooney, N.Y.
Flood	Krebs	Rosenthal
Ford,	Kunkel	Rostenkowski
William D.	Leggett	Rumsfeld
Fountain	Lennon	St. Onge
Friedel	Love	Scheuer
Garmatz	McClory	Schisler
Giaimo	McDade	Schneebeli
Gibbons	McGrath	Schweiker
Gilbert	Machen	Scott
Gilligan	Mackay	Shriver
Gonzalez	Mackie	Sickles
Grabowski	Madden	Skubitz
Gray	Martin, Nebr.	Smith, N.Y.
Green, Oreg.	Matsunaga	Stafford
Green, Pa.	Miller	Staggers
Gross	Minish	Stratton
Hagen, Calif.	Mink	Sullivan
Hall	Monagan	Taylor
Hamilton	Moorhead	Tenzer
Hanley	Morgan	Thompson, Tex.
Hanna	Morse	Todd
Hansen, Iowa	Mosher	Tunney
Hansen, Wash.	Moss	Ullman
Harvey, Ind.	Multer	Vanik
Harvey, Mich.	Murphy, Ill.	Vigorito
Hathaway	Nedzi	Vivian
Hechler	O'Hara, Ill.	Watkins
Helstoski	O'Hara, Mich.	Whalley
Henderson	Olsen, Mont.	White, Idaho
Holifield	Olson, Minn.	Wolff
Horton	Ottinger	Wydler
Howard	Patman	Yates
Hungate	Patten	Zablocki
Jacobs	Perkins	

NAYS—156

Abbitt	Edwards, Ala.	O'Neal, Ga.
Abernethy	Evans, Colo.	Passman
Adair	Everett	Pickle
Albert	Farnsley	Poage
Andrews,	Findley	Poff
George W.	Fisher	Purcell
Arends	Flynt	Quillen
Ashbrook	Ford, Gerald R.	Redlin
Ashmore	Frelinghuysen	Reifel
Aspinall	Fulton, Tenn.	Reinecke
Baldwin	Fuqua	Rivers, S.C.
Baring	Gathings	Roberts
Battin	Gettys	Rogers, Colo.
Beckworth	Greigg	Rogers, Fla.
Bennett	Grider	Rooney, Pa.
Berry	Griffiths	Roudebush
Betts	Grover	Roush
Boggs	Gubser	Satterfield
Bolton	Gurney	Saylor
Bow	Hagan, Ga.	Secrest
Bray	Haley	Selden
Brooks	Halleck	Sikes
Broyhill, N.C.	Hansen, Idaho	Sisk
Broyhill, Va.	Harris	Slack
Buchanan	Harsha	Smith, Calif.
Burleson	Hays	Smith, Va.
Burton, Utah	Herlong	Springer
Byrnes, Wis.	Hutchinson	Stanton
Cabell	Ichord	Steed
Callan	Johnson, Okla.	Stephens
Callaway	Jonas	Stubblefield
Casey	Keith	Talcott
Chamberlain	Landrum	Teague, Calif.
Chelf	Langen	Thomson, Wis.
Clancy	Latta	Trimble
Clausen,	Lipscomb	Tuten
Don H.	Long, La.	Utt
Clawson, Del	McEwen	Van Deerlin
Conable	McFall	Waggonner
Cooley	McMillan	Walker, Miss.
Davis, Ga.	McVicker	Walker, N. Mex.
Davis, Wis.	Mahon	Watson
de la Garza	Marsh	Watts
Dent	Matthews	White, Tex.
Derwinski	Michel	Whitener
Devine	Mills	Whitten
Dorn	Minshall	Williams
Dowdy	Mize	Wilson, Bob
Downing	Morris	Wright
Dulski	Murray	Wyatt
Duncan, Tenn.	Natcher	Young
Dwyer	Nelsen	Younger
Edmondson	O'Konski	

NOT VOTING—105

Adams	Hawkins	Pelly
Andrews,	Hébert	Pepper
N. Dak.	Hicks	Pirnie
Ashley	Holland	Pool
Bandstra	Hosmer	Powell
Barrett	Hull	Quie
Bonner	Huot	Resnick
Brademas	Irwin	Rhodes, Ariz.
Brock	Jarman	Rivers, Alaska
Brown, Ohio	Jennings	Robison
Cahill	Jones, Mo.	Rogers, Tex.
Cameron	Keogh	Roncalio
Carey	King, N.Y.	Roosevelt
Carter	Kluczynski	Roybal
Cederberg	Laird	Ryan
Celler	Lindsay	St Germain
Colmer	Long, Md.	Schmidhauser
Conyers	McCarthy	Senner
Corbett	McCulloch	Shipley
Cramer	McDowell	Smith, Iowa
Cunningham	Macdonald	Stalbaum
Curtis	MacGregor	Sweeney
Diggs	Mailliard	Teague, Tex.
Erlenborn	Martin, Ala.	Thomas
Evins, Tenn.	Martin, Mass.	Thompson, N.J.
Farnum	Mathias	Toll
Fino	May	Tuck
Fogarty	Meeds	Tupper
Foley	Moeller	Udall
Fraser	Moore	Weltner
Fulton, Pa.	Morrison	Widnall
Gallagher	Morton	Willis
Goodell	Murphy, N.Y.	Wilson,
Griffin	Nix	Charles H.
Halpern	O'Brien	
Hardy	O'Neill, Mass.	

So the amendment was agreed to.

The Clerk announced the following pairs:

Mr. Keogh with Mr. Widnall.

Mr. O'Neill of Massachusetts with Mr. Laird.

Mr. Evins of Tennessee with Mr. Fulton of Pennsylvania.

Mr. Fogarty with Mr. Brown of Ohio.

Mr. Celler with Mr. Fino.

Mr. Hicks with Mr. Corbett.

Mr. Hébert with Mr. Rhodes of Arizona.

Mr. Hawkins with Mr. Martin of Massachusetts.

Mr. Ashley with Mrs. May.

Mr. Barrett with Mr. Hosmer.

Mr. Toll with Mr. Cramer.

Mr. Nix with Mr. Goodell.

Mr. Roosevelt with Mr. Griffin.

Mr. Roncalio with Mr. Mailliard.

Mr. Carey with Mr. McCulloch.

Mr. Hardy with Mr. Quie.

Mr. O'Brien with Mr. Pirnie.

Mr. Rivers of Alaska with Mr. Cederberg.

Mr. Morrison with Mr. Andrews of North Dakota.

Mr. Pool with Mr. Curtis.

Mr. Murphy of New York with Mr. King of New York.

Mr. Macdonald with Mr. Cunningham.

Mr. Kluczynski with Mr. Robison.

Mr. Holland with Mr. Mathias.

Mr. Jennings with Mr. Pelly.

Mr. Hull with Mr. MacGregor.

Mr. Brademas with Mr. Halpern.

Mr. Cameron with Mr. Moore.

Mr. McDowell with Mr. Tupper.

Mr. Colmer with Mr. Brock.

Mr. Gallagher with Mr. Morton.

Mr. Pepper with Mr. Martin of Alabama.

Mr. Thompson of New Jersey with Mr. Lindsay.

Mr. Sweeney with Mr. Erlenborn.

Mr. Rogers of Texas with Mr. Carter.

Mr. Adams with Mr. Diggs.

Mr. McCarthy with Mr. Conyers.

Mr. Shipley with Mr. Ryan.

Mr. Senner with Mr. Irwin.

Mr. Huot with Mr. Jarman.

Mr. Meeds with Mr. Powell.

Mr. Tuck with Mr. Udall.

Mr. Teague of Texas with Mr. St Germain.

Mr. Schmidhauser with Mr. Bonner.

Mr. Bandstra with Mr. Smith of Iowa.

Mr. Moeller with Mr. Resnick.

Mr. Charles H. Wilson with Mr. Farnum.

Mr. Roybal with Mr. Foley.

Mr. Weltner with Mr. Fraser.

Mr. Willis with Mr. Stalbaum.

Messrs. ASHMORE and DERWINSKI changed their vote from "yea" to "nay."

Mr. JACOBS changed his vote from "nay" to "yea".

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill as amended.

The bill was passed.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF SENATE DOCUMENT NO. 46

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 507.

The Clerk read the resolution, as follows:

Resolved, That there be printed for the use of the House of Representatives one hundred thirty-one thousand seven hundred additional copies of Senate Document No. 46 which contains a brief explanation of the elements of entitlement to and benefits available under the hospital insurance benefits for the aged and the supplementary medical insurance benefits for the aged enacted in the Social Security Amendments of 1965, pursuant to H.R. 6675.

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

Mr. HAYS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Maryland a question.

When was this resolution introduced and when did it get over here and how did it happen that it bypassed the Committee on House Administration, and so on and so forth?

Mr. FRIEDEL. I would like to explain it this way. I introduced a simple resolution. It is similar to Senate Resolution 134, which passed last Thursday in the Senate which provides for 120,000 copies of Senate Document No. 46 to be printed for the use of the Senate and 17,000 for the use of the Committee on Finance. The type is all set——

Mr. HAYS. I do not care anything about the type being set. I want to know when it was introduced in the Senate and when it passed and when it came over here.

Mr. FRIEDEL. Senate Resolution 134 was introduced in the Senate on July 29, it passed the Senate on August 5, and I introduced House Resolution 507 today.

Mr. HAYS. Today?

Mr. FRIEDEL. Yes.

Mr. HAYS. Then how come you are bringing up a Senate resolution?

Mr. FRIEDEL. I said that the Senate resolution was passed last Thursday. This is a similar resolution, House Resolution 507. This is a very simple resolution. It provides for the printing of a document in layman's language explaining the provisions of the medicare bill. It authorizes that 131,700 copies of this Senate Document No. 46 can be printed for use by Members of the House.

Mr. HAYS. Mr. Speaker, I still have a reservation. The gentleman from Maryland is a pretty fast talker. He can outtalk the gentleman from Iowa [Mr. GROSS] and some of the others, but I do not believe he can outtalk me.

Mr. Speaker, I object.

The SPEAKER. Objection is heard.

VOTE WITH WRIGHT IS A RIGHT VOTE

Mr. O'HARA of Illinois. Mr. Speaker, Drew Pearson in his column in the Washington Post of this morning gives the recipe for success in the Congress given to Lyndon Johnson by his father when the President came here as a new Congressman. This is the story as told by Drew Pearson:

> The President has told friends how his father, Sam Johnson, advised him when he came to Congress that he would be voting "right" if he voted with "Wright." Recently L.B.J. scrawled the quotation from his "Daddy" on an autographed picture he sent Representative WRIGHT PATMAN, Democrat, of Texas. Wrote the President along the bottom of picture: "When in doubt how to vote, vote with 'Wright'—My Daddy."

BIRTHDAY OF A STATE AND A STATESMAN

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, I take this time to inform the House that Saturday last was the fifth anniversary of the independence of the Ivory Coast in Africa and today is the natal anniversary of the Honorable ROBERT N. C. NIX, who, as a member of the African Subcommittee of the Committee on Foreign Affairs, has shown understanding and friendship for the Ivory Coast and other emerging and developing African nations.

On Thursday, when the House was last in session, I made mention of the fact that Saturday would be the fifth anniversary of the independence of the Ivory Coast and I extended my congratulations and well wishes as is recorded on pages 19639–19640 of the CONGRESSIONAL RECORD of August 5, 1965.

GENERAL LEAVE TO EXTEND

I now ask unanimous consent that my colleagues who so desire may have 5 legislative days in which to join in congratulations and good wishes for the Ivory Coast.

Mr. Speaker, I also ask unanimous consent that my colleagues so desiring may have 5 legislative days in which to join me in expression of esteem and good wishes to our able and distinguished friend and coworker from Pennsylvania, Mr. NIX, on the happy occasion of his birthday.

Congressman NIX has been an outstanding member of the Committee on Foreign Affairs in five Congresses. As head of the American delegation to the Interparliamentary Conference with the lawmakers of Mexico, and as a member of the African Subcommittee, his service to the committee and to the country has been conspicuous.

Born in South Carolina, he was graduated from high school in New York City and received his bachelor's degree at Lincoln University and his law degree at the University of Pennsylvania. He is a lawyer of note, practicing with his son, Robert Nix, Jr. I extend to him my warmest congratulations and my every good wish for a future of brightness, happiness, and ever-mounting achievement.

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

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, August 7 is a proud day in the history of the people of the Republic of the Ivory Coast, for it was on this day 5 years ago, in 1960, that they achieved their independence. Today we join with them in commemorating the anniversary of this, one of their most cherished holidays.

The Ivory Coast is among the most rapidly developing, progressive, dynamic, and stable new nations of Africa. Economically, politically, and socially, great steps are being taken by this young country. The construction industry typifies the rapid development that this nation is undergoing. Throughout the country, and especially in the rapidly expanding urban centers, new buildings are being constructed at a tremendous rate. These include not only new housing in all income classes, but public buildings such as hospitals, schools, medical centers, and administrative offices. They bear proud witness to the spirit of progress of the people of the Ivory Coast. Since the opening of the deepwater port of Abidjan in 1954, this capital city has been among the busiest and most rapidly expanding cities in Africa. As the terminus of the Abidjan-Ouagadougou Railroad, Abidjan has also become the focus of much of the area's local and domestic trade, which has experienced a remarkable increase. Thus it may be easily seen why the Ivory Coast has assumed not only a position of economic leadership in former French West Africa, but has likewise become one of the political leaders of this group of developing nations.

We most heartily congratulate the people of the Republic of the Ivory Coast on this, the fifth anniversary of their independence day. As we wish them the best in the future, we do so with confidence that the spirit of progress and freedom that has so far animated their efforts will carry them on to new and even more felicitous heights.

Mr. FLOOD. Mr. Speaker, I am delighted to join in this expression of birthday greetings to my Pennsylvania colleague ROBERT NIX. He and I usually sit together on the floor of the House, having frequent talks and discussions about his native city of Philadelphia, dealing with local problems as well as national problems. He commands the respect and admiration not only among the Pennsylvania delegation, but all through the House. May he enjoy many, many more happy birthdays in our midst.

Mr. CONYERS. Mr. Speaker, August 7, 1965, marked the fifth anniversary of independence of the thriving Republic of Ivory Coast. The richest and potentially most economically self-sufficient state in West Africa, Ivory Coast is bounded by Upper Volta, Mali, Ghana, Liberia, and Guinea. Permit me to suggest reasons why this emerging new nation has attracted the attention and admiration of the world.

Under the leadership of His Excellency, President Félix Houphouet-Boigny, the Ivoirians are building a prospering nation. The foundation of the economic structure was established by the French long before independence. French colonial policy was enlightened in that it urged education for all members of the French community and further trained many of the men who are now leaders in the Republic of Ivory Coast. President Houphouet-Boigny served as an Ivory Coast Deputy in the French National Assembly from 1946–1959, and during this period was several times Minister of State and Vice President of the Cabinet. In keeping with this policy of complete political integration, the present President of the French Senate, Mr. Gaston Monnerville, who represents the French Province of Lot, is a Negro. Mr. Monnerville, a native of French Guiana, would succeed to the Presidency of France in the event of the death or resignation of President de Gaulle.

French influence is still seen in Ivory Coast in the fact that the trebling of Ivory Coast exports has been achieved largely through French membership in the Common Market, one of its largest customers. The number of Frenchmen in Ivory Coast has more than doubled since independence. On the whole the European population is well received although there are some who feel that "Africanization" is too slow in coming. President Houphouet-Boigny has followed a policy of giving jobs to qualified persons whether they are African or French. He has stated that he is unwilling to appoint persons simply on the basis of nationality. His high professional standards have proved beneficial. Ivory Coast has as its Minister of Finance a man considered to be the best economic official on the entire African continent. Mr. Raphael Seller, a Frenchman from Martinique, has based the economic plan of the Ivory Coast on a survey of long-term budget needs, tribal relationships, village markets, and consumption patterns. This practical approach to development has kept the country from squandering its funds on prestigious and often unnecessary projects such as steel mills and international airlines. Instead, it has set out to develop the resources it has. In this manner, the Ivory Coast was able to detect a market gap in palm-oil production, and has obtained aid funds from the European Economic Commission to build a government operated palm-oil plantation. Eventually this plantation will be turned into an employee-owned cooperative.

The Ivory Coast is not only making great domestic strides but it is taking a position of African and world leadership. It is now a member of the United Nations Security Council and is thus one of the few African nations ever to have held this honor. President Houphouet-Boigny was one of the founders of the Rassemblement Démocratique Africain (RDA), the leading interterritorial political party in French West Africa. This organization established constituency units in all the French West African Territories except Mauritania. His importance in the African political spectrum stems not only from the economic importance of the Ivory Coast but also from his still close association with those who served under him in the RDA. He has maintained that the only true road to African solidarity is through step-by-step economic and political cooperation with recognition of the principle of nonintervention in the internal affairs of sister African states.

President Houphouet-Boigny and his charming wife came to the United States on a state visit in May 1962. The ties between the United States and the Ivory Coast have always been close, especially since Ivory Coast, unlike most African nations, follows an economic policy of "free enterprise." President Houphouet-Boigny says that he chose the path of capitalism because it is the "path which in my mind achieved results." I am happy to salute His Excellency, President Houphouet-Boigny and His Excellency, the Ambassador of the Republic of Ivory Coast to the United States, Konan Bedie, on the fifth anniversary of Ivoirian Independence.

A very informative article on the Ivory Coast appeared in the August 9, 1965, issue of Newsweek. I would like to have this article inserted into the RECORD as it reflects the great progress achieved by the people of the Ivory Coast after only 5 years of independence.

The article follows:

ON THE THRESHOLD OF TAKEOFF

(By Edward Behr)

A young African diplomat with strong Marxist tendencies, who is stationed in Abidjan, the capital of the Ivory Coast, commented recently: "A baffling place, the Ivory Coast. Marxists go away from here very disappointed. The Ivoirians don't seem to give a damn for socialism or for revolution."

The same can be said for Nigeria, 500 miles farther along the coast. Yet these two nations stand out above all others in Black Africa as the ones where the most economic progress is being made. The Ivory Coast, a former French colony, is the only Black African country with a healthy budget surplus at the end of each year. Its gross national product has increased 10 percent annually since 1960, and its exports and investments are soaring. Nigeria, a former British colony, is attracting industry at a supercharged rate (1,000 U.S. firms alone in 5 years) and expects to become one of Africa's largest oil exporters in a few years. Both countries are on the threshold of an "economic takeoff"—the point at which they can finance their long-range economic growth out of their own income.

Much of the Ivory Coast is dense steamy jungle in which more than 60 different tribes live. Considering the vast variety of people who make up his country, President Félix Houphouet-Boigny, himself a member of the Baoulé tribe, declares that "The Ivoirian nation doesn't yet exist. France left the Ivory Coast a mass of tribes unaware of each other's existence. We are only gradually breaking down tribal barriers."

Despite his harsh judgment, however, the Ivory Coast started off with many genuine advantages, some natural, some contributed by the French. And to its credit it is making the most of all of them. It had an extremely large fertile land area, not too many mouths to feed (at last count, 3.8 million), a good road system, and a well-developed harbor in Abidjan, the capital. Even before independence day in 1960, the Ivory Coast produced great quantities of coffee, cocoa, and bananas. Today it has expanded to become the largest coffee producer in Africa and third largest in the world, and it is the world's fifth cocoa producer. It exports more timber and wood pulp than any other African nation, and is well on its way to becoming a major pineapple grower. Ivory Coast exports have tripled (to $298 million) in 10 years—thanks largely to the preference it gets in selling to the Common Market through its French ties.

The prosperity is most noticeable, of course, in the capital city. With a climate kept always pleasant by refreshing gulf breezes, Abidjan is a model town studded with elegant buildings and modern housing developments, laced with superb roads and cloverleaf interchanges and ringed by one of the most modern harbors in Africa.

Because of the enormous amount of economic activity and a shortage of workers, the Ivory Coast is a magnet to Africans in surrounding countries, and the eminently practical Houphouet-Boigny welcomes them. "I don't have the money to waste watching over 1,500 miles of frontier," he says. "There's no need, our frontiers are always open." As a result, one out of every four residents is non-Ivoirian and later this year Upper Volta, Dahomey, and the Ivory Coast will formally announce a system of dual nationality for all three nations.

FRENCH INFLUENCE

The country also has 30,000 resident Frenchmen, more than twice the number there before independence, but not everyone welcomes them as much as the President. Some of the young Ivoirians, annoyed at the slow pace of "Africanization," complain that all the good jobs in the country go to Frenchmen, and they have some basis for their criticism. Although most of Houphouet-Boigny's ministers are Ivoirians, the key portfolio of finance is held by a Frenchman from Martinique, Raphael Saller, considered by many to be the best economic official on the continent. In addition, the French have an all-embracing hold on positions in commerce and industry. Houphouet-Boigny insists that this does not stem from any deliberate discrimination. "The question I ask myself before appointing anyone is: could he hold down a job in, say, France? When a man is competent to hold down a key job, he gets a key job. We are honest enough to recognize that 'Africanization on the cheap' is an unmitigated evil."

Two-thirds of the population live in tiny jungle villages and here it is that progress is slowest—and the most urgently needed. "We have got to succeed." declared a French agricultural engineer who is trying to teach villagers how to improve farm productivity. "The whole village will make up its mind on the basis of what happens this year to the fields we've selected."

MAGICAL POWERS

At another village a tribesman came up to a French adviser and demanded "the medicine you promised us." The medicine they wanted turned out to be fertilizer. And in the minds of the tribesmen the fact that it makes crops grow bigger can only be attributed to magical powers. "For the time being," the Frenchman confided, "we're going along with the magical interpretation—it actually helps."

An all-pervading belief in magic is one of the realities of life in the Ivory Coast. Whatever formal religion they may have adopted (mostly Roman Catholic or Moslem), the vast majority of Ivoirians still place strong faith in fetishes. Houphouet-Boigny himself regularly consults with prominent witch doctors and has a reputation as a benevolent sorcerer. He does nothing to disabuse anyone of this conception and makes frank use of it to enhance his hold on the nation. "Africa is animist," he maintains. "We have no right to be ashamed of our animism. It is the basis of our lives."

Beyond that, however, Houphouet-Boigny is firmly committed to a rational approach to government. As President, he rules a strong central bureaucracy (some call it a dictatorship) modeled on the traditional French prefect and subprefect system. This organization gives him a finger in almost every pie.

SURVEY TEAMS

Under Houphouet-Boigny, who follows the guidance of Finance Minister Saller, the Ivory Coast has become a planner's paradise. Teams of Frenchmen and Ivoirians survey long-term domestic budget needs, tribal relationships, village markets, and consumption patterns—something that has never been done on such a scale anywhere in Africa. "The time will soon come," said a French anthropologist, "when we will know far more about life in a remote Ivory Coast jungle village than we do about a French village."

This practical approach has kept the Ivory Coast from squandering its development funds on prestigious and totally unnecessary projects such as steel mills and international airlines, as so many other new nations have done. Instead, it has set out to develop on the foundation of the resources it has at hand. Saller's Finance Ministry, for example, proved by a survey of world markets that there was room for more palm-oil production. Armed with these facts, Saller had little trouble obtaining aid funds from the European Economic Commission to build a government-operated palm-oil plantation. Some 8,000 African families will staff it, and plans call for it to eventually be turned into an employee-owned cooperative. This same sort of careful planning will almost certainly bring off the Ivory Coast Government's most ambitious aid request to date—a $70 million World Bank loan to build a dam and turn Bouaké, the country's second-largest town, into an industrial center.

Houphouet-Boigny's personal ideology is a pragmatic mixture of liberal (though not laissez-faire) democracy and a firm conviction in free enterprise. "Speaking personally, I say that socialism * * * has not yet proved its worth. On my visits to America I discovered that the old Marxist dictum, 'From each according to his abilities, to each according to his needs' was probably more in force in America, that holy of holies of capitalism, than in any other country in the world. When the time came for the Ivory Coast to choose a path of development, I chose the path which in my mind achieved results."

REPORT OF COMMITTEE ON USE AND TREATMENT OF SALINE WATERS, NATIONAL RIVERS AND HARBORS CONGRESS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD and include certain pertinent material.

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

There was no objection.

Mr. ASPINALL. Mr. Speaker, it has been my privilege to serve as chairman of the Committee on Use and Treatment of Saline Waters of the National Rivers and Harbors Congress for the past 2 years. For the information of my colleagues, I am pleased to include as a part of these remarks the report of the committee to the 52d national convention of that organization held last June here in Washington.

NATIONAL RIVERS AND HARBORS CONGRESS

(Report of the Committee on Use and Treatment of Saline Waters, Hon. WAYNE N. ASPINALL, chairman)

Introduction

The Committee on Use and Treatment of Saline Waters met in the Concord Room of the Mayflower Hotel at 2 p.m., on June 9, 1965, at the call of cochairman W. B. Camp.

Present at the meeting were Mr. W. B. Camp, Bakersfield, Calif., cochairman of the committee; Mr. Sidney L. McFarland, Silver Spring, Md., secretary of the committee; Mr. Paul Weir, Atlanta, Ga.; Miss Claire Davis, Jackson, Miss.; Mr. Robert M. Williams, Wilmington, N.C.; Mr. Joe D. Carter, Austin, Tex.; Mr. Frank C. DiLuzio, Washington, D.C.; and Mr. Ralph Kiser, California; a quorum under the rules.

In addition to the members of the committee, 22 other delegates and visitors were in attendance. The States and territories represented, in addition to those represented by the committee members, included Alabama, Colorado, Indiana, Louisiana, New Hampshire, New York, Ohio, Pennsylvania, Virginia, Guam, and the Virgin Islands.

Mr. W. B. Camp expressed regret that Congressman ASPINALL, chairman of the committee, could not be present and make a brief opening statement, referring to the step-up in interest in desalination during the last year.

IMPORTANCE OF DESALINATION TO NATION'S FUTURE

The Committee on Use and Treatment of Saline Waters has been in existence now for 1 year. At the organizational meeting last year, Chairman ASPINALL outlined the need for the committee and its relationship to the growing national salinity problem and the Nation's dwindling water supplies as compared to our estimated future needs. If the economy of the United States is to continue to grow and prosper there must be adequate supplies of water available for our growing population, our industries and our agriculture. The sources of water upon which we normally rely are gradually being exhausted, and through use and reuse the supplies derived from these sources are becoming more and more contaminated. Unless we augment present conventional supplies with new and additional sources, the availability of ordinary fresh water could easily become our No. 1 domestic problem in a relatively few years.

Our first efforts must, of course, be toward reducing our present excessive waste of water by preventing pollution of our streams, conserving and reusing available water so far as possible, controlling and using additional flood waters, and emphasizing better management of present uses of water for all purposes. However, even with all of these measures in effect, every reliable prediction of future demands for fresh water supports the conclusion that desalted sea or brackish water will be needed in the future to supplement our available natural supplies. The Nation will approach dependence upon converted water gradually. There are isolated areas in the United States that are now going to desalination. Other areas are building projects to transport water for hundreds of miles. As time goes on, and saline water conversion technology advances, desalination will be considered more and more as an alternative means of supplying water needs throughout the United States and the world.

ACTIONS DURING THE LAST YEAR

Since the Committee on Use and Treatment of Saline Waters organized a year ago there has been a big increase in national and international interest in desalination and important actions at the national level. In July of 1964, President Johnson instructed the Department of the Interior, in collaboration with the Atomic Energy Commission and the Office of Science and Technology, to take immediate steps to develop the plan for an aggressive and imaginative program to advance progress in large-scale desalting of seawater. This new emphasis on achieving large-scale dual-purpose nuclear-fueled plants is not intended to lessen the attention given to developing the best techniques for converting saline water for smaller markets and smaller plants and for improving the quality of brackish water for inland uses. It is also not intended to lessen our efforts to find new and improved methods for truly economic conversion through basic research.

As a result of the Presidents' direction a $200 million 5-year program has been developed and legislation to implement it is presently under consideration in the Congress.

REPORT TO THE COMMITTEE

Mr. Frank DiLuzio, Director of the Office of Saline Water and a member of the Committee on Use and Treatment of Saline Waters, reported to the committee on the present state of the art and on the President's proposed expanded program. The program of the Office of Saline Water is accomplished by working through industry. The research work for the most part is done by contract. The purpose of the research and of the Office of Saline Water is to advance the state of the art. It is not intended that the Federal Government build plants to meet the water needs of any city or area of our Nation. Mr. DiLuzio briefed the committee on progress made to date under the Saline Water Research Act of 1952, as extended and implemented in 1955, 1958, and 1961. He then outlined the new program and what the Office of Saline Water hoped to accomplish with the $200 million requested by the President.

COMMITTEE'S VIEWS AND RECOMMENDATIONS

The committee was very much impressed with the presentation of Director DiLuzio. His great knowledge with respect to desalination—where we stand and what needs to be done—eminently qualifies him to assume responsibility for this important national program. The committee commends him for the excellent presentation to the committee and for the fine job he has done as director since his appointment last December.

The committee recommends that the National Rivers and Harbors Congress give its support to an expanded desalination research and development program in recognition of the facts that (1) an ample supply of a good quality water is essential to the future economy of our Nation and (2) as our water supplies from natural sources are exhausted more dependence must be placed on desalted sea and brackish water.

In the committee's view, the extent of the expanded program must be based upon full justification of the research work proposed to be accomplished and expected returns from Federal expenditures. The responsibility of the Office of Saline Water and the objective of the program should be to advance the state of the art of desalination and not to meet the water needs of any city or area. The States, municipalities and other interested entities and groups should participate in the program and share the responsibility. Private enterprise and industry should assume responsibility for process development at the earliest possible stage.

UNDER SECRETARY OF THE INTERIOR JOHN A. CARVER, JR., ADDRESSES CONGRESS OF MICRONESIA

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD and include certain pertinent material.

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

There was no objection.

Mr. ASPINALL. Mr. Speaker, on July 12, 1965, the 33 elected members of the bicameral Congress of Micronesia assembled at Saipan, the headquarters of the Trust Territory of the Pacific Islands, for its opening session. The gentleman from Pennsylvania [Mr. SAYLOR] and I extended our remarks regarding the occasion and included the addresses delivered to the Congress by the Honorable N. NEIMAN CRALEY, JR., of Pennsylvania, and the Honorable ROGERS C. B. MORTON, of Maryland, in the CONGRESSIONAL RECORD for July 15, 1965. Among other distinguished guests at the opening session of the Congress of Micronesia were the Honorable John A. Carver, Jr., Under Secretary of the Department of the Interior, High Commissioner M. W. Goding, Deputy High Commissioner Richard F. Taitano, Acting Governor of Guam, Denver Dickerson, and Chief Justice Edward P. Furber.

Because Secretary Carver's address so adequately complements those delivered by Representatives CRALEY and MORTON, I ask unanimous consent that it be printed, as follows:

REMARKS OF UNDER SECRETARY OF THE INTERIOR JOHN A. CARVER, JR., AT CEREMONIES OPENING THE FIRST SESSION OF THE CONGRESS OF MICRONESIA, SAIPAN, MARIANA ISLANDS, JULY 12, 1965

This is indeed an historic day—not only for Micronesia, but for the United States of America and the free world everywhere. For today we participate in the founding of a new political institution through which the democratic will of 90,000 people may be worked.

For me personally this is an especially sentimental occasion. When I first visited the trust territory just a little over 4 years ago, it was a journey of familiarization—to learn more about this territory of small islands scattered over a vast expanse of sea, to meet with the people and learn of their aspirations, and to confer with Mr. Goding who had just assumed his new duties.

In that era, Saipan was maintained apart from the rest of Micronesia, the seat of the trust territory government was not even in the territory but in Guam. The essential ingredient of a democratic society—a popularly elected legislative assembly—was not in existence. Public expenditures for education, health, and sanitation lagged further and further behind the needs. Economic activity in the territory was practically at a standstill.

No miracles have occurred in the last 4 years—but the changes in Micronesia are measurable. It is one governmental and territorial entity under unified administration.

Its headquarters is located within the territory. There is a hum of progress in education, medical care, and in the economic life of the area. And today we meet to mark the taking of that first long stride toward the ideal of responsible self-government.

This should indeed be observed as an occasion for congratulations and well wishes for future success. But it must also be the occasion for sober reflection. For the assumption of democratic prerogatives also carries serious burdens for responsibility. You are the chosen leaders of a community which is widely dispersed by geographic distance, language differences, unequal levels of social and educational advancement. It is elemental that you must work for the greatest good to the majority of the Micronesian people. But you must be ever mindful of the rights, the aspirations, and the essential human dignity of the minority. It is one of democracy's greatest virtues that the majority rules, but always attempts to protect the fundamental rights of the minority—not only to disagree, but to live according to its own precepts so long as they do not endanger the rest of the community.

This is the reason that the American Bill of Rights is embodied in the code of the trust territory almost from its inception—and why it is incorporated by reference in the charter for this legislative body. We do not urge the concept of individual freedom just because it is American—or even because we claim any particular genius in its development. It represents, rather, the democratic idealism which has evolved from man's earliest attempt at governing himself in an atmosphere of freedom. We are as indebted to the ancient Greeks and the French and British political philosophers as we are to the actual authors of our own basic political documents. We think them the best set of rules for the regulation of the social community.

There will be some—there may be some already—who will criticize Secretarial Order No. 2882 as being imperfect in one way or another and in one degree or another. I cannot quarrel with such a conclusion. But we must remember that no constitution which evolves from the free consent of men will ever be perfect. By its nature, democracy is and must be a system of compromises. Its products will therefore never fully satisfy those who want to achieve perfect symmetry. But, by the same token, compromise of the majority's position is the only proven method for protecting the minority against tyranny.

What has been done in this order is to start the trust territory on the path to self-government. It will be long, and sometimes difficult. Some aspects of legislative authority are limited or circumscribed—not because we want the Congress of Micronesia to be permanently deprived of the full scope of legislative power, but because our best judgment is that it is better to move gradually and well than to shoulder the total burden suddenly and badly. We are able to develop political and legislative skills through the process of experience. Those peoples who independence was achieved without a background of training in self-government have labored under a great handicap. Democracy stands in jeopardy in those nations where strong central rule became the only answer to the confusion and conflict of undisciplined legislatures. We think Micronesia can and will be spared that kind of experience.

Legislative self-determination is welcomed by the administering authority in many ways, but most particularly in reference to the pace of change that is occurring in the territory. As the sovereign charged with protecting and advancing your welfare, it has been our stated policy to interfere as little as we possible could with the customs and mores of the community. Yet we know that the people are demanding and will demand increasingly that changes be made in the customary way of life. It is fitting and proper that the pace of change be set by representatives of the people, rather than an outside authority no matter how sympathetic and well-intention that authority might be.

In creating this legislative body and in participating in this opening session, we voice confidence in the future of Micronesia. But this confidence must be tempered with realism. What, in terms of stark reality, is the future of this area?

In terms of social and political development, the progress of the recent past gives us confidence that the people of Micronesia can be relied upon to produce institutions adequate to meet their needs.

They are interested in and eagerly seek the education necessary to govern their own affairs and to cope with their environment. As the younger people achieve higher levels of training, they can take over the task of improved health conditions and a generally higher standard of living.

But Micronesia will still be faced with many physical facts of life that present serious problems. Geographic dispersion, a limited land base with a vastly expanding population load, relatively meager resources, and strategic location between the contesting forces of East and West pose grave questions for a viable economic and political community on any kind of a self-sustaining basis.

We must plot a course for the ultimate decision on future political status and association. The ultimate determining factor, so far as the United States is concerned, will be the will of the people who have elected you to represent them in this Congress. But how we arrive at making that choice and how we implement the chosen alternative will involve highly complex negotiations within the United Nations and careful weighing of the national policies of my own country.

We have said in the past that the people of Micronesia should not be called upon to decide their political future until they had been provided the tools with which to make a wise choice—those tools being education sufficient to cope with the modern world, economic development and experience in self-government. These remain valid criteria to govern the timing of that critical decision.

We are bridging that gap of educational lag. Today we launch the latest in a series of steps toward experience in responsible self-government. Economic viability remains as a substantial hurdle to a truly free choice. This Congress, in conjunction with the administration, must concentrate its attention on the hard task of converting resources into an economic fabric which will supply the people with the standard of living to which they aspire.

The history of American administration over the past two decades in this area has been an honorable one. Considering its strategic character in this unsettled world and the constant threat to freedom that has been posed by totalitarian powers, our commitment to the welfare of the people has been constant and overriding, albeit at some times underfinanced. Now we have more than doubled our level of investment in your future. Probably this will have to be increased further in support of your progress toward whatever goals you seek to achieve.

Just as we have confidence in your competence to assume management of your own local affairs, so also do we believe that you are convinced of our good faith in the larger task of protecting and developing your homeland. The world is not likely to become less tense over the next few years, much as we might hope for it. The trust territory will, very likely, continue to be a strategic factor in the defense of freedom—yours as well as the United States. Thus we have a community of interest which is based on mutual confidence and friendship, coupled with necessity.

AMENDING ADMINISTRATIVE EXPENSES ACT OF 1946

Mr. DYAL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. DYAL. Mr. Speaker, I am introducing a bill today to amend the Administrative Expenses Act of 1946, as amended, to provide for reimbursement of certain moving expenses of employees, and to authorize payment of expenses for storage of household goods and personal effects of employees assigned to isolated duty stations within the continental United States.

With the phasing out of military installations, and as technology and new processes change our military complex, it must be recognized in the upsetting of families the Government has a responsibility. It is hoped that the Committee on Government Operations will give this type of legislation very serious consideration.

FIRESTONE TIRE & RUBBER CO.

Mr. McCLORY. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. UTT] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. UTT. Mr. Speaker, the Department of State has consistently said that the American people have a right and duty to make known their views on American foreign policy so that the Government can truly represent the will of the people.

Whether the Department of State and its backers are sincere in their wish to hear the views of the people is certainly questionable in view of recent developments. During the past 5 years the Kennedy and Johnson administrations have encouraged more and more trade with Communist nations. Within the last 6 months the State Department has been pushing, in particular, a deal in which the Firestone Tire & Rubber Co. planned to sell to Communist Rumania an entire synthetic rubber plant worth nearly $50 million. Few people need to be told that such a plant could directly aid the development of the Communist military potential. In the case of Rumania, that Communist nation's leaders have only recently, on July 26, pledged their full support to the Communist Vietcong fighting against our American servicemen in Vietnam.

The Firestone-Rumania deal collapsed because of the activities of Young Americans for Freedom, a national organization of responsible young conservatives, many of them in my own State of California. I am proud to serve, along with many other Members of the House and Senate, on the National Advisory Board on Young Americans for Freedom.

Early this year Young Americans for Freedom mounted a national campaign to inform American consumers of the

Firestone negotiations with Rumania. As a result of these actions by Young Americans for Freedom members in many parts of the Nation, Firestone dropped the deal without explanation. It was obvious that Firestone did not wish to be economically hurt at home in the hope of profit abroad.

On July 26 on the floor of the Senate, a Senator from Arkansas made a totally unwarranted attack on Young Americans for Freedom for exercising their constitutional rights of free speech on the Firestone deal. His speech was immediately supported by the White House and President Johnson ordered Under Secretary of State George Ball to conduct a full investigation of the reasons for the collapse of the Rumania-Firestone negotiations.

Secretary Ball, in a letter to the Senator from Arkansas on July 27, immediately prejudged the investigation by also attacking Young Americans for Freedom by implication and by upholding the principle of trade with Communist nations.

I would not expect any other attitude on the part of Under Secretary Ball. It was he who, 5 years ago as a campaign adviser on foreign trade to the then candidate, John F. Kennedy, called for a complete end to all restrictions on trade with Communist countries, a policy which would indeed be against the best interests of our Nation.

I happen to agree with Young Americans for Freedom that we should put an end to the Johnson administration's policy of trading with the enemy in hopes that this coexistence will somehow bring about peace. We do not remain strong by shipping strategic materials to Communists. We should have learned this simple lesson in the Second World War when tons of American scrap iron came back as Japanese shells and bullets killing American soldiers and sailors.

The attack by the Senator from Arkansas and Under Secretary Ball on Young Americans for Freedom is a symptom of a gravely disturbing development in American political life which is the refusal by the Government to tolerate free speech in opposition to its policies. As Senator STROM THURMOND has pointed out, already an attempt has been made to muzzle the military by limiting their anti-Communist statements. It now appears, as the South Carolina Senator says, that in the case of the Firestone-Rumania rubber deal, the Johnson administration and its spokesmen are trying to muzzle all America.

Mr. Speaker, the interest of Young Americans for Freedom in stopping strategic trade with the Communists is not a new development. Under unanimous consent I insert at this point in the RECORD an article from the February 1965 issue of the official publication of YAF, the New Guard, entitled "East-West Trade," by Mr. R. J. Bocklet.

The article follows:

EAST-WEST TRADE: COUP FOR THE EAST, DANGER TO THE WEST

(By R. J. Bocklet)

"Today the free world policy structure on trade with the Communists is disintegrating. The reason is not remote. The leadership once provided by the United States is disintegrating."

So said a statement issued April 30 by a joint Senate-House Republican leadership group after examining the ever-increasing amount of East-West trade. The statement charged that U.S. negotiations with the Soviet Union which resulted in our selling Russia some $200 million worth of wheat last October acted as a catalyst to other East-West trade deals. The most notable ones concerned England supplying Castro's Cuba with 450 buses early last year (negotiations for an additional 500 are going on presently) and France sending 20 desperately needed locomotives to the Communist island. Hundreds of free world transport ships also found it lucrative to deliver Communist bloc goods to Cuba. All of this took place despite futile pleas by our State Department that the free world should isolate Cuba both economically and politically.

AT $4 BILLION A YEAR

Communist bloc countries now spend over $4 billion a year on Western-made goods, with technologically advanced machinery, even entire factories, accounting for more than half the total. Japan, England, Canada, and Australia engage in trade with Communist China. The Scandinavian countries, together with the other West European countries, find little objectionable in trading with Iron Curtain countries, even in highly technical or strategic materials.

Despite vigorous American protests, the Vickers Co. of England filled an order last year with Communist China for six Viscount jet-prop planes. And in the last 2 years, while North Vietnamese Communist guerrillas are killing Americans in South Vietnam, France sent locomotives and essential motor vehicle parts to North Vietnam.

It should also be noted that many of the bigger trade deals with Communist bloc nations, because of the basic insecurity of making business agreements with such countries, are underwritten by Western governments. It is estimated that NATO countries are now extending some $200 million annually in credit guarantees to finance Communist purchases.

The United Nations is frequently used as a Soviet forum to urge more East-West trade. The New York Times reported on June 23, 1963, that the Soviet Union had intensified its campaign for the establishment of a new U.N. agency on trade matters.

"Back of the drive," the article said, "appears to be a Soviet desire for normal trade relations with Western countries, particularly the United States. * * * The importance Moscow attaches to the trade issue is seen in the frequency with which it is injected into Soviet speeches here."

In a letter to Secretary General U Thant, dated September 17, 1962, Soviet Minister of Foreign Affairs Andrei Gromyko criticized what he described as "various forms of trade discrimination," specifically attacked the Common Market as a "closed grouping," and announced that the Soviet Union was interested in doing everything possible to promote "a radical improvement in international trade and the development of mutually profitable economic ties with all countries."

SENATE INVESTIGATES

Communist bloc overtures to the West for increased trade have succeeded over the last decade of years in breaking down free world resistance to the idea. When the Senate Internal Security Subcommittee investigated exports of strategic materials to Communist bloc nations in October 1961, it disclosed that Western countries had filled Red orders for items such as: a 525,000-volt transformer, two mass spectrometers for use in nuclear and electronic research, instrumentation and control equipment for an oil refinery, electronic equipment for jet aircraft, a 12.6 million hydropower station for a plant on the Soviet-Norwegian border, complete equipment for a plant in Rumania to produce 100 trucks per month, a plant to produce railway wheels and allied products, 50,111 tons of synthetic rubber, a complete asphalt plant, a complete cement plant with a daily output of 1,800 tons, about 35 vessels including more than 15 tankers, 1,000 railroad cars, diesel engines, hundreds of tractors, 140,000 tons of steel pipeline, ball bearings and 500 tons of lacquered tinplate.

All of these transactions, and many others, occurred within a period of 18 months. Similar Communist procurement continues, and there seems to be no change in sight.

"There is no doubt of the importance of such items in building up sectors of the Sino-Soviet economy," said former Senator Kenneth B. Keating, a member of the Senate Internal Security Subcommittee. "Their contribution to the welfare of the bloc was conceded even by Khrushchev. Unquestionably, over a period of years the NATO countries have made a substantial contribution to Communist growth and power by being major suppliers of advanced technology and machinery to the Sino-Soviet bloc."

In his report on concessions, Lenin told the Congress of the Soviet in 1920, "It is necessary to bribe capitalism with extra profit * * * and we will get the basics (equipment) with the aid of which we will strengthen ourselves, will finally get on our feet and then defeat it (capitalism) economically." Lenin's statement of 44 years ago is not outdated.

Today, NATO members, including the United States, are vying fiercely with each other to fill Communist-bloc orders. In the United States, the Department of Commerce issues trade licenses to producers dealing with the Communist bloc.

Materials considered to be of a strategic nature are not permitted to be shipped. However, year after year items classified as strategic are declining in number. This has been brought about by attempts, primarily by the Soviet Union and secondarily by certain U.S. economic interests, to overemphasize the industrial prowess of the Communists. Pro-Soviet propaganda states that the industrial capacity of the Soviet Union is not far behind ours in many areas. Therefore, it is argued, many strategic materials no longer are strategic and should be sold to the Soviet Union.

SOVIET NEEDS HELP

Concerning the Soviet Union's plans for complete automation, Joseph Gwyer, a senior research specialist with the Library of Congress, wrote in Machinery magazine, October, 1959: "It may take her [the Soviet Union] 15 to 20 years with the best training programs and with full completment of required machines and instruments. This period could be shortened to some extent should the Soviet Union go beyond her sphere of interest for direct and indirect help. There are some indications to this effect contained in Soviet East-West trade proposals, where the primary Soviet interest rests in modern machine tools, and equipment for her chemical industry, and the engineering knowhow, especially that of the United States."

Since 1957, when the first Soviet Sputnik was launched, there has been a tendency in the United States to equate Soviet progress in science and technology with our own. This is erroneous. The Soviet Union still relies heavily on industrial equipment received from the United States during World War II. Visitors to the Soviet Union report this equipment is being used even in the leading industrial plants there. Soviet trade journals claim that the Soviet Union has over 200 transfer machines in operation at present. In comparison, the United States has over 8,000. Transfer machines, which turn a semifinished product into a finished

one ready for assembly, are used basically in the automotive industry.

The Economic Gazette, a Russian publication, carried in its issue of September 11, 1961, an article by the Chief Specialist, State Committee for Automation and Machine Manufacturing, who wrote: "The development of all branches of the national economy depends to a large extent on metallurgy. The volume of metal produced, its grades and high quality are obviously very important to the machine manufacturing industry—the latter being the heart of a modern industrial development. * * * Heating elements of electric furnaces manufactured by our metallurgical plants from resistance alloys, perform five to six times less in terms of time than elements imported from abroad. The excess use of deficient, highly expensive metals, for example nickel, is the result. It is possible to present still a number of examples proving that a low quality of metal brings the country tremendous losses."

BALL BEARINGS

The intense Soviet effort to open new trade areas with the West, and the vitriolic denunciations against the West when it refuses certain items to the Communist bloc, testify to the U.S.S.R.'s vital need for industrial and electronic equipment.

The Senate Internal Security Subcommittee was the target of especially bitter Izvestia attacks when it had the sale of miniature ball bearing machines to the Soviet Union stopped in 1961. An export license, approved by the Advisory Committee on Export Control, had been supported by then Secretary of Commerce Mueller and his successor, Luther Hodges, as being issued in the interests of the United States. In the subcommittee's investigation of the matter it found out that the Defense Department had vigorously opposed the granting of the license as being prejudicial to our national security.

The subcommittee also learned that the miniature bearings, produced with the help of the machines which the Soviets sought, had application primarily in missile guideance systems, firing control systems, and other complex defense hardware. The subcommittee was informed that there were 72 such machines in operation in the United States; that all of the precision miniature bearings used by our Defense Department were processed on these machines and that 85 percent of these bearings went for military purposes.

This information was contained in the subcommittee's report sent to President Kennedy. The President read the report immediately and the shipment was stopped on the very day of its scheduled departure.

The facts about the crisis in Soviet industry, in planning, in transportation, and in quality control are enough to stagger the imagination of anyone living in a free enterprise society. The Soviet newspapers and journals admit that repair of existing machine tools occupies 3.5 times as many people as are actually employed in manufacturing new units; that electric motors, during their first year of life, spend 30 to 40 percent of their total working time undergoing repairs, and that, at any given time, not less than 40 percent of all vehicles in the Soviet Union are idle, awaiting repairs.

MASS BREAKDOWN

Soviet expert Joseph Gwyer, writing in the Industrial Quality Control Journal (vol. X, No. 2, revised to December 1963) revealed: "During the past 5 years the Soviets have devoted more and more studies to the analysis of production difficulties, especially to quality control methods and procedures. Such disclosures as the fact that 800,000 metal-cutting machine tools are currently used in repairing equipment, that about 30 percent of all Soviet tractors, up to 60 percent of all automobiles, and up to 25 percent of construction machinery are systematically idle because of substandard quality of parts and assemblies, have a disturbing effect on the manufacturer and the quality control engineer in the plant.

"The annual cost of repair and maintenance of metal-cutting machine tools amounts to 1 billion rubles, a sum greater than that allotted for the production of new machine tools. The amount of metal going annually into spare parts for existing tractors, would be sufficient to manufacture 180,000 new tractors, and the amount of metal going into spare parts for automobiles during the 1959–65 period is estimated to be the equivalent of 3 million new cars."

WHAT IS STRATEGIC?

It should be realized, then, that the Soviet economy in many areas lags far behind our own and that material we no longer consider strategic may still be vitally important to the Russians. Also, by Soviet standards, an item is strategic when the Communists have to set up certain priorities to produce it, e.g., machine tools, floor space, and manpower. If the needed item can be purchased abroad, this segment of their industry is freed to produce something else which is required and cannot be purchased abroad.

Said Senator THOMAS J. DODD: "Instead of catching up with the West, and becoming less dependent on it, Soviet industry seems to be lagging further and further behind the West and to be growing more dependent on it. This is so because the technological explosion of the past decade has made modern industry more dependent than ever on ultrahigh precision and on instruments capable of assuring such precision, on rigid standards of quality control, on sophistication of design and painstaking workmanship. These are precisely the areas where the Soviet Union is weakest and where the Soviet system raises the greatest obstacles to progress."

Profits derived from trade with the East have been marginal. In 1962, West Germany, the leading exporter to the Communist bloc, sold only 5.6 percent of its total exports that year in the East, while the figure for Italy was 5.6, for France 4.3, and for England 3.6. From these figures it is apparent that the West would not suffer much even if the Communist market were to vanish overnight.

CRITICAL TO U.S.S.R.

On the Communist side, however, East-West trade, despite its limited dollar volume, is of critical importance. The Communist bloc must have Western assistance to cope with its perennial agricultural crises together with the chronic deficiencies of its industries. Thus the Communists are constantly badgering the West for precision machinery for heavy and light industries; for equipment—for entire plants—for their chemical industries; for sheet steel and steel pipe, and for electronic equipment. A single purchase of machinery valued at several million dollars may suffice to give the Communists a priceless capability that they would have no way of developing on their own.

This whole question of East-West trade, together with its many ramifications such as some unified concept of what actually is strategic in trade with the East, should be looked into soon. Senator DODD, last June 4, called for the United States to take the initiative in convening, through NATO, an allied conference on the subject of East-West trade.

Such a conference, argued Senator DODD, could serve the purpose of putting the expansion of East-West trade on a rational basis. The expansion of the list of tradeable commodities would be spelled out and not left to hazard or to the determination of profit-hungry businessmen throughout the West. When a strategic list is agreed upon, the conference then might establish some mechanism to enforce the ban on such commodities. It might also lay down general rules on the extension of credit and possibly on trade with certain relatively independent satellite countries.

The conference might also use opportunities presented through the Communists' need for East-West trade as instruments for peace and stability in the world.

The West might insist that, as a condition for bailing the Communists out of their agricultural and industrial crises, the Reds bring to a halt their subversive activities in Latin America and elsewhere. Or it might insist that the Communists respect the International Patent Convention and that they cease undercutting Western oil by selling oil at uneconomical prices.

In return for certain trade and credit concessions on the part of the West, the Russians might be persuaded to take down the Berlin wall or agree to a reunification of Germany through free elections. Though some of these proposals might be considered far reaching today, they might not be so considered in the future.

Let us hope that some future historians will not have to write that, by continuing to share the means of economic power with the Communists without first posing certain elementary political conditions, the great Western nations made themselves the instruments of their own destruction.

NATIONAL FEDERATION OF LABOR

Mr. McCLORY. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. UTT] 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 Illinois?

There was no objection.

Mr. UTT. Mr. Speaker, under unanimous consent to extend my remarks in the body of the RECORD, I include the testimony of Mrs. Rosalind Frame before the Senate Judiciary Subcommittee on Immigration and Nationality on July 29, 1965. Mrs. Frame, besides representing herself, was appearing on behalf of the National Federation of Labor. Mrs. Frame has given years of study and research with reference to the McCarran-Walter Act, and the effect on America if the pending revision of this act is passed into law.

The United States is constantly accused of being too restrictive in its immigration policy. In her testimony, Mrs. Frame lists some 36 nations whose immigration restrictions are much tighter than those of the United States, and sets out those more restrictive provisions. I hope that this testimony will be examined with care.

TESTIMONY OF ROSALIND K. FRAME, BEFORE THE SENATE JUDICIARY SUBCOMMITTEE ON IMMIGRATION AND NATIONALITY, U.S. SENATE, JULY 29, 1965, WASHINGTON, D.C.

I am Rosalind Frame, executive director of Doorstep Savannah, an organization whose primary function is education through Americanism programs of all types. Today, I present testimony at the request of the National Federation of Labor, whose headquarters are at 937 NE. First Avenue, Miami, Fla. The National Federation of Labor is an independent labor organization whose objective is to protect its membership against unemployment, unfair labor practices, etc.

Gentlemen, I am glad to come before your committee, because I have information concerning the Asia-Pacific triangle that is sure

to be of interest to each of you. The Asia-Pacific triangle was created for a specific purpose by the Members of Congress who wrote the McCarran-Walter Immigration Act. The law of the Asia-Pacific triangle reads that if a person is indigenous to the Pacific or to Asia, he must be charged to that area when seeking entry to our Nation. This, then, is a part of our present immigration law which permits entry of people from all nations, but restricts the number of some, to assure of their assimilability. But why was it neccessary to impose the Asia-Pacific triangle?

I have prepared a map showing the countries included in the Asia-Pacific triangle. They are all those countries within the area of the green triangle. Each country was given a quota of 100.[1]

[In thousands]	
Burma	23,664
Ceylon	10,625
China	686,400
Cyprus	589
India	449,381
Indonesia	97,765
Iran	22,138
Iraq	6,732
Israel	2,400
Japan	96,160
Jordan	1,727
Korea	27,239
Lebanon	1,822
Pakistan	98,612
Philippines	30,331
Thailand	28,835
Vietnam	31,517
Yemen	5,000
Other Asia-Pacific islands	1,000
Grand total	1,621,937

There are 125 independent nations in the world. However, over one-half of the world population can be found within the Asia-Pacific Triangle. In the World Almanac of 1965 the world population is listed as 3,072 million. According to these figures, more than half the world population (by 86 million people) live within the Asia-Pacific Triangle.

Under our present immigration law, the national origins quota system is based on the theory that we should maintain a flow of immigrants with cultural backgrounds and customs as similar as possible to those already in the United States. This bears out the theory that those most alike get along best. Asiatic backgrounds, religions, cultures and customs are diametrically opposite those of Americans. I have here, for your inspection, a map showing the Judeo-Christian nations of the world which illustrates one facet of this fact.

Let us compare further by looking into the genetics of the nationalities within the Asia-Pacific Triangle in relation to our own.

The white American reproduces at annual rate of 17.5 persons per 100.

The Negro American reproduces at annual rate of 25.4 persons per 100.

The Chinese reproduce at annual rate of 58.2 persons per 100.

The Chinese reproduce at the rate of more than three times that of the average American Caucasian. Am I speaking of the Chinese in China as compared with the Chinese in America? No. I am presenting figures given by the U.S. Bureau of Census for the Chinese birthrate within the United States.[2]

According to the provisions of Senate bill S. 500 and House bill H.R. 2580, the Asia-Pacific Triangle will be eliminated and immigrants will be brought into our country on a word population basis, or even on a first-come, first-served basis. In either case, the most populated countries will get preference according to the ratio of their population and pressures. A conservative figure for Red Chinese immigrants per year, would be 220,000. Let me explain how this figure is reached. (See page inserted, exhibit 3.)

At our present rate of population reproduction, the United States is expected to more than double the present population within 40 years. Let's explore the prospects of what will happen to the United States if we remove the restrictions of the Asia-Pacific Triangle, eliminate the national origins quota system and increase our immigration ceilings as currently proposed in the bills under consideration. What happens when 220,000 Red Chinese are brought in per year over a 40-year period? (See chart, exhibit 4, numerical chart of population rate of Chinese.)

Gentlemen, I have here a chart showing, in the first column, the immigration into the United States of 220,000 Red Chinese per year over a 40-year period. As you will see, after the first year, the original group is expected to produce 128,040 offspring per year and, at their average rate, will continue producing the same number of offspring per year over a 20-year span, as we conclude that 20 years is a conservative figure for reproductivity of the Chinese. They start reproducing at the age of 14, so column No. 3 shows the children of the issue born in this country and they, in turn continue for a 20-year period. Column No. 4 indicates the offspring 14 years later, or at the end of 28 years, of the first-born children in this country, and all of these columns have just been associated with the first group which came into the United States the first year. The following column with the large No. 2 above it shows the offspring of those Red Chinese immigrants who came in the second year, and the process is repeated for 40 years.

I also present here a sheet showing the overall character of expected immigrants under the proposed administration bill No. S. 500, H.R. 2580. (Exhibit 5; exhibit 5A.)

Today, we have in the United States a population of approximately 195 million people. Within a 40-year period (which all of us might live to see) there will be 114 million Red Chinese without considering the children of the 1 million Chinese[3] already living within the United States. This figure of 114 million is 57 percent of our present population. This is more than half the population of the United States today.

Gentlemen, let us leave this amazing statement and, for a few moments, examine the immigration laws of other nations. I will only focus attention on those nations whose immigration laws are more restricting than the immigration laws of the United States, in order to show the comparison of our laws with those of other nations, whose regulations and rules I was able to secure. However, in order to clarify the restrictions imposed by the McCarran-Walter Act, let me list those exclusions from immigration who would be dangerous or detrimental to our society: incurables (including feebleminded, insane, drug addicts), those with contagious diseases (such as tuberculosis), alcoholics, beggers, vagrants, prostitutes, procurers, criminals, illiterates, anarchists, members of the Communist party, or any other totalitarian party, subversives, those likely to become public charges, and those who seek to enter the United States by fraudulent means, or have been deported.

(See pages of restrictions and requirements, exhibit 6.[4])

Gentlemen, I have just presented more than 3 legal-length pages of restrictions and requirements from the 39 nations who replied to our letters or whose rulings we were able to secure. I now present to you the fact that the United States, under the McCarran-Walter Immigration Act, imposes none of the above-mentioned restrictions and makes none of these requirements. However, false propaganda is continuously being circulated claiming the United States discriminates against certain nations.

Gentlemen, we must not lose sight of the fact that an average of 20,000 Chinese per year now immigrate into the United States under our wide-open-door policy. The additional figure of 2,290 permited entry under the national origins quota policy is, in effect, a bonus. This bonus allows many immigrants a second chance, as it permits entry of an additional 158,161 immigrants per year, over and above the more than 200,000 who come in through our first chance, which I call our wide-open-door policy. By giving a quota of 2,290 annually to the nations within the Asia-Pacific triangle, they receive more than they would have received, had the mathematical formula of one-sixth of 1 percent (used in computing quotas for European countries) been applied.

When the McCarran-Walter Immigration Act was created 13 years ago, the Japanese-American Citizens League and the Chinese-American Citizens Alliance were pleased with the liberal provisions of the act.[5] In view of the restrictions imposed against the entry of any Chinese by nations across the world, it is easy to understand why the Chinese and Japanese were pleased with the McCarran-Walter Immigration Act.

During the 4½ years of research which was necessary for the creation of the comprehensive McCarran-Walter Act, investigators detected such a high percentage of Communists and subversive infiltration among immigrants that it became necessary to create a new agency of the Government in order to determine the rate of Communist infiltration through immigration. Hence the creation of the Senate Internal Security Subcommittee. This committee found such a shockingly high percentage of infiltrators among Asiatics and Russians that this was one of the main purposes in drawing up the Asia-Pacific triangle. Let me explain this further.

Immediately upon arrival of an Asiatic in the United States, a communication from behind the Bamboo Curtain may pressure him into doing certain things, and certainly voting, to the advantage of the Communist cause. The threat used is the murder of his parents or relatives at home. Being inherently ancestor worshipers, the Asiatic (who has never been self-determining), will never question the morality of the order, but will act according to the instructions of the Communists who dictated the order. Security screening being impossible from Communist nations, we may be certain the very large percentage of immigrants already are (and will continue to be), trained Communists, under party discipline. This would indicate a need for careful reappraisal and strengthening of our existing immigration laws, particularly in view of the possibility that 22 percent of the immigrants coming in under the proposed new bill will be from Red China. Although we know that many of our Chinese immigrants have made fine patriotic Americans, the world situation today is such that we cannot afford to loosen our restrictions—they should be tightened instead.

To bring annually into the United States 1 million immigrants from several nations will change the character and thinking of our country in a few years' period. When your ideas change, your form of government changes. Add to these premises the fact that the United States is embroiled across the Nation with racial riots. Gentlemen, can you

[1] Report of the Immigration and Nationality Act of 1962.

[2] 1960 Census of Population, vol. 1, "Characteristics of Population," pt. 1, U.S. summary, p. XI.

[3] "American Immigration Policies," by Marion T. Bennett (p. 335).

[4] Library of Congress and correspondence with other nations.

[5] "American Immigration Policies," by Marion T. Bennett (p. 177).

visualize the racial riots, the chaos and bloodshed when our Negroes, our Puerto Ricans, Italians, Poles, Irish, Germans, Cubans, and French will be forced into unemployment because of the immigration of hundreds of thousands of Red Chinese, Asians or Russians? According to the Miami Herald of March 30, 1965, there are almost 8 million people on our relief rolls, costing us more than $5 billion annually, and 3½ million unemployed at our lowest peak of unemployment in many years for this season of the year.[6]

Bringing into the United States an estimated 1 million immigrants per year is equal to depositing, annually, the population of a city the size of Cincinnati and its suburbs, metropolitan Houston, or Atlanta and its suburbs. Remember, this would occur each year.

The United States is the largest immigrant-receiving nation in the world.[7] So far as my research shows, there is no nation which comes within 200,000 immigrants per year of those received by America. Yet the administration proposes an increase of more than 200 percent.

Russia, which is more than twice the size of the United States, has only 26 persons per square mile, but they forbid entry of any immigrants except under extraordinary circumstances. The United States has twice as many persons per square mile—52—but we still bring in the most immigrants of any nation in the world, including more than 2,697 from our enemy, Communist Russia, each year.

Masao Takanashi, the authority on immigration for Japan, in 1959 stated in his book the following: "As a nation of immigrants, the United States has the most far-reaching and comprehensive immigration law in the world."

The United States is one of the few nations whose immigration laws discriminate against no nation and no race. It restricts the number from some nations; however it forbids entry to none. We have an obligation to each of our various immigrant groups to refrain from upsetting the balance which permits them to live together in peace and harmony in this country regardless of their Old World ties, animosities or discordant relationships. As Americans, we must not forget that the people of the world, particularly those behind the Iron and Bamboo Curtains, individually look to the United States to save them from communism. It is our obligation to remember that only a long-range program of sanity and security-screening and our Nation's continued belief in God, upon which our country was founded, can assure these slave nations of eventual freedom.

False propaganda is continuously circulated, claiming the United States discriminates against certain nations. The United States is the largest immigrant receiving nation in the world. To eliminate the Asia-Pacific Triangle, which gives us a small measure of protection against Communists and radical changes in cultures, and to increase immigration to our already overpopulated Nation by 1 million immigrants per year, is a decision which you gentlemen will make. The responsibility lies in your hands. If you should recommend the adoption of the proposed administration immigration bill, I urge you to tell your constituents that they should ask themselves the question: "Will our grandchildren speak our language?"

I have presented this testimony today in behalf of the National Federation of Labor. I bring with me resolutions and petitions from various organizations, signed by hundreds of individual citizens who wish to petition you gentlemen of the Congress in support of the McCarran-Walter Immigration Act. Please permit me to read the list of these groups, and present to the secretary of the committee, copies of these resolutions and petitions.

1. National Federation of Labor.
2. Acarn, Young Americans for Freedom Radio Council.
3. American Legion in National Convention.
4. Association of American Physicians & Surgeons.
5. Atlanta Chapter Young Americans for Freedom.
6. Brotherhood of Railroad Trainmen.
7. Business & Professional Women's Club of Ridgeland.
8. California Republican Assembly.
9. Citizens Councils of Georgia.
10. Cobb County Farm Bureau.
11. Cobb County Justice of Peace Association.
12. Compass Club of Atlanta.
13. Doorstep Savannah.
14. Duval County Federation for Constitutional Government.
15. Duval County States Rights Association (resolution).
16. Duval County States Rights Association (petition).
17. Georgia Young Americans for Freedom.
18. Israel M. Goldberg (wire).
19. Kiwanis Club of Savannah.
20. League for American Ideals.
21. Military Order of World Wars.
22. North Fulton Federation of Republican Women.
23. Paul Revere Historical Society.
24. Perrine Civil Betterment Association.
25. Ridgeland's Lions Club.
26. Savannah Citizens Council (telegram).
27. Savannah Citizens Council (resolution).
28. Third Order of St. Francis.
29. Truth Forum.
30. United Republicans of California.
31. Voiture 163.
32. Women's Voters Study Club of Borger, Tex., July 29, 1964.
33. Women's Voters Study Club, March 29, 1965.
34. Young Americans for Freedom, Savannah Chapter.

EXHIBIT 3.—*Estimates of increased immigration*

Under the proposed immigration legislation:

1. Quota immigration would be increased from 154,000 to 165,000 annually and all would be used via a pool of unused quotas (presently 50,000 to 60,000 per year)	165,000
2. The Asia-Pacific Triangle would be eliminated. This is now in the law to assure that orientals are chargeable to oriental quotas. Because of the known pressure to migrate to the United States by orientals, it is a certainty that maximum use of nonquota status of Western Hemisphere countries would be made. It is known that the oriental population of the Western Hemisphere has increased by millions in the past several years. It would be impossible to get background checks and disproportionate numbers would claim that they were born in the Western Hemisphere and hence eligible for nonquota status. A conservative estimate would be not less than 100,000 per year	100,000

EXHIBIT 3.—*Estimates of increased immigration*—Continued

2—Continued This figure could be in excess of 220,000 per year if the figure of 20,000 per year were granted to each of the nations within the Asia-Pacific Triangle, of which there are 20. To this add the additional figures for exemption, as well as the immigration from the 1 million Chinese living in nonquota countries plus the 16 million overseas Chinese, which population figure is the largest overseas bloc of any nationality in the world.	
3. Nonquota status would be extended to Trinidad, Tobago, and Jamaica. A conservative estimate would be the same as the number who enter annually from Puerto Rico	50,000
4. Nonquota status is extended to all parents of our citizens as well as to their spouses and children who presently have second quota preference. (Suspension of deportation cases now run anywhere from 20,000 to 30,000 a year)	35,000
5. Unlimited refugees (the term refugee is constantly being expanded to include anyone out of their country who cannot return to his homeland because of persecution for race, religion, or politics. Note: H.R. 2580, sec. 13, sec. 1)	500,000
6. Elimination or softening of the exclusion provisions of the present law. (Physical—epilepsy, sec. 17(B)(4))	10,000
7. Derivatives of resident aliens (wives, minor children, etc. as nonquota)	100,000
8. Nonquota—Western Hemisphere (under present law)	135,000
9. Other nonquota (under present law)	75,000
Total	1,170,000

N.B.—Impact in toto would not be felt until the fifth year.

EXHIBIT 5.—*Are U.S. immigration policies in danger?*

Rate of reproduction by race within United States:

White race	17.5
Negro race	25.4
Chinese	58.2

(Figures from U.S. Bureau of Census.)

Most populated nations: [1]

	Percentage of world population
World population (3,072 million)	
Red China (686,400,000)	22
India (449,381,000)	14
Russia (226,253,000)	7
Pakistan (98,612,000)	3.2
Indonesia (97,765,000)	3.2
Japan (96,160,000)	3.1

[1] 1965 World Almanac

Under new immigration bill, these will receive preference.

These nations with cultures most similar to ours are discriminated against under new bill:

	Percentage of world population
England (53,500,700)	1.7
Italy (51,507,000)	1.7
France (48,133,000)	1.5
Canada (18,238,247)	.6
Australia (10,965,100)	.4
Scotland (5,196,600)	.016
Ireland (2,841,000)	.009

[6] Department of Commerce, April 1965, report printed in the publication "Employment and Earnings" published by U.S. Department of Labor (June issue).

[7] "A study of Our Immigration Laws" by Robert C. Alexander, former Deputy Director, Visa Office, Department of State (p. 42).

Under the proposed immigration bill, our national origins quota system will be reversed.

Proposed Chinese immigration 22 percent per year of 1 million immigrants procreation rate of 58.2 percent per year:	
1st 10 years, admitted	2,200,000
2d 10 years, admitted	2,200,000
increase, 2d generation	75,543,600
3d 10 years, admitted	2,200,000
increase, 3d generation	26,081,650
4th 10 years, admitted	2,200,000
increase, 4th generation	3,046,670
Total admitted, 40-year period	8,800,000
Increase 58.2 percent per year	105,571,920
Total result of Chinese immigration	[1] 114,371,920

[1] More than 57 percent of the population in the United States today.

EXHIBIT 5A

Nation	Percentage	Population
World population	100	3,072,000,000
OUR ENEMIES GET PREFERENCE (CHINA, RUSSIA)		
China	22	686,400,000
India	14	449,381,000
Russia	7	226,253,000
Pakistan	3.2	98,612,000
Indonesia	3.2	97,765,000
Japan	3.1	96,160,000
OUR FRIENDS GET LEFT OUT		
England	1.7	53,500,708
Italy	1.7	51,507,000
France	1.5	48,133,000
Canada	.6	18,238,247
Australia	.4	10,965,100
Scotland	.016	5,196,600
Ireland	.009	2,841,000

EXHIBIT 6.—RESTRICTIONS AND REQUIREMENTS OF FOREIGN COUNTRIES FOR IMMIGRATION AND NATURALIZATION

ARGENTINA

Officially maintains no racial exclusion policies, yet permits no member of a colored race to settle in the country. Nationals of Communist countries may come in on a temporary basis only (e.g. diplomatic service). Immigrants must post bond to cover their passage home in case they are deported on 24-hour notice (D, pp. 2, 3, 8).

AUSTRALIA

All races other than white race are barred. Also anyone considered unsuitable is barred (E, p. 9).

BOLIVIA

Gypsies and nomads prohibited. Immigrant must present baptismal certificate, and show proof of capital of at least 5,000 bolivianos (D, pp. 10, 12).

BRAZIL

Certain restrictions imposed on all nationalities with exception of Portuguese. Europeans are favored above others, and those considered "harmful to public order" barred (D, pp. 13, 14).

CANADA

Asiatics (with some tightly regulated exceptions) are prohibited. A person may be prohibited if, in the opinion of the special inquiry officer such person should not be admitted by reason of: peculiar customs, habits, or modes of life, or methods of holding property in his country of birth, or citizenship prior to his coming to Canada, of his probable inability to become readily assimilated (E, p. 4).

COLOMBIA

Immigrant must be under 45 years of age unless related to other immigrants already established in the country. Persons "who would preach disobedience." Prohibitions are enforced against women traveling alone, except as tourists or transients (D, pp. 23, 24).

COSTA RICA

Republic of: Arabs, Turks, Syrians, Armenians, and Gypsies of any nationality are prohibited. The "coolies" class is also prohibited (D, pp. 27, 28).

DOMINICAN REPUBLIC

Those unable to read and write (D, p. 31).

ECUADOR

Gypsies prohibited. Immigrant must have proof of legitimate profession, certificates stating that he does not belong to any organization considered subsersive or in opposition to the established order in Ecuador, and receipt for deposit of $500 (D, pp. 33, 34).

EL SALVADOR

Requires good health, good conduct, and ability to work. Immigrant required to have a profession or skill sufficient for engaging in financial activities, etc. Certificate of good conduct. Certificate of birth (letter, Feb. 24, 1965).

ENGLAND

Has stopped the influx of West Indian Negroes by specifying that immigrants have jobs waiting, or possess useful skills or education.

GHANA

Those who are declared undesirable by the government, or those persons or classes of persons declared prohibited by the minister at any time are barred (C, p. 16).

GUATEMALA

Members of the yellow, or Mongolian race, and members of the Negro race (except otherwise provided by law) and Gypsies are prohibited. Persons of Turkish, Syrian, Lebanese, Arabian, Greek, Palestinian, Armenian, Egyptian, Hindu, Iranian, or Afghan origin, or peoples native to the North African coast are prohibited—unless they can prove, by application in advance, to the Ministry of Foreign Affairs, that they: are married to a person already in the country; ascendant or descendant of a person of the same origin already in the country; or that they have previously resided in the country and have an established business therein. Persons in these categories, in order to be admitted, must deposit 200 quetzales, reimbursable when they leave the country within a year of their entry (D, pp. 36–39).

HAITI

Anyone considered "undesirable" is prohibited. Immigrant must be financially capable, and have a personal reference (D, p. 42).

HONDURAS

Negroes, gypsies, "coolies," Chinese, Syrians, Assyrians, and Bedouins are prohibited. Armenians, Palestinians, Czechoslovaks, Poles, and Lebanese may enter under strict requirements (D, p. 44) (letter Feb. 26, 1965).

INDIA

Foreigners must comply with all conditions prescribed: requiring him to reside in a particular place; imposing restrictions on his movements; requiring him to submit to physical examinations; prohibiting him from association with persons of a specified description; prohibiting him from engaging in specified activities; prohibiting him from using or possessing specified articles, and he must comply with other specified regulations of his conduct. Such persons may be required to post bond or surety (E, pp. 10, 11).

INDONESIA

Persons under suspicion or considered dangerous for public peace are prohibited. So long as a woman is married, she shall not be allowed to apply for naturalization (B, pp. 10, 12).

ISRAEL

Excludes all but those of Jewish origin.

JORDAN

Exporting more than receiving. Must be a resident for 4 years, and know the Arabic language to become naturalized (letter, Feb. 19, 1965).

KENYA

Any person or class of persons determined by the government to be undesirable are prohibited. Immigrants must undergo physical examinations and interrogation. Must have entry permit (C, pp. 20, 21).

LIBERIA

Immigrants are not permitted into the country in larger numbers than can be assimilated within a reasonable time. All nationalities and races are allowed to enter the country; however, only persons of Negro descent may become citizens of Liberia (letter, Feb. 16, 1965).

MEXICO

Those who cannot read and write. Immigrants must be of independent means and though not specified by law, immigrants with Spanish background are generally favored (Dean Clarence Manion) (D, pp. 48, 49).

MOROCCO

Authority to grant passports and visas to immigrants rests with Moroccan consular authorities. Must be 21 years of age, 5 years' residence in Morocco, and knowledge of Arabic language to become citizen (C, pp. 10, 11).

NEPAL

Had closed-door policy until latter part of 1940's—even to visitors. Immigrants must hold immobile property (real estate) and be resident for 12 years to become citizen (Embassy letters, Mar. 5, 1965).

NICARAGUA

Turks, Arabs, Syrians, Armenians, Negroes, Chinese, coolies, and gypsies are prohibited. Members of anarchist societies are not permitted in Nicaragua. Those who would teach disobedience of the laws, persons who disseminate doctrines dangerous to the social welfare or public morality, or order, or persons who, by reason of their ethnic origin, are known to be dangerous to existing social order also are prohibited (D, pp. 51, 52).

NIGERIA

Those whose admission would harm national security are prohibited. Control is subject to notice given by an immigration officer at any time that a person cannot enter, or cannot remain in the country. In such case, the person(s) must leave immediately. The Minister of Internal Affairs can, at any time, classify a person as prohibited. Immigrants must give security in such amounts as the Minister may prescribe (C, p. 22).

PANAMA

Gypsies and anyone who might lower the standard of living are prohibited. Immigrants must deposit repatriation sum of 250 balboas (D, pp. 54 and 55).

PARAGUAY

Encourages American and European immigrants—limits entry of Asians and Africans and others not included as American or European. Persons over 60 years of age are prohibited unless they have a child. Persons advocating change of society are barred (D, pp. 56, 57).

PERU

Immigration may not exceed the percentage of 2 per 1,000 of the total population of Peru. Gypsies, nihilists, and persons who profess doctrines or are members of parties or groups advocating the destruction of the established political and social order are prohibited. Immigrant must be able to read and write and must have documents proving filiation of all children (D, pp. 58, 59).

PHILIPPINES

Will not accept more than 50 individuals of any 1 nationality for 1 year. Prohibits those who cannot read or write, and unskilled manual laborers (D, pp. 76, 77) (letter from Philippine Embassy).

SOUTH AFRICA

Immigration controlled by selective board with complete discretionary powers. Minister of the Interior has the right to refuse admission to any alien without giving any reason. Persons of those races which the selective board has determined are not easily assimilated to the European trades or professions are usually prohibited. Anyone who cannot read or write any European language is prohibited. It is almost impossible for Asiatics to enter the county (C, pp. 25, 26).

SWITZERLAND

Accepts no immigrants. Has agreement with several countries regarding visa regulations and working permits (letter, Feb. 17, 1965).

SYRIA

Will not accept persons who hold nationality of any Arab State (letter, Feb. 12, 1965).

TURKEY

Must have Turkish background to obtain citizenship. Immigrants who wish to engage in business or profession reserved for Turkish citizens are prohibited. Persons whose activities are not compatible with Turkish laws, usages, customs, and political requirements are also prohibited. Gypsies also prohibited (C, pp. 7, 8).

UNITED ARAB REPUBLIC

Must reside in Egypt 10 years and know Arabic language to become citizen (C, p. 15).

U.S.S.R.

Accepts no immigrants except under exceptional circumstances.

URUGUAY

Failure to submit permit from Uruguayan consul stating that immigrant has a trade or profession results in prohibition. Immigrant must obtain entry permit, certificate stating that they do not belong to any social or political group advocating the overthrow of the Government, and proof of not being subversive (D, pp. 65, 66, 68).

VENEZUELA

Persons who are not of the white race are prohibited. Persons over 60 years old, persons who can not prove good record and habits. Gypsies, peddlers, and persons who profess or advocate ideas contrary to the form of government are prohibited. Persons whose presence may disturb the domestic public order, persons who advocate communism, and any foreigners who the President of the Republic may consider inadmissible, are prohibited (D, pp. 69, 70, 71).

And now, gentlemen, I present the United States. Under the McCarran-Walter Act, none of the above restrictions or requirements are made.

TRAVELER TO THE PACIFIC WARS

Mr. McCLORY. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. LAIRD] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. LAIRD. Mr. Speaker, a highly illuminating and deeply perceptive account of what is going on in Vietnam appeared in the August issue of Fortune magazine. Written by Fortune Editor Charles Murphy, the article raises some very serious and fundamental questions about our policies and actions in that beleaguered country. It is an interesting, disturbing, and thought-provoking account by an eyewitness whose background and journalistic experience entitle him to be heard.

So that all of my colleagues may have an opportunity to read Mr. Murphy's analysis, under unanimous consent I ask that the article, entitled "Traveler to the Pacific Wars" be included in the RECORD at this point.

The article referred to follows:

TRAVELER TO THE PACIFIC WARS

(NOTE.—Fortune Editor Charles Murphy has been making an extended tour of the South Pacific. His report on New Zealand ("Traveler in a Small Utopia") and Australia ("Traveler on the Rim of Asia") appeared in the May and June issues. From Australia he flew on to Singapore and Bangkok. A report on that area will be detailed in an early issue. This letter begins with his reflections as he approaches Saigon and the larger war in Vietnam.)

(By Charles J. V. Murphy)

Viewed in the perspective of U.S. strategy in the Pacific, the present war in Vietnam is only part, though a crucial part, of a much larger whole. The involvement of the United States and its allies stretches all the way from the Antipodes to Japan and Korea, and in fact four wars are presently going on in the Pacific area. The biggest, in South Vietnam, engages on our side some 580,000 South Vietnamese fighting men, at least 75,000 United States troops, very substantial fractions of United States tactical air and carrier task forces, and Australian, New Zealand, and Korean contingents. The other big war is the one launched by Indonesia against its neighbor Malaysia—the so-called confrontation war. This strange term was invented by President Sukarno for his so far unavailing effort to pitch the British out of Malaysia and most particularly off their commanding airfields and magnificent naval base at Singapore. This has drawn in some 50,000 British (including 14,000 Gurkhas), about 50,000 Malaysians (including internal security forces), and small Australian and New Zealand forces. A war collaterally related to the Vietnamese one is being fought in Laos against the Hanoi-directed Pathet Lao. Here the hitherto desultory neutralist Laotian forces, with assistance from the Thais, are attempting to block the Ho Chi-Minh trails into South Vietnam. The fourth war, between Taiwan and Red China, is in suspense except for occasional air and naval brushes.

Until recently the anti-Communist powers in the Pacific have tried to maintain the fiction that their wars were separate. Now, in a very real sense, the wars are beginning to flow together. It is plain that the United States, its partners, and friends, must rethink their Pacific strategy and alliances for the immense test in the making with Red China's power.

There was not much to see from 30,000 feet. In these near equatorial latitudes, the rainy season had begun rather earlier than usual, and much of the time the plane was either in or over soggy, heavy cloud layers. Soon after takeoff from Bangkok, however, I noticed that the pilot angled southward over the Gulf of Siam, so as to skirt the Cambodian delta. Some few days before, the left-leaning, somewhat frivolous Prince Sihanouk had noisily broken off such diplomatic business as until then went on between Cambodia and the United States. His displeasure embraced Thailand as well, as America's good and helpful ally, and it was therefore only commonsense for the Thai commercial pilots to shy clear of the itchy-fingered gunners, friends and foes alike, who man the Cambodian-Vietnamese borders.

At this stage of my travels I was well up what I had come to think of as the Pacific ladder of trouble, which stretches from the Antipodes through Malaysia and Thailand into Taiwan and beyond to Panmunjom, across some 10,000 miles of land and ocean in all. In Borneo I had been shown what might in modesty be described as a VIP view of that other major Asian war—the so-called "confrontation war" between the new British-protected state of Malaysia and Indonesia. It's a bona fide war all right, although for cost and killing it doesn't begin to compare with the one that we Americans are in for in Vietnam, some 400 miles away, on the far shore of the South China Sea. Still, there were small but sharp running sea fights at night in Singapore Harbor while I was there, and shooting was going on in the rubber plantations of Johore and in the pepper groves of Sarawak and Sabah.

From Singapore, in due course, I had gone on to Bangkok. Alone among the SEATO partners and the American allies in the Pacific, Thailand occupies a physical bridge, or link, between the British war to save for the West the sea gate between the Pacific and Indian oceans and the American war to save for the West a political and military lodgment on the Asian continent. Though Bangkok itself is the capital of the SEATO alliance, Thailand is not yet formally a belligerent in the Far East. Nevertheless, it has become in a studied way a de facto power in both situations. It has bravely lent its geography to the Laotians and ourselves in manners it does not wish specified for military pressures against the North Vietnamese deployments that are a potential hazard to Thailand. It has also begun to give serious attention, for the first time, to the feasibility of a joint operation with the British and Malaysian forces for the purpose of cornering in the wild mountains of southern Thailand a band of Peiping-oriented guerrillas who are the last surviving cadres of the Communist movement that sought to take over postwar Malaya.

Nations and people of like minds in the western and southern Pacific, it seemed to me, were finally beginning to come together out of a realization of a growing common danger. A year ago the United States, Britain, New Zealand, Australia, and Malaysia were pursuing their separate interests in the Pacific with sidelong glances at each other to see how the other was faring. Then, in a matter of months, the Australians and New Zealanders became engaged. Australians are now fighting in Malaysia; both Australia and New Zealand have taken the hard decision to send combat troops into South Vietnam. And so the alliances are converging.

There was no mystery about the circumstances that had finally begun to pull the Pacific alliances together. It was, first, the sudden appalling realization that the fragile structure of South Vietnam was on the verge of falling apart and, next, the spectacle of the United States striking with its too long withheld airpower at North Vietnam and moving tens of thousands of combat troops across the Pacific into South Vietnam. But it was not simply the agony of Vietnam, heart rending as that is, that finally galvanized the non-Communist powers into action. What happened was that tardily but unblinkingly the politicians in power in these Pacific nations finally recognized and faced up to a still distant but ultimate danger.

THE TIME TO STOP MAO

Most certainly the danger does not rest simply with a fear that if South Vietnam should go down, then that wily septuagenarian Ho Chi-Minh will fasten communism on a primitive community that does not really want communism. The central danger is that if the Vietnamese social structure should finally dissolve, in the face of the now quite desperate American efforts to hold it together, then the Red Chinese will have stunningly proved the case for the so-called

wars of national liberation, wars waged in the guise (to borrow the jargon of the original Soviet handbook) of "anti-imperialist national-liberation movements."

It may come as a surprise to some, but the fact is that few understand this rising danger more acutely than do the politicians and intellectuals of the non-Communist socialist left. In Auckland and Wellington, in Canberra and Melbourne and Sydney, in Singapore and Kuala Lumpur, one man after another said as much to me. Their shared reasoning went something like this: "You Americans must never give up in Vietnam. Red China is the enemy. Now is the time to stop Mao. Only you Americans have the military power to do the job." Then, after a pause, this sotto voce apology: "Of course you will appreciate why we can't say this publicly. Politics, you know." All the politicians in the Pacific knew that even Prime Minister Shastri of India, while publicly deploring the American air bombing of North Vietnam, had privately spoken admiringly of the American resolution. And the diplomatic grapevine vibrated with the news that even Prince Sihanouk and the somewhat anti-American Prime Minister Lee Kuan Yu of Singapore were agreed in their private conversations in May at Pnompenh that American military power had entered the battle none too soon.

What the Pacific leaders are finally braced for, while still flinching from openly acknowledging its inevitability, is a decisive contest between the United States and Red China. There can be no real peace in their world of non-Communist Asians—a community of 1 billion people—until the power question has been settled one way or another. I pondered what this judgment involves for us: can the United States even hold on in Vietnam without pressing the war home directly against North Vietnam and the power center in Hanoi itself? Judgment on this was to be made soon enough on my arrival in Saigon. What I was sure of, already, was that a whole new experience, a test, a struggle, possibly even some fantastic ordeal, is unmistakably in the making for the United States in the Pacific, and a new and formidable chapter has opened in U.S. history. There is no mistaking the character and meaning of one fundamental happening. It is that the U.S. strategic center of gravity has moved west of the 180th meridian, into the Asian Pacific. It is almost certain to stay there for years to come.

The pity, the folly, is that the famous men who have been manipulating the American tactics and strategy in the struggle for South Vietnam let the rot and collapse there go on so long. Indeed, I was hardly back in Saigon before I began to wonder whether all of Lyndon Johnson's men have grasped the full seriousness of the new situation. After getting settled in the Caravelle Hotel in the center of the city, and sharing a meal with several colleagues in a tiny bistro run by an expatriate Frenchman with a perhaps exaggerated reputation for occasional murder, I took a walk in the direction of the Saigon River. My path led me past the American Embassy, which had been all but demolished in March by terrorists' bombs. With the reconstruction not yet finished, it put me in mind of the bridge structure of a battleship. The outer walls had been heavily reinforced; the once tall windows had been contracted to narrow turret-like slits; shatterproof plastic was being substituted for glass, to reduce the danger from lethal flying splinters in the event of another bombing; and the street approaches to the building itself had been closed off with upended sections of sewer pipe weighted with concrete to form a barricade.

These defensive dispositions I noted with approval. Then I was taken aback to hear my companion, an officer of fairly senior rank, say that on orders from Washington construction of a new Embassy, to cost about $1 million, was to be started immediately in a residential area. The design had been chosen some years ago, during the false lull that followed the French defeat and withdrawal; it calls for a handsome 3-story office building with spacious windows and wide entrances appropriate for a tranquil garden setting. The site was further attractive at the time of its acquisition because of its close proximity to the Premier's office. In the current mood of Saigon, however, this handiness no longer is an advantage. There have been 10 changes of government since November 1963—or were there only 9?—and the mobs have got into the habit of demonstrating in front of their Premier's windows every few months, usually in protest over his supposed subserviency to the American Ambassador. To put up the new Embassy more or less on the direct line of the mobs' accustomed march struck me as a heedless action. Indeed, the whole scheme seemed most untimely; our diplomacy, my friend and I were agreed, might be most prudently conducted for the time being in the present bunker and the million dollars invested in ammunition.

OUR LONGEST LOSING WAR

If I appear cynical about the conduct of American business in South Vietnam, it is because in the course of my visit here I find it hard to be anything but distressed and shocked by the American management of what has become a large and costly war. With the end nowhere in sight, it is already the longest losing war that Americans have been engaged in since the French-Indian wars of the middle 18th century.

In President Eisenhower's last year, U.S. military aid to Vietnam came to only $65 million, and our military mission there totaled 773 officers and men. Within a year our military aid to that country was more than doubled, rising as it did in fiscal 1962 to about $144 million, and the military mission was increased some twentyfold, the strength rising to nearly 17,000 men. As this article went to press, early in July, something like 75,000 U.S. troops were already deployed, in one role or another, in South Vietnam. This figure does not take into account some 27,000 flyers and sailors who man Carrier Task Force 77 of the 7th Fleet, and who are wholly in the fight. Nor does it include the general support being provided the forward forces by the large permanent Air Force and Navy establishments in the Philippines, Japan, and on Okinawa. Very substantial fractions of the Tactical Air Command and the Navy's fast carrier task forces have been concentrated in the Pacific, and the westward, or Pacific, tilt of our military resources is generally much more pronounced than most Americans realize.

The capital input has also soared, although its true magnitude has been to some degree concealed. As the battle went against "McNamara's war" (as he himself described it), he was able to absorb the rising costs without a stiff boost in the defense budget by drawing upon the emergency-reserve stocks of the U.S. forces and by reducing or deferring their less urgent normal operations. As a former controller, the Secretary appreciates, of course, the eventual perils of such a practice for a defense strategy that stressed a high degree of readiness for both general war and simultaneous limited wars oceans apart. The running costs of the Vietnamese operation appear to have risen to about $2.2 billion annually. These costs break down roughly as follows:

Continuing economic aid to keep the Saigon government afloat and to pay the bureaucracy: about $300 million annually.

Other economic support for the Vietnamese infrastructure: about $70 million.

Military assistance program (weapons, pay for the Vietnamese forces, overhead cost of the U.S. military advisory establishment): about $330 million annually.

Indirect costs represented by other forms of U.S. participation—including the combat forces, day-to-day military operating costs—that are absorbed by the U.S. defense budget: an estimated $800 million annually.

Extraordinary additional U.S. military costs, chiefly for port and airfield construction, and for replacing reserve stocks of ammunition, fuel, and so forth: $700 million, to be financed by the supplementary appropriation that President Johnson asked for in May.

And we are in for an eventual bill for the war that will be much stiffer than the Pentagon cares to divulge just now.

THE MONSOON OFFENSIVE

Although McNamara has demonstrated his ability as an administrator of a vast bureaucracy, the primary job of the Pentagon is to conduct war—and the only war McNamara has so far been called upon to conduct has gone very badly from the outset. When President Johnson finally decided in February to put North Vietnam below the 20th parallel under the U.S. air counterattack, and to bring U.S. jets to bear for the first time in the battle for villages and roads inside South Vietnam, it was an act of desperation. The South Vietnamese Army was actually disintegrating. To the extent that a government remained in Saigon, it was the thinnest kind of film over the American presence.

The U.S. air counterattack achieved all that was expected of it, up to a point: it did check the Communist offensive. It had the effect of driving home barely in time a bolt to hold a door that was swinging widely on its hinges. But by reason of the very limitations that the political direction of the war in Washington imposed upon the air counterattack, the blows have only impaired, without paralyzing, the Vietcong's capacity for further heavy fighting. There is excellent reason to believe that the North Vietnamese buildup was well advanced before the February air attacks on the principal supply lines to the Vietcong forces in the battle zone. Enough trained troops were by then already deployed inside South Vietnam, and enough battle stocks had been laid by or were within its reach, for the enemy to decide that it could still continue to sustain a powerful offensive by its standards through the monsoon season—i.e., into our autumn. Certainly, it is acting as if it had such means.

The Communist guerrilla forces are the lightest kind of infantry. Once armed and equipped, they do not need much replenishment other than ammunition. They live off the country. U.S. Army intelligence measures the Communist military strength at present inside South Vietnam, in terms of organized forces, at more than 100 battalions. It further hypothesizes that this force, with a daily average aggregate consumption of from 100 to 150 tons of supplies, could fight from 20 to 30 sharp 2-battalion-size actions every month. Ho's flitting battalions do not need much in their supply wagons, because they are not required to hold ground. The Marines and the U.S. Army in their redoubts and strongpoints are not the targets. The target is the exposed hamlet or district or provincial capital, or the column vulnerable to ambush.

So, the U.S. air counterattack notwithstanding, the critical phase of the 1965 monsoon offensive remains to be fought. No knowledgeable officer that I talked to in South Vietnam was sanguine about the outcome of the summer's fighting. It is not a question of our Marines, or our airborne troops getting overpowered. Ho Chi-Minh is much too smart to send his light infantry forward to be mowed down by American firepower. The U.S. military problem at this late hour consists in finding some way to lift the pressure from the exhausted Vietnamese village and district garrisons. And if the struggle continues to go as badly against the

South Vietnamese in the rest of the monsoon season as was the case in May and June, a force of from 200,000 to 300,000 American troops will be none too many simply to shore up a sagging Vietnam army for the elementary tasks of holding Saigon, the major ports and airfields, the strategic provincial capitals, and the main highways.

AN OLD SOLDIER'S ADVICE

This is an outcome that was never meant to be—U.S. ground forces fighting Asians in Asia? Until the other day, the idea was all but unthinkable. At the White House, for example, whenever the question arose of how U.S. military power might best be used in Asia, President Johnson used to tell about his last talk with Gen. Douglas MacArthur at Walter Reed Hospital. "Son," the President quotes the dying soldier as saying to him, "do not ever get yourself bogged down in a land war in Asia."

MacArthur's view has been an article of faith with U.S. military men and notably of the Army Chiefs of Staff ever since the bloody island campaigns against the Japanese. It was a view shared by Gen. Maxwell D. Taylor before he was sent to Saigon as special U.S. Ambassador. Once there, and with Vietnam falling apart around him, Taylor reversed his position. He was not happy about it. He was confronted with the testing of a military policy by which he himself, as Chairman of the Joint Chiefs, and McNamara had reshaped the Armed Forces over a period of 3½ years: making a great point of preparing U.S. troops for limited and counterinsurgency wars. The truth is the Army's investment in these particular skills was nothing like what it was cracked up to be. Nevertheless, in the absence of decision in Washintgon to aim the U.S. air attack primarily at North Vietnam, Taylor had no choice but to ask the President for combat troops to be directly committed in the south.

THE MORNING THE B–57 BLEW UP

As I looked around, I could not help feeling that the condition of our forces left much to be desired in the most elementary respects. One of the major military air bases in Vietnam is at a place called Bien Hoa, 18 miles northeast of Saigon. At the time of my visit there, in May, jet operations were possible only from three runways in the entire country, and Bien Hoa had one of them. The original airstrip was built by the French Air Force, on a rubber plantation that occupied the north bank of the Dongnai River. One can drive to Bien Hoa from downtown Saigon in half an hour over a new three-lane asphalt highway. Light-engineering plants have sprung up on both sides of the roads, and racing along with the crowded buses and the careening trucks and the honking and hooting motorbikes, one has the sense of passing through a thriving, prospering, mushrooming suburb. This impression is valid enough, as regards the construction indexes. But the area is also a genuine no man's land. Open to traffic and commerce with Saigon by day, it reverts to Vietcong control at night. The notorious War Zone D—a densely forested stronghold that the B–52's have been methodically bombing—begins just to the north of the airfield and, every few days or so, black-suited Vietcong in their outposts take potshots at planes on the final approach.

When I came this way a year ago, the Air Force contingent at Bien Hoa numbered only 400 men and they operated 40 light planes. When I returned this year, one blindingly hot Saturday morning, it was to find the Air Force unit swollen to about 2,300 men and they were operating 100 planes, including a number of light jet B–57 bombers. And that was not all. On the same field were jammed another 100 U.S. Army planes, mostly helicopters, plus another 100 planes belonging to the Vietnamese Air Force, mostly light, close-support, propeller-driven craft. This made a total of about 300 aircraft collected around a single strip. It was the dirtiest, most slovenly, ramshackle air operation I have ever visited. One can excuse a lot in war, but the confusion, disorder, and disarray here were beyond excuse.

For one thing, more than 6 months earlier, in the early morning hours of November 1, 1964, a handful of Vietcong mortar men who had penetrated the base's outer defense system laid down a fast and accurate barrage that destroyed, in a matter of minutes, five costly B–57 bombers on their hardstands. The chances of a return visit by the Vietcong were high and, indeed, shortly before my call, a brigade of the U.S. 173d Airborne Division was hastily taking up positions around the base to guard it from an expected attack in force. Yet even then, the costly planes, tens of millions of dollars' worth of them, stood wingtip to wingtip for want of dispersal room; and incredibly, a dozen or so simple concrete and earth revetments to protect the planes had not been finished. Funds for new construction, I presently learned, were difficult to come by in Washington. So under the very eyes of the two-star Air Force theater commander, the four-star Army general in command of the entire war, and even the former Chairman of the Joint Chiefs who sat in Saigon, the squalid, inefficient, and dangerous operation at Bien Hoa was tolerated and left to an overworked Air Force colonel to manage as best he could.

The poor chap didn't manage very well. Less than 24 hours later, from an angled distance of maybe 2,000 yards and a height of 4,000 feet, I was a chance eyewitness of Bien Hoa's second and far larger disaster. I was aboard a Navy plane, en route to Task Force 77 on station in the South China Sea. Our course took us past the base and, as it happened, while he was only 2 minutes or so away, our pilot saw a puff of smoke, then a swelling fireball, and he sent word aft that Bien Hoa seemed to be "blowing up." When the field came abeam, I saw that the entire block of B–57's was fiercely ablaze, and the conflagration had spread to long files of light piston-powered bombers, the A–1's. My first thought was that the Vietcong mortar specialists had done it again; then I realized that the recurring explosions were caused by bombs exploding in the racks of the burning planes. A careful inquiry by the Air Force failed to identify the root cause of the disaster. Most likely, a defective fuse or the faulty stowing of an old 750-pound bomb aboard one of the B–57's—the bombers there still were being armed with 1944 vintage iron bombs—started the chain reaction. Twenty-two planes blew up, more were damaged; a loss of that magnitude in an air battle would have been cause for national anxiety. The penny-pinching that contributed to this episode and the timidity that impelled experienced officers to endure a scandalous situation did credit to no one.

REFLECTIONS IN A HELICOPTER

The American officer corps is, needless to say, a good deal more competent than this incident may suggest. In Vietnam, though, the Army is up against a slippery, slithering kind of battle that it can't seem to get a hard grip on. Doubts about the Army's preparedness for such campaigning were amply confirmed—despite all the high-flown theorizing about counterinsurgency tactics. A morning's helicopter tour of a crucial war zone in the company of an intelligent, youthful operations planning officer, Brig. Gen. William E. DePuy, was highly informative in this respect.

A helicopter can't be beaten for enabling a general of infantry to get around to see what is going on beyond his headquarters. On this particular morning, General DePuy, at the cost of being only five hours away from his busy desk in Saigon as the senior U.S. military planner, made a swing in his clattering helicopter that took him into three provinces, afforded him a grandstand view of a helicopter attack in company strength, brought him into a quick conference with the staff of a Vietnamese division engaged in a "search and destroy" sweep on the edges of a Vietcong staging area, and finally put him down at the heavily barricaded headquarters of a great French-operated rubber plantation for a canvass of the tactical situation with the U.S. advisers to a Vietnamese battalion that was braced, behind its sandbags and slitted brick walls and barbed wire, for a night descent by the Vietcong.

Helicopter etiquette orders the seating of the noncombatant guest inside, between the escort officer and the port and starboard riflemen; their bodies are interposed between him and the open doors through which a sniper would sensibly aim. The guest must take his chances even Stephen, of course, with whatever ill-aimed shot might come up through the floor. DePuy sat alongside me, and as we flew west by north, he kept up a running commentary on places and events in the changing neighborhood in view. I was familiar with the region, having traveled over the same area the year before. But I marveled again at how close the swirl of battle remains to Saigon, and how vague and impalpable the enemy remains. From our altitude one could see 40 miles or so, and in this watery domain, north and west of Saigon, given over to rice paddies, rubber and tea growing, at least 1,000 sharp battles of one kind or another—ambushes, night rushes on sleeping hamlets, skirmishes—have been fought during the past 3 years. To the west, I had a fine view through broken cloud of Cambodia and the forested waterways over which the Vietcong come and go in sampans. We flew at 5,000 feet. But I never did see a Vietcong.

THE TROUBLESOME REDOUBT

The educational aspects of the flight included a skirting of the zone D area north of Bien Hoa. As described earlier, this is reputedly the major Vietcong base for their operations against Saigon itself. From the air, it put me in mind of the Louisiana river country, except that the forest here is much more dense, with the tree canopy reaching in places to heights of 200 feet. The forest redoubt covers about 150 square miles, and from the accounts of defectors and prisoners it is both a maze and trap made up of secret trails, hidden strongpoints and supply dumps, and bunkers connected with deep tunnels impregnable to air bombing.

None of this can be seen from the air. I was shown a short, narrow gray swath in the forest left by the Air Force in its forlorn experiment some months ago to defoliate the region by saturating the tree tops with a mixture of napalm and chemicals. The chemicals were expected to dry out the trees and the napalm to set the forest ablaze. But, for various reasons, the hoped-for conflagration never got going, and the experiment was abandoned as being too costly and tricky. Now the Air Force is trying to reduce the forest to matchwood with B–52's.

I doubt even the B–52's will make much of an impression with TNT, unless McNamara wants to make tree-felling a new career for SAC, or unless SAC has the extraordinary good luck to pinpoint and smash the headquarters area. But it was equally obvious that the job of prying the enemy out of the forest tangle was hopelessly beyond the competence and means of the troops we had committed. In recent major engagements the air attack has again and again finally turned the tide of battle. But it must also be said that, for the Vietnamese garrisons, the turn has usually come too late. Since the Vietcong time their assaults at night, and in the monsoon season at intervals when they can count on cover from rain and clouds, the Air Force's ability to react quickly has been sorely limited

on occasion, and in consequence battalion after battalion of Vietnamese regional troops were cut to ribbons before help came. One doesn't have to look very far to observe that, except for the introduction of the helicopter, there has been little new invention to prepare the ground forces for the kind of war they are now being asked to fight. Indeed, the United States doesn't even yet have a satisfactory airplane to support this kind of action. We are therefore obliged to use planes that are either obsolete (A–1's and B–57's) or too valuable (F–105's and F–4's).

THE CASE FOR GOING NORTH

It is time that the E-ring in the Pentagon stopped kidding the troops, and that the rest of us stopped kidding ourselves. It makes no sense to send American foot soldiers, rifles and grenades at the ready, into the rain forests and the rice paddies and the dim mountain trails to grapple with a foe whom they cannot distinguish by face or tongue from the same racial stock whom they seek to defend. On every count—disease, tropical heat, and rain, the language curtain—the odds are much too high against their making much of an impression. When the question arose last year of sending U.S. combat forces into South Vietnam as stiffeners, serious consideration was given to the proposition of forming them into a line, a sort of cordon sanitaire, across the jungle and mountain approaches through Laos and Cambodia, with the object of thereby sealing off the Communist supply routes. This impractical scheme was discarded in view of the all but impossible cost of supplying the Army at anything like its desired standards, and the further consideration that nine-tenths of the force's energies and means would be consumed merely in looking after itself. The solution that was adopted and is being followed now is to settle the troops in garrison-like strongpoints along the coast. It has been romantically suggested that these places will in due course become sally ports from which our troops will issue forth into the hinterland, spreading in ink-spot fashion stability and hope among the hamlets. But such a process could take a decade or two short of forever. It also means military occupation, the last thing Kennedy, McNamara, Taylor and Company had in their minds when they resolved in 1961 to risk a stand in South Vietnam. Taylor understood this perfectly, and the dreary outlook no doubt made it easier for him to leave Saigon.

THE U.S. ADVANTAGE

Is there an alternative strategy? There certainly is. It is one, however, that revolves around a different set of premises than the McNamara-Taylor strategy has so far favored. Most particularly, it means shifting the main weight of the American counterattack from a ground war below the seventeenth parallel to an air offensive in North Vietnam itself, accompanied by a blockade of the North Vietnamese coast. Does this mean leveling Hanoi? No. It means, if necessary, the deliberate, progressive destruction of the North Vietnamese infrastructure—the plants, the railroads, and electric power systems, the ports—to a point where Ho Chi Minh can no longer support his aggression in the south. Will this cause Ho to capitulate? Not necessarily. Ho is an elderly Asian revolutionary whose education in communism began in Europe after the Bolshevik revolution. More of his adult life has been spent outside Vietnam than inside. His government will probably be wherever he chooses to hang his hat.

But if his capacity for mischief is reduced, then our object is served. That object, it seems to me, is to lift from South Vietnam, at all possible speed, the terrible pressure on its hamlets. Because that task is manifestly beyond the competence of the Army and Marine Corps, except in a prolonged and costly test of endurance, then we must pick up our weapons of technological advantage—the air arms, both sea and ground based. What has made the American fighting man better than his enemies is his higher technological proficiency. It seems folly for us to fight in Asia without drawing on this technological advantage. It may be highly desirable, for instance, to use our sea power and ground troops to a limited extent to establish a beachhead near Haiphong, thus threatening the enemy's main supply lines and forcing it to pull its troops out of southern Vietnam. Such tactics were immensely successful in Leyte Gulf and later at Inchon and had a salutory effect on equally stubborn enemies.

Would a truly stern attack on the North bring China into the war? Expert opinion splits sharply over the answer. High value would certainly have to be given to that possibility in any plan for enlarging the theater of action. We are already in an undeclared contest of power with Red China and the question that the President has to face up to is whether in the months immediately ahead he settles for a partial defeat or failure in a war one full remove from the major enemy, or risks a clash with Red China in order to bring the secondary war under control. My own view is that Mao, should he elect to engage, will do so reluctantly and within cautious limits. He is certainly not likely to force an engagement on terms that will compel the United States to employ its technological advantage á outrance (to use an old-fashioned term). And I find it hard to believe he would dare to send his infantry masses over the wretched roads to do battle in southeast Asia, while Chiang Kai-shek waits and watches hopefully close by on the sea flank, with a spirited army of 400,000 men and the sharpest, most experienced, small air force in the world.

THE BIG BLUE-WATER CHIPS

It is, I suggest, the looming struggle with Red China that we Americans must keep in the forefront of our minds as we grope for the right mixture of political and military strategy for ending the mischief in Vietnam. This is why the map shown at the start of this report now grows luminous with meaning. Now, while hoping for a satisfactory outcome in the going war, we should be sensibly preparing the dispositions we shall need if it turns out badly.

The huge naval base at Subic Bay with its fine runways and the Air Force's runways, repair shops, and storage facilities at Clark Field in the Philippines are indispensable for any forward strategy in the Pacific. It stands to reason that the British air establishment and truly superb naval base at Singapore, all greatly refurbished in the past decade, are also crucial for the control of the Pacific sea routes and the approaches to Australia and New Zealand. Hundreds of millions of U.S. dollars have been invested in air and sea facilities in Okinawa and Japan. And Japan must itself be persuaded to become the north hinge of any grand strategy scheme in the Pacific.

Then, too, there is Thailand, which has generously opened its geography for new jet airfields. This to me is the most stunning recent development of all. It could have the effect of transforming Thailand from being a weak ground flank on the U.S. position in South Vietnam into becoming the main airstrike position, of which South Vietnam becomes the weak ground flank. And, finally, there are South Korea and Taiwan, the only other friendly countries in the area with large, ready, experienced forces. It seems to me our diplomacy should be cultivating this vast garden with more assiduity than it has shown.

HE MISUNDERSTOOD

Mr. McCLORY. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. CHAMBERLAIN] 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 Illinois?

There was no objection.

Mr. CHAMBERLAIN. Mr. Speaker, there is growing clarification in the Nation's press of an unfounded verbal attack made against Minority Leader GERALD R. FORD by President Johnson. It has been proven that Mr. FORD is innocent of charges that he divulged so-called confidential information to reporters following a White House conference with the President. Among strong repudiations of the unwarranted attack against Mr. FORD was a letter from Newsweek writer Samuel Shaffer which described the President's criticism as unfounded and as "wholly unfair."

One of the most respected newspapers in the world has come to the defense of Mr. FORD. The Detroit Free Press in an editorial published August 5, 1965, articulately explored the incident.

This is the Detroit Free Press editorial titled "He Misunderstood":

HE MISUNDERSTOOD

Now it's Lyndon Johnson's turn to plead a misunderstanding.

After royally chewing out Representative GERALD R. FORD, of Grand Rapids, Sunday for leaking information from a White House skull session on Vietnam the previous Tuesday night, it turns out not to have been FORD at all.

The key point of the leak was the report that Johnson had planned to call up the reserves for duty in Vietnam until he was dissuaded by a memo read by Senate Majority Leader MIKE MANSFIELD. MANSFIELD said the move wouldn't be popular among congressional Democrats.

Since this kind of a report would, indeed, be embarrassing to the Democrats, Johnson would, indeed, not want it known, and would deny it. And since it got to be public knowledge, Johnson felt some enemy—a Republican—had to have leaked it, and, therefore, would call it "malicious."

The President has learned a great deal in his 20 months in the White House, but two lessons he has obviously not learned. The first is that neither he nor any other President is going to have full and unqualified support from his own party except when the issue is finally joined. What angered him about the memo is probably that there was truth to it.

The second lesson is that Washington is a giant sieve and every hole leaks, including the White House. Even on matters of national security the press usually knows far more than the President wants it to or than it reports.

Even if Lyndon Johnson's sleuths were better than they are, the odds on their finding the source or plugging the leak are slight indeed.

The only provable fact is that it wasn't FORD. Johnson must have been misunderstood when he said it was.

ABE FORTAS: A POOR CHOICE

The SPEAKER. Under previous order of the House, the gentleman from Ohio [Mr. ASHBROOK] is recognized for 15 minutes.

Mr. ASHBROOK. Mr. Speaker, if the President were to have searched out a person who would be less qualified to sit on the Supreme Court of the United States he could not have done much better than in his selection of Abe Fortas.

About the only plausible explanation would be that the President wants to make a moderate out of Chief Justice Warren. It has been very interesting to read about the speculation of news reporters that Abe Fortas will probably line up on the liberal side of the Court. This is almost humorous because Mr. Fortas, known as a fixer in political circles here, in philosophy would rank as the far left's spokesman on an already stacked liberal Court. He has been more than a casual observer to the causes of the radical left including Communist fronts and his associations with the Harry Dexter Whites, the Owen Lattimores and others of this stripe make his nomination an insult to all of the many fine lawyers, liberal, moderate, and conservative, who have been passed over by the President in the selection of his crony.

His memory is a little foggy in reviewing his flirtations with the Communist cause of the last two decades but the record is clear. He belonged to two Communist front groups. He was a member of the National Lawyers Guild as well as being a member of its committee on farm problems. He was a member of the National Committee of the International Juridical Association and his name appears on their letterhead. He was entertained at the Sky-Top Fair by the League of Women Shoppers, another front group. This, of course, was in the days when the Roosevelt and Truman administrations were honeycombed with Communists and it was fashionable.

His name appears through numerous hearing transcripts where Communist and Communist front witnesses testified before House and Senate committees. He was the counsel, with Ed Reiskind, for Jose Ferrer in his cooperative appearance before the House Committee on Un-American Activities in 1951. When Dr. Martin David Kamen testified before the committee on September 14, 1948, he stated that after being subpenaed "I called Mr. Fortas of the law firm to ask him what my rights were in this matter."

Albert E. Kahn testified in the Senate Internal Security Subcommittee's hearings on the Matusow case that he sent a copy of Harvey Matusow's book "False Witness" to Arnold, Fortas & Porter.

In August 1952, the Ford Foundation gave a grant of $400,000 to the University of Chicago Law School for a research program in law and the behavioral sciences. Mr. Fortas was a member of the advisory group for this program. It was under this program that the deliberations of juries were recorded. Although it has never been established that Mr. Fortas had anything to do with the recording of the jury proceedings, he should openly state his position on this matter. Like too many of his associations, rather than developing a background for service on the Bench they suggest reasons why he should not be there.

Mr. Fortas served as counsel for Owen Lattimore when he testified before the Senate Internal Security Subcommittee in the Institute of Pacific Relations—IPR—hearings. This was no casual connection. At a meeting of the Washington Institute of Pacific Relations advisory committee, held at the home of Owen Lattimore on March 25, 1946, a number of suggestions were made for building up the Washington chapter. One of the suggestions was to build "first class programs" around headliners. Who was suggested as one of these headliners: Abe Fortas. The Institute of Pacific Relations hearings show the name Abe Fortas in many connections—not just the counsel for the witness.

Mr. Catesby T. Jones, a graduate student at Johns Hopkins University who had received a fellowship there through the efforts of Owen Lattimore and who, indirectly, admitted past Communist Party membership, testified in the Institute of Pacific Relations hearings that, at the request of Mrs. Lattimore, he had attended the hearings and taken notes on the 2 days Louis Budenz testified. Where did he take these notes? To the office of Abe Fortas. Mr. Jones also testified that he gave an envelope containing the record of an immigration proceeding to Mr. Fortas which apparently contained the proceedings in the John Santo deportation case. A close study of the hearings indicates, as I have said before, that Abe Fortas was far more than a casual observer in these matters and was deeply involved with many of these questionable people.

On January 4, 1945, Abe Fortas, then Under Secretary of the Interior, wrote to Harry Dexter White:

DEAR HARRY: I am delighted that the President nominated you to be Assistant Secretary of the Treasury. Your promotion is completely deserved and it will strengthen the Government considerably. My very best wishes.

Sincerely yours,

ABE.

Americans will debate for years which Government was strengthened by the appointment and activities of Harry Dexter White. There will never be any doubt in my mind, however, that it was not the American Government which benefited.

Harry Dexter White, whose sudden death quashed the hearings on his infamous part in interlocking subversion in the Federal Government, replied to his friend on March 2, 1945:

DEAR ABE: Now that I have caught my breath I want to thank you in writing for your very kind note of congratulations. It is a deep satisfaction to me to have your good wishes.

Sincerely,

H. D. WHITE.

Parenthetically, it is interesting to note the double standard of the liberal. If anyone were to have this close a relationship with Robert Welch in this day and age he would be run out of town on a rail by the liberal press. No one has ever accused Robert Welch of carrying on the subversive activities which Harry Dexter White did.

Abe Fortas was a member of a dinner group which met at the Athens Cafe, 804 Ninth Street NW., Washington, D.C., which included key White House personnel and representatives of various agencies and departments. Among those were Dr. Lauchlin B. Currie, Aubrey Williams, Dr. Lubin, David Niles, Mr. Appleby, C. B. Baldwin, and Oscar Chapman. Currie was a member of the Silvermaster spy ring.

Mr. Fortas is admittedly a little hazy on his association with the International Juridical Association, a Communist front. Among his fellow members on this committee with records as members of the Communist Party were Joseph R. Brodsky, Nathan Witt, Leo Gallagher, Lee Pressman, David J. Bentall, Isaac E. Ferguson, and others who have been active as counsel in Communist cases. This group was an official offshoot of the International Labor Defense, cited by the Attorney General as the "legal arm of the Communist Party."

A letterhead of the American Law Students Association shows Prof. Abe Fortas, of Yale Law School, as a member of its faculty advisory board. The American Law Students Association was a part of the American Youth Congress which has been cited as subversive by the Attorney General. It was also an affiliate of the U.S. Peace Committee, a part of the Communist-controlled peace front.

Abe Fortas was a member of the Washington Committee for Democratic Action which has defended the interests of individual Communists and whose meetings have been addressed by such well-known Communists as Elizabeth Gurley Flynn, Lee Pressman, and Doxey Wilkerson.

In looking for well-qualified Americans who would bring dignity to the Nation's highest Court, it is utterly fantastic that the President should overlook the record of Abe Fortas. He has had little training for the position other than being an intimate crony of the President. This may be the President's worst blind spot as he could not see the true Bobby Baker whom he referred to as his strong right arm, nor Walter Jenkins who was his most intimate associate at the White House. In truth, the President got his start from Aubrey Williams whose record reads much like that of Abe Fortas. If Abe Fortas has the qualifications to be a Supreme Court Justice why not let the justice of the peace try capital cases. They would be as prepared as the man who has been tapped to fill the vacancy of Arthur Goldberg.

APPENDIX I

INTERNATIONAL JURIDICAL ASSOCIATION

Among the members of the National Citizens Political Action Committee, Carey McWilliams, George Soule, and Bruce Bliven have been affiliated with the International Juridical Association. Carey McWilliams is a member of the national committee of the organization; and Bruce Bliven and George Soule joined in sponsoring one of the organization's public statements. (See Daily Worker, July 25, 1936, p. 2.)

Probably the strongest evidence of the Communist character of the International Juridical Association is to be found in the records of the persons who compose the organization's national committee. Among these persons, we find a substantial nucleus of publicly avowed or provable members of the Communist Party. At the beginning of this study, therefore, we cite a portion of the Communist records of these persons. Subsequently, a sketch of the organization's history and policies will add confirming evidence of its Communist character.

OFFICIALS OF THE INTERNATIONAL JURIDICAL ASSOCIATION

The following persons are officers or national committeemen of the International Juridical Association: George R. Andersen, I. Duke Avnet, Harry Elmer Barnes, David J. Bentall, Alfred Bettman, Clara G. Binswanger, J. H. Bollens, Paul F. Brissenden, Joseph R. Brodsky, Sylvan Bruner, Eugene Cotton, Paul Coughlin, John P. Davis, Richard A. Dowling, George Clifton Edwards, Thomas I. Emerson, Isaac E. Ferguson, Arthur Fisher, Abe Fortas, Osmond K. Fraenkel, Alexander H. Frey, Leo Gallagher, Lloyd K. Garrison, Walter Gellhorn, Irvin Goodman, Herman A. Gray, Nathan Greene, George G. Groat, Aubrey Grossman, Robert L. Hale, Pearl M. Hart, Isaac S. Heller, Jerome R. Hellerstein, R. W. Henderson, Edward Henry, Charles H. Houston, Henry T. Hunt, Abraham J. Isserman, Isadore Katz, Robert W. Kenny, Paul J. Kern, Carol King, Joseph Kovner, Edward Lamb, Yetta Land, Mark Lauter, George B. Leonard, Arthur LeSeuer, Elias Lieberman, Max Lowenthal, Thurgood Marshall, Jerome Michael, Louis F. McCabe, Carey McWilliams, David K. Niles, William L. Nunn, Patrick H. O'Brien, Joseph A. Padway, Shad Polier, Justine Wise Polier, Lee Pressman, Samuel L. Rothbard, Ralph Seward, Malcolm Sharp, Anthony Wayne Smith, Perry J. Stearns, Maurice Sugar, A. Ovrum Tapper, Colston E. Warne, Herbert T. Wecsler, Ruth Weyand, Carle Whitehead, Roy Wilkins, A. L. Wirin, Nathan Witt, David Ziskind.

APPENDIX II

AMERICAN LAW STUDENT'S ASSOCIATION

(Woolworth Building, Room 530; New York, N.Y.)

FACULTY ADVISORY BOARD

Northwestern University School of Law: Dean Leon Green.

New York University: Dean Frank Sommers; Prof. F. D. Sloovers; Prof. Augustin Derby; Prof. William Walsh; Prof. Herman Grey.

St. John's University: Vice Dean John Maloney; Prof. D. S. Edgar, Sr.; Prof. D. S. Edgar, Jr.

Columbia University: Prof Elliot Cheatharm; Prof. Walter Gellhorn; Prof. Philip Jessup.

Brooklyn Law School: Prof. Jerome Prince; Prof. Abraham Rotwein.

Yale Law School: Prof. Fred Rodell; Prof. Abe Fortas.

NATIONAL EXECUTIVE BOARD

Robert Page, president.
Thomas Levinia, vice president.
Morris Engel, secretary.
Norman Leonard, treasurer.

PROPOSED CONSULAR CONVENTION WITH THE SOVIET UNION

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. DERWINSKI] is recognized for 15 minutes.

Mr. DERWINSKI. Mr. Speaker, last week the astute Senator from Arkansas [Mr. FULBRIGHT] quietly slipped, or, as I prefer to call it, railroaded through the Senate Committee on Foreign Relations the Consular Convention with the Soviet Union, to which the Senate will be asked to give its advice and consent.

It is interesting to note that a treaty containing such vast implications slipped through after one executive hearing, one public hearing, and one executive session of the committee. The only witnesses to be heard at both the executive and public hearing were the Secretary of State, Mr. Rusk, and his legal adviser, Mr. Leonard C. Meeker. To the best of my knowledge, no other Government officials were invited to appear, and individuals and organizations of citizens were denied the opportunity to express their opinions before the committee.

There are significant threats to the United States in the acceptance of this treaty, the most obvious being the Soviet practice of using consulates for espionage purposes. In addition, Communist governments have been known to use their consular activities for forms of bribery and pressure on U.S. citizens who have relatives in Communist lands or who have inherited property therein.

Furthermore, the question of establishing consulates obviously jeopardizes the policy whereby our Government does not recognize the forcible incorporation of Lithuania, Latvia, and Estonia into the U.S.S.R. If we should, for example, establish consulates in any of the Baltic States, it would represent a de facto recognition of Soviet control which would be an international triumph for communism. Two other major cities in the U.S.S.R. where the Russians might suggest we would establish a consulate are Minsk, the capital of Byelorussia, and Kiev, the capital of Ukraine. These two states have voting rights at the United Nations. It would be a mockery of justice to consider consular offices there. I call the attention of the House to the bill I have introduced to express the sense of the Congress that the U.S. Government should establish direct diplomatic relations with the Governments of the Ukrainian Soviet Socialist Republic and the Byelorussian Soviet Socialist Republic, as a means of dramatizing the Soviet captivity of those lands.

Furthermore, during the hearings it was disclosed that the Soviet Union does not maintain any consulate in the Western Hemisphere. The acquiescence of the United States to Soviet consulates would set an obvious precedent that would soon find the Communist rulers of Moscow spreading their influence in Latin America by means of consular activities. What Latin American government could refuse the request for a consulate after the leader of the free world has extended this benefit to the rulers of the Kremlin?

Mr. Speaker, although the ratification of a treaty is the prerogative of the Senate, this is no valid reason for concerned Members in the House to sit back and watch a treaty being railroaded through the Senate Foreign Relations Committee for blind ratification by the other body. For over a year the chairman of the Senate Foreign Relations Committee avoided the obligation of public hearings on the vital consular convention with the U.S.S.R. and finally, in an arbitrary and undemocratic manner, curbed the hearings and railroaded the convention through the Senate Committee.

There is far more to this treaty than hits the eye. Senate objections so far voiced in opposition to it have been largely marginal in substance. In railroading the treaty proponents have been negatively counting on such marginal objections to obtain a quick Senate ratification. For over a year they feared exposing the treaty to open public hearings where more substantial criticisms of this Moscow-pleasing treaty could be heard.

There is still a chance to correct this wrong if the responsible Members of the Senate vote to return the treaty to the Senate Foreign Relations Committee for an open and frank discussion of this poorly drawn and ill-conceived Convention. Without all aspects of this defective treaty carefully discussed and debated, a blind ratification by the Senate would only compound the wrong already committed.

Mr. Speaker, in view of the very perfunctory manner in which the Senate Foreign Relations Committee studied this consular convention, I am asking the chairman of the House Foreign Affairs Committee to conduct a full-scale inquiry into the impact the ratification of the treaty might have on United States-Soviet relations, as well as the complications it would cause in the free world.

Mr. Speaker, I further point out that the Soviet Union is aggressively engaged in aiding the Communist war effort in South Vietnam. We are aware that Soviet-manned missiles are in North Vietnam and presumably are responsible for shooting down American aircraft.

Evidently in return for direct Soviet involvement against our boys in Vietnam, we will reward the Kremlin by permitting them to establish consulates in this country and, may I point out, grant their consular officials diplomatic immunity.

This is the wrong time for this treaty. There is much less emphasis from Moscow these days on peaceful coexistence. Moscow's features, as far as they face the West and specifically the United States, are obviously an unconcealed scowl. Moscow's voice—except, so far, on economic and commercial matters—is becoming harsh and growling.

We further recognize, Mr. Speaker, that there cannot be any legitimate trade as we know it with the Soviet Union. Their persistent disrespect for patent and copyright laws, their desire for items to help their military and heavy industry, their disregard for the consumer demands of their own citizens, their willingness to dump items at a loss on the world market—all give evidence of the impracticality of basic trade relations with the Moscow dictatorship. Obviously, this consular convention cannot be of commercial value to us.

May I point out to the House that millions of Americans have close relatives in Latvia, Lithuania, and Estonia, Armenia, Ukraine, Byelorussia, and other non-Russian nations of the Soviet Union. All Communist governments have shown a disrespect for property and inheritance rights of U.S. citizens. The failure to extract effective concessions or to obtain a guarantee of a change in policy by the U.S.S.R. in this consular convention renders it meaningless in this area. The possibility of coercion, bribery, even blackmail are evident if Soviet consular officials have the freedom to roam throughout the United States.

In the brief hearings held in the Senate, the Secretary of State naively explains that the location for possible consulates has not been discussed. I find

this statement impossible to believe. According to Mr. Rusk, preliminary discussions were held in 1961 and serious discussions commenced in 1963. Certainly, in all the time that has elapsed, some discussion must be held as to where the Soviets hoped to place their consular offices. The treaty does not even specify strict reciprocity in the number of consular locations.

It might well be, Mr. Speaker, that the Soviets will request permission to establish a consulate in Cocoa, Fla.; Columbus, Ga.; and Los Alamos, N. Mex., where they could not only conduct commercial activities but be adjacent to our facilities at Cape Kennedy, Fort Benning, and Los Alamos Proving Grounds.

Mr. Speaker, may I quote the Secretary of State:

And to the extent, sir, that we can build some peace in the world and establish normal relations, the problems raised by espionage diminish. It is in periods of tension and crisis and controversy and rivalry and armed confrontations where the problem of espionage grows.

If I understand administration explanations properly, the problem of armed confrontation and the controversy in Vietnam grow as Soviet support of the Communist forces there increases. Therefore, by Secretary Rusk's own words, this is the wrong time for us to enter into this consular convention.

Mr. Speaker, an excellent background to this issue is furnished by the National Captive Nations Committee which has consistently called for open and honest hearings on this treaty. I include the committee's appeals to Senator FULBRIGHT as part of my remarks, followed by an incisive article written by the committee's chairman, Dr. Lev E. Dobriansky, of Georgetown University, titled "The Second Treaty of Moscow":

AUGUST 2, 1965.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Interested groups and citizens have waited over a year now for a frank and open discussion of the second treaty of Moscow, namely the consular convention with the U.S.S.R. The on-and-off faucet treatment since June 1964 evidently suggests fearful doubt on the part of the treaty's advocates as to the prospect of its ratification by the Senate.

In one of the "on" phases of this grand maneuver, recent press accounts (e.g., "Hearing Due on Russian Consular Pact," the Washington Post, July 22, 1965) have announced that the hearings will not be definitely held. However, to our amazement, a member of your staff, Mr. Carl Marcy, stated in a letter addressed to me and dated July 23, 1965, that except for the appearance of Secretary Rusk, "it is not known at this time whether the committee will call other governmental or public witnesses on the convention."

We sincerely hope that this does not mean the contemplation of a further maneuver of ramming this ill-advised and harmful treaty down the throats of our people without fair and open hearings. This committee strongly urges the calling of such hearings now.

The implications of this treaty are far greater and more disadvantageous to us than most Americans are aware of. A blind ratification by the Senate would mean a tremendous diplomatic victory for imperio-colonialist Moscow. By virtue of his antiquated and misleading conceptions of the Soviet Union, which even the late Adlai E. Stevenson tactfully repudiated in November 1961, Secretary Rusk can scarcely be regarded as the sole, adequate witness. The treaty is based on false political assumptions; in terms of objective reality as against an arbitrary arrangement between the Department of State and the Moscow totalitarians, it is subject to legal question; and by virtue of the basic shortcomings, the treaty as drawn stands to make mockery of numerous official pronouncements.

The reasons justifying these points should be openly discussed before the Senate acts on any ratification of this treaty. We trust in your sense of fairness to make this possible.

With kindest regards and best wishes,

Sincerely,

LEV E. DOBRIANSKY,
Chairman.

AUGUST 4, 1965.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The action taken by your committee on the Consular Convention with the U.S.S.R. without frank and open public hearing confirms the first point in our letter of August 2, namely the "fearful doubt on the part of the treaty's advocates as to the prospect of its ratification by the Senate."

Those who speak piously and loudly about extremists and the constant need for open and critical democratic discussion of our foreign policy might well, in the quiet of their conscience, reflect on the crass discrepancies between their words and their deeds. This action of foreclosing public discussion of a treaty, which even conceptually and legally is contradictory and fallacious in parts, cannot but be viewed as the very negation of the democratic process.

As I have pointed out in an article on "The Second Treaty of Moscow" (CONGRESSIONAL RECORD, Feb. 8, 1965, pp. 2160–2163) a blind ratification of the Convention would form another chapter in our long, inept dealings with the Russians and expose us to the charge of being a nation of hypocrites when the President and others proclaim our "devotion to the just aspirations of all people for national independence and human liberty." This treaty is a confirmation of Russia's imperio-colonialism within the U.S.S.R. and further evidence of our diplomatic ineptitude in the cold war, not to say our grave lack of understanding of America's prime enemy. The tragedy of all this is that, like in Vietnam, our people have to pay for such ineptitude and failure in blood and treasure.

Sincerely yours,

LEV E. DOBRIANSKY,
Chairman.

THE SECOND TREATY OF MOSCOW

(By Lev E. Dobriansky)

At the close of 1964 the American people seemed to desire peace above all else. According to a reliable pollster, about 83 percent of the American public favored the partial test ban treaty with "Russia," this despite the doubtless advances made by Moscow from its previous supermegatonic tests.[1] Approximately 81 percent felt that by keeping militarily strong we could avoid a global war; the prospect of being cornered into such a disastrous conflagration through continued cold war advances by the Red totalitarians was not considered. And some 63 percent, ignorant of or wishfully impervious to all past experience, advocated attempts at reaching agreements with the totalitarian regimes in the hope of realizing world peace, regardless of the enslavement of one-third of the human race. The consular convention with the U.S.S.R. is supposed to be an example of such agreements.

On June 1, 1964, the convention was signed in Moscow and 11 days later was submitted to the U.S. Senate for ratification. Unlike the test ban treaty, it represents the first bilateral agreement between the United States and the U.S.S.R. However, like the treaty of Moscow, which the test ban pact came to be known under Russian propaganda auspices, the convention was consummated in the chief imperio-colonialist capital of the world and has provided further propaganda fodder for Moscow. Russian propagandists have lost little time in offering this second piece of evidence as confirmation of Moscow's intentions to secure world peace. For, after all and on the record, both pacts originated in and bear the stamp of Moscow, the vanguard of world "peace." Indeed, we might as well call the convention the second treaty of Moscow. It's truly uncanny how low and how little our capacity is for propaganda advantage and value.

President Johnson was quick to hail this second treaty of Moscow. Before it was concluded, he said, "it is hoped that this treaty will be a step forward in developing understanding between the two countries which is so important in continuing the struggle for peace."[2] The President has the illusory conception that the U.S.S.R. is not only a country such as ours but also a nation. He noted also at the time that the treaty would be "the first bilateral (two-nation) treaty between the United States and the Soviet Union."[3] A few days later, when it was concluded, Johnson called it "a significant step in our continuing efforts to increase contacts and understanding."[4] And on June 12 in his message to the Senate he approvingly declared "I recommend that the Senate give early and favorable consideration to the convention and protocol submitted herewith and give its advice and consent to their ratification."[5]

Apparently at that moment Johnson thought ratification by the Senate would be swift and smooth. In its glowing spirit of "peaceful coexistence," Moscow joined with the President in hailing the treaty of Moscow II. Foreign Minister Andrei A. Gromyko, for example, depicted the pact as "a positive step in the normalization and improvement of relations between the Soviet Union and the United States."[6] As we shall see later, he had good reason to view the treaty as "a positive step." Also, many editorial comments in the United States appeared to encourage the "early and favorable consideration" sought by the President. One large New York organ observed then, "The conclusion of a Soviet-American consular agreement marks an important step toward further normalization of relations between the United States and the U.S.S.R."[7] Another, in Washington, had this to say, "That the two countries took 30 years to come to the threshold of such a routine and normal agreement is sobering indeed."[8] From our standpoint, we haven't seemed to learn much about the Soviet Union these past 30 years, particularly the changes in relations

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[1] Harris, Louis. "Public Favors Dealing With Reds on Peace," a nationwide syndicated article.

[2] The Evening Star, Washington, D.C., May 27, 1964.

[3] The Washington Post, Washington, D.C., May 28, 1964.

[4] The Washington Post, Washington, D.C., June 2, 1964.

[5] CONGRESSIONAL RECORD, vol. 110, pt. 10, p. 13670.

[6] "United States, Soviet Union Sign Accord on Establishing Consular Posts," Associated Press, Moscow, June 1, 1964.

[7] "The Consular Treaty," the New York Times, May 28, 1964.

[8] "Welcome Accord," the Washington Post, May 29, 1964.

between the non-Russian republics and Moscow within the U.S.S.R. itself.

BLACKOUT FOR THE CAMPAIGN

Despite all this high-powered approval of a most questionable treaty, fear suddenly seized its advocates. Serious doubt spread in administration circles about the ease with which ratification could be obtained. The Republican leadership in Congress began to question the prudence and validity of the pact. Senator EVERETT M. DIRKSEN, of Illinois, the minority leader, bluntly stated that the treaty would be "an unprecedented concession to the Soviet Union." He directed his criticism chiefly at the diplomatic immunity provided for consular officers who are supposed to be principally concerned with trade and consultative duties. With this provision, they would be immune from prosecution for crimes, including espionage. Senator BOURKE B. HICKENLOOPER, high-ranking Republican of the Foreign Relations Committee, complained sharply about the lack of advance consultation on the pact, which was now being submitted for the Senate's "advice and consent."

This first flurry of attack frightened the Democratic leadership into postponing hearings on the treaty until the next Congress in 1965. As one report had it, "in an election year, the administration would prefer not to engage in a full debate on the merits of its policies toward the Soviet Union." [9] This observation was amply confirmed when the chairman of the Senate Foreign Relations Committee, Senator J. W. FULBRIGHT, let it be known that no hearings would be scheduled on the pact. The blackout action taken was not only in response to the initial Republican opposition but also to the heavy critical mail pouring into Congress from the Midwest and West, where two of the expected three Soviet consulates would be established. The National Captive Nations Committee also placed itself on record in opposition to the convention as drawn.

One of the strange aspects of this background is this maneuver by the administration to prevent the American electorate from discussing this vitally important treaty during the presidential campaign. It would seem that in a democracy such as ours discussion on this and similar matters would be strongly encouraged rather than discouraged. Especially is this true during a presidential campaign, when issues should be thoroughly examined. In his acceptance speech the Republican candidate, Senator Barry M. Goldwater, alluded to the treaty but, unfortunately, failed to develop it into an issue in the course of the campaign.

Apparently the only effort made in this direction was by the Republican National Committee. In one of its pamphlets special mention was made of the "sponsorship of Consular Convention with Moscow, sealing the permanent captivity of a dozen non-Russian nations in the U.S.S.R. and opening up the United States to further Russian espionage, rackets, and propaganda (now before Foreign Relations Committee for ratification)." [10] A second, widely distributed pamphlet urged the "Rejection of the Consular Convention as it is now written because it will be America's stamp of approval on Moscow's Russian empire, diminish Baltic independence which has been steadily maintained since the end of World War II. And in this country Russian consulates will act as spy centers and means of duress and propaganda among American ethnic groups." [11] An open discussion of these and related points would undoubtedly have contributed to a productive national forum, which in essence a presidential campaign should be.

ON THE EVE OF A HEARING

Following the administration's strategy, an examination of the Consular Convention is thus confined to the Senate and its Committee on Foreign Relations. Of course this doesn't mean that others won't take an interest in the subject, but by no means could it be of the scope and depth that a campaign of issues would have occasioned. At this writing the treaty is being discussed in few circles, while preparations are being made for hearings by the Senate Foreign Relations Committee. It will be interesting to observe how close and thorough the hearings and examination will be.

By all evidence, the conceptions of the committee's chairman regarding the Soviet Union will be countered by several of the fundamental criticisms directed against the Convention. In his unforgettable address last year on "Foreign Policy—Old Myths and New Realities," Senator FULBRIGHT made the sound point that "If we are to disabuse ourselves of old myths and to act wisely and creatively upon the new realities of our time, we must think and talk about our problems with perfect freedom." Then he appropriately quoted Woodrow Wilson: "The greatest freedom of speech is the greatest safety because if a man is a fool, the best thing to do is to encourage him to advertise the fact by speaking." Evidently, the proponents of the Convention were unwilling to bank on this truth during the campaign.

For some time now the affable Senator from Arkansas has clung to the myth that some "200 million Russians inhabit the Soviet Union, let alone the earth." [12] In the address quoted above he strikes a further mythical note about the Soviet Union being a normal state with normal and traditional interests." [13] That is, a state similar to ours in structure, composition and "for certain purposes" behavior. These and related myths, long entertained by the Senator, are not in the order of judgment and opinion, but rather of basic knowledge and understanding.

However, the spirit of free debate in which the Senator drenched his remarks is readily accepted by every thinking American. Such debate should have been staged in the 1964 campaign. In fact, it is high time for another "great debate" in Congress and across the Nation on fundamental subjects like U.S. policy toward the Soviet Union and the need for a coherent American cold war strategy. A staged debate on these issues has been long overdue. There exists now a concrete and specific subject before the Senator's own committee that should prove to be a valid test of his expressed bent for open inquiry and perceptive examination. The issue of the consular convention has broad policy ramifications and can easily ignite the type of healthy discussion the Senator seems to encourage.

FULBRIGHT himself views the treaty as a small step toward "normalizing and regularizing" relations with Russia. Nevertheless, "we must think and talk about our problems with perfect freedom." It would be interesting to see whether the Senator himself is intellectually willing to shed some of his encrusted myths about the Soviet Union. On the surface, the subject of consular exchanges appears innocuous and procedural; beneath, it is fraught with profound implications for our moral and political position in the cold war.

ESSENTIALS OF THE PACT

The State Department has, of course, been pressing for heavy Senate support of the treaty. It naturally would like to see its work, which was started with discussions about the treaty in 1959, when Khrushchev was here, and accelerated by actual negotiations beginning in September 1963, brought to a point of final culmination. On a reciprocal basis, the pact would lead first to the establishment of consulates in New York and Leningrad, and then gradually include other cities, very likely Chicago and San Francisco here, Odessa and Vladivostok there.

Supporters of the treaty keep stressing the rather outworn, self-legitimating argument that this would be another step toward the easing of tensions. Whether it squares with the demands of political realities and what it implies for the aspirations of millions of non-Russian captives in the U.S.S.R. are considerations of negligible worth. Another chief argument advanced is that the pact would furnish more protection for U.S. citizens traveling and residing in the U.S.S.R. The case of Prof. Frederick C. Barghoorn, who in 1963 was detained for a period of 13 days before American officials were notified, has been repeatedly used as an example of "spy arrests" which, it is argued, a consular system may tend to curb. The fact is that a politically and historically more realistic alternative to the consular treaty would realize the same objective, without all the deficiencies and disadvantages of the latter.

The Convention requires for ratification a two-thirds majority in the Senate and the President's signature before becoming law. Should it come to pass, the treaty as a law of the land would also conclude a history of deliberation that sporadically extends back to the early thirties. In a real sense, the treaty is a product of the rather naive thinking of the thirties which in many areas viewed the U.S.S.R. as "a great experiment." When the United States recognized the Soviet Union in 1933, the intention to enter into a consular convention was expressed by both sides. In the czarist Russian Empire there were eight U.S. consulates or consular agents. In the thirties, as now, American hope was expressed that through these diplomatic approaches, through trade and closer cultural visitations, the United States and the U.S.S.R. would help mold the peace of the world. The events of that time showed how palpably naive we were.

Although no formal convention was arrived at, both the United States and the U.S.S.R. opened up consulates immediately prior to and during World War II. We established one in Vladivostok in 1934, and in the same year Moscow set up consulates in New York and San Francisco. In 1937 it opened up a vice-consular office in Los Angeles. Following World War II, we requested and received permission in 1947 to open up a consulate in Leningrad, but never did. For, by 1948, Russian cold war activity against the United States assumed bolder proportions, and after the Oksana Kasenkina affair in New York, the U.S.S.R. broke off consular relations completely.

One would think that in the past 20 years our state of perceptive knowledge regarding the Soviet Union and its Russian center has improved measurably to warrant a more realistic and sophisticated approach in this area. The deceits of the period, the revelations of World War II on the eastern front, the amendments to the Soviet constitution, the indomitable force of non-Russian nationalism in the U.S.S.R., and events in the United Nations, all this and more should have at least made us a little more imaginative in this sphere of cold war diplomacy. This, however, doesn't appear to be the case. Instead, the unfounded preconceptions and myths of the thirties continue to mislead us in the sixties. Significantly, the consular pact rests on the very myths nurtured by Senator FULBRIGHT himself.

MORE NEGATIVE ESSENTIALS ABOUT THE PACT

Needless to say, there are many more counterarguments that have been raised in opposition to the consular pact. Some, with

[9] "Johnson Seeks To Keep Red Pact Out of Politics," the Sunday Star, Washington, D.C., June 28, 1964.

[10] Republican National Committee, "I Need Your Help," Washington, D.C., 1964, p. 4.

[11] Republican National Committee, "Republican Win Policy: Johnson No-Win Policy," Washington, D.C., 1964, p. 8.

[12] FULBRIGHT Asks Details of Goldwater's Views," Associated Press, July 25, 1962.

[13] CONGRESSIONAL RECORD, vol. 110, pt. 5, p. 6227.

an eye for the entire spectrum of cold war conflict today, have rightly questioned the supposed change of circumstance from 1948. Behind the smokescreen of "peaceful coexistence" the cold war is far more intensive and obviously more extensive than it was then. From Moscow's viewpoint, the consular pact has as much cold war weight as any other treaty arrangement. It is easy to recite the details of what the convention will do, such as protecting citizens, performing notarial services, processing birth and marriage certificates, certifying wills, expediting travel documents, providing translation services, advising about local laws, and representing citizens, but these are only administrative aspects of an instrument that will be used for various cold war penetration of our environment. To view it differently is to view it blindly.

Concerning the protection feature, opponents have pointed to the meager numbers of Americans in the U.S.S.R., annually now about 17,000, and the few hundreds of Russians and non-Russians of the U.S.S.R. touring here, annually about 2,000, but only about 200 as individual tourists. These facts cause one to wonder whether this protection aspect isn't being overplayed. The argument is made that for the unusual concession of the immunity clause in article 19 of the convention and also in the specifics of the incorporated protocol, Moscow has conceded heavily on the subject of detention of "nationals," which is provided for in article 12 of the treaty and also in the protocol. Moscow is supposed to have overridden its own criminal code by which a person can be held incommunicado during an investigation of as long as 9 months. Now, according to the treaty, U.S. authorities are to be notified of the arrest of Americans within 3 days and be given access to them within 4.

Why the privileges of early notice and access haven't been pressed for on a reciprocal basis within our present ambassadorial arrangement is still an unanswered question. Provision for such privileges in the consular treaty does not necessarily justify the treaty's ratification, particularly when its basic defects are understood. Such provision is logically not a necessary integral part of the treaty since it could be—indeed, should have been—obtained on the ambassadorial level, with the principle of reciprocity fully applied. Advocates of the treaty claim also that the U.S. Embassy in Moscow is inadequate to meet all the responsibilities of protection, representation, etc., and that therefore consulates are needed in this vast area. With a practical and more realistic alternative, as given below, all of these needs and requirements can be even more efficiently realized. In addition to not generating the deficiencies and disadvantages of the consular arrangement, the alternative would sidestep the problem created by the treaty where other states would demand on a most-favored-nation agreement basis the inclusion of a diplomatic immunity clause in their outstanding consular pacts. In connection with Red totalitarian states and their representatives here, the policing problems would be immense.

Another ground of objection is Moscow's multifaceted interest in having this pact. One facet is money and its present importance for a foreign currency starved state. The treaty, in article 10 provides for the handling of estates to relatives in the U.S.S.R., but these wills have not been executed because of the lack of consular representation. The legacies have accumulated, and it is rumored that they aggregate into sizable sums.[14] Surely the amount of these legacies should be investigated to determine the pecuniary measure of Moscow's interest in the treaty. If there is any American interest from this angle, then mirages must have surrounded our negotiators.

The second facet of Moscow's interest is unquestionably greater opportunities for espionage, propaganda, and racket activities on our terrain. The spy factor was emphasized by Senator DIRKSEN who quoted both FBI Director J. Edgar Hoover and former Attorney General Robert F. Kennedy as to the danger involved. Hoover has underscored the fact that "a top-heavy percentage of Soviet bloc personnel assigned to this country actually have intelligence assignments," while Kennedy has pointed out that "the Communist espionage in this country is much more active that it has ever been." If we have any confidence in the two highest internal security offices of our country, this factor of spy activity cannot be taken too lightly.

Propaganda and racket activities also loom large in Moscow's scheme of interest. Soviet consulates in strategic sectors of this country would undoubtedly concentrate on breaking down the anti-Communist force of several well organized ethnic groups. These groups would become prime targets of consular propaganda.

However, in advancing some of these counterarguments aren't we implicitly admitting our inabilities to spy with equal or greater efficiency, to propagate ideas with perhaps more subtle dexterity, and to substantially withstand their onslaughts in our ethnic areas? If, in truth, we are that incapacitated, then these alone are sufficient reasons for not ratifying the treaty. On the other hand, if we recognize a two-way street proposition for most of these and are determined to traverse the street, then the adequacy of these arguments evaporates somewhat.

Yet, for the sake of argument, let's admit that a consular pact will contribute to a further easing of tensions, that it will signify our good intentions for more peaceful relations and understanding between peoples, that it will provide some protection for Americans in the U.S.S.R., and also that spying and propagandizing are two-way streets. Hypothetically, even admitting all this, the Convention as it stands contradicts all of our official pronouncements on the self-determination and freedom of nations. As pointed out by this writer in a letter to Secretary of State Dean Rusk, "Most important is the reason that under present circumstances consulates set up in the non-Russian republics in the U.S.S.R. would constitute both a contradiction of our many official statements underscoring the self-determination right of the captive non-Russian nations and a virtual confirmation of the imperio-colonial nature of the Soviet Union."[15] It was further stated: "The assumptions underlying the proposed agreement are in striking discord with the political realities present in the U.S.S.R., and are scarcely in accord with both our moral and political objectives as concern colonialism and the independence of nations."

Based on truly reactionary and backward premises of thought, the Convention serves to perpetuate the myth that the U.S.S.R. is "a normal state with normal and traditional interests" and in effect places a stamp of acceptance on the imperio-colonial character of the Soviet Union. Even the language of the text appears nonsensical in terms of both the Soviet Constitution and the political realities of the U.S.S.R. Beginning with article 2, paragraph 8, and running through the entire Convention, use is made of the terms "nationals" or "national," foolishly implying that, like an American national, there exists a "Soviet national," a citizen of a non-existent Soviet nation. What has become of the Lithuanian nation, the Ukrainian, the Armenian, even the Russian, and their respective real-bodied nationals with this stroke of what one may rightly call juridical genocide?

This semantic comedy is extended in article 7 paragraph 6 wherein the language of the "Soviet national" is accepted as Russian, Sovietese not having yet emerged. This oblique and indirect American support of Moscow's linguacide program against the colonial non-Russian nations in the U.S.S.R. is really something for us to ponder. When in article 16 we witness a provision for a national flag and a national coat-of-arms to be hung over Soviet consulates here, we wonder first whether the U.S. negotiators know the difference between the concept of nation and that of state and, second, whether they realize the depth of their conceptual and political contribution to Moscow's long-range genocidal plans. Article 23, dealing with taxation by the state, states or local governments, suggests the myth of parallelism, that the U.S.S.R. is like the United States, made up of various states in a bond of federation and consisting of local governments. In short, the state of Latvia is equivalent to the State of Rhode Island.

It doesn't require much foresight to see this Convention as an opening wedge for our eventual recognition of the forced incorporation of the Baltic countries in the U.S.S.R. The problem of the Baltic States, as some realists put it, can be disposed of in this manner. As Odessa in Ukraine is being bandied about for a prospective U.S. consulate, Latvian Riga or Estonian Tallinn will eventually crop up to receive our consular and diplomatic blessings on the eternal solidarity of Soviet Russia's internal empire. The reader should find most entertaining the State Department's wiggly and vacuous response to this essential criticism: "the convention does not deal with the question of opening consulates which will be the subject of separate negotiations."[16] Not only is the conceptual construction of the Convention overlooked but also one's credulity is taxed to the point of believing that with the foundation laid by the Convention our Department of State would religiously observe the Russian/non-Russian line of demarcation.

Finally, and worse still, as an additional step toward peaceful coexistence, the Convention deprives us of a cold war advantage with no parallel sacrifice by the Russians. In fact, as shown above, it plays beautifully into Soviet Russian hands. It also makes mockery of the President's own statements. Is there a rational alternative to this ill-advised Convention?

THE ALTERNATIVE OF AMBASSADORIAL EXCHANGES

In his April 3, 1964, statement on NATO, President Johnson stressed, "In particular we must be alive to the new spirit of diversity that's now abroad in Eastern Europe." By all means, let's do so, starting with the multinational U.S.S.R. The consular pact runs counter to this statement, but the initial establishment of U.S. Embassies in Ukraine and Byelorussia would demonstrate how truly alive we are to the "spirity of diversity." Not only this, it would realize with greater effectiveness all the objectives cited for the consular pact without losing any advantage in principle or kind in the everpresent cold war. More, in contrast to the pact, it would furnish objective credence to the President's words: "If we are to live together in peace, we must come to know each other better."[17]

Once we cast aside the populational and constitutional myths mentioned earlier, we can begin to understand that scarcely half of the population in the U.S.S.R. is Russian and that Kiev, the national capital of Ukraine, is no political counterpart of Chicago;

[14] "United States and Soviet Seen Nearer Consular Pact," the Washington Post, April 22, 1964.

[15] Communication, May 4, 1964.

[16] Department of State communication, May 14, 1964.

[17] State of the Union messaage, Jan. 4, 1965.

nor is Minsk, the Byelorussia capital, a substantive parallel to San Francisco.[18] In short, the United States is a single nation; the U.S.S.R. is not—it's a diversity of nations. Thus, logically, if we are wise and true to ourselves and also to the realities in the U.S.S.R., we should urge a consular pact for Russian cities, like Leningrad, in federated Russia (The Russian Soviet Federative Socialist Republic) administratively linking the consulates with our Embassy in Russian Moscow. At the same time, in behalf of realistic contacts with diverse nations, we should also proffer direct and full diplomatic relations with Ukraine and Byelorussia, at least as a start.

This important subject of ambasadorial exchanges with the national governments of the non-Russian republics in the U.S.S.R. has an even more interesting background than the consular convention.

In 1953 a special subcommittee of the House Foreign Affairs Committee considered every aspect pertaining to the exchange of ambassadors with Ukraine and Byelorussia.[19] Hearings on House Concurrent Resolution 58, which was sponsored by the late Congressman Lawrence H. Smith, of Wisconsin, brought out these salient facts: (1) Article 18a in the U.S.S.R. Constitution stipulates that "Each Union Republic has the right to enter into direct relations with foreign states and to conclude agreements and exchange representatives with them"; (2) being charter members of the United Nations, Ukraine and Byelorussia are de facto recognized by us; [20] (3) despite a secretive and abortive attempt by the British Government in 1947 to make direct diplomatic contacts with these two nations, open negotiations are justified both by the demands of changing times and all the legal credentials involved; and (4) if we are earnest about understanding and maintaining peaceful relations with different nations and peoples, then we should make every effort toward the non-Russian nations in the U.S.S.R.

Every conceivable criticism of the resolution was treated, including those submitted by the State Department in opposition to the proposal.[21] The Department expressed itself twice; once in a statement, dated June 26, 1952, to Senator H. Alexander Smith, who took a keen interest in this, and later, on March 23, 1953, in a communication to the chairman of the House Foreign Affairs Committee, Mr. Robert B. Chiperfield. Both statements are virtually alike.

In view of its present pressure for the consular pact, it is interesting to note some of the Department's arguments against ambassadorial exchange. One, it is "doubtful whether the American people would look with favor upon an increase in the number of Communist missions in the United States." Two, it "would require a large expenditure of money by the U.S. Government." These two major arguments might just as well be applied against the consular pact. Again, spying is a two-way street, and the multiple benefits to be derived from ambassadorial exchanges would more than justify the money expended.

The Department also argued that U.S. Embassies in Ukraine and Byelorussia would bolster the myth of their sovereignty and pave the way for further participation of these republics in international organizations. Surely U.S. diplomatic missions in Bulgaria, Czechoslovakia, and the other captive countries are no evidence of their sovereignty. The second point is utterly specious when one surveys, for example, Ukraine's participation in the International Labor Organization, UNESCO, and many other bodies.

Having embassies in the countries taken over by the Communists with the help of the Soviet Russian armies does not in any degree imply recognition of the military aggression against them by Communist Russia or the regimes installed therein. It is a matter of simple and practical expediency on our part, which would provide us with additional opportunity to know at first hand what is actually going on in these two captive nations.

Moscow may refuse the diplomatic exchange regarding Ukraine and Byelorussia, although such ambassadorial exchanges are now taking place on an impressive scale between the countries of the world and the newly arising independent states of Africa. Let us ask Moscow in the court of world opinion: Who is colonialist and imperialist? The United States or the U.S.S.R.? Let us take this opportunity to use this tactical gambit and to find out how Moscow really feels about Ukraine and Byelorussia, which it claims are "free and sovereign" and which may not only maintain diplomatic relations with foreign states, but even may secede from the Soviet Union.

Many other possible criticisms, such as the effect of this action on our nonrecognition of Red China, the possibility of Moscow rejecting our offer, or the attitude of our allies, were so convincingly answered that the special subcommittee, headed by Mrs. FRANCES P. BOLTON, unanimously favored the Smith resolution. Before the measure could be considered by the full Foreign Affairs Committee, the State Department intervened in July 1953, requesting that it be given time for its further study. The request was granted and, regrettably, a short time later the resolution's able sponsor passed away.

Actually, no serious study of this subject was undertaken. In 1956, Under Secretary of State Murphy admitted this to the writer. Two years later, Assistant Secretary William B. Macomber confirmed this fact when, in response to an inquiry by Representative LEONARD FARBSTEIN, the new sponsor of the resolution, he stated that "the Department has no record of a study such as you described having been made subsequent to this time." [22] He enclosed a copy of the Department's 1953 statement to Mr. Chiperfield.

The need for a full examination of this issue is more pressing now than ever before. The basic criteria for diplomatic recognition, as set forth by Secretary of State John Foster Dulles in an Overseas Press Club address in March 1954, are fully satisfied by the proposal for ambassadorial exchanges with Ukraine and Byelorussia. They entail (1) usefulness of dipolmatic intercourse—informational, psychological, cultural, etc., (2) absence of any moral approval of the governments involved, and (3) no intense hostility toward the United States. There is no problem on this score.

The real problem is the mythical notions that many harbor with respect to the U.S.S.R. They represent the case of old myths about old realities. The occasion for Senate judgment on this consular pact is also an occasion for judgment on ambassadorial exchanges. As the President not too long ago put it, "Our guard is up, but our hand is out." Question: Will the hand remain fractured by old myths?

[18] See Dobriansky, Lev E., "Nations, Peoples, and Countries in the U.S.S.R.," U.S. GPO, Washington, D.C., 1964.

[19] "Favoring Extension of Diplomatic Relations With the Republics of Ukraine and Byelorussia," U.S. GPO, Washington, D.C., 1953.

[20] "Review of the United Nations Charter," U.S. Senate Committee on Foreign Relations, U.S. GPO, Washington, D.C., 1955, pp. 1829–1851.

[21] Dobriansky, Lev E., "The Dilemma of the State Department on Diplomatic Relations," the Ukrainian Quarterly, vol. X, spring 1954, pp. 159–166.

[22] Dobriansky, Lev E., "Revived Interest in U.S. Diplomatic Relations With Ukraine and Byelorussia," the Ukrainian Quarterly, vol. XVIII, autumn 1962, p. 231.

ADDITIONAL COPIES OF SENATE DOCUMENT NO. 46

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 507.

The Clerk read the house resolution, as follows:

Resolved, That there be printed for the use of the House of Representatives one hundred thirty one thousand seven hundred additional copies of Senate Document No. 46 which contains a brief explanation of the elements of entitlement to and benefits available under the hospital insurance benefits for the aged and the supplementary medical insurance benefits for the aged enacted in the Social Security Amendments of 1965, pursuant to H.R. 6675.

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

Mr. HAYS. Mr. Speaker, reserving the right to object, in the interim, the gentleman has explained this bill to me at length and in great depth and, therefore, I will not object further.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HUDSON RIVER TOWNS ENDORSE FEDERAL ACTION

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OTTINGER] 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 Texas?

There was no objection.

Mr. OTTINGER. Mr. Speaker, I am pleased to report that support for legislation establishing a Hudson Highlands National Scenic Riverway continues to grow. In ever-increasing numbers, towns and villages along the Hudson River are officially joining the 13 Congressmen and 2 Senators in calling for action to save this river.

I should like to present this body and the American people some of the official resolutions that have been passed in recent months:

RESOLUTION ADOPTED AT TOWN BOARD MEETING AUGUST 4, 1965

Resolved, That the Town Board of the Town of Clarkstown is in favor, in principle, of legislation that has as its purpose the orderly development of the Hudson River Valley with equal consideration of natural and scenic values, residential, industrial, and recreational facilities, and controlled urban development; and be it further

Resolved, That legislation be specific enough to make certain that no Federal, State, or local government have the right to acquire improved private property within such area; and be it further

Resolved, That any property acquired shall remain on the tax rolls of the municipalities involved; and be it further

Resolved, That the language of the Ottinger bill be restricted to no more than 1 mile in terms of jurisdiction; and be it further

Resolved, That this resolution be forwarded to Congressmen RICHARD OTTINGER and JOHN G. DOW.

Attest:

CHARLES R. ADAMS, Jr.,
Deputy Town Clerk.

RESOLUTION OF VILLAGE OF GRAND VIEW-ON-HUDSON, N.Y.

Resolved, That the Village Board of Grand View-on-Hudson, N.Y., is in favor, in principle, of legislation that has as its purpose the orderly development of the Hudson River Valley with equal consideration of natural and scenic values, residential areas, recreational facilities, and controlled urban development. We would strongly recommend that the wording of such legislation be specific enough to make sure that such communities as Grand View-on-Hudson be enhanced and preserved and that no Federal, State, or local government have the right to acquire improved private property in such areas.

In this regard, the Village Board believes that H.R. 9868, a bill introduced by Congressman JOHN G. DOW and providing for a joint Federal-State study of the future of the Hudson River is appropriate at his time, and such bill has the unanimous support of the full board of trustees of this village.

Dr. Carmine Freds, mayor of the Village of Grand View-on-Hudson, was appointed to represent the village of Grand View-on-Hudson at conservation hearings to be held on July 24, 1965.

Attest:

SALLEY HARING,
Village Clerk.

RESOLUTION BY CITY OF PEEKSKILL

Whereas Hon. RICHARD L. OTTINGER, Member of Congress from the 25th New York Congressional District which includes the city of Peekskill, introduced in the House of Representatives a bill, H.R. 3012, providing for the establishment of the Hudson Highlands National Scenic Riverway; and

Whereas said bill is intended to help protect the resources of New Yorkers in the Hudson River Valley and to help develop the full economic and recreational potential of the Hudson River Valley; and

Whereas the city of Peekskill is now engaged in the necessary work to improve, beautify, and utilize the waterfront property within the city of Peekskill; and

Whereas the bill introduced by Representative OTTINGER is related and intended to affect the same purposed throughout the entire Hudson River Valley, south of Beacon and north of Yonkers: Now, therefore, be it

Resolved, That this common council approves of the bill introduced by Representative OTTINGER and known as H.R. 3012, and does hereby urge Representative OTTINGER to do all in his power to bring about the passage of the said bill; and be it further

Resolved, That a certified copy of this resolution be sent to Representative OTTINGER and to the chairman of the House Committee on Interior and Insular Affairs.

Attest:

S. ALFRED H. MILLER,
City Clerk.

RESOLUTION BY TOWN OF YORKTOWN

At a regular meeting of the Town Board of the Town of Yorktown, Westchester County, N.Y., held on the 6th day of July 1965, with all members present, the following resolution was unanimously adopted:

"Whereas the Hudson River constitutes a precious natural resource which should be preserved for this and future generations as a valuable recreational, educational, scenic, historical and economic asset, it is hereby

"*Resolved*, That the Town Board of the Town of Yorktown, N.Y., urges the establishment of a Hudson Highlands National Scenic Riverway under the administration of the U.S. Department of the Interior.

"KATHERINE K. WYLAND,
"Town Clerk."

RESOLUTION BY ROCKLAND COUNTY PLANNING BOARD

Upon a motion by Mr. Burleigh, seconded by Mr. Hall, and unanimously adopted, the following resolution was passed:

"Whereas the establishment of a National Scenic Riverway on the Hudson River from the Bergen County-Rockland County line north to Newburgh, vitally affects the interest of Rockland County, and

"Whereas all the counties thus affected have active planning boards: Be it therefore

"*Resolved*, That representation of the county planning boards be made a part of any official committee working to develop a Hudson River Scenic Riverway.

"JOHN A. KEENAN, *Chairman.*"

RESOLUTION BY VILLAGE OF OSSINING

Whereas the Hudson River constitutes a precious natural resource which should be preserved for this and future generations as a valuable recreational, educational, scenic, historical, and economic asset, it is hereby

Resolved, That the Board of Trustees of the Village of Ossining, N.Y., urges the establishment of a Hudson Highlands National Scenic Riverway under the administration of the U.S. Department of the Interior.

LESTER M. KIMBALL,
Village Clerk.

RESOLUTION BY TARRYTOWN-ON-HUDSON

Whereas the Hudson River constitutes a precious natural resource which should be preserved for this and future generations as a valuable recreational, educational, scenic, historical, and economic asset, it is hereby

Resolved by the Mayor and Board of Trustees of the Village of Tarrytown, That they urge the establishment of a Hudson Highlands National Scenic Riverway under the administration of the U.S. Department of the Interior.

CATHERINE P. MCCAUL,
Village Clerk.

BOARD OF SUPERVISORS OF PUTNAM COUNTY
RESOLUTION R–122

Resolved, That this board of supervisors go on record as supporting a bill to provide for the establishment of the Hudson Highlands National Scenic Riverway in the State of New York and copies of this resolution be mailed to Secretary of the Interior Stewart L. Udall and President Lyndon B. Johnson.

JOHN P. MORRIS,
Clerk of the Board of Supervisors of Putnam County.

VILLAGE OF CROTON-ON-HUDSON.

CONGRESS OF THE UNITED STATES,
Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

GENTLEMEN: The mayor and trustees of the incorporated village of Croton-on-Hudson, Westchester County, State of New York, respectfully urge your favorable consideration of H.R. 3012, the Hudson Highlands National Scenic Riverway bill.

Respectfully yours,

JOSEPH A. ZERELLO,
Village Clerk-Administrator.

SACHS-QUALITY STORES OF METROPOLITAN NEW YORK PROMOTE GOOD CITIZENSHIP

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. SCHEUER] 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 Texas?

There was no objection.

Mr. SCHEUER. Mr. Speaker, I would like to draw the attention of this body to the meritorious work done by the Sachs-Quality Stores of Metropolitan New York, in promoting good citizenship qualities in New York's youth. Starting in June 1964, Sachs-Quality has presented the John F. Kennedy Memorial Citizenship Award to nearly 300 academic, vocational, and parochial high school graduates who were selected by their teachers for demonstrating outstanding citizenship qualities throughout their school years.

The recipients of this award are students who continuously demonstrated the ideals of community service which the late President John F. Kennedy instilled so well in the youth of this Nation.

It is Sachs-Quality's hope that the award medallions serve not only as rewards for past achievements but also as incentives for youngsters to strive for even higher goals, to work hard in their communities and to become active, conscientious citizens.

I am always encouraged to see commercial organizations take a deep and continuing interest in their community. This is a constructive project which might well be emulated by other organizations throughout the country and it is for this reason that I am bringing this project to the attention of my colleagues.

IN DEFENSE OF CONTRACT AUTHORITY FOR URBAN RENEWAL

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. REUSS] 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 Texas?

There was no objection.

Mr. REUSS. Mr. Speaker, local officials across the Nation will be disadvantaged by the chaos, confusion, and uncertainty which could result from the removal of contract authority for the urban renewal program.

Urban renewal officials at all levels of Government have striven for years to attain long-range coherence and continuity in planning and carrying out local programs.

Urban renewal is perhaps the most complex of all our domestic programs. It has major impact on the entire face of the community, affecting capital outlays, tax base, public works, school districts, welfare programs, the anti-poverty effort, private investment—indeed the whole health of the locality. The difficulties of meshing all these facets of the community structure into the overall local urban renewal effort are obvious.

The key to local success in this direction has been obvious since the inception of urban renewal. It can be put into two words—timing and continuity.

If you fail in properly timing these local interrelationships, you inevitably contort an orderly local approach into a splintered effort that can hardly succeed.

If you lose long-range continuity in urban renewal, you throw the objective of overall civic improvement to the four winds.

I submit to you that we are taking a stride toward defeating the prime aims of urban renewal.

How can a mayor marshal his local resources when he cannot rely on the availability of Federal financial aid when it is needed? How can a local governing body commit itself to an urban renewal project when it has no way of knowing when the undertaking will come into being? Above all, how long will slum dwellers be forced to endure their misery because we have tied the hands of the local forces dedicated to aid them?

The local share of urban renewal costs is heavily dependent on noncash local grants-in-aid—schools, streets, and other public works. But the eligibility for credit of these items involves a relatively tight schedule between the beginning of their construction and the commencement of actual urban renewal project activities. Many small communities, for example, in this situation might find it extremely difficult to proceed with urban renewal.

The Congress, you may remember, approved an urban renewal vehicle called the community renewal program. This program, financed by Federal grants, is designed to produce an effective framework for urban renewal activity over a long range of years. Now we are putting communities in the position of restricting their forward look to months rather than years. This obviously makes the community renewal program something less than meaningful.

Urban renewal, by its very nature, cannot be lightning fast. Vocal critics, over the years, have carped mightily about its slowness. What we are doing today will restrict the program to a snail's pace in too many communities. And the snail could well come to a grinding halt. Is this the future we want for our cities?

JOB CORPS MEANS PROGRESS FOR WILLOWS, CALIF.

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. LEGGETT] 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 Texas?

There was no objection.

Mr. LEGGETT. Mr. Speaker, over last weekend, it was my pleasure to dedicate one of the 50 Job Corps camps recently established at Alder Springs, under management of the Department of Forestry in my congressional district. This camp is one of the largest and finest in the country and the opportunity afforded American underprivileged youth for a study-conservation experience is unexcelled.

The men pioneering the development of this camp are dedicated to the proposition that raw American youth of many heritages can be molded into a useful national resource.

I told the boys at the dedication that they were part of an important national undertaking to see if a work study experience can combust their constitutions making them both useful to themselves and the country. I solicited their support not only for the several scores of boys but for the millions that would follow prospering by a workable example.

It was apparent that the boys recruited had no common denominator problem, that once solved could reconstitute them. Some could not write, few had passed the ninth grade—perhaps not the group you would collect to form a fraternity, but I saw a look of hope and promise in these young faces of many complexions.

To mold the local community to favorably receive these young chaps was not easy. Primary credit I would give to Ed Davis of the Willows Daily Journal who editorializes at one point in part as follows:

AGAINST PROGRESS FOR COMMUNITY?

Some Willows residents seem to be thinking of the proposed camp in terms of a corrective camp for criminals or delinquents. Nothing could be further from the truth.

Young men in the Job Corps will be carefully screened from among thousands upon thousands of "underprivileged" youths seeking only the opportunity to better themselves and lead productive lives.

No known delinquents will be among them. They will be carefully supervised with, in fact, one supervisor to every five enrollees.

Far from representing a drawback to the community, the job camp would be an asset, pure and simple.

Much of the food and supplies for 100 youths and 21 teachers and supervisors could be expected to be bought here in Willows, giving the community the same kind of an economic shot in the arm which resulted from expansion of the Forest Service here, and establishment of the Bureau of Reclamation office in Willows. The teachers and supervisors would represent the same kind of high-type, well-paid men as these other Federal personnel.

Much of the youths' work would be devoted to conservation and other types of improvement in the wildlife refuge, indirectly benefiting everyone in the area which the refuge serves.

Judging from similar programs, the youths would also take an active part in community projects for the direct benefit of residents of Willows and the surrounding area.

It is hardly surprising that when the proposed camp was first discussed, informally and without the publication of facts about it, some businessmen and others would leap to unjustified conclusions about it. Such a reaction generally occurs.

But now that the facts are known, isn't it sheer folly to do anything else but get behind the proposal and work actively to bring the camp to the wildlife refuge?

Would those same residents who are opposing it also oppose a selected new industry, with a steady payroll and without harmful side effects like soot and noise? This, in effect, is what they are doing.

There will always be with us, of course, those who don't want the community to change; who want to try and keep Willows the way it was in good old grandfather's day; who are opposed to growth and progress.

Well, God bless them, they are only being consistent by opposing a Job Corps camp, for it does represent growth and progress. But why in the world anyone else in Willows should be against it surpasses all understanding.

Mr. Speaker, at the dedication many were quick to see the challenge of this new program. Prof. Monti Reynolds, of the University of California at Davis, was ready to pledge the assistance of faculty and students of this great agricultural university to assist in molding this human resource to national good. I understand several dozen at the university are already enrolled to assist in providing recreation, entertainment, and educational media and instruction to the camp.

Were we to appraise this program by the numbers game, I think we would miss the boat. The fact that this camp lost 20 percent in the first month of operation means that the Nation is simply not running a bourgeois summer camp. Camp life is tough; learning, for the untrained, takes patience. We could, of course, recruit a higher class of boy who might be borderline in need of training to help our statistics, but the benefit to the Nation would be marginal.

The 1-to-8 instruction ratio at the camp is likewise a nebulous term until you look at the quality manpower recruited. Politicians? I do not think so. The manpower quality is well set forth in the following letter received from the Forest Service:

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Willows, Calif., July 27, 1965.

Congressman ROBERT L. LEGGETT,
House Office Building,
Washington, D.C.

HONORABLE CONGRESSMAN LEGGETT: I appreciate your interest in the Alder Springs Center as expressed in your letter of July 7, 1965. We have a very excellent staff, and this is the principal reason we have been able to do so well in the temporary tent camp we now have. We have started moving to the new center and should be completely moved by the end of the week.

The following is a list of my staff with an analysis of their backgrounds.

Dean L. Price: Deputy director for works, age 30, Caucasian, degree in forestry from Michigan School of Mines, formerly an assistant district ranger on the Los Padres National Forest.

Stanley Lynch: Deputy director for education, age 42, Negro, formerly an educational director of a youth program for high school dropouts in the State of Indiana, degree from Indiana University.

Henry Bunstein: Administrative officer, age 48, Caucasian, degree in English from Western Reserve University, formerly a fire control officer on the Modoc National Forest.

Claude Wilson: Counselor, age 30, Caucasian, graduate of Arizona State University, formerly high school counselor at Cascade, Wash.

Jesse Kingsberry: Remedial reading teacher, age 30, Negro, graduate of Texas Southern, formerly a teacher in Los Angeles City.

Earl Copus: Math teacher, age 27, Caucasian, formerly with the Peace Corps in Brazil, graduate of University of Georgia.

Fred Todd: Recreation director, age 34, Caucasian, formerly athletic director at Cascade, Wash., graduate of Washington State University, former director of Easter Seal Camp for four summers.

Norm Anders: Reading teacher, age 27, Caucasian, formerly teacher in Port Arthur, Tex., high school, graduated from North Texas University.

Nathaniel Hunter: Math teacher, age 27, Negro, from Washington, D.C., graduated from Virginia State College.

Richard Endicott: Forestry technician, age 50, Caucasian, with the Forest Service for 20 years in various positions.

Richard Marsalis: Forestry technician, age 24, Caucasian, graduated from Mississippi State University in 1963, Forester with U.S. Forest Service last 2 years.

Paul Hill: Forestry technician, age 27, Caucasian, graduate from California Politechnic College, formerly supervisory fire control aid on Los Padras National Forest.

Bob Holdridge: Forestry technician, age 29, Caucasian, formerly fire prevention technician on Sequoia National Forest.

Charles Thompson: Forestry technician, age 23, Caucasian, formerly fire prevention technician on Mendocino National Forest.

Donald Clark: Forestry technician, age 27, Caucasian, formerly supervisory fire control aid on the Modoc National Forest.

Jack Gaines: Forestry technician, age 40, Caucasian, formerly fire prevention technican on Los Padres National Forest.

William Brown: Forestry technician, age 32, Caucasian, formerly supervisory fire control aid on the Mendocino National Forest.

Carl Buterbaugh: Medic, age 50, Caucasian, formerly a chief warrant officer in the U.S. Navy.

Elmer Franklin: Resident youth worker, age 25, Negro, graduate of Florida A. & M. College in political science and psychology.

Luroy Hayes: resident youth worker, age 49, Negro, former lieutenant colonel in U.S. Army.

Lionel Booth: Resident youth worker, age 33, Caucasian, graduate of Vocational College, Costa Rica, 5 years as social work technician with U.S. Army.

Thomas Rogers: Resident youth worker, age 23, Caucasian, 4 years of service with U.S. Navy as radioman.

Andrew Caldwell: Resident youth worker, age 23, Caucasian, 4 years at Chico State College, completed the Peace Corps training program.

James Overstreet: Resident youth worker, age 29, Caucasian, graduate of Chico State College.

I have not included six cooks and three clerks. We are presently four positions short of our staffing allowance.

Sincerely yours,

A. R. GRONCKI,
Center Director.

ARTICLE DEBUNKS THE ANTIQUATED AND REPUGNANT IDEA OF A JEWISH QUOTA OR JEWISH SEAT

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. FARBSTEIN] is recognized for 15 minutes.

Mr. FARBSTEIN. Mr. Speaker, the revelation this weekend in the press that our late President, John F. Kennedy, disliked the ghetto concept of a so-called Jewish seat on the U.S. Supreme Court exemplifies the maturation of our American democracy.

Just as Mr. Arthur Goldberg was named to be our Ambassador to the United Nations on the basis of his individual qualifications, his seat at the Supreme Court is to be filled by a distinguished and able attorney, Mr. Abe Fortas, on the basis of his personal merit. The fact that these two men happen to be of Jewish background is beside the point.

I wish to call the attention of the Congress to a syndicated article by Mr. Milton Friedman, an authoritative White House correspondent. The article, appeared this weekend in many newspapers in America and abroad, subscribers of the Jewish Telegraphic Agency.

Mr. Friedman's article is of historic importance in that it superbly debunks the antiquated and repugnant idea of a Jewish quota or Jewish seat. He affirms that both President Kennedy and President Johnson were motivated in their nominations to the Supreme Court by factors of individual merit rather than considerations of religion with respect to the men they chose.

I commend this article to the attention of the Congress:

(By Milton Friedman)

WASHINGTON.—The appointment of Abe Fortas to the so-called Jewish seat on the U.S. Supreme Court has brought to light information that the late President, John F. Kennedy, privately voiced displeasure over what he considered the ghetto concept involved.

At the time of his appointment of Arthur J. Goldberg, Mr. Kennedy became aware that his selection was being depicted as a Jewish replacement for the ailing Justice Felix Frankfurter. Mr. Kennedy told his closest aids that he found the idea of a special quota designating a Jewish member to the Supreme Court, as distinct from other members, to be objectionable.

Mr. Kennedy pointed out that his selection of Mr. Goldberg was based on individual merit and had nothing to do with religion. He emphasized that it was only coincidental that Mr. Goldberg and Mr. Frankfurter were both of the Jewish faith.

In the Kennedy philosophy, the perpetuation of a special Supreme Court seat reserved for Jews, Negroes, Catholics or any other minority was an unhealthy precedent to establish in the evolving American democracy.

The New York Times, describing President Johnson's appointment of Mr. Fortas, reported that it "keeps alive the tradition of a Jewish seat on the Court."

The Washington Post commented that "Fortas will assume what is crudely called the 'Jewish' seat on the Court but more significantly is the historic seat occupied by Joseph Story, Oliver Wendell Holmes, Benjamin N. Cardozo, Frankfurter, and other distinguished jurists."

The first Jew named to the Supreme Court, Louis D. Brandeis, was appointed in 1916 in the face of strong anti-Semitic opposition. Another Jew, Mr. Cardozo, was appointed in 1932. Mr. Cardozo was succeeded by Mr. Frankfurter. The ugly Brandeis controversy no doubt motivated a subsequent desire to assure other Jews the right to serve on the highest court. This generated the practice of successive appointment of Jews.

The expanding American philosophy of participation in Government without regard to race or religion caused both Justices Frankfurter and Goldberg to be troubled by designation as "the court Jew."

Today, an ironic truth has emerged. President Johnson selected Mr. Fortas without regard to Jewish considerations. The President regards Mr. Fortas, a close personal friend since the 1930's, as a legal genius and a personality so motivated by justice that he is the best man for the job.

President Johnson explained that "for many, many years I have regarded Mr. Fortas as one of this Nation's most able and most respected and most outstanding citizens, a scholar, a profound thinker, a lawyer of superior ability and a man of humane and deeply compassionate feelings toward his fellow men, a champion of our liberties. That opinion is shared by the legal profession and by the bar of this country, by Members of the Congress and by the leaders of business and labor and other sectors of our national life."

"Mr. Fortas has, as you know, told me on numerous occasions in the last 20 months that he would not be an applicant or a candidate or would not accept any appointment to any public office. And this is, I guess, as it should be, for in this instance the job has sought the man. Mr. Fortas agrees that the duty and the opportunity of serviee on the highest court of this great country is not a call that any citizen can reject," said the President.

Colleagues of Mr. Fortas noted that he already held one of the most powerful unofficial posts in Government as the President's top legal adviser and one of his closest personal confidants. However, he never offered advice on matters pertaining to Israel or of unique interest to the Jewish community, according to White House authorities. Nor did the President consider Mr. Fortas as identified with Jewish causes. He did not seek such advice from him.

Mr. Fortas' friends of Jewish faith depict him as motivated by a quest for social justice and human dignity attributable to his ancestral heritage. He did not hold membership in a synagogue or temple. But he did send contributions to the United Jewish Appeal. So did Mrs. Fortas, who is not Jewish. They have no children.

Immediately after his appointment, Mr. Fortas told the Jewish Telegraphic Agency that he considers himself to be Jewish. He said this to clarify his conception of religious identity in view of his lack of formal affiliation with Jewish institutions or organizations.

In the late 1940's and early 1950's, Mr. Fortas was a leading opponent of Federal loyalty programs. He defended the rights of individual Federal employees. His law firm handled the defense of Owen Lattimore, an expert on the Far East who was accused of misrepresenting alleged Communist associations.

With his law partners, former New Deal Trustbuster Thurman Arnold and wartime OPA Administrator Paul A. Porter, Mr. Fortas fought to limit the Government's power to fire employees without giving specific allegations or an opportunity to confront accusers.

Mr. Fortas taught at Yale, and came to Washington as a protege of William C. Douglas when the Supreme Court Justice served as a leading New Deal official.

A noted success won by Mr. Fortas before the Supreme Court was his handling, on assignment without pay, of the case of *Gideon* v. *Wainwright*. This case established a precedent that States must provide free counsel to penniless persons accused of crime.

In the 1954 *Durham* case, Mr. Fortas got the U.S. court of appeals to broaden the legal definition of insanity as applied to accused criminals.

Mr. Fortas has publicly lauded Supreme Court rulings such as the school desegregation decision. He said the Court was thereby helping promote social progress.

AN IMPROVED PROPOSAL FOR CURBING MAIL-ORDER PORNOGRAPHY

The SPEAKER. Under previous order of the House, the gentleman from Wisconsin [Mr. ZABLOCKI] is recognized for 15 minutes.

Mr. ZABLOCKI. Mr. Speaker, early in the current session of Congress I introduced a bill to help eliminate the traffic in obscene literature through the mails by requiring registration with the Post Office Department of mailing list brokers and others who sell or exchange such lists of addresses.

This proposal was the result of almost a year's study of the problem of porno-

graphic materials and come-ons for obscene literature which increasingly have been reaching our Nation's youth through the Federal mails.

The reception which the bill, H.R. 3027, has received from interested persons throughout the United States truly has been most gratifying to me. Letters which I have received indicate deep concern on the part of the public over the type of materials which are being mailed to more than 1 million American schoolchildren each year by conscienceless smut peddlers.

The reaction of the direct mail industry has also been heartening. Mail Marketing Newsletter has called the proposal a "practical" approach to the problem. Further, in February of this year I met with representatives of the direct mailers. They too have been concerned about the rising tide of smut being sent through the mails.

One of their chief concerns was that my bill, as written, did not cover persons who make lists from their own sources and use them to send pornography. At that meeting I agreed that the bill could be strengthened by including such persons and agreed to amend my bill in this regard.

The Post Office Department has also been favorable to this proposal. In early July I met with Postmaster General John Gronouski, Chief Postal Inspector Henry Montague, and Department Counsel Felix Sklagen to discuss the matter. I found them very concerned about the problem. They informed me that the number of complaints from parents about this material being received in their homes had increased almost 300 percent in the past 3 years. Although the postal authorities have stepped up efforts at finding and having convicted these traffickers in filth, it appears that new effective legislation is needed.

The Postmaster General has endorsed the concept embodied in H.R. 3027 and has—together with experts on his staff—offered suggestions for improving and strengthening the measure. These have been gratefully received.

In drafting the bill initially, it was my intention to make it as effective as possible without first, involving censorship; second, placing unwarranted restrictions on legitimate mailers; and third, putting a heavy administrative burden on the Post Office Department. The suggestions I have received will significantly improve the proposal within these guidelines.

For that reason, Mr. Speaker, today I am introducing a new and improved bill, superseding H.R. 3027. The new measure is quite similar in concept to the old one, but embodies the following changes:

First, the old bill required all who buy and sell mailing lists to register with the Post Office Department. The new bill requires only mailing list brokers, that is, individuals and firms whose primary business is in buying and selling lists, to register. The reason for the change is that mass registration would serve little good purpose and create an administrative hardship on postal officials. The principal interest is in the brokers because of the key role they play in the mailing list business.

Second, the earlier bill required only those who buy and sell mailing lists to keep records of their transactions. This did not cover persons who compile their own mailing lists for sending obscene materials. The new bill requires records of transactions to be kept for at least 5 years by all who buy, sell, or use mailing lists in a profitmaking enterprise.

As in the old bill, the new bill requires that these records be shown to postal authorities upon request.

Third, the old bill carried a maximum $3,000 fine for noncompliance. The new bill increases the fine maximum to $5,000 and provides for a sentence of up to 1 year in jail, or both. This amendment puts more "teeth" in the proposed law.

Mr. Speaker, it is my hope that the House Post Office and Civil Service Committee will hold early hearings on this new and improved proposal.

The time has come for Congress to act in eliminating the traffic in obscene literature through the mails. With each passing day the amount of pornography flowing into American homes increases. Let us act with dispatch to clear this pollution from our postal system.

In order to acquaint my colleagues further with this new bill, the text follows:

H.R. 10331

A bill to require mailing list brokers to register with the Postmaster General, and suppliers and buyers of mailing lists to furnish information to the Postmaster General with respect to their identity and transactions involving the sale or exchange of mailing lists, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That (a) chapter 53 of title 39, United States Code, relating to the several classes of mail, is amended by adding at the end thereof the following new section:

"4061. Registration of mailing list brokers; furnishing of information by suppliers, buyers, and users of mailing lists

"(a) Each broker engaged in the sale or exchange of mailing lists for profit shall register with the Postmaster General, within — days of enactment, a registration statement in such form and detail as the Postmaster General shall determine, respecting (1) the name under which he is or intends to do business, (2) the scope and general character of the business transacted or to be transacted, (3) the relationship, if any, of the mailing list operation with other business undertakings, (4) the location of his principal business office, and (5) the names and addresses of the directors and the chief executive officers where the broker is a corporation, association, partnership, or other such entity;

"(b) Each individual and each corporation, partnership, or other business organization or association using, buying, selling, leasing, renting, exchanging, or otherwise making available to others for profit any list of addresses or other similar mailing list shall on request furnish the Postmaster General, in such form and detail and at such time as he shall determine, information respecting (1) the name of the individual, corporation, partnership, or other business association or organization, and (2) the identity of individuals having a financial interest in any such organization or association, including the responsible officers and employees thereof. Records shall be kept for a period of not less than five years and postal officials upon request shall be permitted to examine such records and particulars of transactions or mailings pertaining to any such address or mailing list;

"(c) As used in this section—

" 'broker' means any person who engages either for all or part of his time, directly or indirectly, as agent, dealer, or principal, in the business of offering, buying, selling, or otherwise dealing or trading in mailing lists owned, rented, or used by another person;

" 'registration statement' means the statement provided for in this section, and includes any amendment thereto and any report, document, or memorandum filed as part of such statement or incorporated therein by reference;

" 'supplier' shall mean to include broker, owner, and compiler;

" 'buyer' shall mean any person who buys mailing lists or buys the use of such lists through leasing or renting agreements;

" 'user' shall mean any person who uses mailing lists supplied by someone else, or the person performing the acts and assuming the duties of handling, compiling, sending by mail or by messenger list of names to be used for his own benefit, or the benefit of another, for profit;

"(d) The Postmaster General shall make appropriate rules and regulations to carry out the purposes of this section.".

(b) The table of contents of such chapter 53 is amended by inserting:

"4061. Registration of mailing list brokers; furnishing of information by suppliers, buyers, and users of mailing lists."

immediately below

"4060. Foreign publications free from customs duty."

SEC. 2. (a) Chapter 83 of title 18, United States Code, relating to offenses against the postal service, is amended by adding at the end thereof the following new section:

"1735. Mailing list brokers, suppliers, buyers, and users

"Whoever, being required by section 4061 of title 39, United States Code, to furnish information to the Postmaster General, fails or refuses to furnish such information as the Postmaster General shall request under such section, shall be fined not more than $5,000 or imprisoned not to exceed one year, or both."

(b) The table of contents of such chapter 83 is amended by inserting

"1735. Mailing list brokers, suppliers, buyers, and users."

immediately below

"1734. Editorials and other matter as 'advertisements'.".

SEC. 3. The foregoing provisions of this Act shall become effective on the ——— day following the date of enactment of this Act.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted, as follows:

Mr. CUNNINGHAM (at the request of Mr. GERALD R. FORD), for the remainder of the week, on account of official business.

Mr. CARTER (at the request of Mr. NATCHER), retroactive to Tuesday, August 3, 1965, on account of illness.

Mrs. SULLIVAN, for August 10, 11, 12, and 13, on account of official business.

Mr. TUCK (at the request of Mr. FOUNTAIN), for today and tomorrow, to attend funerals of personal friends.

Mr. HOSMER (at the request of Mr. GERALD R. FORD), for August 9, 10, 11, and 12, on account of official business.

Mr. PELLY (at the request of Mr. GERALD R. FORD), through August 13, on account of official business.

Mr. SCHMIDHAUSER (at the request of Mr. ALBERT), for August 9 and 10, on account of official business.

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. HALPERN (at the request of Mr. MCCLORY), on August 18, for 1 hour.

Mr. ASHBROOK (at the request of Mr. MCCLORY), today, for 15 minutes.

Mr. DERWINSKI (at the request of Mr. MCCLORY), today, for 15 minutes.

Mr. FARBSTEIN (at the request of Mr. DE LA GARZA) for 15 minutes, today, and to revise and extend his remarks and to include extraneous matter.

Mr. ZABLOCKI for 15 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:

The following Members (at the request of Mr. DE LA GARZA and to include extraneous matter:

Mr. MCGRATH.

Mr. KORNEGAY.

Mr. BINGHAM.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 561. An act to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to provide for congressional review of Federal grants-in-aid, to permit provision of reimbursable technical services to State and local governments, to establish coordinated intergovernmental policy and administration of grants and loans for urban development, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, and for other purposes; to the Committee on Government Operations.

S. 944. An act to provide for expanded research and development in the marine environment of the United States, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering, and Resources, and for other purposes; to the Committee on Merchant Marine and Fisheries.

S. 1559. An act to amend the Federal Reserve Act in order to enable the Federal Reserve banks to extend credit to member banks and others in accordance with current economic conditions, and for other purposes; to the Committee on Banking and Currency.

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. 4346. An act to amend section 502 of the Merchant Marine Act, 1936, relating to construction differential subsidies;

H.R. 4714. An act to amend the National Arts and Cultural Development Act of 1964 with respect to the authorization of appropriations therein; and

H.R. 8439. An act to authorize certain construction at military installations, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 24. An act to expand, extend, and accelerate the saline water conversion program conducted by the Secretary of the Interior, and for other purposes; and

S. 893. An act to amend the act of June 19, 1935 (49 Stat. 388), as amended, relating to the Tlingit and Haida Indians of Alaska.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 8111. An act to establish the Herbert Hoover National Historical Site in the State of Iowa.

ADJOURNMENT

Mr. DE LA GARZA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Tuesday, August 10, 1965, 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:

1427. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 2, 1965, submitting a report, together with accompanying papers and illustrations, on an interim report on Saw Mill River and tributaries, New York, requested by a resolution of the Committee on Public Works, U.S. Senate, adopted September 14, 1955, two resolutions of that committee adopted November 14, 1955 and two resolutions of the Committee on Public Works, House of Representatives, adopted June 13, 1956 (H. Doc. No. 258); to the Committee on Public Works and ordered to be printed with four illustrations.

1428. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 27, 1965, submitting a report, together with accompanying papers and an illustration, on an interim report on Scotts Creek, Cache Creek Basin, Calif., requested by a resolution of the Committee on Flood Control, House of Representatives, adopted May 29, 1946 (H. Doc. No. 259); to the Committee on Public Works and ordered to be printed with one illustration.

1429. A letter from the Associate Administrator, Foreign Agricultural Service, Department of Agriculture, a report on title I, Public Law 480 agreements concluded during July 1965, pursuant to the provisions of Public Law 85-128; to the Committee on Agriculture.

1430. A letter from the Secretary of the Interior, transmitting a report on the excess purchase of passenger motor vehicles over the numerical limitations as set forth in the Department of the Interior Appropriations Acts for fiscal years 1962 and 1963, by the Bureau of Indian Affairs, pursuant to section 3679 of the Revised Statutes, as amended (64 Stat. 768); to the Committee on Appropriations.

1431. A letter from the Secretary of the Treasury, transmitting a report covering the progress made in liquidating the assets of the former Reconstruction Finance Corporation which were transferred to the Secretary of the Treasury, for the quarterly period ended June 30, 1965, pursuant to the provisions of the Reconstruction Finance Corporation Liquidation Act, as amended (67 Stat. 230), and Reorganization Plan No. 1 of 1957 (22 F.R. 4633); to the Committee on Banking and Currency.

1432. A letter from the Under Secretary of the Interior, transmitting a draft of proposed legislation to provide for the disposition of funds appropriated to pay a judgment in favor of the Snake or Paiute Indians of the Oregon area (area III of the Northern Paiute Nation), and for other purposes; to the Committee on Interior and Insular Affairs.

1433. A letter from the Assistant Secretary, Export-Import Bank of Washington, transmitting a report of a guarantee issued to a U.S. commercial bank to assist it in financing the export sale of tractors and spare parts to Yugoslavia, pursuant to title III of the Foreign Assistance and Related Agencies Appropriation Act of 1965 and to the Presidential determination of February 4, 1964; to the Committee on Foreign Affairs.

1434. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation to amend section 321 of the Transportation Act of 1940 in relation to the providing of Federal traffic management services, and for other purposes; to the Committee on Interstate and Foreign Commerce.

1435. A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation for the relief of Col. Donald J. M. Blakeslee and Lt. Col. Robert E. Wayne, U.S. Air Force; to the Committee on the Judiciary.

1436. A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation for the relief of Lt. Col. James E. Bailey, Jr., U.S. Air Force (retired); to the Committee on the Judiciary.

1437. A letter from the Deputy Administrator, National Aeronautics and Space Administration, transmitting a report of the number of individuals in each general service grade employed by the National Aeronautics and Space Administration under the Classification Act of 1949, as amended, on June 30, 1964, and on June 30, 1965, pursuant to section 1310 of the Supplemental Appropriation Act of 1952 (65 Stat. 736, 758); to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, pursuant to the order of the House of August 5, 1965 the following bills and resolutions were reported on August 6, 1965:

Mr. SIKES: Committee on Appropriations. H.R. 10323. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1966, and for other purposes; without amendment (Rept. No. 738). Referred to

the Committee of the Whole House on the State of the Union.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 504. A resolution waiving all points of order against H.R. 10323, a bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1966, and for other purposes; without amendment (Rept. 739). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 5597. A bill to relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia; with amendment (Rept. 740). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 9985. A bill to provide for the mandatory reporting by physicians and hospitals or similar institutions in the District of Columbia of injuries caused by firearms or other dangerous weapons; with amendment (Rept. No. 742). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 10274. A bill to amend the act of October 13, 1964, to regulate the location of chanceries and other business offices of foreign governments in the District of Columbia; without amendment (Rept. No. 743). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 10304. A bill to provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children; without amendment (Rept. No. 744). Referred to the House Calendar.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 2580. A bill to amend the Immigration and Nationality Act, and for other purposes; with amendment (Rept. No. 745). Referred to the Committee of the Whole House on the State of the Union.

Under clause 2 of rule XIII, pursuant to the order of the House of August 5, 1965, the following bill was reported on August 7, 1965:

Mr. McMILLAN: Committee on the District of Columbia. H.R. 8058. A bill to amend section 4 of the District of Columbia Income and Franchise Tax Act of 1947; without amendment (Rept. No. 746). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted August 9, 1965*]

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. RIVERS of South Carolina: Committee on Armed Services. H.R. 10306. A bill to amend the Universal Military Training and Service Act of 1951, as amended; without amendment (Rept. No. 747.) 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, pursuant to the order of the House of August 5, 1965, the following bills were reported on August 6, 1965:

Mr. McMILLAN: Committee on District of Columbia. H.R. 8418. A bill to exempt from taxation certain property of the Washington Gallery of Modern Art; with amendment (Rept. No. 741). Referred to the Committee of the Whole House.

[*Submitted August 9, 1965*]

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. FEIGHAN: Committee on the Judiciary. S. 125. An act for the relief of Armando S. Arguilles; without amendment (Rept. No. 748). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 207. An act for the relief of Dr. Jose S. Lastra; without amendment (Rept. No. 749). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 402. An act for the relief of Oh Wha Ja (Penny Korleen Doughty); with amendment (Rept. No. 750). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 442. An act for the relief of Carleen Coen; without amendment (Rept. No. 751). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 570. An act for the relief of Frank S. Chow; without amendment (Rept. No. 752). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 582. An act for the relief of Aleksandr Kaznacheev; without amendment (Rept. No. 753). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 616. An act for the relief of Miss Choun Seem Kim; without amendment (Rept. No. 754). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 678. An act for the relief of Lee Hi Sook; without amendment (Rept. No. 755). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 826. An act for the relief of Har Gobind Khorana; without amendment (Rept. No. 756). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 954. An act for the relief of Ailsa Alexandra MacIntyre; without amendment (Rept. No. 757). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1103. An act for the relief of Kathryn Choi Ast; without amendment (Rept. No. 758). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1498. An act for the relief of Nikolai Artamonov; without amendment (Rept. No. 759). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 1319. A bill for the relief of Joseph Durante; without amendment (Rept. No. 760). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H.R. 2005. A bill for the relief of Miss Gloria Seborg; without amendment (Rept. No. 761). Referred to the Committee of the Whole House.

Mr. CAHILL: Committee on the Judiciary. H.R. 2358. A bill for the relief of Tony Boone; with amendment (Rept. No. 762). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 2772. A bill for the relief of Ksenija Popovic; with amendment (Rept. No. 763). Referred to the Committee of the Whole House.

Mr. MacGREGOR: Committee on the Judiciary. H.R. 3337. A bill for the relief of Mrs. Antonio de Oyarzabal; without amendment (Rept. No. 764). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 3669. A bill for the relief of Emilia Majka; without amendment (Rept. No. 765). Referred to the Committee of the Whole House.

Mr. GILBERT: Committee on the Judiciary. H.R. 4137. A bill for the relief of Dr. Jan Rosciszewski; without amendment (Rept. No. 766). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, pursuant to the order of the House of August 5, 1965, the following bill was introduced August 6, 1965:

By Mr. SIKES:

H.R. 10323. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1966, and for other purposes.

[*Introduced and referred August 9, 1965*]

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BECKWORTH:

H.R. 10324. A bill to extend the application of the Classification Act of 1949 to certain positions in, and employees of, the executive branch of the Government; to the Committee on Post Office and Civil Service.

By Mr. DYAL:

H.R. 10325. A bill to amend the Administrative Expenses Act of 1946, as amended, to provide for reimbursement of certain moving expenses of employees, and to authorize payment of expenses for storage of household goods and personal effects of employees assigned to isolated duty stations within the continental United States; to the Committee on Government Operations.

By Mr. FOGARTY:

H.R. 10326. A bill to amend the National Defense Education Act of 1958 to make equipment purchased under title III thereof available to all children attending public and private nonprofit elementary and secondary schools; to the Committee on Education and Labor.

By Mr. GARMATZ:

H.R. 10327. A bill to require operators of ocean cruises by water between the United States, its possessions and territories and foreign countries to file evidence of financial security and other information; to the Committee on Merchant Marine and Fisheries.

By Mr. GRIDER:

H.R. 10328. A bill to provide readjustment assistance to veterans who serve in the Armed Forces during the induction period; to the Committee on Veterans' Affairs.

By Mr. MILLER:

H.R. 10329. A bill to provide that the Secretary of Commerce shall conduct a program of investigation, research, and survey to determine the practicability of the adoption by the United States of the metric system of weights and measures; to the Committee on Science and Astronautics.

By Mr. STAGGERS:

H.R. 10330. A bill to provide for the establishment of the Spruce Knob-Seneca Rocks National Recreation Area, in the State of West Virginia, and for other purposes; to the Committee on Agriculture.

By Mr. ZABLOCKI:

H.R. 10331. A bill to require mailing list brokers to register with the Postmaster General, and suppliers and buyers of mailing lists to furnish information to the Postmaster General with respect to their identity and transactions involving the sale or exchange of mailing lists, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RANDALL:

H.R. 10332. A bill to provide additional assistance for areas suffering a major disaster; to the Committee on Public Works.

By Mr. FULTON of Pennsylvania:

H.R. 10333. A bill to provide readjustment assistance to veterans who serve in the Armed

Forces during the induction period; to the Committee on Veterans' Affairs.

By Mr. KARTH:

H.R. 10334. A bill to provide labor standards for certain persons employed by Federal contractors to furnish services to Federal agencies, and for other purposes; to the Committee on Education and Labor.

By Mr. MORSE:

H.R. 10335. A bill to require a special report to the Congress by the President on the current status of research and application techniques in the field of weather modification, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR:

H.R. 10336. A bill to amend the Universal Military Training and Service Act of 1951, as amended; to the Committee on Armed Services.

By Mr. FULTON of Pennsylvania:

H.J. Res. 617. Joint resolution to authorize the President to issue a proclamation designating the calendar year 1966 as "The Year of the Bible"; to the Committee on the Judiciary.

By Mr. DENT:

H. Res. 505. Resolution expressing the sense of the House of Representatives with respect to oppression of minorities in Rumania and requesting the President of the United States to take appropriate steps in our relations with the Rumanian Government as are likely to bring relief to the persecuted minorities of that country; to the Committee on Foreign Affairs.

By Mr. POWELL:

H. Res. 506. Resolution providing for consideration of the bill (H.R. 10065) to more effectively prohibit discrimination in employment because of race, color, religion, sex, or national origin, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

356. By the SPEAKER: Memorial of the Legislature of the State of Pennsylvania relative to enacting legislation to reduce the price paid for surplus corn by farmers of disaster areas; to the Committee on Agriculture.

357. Also, memorial of the Legislature of the territory of Guam relative to amending the Organic Act of Guam to provide for representation by district in the Guam Legislature; to the Committee on Interior and Insular Affairs.

358. Also, memorial of the Legislature of the State of Nebraska, relative to calling a convention to propose an amendment to the Constitution of the United States relating to division of the electoral votes within the States in the election of the President and Vice President; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 10337. A bill for the relief of Mrs. Anna Maria Ghiraduzzi (nee Longinotti); to the Committee on the Judiciary.

By Mr. CALLAWAY:

H.R. 10338. A bill for the relief of Joseph B. Stevens; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 10339. A bill for the relief of Yeung Kwong Yiu; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.R. 10340. A bill for the relief of Joe W. Caldwell and Carol C. Caldwell; to the Committee on the Judiciary.

By Mr. MILLER:

H.R. 10341. A bill for the relief of Mr. and Mrs. Antonio Vieira Goncalves; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 10342. A bill to authorize the Honorable Frances P. Bolton, of Ohio, a Member of House of Representatives, to accept the award of "Officer" in the French National Order of the Legion of Honor; to the Committee on Foreign Affairs.

By Mr. PELLY:

H.R. 10343. A bill for the relief of Liem Tong Lian; to the Committee on the Judiciary.

By Mr. RIVERS of South Carolina:

H.R. 10344. A bill for the relief of B. F. Hill; to the Committee on the Interior and Insular Affairs.

By Mr. TUCK:

H.R. 10345. A bill for the relief of Dr. Juan F. Chaves; 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:

255. By Mr. ROOSEVELT: Petition of 47 residents of Los Angeles County, Calif., in support of the challenge brought by the Mississippi Freedom Democratic Party to unseat the congressional delegation from Mississippi; to the Committee on House Administration.

256. By the SPEAKER: Petition of Henry Stoner, Fishing Bridge Station, Wyo., relative to reducing the public debt; to the Committee on Banking and Currency.

EXTENSIONS OF REMARKS

New Jersey's 1964 Agricultural Record

EXTENSION OF REMARKS

OF

HON. THOMAS C. McGRATH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 9, 1965

Mr. McGRATH. Mr. Speaker, the State of New Jersey, known throughout our Nation as the Garden State, has again proven its claim to that appellation. Statistics provided by the New Jersey Crop Reporting Service indicate that New Jersey—the third smallest State in the Union—has again compiled an enviable record.

In 1964, New Jersey ranked first in the Nation in the production of blueberries. It was second in the production of asparagus and the processing of asparagus products and in the production of fresh market beets.

The Garden State ranked third in the Nation in the production of late summer potatoes, cranberries, fresh market lima beans, green peppers, fresh market spinach, the processing of tomato products, and milk production per cow.

New Jersey was fourth among the 50 States in the production of peaches and fresh market tomatoes. We were fifth ranked in the production of fresh market strawberries, fresh market sweet corn, fresh market lettuce, and in the value of processed vegetables.

Thus, Mr. Speaker, in 21 categories, New Jersey was in the upper 10th of our country in 17. Furthermore, our relatively small State ranked in the second 10th of the Nation in sweetpotatoes production and the value of fresh market vegetables—6th—and in apple production—10th.

I think it is also revealing to note that the Garden State ranked fifth among the 50 States in both the gross and net income per farm.

My pride in the fine agricultural record New Jersey compiled during 1964 is even greater, Mr. Speaker, when I note how the Second District, which I have the honor to represent in the House of Representatives, distinguished itself among the 15 districts of our State.

In 27 categories, the counties of Atlantic, Cape May, and Cumberland, which comprise the Second District, rated first in 7, second in 7, third in 6, fourth in 6, and fifth in 4.

I am especially pleased that in the production of blueberries—the one category in which New Jersey was first in the Nation—my home county of Atlantic was first in New Jersey, making it the leading blueberry-producing county in the United States.

Atlantic County was also first in the State in the production of sweetpotatoes and Cumberland County was first in the production of strawberries, cabbage, lettuce, onions, and snap beans.

Despite the problems the egg industry has been facing, and which, I might note, are worsening, Cumberland County was second in the State in egg production and also in the production of peppers and in nursery stock acreage. Atlantic County was second in the Garden State in the production of strawberries, cabbage, lettuce, and onions.

Cumberland County ranked third in the State in the production of barley for grain, sweetpotatoes, asparagus, tomatoes, and sweet corn, while Atlantic County was third in production of peaches.

Cape May County rated fourth in the State in the number of hogs and pigs; Atlantic County was fourth in pepper production, and Cumberland County was fourth in production of hay, peaches, potatoes, and in the number of certified nurseries. Atlantic County ranked fifth in the production of eggs, tomatoes, sweet corn, and the number of certified nurseries.

Like its neighboring States in the Northeastern United States, New Jersey is sorely affected by the drought which is plaguing us this year. Also, difficulties being encountered by egg producers