matter of growing concern is the administration's continuing failure to make adequate financing provisions for completing the system on schedule. However, that is a matter for the Committee on Ways and Means. They raise the taxes. Aside from this problem, excellent progress is assured in most other fields of highway and road construction and repair under the 1966 act.

This session also saw the passage of a Highway Safety Act which hopefully will do much to reduce the toll of accidents and deaths and injuries on the Nation's thoroughfares. It authorizes $267 million over a 3-year period for assistance to the States and localities for such programs as driver education and testing, highway design and maintenance, accident investigation, vehicle inspection, and traffic control. Over the same period, it provides for $55 million worth of research and development in highway safety and accident investigation.

The roads and highways of this country are becoming more dangerous every day. They are now traveled by 90 million cars and trucks, and it is anticipated they will be clogged by 120 million vehicles by 1975. Last year, 49,000 people died in auto accidents in the United States. That is more fatalities in 1 year than our country suffered in battle in Korea in 3 years. It is estimated the annual death toll on our highways will mount to 100,000 by 1975 unless the tide is reversed by determined measures. Let us hope and pray that this year's act starts reversing it.

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# SENATE

SATURDAY, OCTOBER 22, 1966

The Senate met at 9 o'clock a.m., and was called to order by Hon. BIRCH BAYH, a Senator from the State of Indiana.

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

Our Father, God, as in reverence we hallow Thy name, so may we hallow our own, keeping our honor bright, our hearts pure, and our devotion to the Nation's welfare high and true.

As this hallowed Chamber so soon will be empty and silent, as the tumult and the shouting dies, breathe in our hearts the prayer—

"Still stands Thine ancient sacrifice, an humble and a contrite heart,
Lord, God of hosts, be with us yet, lest we forget, lest we forget."

And now may the Lord bless you and keep you; may the Lord lift up the light of His countenance upon you and give you peace—peace in your own hearts, peace in this dear land of ours, and a just peace throughout all the earth, now and evermore.

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

## DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., October 22, 1966.*

*To the Senate:*

Being temporarily absent from the Senate, I appoint Hon. BIRCH BAYH, a Senator from the State of Indiana, to perform the duties of the Chair during my absence.

CARL HAYDEN,
*President pro tempore.*

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

## PRINTING OF COMMITTEE ACTIVITY REPORTS

Mr. MANSFIELD. Mr. President, with reference to the printing of committee activity reports for the session, I state, on behalf of the chairman of the Joint Committee on Printing (Mr. HAYDEN), that the Joint Committee on Printing has very properly ruled that the printing of such reports, both as committee prints and in the RECORD, is duplication, the cost of which cannot be justified.

It is requested that committee chairmen decide whether they wish these reports printed as committee prints or in the RECORD, since the Government Printing Office will be directed not to print them both ways.

## AUTHORIZATIONS FOR INSERTIONS IN THE RECORD FOLLOWING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senators may be permitted to make insertions in the RECORD following the adjournment of Congress until the last edition authorized by the Joint Committee on Printing is published; but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the adjournment of Congress.

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

## THE PARLIAMENTARY SITUATION

Mr. MANSFIELD. Mr. President, before I ask that the Journal be considered as read, I should like to make a brief statement about the events on yesterday.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. MANSFIELD. As the Senate knows, a number of conferences were held yesterday in my office, in the Vice President's office, which we usurped for the moment, and in the cloakroom. At those conferences were the distinguished and able Senator from Tennessee [Mr. GORE]; the distinguished and able Senator from Louisiana, the chairman of the Finance Committee [Mr. LONG]; the distinguished and able senior Senator from Delaware [Mr. WILLIAMS]; the distinguished and able Senator from Rhode Island [Mr. PASTORE], and from time to time other Senators. The purpose of these meetings was to discuss the conference report on the foreign investors' tax bill, which had passed the House and Senate, which had gone to conference, which had been agreed to, as far as the conference report was concerned, by the House, and which was eligible for immediate consideration on yesterday by the Senate.

On yesterday morning, the distinguished chairman of the Committee on Finance the Senator from Louisiana [Mr. LONG], who has been most considerate and understanding throughout all this, called up the 7-percent investment tax bill; and when that was agreed to by the Senate and sent to the White House, he called up the conference report on the Foreign Investors' Tax. At my request, he withdrew his proposal, which was perfectly in order; and, at my further request, he allowed a number of other bills and conference reports to be considered while attempts were being made to find out if there was any area of agreement between the differing parties on the foreign investors' tax legislation.

I must admit, Mr. President, that I put in 6 of the most exhausting hours of my life, and certainly the 6 toughest hours during my service in the Senate. The end result, despite evidence—sound evidence—of some give and take, was absolutely nothing. Because of that, we will be faced with a situation which may well keep the Senate in session for some time, I am deeply and personally sorry to say.

I know that the Senator from Tennessee [Mr. GORE], the Senator from Louisiana [Mr. LONG], the Senator from Delaware [Mr. WILLIAMS], and the Senator from Rhode Island [Mr. PASTORE] feel just as deeply and personally regretful about this development as I do. But, because of the fact that there was no area of agreement, despite the fact that some most substantial concessions had been offered by the distinguished Senator from Louisiana, the chairman of the Finance Committee, there was no possibility of agreement; and last night I sent telegrams to all Democratic Members requesting their presence today.

I am happy to report that, on the basis of the evidence which we have accumulated today, if we do not have a quorum at the moment, we will have one by 12 o'clock.

I see, also, the distinguished secretary for the Democratic conference [Mr. SMATHERS] in the Chamber, who likewise participated in some of these conferences, and I want to give him full credit, also.

I feel especially sorry for those Senators who are running for reelection. Many of them are coming back. Some of their colleagues, who are not running for reelection, will be a little late in arriving.

I want to express, on the floor of the Senate, my deep and personal appreciation to the distinguished minority leader, who is now in Walter Reed Hospital, and who of his own volition called me on yesterday and said that if we needed another body, he was ready, able, and available. We will not call on him, nor will

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we call on certain other Senators nearby, because of events which have happened in their families.

But I do want to say, Mr. President, that I have nothing but admiration and affection for the distinguished Senator from Tennessee. He is exercising his rights as a Senator; and while it may cause some inconvenience to the rest of us, nevertheless, I have nothing but praise for his tenacity, his determination, and his belief that what he is doing is the right thing to do.

By the same token, I have just as much, if not a little more, praise for the distinguished Senator from Louisiana [Mr. LONG] who found himself in the dual capacity of being the deputy majority leader, trying to bring this Congress to a close, and, on the other hand, being the chairman of the Finance Committee, in charge of a bill which had passed both bodies, which had been agreed to in conference; and the conference report itself had been agreed to in the House. I want to express my deep personal thanks for the understanding he has shown, and to say that on yesterday he showed a great deal more leadership and understanding than did the Senator from Montana.

I also thank the distinguished senior Senator from Delaware [Mr. WILLIAMS], who is opposed to the conference report and intends to fight it and speak against it. He has always, and especially in this case, been most considerate and understanding and very helpful in trying to work a way out of the impasse in which we find ourselves.

I am also deeply grateful to the distinguished senior Senator from Rhode Island [Mr. PASTORE] who participated actively in these discussions and who is fully aware of the situations which developed, the possibilities which were considered, and the conclusions which were reached. I cannot thank him enough for the courtesy, the consideration, and the kindness which he has shown toward the Senator from Montana, because he, likewise, is in a particularly difficult spot after having had his supplemental bill passed by the Senate, agreed to in conference, and ready to be taken up on the floor. It is a bill which is very important. It has to do with funds for education, for veterans, for health, and other related matters, and which will not be forthcoming until the supplemental bill is passed.

I am aware of the situation which confronts this body at this time. Some of us have personal problems, others have election problems, and every Member, I am sure, has had to cancel engagements of some degree of significance. That is all right. We are paid to be Senators. We are paid to be on the job, and every Senator involved in this situation is acting within the rules and regulations of the Senate. I find fault with no one for what is being done, but I did think that this situation should be brought to the attention of the Senate and the public so that the cards would be laid on the table. Every time we have meetings of the sort we had yesterday, rumors and innuendoes and things of that sort spread and it is better that what can be done be done in the open, what can be said be said for all to hear.

We are in for a long session before we adjourn. I only express the hope that enough Senators will remain on hand so that we can attend to the business and vote this matter up or down.

I think that the Senator from Tennessee [Mr. GORE] is entitled to and will give this body a full explanation. I know that, being the man of honor and integrity he is, he will operate within the rules and regulations of the Senate and will keep me informed, insofar as he can, of what he intends to do, as he has done thus far, and I, in turn, will do my best to keep him informed of anything I intend to do before it is done.

Again, I am most sorry for those who have difficult campaigns and who have come back, or are on their way back, but I am deeply appreciative to them for what they are doing.

I now yield to the Senator from Ohio [Mr. LAUSCHE].

Mr. LAUSCHE. What is the reason that we cannot take up the supplemental appropriation bill first, on which there is general agreement, and then take up the controversial issue which seems to block us?

Mr. MANSFIELD. The reason is a practical one. I hope—and I stress the "I"—that we can keep enough Senators here so that we can pay proper attention to both of these bills, because both of them are important.

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

Mr. MANSFIELD. I yield.

Mr. PASTORE. I want to say to the distinguished leader that no one has been more inconvenienced by the tactics being employed, and I use the word "tactics" advisedly and with no meanness, than has the Senator from Rhode Island. As a matter of fact I stayed up nights reviewing the record made on the appropriation bill, both on the floor of the Senate and in the House, so that I would be prepared and be able to expedite the adjournment of this Congress sine die, and so that I would not be held at fault because of delay on the part of our subcommittee.

We held hearings on the supplemental appropriation bill under strenuous and pressing circumstances. We came to the floor, and the Senate was very cooperative. We passed a bill in a very short time. We went to conference and resolved all of our difficulties.

I want to say to the distinguished leader that even I suggested to him the possibility of bringing up the supplemental appropriation bill before we discussed the foreign investment bill, and he explained his position well and explicitly to me. I realize the realities of the situation. If we passed the supplemental bill we could not get 20 Senators back to pass this other important bill.

Mr. MANSFIELD. Or to defeat it.

Mr. PASTORE. I realize that.

I paid my price. I do not know how many engagements I had back home. I have been inconvenienced, too. The trouble with the majority leader is that he is too genteel; he never pushed anybody; he never pressed anybody, he never raised his voice to anybody, and he has always gone that extra mile to be chivalrous and a gentleman.

There is not a blessed thing in this bill holding us up that has not been considered and voted by the Senate. We are entitled to a second look but we have to take into account the interest and comfort of other Members of this body, and the fact that there are a lot of Members here in marginal States where it is absolutely necessary for them to go back home and fight the battle that needs to be fought so that they may return to Congress in January.

If the bill that is holding us up contained anything that was added by the House, I think we would have every right to say we never considered that matter before, and you could stay here and delay and delay and delay, and you would be right in doing so.

I understand the matters that are the bones of contention, and I voted against the bill.

Mr. MANSFIELD. And so did I.

Mr. PASTORE. I understand the matters that are bones of contention are matters passed upon not only by the committees, but also voted upon on this floor and overwhelmingly passed. This is nothing new.

The people who are holding up the Senate knew that there was a lack of a quorum yesterday afternoon. While the majority leader said that it is within every Senator's right to exercise his prerogatives—I am not critical of that—this is most unfair to the men who are struggling to be reelected and have to be carried all the way across the country to say, "I am present," because when the smoke clears from the battlefield, whether it is tonight, whether it is next week, or whether it is next month, the situation that exists today will be the same situation: that conference report is going to be approved as it is. I know that just as sure as the Lord made little apples.

That is all I have to say. No one is suffering more because of this than is the Senator from Rhode Island. We were ready to go last night. I would hope that the Senator will keep us here around the clock until we vote to adjourn sine die.

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

Mr. MANSFIELD. I yield to the Senator from Oregon.

Mr. MORSE. Mr. President, I want to say in the very tense moments in the Senate that we ought to pause a moment to appreciate our blessings. One of our great blessings, to which I call attention, and a great source of inspiration for all of us, is to see a man with us today who, I suspect, should not be with us for his own good—the fact that the Senator from Arizona [Mr. HAYDEN] is back.

The Senator from Arizona is a veteran of many battles, over the years, such as the one we are now confronting. His presence here should stimulate us this morning as we seek to get together to resolve the parliamentary situation which confronts us.

I am sure that the Senate wishes to join me in expressing that view, when we

welcome our very dear friend the Senator from Arizona back to the Senate this morning. [Applause.]

Mr. HOLLAND. Mr. President, I realize that there are Senators on both sides of the aisle who have a critical need to be home campaigning.

Heretofore, I have never supported all-night sessions, or continuing sessions, but it seems to me, in simple justice to the many Senators on both sides of the aisle who have critical problems at home which require them to be there, that we should terminate this business, whether it go one way or the other—and I am not committed on either side—and do it as quickly as possible.

I hope that the distinguished majority leader will depart from his normal practice and keep us here, all night if necessary, and for such time as may be necessary tomorrow, until we can get through with this business.

I remind the majority leader that this is a matter on which no amendments can be offered. It is a matter on which two speeches on an issue are involved. It has application to a matter on which we can come to a head one way or the other and which can be disposed of in a brief time.

I think that in justice to the many Senators running for reelection and the difficult races which are confronting some of them, we should dispose of this matter in the shortest possible time.

My own strong recommendation—and this is a departure from everything I have done heretofore—is that we should stay here continuously until we dispose of the business before us. This may call for a Sunday session—I hope not—but I think we should get rid of this business and let Senators who have critical problems of campaigning go home and get back into the business of campaigning.

I hope that the distinguished majority leader will depart from his normal practice for the reasons which I have mentioned.

Mr. MANSFIELD. Let me say to the Senator from Florida that that matter is being given the utmost consideration.

Mr. LONG of Louisiana. Mr. President, I offered to yield everything in the bill that was my handiwork.

Not only in my judgment, but in other judgments—those of the Secretary of the Treasury and of many of his assistants, and I think I could confidently say in the judgment of the President—the proposal to finance presidential campaigns by a $1 designation from every taxpayer is the best thing in the bill. It is the best thing we will have done in years for good government. It will avoid the necessity of either party having to be dependent upon large contributions from corporation executives in order to present properly their case before the people and to be heard in political campaigns.

I offered to yield on that. I am not offering any more.

I am through bending the knee, Mr. Leader.

Mr. MANSFIELD. I think the RECORD should explicitly show that the Senator from Louisiana did that. He did offer to yield on the campaign contribution amendment, which we all know is very dear to his heart.

Mr. LONG of Louisiana. I would have been willing to yield on everything in the bill which was my own handiwork, even as Senator in charge of the bill and as chairman of the committee from which the bill was reported. But, I have no right to yield on things which the Senate and the House of Representatives care to do.

I did not vote for H.R. 10, but the House agreed to it by a unanimous vote. The House is determined that that matter should go to the President for his signature. I have no right to yield on that—none whatever. The House would not let me do that if I tried, and I do not think I could obtain unanimous consent if I did try.

I am not going to bend my knee any longer. We can vote one way or the other on it.

I appreciate the kind consideration which the majority leader has given me, as well as others.

I approve completely of the right of every Senator to do what his conscience tells him is right. I point no finger of scorn at anyone who would filibuster on a conference report. I have done it myself. I have held the Senate in session for 3 days past midnight. But, I repeat, I do not point the finger of scorn at others. They have that right and that privilege.

All I want is the right to have the power of the majority exercised to bring this matter to a vote. I know that no matter how long I spoke against a bill, the Senate always worked its will.

Mr. GORE. Mr. President, first, I wish to express my deep gratitude for the generous remarks of the able and distinguished and beloved majority leader.

Next, I wish to express appreciation for his deeds of consideration and kindness.

Third, I wish to thank all of those who, individually and collectively, participated in the conferences yesterday, for the spirit of gentility which prevailed.

There is no animus in this issue, Mr. President. The senior Senator from Delaware [Mr. WILLIAMS] and I suggested several ways in which the public interest portion of the bill under question could be brought to enactment—and quickly, leaving the nonessential, unrelated, controversial, and questionable features of the bill to be dealt with in January—only a few weeks away.

I shall not detail the suggestions which the Senator from Delaware and I made, but there were many. There are ways yet available in which the foreign investors portion of title I of the bill can be sent to the President within the hour, and the Senate can adjourn by noon.

But, Mr. President, if the novel and bizarre provision in the bill, and the tax favoritisms in the bill are insisted upon at this late hour, then the Senator from Tennessee is duty bound to resist its passage.

Let me say that on day before yesterday, I made a statement with respect to the bill in the hope that the following morning Members of the Senate who were not present when I spoke, it being late in the afternoon, could read my remarks.

However, because of the pressure of business and the long hours in session, the CONGRESSIONAL RECORD was in two volumes. It was possible to print only one volume yesterday—the second volume not being available anytime during the day. I was ready to speak all day yesterday on the issue, if brought up. There was no opportunity.

It is with regret that Senators are called back. But, it is not the senior Senator from Tennessee who has provided that the Senate can operate only with a quorum. It is not the responsibility of the senior Senator from Tennessee that the bill, which was worthwhile in its original form, was loaded, or was brought here at this time. I have no voice in scheduling.

My duty is to support or oppose issues as they come to the Senate. It is, of course, a matter of disappointment when my sense of duty leads to the disappointment, the displeasure, or the discomfort of any other Member of the Senate. No one can regret that more than I, but conscience bound, I shall attempt, when I have the opportunity, to present the issues in this bill.

Instead of making a point of no quorum—which I have not yet done—I would suggest that the clerk read the Journal of yesterday as our colleagues gather into the Chamber.

I thank the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I am sure the Senator from Tennessee [Mr. GORE], with whom I have served in Congress for nigh onto 24 years—he has served longer than I—knows how highly I think of him and how much I appreciate his friendship and understanding, as I have down through the years, in this instance as in all the others.

It is true there were various proposals made yesterday by both the distinguished Senator from Tennessee [Mr. GORE] and the distinguished Senator from Delaware [Mr. WILLIAMS]. Those proposals were given every possible consideration. I was in touch with the chairman of the Finance Committee, on several occasions, to try to see if something could be worked out on the only matter which could be worked out, which the Senator from Louisiana has mentioned. That proposal was to drop the campaign contribution provision from the conference report and to have it accepted in the other body. On the other proposal made to drop H.R. 10, it was an impossibility. On the other suggestions there was no chance, because we would have too many roadblocks.

If there is a corporal's guard at the other end of the building I would be surprised, but I can say this: There will be no more conferences. We have received that word from the Speaker.

So we have a conference report before us. We have two choices, and we are going to make them. We will either adopt that conference report or defeat it,

and I hope those who are opposing it will not be unduly harsh on those in this body. I hope they will avail themselves of every opportunity to express their viewpoints, and I am sure they will; but I hope, in good conscience, they, too, will recognize that there is such a thing as coming to the point of no return and will let Senators have a chance to vote their convictions. If the conference report is defeated, that is the end. If it is carried, that is the end. But it is going to be defeated or carried just as it is before this body at this moment.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I took part in those conferences yesterday. I want to say I have never worked with a man who was more gracious or who worked harder to reach an agreement than the majority leader. I want to join with other Senators in paying respects to him.

As Members of the Senate know, when the bill was before the Senate, I opposed the so-called grab-bag amendments in titles II, III, and IV and tried to have them deleted in the Senate. I was supported in my opposition to many of them by the majority leader as well as by other Members of the Senate, but not by enough, and so the bill was passed.

Recognizing that I had opposed the amendments that had been adopted by the Senate I stepped aside as a conferee because I did not think it would be proper to go to conference on the bill when I did not support the position of the Senate.

When the conference report was agreed upon earlier this week, I mentioned to the majority leader that when the report was brought before the Senate I wanted an opportunity to state my opposition before it was acted upon. He most graciously said he would not take it up until I was notified and had that opportunity. I appreciated very much his cooperation.

At the same time, while I told the majority leader that I wanted to express my opposition to the conference report when it came up I told him I was always able to express my opposition in a rather brief time, and that it would probably not take over 30 minutes. I repeated again yesterday that it was my intention to express my opposition to the conference report that I wanted a chance to express my opposition to it, that I did not care to have an extended debate and that I could express my opposition in a reasonable time.

Right or wrong, I have reasons why I believe this conference report should not be adopted, and I wanted an opportunity to express those reasons. That is all that I am asking for today.

In all fairness, I think it will be recognized that Members of the Senate have a right to express their views and exercise their rights under the rules of the Senate and take advantage of parliamentary situations. I suggest that we would proceed much more harmoniously if we could proceed without threats of a long session.

Why is there so much interest in laying aside an important bill dealing with financing the war in the interest of approving certain proposals that will benefit a handful of corporations in a special interest bill passed in the closing days of the Senate?

If the Senate, by a majority vote, wants to pass such a bill I shall go home and sleep as well as the rest of them, but I want a chance to outline what is in the bill and why I object to its enactment.

I shall not go into details at this time, but one particular point I want to bring out is, why, in the closing days of the session, does Congress propose to pass retroactively tax legislation benefiting one corporation by giving it a $2 million retroactive tax reduction? I refer to the special provision in this bill benefiting the Harvey Aluminum. I want an answer to that.

I want to express my opposition to this proposal made in the closing days of the session. I shall not be unduly long but I will insist upon my right to be heard.

I repeat what I said earlier this week and what I told the majority leader yesterday. I will try not to take too long in expressing my opposition. I will try to be brief in giving my reasons, but I do want the Senate to have a clear understanding of what is in this bill.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LONG of Louisiana. Mr. President, let me just make this point clear: The Treasury opposed approximately five amendments which the Senate added to this bill. The other 18 amendments were either things the Treasury thought provided more equity for taxpayers, or were matters to which the Treasury had no objection whatever, feeling that they were problems which it would be well for Congress to resolve.

The conference modified the five amendments Treasury had opposed so that the Treasury objections were met in every way that the conference thought it could compromise. We were so successful that the Treasury now strongly supports this bill. It feels it is a very good bill, providing more equitable tax treatment for the many taxpayers effected. There is only one thing now in the bill to which Treasury strongly objects as a tax proposition, H.R. 10, the amendment which provides a large tax deduction for self-employed people. This will help doctors, lawyers, accountants, and other self-employed people.

Mr. President, I agree with the Treasury position. But it has passed the House by a vote of 291 to 0. I did all I could to defeat the measure as did the majority leader. The Treasury itself made a determined effort led by the Secretary, the Under Secretary, and the Assistant Secretary. Notwithstanding all pleading with Senators we failed, it passed the Senate by a margin of eight votes. In view of this history, I say it is the will of the Senate; and it is the will of the House.

That is the only thing in the bill that Treasury thinks is not good tax legislation. Mr. President, the Treasury Department, as I am, is prepared to admit that sometimes we in the minority have to recognize that the majority has a right to legislate.

The Senator from Florida [Mr. SMATHERS] thinks it is a wonderful amendment. He has been working for it for many years. The Senator from Louisiana does not agree. But when the House votes 291 to 0, together with a majority of the Senate, we have no right to tell them they cannot legislate.

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

Mr. LONG of Louisiana. I yield.

Mr. SMATHERS. Will the Senator not agree that there has never been a piece of legislation more cussed, discussed, debated, written about and held up to the light of public scrutiny, than that provision known as H.R. 10, which would establish the right of self-employed people to set up pension plans for themselves, and given the same right as millions of men and women employed in the business community. Whether you agree with it or not, it has been discussed, and everyone knows all about it—and has known for many, many years.

Mr. LONG of Louisiana. That item has been discussed pro and con, it has been held up to more opprobrium on one side and more approval on the other, than any other feature of the measure. But when the other body votes the way it has, it is beyond our ability to change.

Mr. MANSFIELD. The only trouble with H.R. 10 is that it gives the poor working stiff, who really needs it, no help.

Mr. LONG of Louisiana. I am against H.R. 10.

Mr. MANSFIELD. So am I.

Mr. LAUSCHE. Did the Senator vote against it?

Mr. LONG of Louisiana. Yes, I voted against H.R. 10. I spoke against it.

Mr. LAUSCHE. Will the Senator yield to me for a moment?

Mr. LONG of Louisiana. The majority leader has the floor.

Mr. MANSFIELD. I yield first to the Senator from Florida. Then I shall be happy to yield to the Senator from Ohio.

Mr. SMATHERS. Mr. President, I should like to say that H.R. 10 is not designed to take care of the poor as such. We have hundreds of programs from welfare to poverty programs which are calculated to take care of the poor. I have supported, sponsored, and voted for those programs—we have not had one to provide the same opportunities for retirement for the self-employed.

Mr. MANSFIELD. Not like H.R. 10.

Mr. SMATHERS. I disagree with the majority leader. There is no purpose served in debating the matter again at length, but if you are the president of the largest corporation, or any corporation that wants to provide a pension for its employees, you can set aside tax-free, for yourself and members of your family, and your employees as much as $50,000 a year for one individual, and it is tax free. This exemption for the self-employed is limited to $2,500 a year, and is designed for the self-employed people. And it is not as generous as any of the

present pension programs already approved by the Treasury. More than that, it requires that the self-employed establish a pension program for their employees who are now uncovered—and number about 15 or 20 million. Indeed these employees cannot, in the greatest stretch of imagination, be called rich people.

I love the majority leader. I respect his objectivity. I think he is fair, and I admire his patience and diplomacy. But I completely disagree with him on the statement that H.R. 10 does not provide for the poor stiff.

Mr. MANSFIELD. The poor working stiff. [Laughter.]

Mr. SMATHERS. The poor working man. Actually, the farmer—the individual, self-employment farmer, the barber, the small grocery operator, and others—for the first time, will be able to provide for himself and herself a pension, something he was never before able to obtain. He contributes all the money himself—no one adds anything to his pension. But we allow him to lay this money aside for his old age—tax free.

This was the whole argument. This is why a majority of the Senate and the House voted for it, and all the conferees.

But the matter has been debated up and down and back and forth. The Senator from Rhode Island put his finger on it earlier when he stated that these matters have all been discussed and voted on. Nobody has sought to bring anything in here on a dark night, under cover, and not been willing to discuss it. All these matters have been debated in public for all to see.

Mr. MANSFIELD. Of course, they have.

Mr. SMATHERS. They have been discussed and argued back and forth in our committee, on the floor of the Senate, in the House, in the House committee, and in conference; and the majority of Congress has apparently had its say. There are a few people who apparently disagree with that position. They have the right to disagree, but now they want to follow every stratagem and tactic available—as they have the right to do—in an attempt to defeat it. But I think the majority will ultimately prevail, if we will stay here and do our duty and vote.

Mr. MANSFIELD. We will. But let me say that the Senator from Montana, notwithstanding his position on any measure, accepts the will of the majority, whether he likes it or not. As far as I am concerned, it is in and will stay in, and be a part of this bill.

Now I should like to end my personal filibuster but first I shall yield once more to the distinguished Senator from Ohio.

Mr. LAUSCHE. Mr. President, earlier I put the question, why can we not take up the supplemental appropriation bill, upon which there is general agreement, and after that has been decided, take up this foreign investment bill?

The answer to that question was that if we dispose of the supplemental appropriation bill, no one will pay any attention to the foreign investment bill.

Mr. MANSFIELD. Not at all. The Senator is incorrect.

Mr. LAUSCHE. That was implied in the answer.

Mr. MANSFIELD. Mr. President, the Senator from Ohio now and again, as we all do, makes statements which call for correction, and this is one. That statement was not made.

Mr. LAUSCHE. Well, the statement implied that there would not be a quorum present.

Mr. MANSFIELD. Exactly. That is correct.

Mr. LAUSCHE. I submit that in principle there is not much difference between the two. That means, Mr. President, that there is no faith nor desire to pass this foreign investment bill.

It was not the Senator from Montana who yesterday motioned up the foreign investment bill before the supplemental appropriations; it was the Senator from Louisiana.

Mr. MANSFIELD. And he withdrew it at my request.

Mr. LAUSCHE. But insist that it be brought back prior to the bringing up of the supplemental appropriation bill.

Mr. MANSFIELD. Will the Senator yield right there?

Mr. LAUSCHE. Yes, I yield.

Mr. MANSFIELD. Is the Senator aware of the fact that had the Senator from Louisiana desired to do so, he could have held up four other bills, because his matter was privileged at 10:30 yesterday morning?

Mr. LAUSCHE. Yes, I understand that. But the point I am trying to make, Mr. President, is that I cannot subscribe to a procedure which contemplates taking up, in advance, what seems to be an unacceptable bill, and holding in abeyance a bill that is important to the Nation, and upon which there is no disagreement.

Mr. MANSFIELD. Mr. President, may I say, before I ask that the Journal be considered read——

Mr. LAUSCHE. May I finish my remarks?

Mr. MANSFIELD. Oh, I thought the Senator had concluded. Surely.

Mr. LAUSCHE. The Senator from Louisiana, in discussing the merits, urged that Senators should vote for it because it contained provisions to take care of the aged.

That was the argument that was made, and that was the argument that was intended to overpower the thinking of the Members of the Senate. That provision is now out. All that is left are these very controversial provisions.

I desire to make one remark before I close. Tomorrow the Nation will be honoring in final words the great services rendered by the late Harry Byrd as a Member of the Senate. He was chairman of the Committee on Finance. Respect will be shown to him because of his courtesy to his fellow members of the committee and his fidelity to service to the country. Not one implication will be made that he used his chairmanship to promote what was of interest to his State and of unconcern to the people of the country.

Mr. President, I think the time is today to serve notice upon the chairman of the Committee on Finance that as chairman of that committee he has an obligation to the Nation not to promote what is of special interest to his State.

Mr. MANSFIELD. Mr. President, I think I have yielded enough. I would hope that the Senator from Ohio would be a little more considerate in his remarks, because on occasion I have listened to him wound Members of this body, singly or the body collectively. I know he does not really mean to do so, because I feel that he believes, as I do, that every Member of this body is a Senator in his own right.

I do not doubt the integrity of any Member of the Senate, on either side of the aisle, either directly or indirectly. If there is any question about a Senator's standing or his integrity, he should be called before the bar of this body. I would hope that Senators would be a little more understanding of their fellows and recognize that all of us are here not because we are great men, but because, by and large, we happen to be lucky and were elected at the right time because of a certain set of circumstances. There are far smarter people back in all of our States than any of us, and we know it.

So let us recognize the fact that we are human beings and that we are each trying to do his job in the best possible fashion in the interest of the State and Nation.

That is all I have to say.

Mr. LAUSCHE. Mr. President, I am speaking, of course, about oyster shells and clam shells. How did they get into the bill?

Mr. MANSFIELD. When it comes to projects such as the Hungry Horse Dam, the Yellowtail or Libby Dam on the Kootenai River in Montana, I am right in there with everybody else. When it comes to Montana, it is going to be my number one interest all the time because I would not be back here if the people of Montana had not sent me back here.

I am first and foremost a Senator from the State of Montana and that is true of every other Senator with respect to his own State. I think that what is good for my State is good for the United States. I find no difference between the two, and I do not ever intend to.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. LAUSCHE. Mr. President, may I finish?

The PRESIDING OFFICER. The Senator from Ohio may proceed.

Mr. LAUSCHE. Mr. President, in conclusion I cannot subscribe to the program of bringing up the foreign investment bill first and the supplemental appropriations bill second.

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

Mr. LAUSCHE. I yield.

Mr. MANSFIELD. Mr. President, the Journal of yesterdays' proceedings shows that the supplemental conference report did not come to the Senate until 6:02 p.m. just as we were ready to adjourn last night. That is when it was received from Mr. Harris. The foreign investment bill was received in the Senate at 9:03 a.m., yesterday morning.

Mr. President, I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, I say to the Senator that I am not going to return these insults in kind. Sometimes these insults pass from Senator to Senator when people get carried away with their own self-righteousness.

As much as I want the bill, as hard as I have worked on it, and as hard as the House, the Senate, the President, and the Secretary of the Treasury have worked on the bill, which is a good bill, I do not think enough of the bill to have a mutual heart attack with anybody. As far as I am concerned, I will just debate the bill.

Sometimes, when intensely fighting a bill, I have inferred that someone was corrupt because he was supporting the bill. I have later found it necessary to offer my most contrite apologies for my action. The rules do not permit such action and I will not engage in it.

If somebody wants to insult me, let him go ahead and I will try to let it roll off my back like water off a duck's back.

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

Mr. LONG of Louisiana. I yield.

Mr. KUCHEL. Mr. President, I want the Senate to know that as far as I am concerned, and I think I can speak for the minority leader, we approve the procedure suggested.

I wonder if it would be helpful, since it has been said that there would be a quorum call in an hour or two, if the majority leader would consider asking the Senate to approve a unanimous-consent request to vote on the matter 6 hours after a live quorum has been obtained.

Mr. MANSFIELD. Mr. President, I would be delighted to do so, but I think it would be a futile gesture.

I have raised the suggestion and been turned down in no uncertain terms.

In response to a question that has been raised by the senior Senator from Delaware [Mr. WILLIAMS], there will be no power play; nothing will be done outside of the rules and ordinary procedures of the Senate.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, October 21, 1966, be dispensed with.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GORE. Mr. President, reserving the right to object, and I shall not object, I wish to contribute briefly to an understanding of the program.

As I understand the program, after the Journal has been read and the morning hour concluded, the distinguished chairman of the committee will call up the conference report. Thereafter, as is appropriate, the senior member of the committee will respond.

It is then the right of the senior Senator from Tennessee to insist that the Journal be read. Because of the conference report and the technicalities involved yesterday, that could consume a large portion of the day. I shall not insist upon that procedure.

I have sought to obtain a hearing on the bill. I am convinced, deeply convinced, that if a majority of the Members of the U.S. Senate would hear the views of the senior Senator from Delaware and of the senior Senator from Tennessee with respect to the non-public-interest portion of the bill, the conference report would be rejected.

A quorum is in prospect. I shall desist and listen to the presentation by the senior member of the committee, and then I shall seek recognition.

The PRESIDING OFFICER. Is there objection to dispensing with the reading of the Journal?

The Chair hears none, and it is so ordered.

## FOREIGN INVESTORS TAX ACT OF 1966—CONFERENCE REPORT

Mr. LONG of Louisiana. Mr. President, I submit a 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. 13103, to amend the Internal Revenue Code of 1954 to provide equitable tax treatment for foreign investments in the United States. I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Oct. 20, 1966, pp. 28241–28242, CONGRESSIONAL RECORD.)

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. LONG of Louisiana. Mr. President, H.R. 13103 is the bill which the Senate passed on October 13, of this year. The bill as passed by the Senate, and approved by the conferees contains four titles. The first title concerns the Foreign Investors Tax Act of 1966. The remaining titles relate to Internal Revenue Code amendments, the Presidential Election Campaign Fund Act, and other amendments, respectively.

Mr. President, as to the so-called extraneous amendments, permit me to say that the Constitution does not permit the Senate to originate revenue legislation. Senators well know that such legislation must originate in the House of Representatives. The Constitution says that the Senate may amend, and it does not limit how we may amend, revenue legislation. We can put any amendment we wish on a revenue bill. But the Senate is bound to amend bills that were revenue bills when they came from the House, because that is the only way we can act on revenue bills. There is nothing new about this.

I think it is fair to say that every member of our committee and almost every Member of the Senate at one time or another has offered an amendment to a revenue bill. As chairman of the committee, my recollection is that the amendments have been irrelevant as often as they have been relevant.

For 2 years this Senator has been asking Senators to withhold their amendments. For example we asked them not to put them on the debt limit bill, because we wanted the debt limit bill to go directly to the President and to be signed into law.

Senators also were requested not to offer amendments to the excise tax extension legislation. There was a need for haste in passing that legislation so that people would know where they stood.

So we asked Senators to withhold their amendments until this bill came before the Senate, and at that time we indicated would consider their amendments. We followed this procedure. We gave the amendments our best judgment and voted on them.

So the newspaper accounts of this bill as being a Christmas tree is in poor taste. These are good amendments. As the bill comes back from conference there is only one fundamental objection the Treasury has to the bill. They do not like H.R. 10. In the past we have often added amendments to bills. My recollection is there were 212 amendments to the Revenue Act of 1964 of which perhaps 100 were important substantive amendments.

The bill as passed by the Senate contained 49 substantive amendments to the House bill. Your conferees receded on four of these amendments without change and two of these amendments with changes. In addition, the Senate conferees accepted amendments on six of its amendments to which the House receded.

The two Senate amendments upon which your conferees receded with changes were the floor amendments offered by the Senator from Texas [Mr. YARBOROUGH]. These Senate amendments altered the provisions of the Foreign Investors Tax Act relating to the income and estate taxation of the bank deposits and the interest derived from those deposits of nonresident aliens and foreign corporations.

The effect of the Senate receding on those two amendments was to tighten up on the tax laws. In the future they will force foreigners to pay taxes they do not presently owe on income and on their estates.

The managers on the part of the House were willing to recede to 23 other Senate amendments made to the Foreign Investors Tax Act, but they insisted that this provision of the act contain the principles present in the bill as it passed the House. Although your conferees receded to the House provision, we were able to persuade the House conferees to extend the exemption of present law until 1973, which is 1 more year than that provided by the House bill. Therefore, the permanent exemption that

would have been granted by Senator YARBOROUGH'S amendments is to be continued until 1973. Moreover, postponing the date when these funds are taxed until 1973 will give Congress ample opportunity in the future to consider the impact of this provision on our balance of payments and on the gold flow. Should circumstances require, there will be plenty of time to reconsider the effective date of this provision. Your conferees receded on four amendments, one of which related to deductions of medical expenses of individuals age 65 or over.

Mr. President, next year we may well enact this provision. But the House conferees were adamant on it. It was an amendment offered by the Senator from Florida [Mr. SMATHERS]. It was a good amendment. But the House wants more time to think about this matter.

I have no doubt that after the House conferees have gone back to their people, in November or December—if they ever get there—and have an opportunity to discuss with the old folks, the increase in tax that the aged people will have to pay, they will return in January and go along with the Senate on this matter on which we had to recede. That was one of the most expensive items in the bill. It would have cost about $180 million.

We also had to recede on Senator DOUGLAS' amendment to provide for coverage of expenses of certain drugs under supplemental medical insurance benefits. The House conferees said they will study this entire matter next year. In addition they will study a plan to increase social security benefits that would dwarf this proposal; and when the House sends us a social security bill, if we still wish to provide for drugs for the elderly we can provide them. We were told that it would take quite a while, probably more than a year, to work out the details of this matter, because it will be necessary to analyze the various drugs that would be provided to aged people and to determine how much should be paid for each one of the drugs when it is provided. The technical aspect of the matter, we were advised, would delay it for a long time.

Another amendment on which the Senate conferees receded related to social security benefits regarding certain illegitimate children. We were required to drop that item. The House will study it next year and see what they can do about it.

The fourth amendment on which the Senate conferees receded related to the minimum amount to be treated as earned income for retirement plans of certain self-employed individuals. The reason why we found it necessary to drop this amendment was that we took all of H.R. 10. That was offered by Senator HARTKE, on behalf of himself and Senator SMATHERS. The result was that all of H.R. 10 was agreed to by the House conferees. Therefore, this other amendment which had been put in by the Senate committee and which provided a small part of H.R. 10, was not needed.

The action of your conferees on this latter amendment was only technically a recession. It was necessary that we recede to this amendment since the benefits provided by it also were provided on a much more liberal basis in the Senate amendment which provided for the removal of the special limitations with respect to the deductibility of contributions to pension plans of self-employed individuals. This is the so-called H.R. 10 provision. The House accepted that amendment, as they well should, because the House had passed the bill unanimously.

Your conferees were most reluctant to recede on the amendment which would have provided the old folks with coverage of expenses of drugs under supplemental medical insurance benefits. Although I was not the primary sponsor of this amendment, I feel very personally the deletion of this provision from the bill. In my judgment, this is a benefit which should be granted to the old folks, and I believe that the only major obstacle which kept it off this bill was the question of its timeliness. The Senate should remember that the President recently announced that he will request legislation early in the next Congress which will provide increased social security benefits, the House conferees had just finished two strenuous days of discussion in the Ways and Means Committee regarding increased social security benefits, and, additionally, this is a time when we must hold down on Government expenditures.

As I indicated, the President plans to request legislation early in the next Congress which will provide increased social security benefits. As the chairman of the Committee on Finance, I think I can assure the Senate that we will reconsider this matter next year either in that, or in separate, legislation. I need only remind the Senate that this amendment was approved by almost all of the members of the Finance Committee, and it is my belief that these same votes will remain favorable when we reconsider this measure next year.

The Senate conferees also were most reluctant to come back from conference without the amendment removing the 3-percent and 1-percent limitations on medical expenses for those 65 and over. We fought long and hard for this provision but the House conferees simply would not yield. While I do not agree with them, their view is that the provision of benefits under part B of the medicare bill at Government expense compensated the elderly for this loss of deduction. I doubt very much whether this view will be generally accepted by the public, and I expect the House itself next year to send us legislation removing this limitation.

The Senate conferees accepted modifications to three of the Senate amendments dealing with depletion. The amendments accepted by your committee would delete from these provisions the features granting the depletion allowance with respect to processes not presently classified as mining processes. The two depletion amendments which relate to shale, clay, and slate used as a light-weight aggregate and clay and shale used in the making of sewer pipe and brick were altered by the conference to provide a minimum 7½-percent depletion allowance in these cases. This was in lieu of changing the processes treated as mining processes for these minerals.

Mr. President, in connection with that subject, I wish to point out that the Treasury Department usually disagrees with liberalizing depletion amendments. They recognize the validity of allowing cost depletion, but they have been critical of percentage depletion. As a policy, they consistently tend to say they do not want to expand percentage depletion in any field. But on these amendments as agreed on in conference, they said, as a practical matter, that for the most part justice and equity would indicate that the products involved should receive the treatment accorded by the amendments to equate them with the treatment received by competitive products.

Mr. President, much has been said about oyster and clam shells. If those shells, which have been building up for perhaps a million years off the coasts of Louisiana, Florida, Georgia, Texas, Alaska, and any other State that borders on an ocean or major body of water, are to be used in competition with limestone, it seems only fair that they get the same treatment as limestone. Moreover, these are dredged from the sea under leases from the Government. So they do have economic interests which are depleted.

The Treasury Department objected to any modifications of the principle of the Gore amendment, and won on this point. The Senator from Tennessee labored a number of years ago to see that depletion does not apply to a manufactured or finished product, but relates only to the value of the product before the application of any processes generally considered to be "manufacturing" as distinct from "mining."

The Senate conferees yielded on this matter of deleting any liberalization of the so-called "cutoff point." Unfortunately, not doing anything about the cutoff point for depletion, allowance, merely raising the rate will, I understand, be of little help in Georgia in making alumina from clay.

Minor modifications were also accepted by your conferees to the Presidential Election Campaign Fund Act. These amendments raised to 15 million the number of votes a party must receive to be classified as a major party. In addition the conferees raised from 1½ to 5 million the number of votes a minor party must receive to be eligible for a distribution under this fund. They also extended the application of this 5 million "deductible" rule to the major parties as well. In other words, no party, major or minor, is to receive any reimbursement from the fund for its first 5 million votes. With respect to the definition of major and minor parties, the amendments provide that a party must receive 15 million votes to constitute a major party and 5 million votes to constitute a minor party. The effect of these amendments is that a party will

not qualify for a proportionate share of the fund unless it receives 15 million votes and it will receive nothing from the fund until its total votes exceed 5 million. Those receiving between 5 and 15 million votes in the last election, however, will continue to be eligible to receive $1 for every vote they received over 5 million.

Mr. President, I drafted this proposal with the assistance of the Treasury Department, the staff of the Joint Committee on Internal Revenue Taxation, and our own fine staff of the Senate Committee on Finance. Much of the thinking that caused me to come up with this proposal came from speeches made by the late Senater Richard Neuberger in the Senate when he would quote something that Theodore Roosevelt said over 60 years ago. Theodore Roosevelt said that the only way to have honest elections is for the Federal Government to find a way to help pay for the expense of a man running for the Presidency of the United States.

The Senator from Tennessee [Mr. GORE] carried on investigations in this field to point out the situation was bad. Practically the only source of financing for campaigns had to come from large corporation executives or labor unions, and it would be well if there could be another way devised.

While this proposal is not perfect, after having studied it and discussed it with people who have the responsibility of managing campaigns for the Republican Party and for the Democratic Party, I felt this would probably provide the money it would take to see that both campaigns are adequately financed so that both sides could make their case before the people.

This proposal would authorize every taxpayer to designate $1 of his tax liability to be placed in a presidential election campaign fund. This would have the effect of assigning 50 cents to the Democratic campaign and 50 cents to the Republican campaign. In other words it is financing of good government on a bipartisan basis. Every man elected would be equally obligated to everyone. This is a clean election bill. It is a good-government bill.

The President sent down his own election proposal that included a $100 tax deduction provision. This item has appealed to Senators, including the great Senator from Delaware [Mr. WILLIAMS]. We studied it and the committee did not think it would reduce undue influence. But the proposal we approved would help prevent improper influence in Government because the money goes to both sides. It also does not give the wealthy, to whom deductions are worth more, a greater incentive to give than the less fortunate.

When someone runs for office and has to go hat in hand from one group of wealthy individuals to another, pleading for money to help finance the campaign, that candidate is not as free as if his campaign were financed equally by every citizen. Then he will not be obligated to any special group.

There has been discussions of amending the corrupt practices law. If we do pass such amendments, it is not necessarily going to clean up anything. It would compel people to find more sophisticated ways to finance their campaigns than they have to date. After all they must obtain the money from somewhere. The wealthy can finance their own campaigns, but what about candidates of moderate means?

Here in the bill before us is a way to eliminate the need for those running for office to be under the compulsion of making a commitment they do not wish to make in order to get campaign funds.

A fraud provision was suggested for the presidential election campaign fund provisions. I thought about it and had our staff draft one up in case anyone cared to offer it. One was drawn up as tight as "Dick's hatband," but we think that there is no need for it.

Let me read the broad statute that would be applicable under present law, in any event:

§ 1001. Statements or entries generally.

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both. (June 25, 1948, ch. 645, 62 Stat. 749.)

The provision before us provides that there is to be a bipartisan board composed of two Republicans and two Democrats, who will proceed to pick three other impartial men—so that the Republicans will watch the Democrats and the Democrats will watch the Republicans. Each party will watch the other party, to make sure that no one receives a distribution of a cent for funds not properly spent.

Every Democrat and every Republican has a responsibility to report on his own candidate and the other candidate, in case anyone uses any of the money improperly, so that every dollar of the campaign fund should be accounted for, both as it comes in and as it is expended.

Mr. MURPHY. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I am happy to yield to the Senator from California.

Mr. MURPHY. Is there presently a ceiling on what can be spent by the national committees?

Mr. LONG of Louisiana. I think there is one.

Mr. MURPHY. I think it is $33 million.

Mr. LONG of Louisiana. I think it is $3 million.

Mr. MURPHY. How would we appropriate the money, which, as I understand it, would go to the national committees? How would we get around that?

Mr. LONG of Louisiana. Mr. President, let me comment on the question of limitations on receipts of contributions and their expenditures by political committees.

The bill before us is carefully drafted in terms of "political parties," not "political committees." This was purposefully done in order not to conflict with the limitation in the law.

The bill before us is also carefully drafted so that the amounts paid into the treasury of political parties do not become "contributions" which might make them subject to the $3 million limit.

The special limitations on the amounts paid into the treasury of political parties under this bill were drafted in full recognition of the $3 million limit.

We wrote our limitation in terms of amounts spent by a political party for two reasons. First, to make sure that it was different from the limitation now in the law, and second to provide an after-enacted limitation which would have to be interpreted apart from the $3 million limit.

This special limitation in the bill, indeed the bill itself, has nothing to do with contributions at all. The purpose of the bill is to free presidential candidates from having to seek contributions—to free political parties from having to create a plethora of political committees in order to get around the $3 million limit.

The $3 million limit now in the law is not affected by this bill. It will continue to apply to the cases to which it applies today. However, it will not limit the disbursements made under the bill because these disbursements do not involve "contributions" and they are not made by "political committees."

Mr. MURPHY. In other words, this would wipe out the limitation which presently exists?

Mr. LONG of Louisiana. No, as I indicated I think this provision avoids any conflict with present law. Let me say that the limitation in present law doesn't work in any case. I will tell the Senator why.

Mr. MURPHY. I was not questioning whether it was a farce or a fraud. I just asked the question as to whether that would——

Mr. LONG of Louisiana. No, as I have said, this provision of the bill does not affect the limitation.

Mr. MURPHY. It does not affect the limitation?

Mr. LONG of Louisiana. Not in my judgment.

The Senator from Tennessee [Mr. GORE] compiled a "best seller" on this subject. He did quite a bit of investigating on this subject. I wish I could be favored with a copy of it. Perhaps additional copies should be reprinted—I do not have one of them.

Mr. GORE. We have had that request.

Mr. LONG of Louisiana. I am having difficulty getting reprints. I should like to have a copy of the lists published in his document because inasmuch as it deals with private financing, I might find a few prospects myself when I run again for office.

The Senator from Tennessee has kindly handed me a list which he compiled of those who contributed to President Eisenhower's campaign and also to Adlai Stevenson's campaign. If the Senator will pardon me for saying it, I do not find it all here, I find about only half.

Mr. GORE. I think it is $33 million.

Mr. LONG of Louisiana. $33 million. I asked the Senator for an educated guess on what he thought President Eisenhower's supporters had spent in the Republican campaign, and how much he would guess Adlai Stevenson had spent. I must say that at that time the Democratic Party was the loser. We did not do too well. The Senator's guess, as I recall it, was that the Republicans spent about $40 million in the campaign and the Democrats about $12 million.

Mr. MURPHY. Does that include expenditure of union funds?

Mr. LONG of Louisiana. Union funds?

Mr. MURPHY. I am talking about the figure the Senator just quoted, $12 million opposed to $40 million.

Mr. LONG of Louisiana. It was the best guess of the Senator from Tennessee. The Democratic Party finds itself in the position of being for the poor man, the common man—so that it does not always have sufficient funds, which was true in that campaign.

With expenses going up, it was estimated that as an educated guess about $52 million was spent by the two parties. I heard an estimate that in the last presidential election for all candidates, everyone running for office from constable up to President, about $250 million was spent that year. I would assume that about $55 million to $60 million was spent in the Johnson-Goldwater campaigns.

Mr. MURPHY. Has there been consideration—because campaigns are sensitive to rising costs—to possibly using television?

Mr. LONG of Louisiana. Let me talk about that for a moment, because I think that the bill helps that. I will tell the Senator why. There is a provision in law which states that if a television network donates free time, it has to provide equal time for all. So that if President Johnson and the fine gentleman whom the Republicans will nominate for President at the next election, are put on television, the TV networks have to include the minority parties as well, unless the law is amended.

If we bypass those small parties, there would still be the problem that while it might be all right to request one big television network to provide equal time, it would seem to me to be unfair to require it of a little television station, because such a station would lose needed revenues by having to provide to other political candidates free time which it otherwise could have sold to paying sponsors.

The proposal before us, however, would provide that whoever could pay for time would pay for it, in order to present his case to the American people.

Mr. MURPHY. In other words, it would eliminate the smaller parties, and only those who had an allocation from the contribution of that dollar could use the air?

Mr. LONG of Louisiana. It would not eliminate them. They would have to finance themselves; the way they do now. However, funds are provided for minor parties when they have polled over 5 million votes in the last election.

Mr. MURPHY. Would it not be feasible to allocate time on the air instead of charging the American people $1 apiece, and allocate the time on the air, which belongs to the people in the first place, on the same basis which the Senator suggests as to dividing up the money?

Mr. LONG of Louisiana. Well, the Senator——

Mr. MURPHY. This would eliminate the cost and save the taxpayer a dollar.

Mr. LONG of Louisiana. The Senator would simply make the television stations foot the bill. Does the Senator think it is fair to make a small television station lose money in order to make free time available, when the station could be using that time to make a few dollars to pay off its debts?

It seems to me it is better to provide both sides with money so they can buy time during the campaigns and make their case to the American people. The television station would be required to treat everybody the same way. Some of the small parties would have to finance themselves, but if they obtained 5 million votes they would get financial assistance from the fund. It has been suggested that this is discriminatory. But under the proposal as agreed on in conference, the major parties also will get no reimbursement for the first 5 million votes they garner.

I point out that there are all kinds of deductible items in the law. There is a $100 deductible allowance for casualty losses; a deduction of 3 percent from the income with regard to medical expenses before any of these expenses are allowed; and a 1 percent deductible in the case of drugs. There are all sorts of exemptions and deductions.

Mr. MURPHY. There are so many and it is so confusing that I am afraid the poor, general citizen has no knowledge of them and needs an accountant, a lawyer, and specialist to tell him what his rights are. I do not know, and I consider myself a normal citizen. I have been around half a century. The longer I stay, the more complicated and confusing it all becomes. That is one reason why I question this part of the bill.

May I say that I voted for the bill, but as it comes back in the condition it was returned, I would have to oppose the bill, because the most eloquent presentation the Senator made with reference to helping the poor folks get medicine was what persuaded me to vote for the bill, and that provision has disappeared.

Mr. LONG of Louisiana. I regret to say we could not hold that provision in conference. We expect to get it passed next year. I regret that it failed. But there were other provisions in the bill. There was the self-employed retirement provision, for example, in which doctors, lawyers, and other self-employed have been interested for years. This will help them in their old age when they retire. I have been opposing it, but there are so many good provisions in the bill that each Senator should be able to think that even though there might be one or two items in the bill with which he does not agree, there are enough good provisions that he should vote for it. I am not only interested in seeing that the poor man's party is put above improper influence, but I should like to see the Republican Party put above improper influence also.

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

Mr. LONG of Louisiana. I yield.

Mr. MURPHY. Speaking of party, would this provision include deductions for members of the President's Club, or would that be a separate matter?

Mr. LONG of Louisiana. May I say that I am a member of the President's Club and proud to be, but I am not too happy about the $1,000 a year it costs me. It is hoped that this provision would eliminate the need for such clubs. I would hope to get the support of many persons in and around Louisiana who now contribute to the President's Club. I shall be running at the same time the President is. It is always difficult to finance campaigns for Members of the Senate and of the House at a time when the President is running. But now he will have perhaps $30 million to finance his campaign.

If a presidential candidate can obtain $30 million to finance his campaign, maybe members of the President's Club, including myself, would be relieved of the $1,000 contribution, and that money could go to finance the campaigns of candidates for the Senate and the House of Representatives. Some of us have great difficulty raising money to finance our campaigns.

Mr. MURPHY. That does not answer my problem. I ran at the time when everybody was talking about Goldwater and Rockefeller and I could not get anybody on the phone. I financed my campaign at the cost of a package of cigarettes for all of the people who voted for me in the primary. I recommend it.

Mr. LONG of Louisiana. Senators and Representatives do not have the terrible problem of financing a campaign that is presented to a man running for the Presidency.

With reference to the subject previously discussed of the penalties applying under present law, here is another statute that is now on the books. This statute is so broad that it covers almost anything. Let me read it:

§ 1002. Possession of false papers to defraud United States.

Whoever, knowingly and with intent to defraud the United States, or any agency thereof, possesses any false, altered, forged, or counterfeited writing or document for the purpose of enabling another to obtain from the United States, or from any agency, officer or agent thereof, any sum of money, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

So that provides for 5 years in jail and a $10,000 fine. The Comptroller General would be responsible for checking into every single item of expense certified by the political parties under the proposal before us.

Someone has suggested that perhaps we could set standards as to how much should be spent in every single State. If anybody wants to work it out, I shall be glad to consider it, or we could have the

staff work it out. But I do not think it is necessary, because no question is raised as to the percentage of the money raised by the people of New York, for example, as compared with Louisiana.

The remaining Senate amendments to which your conferees accepted changes were those dealing with swap funds and the provision requiring reports to clarify the national debt and tax structure. Changes made to this latter amendment are minor and represent changes suggested by the Bureau of the Budget to make the reporting system practical.

You will recall the discussion on the Senate floor with respect to swap funds. Under section 351 of the Internal Revenue Code, transfers of property to a corporation by one or more persons in exchange for stock in a corporation does not result in gain or loss if immediately after the exchange the person or persons in question are in control of the corporation. On July 14, 1966, the Treasury Department issued a proposed regulation indicating that the exchange of appreciated stock for shares in an investment fund—where immediately after the exchange the persons who transferred the stock to the corporation are in control of it—does not qualify for this provision. The Senate added an amendment to the bill providing that section 351 applied to corporate investment funds.

The conferees considered this provision at length and concluded that, at least at this time, they did not believe that stock or real estate investment funds should be eligible for this tax-free treatment under section 351. It was recognized, however, that in view of the past experience under this provision it probably would have been unfair to cut these funds off immediately. As Senators will recall from the Senate discussion in 1960, the Internal Revenue Service ruled that these funds did come under section 351, and while it is true that since that time they have refused to so rule, nevertheless, private tax counsel has so ruled for many funds since that time. In view of these considerations, the conferees provided that these investment funds should come within section 351 only with respect to transfers to stock to the funds prior to July 1, 1967. Moreover, funds required to register with the Securities and Exchange Commission under either of the two applicable laws, to be eligible for this treatment must file their registration applications with SEC by January 1, 1967; the prospective shareholders must have deposited their stocks with the fund by May 1, 1967; and the actual transfers must have occurred before July 1, 1967. Where registration application set a maximum dollar amount for a fund, this may not revised upward after January 1, 1967. Any additional amount would not qualify for the tax-free treatment under this provision. This latter limitation, of course, applies only to those funds not already established.

I believe that the bill as revised by the conferees is a good bill and should be approved by the Senate.

I have a letter from the Secretary of the Treasury, who says this is a good bill and that it should be agreed to by the Senate. The Treasury Department did have some concern about some of the provisions in the bill as passed by the Senate, but they are satisfied with the conference agreement. The only provision they really take exception to is H.R. 10. The revenue loss of the bill as passed by the Senate was put at approximately $470 million a year.

As we bring it back from conference, the cost of it is about $80 million a year.

So the cost of this bill to the Treasury is only about 15 percent of what it would have been as passed by the Senate. The only very expensive item in the bill is the one provision, H.R. 10, the self-employed retirement provision. That provision, as I have stated, Mr. President, is something I have fought against for many years, and if it were here on its own merits alone, I would still be fighting it. But the House passed it 291 to 0. And in spite of my best efforts, all the arguments I could make, all the arguments the majority leader [Mr. MANSFIELD] could make, all the arguments the Secretary of the Treasury could make in talking to Senators, all the arguments the Under Secretary, the Assistant Secretary could make, and all the arguments that our staff could help us make, we simply lost. We did not have the votes to outvote them. So this provision, which is of interest to doctors, lawyers, accountants, and other self-employed people, is still in the bill.

But the bill in its present form should at least be much less objectionable than the bill which Senators opposed when it was brought to the floor of the Senate, because every agreement in conference, and every action by the conferees, had the effect of reducing or eliminating the cost of something which those Senators who had opposed the bill did not want to do, anyway. So it would seem to me, Mr. President, that even Senators who voted against the bill originally would be well justified in voting for the conference report, because even if they did not like the bill originally, what we present here from the conference is much better, from their point of view, than what the Senate passed. If they were worried about the expense, this measure will only cost 15 percent as much as the bill we passed. If they are worried about some provision which might have given the Treasury a problem, the Treasury now feels, as a practical matter, that this is a fine bill, that it will help tremendously with our balance-of-payments problem, and it is one of the few things we will have passed in this Congress that will help our balance-of-payments problem. From the point of view of a number of people in the Johnson administration—and I say it would be fair to say this is probably an opinion shared by the President himself—this bill is even more important to the Nation than the supplemental appropriation bill which waits right behind it, which provides funds for almost everything. We have enough money on hand to operate the Government for a little while, but we have a very serious problem with our balance of payments, and need to do something immediately to help with that matter.

Most of the amendments retained in conference were amendments the Treasury was asking for, or did not oppose, because the Treasury Department felt that those matters involved fairness and equity, and followed the principle of treating all taxpayers alike and impartially. Therefore, Treasury wanted almost everything in this bill except for about five of our amendments; and the two that cost the greatest amount of money—that would have cost $385 million out of the total $470 million cost to the Government of this bill—the two that Treasury was most worried about because of their cost, we were compelled to recede on.

So Treasury feels it is a good bill, the President feels it is a good bill, the House feels it is a good bill by a 3 to 2 margin, the Senate voted for it by a vote of 58 to 18, and insofar as someone who does not like it is concerned, if there is some principle or some effect here that offends him, every compromise we made in conference moved in his direction, to make the bill at least less objectionable, I think, and represented what he would have done himself if he did not like the bill to begin with.

Mr. President, I urge that the conference report be agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I rise to object to the conference report. As I stated earlier, when the bill was before the Senate I was wholeheartedly in support of title I of the bill, that phase which dealt with the foreign investors' tax. As the bill was passed by the House and as title I, which dealt with that subject, was reported by the Senate committee, I felt it was a constructive proposal. I would have supported, and will support today, title I as it is before the Senate. That is supposedly the matter that is now before the Senate—the question of the Foreign Investors' Tax Act. But this bill has gone far afield. Yesterday it was suggested to the Treasury Department and to the leadership that we take title I of the bill and attach it to another bill which is presently on the Senate Calendar and which was reported by the Senate Finance Committee. This bill was reported unanimously by the Finance Committee and had the approval of the Treasury Department. It would be a very convenient vehicle. We could put title I in its entirety on that bill and send it to the House, carrying these other so-called grab-bag proposals over until next year for debate.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. GORE. Does the Senator believe that the public interest would be adversely affected by postponement of these nongermane amendments?

Mr. WILLIAMS of Delaware. I certainly do not. In fact, I think the public interest would be better protected if they were defeated. Certainly title I is all the administration was asking for.

As to the major amendments which are in controversy here, when the Treasury Department witnesses were before

our committee they were unalterably opposed to each of those amendments. They described one of the amendments as the greatest loophole that had ever been proposed by the Finance Committee. That amendment, Mr. President, is in the bill before us now; and I regret to say that the Treasury Department has swallowed it, because they say, "Well, we will cut off this loophole after July 1, 1967, with the proviso that they must file their report with the Securities Exchange Commission by January 1." I do not question the motives of anyone who supports these proposals, but I do disagree with their conclusions.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. Just a moment. I do not question the motives of the Treasury Department in this flip-flop. It is not the first time they have suddenly changed positions. I am not unmindful that in late August, the Secretary of the Treasury said he was unalterably opposed to suspension of the 7-percent investment credit, and 10 days later he was for it. He had a right to change his mind on that issue, and he has a right to change his mind now and ask for this bill.

I now wish to discuss some of the features in the bill to which I object and express my opinion as to why I think it would be better if it were not enacted at this time.

I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Of course, the Senator is entitled to his opinion.

Those of us who voted for the swap fund amendment felt that if we looked at the law, we would find that the present law permits the tax-free transfer of securities to investment companies. The Treasury felt that this was something of a loophole, and wanted it to be closed. The Treasury proposed to close it by an administrative regulation; but it seemed to us that it ought to be done by law. We believe that Congress ought to act, rather than to have the Treasury act administratively. The Treasury is pleased that the conferees have closed the loophole affirmatively.

Mr. WILLIAMS of Delaware. I know that the Treasury is apparently pleased today to accept a proposal which only 1 week ago they denounced as the most glaring loophole ever proposed by Congress.

Mr. LONG of Louisiana. What we have before us is a different proposal. This is a proposal that the Treasury helped us to draft. The Treasury feels that it is a good proposal.

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

Mr. WILLIAMS of Delaware. I shall yield in a moment.

The only change that has been made is that we have fixed the final termination date as July 1 of next year.

Mr. LONG of Louisiana. The SEC registration must be filed before January 1, 1967, and the funds must be deposited by May 1, 1967.

Mr. WILLIAMS of Delaware. Application must be filed in December but July 1 is the final date.

Mr. LONG of Louisiana. And cannot be amended to raise the amount.

Mr. WILLIAMS of Delaware. After January.

I shall discuss the merits of the proposal later. When the committee had this particular proposal before it, the representatives of the Treasury Department said it was a glaring loophole and even indicated that if that one amendment alone were in the bill, they would have to recommend its veto. But now we are told they are willing to accept it. That is the Treasury flip-flop about which I am talking.

I now yield to the Senator from Minnesota.

Mr. McCARTHY. The Senator from Delaware keeps quoting the Treasury; but the Senator himself knows that it was not a glaring loophole. He knows better.

Mr. WILLIAMS of Delaware. I agreed with the Treasury that it is a loophole.

Mr. McCARTHY. But not the largest loophole in the tax code. The Senator would not commit his reputation in support of the Treasury official he quotes and say that this was the most glaring loophole in the whole tax code. He will quote the Treasury official as saying that, but he himself will not say that it is.

Mr. WILLIAMS of Delaware. I concurred in what the Treasury representatives said to our committee, and no one has caused me to change my mind. I respect the opinion of the Senator from Minnesota even though he differs with me.

Mr. McCARTHY. No one can prove that a penny of revenue would be lost if the amendment is adopted; neither can the Senator prove that there would be a loss of a nickel of taxes in that "glaring loophole," that a nickel's worth of taxes would be lost. In fact, the record shows that it might bring in revenue, if anything. This is a loophole through which the Treasury could get revenue. The Treasury ought to be for that kind of loophole.

Mr. WILLIAMS of Delaware. I do not want this debate to get to the silly stage. Certainly there is a loss in revenue.

Mr. McCARTHY. Who ever heard of a loophole through which the Treasury would make money? Who ever heard of the Treasury closing a loophole or asking the taxpayers to close a loophole because the Government was making money?

Mr. WILLIAMS of Delaware. Let us not get this to the ridiculous stage. The Treasury agreed that there was a loophole, and in my opinion, there is a loophole now. Perhaps it would be just as well to proceed to show how this is tax relief for a certain group so that there can be no misunderstanding.

This proposal legalizes a method by which those who have a sizable block of securities or real estate which has been secured at a very low cost in relation to its present market value can, by forming a group or a fund, diversify their investments by turning their stock over to a fund and taking stock in the newly formed corporation, thus avoiding the payment of capital gains tax.

They cannot do this under existing law without paying a capital gains tax. It is something which they will not be able to do after July 1, 1967, but the supporters of this bill say, "We will legalize what you have done heretofore and give you until January to get your house in order; you will not have to pay any taxes on what you have done."

This tax-free exchange of securities is a loophole that benefits only seven or eight operations in America.

Mr. President, I yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, am I correct is my understanding that all that has been done to supposedly improve the original bad provision is to establish a cutoff date as of July 1?

Mr. WILLIAMS of Delaware. The Senator is correct. That would be July 1 of next year. However, it contains a January 1 date by which they must file with the Securities Exchange. They must file at the end of this year with the Securities and Exchange Commission.

Mr. LAUSCHE. The situation is that the Treasury Department concluded that there was a loophole that had to be blocked, and they proceeded to do so.

Along came the Senate committee, and the Senate, with this new legislation to prohibit the Secretary of the Treasury from blocking the loophole.

Mr. WILLIAMS of Delaware. The Senator is correct. The Secretary said that under the existing law he could stop this practice. This provision would prohibit him from issuing rulings against the past practices or any other exchange made prior to next July. It would give a clear ruling to all of those who have not been able to get a favorable ruling. It would also include all transactions that took place hereafter, up to the date mentioned.

This is a loophole with a termination date of next July.

Mr. LAUSCHE. Mr. President, is it not correct that the Secretary felt that the practice in effect cheated the taxpayer because of the loophole that existed in the law? He concluded that he could block the loophole, and when he reached such conclusion, the Senate committee adopted an amendment to stop him from doing what he thought was in the best interest of the taxpayer.

Mr. WILLIAMS of Delaware. The Senator is correct. I will cite an example of how this would work.

We will assume that there are four investors. This could only operate with relation to larger interests because the average fellows could not get together to form such a group.

Suppose that Mr. A has $1 million worth of bonds. Mr. B has $1 million worth of a certain stock acquired at a cost of $100,000, and Mr. C has $1 million worth of General Electric or General Motors stock.

If these three men get together and contact Mr. D, who has very large holdings in real estate and would like to diversify his holdings, exchanging his land for bonds and securities, they could not do so under the present law without paying a capital gains tax.

Under the present law any of the individuals whom I have mentioned, if he wanted to diversify, would have to sell a part of his holdings and pay a capital gains tax on the portion which he sold. He could then invest the remainder after the payment of taxes in other corporations.

Under the present proposal, these four gentlemen could get together and put up their securities and real estate. They could then issue shares out of a new fund in proportion to the amount that had been put up.

These men would thus have diversified their interests and the man who owned the real estate would own a percentage of those bonds and securities and the other men would be the owners of the real estate. No capital gains tax would have been paid under this transaction.

The pending measure would provide that that procedure would be permissible on former transactions and new transactions until next July.

A few of these corporations have been formed, and the Treasury Department ruled that such procedure was an avoidance of the capital gains tax and that a capital gains tax must be paid.

This provision would overrule the ruling of the Secretary of the Treasury and provide that such transactions would be tax exempt. In effect, it would say: "Keep on doing it until this next July and then go and sin no more."

Mr. LAUSCHE. The Treasury Department said that the scheme of setting up a pool and then taking stock in the pool enabled those investors to escape the payment of a capital gains tax and that this procedure was illegal. A ruling was issued.

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. LAUSCHE. The Senate committee, however, through the provision in the pending bill is attempting to prevent the Secretary of the Treasury from issuing a regulation that would prevent such practice.

Mr. WILLIAMS of Delaware. The Senator is correct. The Senate committee's first proposal would extend this in perpetuity. The conference report does contain a termination date, but it does at the same time legalize all of these pending transactions which have heretofore been rejected by the Treasury Department.

The pending measure would allow these people to keep their tax-free exchange status up to next July.

This is the proposal which the Treasury Department described as one of the most glaring loopholes ever proposed by the Senate Finance Committee.

All the conferees did was to place a termination date on such transactions. That is better than permitting this to be done in perpetuity, but nevertheless it is still unfair to other taxpayers who must pay the tax.

Mr. LAUSCHE. Mr. President, if the argument of the Senator from Minnesota is sound, that there was no tax loss suffered by the Government, I ask the Senator from Delaware why the committee proceeded to place such a provision in the bill. What was the need of placing such a provision in the pending bill if it meant nothing?

Mr. WILLIAMS of Delaware. In saying there would be no tax loss, they proceeded on the premise that these same people would not sell and diversify. Conceivably, they would not sell, but if they did sell they would have to pay the capital gains tax just the same as any one of the 90 million Americans had to do up to this point and will have to do from now on. They are not being excused.

This provision excused no one, as near as I can determine, but seven small groups that are operating these funds. They are the only ones that are involved or benefited here.

This section is certainly not general tax legislation.

Congress here is legalizing what seven small outfits were trying to do, and trying to do in the face of a warning that the Treasury Department would not approve it.

Mr. LAUSCHE. I wish to repeat my question: If there was no loss in taxes suffered by the Government, what was the need of the Senate committee putting into the bill this provision?

Mr. WILLIAMS of Delaware. None whatever. Certainly there is a loss in revenue.

Mr. LAUSCHE. Who was sought to be protected? It was not the Government. And if the provision was placed in there, one would contemplate that the committee did not intend doing a futile act. They wanted to affect someone. Who was to be affected and how, I ask?

Mr. WILLIAMS of Delaware. It affected, to the best of my knowledge, seven operations, and certainly there would be loss suffered. It would be ridiculous to argue otherwise. Who ever heard of a loophole that did not cause the loss of revenue? I did not coin this word—the Treasury Department coined the word describing this section as one of the most glaring loopholes.

Mr. LAUSCHE. If there was not a loophole, why did the Secretary of the Treasury and the conference committee finally agree to put a cutoff date in the present bill? The cutoff date undoubtedly was put in there under the confession that the taxpayer generally was being despoiled or robbed for the benefit of a few.

Mr. WILLIAMS of Delaware. I could not answer that.

But the representative of the Treasury Department, who, by the way, was Mr. Surrey, the high official who used the words that this particular section was a most glaring loophole.

Nothing has been changed.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LONG of Louisiana. I am not attempting to change the Senator's mind, but I want the RECORD to show what the facts are, from the standpoint of those of us who think that this provision should be agreed to.

At this time, there is no question that if you have a business purpose, you can diversify by just putting business assets into a corporation, which gives you the effect of diversification, and no taxes are owed. The Treasury is not seeking to change a word of that. But until July 14 of this year, Treasury also did not take a published position in opposition to the tax-free exchanges called swap funds.

If what Treasury did not oppose until July 14 of this year was wrong, we only extend it by this bill for 6 more months. So if what we are doing is questionable, we are only permitting this questionable practice to go on for a very short time and after all the Treasury did not challenge this scheme for years.

The Treasury sought to cut off tax-free exchanges in investment funds by regulation. The Treasury thought it was a loophole, and we have closed the loophole for them. We do give these people 6 more months. But they have to file their plan by December 31, 1966, and have to consummate the whole thing by July 1 of next year.

Mr. WILLIAMS of Delaware. Mr. President, I have expressed my opinion about this proposal. The Under Secretary of the Treasury, Mr. Surrey, denounced this section, and quite a few members of the committee staff, as well, concurred in the opinion that this was and is a loophole, only with a termination date.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. GORE. I wish to congratulate the able Senator for his lucid explanation of this particular amendment in the bill. The senior Senator from Delaware has served a number of years as a member of the Senate Committee on Finance. I want to compliment him upon giving an explanation of this bill that would be a credit to any expert tax lawyer, accountant, or both.

Mr. WILLIAMS of Delaware. I thank the Senator for his comments. I do not claim to be an expert. This is just a simple, straight mathematical computation.

Much has been said about what this bill proposes to do for the average American. I just wish to dispel that fact.

To the best of my knowledge there are seven companies or funds that will be given tax exemption under this proposal, and if the proposal is rejected those seven will have to pay capital gains tax on their stock exchanges. It is that simple.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. WILLIAMS of Delaware. I yield.

Mr. GORE. The discussion of this point, in the debate thus far today, illustrates my conviction that if this bill were thoroughly discussed before a quorum of the Senate, it would be rejected. As a result of the discussion thus far, I have heard two Senators say that they have changed their view and would now vote against the bill.

Mr. WILLIAMS of Delaware. There are many more reasons than this point. Some of them in themselves are enough to justify rejecting this report so far as I am concerned.

Mr. GORE. It is regrettable that this kind of bill comes here in the closing hours of the session. The Senator from

Delaware no more welcomes than does the Senator from Tennessee the duty of having such a discussion in the Senate on Saturday afternoon, when football games are being played. But we did not bring the bill before the Senate in the closing hours of this session.

However, I wish to proceed to this point: The exchange between the senior Senator from Ohio and the senior Senator from Delaware clearly brought out that the Treasury Department had, by regulation, closed this loophole. The Senate Committee on Finance, by its amendment, overruled the ruling of the Secretary of the Treasury, and reopened the glaring loophole, as Under Secretary Surrey described it, according to the senior Senator from Delaware.

The conference report represents—I wish to be fair in saying this—an improvement over the original Senate bill; because, as the senior Senator from Delaware has said, though it still overrules the ruling and the regulation of the Secretary of the Treasury and leaves the door wide open for a while, it does fix a terminal date. This is an improvement.

But why do we come here with an amendment, in the closing days of the session, on a foreign investors tax bill, and adopt an amendment to give tax reduction and tax relief and tax exemption to certain groups of people—some of whom I can now identify—and then leave the door open for all those who wish to get in under the wire between now and December 31?

Mr. LAUSCHE. Identify them.

Mr. GORE. I am asked by the senior Senator from Ohio, to identify them. Will the Senator yield for that purpose?

Mr. WILLIAMS of Delaware. I yield.

Mr. GORE. This is not secret information. I have obtained this information from the Securities and Exchange Commission.

I shall read three items—the date of the filing, the name of the fund, and the dollar amount of registration.

October 18, 1965, Science & Technology Exchange Fund, $5 million. December 20, 1965, Third Presidential Fund, $20 million. December 20, 1965, Fourth Empire Fund, $20 million. March 3, 1966, Second Federal Street Fund, $50 million; March 22, 1966, Life Stock Exchange Fund, $25 million—and Senators will note that they are coming fast in the early part of this year—May 23, 1966, Industries' Exchange Fund, $20 million; July 8, 1966, Putnam Exchange Fund, $30 million; July 12, 1966, Fifth Empire Fund, $14 million; July 14, 1966, Exeter Second Fund, $40 million; July 15, 1966, First Atlantic Fund, $1 million; July 25, 1966, Second Diversification Fund, $29,999,900. And the door is left open for others to come in.

Who knows, when we give absolute assurance by law that they will be excused from payment of any tax whatsoever upon their capital gains, how many are now standing by, just waiting for the President to sign the bill, then to file their plans and to take advantage of this loophole we would write into law for this definite period?

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LONG of Louisiana. I wonder if the Senator would be so kind, since he has read off the list of swap funds, to disclose how many were covered in the regulations put out by the Treasury, and, therefore, are not involved in this legislation at all? The Senator said that there is a loophole. Would the Senator explain how many were approved by the Treasury?

Mr. GORE. I do not have that information.

Mr. LONG of Louisiana. If the Senator does not know, why does he——

Mr. GORE. I have here the date of filing of the registration statement with the Securities and Exchange Commission, the name of the fund, the shares registered, the price per share, and the dollar amount of registration.

Mr. President, I ask unanimous consent that the table to which I have referred be printed in the RECORD.

This is the source of my information.

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

| Number | Date of filing registration statement with SEC | Effective date | Name of fund | Shares registered | Price per share | Dollar amount of registration |
|---|---|---|---|---|---|---|
| 1 | Oct. 18, 1965 | None | Science & Technology Exchange Fund | 250,000 | $20 | $5,000,000 |
| 2 | Dec. 20, 1965 | Mar. 10, 1966 | Third Presidential Fund | 400,000 | 50 | 20,000,000 |
| 3 | do | do | Fourth Empire Fund | 1,000,000 | 20 | 20,000,000 |
| 4 | Mar. 3, 1966 | May 11, 1966 | Second Federal Street Fund | 2,000,000 | 25 | 50,000,000 |
| | | | Second Federal Street Fund (posteffective amendment) | 2,000,000 | 25 | 50,000,000 |
| 5 | Mar. 22, 1966 | None | Life Stock Exchange Fund | 1,250,000 | 20 | 25,000,000 |
| 6 | May 23, 1966 | do | Industries' Exchange Fund | 1,000,000 | 20 | 20,000,000 |
| 7 | July 8, 1966 | do | Putnam Exchange Fund | 1,200,000 | 25 | 30,000,000 |
| 8 | July 12, 1966 | do | Fifth Empire Fund | 700,000 | 20 | 14,000,000 |
| 9 | July 14, 1966 | do | Exeter Second Fund | 800,000 | 50 | 40,000,000 |
| 10 | July 15, 1966 | do | First Atlantic Fund | 40,000 | 25 | 1,000,000 |
| 11 | July 25, 1966 | do | Second Diversification Fund | 299,999 | 100 | 29,999,900 |

Mr. LONG of Louisiana. Would the Senator explain how many were taken care of by that Treasury regulation?

Mr. WILLIAMS of Delaware. I do not have a list; but it is my understanding that seven would be involved in this matter. Whether there are others in the same category if approved, I do not know. It is my understanding that one, similar to the seven, had been approved. The Treasury Department thought that it had made a mistake. My opinion was that if the Department had made a mistake it should reverse itself and not expand that error.

The Treasury said there definitely were seven funds that had reached the stage with application status that they would be affected by what we are doing here today.

Mr. GORE. I shall consult with the staff to get that information.

Mr. WILLIAMS of Delaware. The information could be placed in the RECORD.

We were told that there were seven that were involved.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. LAUSCHE. Is the Senator going to proceed to another subject?

Mr. WILLIAMS of Delaware. I was going to proceed to another part of the bill.

Mr. McCARTHY. Mr. President, I wish to make a unanimous-consent request.

Mr. GORE. Mr. President, I can give the information. Will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. Mr. President, I yield to the Senator from Tennessee [Mr. GORE].

Mr. GORE. I am advised by the technical staff that three of these funds have an effective date and only three. They are: Third Presidential Fund, Fourth Empire Fund, and Second Federal Street Fund.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. LAUSCHE. Is the Senator going to turn to another subject?

Mr. WILLIAMS of Delaware. Yes.

Mr. LAUSCHE. I wish to ask the Senator if this is one of the Christmas gifts or one of the grab bags that have been included in the bill, and which have been discussed by Senators and by newspaper columnists?

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. LAUSCHE. Are there other Christmas gifts and grab bags?

Mr. WILLIAMS of Delaware. There are, and by no line of reasoning could they be pictured as important to the balance of payments or having anything to do with the Foreign Investment Tax Act of 1966. It is for that reason I have said that these amendments should be left and that we should go about the business of the Senate, except as to title I, on which there is complete agreement. As to the loss in revenue, the chairman has pointed out that as the bill came from the House there is about a $40 or $50 million loss in revenue, but title I provides for increased revenues of $26 million. In effect, the titles we are discussing would lose around $75 million. That does not include any estimate whatsoever for loss in revenue in the swap section we have just finished discussing.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. LAUSCHE. Is it not a fact that when the bill came to us, under title I, the argument was that it would give equitable treatment to foreign investors with respect to their tax liabilities, and

secondly, if the proposal of the administration was accepted there would be an increase in the tax revenues?

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. LAUSCHE. Those are the two main arguments. How does the bill end up?

Mr. WILLIAMS of Delaware. The conference report estimates a $50 million deficit instead of a $26 million increase in revenue in title I. The bill as introduced provided $26 million in revenue although it was not advanced by the Treasury as a revenue-producing measure. It was advanced by the Treasury as equalization of the tax liability of foreign income and bringing it more into conformity with treaties and our arrangements with other countries.

I am in complete agreement with that title of the bill as it has been worked out. The conference report is even better, and it strengthened the bill. I am in complete agreement with that phase of the bill.

Mr. LAUSCHE. What will be the loss of revenue from that standpoint when there is taken into account all titles of the bill? Would the Senator say that the amount is about $44 million?

Mr. WILLIAMS of Delaware. H.R. 10 would cost about $40 to $60 million. One could only guess in that connection. There are several other sections here which would run the loss figure up $15 or $20 million, and then there is the $26 million increase revenue in title I.

I would not quarrel with the estimate of the chairman that the net result of the adoption of the package, as a whole, would be in the neighborhood of $50 million.

Mr. LAUSCHE. I commend the Senator from Delaware. I request that he continue his discussion, describing the other Christmas gifts made to special taxpayers by this bill, and the grab bags.

Mr. LONG of Louisiana. Mr. President, would the Senator yield at that point?

Mr. WILLIAMS of Delaware. I yield. I had told the chairman that I would not be too long.

Mr. LONG of Louisiana. I appreciate the opportunity to affirmatively explain why we do not agree with the Senator's view that there is a revenue loss from the operation of swap funds.

If one man holds a share of stock which he bought for $1, which is now worth $100, and he puts it in a common fund with another man who had a share of stock in a different company which he bought for $1, which now sells for $100, and they have to pay a 25-percent capital gains tax, they are not going to put the stock in a common fund, but rather, they will hold it in their safe deposit boxes. That being the case, the Government would get no revenue at all. If they put it in a common fund, the fund would be likely to sell some of it and then the Government gets revenue from the fund. The fund would have the same cost basis as the shareholders when they contributed the stock.

Those who argue for the swap funds contend that it makes money for the Government, but the Treasury did not like it and thought it might be a loophole because it permits stock diversification without the payment of capital gains tax. They sought any regulation to correct this. All we did was to attempt to affirm at a date beginning 6 months to a year later what the Treasury sought to do by its own regulation. The Treasury now supports this provision.

Mr. WILLIAMS of Delaware. I should like to point out to the Senator from Louisiana clearly what is involved here. Say that A has a million dollars in stock which cost him $1 a share and which on the market today is worth $100 per share. Say that B has a similar investment in another company which cost him $1 a share and its market value is 100 times that. Each wants to diversify his holdings so that he will own half the stock of A and half the stock of B. Under existing law if they sell they have to pay a capital gains tax. Under the so-called loophole, by joining together in an exchange stock fund they will be diversified, each owning a half million dollars of each company. They pay no capital gains tax. There is no possible way to make an estimate as to what would be lost or gained under this loophole. There is no possible way to estimate what any man would do, if. But the point I am making is that there are 90 million Americans today who pay taxes. All except those who are in these seven combines will have to pay the capital gains tax. They want to diversify, and what this bill is saying is, "You seven can go ahead and diversify your real estate holdings, your bonds, and your stocks, and the capital gains tax is waived. They can diversify and will have no capital gains tax to pay.

Mr. President, I do not think it is right.

Mr. LONG of Louisiana. Mr. President, will the Senator from Delaware yield right there?

Mr. WILLIAMS of Delaware. I think we have debated this phase long enough. I promised the majority leader that I would confine my remarks to the question before the Senate today, but I am glad to yield to the Senator from Louisiana further. However, I want the RECORD to show that I am not delaying this colloquy.

Mr. LONG of Louisiana. I should like to read into the RECORD section 351(a). I should like to read what the law states:

(a) General Rule.—No gain or loss shall be recognized if property is transferred to a corporation by one or more persons solely in exchange for stock or securities in such corporation and immediately after the exchange such person or persons are in control (as defined in section 368(c)) of the corporation. For purposes of this section, stock or securities issued for services shall not be considered as issued in return for property.

Many tax lawyers think that means these swap funds are legal. The Treasury wanted to stop the establishment of these funds and its regulations seem to have had that effect since no one can arrange to have the question litigated without risking large amounts of money.

Mr. WILLIAMS of Delaware. I do not want to discuss this all day long. I should like to hurry along and comply with the desire of the majority leader for adjournment. I am well aware of that section of the law. The Under Secretary of the Treasury quoted that same law the time he said it was not applicable to these swap funds on securities but that the section was intended to deal with the situation where one corporation would organize another corporation and receive its stock in exchange for property it contributes to the new corporation. Under Secretary Surrey said it was in no way related to the problem we are discussing today. I think we have debated this point long enough.

It is a loophole to aid a very small group to avoid its tax obligation.

Mr. GORE. Will the Senator from Delaware yield to me long enough to make this observation? I have listened with great interest to the explanations of the distinguished Senator from Minnesota and the distinguished Senator from Louisiana. Their explanations of how the Treasury is not going to lose money by this amendment remind me of that intrepid merchant down my way who was not quite satisfied with the condition of his business, so he put on a big sale. During the sale, one of his neighbors came by and said to him, "How are you getting along?"

The merchant replied, "Oh, fine. I am losing money on every item I am selling, but I am making it up on volume."

Mr. WILLIAMS of Delaware. Mr. President, I next want to discuss section 201 of the conference report. This deals with the application of investment tax credit to property used in possessions of the United States. That is the title of the section. When the 7-percent investment tax credit was first enacted, Congress intentionally and very clearly confined it to purchases of equipment used in the continental United States. It did not apply to any equipment used by American corporations abroad.

There is no argument about that. Congress did that, clearly and intentionally. Right or wrong, that is the law. As evidence of that point there are pending before the Committee on Foreign Relations one or two treaties which the Treasury Department first approved, but in light of the recent suspension I think it has withdrawn its support. These treaties would have extended the investment tax credit to American corporations for their investments in certain countries—Pakistan was one, and Israel another. Several others were waiting in line in case one treaty was approved.

This bill deals with investment tax credit on property used by American corporations in possessions of the United States.

The section which is before us now carries retroactivity.

Let me quote from the summary in the committee report concerning section 201:

*1. Application of the investment credit to certain property in U.S. possessions.*—The investment credit is extended to property located in U.S. possessions provided the property is owned by a U.S. company or citizen,

subject to U.S. tax on its income from possessions, would otherwise have qualified for the investment credit, and is not owned or used by U.S. persons who are presently exempt from U.S. tax. This amendment is effective with respect to property placed in service after December 31, 1965.

Mr. President, construction of this property started prior to that date and it was put into use after December 31, 1965. Why did they pick this one date, and why was that section so designed? Because it fits exactly one company. It fits, to my knowledge, just one company, the Harvey Aluminum Co., which will get a windfall of about $2 million in tax credit. The tax credit which goes to that company would be retroactive in that this amends the old law to apply to investments of American companies abroad.

In other words, at the same time Congress is suspending the 7-percent investment credit for other taxpayers the bill provides a retroactive $2-million investment credit for another company. Under the law they could not have obtained such credit, but now it is proposed to permit it retroactively.

In addition, I should like to point out the other concession that this company already gets with its investment in the islands. This company in the Virgin Islands has already had approved a 75-percent rebate on its tax on income from its plant in the Virgin Islands for 16 years. That tax subsidy in the Virgin Islands had already been approved.

It will be noted that the language of the bill cleverly states that the $2 million bonus in this bill is deductible from the income of the parent organization in the United States. The company has shipped equipment to the Virgin Islands, so that means that the bulk of $2 million windfall will be deducted from the top obligation of the parent organization in the United States. The plant itself is already exempt from income taxes to the exent of 75 percent by virtue of an agreement it has in the Virgin Islands government.

Mr. President, I ask unanimous consent to have printed in the RECORD a series of correspondence concerning this project, including one letter from the Secretary of the Interior, one letter from the General Services Administration, and one letter from the Treasury Department.

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

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
*Washington, D.C., March 8, 1962.*

Hon. JOHN J. WILLIAMS,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR WILLIAMS: The Governor of the Virgin Islands, the Honorable Ralph Paiewonsky, signed an agreement with a subsidiary of the Harvey Aluminum Company on February 8, 1962, looking toward that firm's locating an alumina plant on St. Croix. This agreement, about which you wrote on February 15, does contemplate a plant costing about $25,000,000 to reduce bauxite to alumina; the alumina would be subsequently shipped to Harvey's plant at The Dalles, Oregon, for reduction to aluminum. The Legislature of the Virgin Islands ratified this agreement on February 19, 1962, which step was a prior condition to its becoming binding on either party.

Contrary to the information which you have received, this move was not made under my sponsorship, at my suggestion, or with my approval. I hasten to add, of course, that the foregoing statement does not imply any disapproval on my part, but simply that this was a matter wholly within the competence of the local government. Governor Paiewonsky has kept me informed since negotiations with Harvey became serious last summer, but we both recognized that the decisions involved could and indeed must be made by the Virgin Islanders' own Governor and their elected representatives. This Department has long shared Governor Paiewonsky's concern about the lack of sufficient industrial and commercial enterprises in the Virgin Islands to afford an adequate living to its population, but decisions on the type of industry to seek, the particular firms, and the specific details of an agreement, are all local matters.

As to whether the United States Government has given its approval to such a project, I would say "No" insofar as the specific agreement mentioned above relating to the project's location in the Virgin Islands is concerned. However, Harvey did enter into a still valid contract with the United States in September 1955 which, among other things, provides for the construction of a facility of this nature somewhere.

Regarding your questions 1, 2, and 4, we suggest that you may wish to ask these of the Defense Materials Service, General Services Administration, which is administering the subject contract, DMP–78, because that is the agency with complete, first-hand information on these matters.

You ask, in question 3, if there is any tax advantage to Harvey's locating in the Virgin Islands as opposed to locating in the United States. We assume you mean as opposed to locating "elsewhere" in the United States, since the Virgin Islanders are not only just as American as any other of our citizens, but probably need economic development worse than most of our other communities.

Insofar as local tax advantages are concerned, we would be unable to make any comparisons, since we take for granted that whatever alternative sites Harvey may have considered in the United States for its plant would also have involved considerable local tax concessions, in accordance with usual industry-attraction practices of many states and local communities. However, we do believe there are two potential financial advantages of a non-local nature which should be mentioned.

The first potential advantage is that should the United States import duty on alumina, now suspended, be reinstated, savings would accrue to Harvey through its not having to pay such impost on this alumina. This result would follow from the fact that the Virgin Islands are outside United States Customs area.

The second potential tax advantage of a non-local nature would materialize if Harvey (a) invests at least $15,000,000, (b) produces at least 50,000 short tons of aluminum, and (c) has a net profit on operations in the Virgin Islands. Under such circumstances Harvey would pay, constructively although this would not be the precise technical position, an income tax which would be but 25 percent of the Federal income tax it would pay were it to locate in the mainland of the United States.

Lastly, you ask if the contract were approved by Interior would it have been done on the basis of need for increased facilities for producing aluminum. Of course Interior has not and will not approve the contract for location in the Virgin Islands. If this contract were subject to our approval we would not have given such approval on the basis of present need for more aluminum facilities. We would have referred a decision on such a limited basis to the Office of Emergency Planning, even though we are well aware that there seems to be no need at the present time for increased facilities for producing aluminum. However, this proposed plant will only produce alumina, replacing that which is presently being purchased abroad, and will not increase at all Harvey's capacity for producing aluminum.

If, however, you are referring to the contract executed in September 1955, while Interior was not involved in such contract, it is our understanding that it was entered into by the United States because of the then existing or anticipated need for increasing facilities for producing aluminum.

Sincerely yours,

STEWART L. UDALL,
*Secretary of the Interior.*

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GENERAL SERVICES ADMINISTRATION,
*Washington, D.C., May 2, 1966.*

Hon. JOHN J. WILLIAMS,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR WILLIAMS: Your letter of April 4 requests information concerning Government purchases from the Harvey Aluminum Company, now known as Harvey Aluminum (Incorporated), during the past 15 years. We believe you have reference only to those purchases with respect to which General Services Administration has cognizance, and the information contained herein has been prepared accordingly.

Aside from the possibility of routine supply contracts covering aluminum extrusions which, in any event, would have been on a competitive bid basis and with respect to which we doubt that you have any interest, there have been only two contracts with the Harvey Company during this period. One of these contracts was evidenced only by a Letter of Intent issued December 19, 1950 and accepted by Harvey on January 4, 1951 providing for the construction of primary aluminum reduction facilities in Kalispell, Montana with alumina facilities at a point to be determined in the Northwest and bauxite facilities, capable of producing 72,000 short tons per annum of primary aluminum, the Government agreeing to purchase if tendered up to 360,000 short tons of aluminum, representing 5 years of production. The letter of intent was to be followed by a formal contract but such formal contract was never executed within the time limit prescribed, and accordingly the letter of intent expired by its terms. We are informed that the primary aluminum reduction facilities were installed in Montana by a company in which Harvey and the Anaconda Copper Mining Company had interests but such facilities were not covered by any Government contract.

The principal contract in which we believe you are interested is numbered DMP–78 and was effective September 13, 1955. It superseded, however, a letter of intent issued May 15, 1953, and accepted by Harvey on May 19, 1953.

This contract was awarded incident to the third Government-sponsored aluminum expansion program and was designed to bring into existence primary aluminum reduction facilities capable of producing 54,000 tons of aluminum pig per annum. The primary reduction facilities have been completed and are capable of producing something more than than 60,000 tons per annum, so that the primary purpose of the contract has been accomplished. As part consideration the Government agreed to purchase if tendered by Harvey, up to 270,000 short tons of primary aluminum pig over the life of the contract, this representing 5 years of production, if not utilized or otherwise disposed of by Harvey.

As of December 31, 1961 the Government had purchased 114,068 short tons at a cost of $57,798,000. Harvey at that date had lost the right to tender 46,130 short tons which tonnage had been used or otherwise disposed of by the contractor, which left the Government's remaining exposure at 109,802 short tons. Our best estimate, however, based upon Harvey's historic consumption of aluminum in its integrated operations is that we shall be required to purchase only 101,948 tons of this remainder.

The price paid by the Government is in effect market price. While the contract calls for the lowest published price of the contractor, it provides that if the prices published by any of the three principal producers, the Aluminum Company of America, Kaiser Aluminum and Chemical Corporation or Reynolds Metals Company are lower, the weighted average of the prices published by those 3 companies averaged over the 90 day period preceding delivery shall be the effective price.

Under the date of December 24, 1952, Harvey was issued necessity certificate TA-NC-20722 by the Defense Production Administration covering 85% of the cost of construction of aluminum, alumina and bauxite facilities estimated at $65,250,000. The financial assistance extended by GSA aside from providing a market for up to 270,000 short tons of aluminum, took the form of a guarantee of bank loans up to $65,000,000 for the construction of the primary reduction facilities at the Dalles, Oregon, and facilities for the production of alumina and bauxite if the latter two are undertaken by Harvey. The bank loans covering the cost of constructing the primary reduction facilities amounted to $44,000,000. The Government obligation to guarantee loans obtained to finance the cost of the alumina plant and bauxite facilities is to guarantee an amount the Government participation in which, in the event of loss, shall not exceed $21,000,000. The contractor has elected to construct such facilities and under the terms of the contract such construction must commence by June 30, 1962. Incident to negotiations concerning the election to construct, GSA has substantially completed arrangements to be discharged of the guarantee of the reduction portion of the loan, originally $44,000,000, as of March 31, 1962.

As you have indicated, the alumina facilities we understand are to be constructed in the Virgin Islands, with the bauxite facilities in all probability to be constructed elsewhere. It is these two facilities which would be the subject of the guarantee up to $21,000,000 of bank loans for construction, if requested by Harvey. That company, however, has agreed to use its best efforts to accomplish the construction without the guarantee of loans by GSA.

This was a negotiated contract and did not involve competitive bids.

Harvey Machine Company, the predecessor of the present contractor, applied for a contract during the third Government sponsored aluminum expansion program in 1952. The company had experience in the aluminum industry and had obtained a firm power contract and a supply source of alumina. The development of competition in the primary aluminum production field was considered extremely advisable. Accordingly, and upon certification of Harvey by the Office of Defense Mobilization, the contract was executed. In essence the contract terms, particularly as to price and principal features are the same as the terms included in expansion contracts awarded to Alcoa, Kaiser and Reynolds.

If we can be of any further assistance please call upon us.

Sincerely yours,

BERNARD L. BOUTIN,
*Administrator.*

CXII——1814—Part 21

TREASURY DEPARTMENT,
*Washington, May 17, 1962.*

Hon. JOHN J. WILLIAMS,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR WILLIAMS: This is in response to your question at the hearings Friday, May 11, 1962, on whether the Virgin Islands could be used as a tax haven. You were concerned in particular about Harvey Alumina Virgin Islands, Inc., a Virgin Islands corporation which is a wholly owned subsidiary of Harvey Aluminum, a domestic corporation. The subsidiary has entered a contract with the Virgin Islands under which the inducements, such as free land, and exemption from real estate tax, commonly offered by local governments in the United States are granted. One of the additional inducements granted by the Virgin Islands is a subsidy based on income tax liability.

In general, the Virgin Islands taxes corporations created in the Virgin Islands at full Internal Revenue Code rates on the income from all sources. Under section 934, added in 1960, however, the Virgin Islands may grant subsidies based on the tax liability of a Virgin Islands corporation 80 percent of whose gross income is from sources within the Virgin Islands and 50 percent of whose gross income is from the active conduct of a trade or business in the Virgin Islands. Although section 934 in itself would not preclude all tax haven operations, Virgin Islands law provides that the subsidy based on income tax liability can be granted only with respect to income from the construction, ownership, or operation of new housing projects, factory buildings or hotels. In the case of the Harvey Aluminum subsidiary a nontaxable subsidy equal to 75 percent of the income tax liability over a period of 16 years is granted on the condition that the subsidiary construct and operate a plant costing $15 million and produce at least 50,000 tons of alumina from bauxite ore.

Such substantial production is not considered a tax haven operation in the case of foreign countries even though the country in which the production takes place grants special write-offs, or reduced rates. Such operations in foreign countries would continue to obtain deferral under H.R. 10650. The Virgin Islands incentive program is comparable to those provided by many foreign countries.

A problem will exist, however, in making certain that the prices paid by the domestic parent corporation to the subsidiary for alumina to be further processed in the United States will not shift to the Virgin Islands income which is properly attributable to the United States. This problem, just as in the case of transactions between other related domestic and related foreign corporations, will be dealt with under the amendments to section 482 made by section 6 of the bill. The Virgin Islands government cooperates completely in providing the necessary information.

Sincerely yours,

STANLEY S. SURREY,
*Assistant Secretary.*

Mr. WILLIAMS of Delaware. Mr. President, I shall quote from the letter from the Treasury Department, in the case of a Harvey Aluminum Co., subsidiary, a nontaxable subsidiary:

In the case of the Harvey Aluminum subsidiary a nontaxable subsidy equal to 75 percent of the income tax liability over a period of 16 years is granted on the condition that the subsidiary construct and operate a plant costing $15 million and produce at least 50,000 tons of alumina from bauxite ore.

Mr. President, in addition, I ask unanimous consent to have printed in the RECORD a statement issued by the St. Croix Chamber of Commerce released at the time the tax exemption was granted. The chamber of commerce of St. Croix vigorously denounced the special tax benefits being given to this plant and pointed out that the company was receiving an outright option on 700 acres of land which belongs to the people of the Virgin Islands.

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

ST. CROIX CHAMBER OF COMMERCE.

Re Contract with Harvey Aluminum, St Croix, Inc.

To the LEGISLATURE OF THE VIRGIN ISLANDS,
*In Committee of the Whole,*
*Government House,*
*Christiansted, St. Croix:*

The St. Croix Chamber of Commerce is vitally concerned with the welfare of the Virgin Islands, and especially with the island of St. Croix. We have assisted the promotion of industries for St. Croix, and have on file letters of appreciation from many organizations that we have assisted in their efforts to come here and establish their businesses.

Thus, it cannot be said that we are against industry coming to St. Croix. But, when a company does indicate its intention to come here, we investigate its plans and determine that its operation will be beneficial to the economic and overall structure of our island. Such an investigation requires a full knowledge of the company, its products, the process that will be engaged in here, and if it will be good for St. Croix now and for future generations. The Chamber of Commerce wholeheartedly indorses the principles outlined by the Governor in attempting to upgrade the employment available to our native sons and daughters, and will do everything in its power to help them advance in the economic and social scale. However, we have grave fears that the Governor may be badly mistaken in the results to be achieved by this particular contract. You, the legislators, are the ones who must answer to posterity and bear full responsibility for the results.

In the case of the present industry, Harvey Alumina of St. Croix, Inc., we have sought detailed information many times from the Governor of these Virgin Islands; from the company direct through Vice President S. Keith Linden; and from you gentlemen. Thus far, we have had a summary of the contract furnished as a press release, talks with Mr. Linden, talks with the Governor, all about generalities—and no detailed information, no copy of the contract and the supporting documents. Mr. Linden tells us that he is dealing with the Government of the Virgin Islands, not the Chamber of Commerce; the Governor says that certain matters in the contract are confidential, and that he must protect the interests of the Company against information that might leak out to their competitors; and further, that he cannot release to us and to the people of St. Croix, the contract and documents until they have been released first to the Legislature—and then become public property. We were last told this on Tuesday, February 6th, and since that time it has become apparent that delivery of the documents has been delayed from day to day. Last schedule we received was that they were to be presented to you on Tuesday, February 13th. It is very apparent that this move was to prevent free access to these documents until too late to study them carefully before tonight's hearing.

The Governor says that the Chamber of Commerce should have had a survey made long ago, in response to our request that time be granted now for research by the

Arthur D. Little Co. He well knows that the facts from the principals were not made available to anyone. These facts are the basis from which the survey could be made.

Now, if this alliance of the Virgin Islands Government and a private enterprise was an outright straight business deal, in which the company proposed to pay a fair price for what the Virgin Islands has to offer and they were prepared to establish themselves in accordance with our laws controlling industry, availing themselves only of such tax advantages as are open to all that qualify under our tax exemption program—there would be little reason to question their motives. But when the transaction involves an outright donation of 700 acres of land belonging to the people of the Virgin Islands, as well as Krause Lagoon—another area of 150 acres more, payment of 3 million dollars of taxpayers' money for a channel to be dug and maintained and used principally by the recipient of the gift of land; and generous tax exemption for a period of 16 years—it becomes a matter of great interest to all the people of St. Croix—and should have more than a passing glance by *all* Virgin Islanders.

What do Cruzans get in return for this 3 millions of dollars and large area of land? Promises of jobs in an alumina processing plant:

1. If there are Virgin Islanders qualified and available and seeking those jobs—Harvey agrees that 75% of the entire work force shall be island residents.

On opening day, how many island residents will be qualified, trained workers for anything but common labor?

But we are told that Harvey will have a vocational training school that will be open to all comers, whether they are to be employed at the Harvey plant or not. That they will furnish scholarships to top students whose interest lies in the field of chemistry or engineering. But these promises are not in the Summary of the contract release to the Press. However, we must remember that a vocational school will offer on the job training. So the plant will have to be in operation months before any Cruzan will be sufficiently trained to be useful. By that time, the entire staff that had to be on hand at the beginning of the operation, because of 6 months residence, will have become Virgin Islands residents by virtue of living and working here. How then can they be displaced? Of course, if the individual is an imported alien, and that may be the case since Harvey representatives have asked our local Virgin Islands employment office for the necessary forms to be filled out to bring aliens in—it will be an easier substitution. But if the job-holder is from the States, or from Puerto Rico, and is performing his work satisfactorily and well—will Harvey be ready and willing to fire a trained man and take on a green hand? So—the Cruzan waits for a vacancy! Also, will the labor union allow this to take place to their members? Perhaps, within a generation, Mr. Linden will realize his ideal to have the plant manned 100% by Virgin Islanders—will we, who are here tonight, live to see his dream come true?

2. We can hope to start receiving full tax payments from the Company after 16 years have passed, and the year 1978 rolls around. In the meantime, we get fractional income taxes from Harvey and the income taxes from the employees. Of course, if the employees are Virgin Islanders we would get their taxes from their present source of employment, since there is no unemployment here at present. Immediately, on the start of construction, we can anticipate greater loads on our school, medical and police facilities—so any taxes we get will be consumed at once in this expansion.

Weighing the cost of these *presumed* benefits in terms of land and money—can we afford to have Harvey Alumina on St. Croix with us?

The Governor states that these concessions are in order because Harvey will spend 25 million dollars for the construction of their plant. The plant will belong to Harvey—not the people of the Virgin Islands. It seems that a better bargain could be driven than is represented by the present contract. Eliminate the gift of land and the costly channel—the tax incentive is sufficient. We strongly suggest that you refuse to ratify this contract, and attempt to get more for the people—not give away their heritage.

The people of St. Croix are entitled to be fully informed on all things that the Government undertakes to do for them. These islands are still supposed to be operating as a Democracy—we even refer to the Virgin Islands as "The Show Place of Democracy". In a democracy, the people share in self-government, and in self-determination toward shaping their future. The aura of suspicion and mystery that surrounded these negotiations from the very beginning makes us wonder if Democracy here is something you can find only in the dictionary!

You, our legislators, still have time to restore the right to the people to proceed in enlightenment—let them know in detail what this deal involves—then hear their opinions and be guided by them. They will accept your decision more readily if this matter is not rushed through. What we ask for is time!

ST. CROIX CHAMBER OF COMMERCE,
JOHN L. COLBY.
FEBRUARY 14, 1962.

Mr. WILLIAMS of Delaware. Mr. President, has Congress not done enough for this company? It is already being granted entrance of its products into this country duty free. In addition, the company is excused from 75 percent of its tax liability in the islands. Now Congress provides retroactively $2 million in investment credit, which the company could not receive if this section were not included and which could not be received under existing law.

The argument is made that it has since been proposed that perhaps the provision should be extended to the islands. Perhaps so; I do not argue that. I personally would support such a proposal, prospectively. I so stated in committee. But I do not agree that retroactively such favoritism should be shown to one company. The argument that this provision is tailored for the benefit of other investments in the islands is not correct. If it were, why is the effective date for the completion of the buildings after December 31, 1962?

Certainly this is tailor made for Harvey Aluminum.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I promised to yield to the Senator from Ohio [Mr. LAUSCHE].

Mr. LONG of Louisiana. The Senator asked a question. I would like to answer it.

Mr. WILLIAMS of Delaware. I will yield to the Senator in a moment, but I yield first to the Senator from Ohio [Mr. LAUSCHE].

Mr. LAUSCHE. Mr. President, I shall ask several questions, trying to punctuate what the Senator from Delaware has said. When the 7-percent investment tax credit was adopted, it was specifically intended to have it applicable only to operations within the United States, and not in our territorial possessions. Is that correct?

Mr. WILLIAMS of Delaware. That is correct.

Mr. LAUSCHE. That has been the law ever since the tax credit bill was passed. This year, in this session, we have suspended the operation of the 7-percent investment tax credit by appropriate legislation. Am I correct in that statement?

Mr. WILLIAMS of Delaware. That is correct.

Mr. LAUSCHE. In spite of the suspension of that law, this bill contemplates to expand the operation of it, going back to December 31, 1965. Is that correct?

Was it ever mentioned by the Treasury Department until the committee wrote the provision in the bill, as far as the Senator knows?

Mr. WILLIAMS of Delaware. To my knowledge, it was not mentioned. The Treasury Department was strongly opposed to this proposal when it was put in the bill, although as the Senator from Louisiana has pointed out, the Treasury Department later reversed its position. I understand the Treasury Department yesterday endorsed the whole package; I have not heard what their position is today.

Mr. LAUSCHE. Has the Senator identified who the specific beneficiary of the provision is?

Mr. WILLIAMS of Delaware. The Harvey Aluminum Co., in the Virgin Islands, was the particular beneficiary of this provision, and it was so tailored to give them a $2-million windfall.

Mr. LAUSCHE. Does the Senator have any knowledge of anyone else who is to have the benefits from the provision, so far as the testimony now shows?

Mr. WILLIAMS of Delaware. Under this section, so far as I know, there are no others. I shall yield to the Senator from Louisiana [Mr. LONG] in a moment. He may know of others, but I do not.

Mr. LAUSCHE. Is this another one of what we call gifts that are to be put under the Christmas tree of 1966 for specific enterprises that are contemplated to be benefited?

Mr. WILLIAMS of Delaware. This is the big red ball we see over on the side of the tree.

Mr. LAUSCHE. This is that gift. So the Senator has identified two instances.

Mr. WILLIAMS of Delaware. Yes. I am not sure whether the Senator from Louisiana supported this when it went into the bill.

I yield now to the Senator from Louisiana [Mr. LONG].

Mr. LONG of Louisiana. Mr. President, the Senator from Delaware says he does not think it is necessary to have this for our possessions. I did not know that the Harvey Aluminum Co. was the beneficiary. It does not have investments in Louisiana that I am aware of, and I do not know the president of the company. I understand the Treasury has negotiated tax treaties with two less developed countries and are in the process of negotiating more which will grant this benefit to other less-developed

countries. If this benefit is going to be given to less-developed countries I think we may as well give those benefits to our possessions—Puerto Rico, Guam, American Samoa, and the Virgin Islands. Whenever such a bill is passed, it is usually made effective January 1, even though the law is not passed until July, August, or September. I remind the Senator that the same thing was done for the chickens. When that law was passed it was made effective retroactively, because that was the logical and convenient way to do it. In that case it was retroactive more than a year if I remember correctly.

Mr. WILLIAMS of Delaware. I have no objection to bringing a few chickens into this discussion. Maybe we could give the taxpayers who were forgotten a good chicken dinner. The Senator from Louisiana may have forgotten, but the measure he refers to dealt with an exchange in Selbyville, which is a cooperative and which has first been determined to be a tax-exempt cooperative. Suddenly the rules were changed. The total amount involved was around $30,000. Those proceeds of this organization go to the University of Maryland and the University of Delaware. There are no stockholders involved, and no salaries paid to the officers. The Treasury Department supported the correction. That proposal had nothing to do with the poultrymen in Delaware.

So let us get back on the subject of the pending grab bag or Christmas tree bill, as it has been designated.

Mr. LONG of Louisiana. There was a retroactivity problem in that bill. That is all I was saying. When we fix an effective date, it is not unusual—in fact, it is almost typical—that it be effective the first of the calendar year in which we take the action.

Mr. WILLIAMS of Delaware. I want to hasten with my statement, in line with my agreement with the majority leader that I would not take long. I have already taken longer than I had intended. I shall conclude as fast as I can.

I repeat, this tailor-designed piece of legislation is designed to take care of one company on a retroactive basis, estimated to involve $2 million to be applied as a credit against the tax on earnings created in the United States. This credit is on an investment the company is making in the islands, where it already has a 75-percent exemption on income taxes as well as a very favorable duty treatment. This represents the big red ball we see on this Christmas tree. This section has nothing to do with the balance of payments. It has nothing to do with taking care of the elderly people, who were paraded on the floor when the bill was passed, all of whom were forgotten in the conference. It has nothing to do with the average American taxpayer, except that the 90 million taxpayers will make up the $2 million being given to this one company.

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

Mr. WILLIAMS of Delaware. I yield to the Senator from Tennessee.

Mr. GORE. Since the intended beneficiary of the amendment under discussion has been identified, I would like to remark that it is a fine company. I do not wish my remarks in any way to be considered as critical of that company. The company has a large operation in the State of Tennessee. Many of its officials are my personal friends. Some are my political supporters.

I decline, however, to support the amendment. I consider the amendment special interest legislation—only one interest being the beneficiary.

The fact is that the plant on which this amendment would retroactively give to this corporation the investment credit is already completed, already in operation. It was constructed without the expectation of this benefit, and without relationship to the benefit being in existence within the continental United States. So this is, it seems to me, clearly unjustified tax favoritism to one corporation; and I say that in view of the fact that its officials are friends of mine, and it has operations in the State of Tennessee.

Mr. WILLIAMS of Delaware. I thank the Senator from Tennessee, and I concur. What I am saying is not criticism of the corporation itself; it is criticism of the Congress if it sees fit to make this gift, because there is no logical reason for it that I can see. This plant is already constructed. It is ready for operation. It was constructed by the company with the full knowledge and understanding that under the law they would not receive the investment credit.

Now, since we are approaching the Christmas holidays, in a spirit of great generosity Congress apparently proposes to give that company $2 million which they never even expected and for which there is no basis whatsoever.

Mr. LONG of Louisiana. Mr. President, will the Senator yield at that point?

Mr. WILLIAMS of Delaware. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, we made the original investment tax credit provisions in the Revenue Act of 1962 effective as of January 1, 1962, the beginning of that year—although the measure was not enacted until about 9 months later. To that extent, the original investment credit provisions themselves were retroactive.

I voted for this provision in the committee. But I was voting for it having no idea who might have built a plant in the Virgin Islands, Puerto Rico, American Samoa, or Guam. If the Senator is in a position to assure us that nobody except one company has built anything in the Virgin Islands, Guam, American Samoa, or Puerto Rico that qualifies for this credit provision, if he is in a position to assure us that nobody else has built a plant in any one of those American possessions before October 10 of this year, he is certainly more knowledgeable than I am.

It never occurred to us to look into it. It seemed to us that if Americans are to receive the credit for investing money in underdeveloped countries, in justice and equity, we ought to treat Americans who invest money in our own possessions just as fairly. But I repeat, if the Senator has found out that only one company has built anything subject to the investment credit in the Virgin Islands, Puerto Rico, American Samoa, or Guam, he is more knowledgeable than I on this subject.

Mr. WILLIAMS of Delaware. Mr. President, all I am saying is that I have checked and been advised by the Department that as far as it is aware there is only this one company involved.

At least I will say this: It is tailor designed to fit the pattern of this one company. As to the Senator's argument of why not give the investors in these American possessions the benefits we give under treaties to investors in foreign countries, I should like to point out to the Senator that not one treaty has been ratified wherein we give the 7-percent investment credit to investors in foreign countries. We rejected one, the treaty with Pakistan, in our committee. That argument is not valid.

Mr. LONG of Louisiana. Of course, those treaties are pending before the Foreign Relations Committee, in the subcommittee so ably headed by the Senator from Tennessee [Mr. GORE].

But let me point out to the Senator that he may be in error when he says he is sure——

Mr. WILLIAMS of Delaware. I beg the Senator's pardon. If there is another company for which the amendment would provide a $2 million gift, I should like to know who it is. The Department has advised me that they know of only one.

Mr. LONG of Louisiana. Perhaps the Treasury knows of only one now; but should other builders come in and apply for the investment credit, the Treasury may become aware of more than one. I know we have had some watch assembly people going over to Guam; we just passed a bill relative to their quota.

I would think we would find a number of people who have put people to work building plants in the Virgin Islands or Puerto Rico—there are a lot of small industries going up there. But I take the Senator's word for it that there is one company for sure which has invested some money and put people to work down there. I understand that is the Harvey Aluminum Co. My only regret is that they did not do it in Louisiana.

Mr. WILLIAMS of Delaware. The Senator mentions the watch company. This is another red herring. It makes no difference whether they own a company in Guam or anywhere else; the investment credit has been suspended as of October 9, 1966. No one can question but that this amendment is tailor designed to fit one company, the Harvey Aluminum, which stands to receive about $2 million.

Mr. LONG of Louisiana. Will the Senator yield?

Mr. WILLIAMS of Delaware. I will yield to the Senator, but I do not want him later to be saying that I delayed

the adoption of the conference report because I am yielding to him all the time.

Mr. LONG of Louisiana. The Senator is most kind. This amendment is not tailor made to fit one company. In general, any company, as I understand it, that builds a building in those American possessions gets the same type of consideration as far as investment credit is concerned that it would get if it had built it in the United States.

Mr. WILLIAMS of Delaware. I shall not argue with the Senator whether it is tailored desiged or not. I will say most emphatically that the date selected fits exactly that one case. It would be a series of strange coincidences if all of that just accidently happened exactly that way. I repeat: It did not leave them out.

Mr. President, I see no need to pursue the question any longer. We have discussed it in detail. This was to be a Foreign Investors' Tax Act. I cite just a few other examples of special treatment. Increased depletion allowances for clam and oyster shells, gravel and slate, and certain types of alumina-bearing clay are all in this grab bag. Those are examples of many presents in this bill, every one of which is tailor designed to fit specific cases. Such matters do not belong in general legislation; they should be handled as private bills, if at all, and voted on as such.

When I objected to these extraneous matters during the debate on the bill when it was before the Senate I was described as the most hardhearted individual in the Senate. The Senator from Louisiana asked how one could oppose a measure which would do so much for the old people. For a while I thought we were going to turn the Senate into an old folks home, so many examples were brought forth of these elderly people, starving to death, needing doctors, medicine, drugs, and unable to get them without the original bill then before us. That was the argument then.

Mr. President, what happened? They deleted every one of these items in the bill. Even the provision dealing with the elderly people was deleted. The conferees kept every item in the bill that takes care of some special individual or company, such as the gift of $2 million to the Harvey Aluminum Co. and other such special group amendments.

This is a special bill for special groups. I guess that the elder citizens will have to wait until another election approaches, and then they will hear more concern expressed for them, or perhaps if we adjourn between now and election day they will hear much said on the campaign trail about how the administration wanted to do something for them. Such promises and expressions are a political farce.

They traded off and deleted every item that would benefit the elderly people in return for the acceptance of these grab bag amendments. The conferees brought back every item that takes care of some special interest or some special group by way of a tax reduction. Such hypocrisy.

Mr. LAUSCHE. Mr. President, is it not a fact that when the Senator offered his amendment to strike from the bill all of the titles except title I, the senior Senator from Tennessee [Mr. GORE], I believe, suggested that he carry that amendment into effect except that he allowed to remain in the bill the section providing aid to the aged in the purchase of drugs and medicines, and that in pursuance to that suggestion the Senator from Delaware persisted in his amendment but agreed to allow the provision for the aged to remain in the bill.

Mr. WILLIAMS of Delaware. The Senator is correct. My first proposal was to strike the three titles which did not deal with the Foreign Investment Tax Act. However, after I had heard all the eloquent pleas to take care of these elderly people and after I had seen so many crocodile tears shed, I thought perhaps the situation was so bad that we ought to yield and permit them to keep in the provision for the elderly people.

Accordingly my amendment was amended to strike out all except that part pertaining to the elderly people. We lost on that amendment. The measure went to conference, and, lo and behold, the conferees took out all the provisions benefiting the elderly, which they had argued for, and they retained all of the special privilege amendments. I repeat, they dropped out every single item dealing with the elderly people.

Frankly, I do not know if they have stopped their shedding of tears or not. Perhaps they are trying to forget their own speeches.

After reading the RECORD I was amazed when I learned that they had deleted that section.

Why do we place top priority on a depletion allowance for clay, clam shells, and oyster shells and include a special provision for a $2 million gift and to just one company, then another provision to save taxes for seven special operations in the stock "swap" arrangements?

Why are these special provisions included in a bill which deals with the Foreign Investment Tax Act?

The Senator from Tennessee is going to discuss H.R. 10. But that proposal represents a $60 million tax reduction at a time when we are talking about increasing taxes after the election. Let us face it, we are operating today with an average deficit of approximately $600 million or $700 million per month.

There is no question in the minds of many that as soon as the votes have been counted the President will suddenly decide that he has information which will necessitate his increasing taxes.

Yet, today Congress is reducing taxes for certain special groups. I think it is wrong.

Earlier I supported a tax increase bill providing for the suspension of investment credit because I thought we had to do something to combat this inflation.

I think inflation is a serious threat. I think that the President has not gone far enough to combat this threat. My criticism does not concern what he did, but it does concern his failure to recognize the actual situation which exists and the cost of the war, and so forth. Why should we vote here for a tax reduction for a handful of people who happen to have lobbyists in the corridors to get their proposals presented before the committee when we all know that in a very short period the chances are 10 to 1 that the administration will be increasing the taxes for the rest of the people?

That is the reason that the pending bill has been referred to as a grab bag. I did not coin the word. The Wall Street Journal, which is certainly not unfavorable to business, referred to the measure before us as a grab bag. That reflects on the committee that reported the measure. The measure has also been referred to as a Christmas tree. I have tried to outline and describe some of the balls that are on this tree.

In my 20 years of service in the Senate this is the most indefensible measure ever reported by the Finance Committee.

In another section $60 million is provided for presidential elections. We already have on the books a proposal providing that no political party can spend more than $3 million. That provision applies to any political party. If a party were to spend more it would be in violation of the law.

The pending bill does not change that law, yet it would supply $60 million, $30 million for each party, for campaign expenses. The statute says that it would be illegal if a political party were to spend more than $3 million on such a campaign.

Certainly the measure should wait until next year and be given more careful study.

The provision does nothing to take care of the needed election reforms. The measure does nothing whatsoever about this.

I know, and the Senator from Ohio knows, that the mood of Congress is such that they are never enthusiastic about passing election reform measures. The only way to get a reform measure through Congress is to tie it to the money. I say that as one who feels that we need some kind of legislative proposal to finance the Federal election campaigns.

I think the Federal Government has a responsibility, and I think that a meaningful law could be worked out.

In addition, I disagree completely with the theory, advanced under this proposal.

If an individual citizen wants to contribute to the Republican Party in order to do so he must contribute an equal amount to the Democratic Party and 50 cents to the Republican Party. If a Democrat wants to contribute to the Democratic Party he must contribute an equal amount to the Republican Party.

I have advocated laws which would encourage greater participation in the general elections on the part of the small wage earners of America.

I have been sponsoring a proposal to encourage greater participation in the general election. I think it would be helpful not only to raise money but, even more important, I think it would be healthy in that it would encourage the

American people to take a greater interest in their government.

If we are going to do that, why should John Doe not have the right to make a contribution to the political party of his choice?

If a man wants to contribute to the Democratic Party, he has a right to contribute to the Democratic Party, and I think he is a better citizen for having contributed to the national elections. I would, of course, rather that he contributed to the Republican Party, but I know that he is a better citizen if he takes an interest in the campaign and contributes to the party of his choice.

Why should we provide by law that one cannot contribute to his own party without contributing to the other party? Furthermore, we do nothing in the pending bill concerning the reform measures or the accounting of expenditures. We do nothing to change the law that limits the amount of money that can be spent, the $3 million, in the presidential campaign, and we do nothing about the abuse in congressional elections.

The Senator from Louisiana points out that if he could get the presidential campaign financed he may pick up the various $1,000 contributions now being made to the presidential campaign.

This is not solving the problem. We are merely moving the problem around.

We need a general revision of our election laws in the country. However, let us do it from the bottom up and put some teeth in the measure. Let us not pass a bill to provide that an additional $60 million could be spent in the same loose manner. This measure would only aggravate the current situation.

I yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I want to get back to the argument made on the measure when it was before the Senate several weeks ago.

I contemplate, before this debate is concluded, reading the RECORD showing that the principal argument was made for the bill because it contained provisions giving relief to the aged in their buying of medicines and drugs.

I ask the Senator from Delaware whether it is not a fact that practically every argument made in support of the bill several weeks ago highlighted the fact that it contemplated helping the aged.

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. LAUSCHE. And because of those arguments, Senator GORE, Senator WILLIAMS of Delaware, and others concluded to challenge the bill, but not to challenge the provision giving aid to the elderly. Now, what has become of the main part of the argument—that is, that we will help the aged? How are they helped by the bill as it has been brought back by the conferees?

Mr. WILLIAMS of Delaware. There is not a single comma or a single word in the bill which would in any way help them at all. Quite the contrary. As taxpayers they will have to pay additional taxes to make up for these Christmas gifts that are being given to the select groups.

Mr. LAUSCHE. That is, the section of the bill that provided help for the aged is gone?

Mr. WILLIAMS of Delaware. They are the forgotten people of the Johnson administration.

Mr. LAUSCHE. What has happened to the other sections of the bill which provided special grants to privileged taxpayers?

Mr. WILLIAMS of Delaware. Every one of the so-called special privilege amendments was retained in the bill in some form.

Mr. LAUSCHE. And the Senator discussed the sections of the bill that place the mineral depletion formula within the principle for the purpose of paying taxes. Is it not a fact that there is now in the bill an expansion of the grants made to the harvesters of minerals?

Mr. WILLIAMS of Delaware. The Senator is correct—to those producing or processing clam shells, oyster shells, and various types of clay.

Mr. LAUSCHE. And tile?

Mr. WILLIAMS of Delaware. And tile. All are the beneficiaries of a tax reduction in the form of additional depletion allowances in this bill.

Mr. LAUSCHE. Did the administration originally oppose the expansion of that principle, or at least did not request that it be in this bill?

Mr. WILLIAMS of Delaware. They opposed it.

Mr. LAUSCHE. They opposed it. So that now the fishermen, the harvesters of oysters and clams, and the miners of clay and the manufacturers of tile are given a special tax consideration by the bill as we passed it and as recommended by the conferees?

Mr. WILLIAMS of Delaware. The Senator is correct.

To illustrate how absurd this situation is, why would anyone claim a depletion allowance on clam and oyster shells? If that is to be allowed why not claim the depletion allowance on the clams and the oysters? Why not claim it on fish? They can be depleted the same way.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I will yield in a moment. I realize the sensitivity of clam and oyster shells to the Senator from Louisiana, and I shall yield in a moment.

The depletion allowance might just as well be claimed on fish.

Mr. LAUSCHE. And on lobsters.

Mr. WILLIAMS of Delaware. And lobsters.

But I say that I see no argument for it. To the extent that the depletion rates are changed in this bill it represents a reduction in the tax liability for those particular companies that are engaged in that operation. There is no argument about that.

Personally, I think it is wrong. This is initiating a tax reduction for these companies on the eve of an election, when we all know that shortly after the election Congress may be confronted with a Presidential request for a tax increase for all other taxpayers. Count the votes and then raise taxes is the slogan of this Great Society.

Mr. LAUSCHE. The Senator has made statements about a Christmas tree with its colored bulbs. On this Christmas tree are there or are there not colored bulbs paying tribute to the harvesters of oysters and clams, the miners of clay, and the manufacturers of tile?

Mr. WILLIAMS of Delaware. There are.

Mr. LAUSCHE. Is this another of those grab bags which are written about in the newspapers?

Mr. WILLIAMS of Delaware. This is the "Grab Bag Act of 1966."

However, I think I made one statement earlier that perhaps should be corrected to a certain degree. I said that there was nothing in this bill that would affect the elderly of America, and that is 99.9 percent correct because the conferees struck out of the bill all those provisions which would help them.

But there is one section, section 214, in which the committee did reduce the excise taxes on hearses by 3 percent as compared with existing law, and perhaps that is the contribution to which the Senator from Louisiana [Mr. LONG] was referring.

Mr. LAUSCHE. I did not hear what the Senator said.

Mr. WILLIAMS of Delaware. The conferees reduced the excise tax rate on ambulances and hearses by 3 percent as compared with existing law, and that is the only contribution that they made to the elderly.

Mr. LAUSCHE. A final question: The provision dealing with health to the old is gone?

Mr. WILLIAMS of Delaware. It is gone, yes.

Mr. LAUSCHE. But the provisions dealing with help to the harvesters of oysters and clams, the miners of clay, and the manufacturers of tile is still in?

Mr. WILLIAMS of Delaware. Those provisions are still in.

Mr. LAUSCHE. And those provisions provide added tax relief to those special groups?

Mr. WILLIAMS of Delaware. They do. To begin with, it was not proper that these items be inserted as a rider to a bill which was designed to amend and modify our method of taxing income of foreign investors.

Mr. President, I yield the floor.

(At this point Mr. INOUYE assumed the chair as Presiding Officer.)

Mr. LONG of Louisiana. Mr. President, I should like to straighten out a few matters on which there seems to be misunderstanding.

The Senator made the statement that this bill provides ambulances and hearses an additional tax break. Perhaps he would like to revise his remarks to correct himself.

Ambulances and the ambulance-hearse combinations already have the benefit of the 7-percent excise tax rate that passenger cars have. But if a man buys a straight hearse, which is not part ambulance and part hearse, he must pay a 10-percent tax.

It was the thought of the Senator from Indiana that we ought to give to a man who buys a hearse the same tax treatment that we give to someone who buys an ambulance or a combination ambulance-hearse. So, in justice to undertakers, we accepted the amendment of the Senator from Indiana. The Treasury thinks that it is only fair that these vehicles should be taxed alike, and so do we.

Mr. SMATHERS Mr. President, will the Senator yield? Does this constitute relief for a dying industry?

Mr. LONG of Louisiana. I suppose it would be viewed that way.

Perhaps the Senator from Ohio would like to revise his remarks. He referred to the harvesters of oysters.

Mr. President, we do not do anything in the bill for the harvesters of oysters. Involved here, so far as oysters are concerned, are not the oyster shells that have oysters in them, but the ones who have not seen an oyster for many a year. These are the empty shells beneath the sand that someone digs up, washes and cleans, crushes and from which cement is made. We would give them this consideration, which amounts to about a half million dollars in revenue.

Mr. President, the reason that we give them this consideration is that the people who are taking these oyster shells and making cement from them are competing with people who make cement from limestone. It is a matter of granting the same depletion allowance to minerals which are used for the same purposes.

Both are depletable and both should have the same allowance. The Treasury Department said if there is going to be depletion at all, this arrangement would be about as good as any. It provides tax equity between the industries.

Mr. President, with respect to this talk about discriminating in favor of the Harvey Aluminum Co., I wish to say that no one raised the point at the time we were passing the investment tax credit law in 1962 and the amendment to it in 1964. I do not recall if any one from any U.S. possession protested the exclusion of the Virgin Islands, Puerto Rico, American Samoa, and Guam.

I wish to ask the junior Senator from Florida if he has any recollection of such a protest.

Mr. SMATHERS. I do not recall any such protest. As a matter of fact, it has been amazing to some that this legislation has not been passed before. We have many programs calculated to assist our possessions and we have provided programs calculated to help the development of Puerto Rico. We have our FHA program there. Most of the bootstrap operation in Puerto Rico which was so ably run by former Governor Marin was successful and most of that success resulted not only from his leadership but from the fact that the United States was very generous in its programs directed toward Puerto Rico.

We did not give to the people who made investments in Puerto Rico the advantage of the 7-percent investment tax credit when we instituted the program in 1962. An amendment in the bill before us would propose that we give the same consideration to those people operating in Puerto Rico.

This provision was discussed in our committee in connection with H.R. 13103 and we took action on it. The House conferees accepted the provision. Nobody charged that one company was going to benefit over another company. Anybody who operates in Puerto Rico or any U.S. possession would get the same consideration.

Mr. LONG of Louisiana. I cannot recall anyone raising the point on when this bill was pending on the floor that this matter would benefit the Harvey Company. So far as I am concerned it does not make any difference who is going to be benefited. It is a matter of tax equity. The Treasury Department and the State Department have negotiated treaties with less developed countries, trying to give the same consideration to Americans who invest money there. I am sorry that we cannot vote on those treaties in this Congress. The Senator from Tennessee kept that inside his subcommittee for quite a while, which he is privileged to do, and I respect his rights to disagree and to study it as long as he desires.

Mr. President, there are one or two other points that should be made. The Virgin Islands has its own tax system and in this it presently allows exemptions to some companies to encourage them to operate there. This provision would not help these companies because they pay no tax to the United States.

This provision would, however, make the investment credit available to U.S. companies owning property used in the possessions and receiving rental income from this property.

The investment credit, in effect, helps only when the income from the property is included in the U.S. tax return. A limitation in the bill denies the investment credit to any U.S. corporation which presently receives the benefit of income tax exemptions under the present law.

It is said that this provision is retroactive. It goes back only to the first of this year. This is customary in revenue legislation. This is also true when we passed the investment tax credit originally, it was retroactive to January 1. It was effective as of the first of the year, even though we passed the law later in the year.

Mr. President, every provision here is general law. It is not tailored to anybody.

The presidential campaign financing proposal would not make anybody put $1 in a campaign fund, but it would permit him to do so if he wants to put in a dollar which would be divided 50–50 between the major parties. This would help to assure that a presidential candidate would not be subject to any improper influence of the large money interests who otherwise would contribute to his campaign. If, under this proposal, taxpayers wish to share the burden of the cost of government and make a good government contribution, fine.

As a matter of fact, my thoughts on the subject had received inspiration from the Senator from Tennessee [Mr. GORE], who now seems to be so strongly opposed to this proposal, although he did support it in committee at one time. The proposal is the result of our committee meetings. We studied the matter, conducted hearings, and promised the Senate that we would report such a bill. Senators will recall that when the debt limit bill was before the Senate, the Senator from Delaware [Mr. WILLIAMS] made a strong argument for the President's suggestion of a $100 tax deduction for persons who contributed to campaigns. That would have cost much more money than the solution that the committee recommended. The estimate was at least $100 million. The Senator from Delaware chastized some of us, in a quiet, friendly way, saying that we were not supporting the President's recommendation of a $100 deduction. But some of us felt that that would not do anything but give some of the wealthy who were already financing campaigns an advantage that they did not need. So we rejected that idea; we turned it down. I believe that at one time the Senator from Delaware offered me a compromise: that he would take half of my proposal if I would take half of his.

This provision has been studied by the President and the administration, who I think feel that it would be a good way to proceed. Perhaps it can be improved upon. Anyway, I hope we can make a start. The plan can be studied for imperfections, and refinements can be made if they are desirable and can be included in the law in the future. There are already general criminal prohibitions in the Federal statutes to cover a situation of this sort.

Any little thing that might have been overlooked could be perfected. Not the slightest bit of difference would be made, revenuewise, until September, 1968. Then if it is thought that a fraud statute should be enacted, especially tailored to presidential election campaign fund arrangements, one could, of course, be drafted to take into account every possibility that the mind of man could conceive.

If someone had an idea that perhaps the President should not be permitted to say something nice about a Senator or a Representative, or even something that might hurt him in some areas, that could be suggested as a refinement.

The Senator from Illinois [Mr. DOUGLAS] who is a cosponsor of the proposal thinks that all private contributions to major parties in a presidential campaign should be outlawed. That might very well be a good suggestion; but we need not cross that bridge just now. We can take a good look at it and let the committees of the Senate and House consider it, knowing that we have initiated a plan to improve election campaigns by eliminating improper influence and permitting income-tax payers to make a contribution.

It is felt by the administration and by a majority of Members of the Senate and House that this is the most constructive step that has been made along this line in a great number of years. It

is one thing we will have done to help to prevent improper influence in government.

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

Mr. LONG of Louisiana. I yield.

Mr. SMATHERS. The Senator from Louisiana well knows my views on the subject, but I should like, once again, to commend him for having taken the initiative in this particular matter. It is a proposal that has been discussed for years in an effort to determine how we can remove suspicions of bad influence from presidential campaigns.

Different people have come in with different ideas. The distinguished Senator from Tennessee, as I remember, several years ago, had a suggestion along this line. I had one. Hearings were held, but on that day I was unable to be present so I presented a statement as to how I thought it should be done. Other Senators presented their views. The distinguished Senator from Delaware was one of those most enthusiastic about a tax incentive approach. He adopted the same approach which the President himself had sent over. After much give and take, the Senator from Louisiana came in with what everyone finally concluded was a most workable and a most practical solution to the problem. It was to be totally voluntary, yet it would do the job and make it possible for men running for high office to be absolutely free from the suspicion that some one individual or some segment of the economy, or some person—if I may be permitted to suggest it—with an ulterior motive had come in and contributed a large sum of money and made it possible, because of that contribution, to influence the outcome of an election.

That can no longer happen with this kind of legislation.

Thus, I highly commend the Senator from Louisiana. In all candor, I think that this is almost the most important part of the bill. If we had not done it this way, it is my humble judgment we would be debating this kind of thing for the next 10 years.

For years, the Senate has been talking about the need to change the electoral college system, which everyone knows is outmoded and outdated and leads to all kinds of injustices. Every Senator thinks it should be changed according to his way of thinking, and I think that if this situation prevails, we will never get it corrected.

It will be my prediction that if we did not pass this campaign financing proposal now, we would be debating it for the next two generations, and probably would never accomplish anything along that line. So I am happy that it is being done. If, in practice, evidence develops that it is not working as well as we like, then, on the basis of experience, we can correct it. I happened to be the chairman of Democratic campaigns on three occasions for a period of 6 years, and I can testify to the fact that we need something in this field. This is a major start. While it does not yet go down to the areas of the congressional level, nevertheless, when it goes into effect at the highest level, the No. 1 level, the level of a presidential campaign, I think it will give us experience so that in time we might be able to place it into the law with respect to other political campaigns.

Thus, I want to commend the Senator from Louisiana again for his energy in pursuing this particular program, and I know that it will redound to the betterment of this Republic.

Mr. LONG of Louisiana. I thank the Senator very much. Let me just make a few brief references to what I believe to be the completely erroneous statements which have been made here. I would like to say that the rules require me to accord Senators due consideration in this regard as to their being in error.

A Senator said that those of us voting for the bill admitted that everything in it was special privilege. We do not admit any such thing.

As a practical matter, we could say that every facet in life has its special privilege. If we do something only for women, we discriminate against men. That involves them, but not everyone. If we are doing something to limit the tax liability of a particular industry, that involves a special group. There is no way to draw up any tax laws which do not involve one group or another. There are married couples who have children and there are married couples who have no children. There are married couples whose children go to college and there are married couples whose children do not go to college. All revenue laws involve the question of groups. There is no other way to write revenue laws.

It has been said that we should not put these amendments in a bill that the President has to sign. My understanding is that the President wants to sign this bill the way it is. He wants everything that is in the bill, with the exceptions of one thing. My understanding is that he is not particularly happy about having to sign a bill to include a liberalization of the tax treatment of private retirement plans for self-employed individuals.

Mr. President, the President of the United States once served in the House of Representatives. He once served in the Senate, where he was majority leader at one time, and whip as well. The President thus understands that this legislative process is a matter of give and take, and sometimes one has to give some ground. We have to take something in order to obtain something. I had to do that when we voted on this bill. I do not like H.R. 10. I fought it. But I am man enough to take a beating and go on to the next thing.

I thank the Senator from Florida and the Senator from Indiana [Mr. HARTKE] for their support of me.

Mr. SMATHERS. Again I want to commend the Senator from Louisiana. I know that he was opposed to H.R. 10, as were several members of the committee, and many Members on the floor of the Senate. I myself was opposed to some of the amendments which are still in the bill; but, as I understand the working of the democratic process, there is such a thing as majority rule. When I had made my argument and had done everything I could to defeat the amendments with which I did not agree in committee, I felt it was necessary for the legislative process to get some kind of expression to the President, and that I would therefore go ahead and be outvoted. The same thing happened on the floor, and the same thing happened in conference.

One of the problems which seems to surface right here at the end of the session, is that those people who now oppose what has been done by committees of both Houses of Congress, and by both the House and Senate, apparently do not particularly like majority rule. In other words, they are now going to say that a minority that lost after fair and free discussion of all these matters somehow will still win. They have every right to do it. I do not for one moment try to say that they do not have the right to do it. I know as a matter of fact that we are in the closing stages of this session.

I have done the same thing, and the Senator from Louisiana has done the same thing. We have tried to negotiate to get something that perhaps suited what we wanted, but which did not suit the majority.

We have the same thing here. All these matters have been fully discussed and aired. No suggestion has been made by anyone that anything has been done in an improper fashion, but the will of the Congress has been stated and expressed. Congress would like to go home. Its Members would like to have an opportunity to go home as soon as we can get a quorum. Those matters which have already been approved will be approved again. No change will be made. All we will have done is lost a Saturday, and maybe a Sunday, and perhaps lost the opportunity to watch a good football game, or perhaps campaign. That is all right. We all do that in order to accommodate Members. The Senator from Tennessee has accommodated me. More remarks will be made this afternoon, but finally it will be passed. That is the legislative process, and it is the way it should work.

Mr. LONG of Louisiana. Mr. President, this measure has been referred to as a grab bag. Much time has been spent discussing so-called "swap" funds. A large number of tax lawyers believe that this tax-free exchange arrangement is clearly within the present law, and that those firms that are furnishing such arrangements have the law on their side. The Treasury did not like it. It felt that it amounted to some kind of loophole. The Treasury sought changes, well realizing that the law might be against it.

In the committee, I voted against the proposal to amend the Internal Revenue Code to permit swap funds to be treated as tax-free exchanges. Those now in business will continue to operate, but I voted against the provision to permit others. I was against it, but when my committee, on which I am proud to serve, thought about it and voted for it, I felt I could support my committee. I am happy, when we got back from conference, that we had worked it out in a way that I think is a good settlement. The Treasury did not like the committee's original decision. Now that we have

worked it out as we have in conference, the Treasury feels the compromise is all right and that it is a fair decision.

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

Mr. LONG of Louisiana. I yield.

Mr. SMATHERS. With respect to the swap fund, I, like the distinguished chairman of the committee, felt it was time that the practice be brought to an end, but there is no question that the law as presently written providing for swapping of stocks in a mutual or other fund without a tax liability. As we said in the committee, though it may be legal, there may be some question as to its merits, and we decided that as of July 1967, it will come to an end. So, for practical purposes, we have closed that loophole, if it was a loophole. We felt the Treasury Department should not be able, without legislative direction, to change the law on its own.

So we have provided that those who are now in business must file on January 1, 1967, a registration statement with the SEC and they must have deposited the stock by May 1, 1967, and they must have concluded their transfers by July 1, 1967.

Those who do not think the tax-free exchange of securities with respect to investment funds is a good practice—and I happen to be one of those—have provided for its end in July 1967. It seems to me that is a fair and logical way to handle the matter.

To get up on the floor and say something that should not have been done has been done, when there have been written approvals of such transactions by the U.S. Government, is not a fair statement. I do not know where anyone got that notion. But we are going to stop the practice completely as of July 1. We felt it should be stopped, and *we so provided.*

Mr. LONG of Louisiana. The Treasury Department wanted to provide by regulation that if the fund had been organized and the stocks had been deposited by July 14, 1966, those transfers prior to that would be all right and would not be taxed on those exchanges, but if such a transfer were to take place July 15 or later, a capital gains tax would have to be paid on the appreciation in value of the property transferred.

Frankly, it seemed fairer, since Treasury did not see fit to take a published position on this problem until July of this year to provide that firms would have until January 1, 1967, to file their registration statements and then 6 months later the tax-free exchanges would stop.

Mr. SMATHERS. Let me read the present law on this matter. I read from section 351(a):

SEC. 351. TRANSFER TO CORPORATION CONTROLLED BY TRANSFERROR.

[Sec. 351(a)]

(a) GENERAL RULE.—No gain or loss shall be recognized if property is transferred to a corporation by one or more persons solely in exchange for stock or securities in such corporation and immediately after the exchange such person or persons are in control (as defined in section 368 (c)) of the corporation. For purposes of this section, stock or securities issued for services shall not be considered as issued in return for property.

Source: Sec. 112(b)(5), 1939 Code.

There is the law, and there is no way it can be changed by Treasury regulation. It must be changed by Congress. That is what we are now going to do. We are not going to let Treasury usurp our legislative responsibility.

Mr. LONG of Louisiana. The Senator is correct.

Mr. President, I have heard many complaints today about the many provisions in this bill. There are many good, structural changes in the bill which will basically improve the tax laws. They are good changes:

First, there is the section broadening the application of the provision where one corporation acquires the assets of another corporation.

The law provides that when one acquires 80 percent of a corporation he does not have to pay a tax, but if he acquires 60 percent from one source and indirectly acquires 40 percent from another source where he has acquired control of a company, he must pay a tax because he acquired this stock from a controlled corporation other than by purchase. It is a technicality. It is a trap some people fall into. It is much like a manhole cover being left open to trap the unwary. So we have taken care of that technicality.

Another provision is the one excluding rents from property manufactured by a taxpayer from the personal holding company tax.

A third provision is the one improving the tax treatment of straddles.

That is another good, constructive change.

Another provision is the one dealing with the taxation of cooperatives and patrons with respect to per-unit retain certificates, making their treatment comparable to that of patronage dividends under present law.

That is a matter which has been studied for some time, and it is a good structural change in the law.

There are three provisions removing discrimination in the case of the interest equalization tax. These are provisions very much needed by businessmen and companies abroad, which help bring the services of banks to visiting American company representatives and Americans who have investments there.

Then there is the Williams amendment, offered by the Senator from Delaware, providing for a new type retirement savings bond for those holding bonds 10 to 30 years, which should also improve the balance of our debt between long- and short-term obligations.

Here is an amendment by the same Senator who made that charge about special interests. His amendment provides for a bond bearing a higher interest rate, designed to attract retirement money into the purchase of those bonds.

The Treasury thinks this is a good amendment.

The Senator stated that everything in this bill was for special interests. How about the Williams amendment, the amendment of the very Senator who made that statement?

Mr. SMATHERS. Is it not the belief of many of us, even though we finally voted for it, that this particular Williams amendment would do more to freeze high interest rates in the country than anything else we have done this session?

Mr. LONG of Louisiana. I was not too happy about that one, because I favor low interest rates, and some of us feared that it might be regarded as congressional approval of higher interest rates, but in the spirit of getting on with the business, since the Treasury thought the Senator had a good point, I did not vote against it.

The amendment was agreed to by a small majority, and we, as sincere conferees speaking for the Senate, fought to retain it and did retain it in the bill, because the Senate accepted the amendment. And so it is there.

Then there is another amendment, by the Senator from Massachusetts [Mr. SALTONSTALL] which requires that we have reports on the contingent liabilities of the U.S. Government which it was felt would be useful in helping to understand the nature of our U.S. obligations.

The Senator from Massachusetts retires this year. He has been working in that vineyard for more than 12 years, trying to get a statement somewhere of all the contingent liabilities of the United States, so we could know what they are.

The Senator from Massachusetts accepted an amendment I suggested to his amendment to get a statement of what assets we have available to us, even on a contingent basis, to meet these liabilities.

As I recall, the amendment was offered by the Senator from Delaware [Mr. WILLIAMS] in behalf of Senator SALTONSTALL. The Senator from Delaware has said, "We admit that everything in here is a special privileged matter." But I suppose that here is another Williams amendment—though offered on behalf of the Senator from Massachusetts by the fine Senator from Delaware—which I am sure does not meet the Senator's description of everything being an item of special privilege, for the special advantage of some special group, of everything being tailor made.

In fact, Mr. President, there is nothing in the bill that meets that standard at all.

The Foreign Investment Tax Act should be adopted. It is highly desirable. It will help our balance-of-payments problems and will also help improve the equity in our tax laws, as they apply to foreign corporations and nonresident aliens who invest money here.

We need this bill. It is badly needed to attract foreign money and foreign investments into the United States, to help in our balance of payments and to help our total situation around the world.

Mr. President, I very much hope that the conference report will be agreed to.

Mr. GORE. Mr. President, before suggesting the absence of a quorum, I wish to advise the Senate that I shall withdraw the proceeding under the quorum call after it has gone on for a sufficient time to advise Senators that at least there has been another Senator recognized to speak.

Mr. President, I ask unanimous consent that without it being counted as a speech by the Senator from Tennessee, I may suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GORE. Mr. President, I am pleased that finally I am recognized to address the Senate upon the pending conference report, even though it be Saturday afternoon, October 22.

It is not a new experience, Mr. President, for the Senate to face a complicated, technical tax bill, or a sugar bill, in the dying hours of a session.

Admittedly, this renders debate and meaningful consideration most difficult. For this circumstance, which I regret, I neither claim nor accept responsibility.

Mr. President, I wish to advise that from here on, though in the past I have done so, I shall not diminish the exercise of my duty and responsibility because of either the lateness of the day on the calendar or the lateness of the hour on the clock.

One's responsibility as a Senator does not diminish by the length of the term nor the duration of the session.

This is an important measure. I find myself in agreement with the opinion expressed by the junior Senator from Florida [Mr. SMATHERS] that the provision in the bill having to do with the use of public money for political campaigns is the most important part of the bill. It surely is the most ingenuous, novel, bizarre, and, I think, the most unwise and dangerous.

Mr. President, I would like to make a preliminary statement before proceeding to discuss this feature of the bill.

My address will be divided roughly into two parts: One, a discussion of this most important part of the bill, the campaign contribution section; and two, the tax favoritism in the bill.

The senior Senator from Delaware, assisted so ably by the senior Senator from Ohio in interrogation, covered several of the tax favoritism amendments so ably and concisely that I am persuaded to begin my address by a discussion of this part of the bill which, according to the junior Senator from Florida, constitutes the most important part of the bill.

In the beginning, I state that I recognize that I believe the suggestion of the use of public funds to defray the cost of the conduct of our elections merits careful consideration.

I have suggested in previous speeches modes of such consideration.

I have always felt though, Mr. President, that the provision of public funds for campaign expenses must be tied closely and intimately with amendment of the Corrupt Practices Act and with a carefully considered bill for election reform.

Indeed, Mr. President, I doubt if any Member of either body of the Congress has devoted the time and study to the question of clean elections that the senior Senator from Tennessee has.

I wish to approach the subject on this basis. It is said that money is the root of all evil. Money is the root of political corruption. Money is the root of political influence. The use and volume of that money constitute the greatest danger in our elective system.

There is nothing evil per se about the expenditure of funds on elections. Indeed, if the electorate is to make a wise choice, then the issues, the records, and views of opposing candidates in a contest should receive wide dissemination.

This requires money in increasing amounts as our population increases and as mass communication media for hire become more widely used.

The evil which threatens our elective processes arises from the improper use of money, money in excessive amounts, sometimes from questionable sources and heavily in favor of special interest candidates or without full disclosure to the public.

If we are to eliminate or even minimize this evil and danger, then existing law affecting the use of money in Federal elections must, in my view, be substantially revised. Existing law is wholly inadequate, outmoded, and unrealistic. For the most part, it was enacted more than 40 years ago.

The inadequacies of existing law were fully illustrated by the report of the elections subcommittee on the 1956 general election campaign.

Earlier today reference was made to the investigation of that subcommittee, of which I was chairman, and the report which was filed. I have a copy of the report. Copies are no longer available. More than 1,000 requests for copies came after the supply was exhausted. It is the largest committee report that the Government Printing Office has ever printed, and it is factual.

We tabulated $33 million, the source of the money, the recipient of the money, and the purposes for which the money was expended.

So, Mr. President, I speak on this subject with some experience and knowledge and, even more, with conviction that reform of our election laws, amendment of our Corrupt Practices Act, now more than 40 years old, is urgent.

The freedom and the sanctity of the ballot box is at the very heart of our system of self-government.

One of our goals in world affairs is to assure to people the right of self-determination. We had better look about ourselves and assure our own people of a right of untrammeled determination without the undue influence of money.

The need for election law reform is widely recognized. The senior Senator from Tennessee is by no means the only one who recognizes this. While there is substantial agreement as to the need for election reform, there are differing views as to the details of what should or can be done.

In view of the failure of Congress to act in this field in more than a quarter of a century, I think it fair to say that the sense of urgency for measures to protect our elective process from corrupt practices, which I feel so keenly, must not be shared by all. As I see it, the cause of clean elections is a very important cause, indeed.

Mr. President, despite the studies that have been made, despite the fact that a clean elections bill is now dying on the calendar, we are here on Saturday afternoon, October 22, asked finally to approve, to take the last step, and to send to the White House, a bill containing a provision on which there has not been one day of hearings, on which not one witness testified, but which, instead of being accompanied with safeguards and protection, adequate amendment of the Corrupt Practices Act, merely pours more millions of dollars into the political pot. Does this make for clean elections?

Mr. SMATHERS. Mr. President, will the Senator yield, to straighten out the record?

Mr. GORE. I yield.

Mr. SMATHERS. Would the Senator not agree that there was a public hearing on this particular proposal, on which the Under Secretary of the Treasury testified, and on which several Senators testified with respect to their own proposals? I offered one proposal. The matter was pretty well discussed. There was considerable public discussion about it.

Mr. GORE. I agree that the Committee on Finance had a day of hearing on the general subject of campaign contributions and election reform. Indeed, there have been many such hearings, one of which, as I have said, I conducted over a period of months.

Mr. SMATHERS. I should like to commend the Senator. I stated earlier that I think that the most thorough hearing I have heard about on this particular subject was that conducted by the Senator in 1956, and I think that the recommendations that he made at that time are excellent. The Senator knows a great deal about this subject. The point is that that was 10 years ago. I am afraid that if we do not pass some sort of legislation which all of us will agree is at least a step in the right direction, we will be debating for another 10 years on this matter, before we will ever get it enacted into law. Ten years later, after the Senator's thorough and lengthy and excellent hearings, we still do not have anything. I think we have to take this as a step in the right direction, hoping that after we have tried it for some time, we might be able to steer it forward, if it needs to be steered to a higher ground.

Mr. GORE. I thank the Senator for his generous comments.

I must say that I cannot feel, after careful consideration, that this would be taking a step in the right direction, if this is the only step we take. Indeed, this step, taken without safeguards, in my opinion would be a very bad step. It would make the situation far worse.

Just as tax reform, from a practical standpoint, can only successfully be coupled with tax reduction, I think that

if we provide Government funds for campaign expenses, without tying to those benefits to our political process the necessary safeguards and protection, then protection is out the window, the benefits are in hand, and the cause of election reform and clean elections will have been dealt a death blow.

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

Mr. GORE. I yield.

Mr. CLARK. I, too, have a great deal of sympathy with the point of view which has just been expressed by the Senator from Tennessee with respect to election reform. I, too, should like to assure that the record is straight.

While I do not purport to be the expert on the subject that the Senator from Tennessee is, I have, nonetheless, done a good deal of research work on the subject. Election reform, to be adequate, requires the collaboration of three committees of the Senate.

The first is the Committee on Finance, where provisions must be passed which, unfortunately, must originate in the House or, in the alternative, be tacked onto some other bill, as was done with the current proposal, by which the financing aspects of campaigns, insofar as there may be any participation by the Government, must be worked out and determined. With regard to that, there was at least 1 full day of hearings, I think, before the Committee on Finance.

Some time ago, the President of the United States did me the great honor of asking me to introduce his bill dealing with clean elections and campaign financing, and I did so. The bill was referred to the Committee on Rules and Administration, the second committee concerned. For reasons best known to themselves, that committee refused to hold hearings on the President's bill, and I must say that I can find little favor with their decision. Instead, they reported to the calendar an utterly inadequate bill, on which no hearings have been held for 6 years, and which was clearly obsolete, inadequate, and inappropriate for the purpose. That is the bill which is now on the calendar, to which the Senator referred. It was not brought up on the floor, and I rather regret that, because, inadequate as the bill is, it would have given us the opportunity to amend it on the floor and provide some kind of decent vehicle for campaign financing and election reform. However, the leadership, in its wisdom, did not see fit to bring that bill up.

A third aspect of campaign reform and financing, in my opinion, is in the jurisdiction of the Committee on Commerce. That has to do with the extent to which the communications media, primarily radio and television, should be called upon to contribute some part of the cost to conduct an honorable financial campaign. Next year, I propose to introduce separate bills:

First, a bill which will be referred to the Committee on Finance, for financing along the lines which the Senator from Tennessee is now discussing.

Second, a bill to be referred to the Committee on Rules and Administration, which will deal with the administrative aspects of campaign practices, the Corrupt Practices Act, and the other aspects of campaign financing which are within the jurisdiction of the Committee on Rules and Administration under our rule 25.

Third, a bill to be referred to the Committee on Commerce, which will deal with the part that radio and television should be called upon to play in this area.

The reason why I make these statements is that I was a witness before the Committee on Finance on this measure and said in substance what I have said just now on the floor of the Senate in this regard.

When the bill that is now under consideration first came before the Senate for consideration, I felt that it was a half-baked measure. I still think it is a half-baked measure. But I voted for it. Why did I vote for it? Because it seemed to me that it was one foot in the door in an area where many honorable Senators, including particularly the senior Senator from Tennessee [Mr. GORE], had been laboring for 10 years, and we had not got to first base. We had not, as the Senator from Florida [Mr. SMATHERS] said, come to the point where Congress had seriously considered how to remedy one of the great failures in our democracy.

So I felt, under the circumstances—and I honor the Senator from Tennessee for his differing view—that it was better to vote for this measure and get something started than not to vote for it at all.

I apologize to the Senator from Tennessee for this interjection, but I wanted the RECORD to show the current status of the problem. It is a problem we must deal with, and I hope we shall deal with it at the next session of Congress. We must seek a method of comprehensive election reform and a revision of the Corrupt Practices Act, through some sensible approach provided by the legislature, with the aid of the executive, to deal with a vexing problem which is one of the great failures in our American democracy.

Mr. GORE. Mr. President, the distinguished senior Senator from Pennsylvania need not apologize for his interjection. I appreciate it. It is an able observation. The Senator has devoted much time and study to the subject. He has confessed that he considered this a half-baked measure when he voted for it on the floor of the Senate.

I wish to make a confession. When the proposal came to a vote in committee, out of love and respect for the chairman, against whose amendment we naturally did not like to vote, I did not vote on the first rollcall; but then when I discovered that all Democrats except me had voted for it and that all Republicans had voted against it, I suppose that a little partisan spirit of the occasion arose and I made a statement. I said, "Mr. Chairman, I wish now to be recorded, but before doing so I wish to state my reasons." I expressed the view then that this was not a measure of which I could fully approve but that it had the merit, I thought, of provoking discussion upon a very vital problem of our Republic. On that basis I voted to bring it to the floor of the Senate with no thought whatsoever that the Senate would seriously consider its adoption without other provisions being added. But here we are. I was perfectly astounded by the vote in the Senate. I was more astounded when the conference committee accepted it. Now, we are asked to take the last act before this really revolutionary political concept in our body politic becomes law.

Mr. President, I say that the measure needs reconsideration. "Half-baked" is not a sufficient adjective to describe the measure. Before I go into the measure in detail, which I shall now do, I wish to say, while the distinguished majority leader is on the floor, that I am grateful that several Senators have been listening to the debate and within a reasonable, but fairly brief period of time, after he is able to assure me of a yea-and-nay vote, I shall ask for a vote on a motion which I shall then present.

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

Mr. GORE. I yield.

Mr. MANSFIELD. I cannot begin to express my deep appreciation to the Senator for what he has just said, because I had no idea what the situation would be. Therefore, I am all the more grateful, especially for notifying the Senate in advance.

Mr. GORE. Throughout our years of service, I have kept the Senator advised of my attitudes and moves. Although he has not always found himself in agreement, he has always been advised of them.

I want to be explicit. This may not be the last vote we will have, but I shall be prepared to ask for a vote.

Mr. MANSFIELD. Would the Senator from Tennessee want the Senator from Montana to state a specific time?

Mr. GORE. I would prefer to proceed. Is the Senator prepared to do so?

Mr. MANSFIELD. Yes.

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

Mr. GORE. I yield.

Mr. MONRONEY. Before the Senator leaves the matter of financing presidential campaigns——

Mr. GORE. I am only now coming to it.

Mr. MONRONEY. In the Senator's discussion thus far, no mention has been made of the inadequacy of the bill with respect to preconvention activities of presidential candidates.

Is this not one of the wide-open areas: influence of large sums of money unaccounted for, unreported, not required to be reported for participation in capturing delegates of various States, or even in the act of campaigning in presidential primaries which are conducted in many States?

It seems to me that had hearings been held there would have been a greater focus on the full aspects of the financing of presidential campaigns instead of only November elections and the general elections.

Mr. GORE. I was going to point that out. I appreciate the suggestion of the

able Senator from Oklahoma [Mr. MONRONEY].

Not only does the measure omit any reference to conventions, party caucuses, or primaries for presidential campaigns, it also omits any reference to senatorial or congressional campaigns. Yet most of us are members of one of the two major political parties.

That brings up a point I had not intended to mention at this time, but let us consider the question of parties.

Suppose Senator STROM THURMOND wants to run for President again. After all, he ran at one time on the Dixicrat ticket and I believe he won a majority in seven States. Now, should Senator THURMOND, or Governor Wallace, or some other public figure wish to run for President again in 1968 on the Dixiecrat ticket, or some other ticket, there would be this situation: Whoever is the nominee of the Republican Party, and President Johnson, if he be the nominee of the Democratic Party, I assume would be the beneficiaries of this vast amount of money. But the other candidate or candidates would be penniless except for dependence upon private sources.

I do not wish to be sectional in this presentation.

Suppose there is a Bull Moose movement in the Republican Party. I think it would be a good thing for the Republican Party. They need a little new life. At least, they had such a movement at one time, and a candidate for President on that ticket. Suppose there is another Burton K. Wheeler from the Senate, from the Rocky Mountain region, who wants to run for President. But he will find we have passed a bill to finance the campaigns of President Johnson and Mr. Romney or Mr. Nixon, but which would render penniless and place at great disadvantage any other man who might aspire to the Presidency of our country. Is this the kind of immobility that we wish to freeze into our political system?

What do we think the Supreme Court would hold in this regard? Is this fair protection of the laws, or is this discrimination? I say to the Senate that we are dealing with something fundamental to the Republic, something basic to the conduct of our system of government.

We are asked to pass this bill on a Saturday afternoon just before adjournment. I have not suggested the absence of a quorum, and under the arrangements I have worked out with the majority leader, it is going to be unnecessary for me to do that, I think. At least, this subject deserves careful and serious consideration because once the step is taken, it may be irreversible except by the Supreme Court.

That brings up several questions, to one of which I have already referred, the equal protection of the laws. We would protect two candidates for President, with all the millions of dollars of a political slush fund out of the public Treasury, but we would deny any support at all to the candidate of a new party or of an independent group. How can a liberal support that political philosophy? How can a conservative? How can a Republican who believes in the republican form of government? How can a Democrat, dedicated to the tenets of our society?

Equal opportunity for political advancement is as fundamental to our political system as is equality of opportunity for employment, education, or other rights and privileges which we seek to promote.

I started to refer to one other of the several questions of legality and constitutionality that come to mind with respect to this unusual proposal. This amendment proposes to permit a private citizen to appropriate public funds for a purpose of his own choosing.

I hold in my hand a tax form. For years we have sought to simplify the income tax return. Now we propose to start on a course which would surely complicate it further.

To get to the question of appropriation, here is a tax return, and let us make it simple—suppose that John Doe owes $1 of income tax to the U.S. Government. That is his total tax liability, but it is his liability and he owes it. He attaches $1 in currency to his tax form and posts it to the Internal Revenue Service.

Is that his dollar, or is that the property of the U.S. Government?

That is a dollar owed the U.S. Treasury, and constitutes public funds. Yet by this amendment he would have the privilege of appropriating that dollar for a political purpose.

Under the Constitution, the appropriation of funds is the responsibility of Congress.

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

Mr. GORE. I am happy to yield to the Senator from Ohio.

Mr. LAUSCHE. If a taxpayer is given the right by statute to designate how his dollars shall be spent, and has the right to direct that it shall be spent in political operations, would it not follow that at some subsequent time Congress would enact a law giving the taxpayer the right to designate how his money shall be spent for other purposes? Therefore, if we embark upon that kind of program, where are we likely to end?

Assume someone comes into the Senate next year and proposes a similar procedure to designate how his tax money shall be spent, not related to elections but related to some other operation of the Government. The Senator from Oklahoma [Mr. MONRONEY] mentions designating that the money should be applied to retirement on the national debt.

I ask, what is the danger of establishing this kind of precedent?

Mr. GORE. If the precedent should be held constitutional, which I doubt, then it would be a dangerous one and, ere long, this tax form which we have sought to simplify would have a number of boxes on it. Suppose we had a box giving a taxpayer the election of whether any part of his funds could be used in the Vietnam war? There are a number of pacifists in this country who stoutly contend that it is immoral and illegal to require them to pay taxes to support a war which is contrary to their religious or their moral concepts.

The Senator from Vermont [Mr. AIKEN] made, I thought, a novel suggestion, that the way to end the Vietnam war was for the Senate to pass a resolution declaring that the United States had won the war. This may not be without merit but, at least, I found it amusing, as I am sure the author did, with his fine sense of humor; but I do not think it would be humorous at all to have a referendum of American taxpayers declaring whether their funds should be used in support of the Vietnam war. But my point is, which the Senator from Ohio has brought up—and his point, too—that if we can give the taxpayer an election in one respect, then we can give him an election in many other respects.

Mr. LAUSCHE. Yes. That is, if it is constitutional to allow him to specify that one dollar of his tax money shall be used to promote political campaigns, then it would follow that it is constitutional, too, to declare that he may designate what part, if any, of his money shall be used for the payment of the national debt, participation in the Vietnam war, earmarking money for the help of the aged, earmarking money for education, and every other aspect of governmental operations. I do not believe that can be done.

Mr. GORE. Well, if it can, then this is a very dangerous precedent.

Mr. LAUSCHE. Yes, that is, even if it can.

Mr. GORE. If it can, then the precedent is all the more dangerous.

Mr. SMATHERS. Mr. President, will the Senator from Tennessee yield?

Mr. GORE. I yield.

Mr. SMATHERS. I congratulate the Senator on the comprehensive and light manner in which he is discussing this proposal. Is it not a fact, however, that the proposal which was made by the President to permit a $100 tax incentive for the purposes of financing the political campaigns of both parties, and others—the one I had was for $50—was calculated to encourage the taxpayer to give money so that the financing of political campaigns could be removed from the charge that too many wealthy people and too many wealthy organizations were putting up all the money?

We are trying to make it possible to distribute the costs of campaigns over as wide a group as is possible, so that, in truth and fact, nobody, or no one group, or no one segment of our economy, can say, "We are the ones who financed the campaign," thereby having a hold on the one who got elected.

Is it not a fact that these proposals start out with the idea that there is going to be a benefit to the taxpayer if he makes the deduction? He gets a certain amount of reduction in his taxes. Is that not a fact?

Mr. GORE. Mr. President, there is a vital and a legal difference between funds remaining in the hands of the taxpayer as a result of a legal deduction against his taxable income or against his tax

liability, which Congress could by law provide and, on the other hand, money which legally belongs to and becomes a part of the U.S. Treasury. The sums from which the taxpayer is allowed a deduction or a credit against his tax liability are still his. They never become public funds. The reverse is true in the instance provided here. These are public funds over which the taxpayer is given an election to appropriate for a specific purpose, or to deny the appropriation for a specific purpose—a very vital and legal distinction.

It has been suggested that this provision is copied after the procedure involving funds earmarked for the highway trust fund. I want to draw a clear line of differentiation there. When I drive up to a filling station and buy gasoline, I pay taxes on that gasoline. I have no choice. There is an excise tax upon my purchase. The Congress has passed a law which earmarks the receipts from those taxes into a highway trust fund.

Here, however, the taxpayer does the earmarking, not the Government. There is a delegation of appropriating responsibility which I do not think can meet the test of legality and constitutionality. But even if it does meet it, as I said earlier, then the precedent is the more dangerous.

If this amendment is enacted into law, it will add an estimated $60 million to the sums available to the major political parties for use in presidential campaigns without any provision whatsoever to safeguard funds from corrupt practices.

While a clean elections bill dies on the calendar, we have this measure, as I said, to pour many millions of public funds into the political pot. The bill provides no protection against fraud or misappropriation of these public funds, to *say nothing* of inadequate safeguards surrounding the use of additional funds which the parties would continue to be free to raise and spend.

A great deal has been said on the floor of the Senate about how this is a clean elections bill. By what right is this called a clean elections bill? How does it clean the elections? Is there any provision here to safeguard the use of the money? Is there any inhibition therein as to the receipt and expenditure of other money from questionable sources? Not on your life, Mr. President. Indeed, the situation is made worse and the identity of the money is made more difficult because there is provided the commingling of public money with private money, good money with bad money. I think it makes more difficult the accomplishment of election reform, and yet this is called a step in the right direction. I say it would be a dangerous step to our elective process.

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

Mr. GORE. I yield.

Mr. LAUSCHE. Does this bill guarantee at all that there will be less money spent privately to win an election?

Mr. GORE. Not at all.

Mr. LAUSCHE. All that it does is state that the Federal Government shall provide about $70 million a year, $35 million for each of the parties, to conduct a presidential election after the parties have nominated their candidates in June or July of the election year. Is that correct?

Mr. GORE. That is correct.

Mr. LAUSCHE. Does it in any manner prohibit the parties that have received the $35 million each in the election year from continuing the solicitation of contributions from private sources?

Mr. GORE. That subject has not even been touched. I believe it will result in pouring many millions of dollars into the major political parties' pots.

Mr. LAUSCHE. And if money impliedly wins elections, all this bill will do is give to the parties $35 million in an election year and allow them to go out and solicit, with all their ardor and efforts, additional private contributions. Is that correct?

Mr. GORE. That is true, and there are no safeguards as to its use.

Suppose we were in a presidential year now and these funds were available and the Democratic Party felt very strongly that a candidate for Governor on the Republican ticket, in a pivotal State, must be defeated, or that the Republican Party felt that a Democratic candidate for Governor, who had great prospect for being President in the future, or that a particular Senator, must be defeated. They could spend the entire amount of the slush fund in one State.

Mr. LAUSCHE. I concur in what the Senator has stated. His description of what might be done is an illustration of the lack of consideration and study which has been given to the broad ramifications involved in such a program.

Mr. GORE. It illustrates the need for careful consideration of the enactment of a measure so new and revolutionary as this is and so big and important as this is.

Mr. LAUSCHE. Is it not a fact that the proponents of this measure state, "Allow us to spend about $70 million of the taxpayers' money in an election year, and take our word that we will support needed reforms at a later time"?

Is it the thought of the Senator that the reforms ought to be adopted concurrently with the proposal that we spend $70 million of the taxpayers' money before we go forward?

Mr. GORE. If we do not achieve reforms and protection concurrently with the extension of the use of public funds for our elections, then the difficulty of achieving reforms is increased, if not made almost impossible.

I am one who believes in the principle of one man, one vote. I have resisted amendments here to overturn the reapportionment decision, even though my State legislature passed resolutions asking me to vote the other way. I believe in the dignity of man and in the equality of man, the equality of opportunity, rights, and privileges. One of the rights which I believe should be equal is the right to aspire to political preferment, to which I have already referred. Another is the right to have an equal influence on the selection of public officials.

We know, of course, that a man with vast financial means, under our present system, can exercise far more influence upon the outcome of an election by the use of his pocketbook than can the lowly citizen by the use of his one ballot. I think that argues well for the use of public funds. But, ah, Mr. President, when we but add public funds to and commingle them with the campaign money now obtained from special interest sources, we make the situation worse instead of better, and we will lose, perhaps, the opportunity of making necessary corrections.

In my view, this Congress has not dealt with a subject more fundamental to our society and to our system of government than that which is under consideration now. I trust that this expression on my part will indicate to my fellow Senators why I have insisted upon the right to debate this subject, and the right to have the Senate—well, it is not my right to have the Senate reconsider, I suppose, but it is my right to seek reconsideration, on the part of the Senate, of a measure on which I think it acted too hastily, and a measure which received no public hearings in the House of Representatives, but was carried there in a conference report to be voted up or down.

If this provision is enacted, I do not know just how one conflict is to be resolved. We have an existing law which limits the Republican National Committee or the Democratic National Committee to an expenditure of $3 million. Yet we are asked here to write into law a provision that will give each of them an estimated $30 million to $35 million in a presidential year.

How can the Senate do that? How can we do so without amending the Corrupt Practices Act, unless by so doing we condone illegal practices, and encourage and entice our two major political parties to violate the Corrupt Practices Act?

Of course, $3 million is inadequate; we recognize that. I have said it many times. But it is the law. We condemn violations of law and order. But now we would provide $35 million to the Democratic National Committee, and leave untouched a law which limits its expenditures to $3 million.

Mr. President, I am advised by the majority leader that in his opinion, a quorum of the Senate is available for a yea and nay vote. Therefore, I shall conclude with a few summary paragraphs, and then present to the Senate a motion.

Mr. MANSFIELD. I thank the Senator very much.

Mr. GORE. Money is a threat to clean elections, a threat to our entire elective process. Money is used to manipulate elections, to thwart public will, and to defeat worthy purposes, as well as to elect good candidates and to promote worthy causes. The lack of proper controls over the raising and spending of money in political campaigns poses the greatest danger to the democratic elective process. This danger arises from the sources from which such money is obtained and the uses for which it is obtained, and also from the amount of money spent in an election.

It is said that this measure would provide a clean source of campaign funds, free from the taint of special interest. Perhaps that is so. But the availability of large sums of Federal tax money for political campaigns would do nothing at all to restrict parties and candidates from raising additional sums, in whatever amounts and from whatever sources they see fit, however questionable. Indeed, as I have said, good money would be commingled with bad money. Federal tax money would merely be added to what is otherwise available. Thus, the bill would increase rather than decrease the influence of money in Federal elections, multiply its abuses, and make more difficult the enactment of a clean elections bill.

Mr. President, the Foreign Investors Tax Act, as proposed by the administration and as passed by the House of Representatives, was a good bill, designed to improve the U.S. balance-of-payments situation by attracting more foreign capital to this country.

Unfortunately and unwisely, as I have said at some length, the Senate Finance Committee and the Senate itself added numerous nongermane amendments, which converted a good bill into a grab bag special interest tax measure, which in my opinion was unworthy of the Senate. The bill as approved by the conference committee, I wish in fairness to say, represents some improvement over the bill as passed by the Senate, but it is still a bad bill, and should not be enacted into law. The bill still contains a large number of provisions which grant tax favoritism to certain types of income and to certain special-interest groups.

As I said in the beginning, this has been ably discussed in part already. Unless the motion I shall soon make is carried, I shall wish to discuss other points in the bill.

I note, in passing, that the part of the bill which had wide appeal to Senators, which would provide aid to many needy old people, was dropped from the bill. Their voices, the voices of the needy, went unheeded. In this respect, the bill is a less meritorious measure.

I plead with the Senate to take a course of action which would bring to enactment the one feature of the bill that is in the public interest, in my view, that part of the bill which deals with foreign investors, contained in title I of the bill. How can that be done? That can be accomplished by tabling the conference report and quickly calling up for consideration a minor revenue measure already passed by the House and on the calendar of the Senate, and attaching title I to that bill as an amendment and dispatching it to the House.

No conference would be necessary. In addition to the other strictures under which we operate, we are advised by our majority leader that the other body will have no more conferences with the Senate. However, here is a bill that will not require a conference. All that the House must do is accept a noncontroversial measure which has already passed the House without objections, along with title I of the bill, to which no objection was raised during the consideration of the bill by the other body.

Mr. President, the senior Senator from Delaware and the senior Senator from Tennessee, instead of being obstructionists and trying to prevent public interest legislation, have offered to cooperate in this respect and in many other respects.

Here is a method and procedure that could bring the foreign investors portion of the bill to enactment within an hour's time, and the Senate and the House could adjourn and go to the people before sundown on this Saturday afternoon.

I ask how the country would be ill served by postponing until January for further study this bizarre——

Mr. LAUSCHE. Monstrosity.

Mr. GORE. Amendment with respect to campaign expenditures out of the Public Treasury.

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

Mr. GORE. I yield.

Mr. HICKENLOOPER. Mr. President, not being on the committee, I am not too familiar with the ramifications of this legislation, but from the slight exposure that I have had, I think it is the most odoriferous bill I have seen in many years. I think it is utterly indefensible. I think it stinks to high heaven. The bill contains various ramifications, and much log rolling has gone into the legislation.

I commend the Senator from Tennessee for his valiant fight. I do not know that anything can be done now, but this legislation is not good in the interest of reliable or honest public legislation.

Mr. GORE. Mr. President, I thank the Senator for his encouragement.

Mr. HICKENLOOPER. My encouragement will not do the Senator any good.

Mr. GORE. It may.

Mr. HICKENLOOPER. I merely commend him for his fight on this measure. This bill has many facets. I do not see how it could be consented to by any stretch of legislative imagination.

Mr. GORE. Does the Senator concur that the procedure I have suggested, and which was previously suggested by the senior Senator from Delaware, offers an acceptable and a rapid way to achieve the worthy purposes here sought?

Mr. HICKENLOOPER. I think so, in the main. I think the facets of the bill are worthy, but it is, like many other bills, a pork barrel bill. Certain things are worthy, but certain other things cannot stand the light of analysis.

Mr. GORE. If we must take it all or leave it all, I think we should leave it all on the table of the Senate.

Mr. HICKENLOOPER. That is the way I will vote, for the information of the Senator, but I am not sure that we have any leeway in the matter now. I think we are handicapped. I think we are circumscribed.

Mr. GORE. We are. It is a difficult circumstance under which to wage a parliamentary fight or legislative battle.

Mr. HICKENLOOPER. I congratulate the Senator on his worthy fight.

Mr. GORE. I thank the Senator. I hope that the motion which I shall soon offer will receive a rollcall vote and be approved. If not, I shall proceed to discuss some of the other features of the bill to which I have not had time to make reference.

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

Mr. GORE. I yield.

Mr. LAUSCHE. Mr. President, when the bill was originally before the Senate, the Senator from Delaware [Mr. WILLIAMS] offered an amendment to strike all but title I from the bill.

I remind the Senator from Tennessee that he suggested to the Senator from Delaware that the amendment be modified so as to permit the retention in the bill of the aid contemplated for the old.

The Senator from Delaware responded to the suggestion made by the Senator from Tennessee. The Senator from Tennessee is aware that that most vital provision—the provision which would help the old—which was argued vigorously when the bill was before us a few weeks ago, is no longer contained in the bill.

Mr. GORE. The Senator is correct. I regret that it is not.

Mr. LAUSCHE. Mr. President, the Senator stated a moment ago that certain provisions in the bill are good. However, it seems to me that the proponents of this logrolling, pork-barrel bill used the bait of aid to the old and got the bill passed. They have since stricken from the bill the provision for aid to the old and have in the bill nothing but unjustified tax grants to privileged groups.

Mr. GORE. Mr. President, I wish to modify the observations of the senior Senator from Ohio to this extent: I am sure that members of the Senate conference committee were earnestly and sincerely in favor of the provisions that would have been so beneficial to many needy, old people. It was the conferees representing the other body who would not accept it, and the Senate conferees yielded.

Mr. LAUSCHE. Yes, they yielded; but does not that mean that if we thought aid to the old was the only amendment that should be added to the objective of imposing equitable taxes on foreign investors, the bill had better be defeated in its whole, rather than to go along with what it now contains?

Mr. GORE. I regret that that provision is out of the bill; and when measured as a whole, if that must be the measurement, then the bill is bad. It has good features, but the bad features outweigh the good, and the bill should be defeated. But there is a way—and I have suggested it—to accomplish the worthy purposes.

Mr. LAUSCHE. And I agree with the Senator. I have one further question.

Thus far we have established, I think, about six instances in which special-privilege tax relief is given to special groups. No extended discussion has been had about H.R. 10, which contemplates giving to lawyers, doctors, and other self-employed individuals certain tax privileges. My question is: If H.R. 10 is contained in the final version of the bill, will it give to the self-employed—

that is, lawyers, dentists, doctors, and others—greater tax privileges than are accorded to the members of the social security system?

Mr. GORE. Oh, yes; vastly greater. They are given the unusual privilege—and it is a privilege which only the well-to-to, people having substantial income, will find attractive—of deducting from their otherwise taxable income $2,500 a year to be invested in a pension plan for their own personal benefit. In other words, the Treasury of the United States will be paying part of their insurance premiums. I shall not discuss this point at length now.

Mr. LAUSCHE. But the fact is that members of the social security system will have to pay a greater tax percentage than will members of the H.R. 10 program.

Mr. GORE. The most eloquent speech made in opposition to this proposal was made by the distinguished majority leader [Mr. MANSFIELD] on October 12. I shall not take the time of the Senate, since I am advised that a quorum is in town, to read it. However, I ask unanimous consent that the speech against H.R. 10, delivered by the distinguished Senator from Montana [Mr. MANSFIELD] be printed at this point in the RECORD.

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

Mr. MANSFIELD. This amendment would double the tax benefits now available for the retirement savings of doctors, lawyers, and other self-employed individuals. Under present law, a self-employed individual may contribute 10 percent of his earnings—up to $2,500—to his pension plan and take a tax deduction for one-half of this contribution. The proposal—which was the main purpose of H.R. 10 passed by the House in June—would make the full contribution tax deductible.

This amendment would result in an estimated revenue loss for the first year it is effective of up to $30 million. For the second year, the estimated revenue loss would be increased to about $50 million.

This amendment would divert substantial Federal tax revenue to provide tax reductions for a very narrow group of highly paid professional people, at a time when the possibilities of a general tax increase are very much in the public mind. Revenue-losing measures such as this could well push the President and Congress closer to such a general tax increase.

In more detail—

The experience to date clearly indicates that self-employed pension plans represent a tax reduction arrangement for the better-off professional man, with doctors heading the list. Over 75 percent of the revenue loss involved in the amendment would go to doctors, lawyers, and dentists. Indeed, one-half of the total revenue loss would go to individuals in these professions with incomes over $25,000.

The amendment would represent an automatic tax reduction for those self employed already making pension contributions since, without any change in their contributions, their tax deductions will double. Two-thirds of the revenue loss—about $20 million—for the first year would be directed to this automatic tax reduction—of which $15 million would go to better-off professional people.

For the future, it is likely that the increased tax benefits will only serve to attract more of the same class of high income self-employed into pension plans. These plans by their very nature can have only limited value to the plumber, the small shopkeeper, or the farmer—the savings of these people are needed for their businesses, to meet the social security tax on their self-employment income, and for their family obligations—and therefore are not generally available to be set aside in private retirement plans, and none at all for the ordinary laborer, the fellow we used to call the "working stiff." It is apparent that self-employed pension plans are attractive only to a class with liquid assets and already possessing sufficient security so that some assets can be set aside permanently until retirement. The only class meeting these conditions is the better-off professional group. This has been borne out by the Canadian experience over more than 6 years under a similar pension arrangement for the self-employed. The benefits of this arrangement have been highly concentrated in the upper income groups.

I would suggest, with no disrespect to the distinguished Senator from Indiana, that if he wishes to pursue H.R. 10 as such, it ought to be considered separately, and not as a part of the measure pending before us.

Mr. LAUSCHE. As I understand, H.R. 10 now is fully in the bill.

Mr. GORE. H.R. 10 now is fully in the bill. I might say, in conclusion, that as this bill worked its tortuous way through the Senate, it became increasingly bad, and finally became so bad that both the majority leader and the minority leader voted against it.

Mr. President, I am advised by the distinguished and able majority leader, whom I have found most cooperative in this battle, that he is now prepared to ask for yeas and nays on a motion which I send to the desk and ask to be stated.

The PRESIDING OFFICER. The clerk will state the motion.

The LEGISLATIVE CLERK. The Senator from Tennessee [Mr. GORE] moves that the conference report on H.R. 13103 be laid on the table.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Idaho [Mr. CHURCH], the Senator from Alaska [Mr. GRUENING], the Senator from Washington [Mr. JACKSON], the Senator from New York [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], and the Senator from Washington [Mr. MAGNUSON] are absent on official business.

I also announce that the Senator from Virginia [Mr. BYRD] is absent because of the death of his father.

I further announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Tennessee [Mr. BASS], the Senator from Nevada [Mr. CANNON], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from North Carolina [Mr. ERVIN], the Senator from North Carolina [Mr. JORDAN], the Senator from South Dakota [Mr. MCGOVERN], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Minnesota [Mr. MONDALE], the Senator from Utah [Mr. MOSS], the Senator from Oregon [Mrs. NEUBERGER], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Georgia [Mr. RUSSELL], the Senator from Alabama [Mr. SPARKMAN], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Georgia [Mr. TALMADGE] are necessarily absent.

On this vote, the Senator from Idaho [Mr. CHURCH] is paired with the Senator from Mississippi [Mr. EASTLAND]. If present and voting, the Senator from Idaho would vote "nay" and the Senator from Mississippi would vote "yea."

On this vote, the Senator from New York [Mr. KENNEDY] is paired with the Senator from West Virginia [Mr. RANDOLPH]. If present and voting, the Senator from New York would vote "yea" and the Senator from West Virginia would vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senators from Colorado [Mr. ALLOTT and Mr. DOMINICK], the Senator from Delaware [Mr. BOGGS], the Senators from Kansas [Mr. CARLSON and Mr. PEARSON], the Senator from New Jersey [Mr. CASE], the Senator from Kentucky [Mr. COOPER], the Senator from New Hampshire [Mr. COTTON], the Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA], the Senator from Hawaii [Mr. FONG], the Senator from Michigan [Mr. GRIFFIN], the Senator from New York [Mr. JAVITS], the Senator from Idaho [Mr. JORDAN], the Senator from Iowa [Mr. MILLER], the Senator from South Dakota [Mr. MUNDT], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Illinois [Mr. DIRKSEN] and the Senator from Vermont [Mr. PROUTY] are absent because of illness.

If present and voting, the Senator from New York [Mr. JAVITS] and the Senator from Hawaii [Mr. FONG] would each vote "nay."

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from Idaho [Mr. JORDAN]. If present and voting, the Senator from Nebraska would vote "nay" and the Senator from Idaho would vote "yea."

On this vote, the Senator from Iowa [Mr. MILLER] is paired with the Senator from Nebraska [Mr. HRUSKA]. If present and voting, the Senator from Iowa would vote "nay" and the Senator from Nebraska would vote "yea."

On this vote, the Senator from Vermont [Mr. AIKEN] is paired with the Senator from Kentucky [Mr. COOPER]. If present and voting, the Senator from Vermont would vote "yea" and the Senator from Kentucky would vote "nay."

On this vote, the Senator from Pennsylvania [Mr. SCOTT] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from Texas would vote "nay."

On this vote, the Senator from Colorado [Mr. DOMINICK] is paired with the Senator from New Jersey [Mr. CASE]. If present and voting, the Senator from Colorado would vote "yea" and the Senator from New Jersey would vote "nay."

On this vote, the Senator from Massachusetts [Mr. SALTONSTALL] is paired with the Senator from Michigan [Mr.

GRIFFIN]. If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Michigan would vote "nay."

The result was announced—yeas 15, nays 37, as follows:

[No. 309 Leg.]

YEAS—15

| | | |
|---|---|---|
| Fannin | Lausche | Simpson |
| Gore | McClellan | Stennis |
| Harris | Monroney | Thurmond |
| Hickenlooper | Morse | Williams, Del. |
| Kennedy, Mass. | Murphy | Young, Ohio |

NAYS—37

| | | |
|---|---|---|
| Anderson | Hill | Pastore |
| Bayh | Holland | Pell |
| Bennett | Inouye | Proxmire |
| Brewster | Kuchel | Robertson |
| Burdick | Long, La. | Russell, S.C. |
| Byrd, W. Va. | Mansfield | Smathers |
| Clark | McCarthy | Smith |
| Dodd | McGee | Tydings |
| Ellender | Metcalf | Williams, N.J. |
| Fulbright | Montoya | Yarborough |
| Hart | Morton | Young, N. Dak. |
| Hartke | Muskie | |
| Hayden | Nelson | |

NOT VOTING—48

| | | |
|---|---|---|
| Aiken | Douglas | Miller |
| Allott | Eastland | Mondale |
| Bartlett | Ervin | Moss |
| Bass | Fong | Mundt |
| Bible | Griffin | Neuberger |
| Boggs | Gruening | Pearson |
| Byrd, Va. | Hruska | Prouty |
| Cannon | Jackson | Randolph |
| Carlson | Javits | Ribicoff |
| Case | Jordan, N.C. | Russell, Ga. |
| Church | Jordan, Idaho | Saltonstall |
| Cooper | Kennedy, N.Y. | Scott |
| Cotton | Long, Mo. | Sparkman |
| Curtis | Magnuson | Symington |
| Dirksen | McGovern | Talmadge |
| Dominick | McIntyre | Tower |

So the motion to lay on the table was rejected.

Mr. LONG of Louisiana obtained the floor.

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

Mr. LONG of Louisiana. I yield.

Mr. MANSFIELD. Mr. President, may we have order? And, most important, will Senators please remain within shouting distance?

The PRESIDING OFFICER (Mr. TYDINGS in the chair.) The Senate will be in order.

Mr. LONG of Louisiana. Mr. President, I should like to explain what the conference report contains. The Senate voted to adopt 49 amendments, when the floor amendments accepted by this body are included. Of the 49, the Treasury felt that only 5 were not good amendments. The rest of the amendments were recommended by or subscribed to by the Treasury.

The bill passed the Senate by a vote of 58 to 18. Every agreement between Senate and House in the conference moved the bill more toward the position favored by the Treasury and the position of those who had at first objected to the bill. So from the point of view of those who objected at first, the bill is a much better bill.

The revenue loss is reduced by 85 percent.

Of the amendments that the Treasury objected to, four were drastically modified or dropped completely, and the only one we could not modify drastically was H.R. 10, which happened to be an amendment adopted unanimously by the House. It was a Senate amendment; therefore, we had no power to reverse the judgment of the House on that matter.

Mr. President, this is a good bill. The President thinks it is a good bill. The House by its vote thinks it is a good bill. When the House voted to take 49 Senate amendments and agree to the conference report, it seems to me that it is a report that can be agreed to.

Mr. GORE. Mr. President, I wish to express appreciation to the leadership and the membership of the Senate for the consideration which this issue has been given. I do not aspire to be the conscience of the Senate nor thus to hold myself out.

I, and other Members of this body, felt very deeply about this issue—so deeply that we felt in duty conscience bound to make a fight against the final congressional step in passage of a bill which, in one instance, provides numerous examples of stark tax favoritism, and in the other, a bizarre, unwise, and, I think, dangerous innovation of the use of public money for political campaigns and the commingling of public money with private money, at the election of private citizens, in the appropriation of public funds.

But I feel that with this brief statement I have performed my duty. I am still convinced that had the senior Senator from Delaware [Mr. WILLIAMS] and I had the audience of the Senate, which now seems impossible, this measure would be defeated. But this is not the last day in the history of our Republic. Congress will be back soon to correct mistakes that may have been made, or perhaps make others, as well as to accomplish good.

I know that there are present, in order to achieve a quorum, Senators whose health is not well served by this exercise.

I am advised that other Members of the Senate have deaths in their families, that loved ones are in critical condition. I shall not personalize, but I feel for those friends.

So, with appreciation, I wish to make a brief statement and then ask for the yeas and nays on adoption or rejection of the conference report. It shall be divided into two parts, but I assure Senators again it will be brief.

The distinguished junior Senator from Louisiana [Mr. LONG] spoke of certain provisions which the Treasury favors. I wish to suggest to Senators, not all of the instances of rank, stark favoritism, but just two or three to illustrate the point.

The senior Senator from Delaware [Mr. WILLIAMS] referred to one at some length earlier. Let me just read from page 7 of the conference report:

> The Senate amendment (in proposed section 201) amends section 48(a)(2)(B) to include among the exceptions from the general rule with respect to property used predominantly outside the U.S. property which is owned by a domestic corporation (other than a corporation entitled to the benefits of section 931 or 934(b)) or by a U.S. citizen (other than a citizen entitled to the benefits of sec. 931, 932, 933, or 934(c)) and which is used predominantly in a possession of the United States by such a corporation or such a citizen, or by a corporation created or organized in, or under the law of, a possession of the United States. Under the Senate amendment, this provision was effective with respect to property placed in service on or after January 1, 1966 (but no carryback of an investment credit attributable to this provision was permitted).

I read this language to illustrate how difficult it is for Senators, and more particularly citizens unlearned in tax law, to read the technical terms of conditions set forth in a committee report or conference report and detect what has been done.

Now, what, in laymen's language, does this provide? It provides a tax benefit retroactively to one large United States corporation, in excess of $2 million.

What is its justification? There is none, in my view, it extends the investment credit retroactively for a large aluminum plant, already constructed and already under operation, in the Virgin Islands.

When we passed the Investment Credit Act, it was for the stated purpose of encouraging development in the United States—modernization of our plants, Senators will remember—in order to meet competition from overseas. We did not extend it beyond the limits of the United States proper. So this company built its plant there, in the full awareness that it was to be built with no expectation of receiving the benefit of the investment credit.

As I said, the investment is already made, and the plant is already operating.

This amendment which has been attached to the bill is, as has been stated, one of the Christmas packages, because it gives more than $2 million for no purpose in which there is a public interest.

That is the first point. I could discuss it more fully, but let me go to another.

I refer now to another amendment. I shall not undertake to read the technicalities of it. It is even more technical than the one I have just referred to, but what does it do? It provides for a swap, a merging of a diversity of assets, without the payment of the capital gains tax. Several organizations are already underway. They have made their applications. They have filed their plans with the Securities and Exchange Commission.

The Treasury Department issued a regulation which would have outlawed—maybe that is the wrong term; would have closed a glaring loophole, from which concerns sought to obtain benefit. And what did the Senate committee do? It put in an amendment outlawing the Treasury regulation. Why? I do not know why. The Treasury was opposed to it. The Under Secretary of the Treasury was there. He referred to the provision as one of the most glaring loopholes that he had ever seen.

The conference committee enlarged the loophole, in a sense. It opened it wide in the amendment now before the Senate, in which the conference report repeals the Secretary of the Treasury's regulation, thus taking the course of those who sought to take advantage of the loophole, which the Treasury sought to close, giving them a free ticket and

permitting them to say, "Let us move before it is too late." Any company that qualifies between now and January 1 can have free entry into the loophole.

What is the justification for that? I do not think there is any, in good conscience.

I could detain the Senate from now until midnight with a discussion of the inequities and the unfairness of the tax amendments that are tacked onto this bill. I shall resist the temptation to do so.

I should like to refer to H.R. 10 just briefly. For years the House of Representatives has passed this bill. The Senate has resisted. But when this grab bag comes along, providing a 150-percent increase in the depletion for the processors of oyster shells and clam shells, providing all these unwarranted benefits, the temptation is great for the Senate to vote to extend benefits to the high-income doctors, dentists, and lawyers, who, as stated in the majority leader's speech, will receive 70 percent of the benefits under the H.R. 10 amendment.

Mr. President, this is no bill for the benefit of the average workingman. This is a special interest bill insofar as the taxpayers are concerned. Yet we are one vote from sending it to the White House.

I would now like to make some brief references to the provision with respect to campaign financing. Unfortunately, I was unable to talk to several Senators who are now here. I wish to suggest to those to whom I did not have the privilege of speaking earlier that this is not a clean elections bill. This makes the situation worse. The danger to our elective process is the use of money, the volume of money, and the sources of the money.

Granted this comes from a good source, it is commingled with all the private financing. How will you differentiate? It permits private citizens to appropriate public funds for purposes of their own choosing. Is not that unusual?

I am not sure that Congress can delegate such a responsibility, under the Constitution. If it can, the precedent is all the more dangerous. Because if a citizen can, by a checkmark on his tax return, appropriate money for political campaigns or deny it to a political campaign, he can deny it for the war in Vietnam; he can deny it for the war on poverty; or he can appropriate it for another particular purpose.

So I say if this is constitutional—which I challenge—then it is all the more dangerous. Because once we are on this road, the tax forms which we sought to simplify will have one more option after another. It may be that consumers will want the right to deny the use of their tax money for a farm program, or that farmers will want to deny the use of their tax funds for urban renewal.

What are we doing at a quarter to 3 on Saturday afternoon, October 22, when, after Herculean efforts, we have managed to obtain a quorum?

I plead with the leadership of the Senate, and more particularly with the leadership of the Senate Finance Committee and the House Ways and Means Committee, to stop this annual practice of bringing sugar bills and technical tax bills before Congress in the closing hours, when there is no time for adequate consideration. This is when unworthy purposes can most easily be accomplished.

But we are not here to accomplish unworthy purposes, though admittedly there are differences of opinion as to what purposes are worthy or unworthy.

Mr. President, I am prepared to ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, the Senator has made a good argument about the lateness of the hour on these bills coming into the Senate, and I assure him that I intend to do everything I can from now on to insure that that practice is discontinued.

Mr. LONG of Louisiana. Mr. President, I can respond in 1 minute to certain statements which have been made which I think reflect on the honor of my committee, and I believe that I should.

Reference has been made to the fact that the amendment dealing with investment credit in U.S. possessions would be retroactive to a January date. Mr. President, when we first put the investment tax credit in the law, we had a January 1 date, though the investment tax credit law went into effect about the following August. As a practical matter, it was retroactive, and it went into effect the same day for every corporation in America.

All the amendment says is that companies doing business in American possessions such as the Virgin Islands, Puerto Rico, Guam, and American Samoa receive the same treatment as companies doing business in the United States. We have negotiated tax treaties with first one underdeveloped nation and then another, saying that American people doing business there get the same tax treatment which this amendment provides for our own island possessions. It is customary, when you pass a tax bill, to make its effective date either January 1 or the end of the fiscal year.

The PRESIDING OFFICER. The Senate will be in order.

Mr. LONG of Louisiana. Mr. President, I have explained these other items in great detail, and I shall not go into them now, because Senators wish to vote. I am prepared to explain it in greater detail after the vote is over.

Mr. WILLIAMS of Delaware. Mr. President, may I have 2 minutes?

The PRESIDING OFFICER. The Senator from Delaware.

Mr. WILLIAMS of Delaware. I do not wish to leave the RECORD confused. The effective date, as applied to the Virgin Islands refers to buildings completed after December 31, 1965, but the tax credit is allowed on machinery which went into the buildings in 1963 and 1964, or prior to that date. This bill provides a retroactive $2 million tax reduction for one company only—Harvey Aluminum Co. Why?

In that connection, I ask unanimous consent to have printed in the RECORD at this point a list of contributions officers of this company made to the President's Club. In addition, the record shows that Harvey Aluminum was the purchaser of a $15,000 full-page ad in the 1965 Democratic ad book.

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

Sept. 1–Dec. 31, 1965:

| | |
|---|---|
| H. Harvey, 19200 Southwest Ave., Torrence, Calif. | $1,000 |
| L. M. Harvey, 19200 Southwest Ave., Torrence, Calif. | 1,000 |
| L. A. Harvey, 19200 Southwest Ave., Torrence, Calif. | 1,000 |

Mr. WILLIAMS of Delaware. Mr. President, I wish to read into the RECORD a short quotation which seems to be particularly appropriate at this time when Congress seems to be in such an extravagant mood. This statement was made 175 years ago by Dr. Alexander Tytler, professor of general history, of the University of Edinburgh. I think it would be well for Senators to take heed to these words. This statement was made at the time when our Government was first established, and was Dr. Tytler's comment upon this new democracy:

> A Democracy cannot exist as a permanent form of government. It can only exist until the voters discover that they can vote themselves largess out of the public treasury. From that moment on the majority always votes for the candidate promising the most benefits from the public treasury, with the result that a democracy will always collapse from a loose fiscal policy (burden of large public debt), always to be followed by a dictatorship.

Mr. President, I hope Congress will take heed to this statement before we go too far down the road of taking care of special interests in special interest legislation on the eve of elections. It would be well to remember that as Members of the Senate we are supposed to pass tax legislation which benefits the American people as a whole and not just the few who happen to have a special pipeline into the Treasury.

Mr. MURPHY. Mr. President, all Americans are concerned about the astronomical cost of presidential elections. Private citizens, journalists, legislators, historians, political scientists, and other students of government have all recognized that presidential campaign costs have gotten out of line and that ways must be found to reduce them. A great deal of this added cost has resulted from the use of television.

It seems clear that unless Congress acts, the already astronomical campaign costs of television and radio will continue to soar. The Federal Communications Commission estimated that the total campaign expenditures for local, State, and national offices amounted to $200 million in 1964. This figure represents a 25 percent increase from 1960. For television and radio alone, the Federal Communications Commission estimated for 1964 a cost that amounted to $35 million, and the Broadcasting magazine estimated that the combined radio and television costs for 1964 was $40 million, of which approximately one-half was for presidential election.

Mr. President, there is little question that the networks and stations using the airways occupy a special trust and owe a special duty to the American people. They are issued a license by the Federal

Communications Commission and must serve the general public. In my judgment, both the Congress and the FCC should explore the possibility of requiring networks and stations to make available free time to the major parties on an equal time basis. I am convinced that the networks would be willing to do this and by so doing not only will they help to reduce the astronomical campaign costs but also would help to formalize the presentation of candidates and issues to the American people. Donated time for presidential elections should help to elevate the campaign dialog, clarify the issues, better inform the American people and, hopefully, eliminate some of the bad judgment and poor taste that have appeared in political advertisements over the past years.

Mr. President, I, as much as any Member of this body, would hope that the Congress would focus its attention on the increasing cost of financing campaigns. I speak from experience. In representing the great and large State of California and having had to campaign on a shoestring, I fully realize the urgency of the problem and the need for immediate reform. Yet, I do not approve of the hasty manner in which we approved of the new method of financing campaign elections as an amendment to a bill that had nothing to do with campaign expenditures. Most Members of the body, I feel certain, did not have an opportunity to study and reflect on this issue as much as we would like. The end of a session, when legislation is coming out of committees so rapidly and it is almost impossible to study completely all of the hearings, reports, and bills, is not the time to pass a measure dealing with a subject that is so important.

Mr. SMATHERS. Mr. President, for 12 years the very able and distinguished Congressman from New York [Mr. KEOGH] and myself have worked diligently to bring about an effective retirement plan for some 18 million self-employed and their employees.

We were successful in bringing about the enactment of what is known as the Self-Employed Individuals Tax Retirement Act in 1962. This was progress, but not progress enough. The act fell short of providing equality of treatment compared to that accorded corporate employees in the same income bracket.

This year the House of Representatives by a unanimous vote passed an amendment that would permit the self-employed to deduct 100 percent of their pension fund contributions for themselves and their employees for the purpose of putting these individuals on a parity with others.

The Senate adopted an amendment to the Foreign Investors Tax Act containing the same provisions as passed by the House with one exception, and that is that the plan would become effective after the taxable year ending December 31, 1967. Because Congressman KEOGH and myself have served long enough in Congress to become conferees we were successful in getting the conference committee to accept this amendment.

Our hopes and dreams over the years have now been realized because the objective for which we worked has been achieved.

I sincerely trust that the President will waste no time in signing the Foreign Investors Tax Act with this amendment which now provides equality of treatment to those who have been discriminated against over the years.

This measure will be helpful to the farmer, the small businessman, doctors, lawyers, certified public accountants and many others, together with their employees and the Treasury will suffer only a modest loss of revenue that it will recoup to a major extent when the self-employed and their employees draw their retirement.

I urge the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Idaho [Mr. CHURCH], the Senator from Alaska [Mr. GRUENING], the Senator from Washington [Mr. JACKSON], the Senator from New York [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], and the Senator from Washington [Mr. MAGNUSON], are absent on official business.

I also announce that the Senator from Virginia [Mr. BYRD], is absent because of the death of his father.

I further announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Tennessee [Mr. BASS], the Senator from Nevada [Mr. CANNON], the Senator from Illinois [Mr. DOUGLAS], the Senator from Mississippi [Mr. EASTLAND], the Senator from North Carolina [Mr. ERVIN], the Senator from North Carolina [Mr. JORDAN], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from Utah [Mr. MOSS], the Senator from Oregon [Mrs. NEUBERGER], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Georgia [Mr. RUSSELL], the Senator from Alabama [Mr. SPARKMAN], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Georgia [Mr. TALMADGE], are necessarily absent.

I further announce that, if present and voting, the Senator from Idaho [Mr. CHURCH], and the Senator from West Virginia [Mr. RANDOLPH], would each vote "yea."

On this vote, the Senator from Mississippi [Mr. EASTLAND] is paired with the Senator from New York [Mr. KENNEDY]. If present and voting, the Senator from Mississippi would vote "yea" and the Senator from New York would vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senators from Colorado [Mr. ALLOTT and Mr. DOMINICK], the Senator from Delaware [Mr. BOGGS], the Senators from Kansas [Mr. CARLSON and Mr. PEARSON], the Senator from New Jersey [Mr. CASE], the Senator from Kentucky [Mr. COOPER], the Senator from New Hampshire [Mr. COTTON], the Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA], the Senator from Hawaii [Mr. FONG], the Senator from Michigan [Mr. GRIFFIN], the Senator from New York [Mr. JAVITS], the Senator from Idaho [Mr. JORDAN], the Senator from Iowa [Mr. MILLER], the Senator from South Dakota [Mr. MUNDT], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Pennsylvania [Mr. SCOTT] and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Illinois [Mr. DIRKSEN] and the Senator from Vermont [Mr. PROUTY] are absent because of illness.

If present and voting, the Senator from Kansas [Mr. CARLSON], the Senator from New York [Mr. JAVITS], the Senator from Hawaii [Mr. FONG] and the Senator from Kansas [Mr. PEARSON] would each vote "yea."

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from Idaho [Mr. JORDAN]. If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Idaho would vote "nay."

On this vote, the Senator from Iowa [Mr. MILLER] is paired with the Senator from Nebraska [Mr. HRUSKA]. If present and voting, the Senator from Iowa would vote "yea" and the Senator from Nebraska would vote "nay."

On this vote, the Senator from New Jersey [Mr. CASE] is paired with the Senator from Colorado [Mr. DOMINICK]. If present and voting, the Senator from New Jersey would vote "yea" and the Senator from Colorado would vote "nay."

On this vote, the Senator from Kentucky [Mr. COOPER] is paired with the Senator from Vermont [Mr. AIKEN]. If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Vermont would vote "nay."

On this vote, the Senator from Michigan [Mr. GRIFFIN] is paired with the Senator from Massachusetts [Mr. SALTONSTALL]. If present and voting, the Senator from Michigan would vote "yea" and the Senator from Massachusetts would vote "nay."

On this vote, the Senator from Texas [Mr. TOWER] is paired with the Senator from Pennsylvania [Mr. SCOTT]. If present and voting, the Senator from Texas would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 31, nays 22, as follows:

[No. 310 Leg.]

YEAS—31

| | | |
|---|---|---|
| Anderson | Holland | Pell |
| Bayh | Inouye | Proxmire |
| Bennett | Long, La. | Robertson |
| Brewster | Mansfield | Russell, S.C. |
| Burdick | McCarthy | Smathers |
| Byrd, W. Va. | McGee | Stennis |
| Dodd | Metcalf | Tydings |
| Ellender | Montoya | Williams, N.J. |
| Hart | Morton | Yarborough |
| Hartke | Muskie | |
| Hayden | Pastore | |

NAYS—22

| | | |
|---|---|---|
| Clark | Kuchel | Simpson |
| Fannin | Lausche | Smith |
| Fulbright | McClellan | Thurmond |
| Gore | McIntyre | Williams, Del. |
| Harris | Monroney | Young, N. Dak. |
| Hickenlooper | Morse | Young, Ohio |
| Hill | Murphy | |
| Kennedy, Mass. | Nelson | |

NOT VOTING—47

| | | |
|---|---|---|
| Aiken | Douglas | Mondale |
| Allott | Eastland | Moss |
| Bartlett | Ervin | Mundt |
| Bass | Fong | Neuberger |
| Bible | Griffin | Pearson |
| Boggs | Gruening | Prouty |
| Byrd, Va. | Hruska | Randolph |
| Cannon | Jackson | Ribicoff |
| Carlson | Javits | Russell, Ga. |
| Case | Jordan, N.C. | Saltonstall |
| Church | Jordan, Idaho | Scott |
| Cooper | Kennedy, N.Y. | Sparkman |
| Cotton | Long, Mo. | Symington |
| Curtis | Magnuson | Talmadge |
| Dirksen | McGovern | Tower |
| Dominick | Miller | |

So the conference report was agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be permitted to read a statement entitled "Private Pension Plans for the Self-Employed," prepared by my distinguished colleague [Mr. RANDOLPH], who could not be present in the Chamber this afternoon.

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

STATEMENT BY SENATOR RANDOLPH READ BY SENATOR BYRD OF WEST VIRGINIA

Mr. RANDOLPH. Mr. President, it is pleasing that the Senate has seized an opportunity to help many of our fellow countrymen make more adequate provision for their financial security in retirement. The Self-Employed Individuals Tax Retirement Act has been liberalized and will stimulate and assist self-employed individuals in establishing private pension plans for their own benefit as well as for that of their employees.

As Chairman of the Subcommittee on Employment and Retirement Incomes of the Senate Special Committee on Aging, I have been deeply interested in adequacy of retirement incomes. During the early part of 1965, our subcommittee held a series of hearings and issued a report on the subject of extending private pension coverage. In our report, we noted that during the past 30 years there has been a remarkable increase in the number of active workers covered by private pension plans and in the amounts of annual benefits paid under such plans. Between 1930 and 1962, the number of workers covered increased from 2,700,000 to 23 million, an increase of almost tenfold. Annual benefits paid moved up from about $90 million in 1930 to approximately $2,160 million in 1962. However, we found that the least progress in providing private pension coverage has been made in businesses and professional units with the fewest employees, most of which are owned and managed by those who are self-employed.

At our hearings, we were told that very few private pension plans have been adopted as a result of the Self-Employed Individuals Tax Retirement Act of 1962, due principally to the restrictions in that act which make pension plans unattractive to self-employed individuals. One witness testified that only 15,000 persons have been covered by plans under that act, compared with the 7 million which the Treasury Department estimated could be covered by such plans. Today, we have an opportunity to remove those restrictions and to make it possible for millions of self-employed persons and their employees to have the benefit of private pensions.

The only logical argument which can be presented against the progressive amendments to the Self-Employed Tax Retirement Act is that it would entail some revenue loss. We of the Subcommittee on Employment and Retirement Incomes believe it is more accurate to consider this not as a revenue loss, but as a wise investment in the material well-being of America's elderly and in the prosperity and health of the Nation's economy as it affects Americans of all ages. A pension expert testified at our hearing that each dollar of Federal revenue loss from funding private pensions contributes to the production of a minimum of $5.50 and a maximum of $12.20 of pension income in retirement. If any of us had an opportunity to buy a piece of land or purchase stock with the assurance that each dollar invested would be transformed into at least $5.50, we certainly would not consider that we were wasting dollars without any return. We would consider that we were making a wise and sound investment. And that is how we should regard the so-called revenue loss.

By stimulating the adoption of private pension plans, we not only help the elderly who will receive the supplementary retirement income, we improve economic conditions for Americans of all ages. We do so, first, by encouraging the savings which go into pension plans, which finances an expansion of productive capacity. This, in turn, raises the standard of living. Furthermore, we make the Nation's elderly a buoyant influence upon the economy. This is especially helpful in times of depression and economic distress, when enhanced purchasing power of the Nation's elderly can help to improve the economy. On the other hand, in times like the present when inflation threatens, contributions to pension plans can prevent overheating the economy. In these ways, there is an improvement in the health of the economy as it affects Americans of all ages.

## MESSAGE FROM THE HOUSE

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

S. 2010. An act for the relief of Fun Wat Hoy;

S. 2040. An act for the relief of Dr. Dean H. Gosselin;

S. 2109. An act for the relief of Dr. Olibio S. Rodriguez-Eiras;

S. 2222. An act for the relief of Susan Jeanne Clynes;

S. 2491. An act for the relief of Dr. Juan Federico Antonio Lamas y Parra;

S. 2750. An act for the relief of You I Souk;

S. 2763. An act for the relief of Dr. Marcial Alfredo Marti Prieto (Alfredo Marti);

S. 2798. An act for the relief of Chief Warrant Officer Glen Zeigler, U.S. Navy (retired);

S. 3209. An act for the relief of Zofia Zych;

S. 3222. An act for the relief of Dusko Doder;

S. 3258. An act for the relief of Deniz Hikmet Sen Manes;

S. 3318. An act for the relief of Yung Mi Kim; and

S. 3358. An act for the relief of Theodora Bezates.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 99) favoring the suspension of deportation of certain aliens.

The message further announced that the House had passed the bill (S. 2451) for the relief of Margaret Lee Weil, with amendments, in which it requested the concurrence of the Senate.

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

H.R. 5990. An act to grant increased benefits to persons receiving cash relief under the Panama Canal Cash Relief Act of July 8, 1937, and to extend cash relief benefits to widows of recipients; and

H.R. 7973. An act to amend section 4339 of title 10, United States Code.

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

H.R. 9778. An act to amend titles 10 and 37, United States Code, to codify recent military law, and to improve the Code; and

H.R. 17451. An act to amend titles 10 and 37, United States Code, to authorize certain rank, pay, and retirement privileges for officers serving in certain positions, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15183) to adjust the status of Cuban refugees to that of lawful permanent residents of the United States.

## ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 1319) to authorize a work release program for persons sentenced by the courts of the District of Columbia; to define the powers and duties in relation thereto, and for other purposes.

## SUPPLEMENTAL APPROPRIATION BILL—CONFERENCE REPORT

Mr. PASTORE. Mr. President, I submit a 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. 18381) making supplemental appropriations for the fiscal year ending June 30, 1967, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of Oct. 21, p. 28589, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. PASTORE. Mr. President, the following is a summary of the results arrived at in the conference report and the accompanying motions from the House:

For the Office of Economic Opportunity, $1,612,500,000—an increase of $50 million over the House bill and a reduction of that amount from the Senate version; elimination of limitations on amounts for certain activities;

Earmarking $30 million in elementary and secondary education funds for the Adult Education Act of 1966, an activity previously funded and authorized under the Economic Opportunity Act;

For urban mass transportation grants, $70 million—1968 funding—instead of the $85 million in the Senate version and $65 million in the House bill;

For grants for libraries, $76 million, instead of the $57,500,000 in the Senate version of the bill;

For comprehensive city demonstration programs, $11 million, instead of the $12 million in the Senate version; elimination of $12,180,000 in the Senate version for grants to assist in planned metropolitan development.

In conclusion, the conference version totals $5,025,264,579; this is $166,149,050 under the budget estimates; $106,187,650 over the House version; and $71,074,000 under the Senate version.

I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 18381, which was read as follows:

*Resolved*, That the House recede from its disagreement to the amendments of the Senate numbered 5, 13, 25, 29, 30, and 43 to the bill (H.R. 18381) entitled "An Act making supplemental appropriations for the fiscal year ending June 30, 1967, and for other purposes", and concur therein.

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 6, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$75,000".

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 9, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"COMPREHENSIVE CITY DEMONSTRATION PROGRAMS

"For financial assistance including not to exceed $750,000 for administrative expenses in connection with planning and developing comprehensive city demonstration programs, as authorized by the Demonstration Cities and Metropolitan Development Act of 1966, $11,000,000, to remain available until June 30, 1968: *Provided*, That this paragraph shall be effective only upon enactment into law of S. 3708, 89th Congress, or simliar legislation."

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$4,000,000".

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"DEPARTMENT OF STATE

*"International organizations and conferences*

"International Conference on Water for Peace

"For necessary expenses incident to organizing and holding the International Conference on Water for Peace in the United States, including not to exceed $10,000 for official functions and courtesies, $500,000, to remain available until December 31, 1967: *Provided*, That this appropriation shall be available only upon enactment into law of S.J. Res. 167, 89th Congress, or similar legislation."

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 35, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert: "$7,250,000".

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 38, and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert:

"INTER-AMERICAN CULTURAL AND TRADE CENTER

"For expenses necessary to carry out the provisions of the Act of February 19, 1966 (Public Law 89-355), without regard to the provisions of law set forth in 41 U.S.C. 13, $5,870,000, to remain available until expended: *Provided*, That appropriations heretofore made to the Department of Commerce to carry out the provisions of the Act of February 19, 1966 (Public Law 89-355), shall be merged with this appropriation."

Mr. PASTORE. I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 6, 9, 19, 34, 35, and 38.

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

The motion was agreed to.

Mr. PASTORE. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point a tabulation on this bill reflecting the amounts in the budget estimates for each item, the amounts agreed to in the House, the amounts agreed to in the Senate, and the final conference figure.

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

*Supplemental appropriations bill, 1967 (H.R. 18381)—Comparative statement of budget estimates and action taken on items in the bill*

| H. Doc. No. | Item | Budget estimate | Passed House | Passed Senate | Conference action | Conference allowance compared with— | | |
|---|---|---|---|---|---|---|---|---|
| | | | | | | Budget estimate | House version of bill | Senate version of bill |
| | CHAPTER I | | | | | | | |
| | DEPARTMENT OF AGRICULTURE | | | | | | | |
| | AGRICULTURAL RESEARCH SERVICE | | | | | | | |
| | SALARIES AND EXPENSES | | | | | | | |
| 505 | Plant and animal disease and pest control | $1,650,000 | ---------- | $800,000 | $300,000 | −$1,350,000 | +$300,000 | −$500,000 |
| | CONSUMER AND MARKETING SERVICE | | | | | | | |
| | Special school milk program | ---------- | ---------- | 4,000,000 | ---------- | ---------- | ---------- | −4,000,000 |
| S. 117 | School lunch program | 9,000,000 | ---------- | 4,500,000 | 2,750,000 | −6,250,000 | +2,750,000 | −1,750,000 |
| | FARM CREDIT ADMINISTRATION | | | | | | | |
| 505 | Limitation on administrative expenses | *($9,000)* | *($9,000)* | *($9,000)* | *($9,000)* | ---------- | ---------- | ---------- |
| | Total, chapter I | 10,650,000 | ---------- | 9,300,000 | 3,050,000 | −7,600,000 | +3,050,000 | −6,250,000 |
| | CHAPTER II | | | | | | | |
| | FOREIGN OPERATIONS | | | | | | | |
| | EXPORT-IMPORT BANK OF WASHINGTON | | | | | | | |
| 505 | Limitation on operating expenses | *(600,000,000)* | *(600,000,000)* | *(600,000,000)* | *(600,000,000)* | ---------- | ---------- | ---------- |
| 505 | Limitation on administrative expenses | *(128,000)* | *(128,000)* | *(128,000)* | *(128,000)* | ---------- | ---------- | ---------- |
| | Total, chapter II | *(600,128,000)* | *(600,128,000)* | *(600,128,000)* | *(600,128,000)* | ---------- | ---------- | ---------- |

*Supplemental appropriations bill, 1967 (H.R. 18381)—Comparative statement of budget estimates and action taken on items in the bill*—Con.

| H. Doc. No. | Item | Budget estimate | Passed House | Passed Senate | Conference action | Conference allowance compared with— Budget estimate | House version of bill | Senate version of bill |
|---|---|---|---|---|---|---|---|---|
| | CHAPTER III | | | | | | | |
| | INDEPENDENT OFFICES | | | | | | | |
| | GENERAL SERVICES ADMINISTRATION | | | | | | | |
| | Construction, public buildings projects | | | $11,320,000 | $11,320,000 | +$11,320,000 | +$11,320,000 | |
| | VETERANS' ADMINISTRATION | | | | | | | |
| 505 | General operating expenses | $19,320,000 | $19,320,000 | 19,320,000 | 19,320,000 | | | |
| 505 | Readjustment benefits | 327,000,000 | 327,000,000 | 327,000,000 | 327,000,000 | | | |
| | Total, Veterans' Administration | 346,320,000 | 346,320,000 | 346,320,000 | 346,320,000 | | | |
| | COMMISSION ON POLITICAL ACTIVITY OF GOVERNMENT PERSONNEL | | | | | | | |
| S. 117 | Salaries and expenses | 200,000 | | 100,000 | 75,000 | −125,000 | +75,000 | −$25,000 |
| | SELECT COMMISSION ON WESTERN HEMISPHERE IMMIGRATION | | | | | | | |
| 505 | Salaries and expenses | 900,000 | 800,000 | 800,000 | 800,000 | −100,000 | | |
| | DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT | | | | | | | |
| 505 | Urban renewal programs, 1968 | 750,000,000 | 750,000,000 | 750,000,000 | 750,000,000 | | | |
| 335 | Urban mass transportation grants, 1968 | 95,000,000 | 65,000,000 | 85,000,000 | 70,000,000 | −25,000,000 | +5,000,000 | −15,000,000 |
| 505 | Administrative expenses, urban transportation activities | 110,000 | 75,000 | 99,000 | 80,000 | −30,000 | +5,000 | −19,000 |
| S. 117 | Comprehensive city demonstration programs | 12,000,000 | | 12,000,000 | 11,000,000 | −1,000,000 | +11,000,000 | −1,000,000 |
| S. 117 | Grants to assist in planned metropolitan development | 12,180,000 | | 12,180,000 | | −12,180,000 | | −12,180,000 |
| 505 | Federal National Mortgage Association, limitation on administrative expenses | (850,000) | (850,000) | (850,000) | (850,000) | | | |
| | Total, Department of Housing and Urban Development | 869,290,000 | 815,075,000 | 859,279,000 | 831,080,000 | −38,210,000 | +16,005,000 | −28,199,000 |
| | Total, chapter III | 1,216,710,000 | 1,162,195,000 | 1,217,819,000 | 1,189,595,000 | −27,115,000 | +27,400,000 | −28,224,000 |
| | CHAPTER IV | | | | | | | |
| | DEPARTMENT OF THE INTERIOR | | | | | | | |
| | BUREAU OF LAND MANAGEMENT | | | | | | | |
| 505 | Management of lands and resources | 1,300,000 | 800,000 | 800,000 | 800,000 | −500,000 | | |
| | BUREAU OF INDIAN AFFAIRS | | | | | | | |
| 505 | Education and welfare services | 2,500,000 | 1,250,000 | 2,150,000 | 2,150,000 | −350,000 | | |
| | OFFICE OF TERRITORIES | | | | | | | |
| S. 117 | Trust Territory of the Pacific Islands | 2,444,000 | | | | −2,444,000 | | |
| | BUREAU OF MINES | | | | | | | |
| 505 | Health and safety | 200,000 | 200,000 | 200,000 | 200,000 | | | |
| | FISH AND WILDLIFE SERVICE | | | | | | | |
| | BUREAU OF SPORTS FISHERIES AND WILDLIFE | | | | | | | |
| 505 | Construction | 1,685,000 | 1,500,000 | 1,500,000 | 1,500,000 | −185,000 | | |
| | Total, Department of the Interior | 8,129,000 | 4,650,000 | 4,650,000 | 4,650,000 | −3,479,000 | | |
| | RELATED AGENCIES | | | | | | | |
| | DEPARTMENT OF AGRICULTURE | | | | | | | |
| | FOREST SERVICE | | | | | | | |
| 505 | Forest protection and utilization: | | | | | | | |
| 505 | Forest land management | 2,300,000 | 2,300,000 | 2,300,000 | 2,300,000 | | | |
| 505 | State and private forestry cooperation | 540,000 | 200,000 | 200,000 | 200,000 | −340,000 | | |
| | Total, Department of Agriculture | 2,840,000 | 2,500,000 | 2,500,000 | 2,500,000 | −340,000 | | |
| | FEDERAL COAL MINE SAFETY BOARD OF REVIEW | | | | | | | |
| 505 | Salaries and expenses | 117,000 | 117,000 | 117,000 | 117,000 | | | |
| | DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE | | | | | | | |
| | PUBLIC HEALTH SERVICE | | | | | | | |
| 505 | Construction of Indian health facilities | 1,025,000 | 1,025,000 | 1,025,000 | 1,025,000 | | | |
| | EXECUTIVE OFFICE OF THE PRESIDENT | | | | | | | |
| | NATIONAL COUNCIL ON MARINE RESOURCES AND ENGINEERING DEVELOPMENT, AND COMMISSION ON MARINE SCIENCE, ENGINEERING AND RESOURCES | | | | | | | |
| 505 | Salaries and expenses | 1,300,000 | 800,000 | 1,300,000 | 1,100,000 | −200,000 | +300,000 | −200,000 |
| | Total, chapter IV | 13,411,000 | 9,092,000 | 9,592,000 | 9,392,000 | −4,019,000 | +300,000 | −200,000 |

*Supplemental appropriations bill, 1967 (H.R. 18381)—Comparative statement of budget estimates and action taken on items in the bill*—Continued

| H. Doc. No. | Item | Budget estimate | Passed House | Passed Senate | Conference action | Conference allowance compared with— Budget estimate | House version of bill | Senate version of bill |
|---|---|---|---|---|---|---|---|---|
| | CHAPTER V | | | | | | | |
| | DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE | | | | | | | |
| | OFFICE OF EDUCATION | | | | | | | |
| 335 | Elementary and secondary educational activities | 1,342,410,000 | 1,342,410,000 | 1,342,410,000 | 1,342,410,000 | | | |
| 335 | Higher educational activities | 30,000,000 | 30,000,000 | 30,000,000 | 30,000,000 | | | |
| 335 | Higher educational facilities construction | 722,744,000 | 722,744,000 | 722,744,000 | 722,744,000 | | | |
| 521 | Grants for libraries | 57,500,000 | 76,000,000 | 57,500,000 | 76,000,000 | +$18,500,000 | | +18,500,000 |
| | PUBLIC HEALTH SERVICE | | | | | | | |
| S. 117 | Community health practice and research | 11,768,000 | | 6,000,000 | 4,000,000 | −7,768,000 | +$4,000,000 | −$2,000,000 |
| | SPECIAL INSTITUTIONS | | | | | | | |
| | FREEDMEN'S HOSPITAL | | | | | | | |
| S. 96 | Salaries and expenses | 1,123,000 | | 1,000,000 | 1,000,000 | −123,000 | +1,000,000 | |
| | OFFICE OF THE SECRETARY | | | | | | | |
| S. 117 | International education activities | 5,000,000 | | 500,000 | | −5,000,000 | | −500,000 |
| | Total, Department of Health, Education, and Welfare | 2,170,545,000 | 2,171,154,000 | 2,160,154,000 | 2,176,154,000 | +5,609,000 | +5,000,000 | |
| | EXECUTIVE OFFICE OF THE PRESIDENT | | | | | | | |
| | OFFICE OF ECONOMIC OPPORTUNITY | | | | | | | |
| 335 | Economic opportunity program | 1,750,000,000 | 1,562,500,000 | 1,662,500,000 | 1,612,500,000 | −137,500,000 | +50,000,000 | −50,000,000 |
| | Total, chapter V | 3,920,545,000 | 3,733,654,000 | 3,822,654,000 | 3,788,654,000 | −131,891,000 | +55,000,000 | −34,000,000 |
| | CHAPTER VI | | | | | | | |
| | LEGISLATIVE BRANCH | | | | | | | |
| | SENATE | | | | | | | |
| | SALARIES, OFFICERS AND EMPLOYEES | | | | | | | |
| | Office of the Secretary | | | $10,790 | 10,790 | +10,790 | +10,790 | |
| | Administrative and clerical assistants to Senators | | | 13,860 | 13,860 | +13,860 | +13,860 | |
| | CONTINGENT EXPENSES OF THE SENATE | | | | | | | |
| | Inquiries and investigations | | | 25,000 | 25,000 | +25,000 | +25,000 | |
| | Total, Senate | | | 49,650 | 49,650 | +49,650 | +49,650 | |
| | HOUSE OF REPRESENTATIVES | | | | | | | |
| 505 | Office of the Sergeant at Arms | 341,700 | [1] 318,000 | [1] 318,000 | [1] 318,000 | −23,700 | | |
| 506 | Committee employees | 200,000 | 100,000 | 100,000 | 100,000 | −100,000 | | |
| 505 | Members' clerk hire | 900,000 | | | | −900,000 | | |
| | Total, House of Representatives | 1,441,700 | 418,000 | 418,000 | 418,000 | −1,023,700 | | |
| | JOINT ITEMS | | | | | | | |
| 505 | Joint Committee on Internal Revenue Taxation | 23,000 | 23,000 | 23,000 | 23,000 | | | |
| | ARCHITECT OF THE CAPITOL | | | | | | | |
| | CAPITOL BUILDINGS AND GROUNDS | | | | | | | |
| 505 | Capitol Buildings | 18,000 | | 18,000 | 18,000 | | +18,000 | |
| | LIBRARY OF CONGRESS | | | | | | | |
| | BOOKS FOR THE BLIND | | | | | | | |
| 505 | Salaries and expenses | 1,497,000 | 1,497,000 | 1,497,000 | 1,497,000 | | | |
| | Total, chapter VI | 2,979,700 | 1,938,000 | 2,005,650 | 2,005,650 | −974,050 | +67,650 | |
| | CHAPTER VII | | | | | | | |
| | DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE | | | | | | | |
| | DEPARTMENT OF STATE | | | | | | | |
| | INTERNATIONAL ORGANIZATIONS AND CONFERENCES | | | | | | | |
| S. 117 | International Conference on Water for Peace | 900,000 | | 750,000 | 500,000 | −400,000 | +500,000 | −250,000 |

Footnote at end of table.

*Supplemental appropriations bill, 1967 (H.R. 18381)—Comparative statement of budget estimates and action taken on items in the bill*—Continued

| H. Doc. No. | Item | Budget estimate | Passed House | Passed Senate | Conference action | Conference allowance compared with— Budget estimate | House version of bill | Senate version of bill |
|---|---|---|---|---|---|---|---|---|
| | CHAPTER VII—Continued | | | | | | | |
| | DEPARTMENT OF JUSTICE | | | | | | | |
| | LEGAL ACTIVITIES AND GENERAL ADMINISTRATION | | | | | | | |
| | Law enforcement assistance | *($15,698,000)* | | $8,000,000 | $7,250,000 | +$7,250,000 | +$7,250,000 | −$750,000 |
| | DEPARTMENT OF COMMERCE | | | | | | | |
| S. 117 | HemisFair 1968 exposition | 7,500,000 | | 7,500,000 | 6,750,000 | −750,000 | +6,750,000 | −750,000 |
| S. 117 | Inter-American Cultural and Trade Center | 6,520,000 | | 6,520,000 | 5,870,000 | −650,000 | +5,870,000 | −650,000 |
| | Total, Department of Commerce | 14,020,000 | | 14,020,000 | 12,620,000 | −1,400,000 | +14,000,000 | −1,400,000 |
| | Total, chapter VII | 14,920,000 | | 22,770,000 | 20,370,000 | +5,450,000 | +20,370,000 | −2,400,000 |
| | CHAPTER VIII | | | | | | | |
| | CLAIMS AND JUDGMENTS | | | | | | | |
| 522 | Claims and judgments | 12,197,929 | $12,197,929 | 12,197,929 | 12,197,929 | | | |
| | Grand total | 5,191,413,629 | 4,919,076,929 | 5,096,338,579 | 5,025,264,579 | −166,149,050 | +106,187,650 | −71,074,000 |

[1] Of which not to exceed $23,000 may be transferred to the current appropriation for "general expenses," Capitol Police.

Mr. PASTORE. Mr. President, I will answer any questions.

Mr. MONRONEY. Mr. President, would the distinguished chairman of the conference committee yield, so that I may propound a question to the distinguished chairman of the Agricultural Appropriations Subcommittee?

Mr. PASTORE. I yield for that purpose.

Mr. MONRONEY. In connection with amendment No. 1, appropriating $300,000 for the Department of Agriculture, Agricultural Research, this being the amount agreed to by the conference on specified amounts for the enforcement of the humane care of laboratory animals and the registration of dealers in research animals, I should like to ask the distinguished chairman of the Agricultural Subcommittee if there is not a residue of funds amounting to approximately $330,000 that might also be added to this $300,000 at the discretion of the Department of Agriculture.

Mr. HOLLAND. In reply, I wish to say that while I cannot fix the exact amount of the residue available the budget itself proposed the application of $350,000 for this purpose out of funds heretofore appropriated under the general appropriation bill for other purposes in addition to the additional funds which were asked for by the budget.

The chairman of the Subcommittee on Appropriations of the other body and I, as chairman of the Subcommittee on Appropriations for this body, are in accord that there is substantial additional money available to add to this $300,000 to carry out the objective which must be carried out under the bill by February 24, and for which the conference has directed that the work be performed by February 1, and that the Department transmit by that time to the committees of both Houses its proposed regulations.

Mr. MONRONEY. I thank my colleague, the distinguished Senator from Florida, for clarifying this matter. This could be added to the $300,000 cash appropriated.

Mr. HOLLAND. There is no doubt about that.

Mr. PASTORE. Mr. President, in connection with the same subject, I wish to say that the matter was exhaustively discussed by the conferees, and it was generally the unanimous opinion of all that this objective that has just been expressed be carried out by the Department.

I yield to the distinguished chairman.

Mr. HOLLAND. Mr. President, I wish to make a few comments in regard to the conference agreement on amendment No. 1. Public Law 89–544 authorized the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs, cats, and other animals intended to be used for research and other experimental purposes.

The Subcommittee on Deficiencies and Supplementals, under the able chairmanship of the distinguished Senator from Rhode Island [Mr. PASTORE], gave careful consideration to the supplemental estimate submitted in House Document 505 in the total amount of $2 million, of which $350,000 was proposed to be transferred from funds available in the regular Appropriation Act for the Department of Agriculture as follows:

Hog cholera eradication, $150,000.

Witchweed eradication, $200,000.

The other body denied the entire request for an appropriation and recommended that it be deferred until the regular appropriation bill for fiscal year 1968. The Senate recommended only $800,000 which the members of the committee believed to be the minimal appropriation required to enable the Department to discharge the responsibility imposed under section 24, which requires that regulations be issued not later than next February 24.

In the give-and-take of the conference committee, an appropriation of $300,000 has been agreed upon with the understanding, as stated in the conference report, that the Department will transmit to the committees of both bodies its proposed regulations not later than next February 1. I have serious doubt that the requirements of section 24 can be carried out with $300,000, but I strongly urge the Secretary of Agriculture to carry out this responsibility within the amounted provided, if possible. In the event, after careful study, the Secretary finds that some additional funds are needed, speaking as one Member of the Senate and as chairman of the Senate Subcommittee on Appropriations for Agriculture, I would not object to the expenditure of additional funds for this purpose, provided the Secretary notifies the regular subcommittees in both bodies, and sets forth in his letter of notification the specific need for additional funds, as well as the use being made by the Department of $300,000 appropriated in the supplemental appropriation bill.

## MARGARET LEE WEIL

Mr. HILL. Mr. President, I ask that the Chair lay before the Senate the amendment of the House to S. 2451.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2451) for the relief of Margaret Lee Weil which were, to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Che Yim Loh may be clasisfied as a child within the meaning of section 101(b)(1)(F) of the Act, and a petition filed in behalf of the said Che Yim Loh by Margaret Lee Weil, a citizen of the United States, may be approved pursuant to section 204 of the Act.

And to amend the title so as to read: "An Act for the relief of Che Yim Loh."

Mr. HILL. I move that the Senate concur in the House amendment.

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

The motion was agreed to.

## TABULATION OF ALL APPROPRIATION BILLS HANDLED DURING THE 2D SESSION OF THE 89TH CONGRESS

Mr. HAYDEN. Mr. President, I ask unanimous consent that there be included at this place in the RECORD a tabulation of all appropriation bills handled during the 2d session of the 89th Congress. Among other things, this table shows direct appropriations totaling $130,281,568,480 made during this session. This amount is $883,358,106 below the budget estimates submitted to the Senate. However, Mr. President, the Congress has provided loan authorizations totaling $995,527,500 which is $229,202,500 over the budget estimates submitted by the President.

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

*The appropriation bills, 89th Cong., 2d sess.*

[Does not include back-door appropriations, or permanent appropriations[1] under previous legislation. Does include indefinite appropriations carried in annual appropriation bills]

| Title and bill No. | Budget estimates to House | Amount as passed House | Budget estimates to Senate | Amount as passed Senate | Final action | Final action compared with latest budget estimates |
|---|---|---|---|---|---|---|
| 1966 SUPPLEMENTALS | | | | | | |
| Supplemental, Defense (H.R. 13546) | $13,135,719,000 | $13,135,719,000 | $13,135,719,000 | $13,135,719,000 | $13,135,719,000 | 0 |
| 2d supplemental (H.R. 14012) | 2,813,552,168 | 2,564,872,568 | 3,020,810,903 | 2,801,226,003 | 2,788,143,303 | −$232,667,600 |
| Total, 1966 supplementals | 15,949,271,168 | 15,700,591,568 | 16,156,529,903 | 15,936,945,003 | 15,923,862,303 | −232,667,600 |
| 1967 APPROPRIATIONS | | | | | | |
| Interior (H.R. 14215) | 1,329,960,500 | 1,295,169,500 | 1,340,260,500 | 1,329,755,000 | 1,321,615,800 | −18,644,700 |
| Loan authorizations | (26,000,000) | (26,000,000) | (26,000,000) | (26,000,000) | (26,000,000) | 0 |
| Treasury-Post Office (H.R. 14266) | 7,246,720,000 | 7,210,177,135 | 7,246,720,000 | 7,210,049,135 | 7,196,429,135 | −50,290,865 |
| Agriculture (H.R. 14596) | 7,022,638,000 | 6,876,027,000 | 7,022,938,000 | 7,064,343,300 | 6,994,590,150 | −28,347,850 |
| Loan authorizations | (702,100,000) | (852,000,000) | (702,100,000) | (932,000,000) | (932,000,000) | (+229,900,000) |
| Labor-HEW (H.R. 14745) | 10,083,184,500 | 10,573,272,500 | 10,083,184,500 | 10,473,309,500 | 10,463,244,500 | +380,060,000 |
| Independent offices (H.R. 14921) | 14,319,611,291 | 14,017,299,000 | 14,329,863,291 | 14,118,607,000 | 14,065,851,000 | −264,012,291 |
| Legislative (H.R. 15456) | 173,793,578 | 172,146,333 | 214,749,763 | 214,418,213 | 214,463,913 | −285,850 |
| Defense (H.R. 15941) | 57,664,353,000 | 58,616,445,000 | 57,664,353,000 | 58,189,872,000 | 58,067,472,000 | +403,119,000 |
| District of Columbia (H.R. 17636) | (423,903,800) | (380,650,600) | (428,170,600) | (406,739,200) | (404,598,200) | (−23,572,400) |
| Federal payment | 53,394,000 | 52,394,000 | 53,394,000 | 53,394,000 | 53,394,000 | 0 |
| Loan authorization | (26,225,000) | (23,000,000) | (38,225,000) | (37,527,500) | (37,527,500) | (−697,500) |
| Military construction (H.R. 17637) | 1,114,947,000 | 1,019,340,000 | 1,114,947,000 | 986,518,000 | 979,570,000 | −135,377,000 |
| Public works (H.R. 17787) | 4,167,073,000 | 4,110,932,000 | 4,167,073,000 | 4,139,244,000 | 4,134,511,000 | −32,562,000 |
| Foreign assistance (H.R. 17788) | 3,945,095,000 | 3,604,048,800 | 3,945,095,000 | 3,493,473,500 | 3,493,473,500 | −451,621,500 |
| State, Commerce, Justice, and judiciary (H.R. 18119) | 2,598,638,500 | 2,364,008,600 | 2,634,405,000 | 2,350,941,600 | 2,347,826,600 | −286,578,400 |
| Supplemental, 1967 (H.R. 18381) | 5,122,760,629 | 4,919,076,929 | 5,191,413,629 | 5,096,338,579 | 5,025,264,579 | −166,149,050 |
| Total, 1967 bills to date | 114,842,168,998 | 114,830,336,797 | 115,008,396,683 | 114,720,263,827 | 114,357,706,177 | −650,690,506 |
| Total, all appropriations to date | 130,691,440,156 | 130,530,928,365 | 131,164,926,586 | 130,657,208,830 | 130,281,568,480 | −883,358,106 |
| Total, loan authorizations | (754,325,000) | (901,000,000) | (766,325,000) | (995,527,500) | (995,527,500) | (+229,202,500) |

[1] Permanent appropriations estimated in January budget at about $13,800,000,000 for fiscal year 1967.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had severally agreed to the amendments of the Senate to the following bills of the House:

H.R. 3530. An act for the relief of Dr. Miguel Angel Martinez y Corpas;

H.R. 3689. An act for the relief of Juanita Cereguine de Burgh;

H.R. 10288. An act for the relief of Dr. Antonio B. Santillano; and

H.R. 13192. An act for the relief of Nermin Demirbag Lavapies.

## ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 6958. An act to amend the Internal Revenue Code of 1954 to promote savings under the Internal Revenue Service's automatic data processing system;

H.R. 9167. An act to amend title of the United States Code to enable the courts to deal more effectively with the problem of narcotic addiction, and for other purposes;

H.R. 11216. An act relating to the tariff treatment of articles assembled abroad of products of the United States, and for other purposes;

H.R. 17607. An act to suspend the investment credit and the allowance of accelerated depreciation in the case of certain real property;

H.R. 17636. An act making appropriations for the government of the District of Columbia and other activites chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1967, and for other purposes;

H.R. 18119. An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1967, and for other purposes; and

H.R. 18233. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

## PROGRAM FOR THE CONSTRUCTION OF FACILITIES FOR THE TEACHING OF VETERINARY MEDICINE

Mr. YARBOROUGH. Mr. President, I request that the Chair lay before the Senate a message from the House on H.R. 3348.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 3348, which was read as follows:

*Resolved*, That the House concur in the amendment of the Senate numbered 3, to the bill (H.R. 3348) entitled "An Act to authorize a program for the construction of facilities for the teaching of veterinary medicine and a program of loans for students of veterinary medicine."

*Resolved*, That the House disagree to the amendments of the Senate numbered 1 and 2 to aforesaid bill.

Mr. YARBOROUGH. Mr. President, I move that the Senate recede from its amendments No. 1 and 2.

This is a bill, Mr. President, to further veterinary medicine education in the United States.

### VETERINARY MEDICAL BILL MUST PASS

Mr. President, this meritorious bill amends the Health Professions Educational Assistance Act to provide assistance in the construction of teaching facilities at schools of medicine and loans for students at these schools on the same basis as is presently provided for students of medicine, dentistry, osteopathy, optometry, pharmacy, and podiatry.

There are 18 colleges of veterinary medicine in 17 States which provide veterinarians to serve all 50 States. One of the finest of these schools is at Texas A. & M. University. Last year, at least four qualified applicants were turned away for each one accepted by these colleges because of a shortage of facilities; yet today we are suffering from an acute shortage of veterinary personnel. The American Veterinary Medical Association estimates that there are approximately 24,000 veterinarians in the United States. To maintain the present ratio, it is conservatively estimated that we will need 31,000 veterinarians by 1980.

Veterinarians play an important part in the Armed Forces, in the Federal and State departments of agriculture, in the Public Health Service, and Food and

Drug Administration of the Department of Health, Education, and Welfare, and in State and local health departments. They direct meat and poultry inspection programs for Federal, State, and local governments. Veterinarians are also engaged in the production and evaluation of drugs and pharmaceuticals. Veterinarians are urgently needed to maintain the health of laboratory animals so as to make more useful research conducted using these animals. These needs will increase under the legislation passed by Congress this year to improve the treatment of laboratory animals.

Too often the role of the veterinarian is considered exclusively in terms of caring for our animal pets or in association with our fine agricultural colleges. Yet the accomplishments of veterinary medical scientists in solving problems of human disease illustrates the distinguished role of this one factor in the total health team.

Historically, the discoveries of the veterinary medical scientist are indeed noteworthy:

Dr. Karl F. Meyer's work on botulism virtually eliminated this highly fatal food-borne disease.

Dr. Franz Benesch, who while working with horses and cattle perfected the spinal anesthesia.

Dr. Frank Schofield, who discovered dicumarol, the anticoagulant widely used in treating heart disease.

Dr. Fred Kilborne, who observed that insects could transmit disease between animals and men and laid the ground work for Reed's conquest of yellow fever.

Benefits have accrued from the virtual eradication of bovine tuberculosis and the debilitating effects of hookworm and the use of cowpox virus to immunize against smallpox. All of these and others illustrate well the need to insure future contributions.

The veterinarian has been particularly helpful in the control of those diseases of animals which are transmissible to man. These include tuberculosis, rabies, anthrax, tularemia, psittacosis, and others. He, along with other disciplines, has contributed to progress in the control of communicable diseases.

The bill would provide assistance in the construction and renovation of schools of veterinary medicine by making these schools eligible for matching grants to pay up to two-thirds of the cost of new teaching facilities, and up to one-half the cost of projects for renovation of teaching facilities at schools of veterinary medicine.

The reported bill authorizes establishment of student loan funds at schools of veterinary medicine. Loans may not exceed $2,500 for any academic year, and are repayable over the 10-year period which begins 3 years after the student ceases to pursue a full-time course of study.

This is a bill of great merit and I strongly urge Senate approval.

Mr. President, the House has stricken out all the money for construction of these schools. The bill passed by the subcommittee provides for the construction of schools, for additional buildings, and for additional facilities for 18 of these schools. The House struck out the money and the administration said, "That is all right," so they put up a liability for building under the statute which the Senate passed 4 years ago to build more medical schools. This bill that Congress passed 4 years ago for the building of more medical schools provided for the building of 20 in this country, but the administration has built only 6. We are 14 schools short. The result is today that over 20 percent of all interns in hospitals in the United States are graduating from foreign medical schools. Twenty-seven percent of all residents in hospitals in this country are also being graduated from foreign medical schools. We are not adequately educating the youth of this country which is interested in medicine. Twelve percent of all Americans in studying medicine are now in foreign medical schools—which have inferior teaching—merely because America does not have the space for them.

I mention that because the administration through the Department of Health, Education, and Welfare has written a letter stating that they will divert money from the building of medical schools to the building of medical schools for veterinarians. We have had this experience before with the student loan fund where they promised education so that they would not try to get rid of the fund. But they reversed themselves.

I want to serve notice that I intend to come back next January and ask for a supplemental appropriation to build these veterinarian schools so that this money will not be diverted from the building of medical schools for human beings.

Mr. MORSE and Mr. HILL addressed the Chair.

Mr. YARBOROUGH. Mr. President, I will yield to the Senator from Alabama [Mr. HILL], chairman of the Public Health Service Subcommittee, the author of the Hill-Burton Act, who has done so much to further medical education in this country. Then I shall be glad to yield to the Senator from Oregon.

Mr. HILL. Mr. President, I want to commend the distinguished Senator from Texas on the fine statement he has made. I join him in the definite assurance that there will be a separate budget set up for veterinarian schools. There is not only a shortage of medical schools for human beings, but for dental schools and nursing schools as well. There must be a supplemental budget sent in for veterinarian schools.

I join wholeheartedly in endorsing the statement of the Senator from Texas.

Mr. YARBOROUGH. Before the bill was called up, in colloquy between the distinguished chairman of the Public Health Subcommittee, the chairman of the Education Subcommittee, the senior Senator from Oregon [Mr. MORSE], and myself, we agreed that the legislative history on this bill should be made, to serve notice on the administration and the House that we do not intend to have money diverted from the construction of medical schools in America to build schools for veterinarians. We do not intend to pull down and rob American boys and girls of the opportunity to become doctors by the diversion of such funds.

I am happy now to yield to the Senator from Oregon.

Mr. MORSE. I want the attention of the distinguished chairman of the committee, the Senator from Alabama [Mr. HILL], and also of the Senator from Oklahoma [Mr. MONRONEY], because it is very important that we make this legislative history. It is also very important that when the Senator from Oklahoma goes back to his State, he be equipped with the facts in regard to this legislative history, because the veterinarian groups that had responsibility in behalf of veterinarians in connection with seeking to get authorization for the objectives of the bill are headed by Dr. Home, of the great veterinarian school in Oklahoma.

The Senator from Texas [Mr. YARBOROUGH], the Senator from Alabama and I did everything we could to get the bill in the position it is now. I want the legislative history to be as clear as the Senator from Alabama [Mr. HILL] and the Senator from Texas [Mr. YARBOROUGH] have already made it, but I want to reinforce it. I know how to make legislative history, as does the Senator from Alabama and the Senator from Texas.

I want the Department of Health, Education, and Welfare to understand, when they read this RECORD, that it was the intent of the Senate, when it passes this bill this afternoon—and I am sure it will be passed—that not 1 dime—I am not talking about $1, I am talking about 1 dime—not 1 dime in their present funds shall be spent for the building of veterinarian facilities, although we are for those veterinarian facilities, but that they must come up here—and they should come up here—come January, asking for a supplemental appropriation to carry out the objectives of the bill.

I do think that it is important we get the authorization for the building of facilities on the statute books, but I think it would be a travesty if the Department of Health, Education, and Welfare interpreted the passage of the bill as any justification whatsoever for spending a single dime on the building of a veterinarian facility which, if it were built now, would be taking away from the hospitals of this country.

The chairman of the committee is entitled to be protected by the Senator from Texas and by me, here and now, on the floor of the Senate, because there could not be the slightest justification for siphoning off money for the building of hospitals which are so sorely needed.

Of course, we need veterinarian facilities, but they will have to wait, so far as I am concerned, for the building of hospitals until we can get a supplemental appropriation bill.

Thus, I say to Dr. Gardner, "Take note of the record, because we are going to hold you to an accountability in case you do not follow the legislative intent

that the Senator from Texas, the Senator from Alabama, and I are making."

Mr. HILL. Let me commend the Senator from Oregon and say that I stand wholeheartedly—100 percent—behind the statements so ably made by the Senator from Texas and the Senator from Oregon.

Mr. YARBOROUGH. I thank the distinguished Senators from Oregon and Alabama. I think this is of prime importance because when the bill was heard before the Senate committee, I asked the Surgeon General of the United States why he had not built the 20 medical schools which Congress had authorized. He replied that 6 had been built and 14 were in the planning stage, and that he thought that was fine progress. Mr. President, I do not believe that is the kind of progress Congress called for. That is not the progress the country needs. But the Surgeon General of the United States indicated that he is satisfied. If he is satisfied, I think he should know that those of us serving on the appropriate committees are not satisfied, because he has been dragging his feet. He has built only 6 of the 20 badly needed hospitals. The Surgeon General recommended that the House plan be undertaken, that we take the money out of the moneys authorized by Congress to build medical schools and use it for the building of veterinarian schools. The country sorely needs these medical schools.

Mr. MORSE. Let the RECORD show that my reference in the legislative history refers to medical schools as well as hospitals for human beings.

Mr. YARBOROUGH. Yes.

Mr. President, I move that the Senate recede from its amendments Nos. 1 and 2.

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

The motion was agreed to.

Mr. HOLLAND. Mr. President, what I shall say, rather briefly, will in no wise question the wisdom or the unwisdom of any of the requests made by the administration to Congress to which I shall refer.

I merely wish the RECORD to show that this session of Congress, more than any other in recent times, has shown independence and a willingness to operate, as it should, as a coequal branch of Government. This should instill a great deal of confidence in Congress by the people of the United States.

I have jotted down a few of the details which make clear that fact. This Senate has declined to pass the so-called Civil Rights Act of 1966.

This Senate has refused to repeal section 14(b) of the Taft-Hartley Act.

Both Houses of this Congress, one at a time, have refused to pass home rule for the District of Columbia.

In the case of these three matters, there have been five unsuccessful efforts at cloture here in the Senate of the United States.

There were numerous other proposals requested by the administration—and again I do not reflect upon the wisdom or unwisdom of the requests made of the Congress—which the Congress has refused to pass.

It refused to federalize State unemployment programs, which would have, in effect, made them creatures of the Federal Government.

I think the declination to repeal section 14(b) of the Taft-Hartley Act and the refusal to federalize State unemployment compensation have reflected a desire on the part of Congress to preserve some degree of States rights and States responsibilities.

There are many other matters which I could mention.

For instance, one was a material change, which was made in the public interest, in the passage of the so-called food-for-peace bill. The administration requested a bill covering a program of 5 years at $2.5 billion a year. That was the authorization requested. The authorization which passed the Congress was for 2 years only, at $1.9 billion a year.

There are numerous instances in which the appropriations have been reduced below those requested.

The distinguished Senator from Arizona [Mr. HAYDEN], in placing in the RECORD the compilation of all appropriation bills a few minutes ago, showed that the amount of total appropriations passed at this session is almost $1 billion below the requests contained in the budget items which reached us.

I am making this statement without reflecting in any way on the wisdom of any of us who may have taken one position or the other, or upon the wisdom of the administration. The point I am making is that once again Congress has shown itself as a coequal branch of the U.S. Government and has insisted on material independence in respect to its actions during this session. As a Member of the Congress, I am proud of that fact, and I think the people of the United States should and will take material comfort from that fact.

## TRIBUTES TO SENATOR MANSFIELD, MAJORITY LEADER, AND SENATOR DIRKSEN, MINORITY LEADER

Mr. LONG of Louisiana. Mr. President, the majority leader of the Senate is one of the great leaders of all time of this country. Those of us who have served with him both love and respect him in every way it is possible for one to hold a man in high regard.

In addition to being thoughtful, sweet, lovable, and personable, the majority leader is also an effective leader.

It may be interesting to state that after the Senator from Tennessee made his very stirring speech against the tax bill, as did the Senator from Delaware [Mr. WILLIAMS], the Senator from Louisiana had notes ready to answer in detail the points made, because he believed that every Senator who had originally voted for the bill would vote again with him if they had the facts. The majority leader said, "Don't make the speech. You have the votes. If you make your speech, you won't have a quorum. You will have won the battle and lost the war."

So the RECORD does not reflect what I would have said if it had not been for the advice of the distinguished majority leader.

I ask unanimous consent to insert in the RECORD the speech I would have made if the majority leader had not given me that advice.

There being no objection, the address was ordered to be printed in the RECORD.

[The address will appear hereafter in the RECORD.]

Mr. KUCHEL. Mr. President, I believe that there is a unanimity of opinion in this body on the effectiveness, the gentility, and the friendship of the majority leader and that there is an equally unanimous view of the similar attributes of that fine gentleman who graces the position of minority leader. If it meets with the Senate's approval, I simply say to the American people, as well as to Members of the U.S. Senate, they have been graced by the wisdom, patience, guidance, devotion to duty, and American patriotism of the leader of the Democratic Party and the leader of the Republican Party. We are twice blessed.

Mr. LONG of Louisiana. Mr. President, I think exactly the same thing. May I say, by way of an addendum, that some time ago I urged the minority leader to join with me in trying to pass a measure to protect the football teams. The minority leader is in the hospital. He is going to be asked to join the majority leader in calling the President to say that the Senate is ready to adjourn.

I understand it is almost impossible to get into his room at Walter Reed Hospital because there are so many flowers.

When it was suggested that the football amendment be attached to the tax bill, someone said, "Oh, my goodness, don't tell me you are going to attach this bill to a tax measure."

Well, it was. When that happened, every professional football team, I think, sent flowers. The Baltimore Colts sent a huge wreath shaped like a horseshoe. The Cleveland Browns sent a wreath shaped like a football. There are so many flowers there that it is almost impossible to get inside the room.

When the Senator from Illinois woke up and looked at the flowers, he said, "Apparently the bill must have passed." [Laughter.]

Mr. GORE. Mr. President, I wish to join in the merited encomiums of the majority and minority leaders, but I must say I draw a different conclusion on the vote just had from the Senator from Louisiana. I suppose it was due to the absence of his oratory. I wish to remind him that that is the only time when I have had more than a corporal's guard in the Senate to speak to. If I had thought it would have had that effect, I would have gone on for 10 more minutes.

Mr. MORSE. Mr. President, I hope at the next session the Senator from California, the minority whip, will stop stealing my speeches before I deliver them, because the one he just delivered

was the one I was about to deliver. But I wish the Senator had talked longer. I thought we were gaining more votes as the Senator spoke.

Mr. LONG of Louisiana. May I say that I think we could still have developed a quorum if I had spoken and answered all the points that had been made.

Mr. MANSFIELD. Mr. President, before the distinguished majority whip leaves, may I say that I was given the most thorough leadership lesson yesterday when the Senator from Montana proved himself to be 100-percent wrong and the Senator from Louisiana proved himself to be 100-percent right.

Mr. WILLIAMS of Delaware. Mr. President, if the Senator will yield, I wish to join other Senators who have complimented the majority leader. I have been in this body for 20 years, and I have never served under a greater leader than the present majority leader, a man who is always fair to members of the minority as well as members of the majority. In my opinion he is one of the great leaders of the U.S. Senate. I personally value his friendship. I respect him for the great contribution he has made not only to his State but also to the United States of America. I am very glad to join my colleagues in the comments they have made about the majority leader.

Senator MANSFIELD is a gentleman.

Mr. FULBRIGHT. Mr. President, I wish to join my fellow Senators in their tribute to the majority leader. I did not anticipate that they would at this moment pay tribute to the majority leader; but I had intended to do so, and this appears to be an appropriate time to do it.

Not only is he an effective majority leader as such, but I wish particularly to pay tribute to his good judgment in the field in which I have especial responsibility—foreign relations. I think the majority leader has given great leadership to this country, to the Senate, and to the thinking of the American people in this area, at what really is a most threatening and important time, I believe, in the history of our country.

The Senator has had long experience in that area as a senior member of the Committee on Foreign Relations, and I only hope the country as well as the Senate will give ever-increasing attention to the views of the majority leader. I consider him one of the most thoughtful of Senators, and one of the great statesmen of our era, in addition to being a truly effective majority leader.

Mr. SMATHERS. Mr. President, I shall call up my bill in just a moment, but first I should like to join with the other Senators present in their justified plaudits of our distinguished majority leader. Certainly I join with and echo everything that they have said. I do not know when we have had a more effective majority leader than we have now. He operates in a mild-mannered way, and yet produces as many results as any leader I have ever heard of or read about. In addition to his being a great and effective statesman, I think the thing we like most about him is that he is always a patient and willing friend, and will help every individual Senator in a friendly and personal way.

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

Mr. SMATHERS. I am happy to yield to the Senator from Wyoming.

Mr. SIMPSON. Mr. President, I wish to be associated with all Senators who have spoken with respect to the parliamentary leader of the U.S. Senate. Nobody here—and I am sure I speak for every member of the minority—has less than complete respect for the kindness, the patience, the fairness, the honesty, and the integrity of the majority leader. He has certainly helped everybody on both sides of the aisle. In my book he is one of the greatest citizens of America—I am proud that he hails from the West.

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

Mr. SMATHERS. I yield.

Mr. HICKENLOOPER. First, I observe that—

> The last part of any party is the best part of all,
> Playing pleasant love games till the wee hours start to fall.

I am reminded of that little couplet at the end of any session.

Sincerely, I could not let this occasion go by without paying my respects to a great American and a great leader, MIKE MANSFIELD. He has a combination, in great abundance, of those rare qualities which make for a leader. He has complete courage, unswerving honesty and integrity, and great kindness, and above all, the willing ability, on occasions when he feels that an injustice may be in the offing or may have been committed against a Senator, unthinkingly or unwittingly, to get up and defend that Senator and to correct that injustice, even though he may disagree with the position of the Senator to whom he is referring. That is an element and an evidence of his fairness.

The Senator from Montana and I have enjoyed not only an acquaintance, but a very close friendship, for many years, even before he came to the Senate.

I do not wish to prolong this session, though one could very easily do it. I merely wish to say that my respect for the Senator from Montana, for his leadership, his fairness, and his innate decency, is unbounded, and I wish him well. As our minority leader, EVERETT DIRKSEN, said in his closing remarks, as this Congress comes to an end, we all wish him Godspeed.

I thank the Senator from Florida.

Mr. SMATHERS. Mr. President, I yield first to the Senator from South Carolina, and then to the Senator from Texas.

Mr. THURMOND. Mr. President, I join my fellow Senators in their remarks about Senator MANSFIELD. He possesses in abundance what have frequently been spoken of as the three C's: He is courteous, he is capable, and he is courageous. I am very proud of his friendship; I am proud of the manner in which he has handled the Senate as majority leader. I have always found him fair, and it has been a great pleasure to serve here with him in the U.S. Senate. Also, Mr. President, I want to pay my high respects to the distinguished minority leader [Mr. DIRKSEN] for the great service he has rendered the country. He led the successful fight to retain section 14(b) of the Taft-Hartley Act, to prevent the passage of an unconstitutional so-called civil rights bill to prevent federalization of the unemployment compensation program, among the other outstanding contributions he has made as the leader of the Republican Party in the Senate.

Mr. SMATHERS. I now yield to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, it has been a great honor to share in this 89th Congress, which has passed more remedial legislation, I think, than any Congress in history. I want to give credit where credit is due. We have read that there was much arm twisting involved in getting the bills passed.

Mr. President, it has been my experience that it was not arm twisting from the executive department which got them passed, it was the courtesy, fairness, and consideration of the majority leader that got those bills passed, and it was the courtesy, fairness, consideration, and leadership of the majority leader, not only in working with us on this side of the aisle, but with our fellow Senators on the other side of the aisle. Members of the Senate trust MIKE MANSFIELD. The Members of both parties trust MIKE MANSFIELD. He works in close cooperation with the distinguished minority leader. We regret that the minority leader is in the hospital, and cannot be here. The confidence of the Senate in its majority leader, I think, Mr. President, has more to do, on this side of the Capitol, with the passage of this vast volume of progressive legislation than any other one factor. I think he should be given that credit.

We have enjoyed serving with him, we honor him as the kind of leader we like to serve with; he is a credit to the institution of the Senate, he is a credit to the legislative process, and he is a credit to the democracy to which we give lipservice, but sometimes fail actually to observe.

I also honor him for his courage in the field of foreign affairs. I think he has been a great leader, not only for the Senate but for the country, in both domestic and foreign affairs. I am proud that we have had a leader who stood up for what he believed in and what he thought was best for the country, whether it comported with the views of the other legislative House of the legislative branch, or with the executive department, or not.

I thank the Senator from Florida.

Mr. SMATHERS. I yield now to the Senator from Oregon.

Mr. MORSE. Mr. President, I wish to say that I have always been proud of our majority leader, but I never was more proud of him than I was this morning, when he made his statement to the Senate. It was not only eloquent, but it was moving, and I turned to the Senator sitting next to me, when the majority leader had finished, and said, "MIKE

MANSFIELD has brought the Senate together, and it is only a matter, now, of a short time before we will vote."

I wish to say not only is this another manifestation of MIKE MANSFIELD's great qualities of leadership, but also, as the chairman of the Subcommittee on Education, I wish, in behalf of my subcommittee and, I feel, in behalf of all the schoolchildren of America, to thank him once again for the cooperation and support that he gave to us as we took the education legislation through the Senate. Without that cooperation from the majority leader, no education bill would have been passed.

Mr. SMATHERS. Mr. President, I yield to the Senator from Arizona.

Mr. FANNIN. I thank the Senator.

I join, Mr. President, in paying tribute to a great leader, our majority leader. I join my friends on both sides of the aisle in praising him for the outstanding services that he has performed in this, the 89th Congress, and also to express my great appreciation for his kindness and consideration, and the assistance that he has given to all of us, during this session of Congress.

He is a person who is admired and respected all over this great Nation, and also in many other nations of this world. I had the privilege of observing him at the Interparliamentary Conference in Mexico, when he led a group of Senators and Representatives working with our counterparts in Mexico. I observed how they loved and respected him just as we do.

I am very pleased to have this privilege of joining with my colleagues in paying tribute to him.

## LIBERALIZATION OF PROVISIONS OF PAYMENT OF CERTAIN INDEMNITY COMPENSATION

The PRESIDING OFFICER laid before the Senate the amendments of the House to the amendments of the Senate to the bill (H.R. 14347) to liberalize the provisions for payment to parents and children of dependency and indemnity compensation, and for other purposes, which were, on the first page of the Senate engrossed amendments, in the seventh line of Senate amendment No. 2, after "semicolon;" insert "and"; on page 4, line 2, of the Senate engrossed amendments strike out "SEC. 7" and insert "SEC. 6".

In Senate amendment No. 8, strike out the matter proposed to be stricken by the Senate amendment, but in lieu of the matter proposed to be inserted by the Senate amendment, insert "SEC. 7".

In Senate amendment No. 9, strike out the matter proposed to be stricken by the Senate amendment, insert the matter proposed to be inserted by the Senate amendment, and on page 5, line 18, of the Senate engrossed amendments strike out "section 7" and insert in lieu thereof "section 6".

And that the House disagreed to the amendments of the Senate numbered 3, 4, 6, 10, 11, and 12.

Mr. SMATHERS. Mr. President, the House has accepted H.R. 14347 with all the Senate amendments with one exception. The House deleted from the bill the Senate amendment which would have excluded social security increases from the veterans annual income.

The remainder of the bill, however, remains intact as passed by the Senate and provides for increasing dependency and indemnity compensation for parents and children of veterans whose deaths are service connected.

Mr. SMATHERS. Mr. President, I move that the Senate concur in the House amendments.

The motion was agreed to.

## AMENDMENT OF SECTION 112 OF THE INTERNAL REVENUE CODE OF 1954

Mr. SMATHERS. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from the further consideration of H.R. 14347, and that the Senate immediately proceed to the consideration of H.R. 17271.

Mr. KUCHEL. Mr. President, reserving the right to object, Mr. President, would the distinguished Senator indicate what the bill is?

Mr. SMATHERS. Mr. President, the bill increases from $200 to $500 the monthly combat pay exclusion granted commissioned officers serving in combat zones or for related hospitalization.

Mr. KUCHEL. Mr. President, I have no objection.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 17271) to amend section 112 of the Internal Revenue Code of 1954 to increase from $200 to $500 the monthly combat pay exclusion for commissioned officers serving in combat zones.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida? The Chair hears no objection. The committee is discharged from further consideration of the bill (H.R. 17271) and the Senate will proceed to its consideration.

Mr. SMATHERS. Mr. President, the bill increases from $200 to $500 per month the special exclusion granted to commissioned officers for pay received for service in combat zones or for related hospitalization. Pay received by enlisted personnel for service in a combat zone already is fully exempt. Vietnam and its adjacent waters have been declared a combat zone already.

The bill was reported unanimously by the Ways and Means Committee of the House. It was before the Finance Committee. It has been approved by the Budget Bureau and recommended by the administration and by the Department of Defense.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 2270), explaining the purposes of the bill.

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

II. GENERAL STATEMENT

Present law exempts from Federal income tax up to $200 monthly of pay received by commissioned officers for serving in a combat zone or while hospitalized as a result of wounds, disease, or injury received while serving in a combat zone. However, combat pay received by enlisted personnel is fully exempt from Federal income tax.

When these exemptions were last revised—during the Korean conflict—it was intended that the exemption would benefit commissioned and senior noncommissioned officers on an approximately equal basis. However, the seven military pay raises which have been enacted since the exemptions were last revised have upset the intended balance. Currently, some senior noncommissioned officers receive approximately $500 completely exempt from tax.

This bill would raise the combat pay tax exemption for commissioned officers to $500 per month. This increase would restore the traditional balance between the combat pay exclusion for commissioned officers and enlisted men. The bill will also remove any possible tax impediment to the acceptance of battlefield commissions by eligible enlisted personnel.

This bill is identical to the proposal made by the President of the United States in his August letter to the Congress. The Department of Defense strongly supports this legislation and the Bureau of the Budget indicates that the bill would be in accord with the President's program.

This bill will correct an existing tax inequity which is not in keeping with sound tax policy. Moreover, your committee is further motivated by the realization that this bill deals directly with Americans engaged in combat in Vietnam.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

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

## TRIBUTE TO MR. HARMON BURNS, JR.

Mr. MORSE. Mr. President, I have just learned that Mr. Harmon Burns, Jr., who was formerly affiliated with the legal department of the National Catholic Welfare Conference, has been selected to serve as staff lawyer and administrative assistant for governmental relations of the National Catholic Educational Association.

I wish to congratulate him upon his appointment to this new position and to assure him that I shall always welcome the testimony and counsel which he may bring to the Subcommittee on Education in connection with pending legislation on behalf of the association.

## TRIBUTE TO SENATOR FULBRIGHT

Mr. MORSE. Mr. President, a reader of the Miami News of Miami, Fla., has sent me a clipping from that paper. It is dated October 10, and is a column written by Bill Baggs, entitled "FULBRIGHT."

Mr. Baggs does a fine job of putting into perspective the purpose of the Senator from Arkansas in connection with our Vietnam policy when he writes:

Much more love of country is required of a FULBRIGHT than of other men of influence who remain silent, but with doubts.

I ask unanimous consent that the column be printed in the CONGRESSIONAL RECORD.

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

FULBRIGHT

(By Bill Baggs)

JAMES WILLIAM FULBRIGHT told a visiting reporter that he had reached the point where he really didn't care anymore.

Obviously, the senator from Arkansas meant the opposite.

In mental geography, Senator FULBRIGHT had arrived at a locale in life when he didn't give a tinker's dam about the political Apaches who wanted his scalp. Indeed, he was, in a sense, helping the fellows take his scalp, and he knew it.

Mr. FULBRIGHT was being generously condemned across the country, and certainly in Washington, because he questioned the wisdom and honesty of our engagement in Viet Nam.

SOCIAL LEPER

Lyndon Johnson, for instance, has been an intimate for many seasons. But criticism of American presence in Viet Nam had made FULBRIGHT a kind of social leper around the White House.

The Fulbright drama, which really has not yet been told, is a striking illustration of how intemperate we Americans have become of criticism. His obligation is to examine, criticize and advise on foreign policy. But the drums of propaganda have beat on so many ears in this country that you are suspect of being a traitor if you suggest that we are a foolish people indeed to send more than 300,000 of our young abroad to manage a war on the other side of the world without any allies.

What Senator FULBRIGHT realizes is that we are terribly alone in our involvement in Southeast Asia. Every old and reliable friend, including Britain and France, privately urge us to end the conflict. Despite the re-appearing messages of progress, we are not winning the war. A stalemate, maybe. At best.

But what distinguishes Senator FULBRIGHT from many of the other senators is that he has the courage to speak . . . to criticize a war when so many young Americans are dying in the war . . . to challenge the old myth that your country is right in war whether it really is right or wrong.

Much more love of country is required of a Fulbright than of other men of influence who remain silent, but with doubts. Indeed, you must care a great deal for the young men in the death jungles of Viet Nam to stand up and question our right to be there in the first place.

THE DANGER

To be sure, Lyndon Johnson has tried, and tried again, to find a diplomatic accommodation to the war. But he mixes his peace thrusts with bombings which, if you believe some military persons, accomplish very little.

The ultimate danger in the war out there is the presence of China.

Mr. MORSE. Mr. President, as we are about to leave the Senate on a sine die adjournment, the chairman of the Foreign Relations Committee, the Senator from Arkansas [Mr. FULBRIGHT], in my judgment, has proved that he is one of the great statesmen not only of this body but also, I think, in the history of this body. Would that we could all come back 25 years from today and read what history will record in regard to the leadership of the Senator from Arkansas.

Mr. President, it has been a great privilege for me to serve with the Senator from Arkansas on the Foreign Relations Committee.

I wanted, as we are about to adjourn, to pay this tribute to him, a tribute which I think is so highly deserved.

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## THE POLITICS OF ESCALATION—A CITIZENS' WHITE PAPER

Mr. MORSE. Mr. President, there has just recently been released a booklet entitled "A Citizens' White Paper"—The Politics of Escalation," a study of U.S. responses to pressures for a political settlement of the Vietnam war: November 1963—January 1966.

This document was prepared by a working group organized by scholars at the University of California, at Berkeley, and Washington University, in St. Louis.

I urge my colleagues to read it over the recess.

The entire booklet is deserving of being read. It documents the position on our foreign policy in Asia that the senior Senator from Oregon, the Senator from Alaska [Mr. GRUENING], and other Senators have been raising serious questions about for the past 3½ years on the floor of the Senate.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD only the statement of the authors and the summary of conclusions consisting of some 12 pages.

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

AUTHOR'S NOTE

The turbulent rush of events in a mounting crisis of national destiny so momentous as the war which engages the United States in Vietnam makes it difficult for even the best-informed individual to maintain a clear sense of direction. This is as true for policymakers compelled to respond to rapidly changing situations as for responsible citizens and scholars seeking to exercise an informed judgment on the actions of their leaders. Each is absorbed by the pressing claims of the immediate situation at the expense of his awareness of the larger trends.

The war in Vietnam has taught us that our nation has an urgent need to consider its recent experience in a larger perspective. The Great Debate concerning our involvement and our goals, enlightening as it has been, has not been informed by a secure sense of the patterns emerging from recent events. Accordingly, we offer this examination of the record with the specific purpose of defining one of these patterns.

Our purpose here is to describe significant American moves towards expansion and intensification of the war within the context of relevant political events, both Vietnamese and international, and by so doing to call public attention to the questionable relationship between American acts of escalation and specific initiatives by others for peaceful settlement of the conflict.

While we are acutely aware that we do not command all the evidence to construct a full and balanced picture of policy formation or its consequences, we hope that our construction, based on facts in the public record, will induce our political leaders either to correct our version where it may be in error, or, if it be found accurate, as we believe it is, to answer to its implications regarding United States policy. For the consequences of intensified warfare as a recurrent American response in a context of pressures for political accommodation have become sufficiently grave to call for a searching reassessment of U.S. policy.

* * * * *

The attached report contains studies of nine critical periods in the Vietnam war. In each of these periods the pattern of U.S. military escalation in the context of Vietnamese or international pressures for negotiations is shown to persist, despite the special character of each episode. Although in the first two of these periods military involvement is less prominent than in the later periods, all serve as background for an understanding of the Administration's proclivity to see as threat rather than as promise the emergence of Vietnamese or neutral initiatives for compromise political solutions. The effect of the American actions has been not merely to deepen our military commitment but also to weaken the credibility of United States government officials who publicly claim that they are searching for a real basis for negotiations.

SUMMARY AND CONCLUSIONS

Three major factors have affected the increasingly critical course of the Vietnam war: the indigenous politics of South Vietnam, the international pressures for a negotiated settlement, and the military actions of the belligerents. An examination of the interrelation of these factors in nine critical periods, beginning with the fall of Ngo Dinh Diem in November 1963, reveals a recurrent pattern. Movements toward a political settlement have been retarded or broken off by American interventions, most of which have taken the form of military escalation.

Available evidence does not prove that escalations were intended solely or primarily to counter efforts at compromise or negotiation. A study of the chronology of American escalations within the political context reveals, however, that the major American intensifications of the war have been preceded less by substantially increased military opposition than by periods of mounting pressure for a political settlement of the war.

The case studies presented here document a recurrent pattern in situations varying in their historical character. Sometimes overtures of pressures toward compromise solutions have emanated from political elements in South Vietnam or North Vietnam, sometimes from international powers. There have been repeated waves of Buddhist agitation against the South Vietnamese military dictatorship. These have inevitably extended into agitation for peace, since the war and the military dictatorship have been used to justify and reinforce each other. The United States has become equally identified with both as repeated indigenous efforts to liberalize the regime have raised the issue of a compromise settlement as the logical corollary of political self-determination. (See especially Sections II and IV).

Particularly during 1964, and again at the turn of the year 1966, efforts toward a negotiated settlement have emanated from international sources. The initiatives of President de Gaulle, Secretary General U Thant, the Soviet Union, Yugoslavia, and Canada are notable among the repeated attempts, all of which were fruitless, to bring the belligerents to the conference table. Finally, there were initiatives from the National Liberation Front (Vietcong) and from Hanoi, as well as collaborations of either or both of these with non-belligerent initiatives, which likewise collapsed under United States escalation. (See sections II and III.)

The most disturbing finding of this study is thus the pattern in which moves toward political settlement are brought to a close with an intensification of the war by the United States. Even allowing for exclusively military considerations as motivating United States escalation, their repeated impact upon encouraging prospects of political solutions

justifies the gravest concern. Should the pattern persist, escalations will continue to reduce the possibilities of a realistic political alternative to total victory, even while the United States professes its will to find one.

Military response to the peace moves of others has not been, of course, the only constituent in Untied States policy, though it has overshadowed its more promising concomitant—the search for a negotiated settlement. Yet even official efforts of the United States in this direction, as some of the case investigations show, have been terminated or disrupted by sudden United States military intrusions into the diplomatic process. (See Sections VI and IX).

Despite the massive and accelerating increase in American military operations over the past two years, the salient speeches and public diplomatic positions taken by both sides in the war suggest a pattern of movement, however uneven, toward a common basis for political solutions. At first, it was the Communists who tried to press for political discussions, often with neutral or United Nations encouragement. (January and July, 1964; February–March, 1965.) (See Sections II, III, and IV.) Since President Johnson's Baltimore speech of April 7, 1965, however, the United States has appeared more committed to the search for a negotiated solution than before, while its opponents have tended to place more demanding conditions in the way of negotiations. (See Sections V and VIII). The President's Baltimore speech seemed indeed like a turning point. Only a month before, Secretary of State Rusk had repeated his oft-stated position that "we are not going to negotiate to reward aggression." (TV interview, March 7, 1965). The Rusk doctrine of the "missing piece" asserted that no negotiations could be considered until some guarantee existed that Hanoi was "prepared to stop doing what it is doing against its neighbors." (Press conference, February 25, 1965). President Johnson, in his Baltimore speech, seemed to alter this doctrine when he called for "unconditional discussions." By December, 1965, the position of the United States was more explicitly accommodating to the Geneva-oriented position of the other side and important neutrals. Secretary Rusk proclaimed his unconditional willingness to "go to Geneva tomorrow." Finally, in its "fourteen points" of January, 1966 (Appendix A), the United States unequivocally accepted the possibility of peace on the "basis" of the Geneva Agreements of 1954 and 1962. Free elections in South Vietnam and the eventuality of reunification were now included in the American diplomatic perspective.

While the publicly-stated attitude of the United States toward a negotiated settlement became more flexible, the North Vietnamese appeared to grow more intransigent. In late 1964, as we now know, Hanoi accepted U Thant's idea of a secret diplomatic meeting, which the United States rejected. On April 8, 1965, at about the time of President Johnson's Baltimore speech, Premier Pham Van Dong of the Democratic Republic of Vietnam presented his "four points." They reiterated the specific demands of the 1954 Agreements for withdrawal of foreign troops and neutralization of the "two zones" during a temporary division, to be followed by "peaceful reunification" without foreign interference. The internal affairs of South Vietnam were to be settled "in accordance with the programme of the South Vietnam National Front for Liberation." The Premier claimed that his four points were the "basis for the soundest political settlement of the Vietnam problem," adding that "if this basis is recognized," an international Geneva-type conference could possibly be reconvened. Although these four points have remained the negotiating position of the North Vietnamese government, they have subsequently been presented in a more intransigent way. Specifically, the four points must now be "accepted," not merely "recognized," as a "basis" for negotiations. Furthermore, in accordance with the demands stated in the NLF "five points" of March 22, 1965, the National Liberation Front must be accepted as the "sole genuine representative" of the South Vietnamese people. Though the use of the word "genuine" suggests that Hanoi might recognize other "representatives" of the South Vietnamese, the position of the North has accentuated differences from the United States, while the expression of the American diplomatic position has evolved toward a less uncompromising tone.

So far, we have examined these contrary diplomatic motions, turning about the speeches of April 7 and 8, only as they appear in the words of the two contenders. If we turn to the context of actions, however, the emergent pattern is one not of progress toward negotiation, but of graded escalation. And if we look more closely at the pattern of United States policy, one sees that it has been not changing but recurrent. For the Baltimore speech represents a turning-point in our official rhetoric, but not, closer analysis suggests, any turning point in United States policy. Even within the Baltimore speech, the President expressed the premises which have formed his policy before and since: that the Vietnam war is a case of external aggression, and that external aggression must never be appeased. The practical correlate of this policy is to find the road to peace by intensifying war. In the President's own words:

"The central lesson of our time is that the appetite of aggression is never satisfied . . . We must say in Southeast Asia—as we did in Europe—in the words of the Bible: 'Hitherto shalt thou come, but no further.' Our objective is the independence of South Vietnam and its freedom from attack . . . We will do everything necessary to reach that objective . . . In recent months attacks on South Vietnam were stepped up. Thus it became necessary for us to increase our response and to make attacks by air. This is not a change of purpose . . . We do this in order to slow down aggression . . . We will not be defeated. We will not grow tired. We will not withdraw, either openly or under the cloak of a meaningless agreement. We know that air attacks alone will not accomplish all of these purposes. But it is our best and prayerful judgment that they are a necessary part of the surest road to peace."

In the attached memorandum, we have tried to show that the United States has placed its military policy of nullifying "aggression" ahead of a political means to a solution of the Vietnam problem. The April 7, 1965, speech served as justification for the February, 1965, escalation to the regular bombing of North Vietnam. It was also accompanied by press accounts which correctly predicted a significant increase in American troop commitments. More significant, President Johnson's speech came at a time when, in the words of the New York Times, "international pressures on the United States were growing to begin negotiating a settlement of the war." (NYT, April 2, 1965). The President addressed himself directly to three conditions which western newspapers had (correctly) associated with the North Vietnamese terms for a peace conference. The United States had reportedly been asked to accept at least an eventual withdrawal of its troops, an eventual reunification of Vietnam, and an immediate cessation of air attacks on North Vietnam. (NYT, April 1; London Times, April 1). The Baltimore speech rejected unambiguously all three of these conditions. The President's offer of "unconditional discussions" thus was made in a context of both rejection of the adversary's conditions for talks and of the first direct involvement of American troops in the ground war. In retrospect, escalation appears far more central to American purposes than the offer of "unconditional discussion," an offer almost certain to be rejected.

The case of the Baltimore speech, on its surface one of the clearest expressions of the American will to peace, dramatizes the pattern that we have explored in the attached memorandum. Like nearly all American escalation since the death of Ngo Dinh Diem, the one which came in April followed chronologically upon a period of growing pressures for a political settlement, to which the President's speech replied. Sometimes these pressures for negotiations were prominent (as in this case, in March, 1965) within the international community. Sometimes they emanated from the Saigon regime of the moment. Sometimes both international and local pressures developed at the same time.

In almost every case, such critical pressures for peace have issued in deepening United States commitment to the war in Vietnam. By the same token, each of the most dramatic escalations of the war by the United States has had the effect (if not the intention) of closing off such critical periods.

In the week of July 23, 1964, U Thant, President de Gaulle, and the Soviet government all called for a Geneva conference. In the week of August 2, the United States made its first overt attack on ships and territory of North Vietnam.

In January, 1965, anti-American strikes and demonstrations in South Vietnamese cities and the displacement of Chinese by presumably more moderate Soviet influence in Hanoi were followed by the beginning of United States air bombardment of North Vietnam on February 7.

Efforts of Italian intermediaries La Pira and Fanfani in November and December of 1965 were followed on December 15 by the first bombing of the Haiphong area, which the Administration had been told would close the door to negotiations.

Even the disturbing pattern, of which other examples will be given in the attached chronological survey, would not justify a simple argument for an inevitable causal connection between peace-making efforts of others and escalation by the United States. The peace missions of Ambassador Harriman in July, 1965, and the travels of Senator MANSFIELD and his colleagues must stand as genuine political attempts by the United States to break out of the military impasse. Yet the record would suggest that militant counsels have generally prevailed in Washington. They will undoubtedly do so as long as the simple political model of Munich continues to exercise its false analogical magic over the minds of our policy-makers. The widening of war seems to remain a consistently favored alternative to a serious political approach to disengagement. This is apparently true even when United States efforts have elicited from the other side of their preconditions for such disengagement, such as the recognition of the NLF as a negotiating party, or a cessation of bombing.

The sombre, recurring pattern of political exploration cut short by military escalation, until it is either altered or disproved, thus remains more significant than recent changes in the belligerents' announced negotiating positions. Seen as the concrete experience of the other side, it may also explain why United States peace initiatives have no longer been met by a corresponding interest. Secretary Rusk's hollow one-week peace ultimatum of May, 1965, offers a graphic instance of America's harsh combination of political and military practice. Similar episodes during the years 1964 and 1965, with massive

American escalations, produced that widespread skepticism with which our overtures of peace have been greeted, not only in Hanoi but elsewhere throughout the world. We do not wish to subscribe to Ho Chi Minh's description of these overtures as a "trick," but the military conduct which accompanied them reveals deficiencies in the United States position which must be understood. Only through such an understanding can we as American citizens discern the true conditions of peace and the obstacles to its restoration.

## COLLECTIVE BARGAINING OF GOVERNMENT EMPLOYEES

Mr. MORSE. Mr. President, come January the Senate Committee on Labor and Public Welfare will have its attention called to and work assigned to it in regard to many of the labor relations problems that exist in the field of Government employees, both Federal and State.

Mr. President, there is being held in Washington, D.C., over the weekend the annual meeting of the Assembly of Government Employees. We have a delegation from Oregon that will be attending that convention.

That delegation will be making a great contribution to the conference, because two members of our Oregon State Employees Association will be present. Incidentally, they are two very able lawyers who some years ago, I am proud to say, were members of my Senate staff. They are known to a good many of the Senators who were here and who worked with them at that time when they were members of my staff.

These two able lawyers have prepared a report for this convention. The report, written by Thomas C. Enright and Harold W. Adams, Jr., is entitled "Collective Bargaining in State Employment—Oregon's Experience."

I ask unanimous consent that the report be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MORSE. Mr. President, I want to say the following about the authors from the standpoint of putting a biographical sketch of the authors in the RECORD:

AUTHORS

Thomas C. Enright has been Executive Secretary and General Counsel of the Oregon State Employees Association since December, 1963. A 1952 graduate of Willamette University (Salem, Oregon) College of Law, he has engaged in private law practice, during which time he was a Special Assistant Attorney General retained by the State Labor Elections Division, and, in 1954, spent a year in Washington, D.C., on the staff of U.S. Senator WAYNE MORSE. From 1957–1963 he was a trial lawyer and legislative specialist as an Assistant Attorney General assigned to the State Industrial Accident Commission.

Harold W. Adams, Jr., is OSEA Director of Law and Legislation. He is an Assistant Attorney General, assigned to the State Compensation Insurance Department. After graduation from Willamette University College of Law in 1949, he was an intern in the U.S. State Department in Washington, D.C., during which time he was assigned to the office of Senator MORSE. He was Chief Rulings Attorney for the U.S. Wage Stabilization Board in Detroit in 1952, and after his return to Oregon in 1953, engaged in a private specialized practice and was the first counsel assigned to both the State Labor Elections Division and the Labor-Management Relations Board.

Mr. President, I am proud of the work of these two very able lawyers in the preparation of this report dealing with the problem of collective bargaining in regard to State employees.

I have scanned the report. I shall study it in depth. However, my scanning of the report satisfies me that it is a very valuable document and well worthy of the consideration of the Senate Committee on Labor and Public Welfare come January.

That is why I have welcomed this opportunity to make the report a part of the permanent RECORD of the U.S. Senate.

COLLECTIVE BARGAINING IN STATE EMPLOYMENT—OREGON'S EXPERIENCE

(Prepared as a report to the Annual Meeting of the Assembly of Governmental Employees (AGE) in Washington, D.C., October 23–24, 1966, by Thomas C. Enright, Harold W. Adams, Jr.)

AUTHORS

Thomas C. Enright has been Executive Secretary and General Counsel of the Oregon State Employees Association since December, 1963. A 1952 graduate of Willamette University (Salem, Oregon) College of Law, he has engaged in private law practice, during which time he was a Special Assistant Attorney General retained by the State Labor Elections Division, and, in 1954, spent a year in Washington, D.C., on the staff of U.S. Senator WAYNE MORSE. From 1957–1963 he was a trial lawyer and legislative specialist as an Assistant Attorney General assigned to the State Industrial Accident Commission.

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INTRODUCTION

As long ago as 1949, the respected Commission on Organization of the Executive Branch of the Government, popularly known as the first Hoover Commission, recommended in its report that *"the heads of departments and agencies should be required to provide for the positive participation of employees in the formulation and improvement of* the Federal *personnel policies and practices"*. (Emphasis supplied).

In the opinion of those of us in the Oregon State Employees Association, who were early among independent public employee associations to accept collective bargaining; who secured legislation to provide procedures to put it into practice; and who are now engaged in formal representation relationships with state employers, the principle stated by the Hoover Commission some 17 years ago is the essence of the "new" institution of collective bargaining in public service.

If one were able to approach each of the employee opponents of public employment collective bargaining and ask him whether or not he feels that public employees should have a say in the decisions which affect their employment destinies, it is likely that most of them would agree that employees should have such a right. Yet when one uses the "foreign" private-industry term "collective bargaining" to describe the desired employee-employer relationship, a negative reaction is frequently encountered.

It is interesting to note that in President Kennedy's Executive Order No. 10988 of January 17, 1962, the order which established collective bargaining in the Federal service and which serves as a model for many other public jurisdictions, the term "collective bargaining" is never used. All of the other essential terms are there—"appropriate unit", "exclusive recognition", "negotiated agreements", "fair labor practices" and the like—but the words "collective bargaining" are strangely missing.

It is our opinion that the time has come for public employee associations and public administrators to look behind the words and see what we are talking about when we speak of collective bargaining in the public service. Maybe it isn't so bad; maybe it isn't inconsistent with civil service. We in OSEA feel that it is not necessarily either bad or in conflict with merit system principles. It depends upon how you look at it and what you do with it.

Many of those who oppose collective bargaining in the public service seem to jump quickly to some rather far conclusions. The term is hardly mentioned before the discussion is turned to strikes, closed shops, union hiring halls, then on to labor organization graft, Jimmy Hoffa, labor dictatorship and similar irrelevancies. It is true that some of the "militant" union proponents of public service collective bargaining advocate that it take the place of civil service; that "union shops" in public employing entities be allowed; that strikes in the public sector be tolerated. But does this mean that public service collective bargaining must take such a course? Can we not assume that enlightened public employees can steer it on a course more reasonable and constructive?

It would be naive not to recognize that some unions who have pushed public collective bargaining legislation see it and attempt to use it as a means to secure entry into the public employment field to seek membership to replace losses they have suffered from automation and for other reasons, by claiming to employees that they must turn to these unions to conduct collective bargaining for them. But must it be assumed that the labor unions are the ones most equipped and qualified to make use of collective bargaining procedures? Is it not reasonable to assume that the organizations already in the field, the people who best understand the nature and structure of government, with all its differences from private industry, who know the aspirations and needs of public employees and the ways to solve their problems, can do the best job of collective bargaining?

It may be that some opponents of public service collective bargaining do not agree with the Hoover Commission that public employers should be "required to provide for the positive participation of employees in the formulation and improvement" of personnel policies and practices. Some may be satisfied with the employer's extension of courtesy to the employee organization to comment or make suggestions, with no guarantee that the organization's recommendations be given serious consideration. There are others of us, however, who are not satisfied with the "hat in hand" type of employee representation. We think employees have a right to be heard and their recommendations considered in good faith. We also think that the quality of public administration will be improved once the employer gets used to listening to the employees' viewpoint and working cooperatively towards solution of employment relations problems.

We in OSEA see collective bargaining as "another string in our bow," another tool to use in better representing employees. It will not replace the functions we have performed in the past. It will augment them. We feel that by getting in on the "ground floor" we can influence the course collective bargaining will take in our state, and make it something which will be of real benefit to state employees.

In a number of states the percentage of membership of state employees in the independent associations exceeds our 60-odd per cent. These associations should have no trouble, once they have decided that collective bargaining is "here to stay" (a conclusion which in the light of developments all over the country we find inescapable) and that it behooves them to get into it, to preempt the representation field by engaging in elections and becoming certified as the exclusive representative of the employees in the various state agencies. If they do this, they can control the course that collective bargaining will take. If they do not, they may find outside groups coming in to fill the collective bargaining vacuum and make it the thing they have feared it might be.

We have found that there are few good books and few reliable research sources regarding collective bargaining in public employment, other than the few mentioned in the material which follows. Most of the "conferences" on public employment collective bargaining which we have observed so far appear to be either cases of "the blind leading the blind" or people qualified in private industry labor relations feeling their way in an unfamiliar field. In the following material we will attempt to outline some of the history and problems which we have experienced and suggest some possible approaches and solutions. By no means, however, are we attempting to advance ourselves as authorities, for we too are still only feeling our way.

LEGISLATIVE HISTORY

Oregon's public employment collective bargaining law was enacted in 1963. (Copy of Law, Appendix 1). Originally it applied to all employees of public employers, the latter defined as "the state, county or city or any political subdivision or agency thereof." In 1965 the school teachers secured an amendment that the law shall not apply to "certificated public school personnel." Teachers are now represented under a special "professional consultation" procedure.

A certain amount of confusion exists regarding legislative intent in exacting the law. There were some legislators who wanted collective bargaining in all areas of public employment. Many say, however, that they voted for the bill on the understanding that it would apply only in some of the special districts and towns where local officials desired to have the authority to bargain with some of the craft unions, and that their intention was to provide for collective bargaining only on a "permissive" basis. The law provides that public employees "have the right to form, join and participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining . . ." and "public employers shall have the right to enter into collective bargaining agreements . . .". There is no language in the statute expressly requiring anybody to bargain.

The lack in the statute of any procedure for the selection of collective bargaining representatives and the failure to delegate authority to any agency to promulgate procedures, plus common acceptance of the idea that the statute was only "permissive" resulted in little activity under the law for the next two years. Under the pressure of labor leaders, especially from the Teamsters Union, the Governor for some time considered the issuance of an executive order which would have provided collective bargaining procedures, going so far as to circulate a rough draft of a proposed order among state administators and employee orgnizations. Legal questions regarding the authority of the Governor to issue such an order, lack of a budget to implement it, and probably the opposition encountered among administrations and personnelists, resulted in the proposal being shelved.

As the 1965 legislative session approached, thinking in the Oregon State Employees Association began to jell in favor of getting into collective bargaining. The 1964 OSEA General Council gave direction to the association's Law and Legislation Committee to "study the matter of collective bargaining for state employees, and, if it is found necessary, to prepare amendments to ORS 243.710 to 243.760 which will provide for a workable system of employee representation in Oregon state government." (See OSEA "Position Paper" adopted by Board of Directors, Appendix 2). The committee subsequently drafted and had introduced in the legislature House Bill 1688, which had the effect of giving the State Civil Service Commission the authority to "establish, by rule, procedures for the selection and certification of the collective bargaining representative of the classified employees . . .".

The members of the 1965 Oregon Legislative Assembly, especially in the conservative-controlled Senate, were not expected to be especially friendly towards collective bargaining in public employment. In fact, movements were afoot, mainly among the school teachers and their friends, to launch a campaign for repeal of the 1963 law. To minimize controversy regarding collective bargaining, OSEA's bill did not attempt to deal with the substance of bargaining and confined itself to conferring authority upon those bodies which administered civil service systems to adopt procedural rules governing selection and certification of bargaining representatives. Counties, cities and districts which do not have civil service systems were therefore left out of the application of the bill's provisions, a matter which it was expected would be taken care of by persons from these groups by amendments offered when the bill received public hearings.

At the House of Representatives committee hearings on HB 1688, the Executive Secretary of OSEA stated for the first time publicly that it was the association's opinion that the 1963 law was not merely permissive; that collective bargaining in public employment was now mandatory in Oregon and procedures were neded to avoid further delay and confusion. Nobody appeared to oppose or amend the bill, and it quickly received committee approval and a favorable vote in the House. The opposition votes came mainly from representatives close to organized labor who favored a bill which the United Labor Lobby had introduced in the Senate, and a handful who were opposed to collective bargaining legislation of any kind.

The going was much rougher in the Senate. Labor's public employment collective bargaining bill, a lengthy document which went into great detail on matters such as unfair labor practices, good faith, etc., and which placed supervision of bargaining under the Labor Commissioner, received one hearing and was promptly shelved. It was at this hearing that the Oregon Civil Service Director stated the opposition of the Civil Service Commission to collective bargaining in state employment. OSEA's House-passed bill was not set for hearing and probably would not have received any further attention had it not been for an Attorney General's opinion solicited by a friendly legislator at the request of the association's Director of Law and Legislation.

On April 28, 1965, the Attorney General of Oregon issued an opinion that public employees had a "duty" to "meet at reasonable times and to bargain and negotiate over meaningful goals with organizations representing their public employes." (Copy of opinion, Appendix 3). In the closing days of the legislative session, with the Attorney General's opinion pointing the need for at least minimum procedural rules, and without any public hearing, OSEA's bill received committee approval and on May 4 passed the Senate by a 27–0 vote.

The State Civil Service Commission, still opposed to collective bargaining in state employment and apparently reluctant to accept the duties given to it by HB 1688, at its next meeting discussed the possibility of urging the Governor to veto the bill. However, it finally contented itself with raising with the Governor's legal advisor a question of the constitutionality of the proposed law.

It was at this point that the Political Education Director of the AFL–CIO accompanied OSEA's Executive Secretary on a visit to the Governor's office to urge that the bill not be vetoed, a matter of which OSEA made capital some months later when the same union executive filed suit in behalf of the AFL–CIO in an unsuccessful attempt to have the 1965 statute declared unconstitutional.

The Civil Service Commission, regardless of its previous opinions, shortly after the legislature adjourned went to work at drawing rules governing the selection and certification of collective bargaining representatives. Representatives of OSEA and the labor unions expressed a willingness to work together and with administrators and personnelists on rule proposals, however the Commission decided to draw the rules, then ask for comment at public hearings. After a series of hearings, some of a somewhat stormy nature, the Commission on December 16, 1965, adopted its rules, effective February 1, 1966, and collective bargaining in Oregon state employment was on its way.

OREGON COLLECTIVE BARGAINING LAW: DISCUSSION

(For copy of law, see appendix 1)

Born in uncertainty and amended under stress, the Oregon public employment collective bargaining statute is far from a model law.

Its basic provisions stated a public policy in favor of public employment collective bargaining and, according to the opinion of the Attorney General, a duty of public employers to bargain. But, outside of one section regarding mediation by the State Labor Conciliator (ORS 243.730) it provided little regarding the substance of collective bargaining or the means to effectuate it. The term "collective bargaining" is not even defined in the law.

Concerned primarily with providing a procedure for democratic selection of bargaining representatives and keeping collective bargaining compatible with civil service, the OSEA sponsors of the 1965 amendment (ORS 243.780), for reasons discussed in the previous section, provided in their bill only that boards or commissions which administered civil service systems were required to establish procedures for the selection and certification of bargaining representatives of classified employees.

Because these are areas of government in Oregon who do not have civil service systems, large numbers of state employees are in the "unclassified" category, and there may be a necessity for procedures short of the courts to enforce bargaining duties or to settle differences between employers and employees or between competing organizations, it can be expected that there will be a considerable amount of legislation on this subject proposed in future sessions of the legislature.

*Bargainable items*

Section 243.710, which defines "employment relations" matters subject to agreement as including, but not limited to, "wages, salaries, hours, vacations, sick leave, holiday pay and grievance procedures" is not to be taken to mean that all or any of these items are bargainable in state employment or even in all of the subdivisions of the state.

Whether the sponsors of the original law really were thinking of its application only in special districts, as some legislators state their understanding of the intent to have been, or whether it displays a lack of understanding of the workings of state government, which is quite possible, the fact remains that most of the above items cannot be bargained about directly by an employer and the representative of his (etc.) employees in state employment. This is because the legislature has either retained authority over those matters or delegated the power to make decisions regarding them to certain bodies of the state government.

An example is the matter of salaries: In state government salaries are set by a compensation plan evolved by the Civil Service Department, approved by the Department of Finance and Administration and the Governor, and funded by the legislature. The most that an individual state employer and the representative of his employees could do would be to agree to jointly recommend and support certain salary recommendations. Such an agreement would not be without significance, but is much different from the case of a school district, for instance, where the school board and the representative of the classified employees could make a binding agreement that salaries would be in certain amounts, subject only to availability of funds.

The matter of what can be bargained for will be touched upon again in the discussion of OSEA's proposed basic collective bargaining agreement which has been tendered to state administrators.

*Who can represent employees?*

Oregon's definition of "labor organization" (Section 243.710) has been interpreted to include all kinds of organizations, not only the independent employee associations and unions but also professional groups, the requirement being only that the organization "has as one of its primary purposes representing such employees in their employment relations with the public employer." (Emphasis supplied).

No attempt was made, as may have been the case in some other states, to "define away" the rights of the independent associations to represent employees, nor was it necessary for OSEA to ask for legislation, as some associations apparently had to do in other states, to spell out that the association could represent employees in collective bargaining. An interesting side light was the attempt by the unions, in the legislation in Congress which was introduced before the issuance of President Kennedy's executive order, to keep the independent groups out of bargaining in the Federal service by limiting representation rights to "unions of government employees", defined in the bill to mean only national organizations or their affiliates.

The top executive of the AFL–CIO who testified at the Oregon Civil Service Commission's hearings on its proposed collective bargaining rules raised the familiar question about the right of OSEA to represent employees because it included "supervisory" personnel in its membership. In response to his demands (joined in by an OSEA representative) the Commission solicited an opinion of the Attorney General on the question of whether OSEA could represent employees under the law. The answer was little more than a curt "yes".

Just to make certain there would be no question of its eligibility to represent employees in collective bargaining, OSEA, shortly after the passage of the 1963 statute, amended its Constitution to state in its preamble that one of its primary purposes was to represent state employees in their employment relations with their employer, and to include a provision that if at any time a competent tribunal or court finds that OSEA is not eligible to represent employees because of the active membership of managerial employees, such employees will be shifted automatically to associate membership.

*Mediation*

The only section of the original law which dealt with the actual bargaining procedure was Section 243.750, which provides that if the public employer and the labor organization cannot agree on terms for collective bargaining, the State Conciliation Service may be called upon and the parties may meet for mediation purposes with a person designated by the Labor Conciliator. It is unknown at this time what use may be made of this section, but its use probably would be preferable to going straight to court with a mandamus proceeding to enforce the legal duty of a reluctant employer to bargain.

*Strikes*

It is to be noted that Section 243.760, prohibiting strikes or recognition of picket lines by employees while in the performance of official duties does not provide a penalty against either the employee or his organization. OSEA's Constitution prohibits strikes. While organized labor tolerated this section in its 1963 bill, a resolution adopted by this year's AFL–CIO convention calls for legislation to remove prohibitions against public employee strikes except in cases of firemen and policemen.

*Employees not covered by 243.780 procedures*

The fact that Section 243.780 does not require the state to provide procedures for the selection and certification of bargaining representatives of unclassified employees, nor are the subdivisions of government who do not have civil service systems required to adopt rules establishing such procedures for their employees, does not take away from the employees the right to be represented in collective bargaining. A number of school districts, who do not have civil service systems, are in the process of adopting recognition procedures by school board resolution, and it is expected that even without further legislation, most cities, counties and special districts will eventually take similar action.

COLLECTIVE BARGAINING REPRESENTATION RULES: DISCUSSION

(For copy of rules, see appendix 4)

The Civil Service Commission representation rules were drawn with care and adopted only after all points of view regarding them had been heard. Their shortcomings can be attributed mainly to a lack of practical experience with collective bargaining and the absence of legislative direction or examples from other states to guide their framers. It is hoped that this discussion will show how the representation procedure works, and at the same time describe some of the problems which can be incurred, with an eye towards helping others to avoid similar pitfalls.

*Parties to bargaining*

It was agreed early that bargaining in state employment would be on an agency by agency basis, with the bargaining taking place between the "appointing authority" of an agency and the employees serving under him. This decision may appear obvious, but it was not so to the many people who in the beginning questioned whether bargaining would be with the Governor's office, the Board of Control, Civil Service, or some other body. Problems may arise where the appointing authority has some other body of authority over him, and, in rare cases, where it is difficult to determine from the laws creating an agency, just who is the appointing authority.

The collective bargaining law provides in ORS 243.740 that "public employers shall have the right to enter into collective bargaining agreements with labor organizations". The rules do not repeat the statutory definition of "labor organization". Rule 98–200 states that a collective bargaining representative may be "a person, a group, an organization or a council of organizations". This conferring of the representation right upon "a person" or "a group" appears highly questionable, but it is doubtful that an occasion will arise to test its validity.

*Bargaining unit*

Before an organization to represent employees (bargaining representative) can be selected, it is necessary to determine the group to be represented (bargaining unit). Whether there will be only one unit in an agency or a number of units has much to do with who will represent the employees, so it is in connection with this determination that most controversy develops.

The first draft of Rule 98–100 provided that all the employees in an agency would be represented in one "total agency unit". Opposition to this proposal came mainly from professional and semi-professional organizations and craft unions, none of whom were in a position to represent all of the employees of an agency. It appeared at first that at least some of the professionals mainly desired to be left out of collective bargaining, and consideration was given to a possible provision similar to that contained in Federal Executive Order 10988, where professionals are excluded from bargaining units unless the majority of them vote to participate. The position of the professionals developed, however, into a demand for representation in separate units.

OSEA took the position that while it favored the total agency unit concept, and there was much precedent in private industry for a single unit in a plant, it would not object if separate units were established on valid professional or skilled craft grounds. It warned against opening the door to a multiplicity of units the only reason for which was a pocket of membership in some organization in the proposed unit. The rule finally adopted by the Commission allows the appointing authority "initially' to consider requests (presumably from employee groups but not so specified) for separate units and authorize them "if justified by professional, geographical, organizational unit or other considerations affecting employment relations." The rule has been criticized for furnishing a very loose guideline as to what kind of units may be created. It provides for an appeal of the appointing authority's determination to the Civil Service Commission by affected employees or the representatives.

A document which may be of interest to some readers is an agreement executed between OSEA and the Association of Engineering Employees of Oregon (See Appendix 5), in which after the engineering group had been granted a separate unit of "engineering and allied" employees, the two associations agreed to jointly represent the employees, AEE primarily responsible on professional matters and OSEA on non-professional subjects.

As will be observed in a tabulation of election results included in the appendix (Appendix 6), about a dozen separate units have been created and elections held within them. A few more have been authorized but petitions for elections have not been filed. The small number authorized is not the result of employer refusals but because the em-

ployees in most agencies have preferred to be represented in the unit. In the few cases where a request for a separate unit has been denied and an appeal filed, the Civil Service Commission in each instance has overruled the appointing authority and allowed the unit. OSEA has not contested the authorization of any of the special units.

The American Federation of State, County and Municipal Employees (AFSCME) requested authorization of 11 separate units in which it had strong membership, totalling about 300 employees at the University of Oregon Medical School. The appointing authority refused all of the requests but one and suggested that the union request a unit made up of the employees covered by the other ten requests, plus about 100 employees in related work. The union, which had more members in the proposed unit than any other organization (about half of the employees belong to no organization) made the request and it was granted. OSEA petitioned for a place on the ballot in the representation election and, in a hotly contested election, defeated the union by a 145–107 margin and was certified as representative of all 400 employees, a graphic illustration of the importance of the unit determination.

The day before the Commission rules went into effect, the Oregon State AFL–CIO filed a suit in Circuit Court, asking that the 1965 statute giving the Civil Service Commission the authority to adopt the rules be declared unconstitutional or that the rules be declared invalid on the ground that they were "arbitrary, unreasonable and unfair". OSEA entered the suit as an intervenor to defend the law. A panel of three judges dismissed the suit on the ground that it did not state a "justiciable controversy," holding in effect that the unions could not sue until they had been hurt. One of the judges commented from the bench that he had no doubt that the statute was constitutional.

The significance of the AFL–CIO suit with regard to the rules is that its main attack was on the provision that gave the appointing authority the power to authorize a separate unit only "initially." The labor groups argued that the rule creates a situation in which because an organization which has been certified as representative of all the employees continues as representative until the majority of the employees in the agency vote for decertification, a craft organization which has not obtained a separate unit in the beginning stands little chance of ever getting one.

It can be expected that this provision will be tested sometime after OSEA has been certified as total agency representative in an agency for a year (the time for which a certified organization is guaranteed recognition under Rule 98–500) and a craft union seeks to represent employees in a separate unit. It is repeated, however, that in private industry there are many cases where an industrial union represents all the employees in a plant and the craft unions cannot get into the picture, even to represent their own members.

*Employees excluded from unit*

It is reasonable that only regular employees should be included in bargaining units, and that a limited number of top management employees should be kept out of bargaining units for the purpose of assisting the appointing authority to carry out his bargaining responsibilities. This appeared to be the intent of section 2 of Rule 98–100. The rule allows the appointing authority to exclude from the bargaining unit "management and supervisory employees designated by the appointing authority to represent, assist or advise him in collective negotiations." (One of the idiosyncracies of the rules is the refusal of the Commission to use the word "bargaining", preferring the term "negotiating," even though the law refers to "collective bargaining".)

Most appointing authorities have been reasonable in the number of employees they have designated to "represent, advise or assist" them. Some, however, no doubt influenced by the private industry practice of excluding "supervisory" employees from bargaining units, placed their whole emphasis on the words "management and supervisory employees" in the rule and designated extreme numbers of employees for exclusion. Based on this experience, it is our recommendation that any rule dealing with exclusion on "supervisory" grounds be considered carefully, because the nature of supervision in public employment differs so much from private industry. As stated by N.Y.U. Professor Sterling D. Spero in a consultant's memo to the U.S. Department of Labor and the American Federation of Government Employees (AFL–CIO), a memo the conclusions of which were quoted with approval by the union to the U.S. Civil Service Commission in an argument over a suggestion by the latter that all supervisors be excluded from the union's units, it is necessary in government "to distinguish between the roles of true managerial officials and supervisory employees who do not really exercise managerial authority."

Rule 98–100 (3) provides that "an employee may appeal to the director regarding his exclusion from a unit". No provision for an appeal by the representative of employees is included. When excessive exclusion lists were posted, OSEA took the position that an individual should not be required to enter into conflict with management over his exclusion from a bargaining unit, that even though the rules provided for no appeal by the employee organization, it had an implied right to protect the integrity of the unit in which employees had petitioned for it to represent them. Although the Civil Service Commission refused to entertain a formal appeal by the association, it ordered investigations of the complained of exclusions, with the result that most of the appointing authorities were persuaded to shorten their exclusion lists.

Rather than go to court to prove its point in the cases where the employees refused to change their exclusions, OSEA has decided to make the matter of who is to remain excluded the subject of collective bargaining with the particular employers after its elections as bargaining representative of their employees. In one case, where the employer excluded around 25% of the employees, a request is in process for a separate "supervisor unit" made up of excluded employees, to be represented by OSEA.

*Petition for elections*

An organization may be certified as the representative of employees only after winning an election in which the ballot contains the choice between one or more organizations or "no representation". In order for an organization to initiate an election, it must file a petition containing the signatures of 30% of the employees in the proposed bargaining unit. (Rule 98–200). Other organizations may gain a place on the ballot with petitions bearing the signatures of 10%. (Rule 98–300).

Ordinarily the number of signatures required is not difficult to obtain, but real difficulty can be encountered and considerable work and expense be involved in a large department such as Highways, which has most of its thousands of employees employed in the field all over the state. Of advantage to the organization is the fact that when 30% or more of the employees have signed a petition stating that they desire to be represented by the organization, there is usually no need for a great deal of additional "campaigning" before the election.

Under the Commission's rules, an organization desiring to represent employees in a total agency unit has only the petition to Civil Service for the election to complete. An organization seeking to represent employees in a less than total agency unit must first request and secure authorization of the separate unit from the appointing authority, then secure the necessary number of signatures on a petition and file it with Civil Service.

Although an additional candidate is required to file its petition at least 15 days before a scheduled election, a serious deficiency in the rules was the failure to provide a time limit within which an organization seeking a separate unit must file its request with the appointing authority. This has resulted in some cases in separate units being allowed and the employees in these groups not being informed that they could not vote in the "main unit" election until they showed up at the polls. The most difficult situation arose when in a case involving Department of Agriculture employees, the International Longshoremen's and Warehousemen's Union wrote a letter to the Civil Service Department requesting information regarding how it could qualify to represent certain employees who worked alongside longshoremen as inspectors on grain ships. The letter was received on the last working day before the voting at the polls, and several days after mail ballots had been sent out to employees in the field and many of them marked and returned.

The Civil Service staff advised the union by phone that a request might be timely if filed with the Director of Agriculture that day. The ILWU failed to get in the request until after balloting had started on election day. OSEA won the election by a vote of 183–16. Nevertheless the Commission at its next meeting set aside the election and ordered the Director of Agriculture to rule on the union's unit request. The association immediately went to circuit court in a mandamus proceeding against the commissioners and Civil Service director. The court subsequently ordered the Commission and the director of its department to certify OSEA as bargaining representatives of all of the classified Department of Agriculture employees.

*Recognition of representatives*

When a candidate for representative has received a majority of the votes cast in an election, that organization is entitled to be certified as the representative of the employees in the unit. Rule 98–500 provides that such recognition will remain in effect for at least 12 months, unless the Commission for an undefined "proper cause" calls for a new election. After 12 months, on petition of 30% of the employees in the unit, a decertification election may be held. The election would be only on the question of continuing or discontinuing the present representation. If the vote were to be for discontinuance of the representation, presumably the situation in the agency would revert to its original status and requests for separate units or petitions for elections could again be filed.

*Other matters*

Although not specifically directed or authorized by statute to do so, the Commission adopted Rule 98–700 regarding good faith "negotiations", and 98–800 providing for written agreements. The authority to adopt these rules may be implied in the general authority to "establish for the state a system of personnel administration based on merit principles and scientific methods, governing . . . incidents of state employment". Perhaps future legislation will clarify this point.

REPRESENTATION ELECTIONS

Immediately after the effective date of the rules, and even though the AFL–CIO suit to invalidate the rules was pending in court, OSEA began to circulate petitions for representation elections. Priority was given to agencies where association membership was high, especially to the care institutions where membership was good but union activity is most likely to arise. In most cases the petitions were circulated by members among their fellow employees, but in agencies where large numbers of employees were situated in the field, an individual petition on a prepaid return postcard was sent to each OSEA member working away from agency headquarters. Even when sufficient signatures could be secured on group petitions circulated at the main office, cards were sent to field employees under a policy that all members of the association should be involved at every stage of the election process.

Despite months of discussion at chapter meetings and extensive educational material in the association newspaper, it could not be assumed that the majority of state employees were *fully* convinced in favor of collective bargaining. It was anticipated that most elections would be simply a choice between OSEA and "no representation", but that they would be a plebescite on collective bargaining. This made it important that decisive winning margins be secured in all elections.

Although in many cases more than 50% of the employees of the agency had signed petitions stating that they wanted to be represented by OSEA, nothing was taken for granted. Staff members worked overtime contracting employees, and special mailings stressing the reasons why they should turn out with a large vote for OSEA were sent to each member a few days before elections. A "vote OSEA today" poster on every bulletin board served as a final reminder of the election.

In the earlier elections supervised by Civil Service ballot boxes were used, with mail ballots sent to employees in the field. When it was shown that as many or more employees voted when furnished with mail ballots, voting by mail was adopted as the general practice in all elections.

As will be observed in the tabulation of election results to date (Appendix 5), OSEA has lost no elections and has so far won certification in 36 agencies. In all except one, the U of O Medical School, the election was for a total agency unit, although in a few instances there were small separate units carved out of the total unit. Two of the elections were contests with the American Federation of State, County and Municipal Employees (AFSCME AFL–CIO) at their only two state strongholds, the Oregon State Hospital and the U of O Medical School, with OSEA winning both elections, by votes of 316–116 and 145–107 respectively. An interesting sidelight is that in election after election, about 65% of the eligible employees voted, with OSEA receiving the vote of about 60% of the eligible employees and 5% voting for "no representation".

Petitions are now being circulated in a number more agencies, including the largest department, Highways, where there are two bargaining units, the "engineering and allied" unit and the general unit. It is assumed that it will take until the spring of 1967 before the association has been certified as representative in all of the state agencies.

COLLECTIVE BARGAINING PROCEDURE

Before the representation elections were held, the Board of Directors of OSEA, in a policy statement given wide circulation among employees, made it clear that "representation by OSEA implies representation by the state association and its staff, in cooperation with the chapter and district organizations." An "Employment Relations Committee" was created, composed of two Board members, the Director of Civil Service and the Director of Law and Legislation, and three other members of the association, to make tactical decisions regarding elections and to coordinate all of the activities of the association regarding collective bargaining.

The following material taken from a "Summary of Collective Bargaining Procedures" sent to all chapter officers may best illustrate the questions which were faced and the manner in which representation will be organized.

"Because OSEA chapters in most cases are organized along lines different from the bargaining units, and because employees who will not be members of bargaining units (unclassified and "excluded" employees) are entitled to chapter membership, the role of the chapter in collective bargaining will be limited. The local organization of employees for collective bargaining purposes will be a new structure of "Collective Bargaining Representatives" and a "Collective Bargaining Council", made up of OSEA members within the bargaining unit and working with the state association and its staff on the representation of employees.

*Role of the chapter*

Collective bargaining is a new and important activity of the association, but it will be in addition to and not in place of the traditional functions of OSEA and its chapters. There will be no diminishment of the need for vigorous chapter organizations to carry on the legislative, political, social, educational and economic programs of the type they have carried on so successfully in the past. The chapter, through the association's General Council delegate system, will continue to be the basic policymaking unit of the association, guiding its activities through the resolutions which the delegates adopt and the officers whom they elect.

Chapters will be asked to assist in the initial selection of "Collective Bargaining Representatives." As collective bargaining progresses they can be expected to perform valuable functions as a sounding board for employee opinion and a forum for the exchange of general collective bargaining information.

*Collective bargaining representatives*

The foundation for democratic representation of employees will be a system of Collective Bargaining Representatives in every work area within the bargaining unit. Similar to the "shop stewards" in private industry labor representation, the Representatives will be the immediate contacts for employees who are seeking information on collective bargaining developments or who wish to make suggestions or recommendations for the consideration of the Collective Bargaining Council. They will be the "eyes and ears" of the association to secure information about work conditions and personnel administration of concern to employees in the unit, as well as to determine the attitude or desires of employees on particular subjects. Although they will not be expected to handle grievances, they should be prepared to advise employees regarding grievance procedures or other means to secure solutions to their employment problems.

The first groups of Representatives will be appointed after consultation with the chapters and approval by the Employment Relations Committee of the association. It is expected that thereafter the Representatives will be selected by means of elections among employees in the work areas.

Representatives will not be expected to hold regular meetings, although meetings may be held from time to time to elect the members of the Collective Bargaining Council or to determine employee attitude on a controversial matter of general interest to employees in the unit.

*Collective bargaining council*

In each bargaining unit there will be established a Collective Bargaining Council of from three to fifteen members, depending upon the size of the unit, which will meet at regular intervals to consider employment relations problems and employee suggestions and recommendations conveyed to it by the Representatives. The Council will serve as an advisory body to the Negotiating Team, and its members may be members of the team.

Each member of the Council will be given the responsibility of supervising a number of Representatives, who will report to the Council member any pertinent information received from employees in the unit. OSEA's proposed basic collective bargaining agreement calls for the Council being able to meet during duty hours for a limited period each month, although it is not known yet what type of agreement can be obtained on this point.

The members of the Council will elect a Chairman and Secretary from among themselves. Reasonable expenses for the conduct of their business, as well as necessary clerical and research assistance will be provided by OSEA.

*Negotiating team*

A survey taken among members and chapter leaders shortly after the promulgation of the collective bargaining rules showed that the great majority felt that, at least in the early stages of formal bargaining, negotiations should be handled by the professional staff of the association. This was primarily for three reasons: (1) need for uniformity, both as to subject matter and procedures, in the various agencies; (2) need for representation by persons experienced in dealing with state officials and trained regarding collective bargaining principles and practices; and (3) effectiveness of an independent person dealing with the employer, as compared to employees negotiating with persons having authority over them.

In the great majority of cases, bargaining will be handled by Negotiating Teams headed by a staff member but including employees selected from among or by the members of the Collective Bargaining Council or the association's Employment Relations Committee. Where practicable, the teams may be made up of employees in the bargaining unit. It is expected that as collective bargaining practices become established and employees gain experience on the Negotiating Teams, a greater part of the collective bargaining responsiblity will be assumed by employee members of the bargaining unit.

The basic contracts with employers will specify the number of members on Employer and Association negotiating teams. The proposed standard contract provides for five persons on each team, with appropriate consultants or advisors allowed to be present. Negotiating sessions generally will be held during duty hours. Necessary expenses and clerical and research assistance for the employee Negotiating Teams will be furnished by the association.

BASIC COLLECTIVE BARGAINING CONTRACT

(For copy of proposed contract, see appendix 7)

The first step in the collective bargaining relationship with the state employees is the tendering of a "ground rules" agreement to the appointing authority in each agency in which OSEA has been certified as collective bargaining representative. Before the proposed contract was adopted, it was discussed with some of more knowledgeable people in state government on the subject of collective bargaining, and after the adoption and

before its presentation to the appointing authorities, it was discussed at meetings of the State Personnel Officers Association and the State Department of Justice Bar Association (where membership is all of the state attorneys), because it was expected that the appointing authorities would rely heavily upon the personnelists and state lawyers to advise them.

The proposed contract seeks to "break the ice" and establish the bargaining relationship between the association and the employer. As will be observed in the copy included in the appendix, it does not deal specifically with specific employment relations subjects. Article XI of the proposed contract accentuates that this is a basic agreement which is expected to be amended or supplemented from time to time as specific matters are negotiated.

At the time this report was prepared, no contracts have yet been entered into, although a few appointing authorities had indicated that they were willing to execute it after some minor adjustments were made. It is expected that with some of the agencies it will take some time before agreement can be reached. This is understandable because of the newness of the subject and the reluctance of officials to commit themselves until they are very sure of their ground. In a minority of cases there still remains opposition to the whole subject of collective bargaining and a certain amount of suspicion and resentment concerning it.

Those who are familiar with the contracts entered into initially in the Federal service will note that our purpose is very similar to those executed between the government agencies and the associations and unions. An article prepared for the August, 1965, issue of the Monthly Labor Review of the U.S. Department of Labor and included in Vol. 102 of the Government Employ a Relations Report, a weekly newsletter published by the Bureau of National Affairs, stated regarding the 209 agreements entered into in the Federal service up to the late summer of 1964 that, in general, it took from 4 to 9 months after the date of granting exclusive recognition to reach an agreement, in some cases taking as few as 3 months and in some as many as 19. As we break ground in Oregon state service we probably cannot expect substantially speedier acceptance.

The proposed contract has attempted to hold to a minimum the points of real controversy, it being our feeling that at this point the important thing is to get employers and the employee representation used to working together. At the same time we have included those things which are necessary to a meaningful relationship. The following material will briefly discuss some of the significant features of the proposal.

Article II: One of the most important aspects of "exclusive representation" is touched upon in this article and in articles VIII and X. This is the understanding that in being recognized as the exclusive representative of the employees in a unit, the association accepts the responsibility of representing all the employees, members and nonmembers of the association alike.

This of course is one of the least palatable aspects for employee organizations in such an arrangement and leads many of them to support the idea of the "union shop", or at least the "agency shop", because the idea of the non-member as a "free rider" receiving the same benefits as members is hard to accept. However, the responsibility of the exclusive representative to represent all employees alike was well settled in private industry in the Federal case of *Hughes Tool Co.* v. *NLRB*, 147 F2d 69 (1945), and can be expected to apply in public service as well.

It might be noted that in OSEA's procedure as outlined in the preceding section of this report, only association members are eligible to be collective bargaining representatives or serve on the employee councils or negotiating teams, and of course nonmembers are not extended such other association membership as participation in group insurance programs, so most of the main incentives for being a member still remain.

Article IV: The main provisions of this section are stated in the Federal executive order (10988) and are a part of all the Federal service contracts. They state the employer prerogatives with regard to firing, hiring, controlling work operations, etc., and are included to reassure employers that these rights are not being taken away from him by collective bargaining. It is important to realize, however, that the employer can agree not to exercise some of his prerogatives, or to agree to certain restrictions on his manner of exercising them.

Article V: Section 1 of this article includes a listing of some of the many items which can be bargained for in the state service, even after taking into consideration the limitations referred to in Article III, which recognizes that the legislature has seen fit to retain authority over certain employment matters or has delegated decision-making authority to state bodies such as the Civil Service Commission.

Article VI: The heart of the principle recommended in the 1949 Hoover Commission report, that government employers should be required to provide for the positive participation of employees in the formulation and implementation of personnel policies and practices, is contained in this and the following article.

One matter that it may be necessary to comment on, is that, for the time being at least, Section 2 of Article VI does not impede the employer from doing any of the things referred to in this section, but only requires him to involve the employee representative notice of the contemplated action. We have advised personnelists and administrators, however, that this is an area which employees may be expected to seek to strengthen in the future.

Article VII: Section 2 of this article is a provision which we have not seen in other contracts but which appeared to be a reasonable proposal to help clarify just what are the personnel practices in the agencies and what can be done to improve it. It has been interesting to note the various reactions to this. They go all the way from the feeling of the agencies that have clearly defined rules that it would be too time-consuming to review them in detail, to those who have little at all in writing and question that they should be required to set down their rules in such a manner that employees will know what they are! This has developed to be one of the most controversial articles, yet it is something which appears basic to any process of negotiating for improved conditions.

Article VIII: Much of what is contained in this article will already have been touched on in the preceding section of this report, on collective bargaining procedures, and in the discussion regarding Article II. In the preliminary discussion of the contract with the personnelists and employers, one of the things which has bothered them has been the idea of employees meeting on "state time" for their bargaining council and negotiating team pre-bargaining activities. They are willing to provide that actual bargaining shall be "on the clock," apparently because they will be part of this and would not expect to do it on their own personal time, but the idea of employees "planning strategy" etc., on state time seems to disturb them very much. One of our staff representatatives recently suggested in a facetious manner to an employer that we would agree to waive this provision if the employer also agreed to do his planning with his subordinates off of state time.

The provisions in the proposed contract state a very small amount of activity of employees to be done on state time, as compared to some contracts we have seen. It is our position that collective bargaining must be recognized as part of the "business of the employer," the idea being that it is no different to allow the employees to perform their duties in this area on state time than to do many other things which are the business of the agency.

Article IX: This article is partly another facet of the foregoing matter regarding what can be done on company time, but it also raises the question of what privileges can be expected by the representative. In some of the Federal contracts we have seen provisions requiring that each new employee be introduced to his "shop steward," the representative organization being given the right to have a speaker address new employee indoctrination sessions, etc. To require that a notice regarding the fact that the association is his official representative be given to each new employee appears to be little to ask. Some personnelists have objected on the ground that this would "favor" one organization over another, but have appeared to understand it after being reminded that we are no longer in the era when all organizations are "equal"—that the election as representatives implies specific privileges as well as responsibilities.

Article X: Many persons still seem to think of collective bargaining only as some sort of a "super grievance procedure". The Federal court does a good job of distinguishing collective bargaining from a grievance procedure in the previously mentioned *Hughes Tool Co.* v. *NLRB* case in a footnote regarding other Federal cases. In *Steele* v. *Louisville and Nashville R.R. Co.*, 65 S. Ct. 226, the court twice likened collective bargaining to legislation, with grievances resembling cases to be decided according to the law.

Quite a few of the Federal contracts contain very complete sections on grievance procedures. In Oregon most departments have fairly satisfactory grievance procedures, because the Civil Service rules require them to establish grievance procedures. It is expected that one of the main matters of negotiating will be the strengthening of these procedures.

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[Oregon Revised Statutes]

APPENDIX I—OREGON PUBLIC EMPLOYEE COLLECTIVE BARGAINING LAW

243.710 Definitions for ORS 243.710 to 243.760. As used in ORS 243.710 to 243.760, unless the context requires otherwise:

(1) "Employment relations" includes, but is not limited to, matters concerning wages, salaries, hours, vacations, sick leave, holiday pay and grievance procedures.

(2) "Labor organization" means any organization which includes public employes and which has as one of its primary purposes representing such employes in their employment relations with the public employer.

(3) "Public employe" means an employe of a public employer.

(4) "Public employer" means the state, county or city or any political subdivision or agency thereof.

243.720. Purpose. It is the purpose of ORS 243.710 to 243.760 to promote the improvement of the relationship between public employers and their employes by providing a uniform basis for recognizing the right of public employes to join labor organizations of their own choosing and to be represented by such organizations in matters concerning their employment relations with public employers.

243.730. Right of public employes to join labor organizations. (1) Public employes have the right to form, join and participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining with their public employer on matters concerning employment relations. (2) Public employers shall not interfere with, intimidate, restrain, coerce or discriminate against public employes because of their exercise of rights under subsection (1) of this section.

243.740. Right of public employer to enter into collective bargaining agreement. Public employers shall have the right to enter into collective bargaining agreements with labor organizations on matters concerning employment relations.

243.750 Use of State Conciliation Service. In the event that public employer and the labor organization cannot agree on terms for collective bargaining, the State Conciliation Service established under ORS 662.415 may be called upon to aid in arriving at an agreement and the public employer and the labor organization may meet for mediation purposes with the person designated by the Labor Conciliator.

243.760 Striking or recognizing picket line prohibited. No public employe shall strike or recognize a picket line of a labor organization while in the performance of his official duties.

243.770 Application of ORS 243.710 to 243.750 to teachers. ORS 243.710 to 243.750 shall not apply to certificated public school personnel.

243.780 Selection and certification of bargaining representative for classified employes; rules of procedure; enforcement. (1) Any board or commission which, pursuant to state law, administers a civil service system for public employes, shall establish, by rule, procedures for the selection and certification of the collective bargaining representative of the classified employes under such system.

(2) The rules shall include but not be limited to, provisions for the designation of the bargaining unit, to an election process for employe selection of the bargaining representative and to the specification of practices which will be prohibited as improper influences on that election process.

(3) Any board or commission which issues rules pursuant to this section may apply to and obtain from a circuit court of this state, court processes in enforcement of such rules and against any practice found to be in violation of such rules.

APPENDIX 2—OESA POSITION PAPER COLLECTIVE BARGAINING FOR STATE EMPLOYEES

*Legal history*

Prior to 1963, public employees in all categories were prohibited from entering into any binding agreement concerning employees rights or conditions. This resulted from an Attorney General's Opinion dated November 8, 1946 (Op. Atty. Gen. 1946–1948, p. 82). In 1962, however, another Attorney General's Opinion decided that public school boards could, without any new legislation, engage in collective bargaining and could make contracts concerning employees conditions and rights. (Op. Atty. Gen. No. 5523, October 30, 1962). This same opinion, however, questioned whether work conditions of state employees under civil service could be the subject of such contracts. ORS 243.710 to 243.760, Oregon's collective bargaining law, enacted in the 1963 session of the legislature, provides in ORS 243.740 that "Public employees shall have the right to enter into collective bargaining agreements with labor organizations on matters concerning employment relations."

*Significance of term*

Although the term "collective bargaining" is probably a misnomer when applied in public employment (a bargainer must have something which he can offer or withold, and public employees cannot legally withold their labor by striking), it can be accepted as a description of a process of negotiation which, among other things, can lead to agreements which are enforceable in a court or other forum.

*Subjects for bargaining*

Collective bargaining cannot infringe upon the salary-setting process controlled by the legislature, nor can it supplant the power of the Civil Service Commission to deal with those subjects entrusted to it by the legislature and backed up with rule-making authority. However, agreement reached by collective negotiation can deal with personnel matters less general than those covered by civil service rules.

Grievances that are a matter of administration can be handled in a broader manner, not requiring the individual employee to "stick his neck out" to accomplish a solution. Matters of work assignments, shift rotation and relaxation periods are only a limited number of examples of what is not covered by rule and could be covered by agreement. One reason why civil service rules have failed up to now to establish the 40-hour week in all areas of state employment is the difficulty of dealing with special circumstances with a general rule. This and many other matters could be settled by agreement with the agencies where the problems exist.

Although ORS 243.710 to 243.760 prohibits strikes or recognition of picket lines by public employees, arbitration by neutral parties could be invoked as an aid to reaching agreement.

Morale in the agencies and institutions could be improved and better administration achieved by regular meetings between administrators and employee representatives, resulting in improved up and down flow of communication, whether or not formal agreement is reached.

*Other jurisdictions*

1. Collective bargaining in the Federal service came with President Kennedy's Executive Orders 10987 and 10988, signed January 17, 1962. According to our information, independent associations in the federal service whose status was questionable before the Executive Order have been strengthened rather than weakened by being recognized as labor organizations.

2. In Canada, the strong independent associations have been in the forefront of the establishment of collective bargaining, apparently feeling that they were in a position to pre-empt the field while they were strong and competing organizations weak in numbers.

3. The State of Washington has collective bargaining, under rules and procedures set by the State Personnel Department (equivalent of our Civil Service Commission).

*Weakness of Oregon law*

A prerequisite to collective bargaining is recognition and certification (for a period of time) of an organization as representative of employees in a bargaining unit. Present Oregon law provides no recognition criteria or procedures, no certification period, no election process, none of the mechanics to effectuate the bargaining process. Nor does it give any official or body the power to promulgate rules or procedures. There is a possibility that this could be done by executive order, as in the Federal service, but this is subject to legal question and to the additional fact that the executive power, if it exists, might not extend to many of the important agencies and institutions under Oregon's system of government.

*Conclusions*

1. Collective bargaining in public employment is a fact of life and is "here to stay." How and under what terms it will be effectuated in the State of Oregon is of too much importance for OSEA to stand aside and leave its implementation to others.

2. The opportunities to be formally recognized in the various agencies as the official representative of employees; to meet and negotiate with administrators on a regular basis, as a matter of right rather than courtesy; to obtain written and enforceable agreements on special employment problems, are important to OSEA's objective of effectively representing the interests of state employees.

3. Collective bargaining in state government will be concerned primarily with classified employees, practically all of the unclassified and exempt employees being in professional and other areas of employment traditionally not subject to the collective bargaining process.

4. Supervision of collective bargaining under a civil service merit system should be in the hands of the agency which administers the civil service law and controls employee working conditions at the present time, the Civil Service Commission.

5. Procedures for recognition, certification and bargaining are too detailed for legislation but could be adopted as other rules are adopted, by the Civil Service Commission with direct participation by OSEA.

*Recommendation*

The Law and Legislation Committee, concurred with by the Employment Relations sub-committee, recommends to the Board of Directors of OSEA that it adopt these conclusions on collective bargaining in state employment, and that OSEA sponsor legislation referring the technical and procedural matters of collective bargaining in the classified service to the Civil Service Commission for the issuance of rules and regulations in connection therewith, after due consideration and consultation with all interested parties.

APPENDIX 3

[No. 5963]

STATE OF OREGON,
DEPARTMENT OF JUSTICE,
*Salem, April 28, 1965.*

Hon. PHILIP D. LANG,
*State Representative,*
*House of Representatives,*
*Capitol:*

In view of Senate Bill 186, Senate Bill 377 and House Bill 1688, you have inquired as to whether a state agency is required to recognize and bargain collectively with its employes or the employes' representatives under ORS 243.710 through 243.760. You inquire further as to whether there is an obligation on the part of state agencies to negotiate with employe representatives for the purpose of recommending changes or modifications in areas of public employment in which the legislature has already established applicable and definitive law.

ORS 243.720 provides that the purpose of the public employes' collective bargaining Act is to provide a uniform basis for recognizing the right of public employes to join labor organizations of their own choosing and to be represented by such organizations in their relations with public employers.

ORS 243.730 (1) gives public employes the right to form, join and participate in the activities of labor organizations for the purpose of collective bargaining.

ORS 243.730 (2) prohibits public employers from interfering, intimidating, restraining, coercing or discriminating against public employes in the exercise of their rights under ORS 243.730 (1).

Two things are certain from the above mentioned provisions, i.e., public employes have a right to join labor organizations and said organizations have a right to bargain with public employers concerning employment relations.

The important thing about this recent legislation is that it recognizes that labor organizations representing public employes have the right to bargain with public employers. And the legislature in enacting the above provisions commended public employers not to interfere with or restrain this right.

There is a fundamental characteristic inherent in any legal right. That is that it is not a "right" unless it is enforceable. If it is not enforceable it is only permissive. The words "right" and "duty" are correlative terms. 37A Words and Phrases 361, "Right." In other words when a right is invaded a duty is violated.

Consider the alternative in determining legislative intent. If the term "right" was to have no legal consequences the "right" given to public employes and their representatives to bargain with public employers would appear meaningless.

And as stated in State v. Gates (1922) 104 Or. 112, 123, 206 P. 863:

"Statutes should be interpreted according to the legislative intent, to be ascertained from the whole statute and a consideration of the mischief which it was designed to remedy * * *."

Minnesota has recently enacted legislation providing for collective bargaining in public employment. Minn. Stat. Ann., § 179.52 (1960). In the Minnesota Act the legislature expressly spelled out the duty of the public employer to meet with labor organizations representing public employes, saying: "* * * Public employees shall have the right to designate representatives for the purpose of meeting with the governmental agency with respect to grievances and conditions of employment. It shall be unlawful to discharge or otherwise discriminate against an employee for the exercise of such rights, *and the governmental agency shall be required to meet with the representatives of the employees at reasonable times in connection with such grievances and conditions of employment.* * * *" (Emphasis supplied).

We believe that the emphasized requirement in the Minnesota law must be read into the Oregon Act to carry out the command by the legislature that the public employes' right to join an organization for the purpose of bargaining must not be interferred with, intimidated, restrained, coerced or discriminated against.

Your second question asks if there is also an obligation to negotiate for the purpose of making recommendations for changes in areas already defined by the legislature. It is anticipated that negotiation for recommendations to the legislature may well be the principal area upon which public employes and employers will get together at the conference table. For, in most cases, the public employer has no control over any matter fixed by statute. He must, in other words, operate within the powers granted by statute. Gouge v. David, (1949) 185 Or. 437, 202 P. (2d) 849. Thus the primary objectives to be gained by public employe organizations will most certainly rest, to a great extent, in persuading public employers to agree with them on joint recommendations to be made to the governmental agency or organ which has the authority to act in the matter.

You have also inquired as to the application of the present public employes' collective bargaining Act to the proposed legislation embodied in Senate Bills 186 and 377 and House Bill 1688. House Bill 1688 would add procedural requirements to ORS 243.710 through 243.760 which provide for rules establishing a system for the selection and certification of collective bargaining representatives for the classified employes under the Act. Any board or commission administering a civil service system for public employes under state law is directed to establish said rules. Such procedural rules would implement the duty of public employers to bargain, which duty was discussed in answer to your first question.

Senate Bill 186 would remove "certificated public school personnel" from the provisions of ORS 243.710 through 243.760. However, § 2 of this bill specifically provides that representatives of any organization selected to represent "certificated public school personnel" shall have the right to: "* * * confer and negotiate with the district school board by which they are employed, or a committee thereof, on matters of salaries and related personnel policies affecting professional services. * * *"

It is clear from the language of Senate Bill 186 that school boards would still have a duty to bargain under the provisions of ORS 243.710 through 243.760 with employes other than "certificated public school personnel" and to bargain with certificated public school personnel under the provisions of § 2 of Senate Bill 186, supra.

Senate Bill 377 would constitute a more far-reaching law governing public employer-employe relations. This proposal would provide for hearings before the Labor Commissioner where disputes arise. It also defines several acts constituting unfair labor practices by a public employer. Among the unfair labor practices a public employer could commit is that of refusing to meet with a designated representative of its employes and bargain in good faith (§ 6(4)).

In each of the proposed bills discussed herein there appeared an express recognition of the duty of the public employer to bargain in good faith with an organization representing its public employes. In our opinion this is a further indication that the legislative intent in enacting the present public employes' collective bargaining Act (ORS 243.710 through 243.760) was to place a duty upon public employers to meet at reasonable times and to bargain and negotiate over meaningful goals with organizations representing their public employes.

There is no doubt that the present omnibus legislation on collective bargaining in public employment provides nebulous guidelines. No conventional relationship exists here such as in grievances between labor organizations and private employers. It is thus expected that many questions will arise in the future concerning this unsettled area.

Very truly yours,

ROBERT Y. THORNTON,
*Attorney General.*

By WALTER L. BARRIE,
*Assistant.*

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APPENDIX 4—OREGON STATE CIVIL SERVICE COMMISSION—COLLECTIVE BARGAINING RULES

*98–005 General*

(1) Employees have the right to form, join and participate in organizations of their own choice for the purpose of representation and collective negotiation on matters concerning employment relations; employees also have the right to refrain from joining and participating in the activities of employee organizations.

(2) Nothing in these rules shall preclude an individual employee from representing himself in individual personnel matters.

(3) Employees shall not be interferred with, intimidated, restrained, coerced or discriminated against in the application of these rights.

*98–100 Designation of negotiating unit*

(1) In the exercise of the right to form and participate in an organization for collective negotiation as set forth in 98–005, all classified employees who are under the same appointing authority shall be deemed a single employee group for the purpose of forming and participating in a negotiating unit, except that an appointing authority initially may consider requests for and, if justified by professional, geographical, organizational unit or other considerations affecting employment relations, authorize negotiating units on other than a total agency basis. (a) At the time an appointing authority acts upon a request for a special negotiating unit, he shall post appropriate notice of his decision. (b) Any affected employee or employees or their representatives may appeal the appropriateness of the decision of the appointing authority to the Civil Service Commission by submitting in writing a request for review within 10 calendar days after the notice is posted. (c) The Civil Service Commission shall hold a fact-finding hearing within 40 calendar days after receipt of an appeal. However, nothing shall preclude the appointing authority and the appealing party from submitting the dispute to the commission as an agreed statement of facts and thereby waiving a hearing. (d) The commission may sustain or set aside the decision of the appointing authority.

(2) A negotiating unit shall not include those employees who otherwise would be in the unit but who are (a) management and supervisory employees designated by the appointing authority to represent, assist or advise him in collective negotiations; (b) employees who occupy a position of special trust and confidence involving matters of a confidential nature; and (c) temporary and emergency employees.

(3) At the time the director provides notice of representation election in a negotiating unit, the appointing authority shall post appropriate notice which shall list the employees who might otherwise be in the unit, but who will be excluded in accordance with (2) above. During a period of 10 calendar days after the notice is posted, an employee may appeal to the director regarding his exclusion from a unit. The director or his representative shall conduct a fact-finding hearing and submit his findings and recommendations to the Civil Service Commission. The commission may sustain or set aside the decision of the appointing authority.

*98–200 Requests for representation election*

A candidate for representative may be a person, a group, an organization or a council of organizations. A request for a representation election shall be submitted to the director in writing by the candidate for representative and must inlcude:

(1) The identity of the negotiating unit;

(2) If other than an agency-wide unit, evidence that the negotiating unit has been authorized;

(3) The identity of the candidate for representative;

(4) A statement by the candidate for representative pledging nondiscrimination in regard to race, color, creed, age and political affiliation;

(5) To be valid, a request for an election must be accompanied by petitions containing signatures of at least 30% of the employees in the negotiating unit indicating their desire to be represented by the candidate.

*98–300 Procedure for representation election*

(1) Upon receipt of a valid request, the director shall conduct a representation election. The election will be held within 60

calendar days from the time the request is received.

(2) The director shall provide notice of the election to employees in the negotiating unit and to the appointing authority at least 30 calendar days in advance of the election. The notice shall include the date or dates when the election is to be held, as well as the procedure to be followed. Every eligible employee in the negotiating unit shall have an opportunity to cast a ballot.

(3) The director will place the names of additional candidates for representation on the election ballot if they so request in writing at least 15 calendar days in advance of the election, pledge nondiscrimination in regard to race, color, creed, age and political affiliation and present petitions containing the signatures of at least 10% of the employees in the unit indicating that they desire to be represented by the candidate.

(4) Employees in the negotiating unit who will be eligible to vote will be those who are on a pay status 40 calendar days prior to the date of the election. A roster of such employees will be submitted by the appointing authority to the director 10 days prior to the election.

(5) Voting shall be by secret ballot and shall permit an opportunity to vote for any one of the candidates on the ballot or for no representation.

(6) The result of the election shall be reported to the appointing authority and to the candidates listed on the ballot within 10 calendar days after the balloting has been completed.

(7) In every election where there are more than two candidates and no choice receives a majority of the votes cast, a run-off election shall be conducted by the director. The run-off election ballot shall provide for a choice between the two candidates for representation receiving the largest and second largest number of votes cast in the election, as well as the choice of no representation.

(8) If no candidate for representation wins the election, a new election cannot be requested for 12 months from the date of the last election.

*98–400 Improper election practices*

(1) Any practice that interferes with, intimidates, restrains, coerces, promises preferential treatment to or discriminates against employees in their voting in a representation election is prohibited.

(2) Any charges of improper election practices must be filed with the Civil Service Commission no later than 10 calendar days following the date of the election. The person, persons, candidates or organizations being charged with improper election practices will be furnished with a copy of the charges. The Civil Service Commission will hear the party or parties making the charges in public hearing and the person, persons, candidates or organizations so charged will be given an opportunity to answer the charges. If the Commission finds that improper election practices were used, it may invalidate the election and it may order a new election.

*98–500 Recognition of representative*

When a candidate for representation receives a majority of the votes cast, the director shall certify and the appointing authority shall recognize that candidate as the representative for the unit. The certified representative shall serve without discrimination as to membership as representative for all employees in the negotiating unit. Such recognition will be in effect for at least 12 months except that the Civil Service Commission for proper cause may call for a new election.

*98–600 Withdrawal of representation recognition*

(1) After the certified representative has served for at least 12 months, its recognition may be challenged by petition to the director signed by at least 30% of the employees in the negotiating unit and attesting that they desire not to be represented by the present representative.

(2) Upon receiving such a valid petition, the director shall arrange for an election to be conducted within 60 days.

(3) The election procedure will be as stipulated under 98–300 (2), (4) and (5), except that the ballot shall provide for only the choices of continuing or discontinuing the present representative.

(4) If a majority of the votes cast is to discontinue the present representative, the director immediately shall decertify that representative and the appointing authority shall withdraw recognition.

*98–700 Negotiations*

(1) Appointing authorities and certified representatives shall negotiate in good faith on matters concerning employment relations. Good faith means that it is the mutual obligation of the appointing authority and the representative of the employees to meet at reasonable times and confer with the intent of resolving issues of employment relations.

(2) Charges of lack of good faith in negotiations shall be filed with the Civil Service Commission. The director will furnish the party complained against with a copy of the charges. The commission will hear the party making the charges in public hearing and at the same time, the party complained against will be given an opportunity to answer the charges.

*98–800 Agreements*

(1) Agreements between an appointing authority and certified representative shall be reduced to writing in the form of a memorandum of agreement or an exchange of letters. Appointing authorities will furnish the director with copies of all agreements.

(2) No agreements shall be made which will compromise or be in conflict with statutes and executive orders; or with rules, regulations and orders made pursuant to statutes.

*98–900 Enforcement*

The Civil Service Commission may apply to and obtain court process in enforcement of these rules and against any practices found to be in violation of the rules.

APPENDIX 5—AGREEMENT

The Oregon State Employees Association (OSEA) and the Association of Engineering Employees of Oregon (AEE), in order to provide for cooperation and coordination between them in their mutual efforts to effectively represent the interests of those employees in the separate negotiating unit established in the Oregon State Highway Department on March 21, 1966, commonly known as "engineering and allied employees," and in consideration of the rights and responsibilities referred to herein, agree as follows:

1. That the OSEA is and shall continue to be in the representative agency for state employees generally in respect to personnel and employment matters as provided in Article I of the OSEA Constitution.

2. That the AEE is and shall continue to be the representative agency for the engineering and allied employees in the aforesaid unit in respect to all matters relating primarily to engineering work and the profession of engineering.

3. For the purpose of collective negotiation representation of engineering and allied employees of the State Highway Department, OSEA and AEE will jointly circulate and file petitions for an election among the employees in the aforesaid unit, in which the two organizations will be a joint or council type of candidate for representative of the employees in the unit.

4. As joint representative of the employees in the aforesaid unit, OSEA will be the spokesman in matters pertaining to the general benefit and interest of all State Highway Department employees, and AEE will be the spokesman regarding matters primarily concerning engineering work and the engineering profession.

(a) If a matter to be negotiated is within the jurisdiction of one of the organizations but will have a substantial effect upon the employees for which the other organization is spokesman, concurrence of both organizations must be had before action on the matter is pursued.

(b) If a question arises regarding jurisdiction of a matter, the question shall be resolved by arbitration by a committee composed of one representative from each organization and a third person selected by the two representatives.

5. Each of the organizations will encourage all persons within its membership who are eligible to be members of the other organization to become members of that organization. Each will provide the other with information on the location, names, and similar information on such persons to the extent reasonably practicable.

6. It is not the intent of either organization to interfere with or influence the traditional policies or procedures of the other organization, but on the contrary, it is the intent of each to assist and encourage the other in the furtherance of programs and objectives in behalf of its members.

7. Any expenses incurred in the joint representation of employees in the bargaining unit shall be the joint responsibility of the two organizations, except that expenses of other than a purely routine nature which are incurred by one organization must first be approved by a representative of the other organization in order for it to be responsible for such expense.

8. In case of disagreement on the proper application or interpretation of this agreement, OSEA and AEE will, through their respective representatives, make every effort to settle their differences amicably.

9. If it should become apparent that joint representation of the employees in the bargaining unit is impractical or unworkable, or if it should become impossible for either organization to continue its performance under this agreement, either organization may undertake a petition for the decertification of the joint representative as negotiating representative for the employees in the unit. If decertification takes place, this agreement shall become void as of the effective date of decertification.

10. This agreement shall become effective upon ratification by the Board of Directors of OSEA and the governing body of AEE, and shall remain in effect until rescinded by either, or until decertification of the joint representative as referred to in paragraph (9).

*Ratification*

The duly authorized representatives of the Oregon State Employees Association and the Association of Engineering Employees of Oregon hereby ratify the agreement set forth in the preceding paragraphs 1–10:

For ASEA
OSEA ----------

For AEE
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Dated July 8, 1966.

APPENDIX 6

*Collective bargaining election results*

| Agency | Date of election | Eligible employees | Number voting | OSEA | Number of representatives | Other | Result |
|---|---|---|---|---|---|---|---|
| Treasury | Mar. 28, 1966 | 41 | 37 | 37 | 0 | [1] 0 | OSEA. |
| PERS Board | Mar. 29, 1966 | 40 | 37 | 36 | 1 | [1] 0 | OSEA. |
| Dammasch Hospital | Mar. 30, 1966 | 250 | 111 | 106 | 5 | [1] 0 | OSEA. |
| Dental School | do | 91 | 39 | 39 | 0 | [1] 0 | OSEA. |
| Veterans' Affairs | Mar. 31, 1966 | 108 | 85 | 80 | 5 | [1] 0 | OSEA. |
| PUC | do | 156 | 112 | 106 | 6 | [1] 0 | OSEA. |
| Hillcrest School | Apr. 1, 1966 | 101 | 68 | 65 | 3 | [1] 0 | OSEA. |
| State Hospital | Apr. 5, 1966 | 662 | 439 | 316 | 7 | 116 | OSEA. |
| Fairview Hospital | Apr. 7, 1966 | 850 | 407 | 388 | 19 | [1] 0 | OSEA. |
| MacLaren School | Apr. 11, 1966 | 295 | 156 | 145 | 11 | [1] 0 | OSEA. |
| Columbia Hospital | Apr. 12, 1966 | 147 | 92 | 73 | 19 | [1] 0 | OSEA. |
| Board of Health | do | 247 | 146 | 135 | 11 | [1] 0 | OSEA. |
| Motor Vehicles | Apr. 14, 1966 | 572 | 294 | 278 | 16 | [1] 0 | OSEA. |
| Compensation | Apr. 15, 1966 | 390 | 247 | 233 | 14 | [1] 0 | OSEA. |
| Employment | Apr. 28, 1966 | 708 | 458 | 431 | 27 | [1] 0 | OSEA. |
| Forestry | Apr. 29, 1966 | 369 | 265 | 254 | 11 | [1] 0 | OSEA. |
| South Oregon College | May 3, 1966 | 113 | 60 | 60 | 0 | [1] 0 | OSEA. |
| EOSH | May 5, 1966 | 389 | 137 | 133 | 4 | [1] 0 | OSEA. |
| OLCC | May 12, 1966 | 354 | 202 | 179 | 23 | [1] 0 | OSEA. |
| Public Welfare | May 25, 1966 | 875 | 737 | 603 | 134 | [1] 0 | OSEA. |
| Fish Commission | May 26, 1966 | 191 | 120 | 108 | 12 | [1] 0 | OSEA. |
| Agriculture | May 31, 1966 | 365 | 199 | 183 | 16 | [1] 0 | OSEA. |
| Cosmetic Therapy | June 2, 1966 | 4 | 4 | 4 | 0 | [1] 0 | OSEA. |
| Board of Pharmacy | do | 4 | 3 | 3 | 0 | [1] 0 | OSEA. |
| Blind Commission | June 3, 1966 | 17 | 11 | 10 | 1 | [1] 0 | OSEA. |
| Forestry communication technology | June 6, 1966 | 9 | 9 | [1] 0 | 3 | 6 | IBEW. |
| Fairview Hospital, occupational and physical therapy | do | 3 | 3 | [1] 0 | 0 | 3 | Council of Organizations. |
| Tongue Point Culinary Workers | June 7, 1966 | 28 | 24 | [1] 0 | 8 | 16 | Culinary Alliance. |
| Tax Commission | June 13, 1966 | 519 | 236 | 215 | 21 | [1] 0 | OSEA. |
| Deaf school | June 15, 1966 | 66 | 43 | 40 | 3 | [1] 0 | Do. |
| Blind school | do | 47 | 28 | 15 | 13 | [1] 0 | Do. |
| OCI | June 16, 1966 | 166 | 102 | 99 | 3 | [1] 0 | Do. |
| University of Oregon electric shop | do | 7 | 5 | [1] 0 | 0 | 5 | IBEW. |
| Tongue Point, physical plant | do | 35 | 29 | [1] 0 | 5 | 24 | Clat-Till, BTC. |
| University of Oregon, plumbing shop | June 23, 1966 | 12 | 10 | [1] 0 | 0 | 10 | Plumbers Union, Local 481. |
| Workmen's Compensation Board, occupational and physical therapy and industrial field nurse. | June 21, 1966 | 7 | 7 | [1] 0 | 0 | 7 | Council of Organizations. |
| OCE | June 28, 1966 | 122 | 26 | 25 | 1 | [1] 0 | OSEA. |
| Workmen's Compensation Board | July 11, 1966 | 120 | 75 | 69 | 6 | [1] 0 | Do. |
| State library | July 12, 1966 | 66 | 51 | 48 | 3 | [1] 0 | Do. |
| T.B. Hospital | July 14, 1966 | 115 | 58 | 58 | 0 | [1] 0 | OSEA. |
| T.B. Hospital, graduate nurses | Aug. 2, 1966 | 20 | 14 | [1] 0 | 0 | 14 | Oregon Nurses Association. |
| University of Oregon, printing plant employees | Aug. 4, 1966 | 13 | 12 | [1] 0 | 1 | 11 | Typographical Union, Local 496. |
| University of Oregon Medical School, watchmen and patrolmen. | Aug. 17, 1966 | 10 | 9 | [1] 0 | 0 | 9 | A.F.S.C. & M.E. |
| F. & A., printing employees | Aug. 18, 1966 | 13 | 11 | [1] 0 | 0 | 11 | Typographical Union. |
| Oregon State University, printing employees | do | 5 | 5 | [1] 0 | 0 | 5 | Do. |
| University of Oregon Medical School | Aug. 30, 1966 | 398 | 260 | 145 | 8 | 107 | OSEA. |
| Bureau of Labor | Oct. 11, 1966 | 52 | 34 | 30 | 4 | [1] 0 | OSEA. |
| Penitentiary | do | 289 | 192 | 172 | 20 | [1] 0 | OSEA. |

[1] Election not contested.

APPENDIX 7—BASIC COLLECTIVE BARGAINING CONTRACT

This agreement is made by and between the ----------, an agency of the State of Oregon, hereinafter referred to as the "Employer", and the Oregon State Employees Association, hereinafter referred to as the "Association".

*Preamble*

Whereas the Legislative Assembly of the State of Oregon has enacted Sections 243.710 to 243.780, Oregon Revised Statutes, providing for collective bargaining between public employers and their employees, and

It is the intent of the parties to comply with said law and, through a system of employee-employer cooperation, to foster and improve the efficient administration of state service, provide for the well-being of employees, and maintain high standards of work performance in behalf of the public, and

The employees in the bargaining unit covered by this agreement have, by majority vote, stated their desire to be represented in their employment relations with their employer by the Association, and the Association has been certified by the director of the Civil Service department, in accordance with law and the rules of the Oregon State Civil Service Commission, as the representative of said employees,

The parties hereto, in consideration of the mutual covenants set forth, and intending to be bound by this contract and agreement, agree as follows:

*Article I—Purpose*

It is the purpose of this agreement to:

(a) Identify the parties and define their respective roles and responsibilities with regard to employment relations in the subject agency,

(b) State the policies, procedures and methods that will hereafter govern the working relationship between the Employer and the Association,

(c) Indicate the nature of the subject matter of proper mutual concern,

(d) Contribute to the effective conduct of public business by insuring employee participation in the formulation and implementation of employment relations policies and procedures,

(e) Promote systematic employee-employer cooperation on appropriate subjects,

(f) Provide for the highest degree of efficiency and responsibility in the accomplishment of the duties and functions assigned to the agency, and

(g) Reduce the number of employment relations disputes and employee grievances, and facilitate their adjustment after they have arisen.

*Article II—Recognition and unit description*

Section 1: The Employer recognizes the Association as the exclusive bargaining agent and representative for all employees in the unit who are not properly excluded by Civil Service rules, and the Association accepts the responsibility of representing the interests of all employees in the unit, whether or not they are members of the Association, with respect to matters concerning their employment relations with their Employer. Nothing in this agreement, however, shall preclude an individual employee from representing himself or having an individual represent him in his individual employment relations matters.

Section 2: The bargaining unit to which this agreement is applicable consists of

*Article III—Restrictions of law and regulations*

It is understood and agreed by the parties that this agreement is subject to all applicable existing or future laws or regulations of the State of Oregon, including rules and regulations issued by the Civil Service Commission, the Department of Finance and Administration or other agency of government pursuant to authority granted to it by the legislature.

ARTICLE IV—PREROGATIVES OF EMPLOYER

Section 1: The management of the agency concerned herein and the direction of its working force are vested exclusively in the Employer. This shall include, but not be limited to, the right to: (a) Direct employees; (b) hire, promote, transfer, assign and

retain employees; (c) suspend, demote, discharge or take other proper disciplinary action against employees; (d) relieve employees from duties because of lack of work or other proper reasons; (e) maintain the efficiency of the operation entrusted to the agency; (f) determine the methods, means and personnel by which such operations are to be conducted; and (g) take any actions necessary in conditions of emergency, regardless of prior commitments, to carry out the mission of the agency.

Section 2: The right to make reasonable rules and regulations concerning employment relations matters in accordance with the authority it possesses is an acknowledged function of the Employer.

Section 3: In exercising the rights mentioned in this Article, the Employer shall give due regard and consideration to the obligations imposed by ORS sections 243.710 to 243.780 and the responsibilities outlined in this agreement.

*Article V—Subjects for consultation and agreement*

Section 1: It is understood and agreed that matters appropriate for consultation, negotiation and agreement between the parties are policies and procedures related to employment relations, as defined in ORS 243.710(1), which are within the discretion of the Employer, including, but not limited to, the matters mentioned in said section and such more specific matters as health and safety; training; insurance programs; workmen's compensation; employee-employer cooperation; employee services; methods of adjusting grievances; demotion, promotion, discipline, layoff, transfer and vacation practices; payroll deductions; travel and moving allowances; work environment; and employer recommendations regarding salaries and classifications. This listing does not constitute agreement that any of these individual matters will or will not be the subject of negotiation between the parties at any particular time.

Section 2: No obligation exists for the Employer to consult with the Association with respect to such areas of discretion and policy as the mission of the agency, its budget, its organization and assignment of its personnel, or the technology of performing its work.

*Article VI—Consultation and notice*

Section 1: The parties agree to consult, negotiate and bargain in good faith on appropriate subjects with the intention of reaching agreement, reducing such agreement to writing, and making such writing enforceable as a contract. To this end they agree to meet, personally or through representatives authorized to take effective action, at reasonable intervals and at reasonable times and places, at the request of either party.

(a) A party proposing a matter for negotiation shall give written notice to the other party, describing in detail the subject desired to be discussed, at least ___ days before the meeting, except in case of emergency or on waiver of notice by the other party.

Section 2: It is the intention of the parties that the Association be kept informed of matters having a substantial effect upon the employment relations of the employees it represents. To this end the Employer shall give the Association prior notice and an opportunity to comment on:

(a) Any non-routine layoff of a substantial group of employees, including the manner of determining which employees shall be laid off;

(b) Any proposal by the Employer to the Civil Service Commission for a change in its rules or adjustment of compensation or classification of any group of employees;

(c) Whenever practicable, any suspension or dismissal of an employee for disciplinary reasons.

*Article VII—Agency personnel rules*

Section 1: It is understood and agreed that there exist within the agency, in written and unwritten form, certain personnel rules, policies, practices and benefits which will continue in effect for the period of this agreement, unless or until changed by mutual agreement of the parties or by the Employer in accordance with his previously stated prerogatives or as required by appropriate laws, orders, regulations, official instructions or policies. In the cases of changes by other than agreement, the Association shall be notified as soon as practicable of a change or proposed change.

Section 2: Within thirty (30) days from the date of execution of this agreement, the Employer shall furnish to the Association a copy or copies of its existing written personnel rules and shall appoint a committee of three (3) employees excluded from the bargaining unit to meet and work with members of the staff or a committee of the Association on a review of said rules. The Employer committee and the Association staff or committee shall jointly report to the parties the present status of the rules and any suggestions which they might have for possible changes in, deletions from or additions to the rules, and their suggestions shall become the subject of collective negotiation between the parties.

*Article VIII—Representation*

Section 1: It is recognized that the right of exclusive representation of employees by the Association, previously referred to in this agreement, implies that the Employer will not enter into any consultations or agreements regarding employment relations matters with any other organization or individual purporting to represent any group of employees in the bargaining unit, and shall not engage in any type of conduct which would imply recognition of any group other than the Association as a representative of the employees in the bargaining unit.

Section 2: Reference to the "Association" as representative of the employees means the state organization of the Oregon State Employees Association, its Board of Directors and Headquarters staff, and the Employer shall have no obligation to consult with the chapter or district oragnizations of the Association or their officers or committes, unless such persons are designated by the Association as authorized representatives. Negotiations with the Employer shall be carried on by staff personnel or members of the Association designated by its Board of Directors to represent it, and persons so designated shall be recognized by the Employer.

Section 3: Formal negotiations between the Employer and the Association will be by negotiating teams of not more than five (5) members designated by each party. In addition to the negotiating teams, a reasonable number of qualified Employer and Association consultants may be permitted to attend negotiation meetings. The parties may agree to appoint other committees to perform specific tasks preliminary to or supplemental to negotiations.

Section 4: Consultation, negotiations and other activities necessary to the furtherance of the purposes of this agreement are recognized as a proper part of the conduct of the Employer's business and shall normally take place during duty hours. Employees representing either the Employer or the Association in these joint activities shall be given sufficient time during duty hours, without loss of pay or other benefits, to perform their functions, provided that the allowance of such time will not adversely affect the conduct of the agency's business.

Section 5: It is contemplated that there shall exist among the employees in the bargaining unit a Collective Bargaining Council, which shall have as its purpose advising the Association representatives of the attitudes and desires of employees and recommending subjects for negotiation. The Employer shall allow members of the Council, in a number not to exceed ____, to meet during duty hours ____ times per month for a period not to exceed ____ hours per meeting, without loss of pay or other benefits, for the limited purpose described in this section, provided that such a meeting would not adversely affect the conduct of the agency's business.

*Article IX—Association limitations and privileges*

Section 1: The Association agrees not to participate in any strike, slowdown or other work stoppage, and to serve as representative of the employees in the bargaining unit without discrimination on account of employee membership or non-membership, race, color, creed, sex, age or political affiliation.

Section 2: Except as may otherwise be provided in this agreement, the internal business of the Association shall be conducted by employees during their non-duty hours, unless by special permission of the Employer in limited instances involving the mutual benefit of the agency and employees.

Section 3: Chapters or committees of the Association shall be allowed the use of the facilities of the agency for meetings during the non-duty hours of the employees involved, when such facilities are available and the meetings would not conflict with the business of the agency.

Section 4: The Employer shall provide bulletin board space for the use of the Association in communicating with employees.

Section 5: The Employer shall advise present employees in the bargaining unit of the position of the Association as their collective bargaining representative and the execution of this agreement, and, whenever practicable, shall furnish each new employee with a piece of literature furnished by the Association, containing a notice that the Association is the collective bargaining representative and other pertinent information, including information as to how the employee may become a member of the Association.

*Article X—Grievances*

Section 1: While recognizing a difference between individual employee grievances and bargainable items, the parties agree that an employee in the bargaining unit may obtain the advice and assistance of the Association in grievance dealings with his employer, and the Association has a right to limited participation in a formal grievance proceeding in behalf of all the employees in the unit, whether or not it is representing the complaining employee.

Section 2: The Employer shall adopt and maintain a formal grievance procedure in accordance with the provisions of Civil Service rule 96-005. Every effort, however, shall be made to find solutions to grievances in informal conferences, without the necessity of formal filing of a grievance complaint.

Section 3: Whenever practicable, a grievance the subject of which also affects other employees shall be handled as a bargainable item, without necessarily revealing the identity of the complaining employee.

Section 4: An aggrieved employee may be represented by the Association, by himself, or by a friend, fellow employee, attorney or other individual, but not by another employee organization or a person speaking for or retained by another employee organization, except when permission is given by the Association for another organization to represent the employee.

Section 5: Participation by the Association in a grievance proceeding in which it is not representing the aggrieved employee shall be limited to observing the proceeding and submitting to the Employer or its representative a statement, oral or written, of its opinion of the merits or demerits of the grievance complaint and the effect of a proposed solution on the employment relations of other employees in the unit.

*Article XI—Life of agreement*

Section 1: This is a basic agreement between the parties, and it is expected that it will be amended from time to time without effect upon the life of the basic contract.

Section 2: This agreement shall go into full force and effect immediately upon its signing by the persons authorized to execute contracts in behalf of the parties.

Section 3. The duration of this agreement shall be one (1) year from the date of its execution, and it shall be renewed automatically each year for an additional year unless one party gives written notice to the other party, at least sixty (60) days and not more than ninety (90) days before its current expiration date, of its intension to terminate the agreement.

Section 4: This agreement shall be terminated automatically as of any time that the Association ceases to be certified as the representative of the employees in the bargaining unit.

Signed this _____ of _____, 19____.

For the employer

_____, agent.

_____, name and title.

For the association

OREGON STATE EMPLOYEES ASSOCIATION

_____, name and title.

APPENDIX 8—RECOMMENDED READING

The following are recommended, not as a complete list of the "best" reading on the subject of collective bargaining in public employment, because there are undoubtedly many good works with which we have not become acquainted and more beginning to come off the presses each day as interest in the subject increases, but as a short list of items which proved to be of great benefit to us, and without which we would have been seriously handicapped.

"Government Employee Relations Report," a weekly newsletter published by the Bureau of National Affairs, 1231 24th Street, N.W., Washington, D.C. This publication gives not only the latest news regarding happenings in Federal and state governments, but also articles and excerpts regarding public collective bargaining, important studies, and copies of contracts entered into in the various jurisdictions. Although expensive ($140 per year), we class it as something we would not do without.

"Management Relations with Organized Public Employees," edited by Kenneth O. Warner and published by the Public Personnel Association, 1313 East Sixteenth Street, Chicago 37, Illinois. A collection of essays by experts, giving theory, policies and programs. A "must" for gaining an understanding of what has gone on and what is going on in public employee collective bargaining.

"Developments in Public Employee Relations," also edited by Warner and published by PPA. This is, in effect, an up-dating of "Management Relations" and is equally important.

"Collective Bargaining in the United States Federal Civil Service," by William B. Vosloo, published by PPA. A full-scale study of labor relations in the Federal service, from the fresh and unbiased perspective of a South African writing it as a doctoral dissertation while teaching at Cornell University from 1962–1965. This book is readable enough for any interested layman; while containing much information that will not be found anyplace else.

"A Policy for Employee-Management Cooperation in the Federal Service," the Report of the President's Task Force on Employee-Management Relations in the Federal Service upon which President Kennedy's Executive Order 10988 was based. Printed by the U.S. Government Printing Office.

"Executive Order (10988) on Employee-Management Cooperation in the Federal Service, and Sectional Analysis of Executive Order 10988," a pamphlet provided for participants in the conference on Public Employment and Collective Bargaining by the Bureau of National Affairs, Inc., 1231 24th Street, NW., Washington, D.C., which still may be available on request to BNA. This publication contains a copy of the order, along with a comprehensive but very understandable discussion.

"Unions Are Here To Stay," a pamphlet written by Ann Holland, specialist, employee-management relations, Department of the Air Force, and published by the Society for Personnel Administration, 1221 Connecticut Avenue, NW., Washington, D.C. Also discusses Executive Order No. 10988 and contains a copy of the order.

"A Layman's Guide to Basic Law Under the National Labor Relations Act," a pamphlet prepared by the office of the General Council of the National Labor Relations Board and available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., for 25 cents. This 52-page pamphlet will be invaluable for anyone who wants a background of what goes on in collective bargaining in private industry and will provide a background regarding terms used in public employment collective bargaining.

"Collective Bargaining Agreements in the Federal Service, Late Summer 1964," a 90-page pamphlet prepared by the Bureau of Labor Statistics of the U.S. Department of Labor, for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. Price 50 cents.

## CLARIFICATION OF RESPONSIBILITY WITH RESPECT TO TRAINING AND EDUCATION OF HEALTH SERVICE PERSONNEL

Mr. YARBOROUGH. Mr. President, I ask that the Chair lay before the Senate the amendment of the House of Representatives to the amendments of the Senate to H.R. 11631.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the amendments of the Senate to the bill (H.R. 11631) to amend title 38 of the United States Code to clarify the responsibility of the Veterans' Administration with respect to the training and education of health service personnel, which was, beginning with line 20 on page 2 of the Senate engrossed amendments, strike out all down through line 9, on page 4 of the Senate engrossed amendments, and insert in lieu thereof the following:

SEC. 103. (a)(1) Section 4103(a) of title 38, United States Code, is amended by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (8), respectively, and inserting a new paragraph (3) to read as follows:

"(3) The Associate Deputy Chief Medical Director, who shall be an assistant to the Chief Medical Director and the Deputy Chief Medical Director. He shall be a qualified doctor of medicine, appointed by the Administrator."

(2) Such section 4103(a) is further amended by deleting "five", immediately preceding "Assistant Chief Medical Directors," in the first sentence of redesignated paragraph (4), and substituting therefor, "six".

Mr. YARBOROUGH. Mr. President, I move that the Senate concur in the House amendment to the Senate amendment.

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

The motion was agreed to.

## CONTROL OF USE OF DESIGN OF GREAT SEAL OF THE UNITED STATES AND OF THE SEAL OF THE PRESIDENT OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate the amendments of the House to S. 2770.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2770) to control the use of the design of the great seal of the United States and of the seal of the President of the United States, which were, to strike out all after the enacting clause and insert:

That (a) chapter 33 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 713. Use of the great seal of the United States

"Whoever knowingly displays any printed or other likeness of the great seal of the United States, or any facsimile thereof, in, or in connection with, any advertisement, circular, book, pamphlet, or other publication, play, motion picture, telecast, or other production for the purpose of conveying and in a manner resonably calculated to convey the false impression that all or any part of such advertisement, circular, book, pamphlet, or other publication, play, motion picture, telecast, or other production, is sponsored or approved by the Government of the United States, or any department, agency, or instrumentality thereof, shall be fined not more than $250 or imprisoned not more than six months, or both."

(b) The analysis of chapter 33 of title 18, United States Code, immediately preceding section 701 of such title is amended by adding at the end thereof:

"713. Use of likenesses of the great seal of the United States."

And to amend the title so as to read: "An Act to amend title 18 of the United States Code so as to prohibit the use of likenesses of the great seal of the United States falsely to indicate Federal agency, sponsorship, or approval."

Mr. MANSFIELD. Mr. President, I move that the Senate agree to the House amendments.

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

The motion was agreed to.

## CONCURRENT RESOLUTION TO REQUEST THE PRESIDENT OF THE UNITED STATES TO URGE CERTAIN ACTIONS IN BEHALF OF LITHUANIA, ESTONIA, AND LATVIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate

turn to the consideration of Calendar No. 1573, House Concurrent Resolution 416.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The LEGISLATIVE CLERK. A concurrent resolution (H. Con. Res. 416) to request the President of the United States to urge certain actions in behalf of Lithuania, Estonia, and Latvia.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to its consideration.

Mr. KUCHEL. Mr. President, I wish to say that I am delighted that this matter is being taken up. It deserves attention in this session as a mark of our continuing concern for those peoples who have been deprived of their democratic institutions and are unable to speak for themselves.

The PRESIDING OFFICER. The qustion is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 416) was agreed to.

## SENATE LEGISLATIVE ACTIVITY REPORT FOR THE 2D SESSION OF THE 89TH CONGRESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate legislative activity report for the 2d session of the 89th Congress be inserted in the body of the RECORD.

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

OCTOBER 22, 1966.

SENATE LEGISLATIVE ACTIVITY THROUGH OCTOBER 21, 1966, SENATE DEMOCRATIC POLICY COMMITTEE, 89TH–2D

| | |
|---|---|
| Days in session | 167 |
| Hours in session | 849:08 |
| Total measures passed | 1,001 |
| Treaties ratified | 10 |
| Confirmation | 66,134 |
| Public laws | 344 |

Following is a brief summary of all major general bills upon which the Senate has acted this session, with Presidential recommendations and bills in accord with the President's program indicated by (PR). If there is no roll call vote breakdown, Senate action has been by voice vote.

AGRICULTURE

Child Nutrition Act: Expands National School Lunch Act to include 2-year child nutrition program of breakfasts for pupils in poor economic areas or who must travel long distances; authorizes $465 million for 4 years through 6/30/70 for special milk program and $63 million for 3 years to help schools purchase food preparation and service equipment. PL 89–642. (PR)

Vote: Senate passage 76(48D, 28R)—0.

Community District Development: Authorizes a 2-year $230 million program of grants for planning community district development in rural areas. S. 2934. Passed Senate 4/25. H. Cal. (PR)

Cotton Research and Promotion: Provides for a cotton research and promotion program financed by growers designed to improve cotton's competitive position and improve markets and uses. PL 89–502.

Vote: Senate passage 49(38D, 11R)—20(8D, 12R).

Disaster Areas Planting: Permits farmers who are prevented from planting wheat, feed grains, or cotton by flood or other natural disaster the same opportunity to plant alternative crops that the law now accords farmers whose crops have been destroyed by such a disaster after planting. PL 89–451.

Vote: Senate passage 56(41D, 15R)—10(1D, 9R).

Farm Credit: Provides for more flexible operation of the Farm Credit Administration. PL 89–525.

Farmers Home—Prepayments: Amends the Consolidated Farmers Home Administration Act to authorize the Secretary of Agriculture to hold prepayments made by insured loan borrowers and transmit them to the holder of the note in installments as they become due. PL 89–633.

Federal Intermediate Credit Banks: Deletes the interest rate limitation on debentures issued by Federal intermediate credit banks. PL 89–595.

Food for Peace Act of 1966: Extends PL 480 through December 31, 1968 and authorizes agreements for the sale of agricultural commodities for foreign currencies and dollar credit in each of those years in an amount requiring appropriations not exceeding $1.9 billion plus the authority carried over from the preceding year (estimated at $1.7 billion as of 12/31/66). Title II authority (donations) would be $600 million per year, plus the carryover from the preceding year (estimated at $772 million as of 12/31/66). HR 14929. PL 89– (PR)

Votes: Senate passage 74(52D, 22R)—2(1D, 1R).

Screw-Worm Eradication: Authorizes the Secretary of Agriculture to cooperate in screw-worm eradication in Mexico. PL 89–521. (PR)

Soil Information Assistance: Authorizes the Secretary of Agriculture to cooperate with State and other public agencies in planning for changes in the use of agricultural areas. PL 89–560.

Tobacco Allotment Leasing: Extends the time for filing tobacco allotment leases with the county committee until 7/31 of each year. PL 89–471.

APPROPRIATIONS

*1966*

Vietnam Supplemental: Appropriates an additional $13.1 billion. PL 89–374. (PR)

Vote: Senate passage 87(58D, 29R—2(2D)

2d Supplemental: Appropriates a total of $2.8 billion including $12.1 million for rent subsidies, $9.5 million for Teachers' Corps, and $12 million for Selective Service System for higher costs relating to an increase in induction needs. PL 89–426 (PR)

Vote: Senate passage 72(54D, 18R)—12 (10D, 2R).

*1967*

Agriculture Department and Related Agencies: Appropriated a total of $6,994,590,150. PL 89–556. (PR)

Vote: Senate passage 77(52D, 25R)—2 (2D).

Defense Department: Appropriated a total of $58,067,472,000 and authorizes the President to call to active duty for not more than 24 months any member in the Ready Reserves who has not served on active duty other than for training. PL 89–687. (PR)

Vote: Senate passage 86(56D, 30R)—0.

District of Columbia: Appropriated a total of $404,598,200. HR 17636. PL 89– (PR)

Vote: Senate passage 70(48D, 22R)—0.

Foreign Aid: Appropriated a total of $3,493,473,500. PL 89–691. (PR)

Vote: Senate passage 52(36D, 16R)—22 (14D, 8R)

Independent Offices: Appropriated a total of $14,065,851,000 for sundry independent agencies and the Department of Housing and Urban Development (includes supersonic transport and rent supplements). PL 89–555. (PR)

Vote: Senate passage 82 (53D, 29R)—2 (1D, 1R)

Interior Department and Related Agencies: Appropriated a total of $1,321,615,800. PL 89–435. (PR)

Labor-HEW: Appropriated a total of $10,463,244,500. HR 14745. PL 89– (PR)

Vote: Senate passage 65(48D, 17R)—3 (1D, 2R)

Legislative: Appropriated a total of $214,463,913 for the legislative branch. PL 89–545. (PR)

Military Construction: Appropriated a total of $979,570,000 for military construction for Defense Department. HR 17637. PL 89– (PR)

Public Works: Appropriated a total of $4,134,511,000. PL 89–689. (PR)

Vote: Senate passage 61(45D, 16R)—4 (2D, 2R)

State-Justice-Commerce-Judiciary: Appropriated a total of $2,347,826,600, H.R. 18119. PL 89– (PR)

Supplemental: Appropriated a total of $5.025 billion. H.R. 18381. PL 89– (PR)

Treasury–Post Office: Appropriated a total of $7,196,429,135. PL 89–474. (PR)

ATOMIC ENERGY AND SPACE

AEC: Authorizes $1,964,128,000 for operating expenses and $295,830,000 for plant and capital equipment, or a total of $2,259,958,000 for fiscal 1967. PL 89–428. (PR)

Space Authorization: Authorizes a total of $5,000,419,000 to the National Aeronautics and Space Administration for fiscal 1967. PL 89–528. (PR)

DEFENSE AND MILITARY

Academy Appointments: Makes the sons of all career members of the Armed Forces eligible for appointment to the service academies under the Presidential category and increases the annual number from 75 to 100. PL 89–650.

Air Force—Promotions: Increases the authorized number for the grades of major, lieutenant colonel, and colonel to provide the officers on active duty in the Air Force a promotion program comparable to the programs for the other military services. PL 89–606.

Airmail Service to Armed Forces: Broadens existing law to include sound-recorded communications within the free mailing privilege; provides for airlift of current news publications to combat areas; and provides world-wide airlift of letter mail and sound-recorded communications at surface rates to and from U.S. servicemen overseas in noncombat areas. H.R. 13448. PL 89–

Civil Defense Emergency Extension: Extends to June 30, 1970 the President's standby authority to invoke Civil Defense emergency powers in the event of an enemy attack on the U.S. PL–483. (PR)

Coast and Geodetic Survey: Provides authority during periods of national emergency for Presidential transfer of vessels, equipment stations, and commissioned officers of the Environmental Science Services Administration to the service and jurisdiction of a military department. PL 89–657.

Coast Guard Amendments: Increases the maximum authorized number of commissioned Coast Guard officers on active duty from 3,500 to 4,000. Increases the number of cadets to be appointed annually to the Coast Guard Academy from 300 to 400. PL 89–444.

Coast Guard Authorization: Authorizes $126 million for fiscal 1967 for the Coast Guard to procure vessels, aircraft and to construct shore and offshore establishments. PL 89–381. (PR)

Defense Production: Extends to June 30, 1968 the President's authority to fix priorities for and allocate defense materials and to expand industrial capacity under the Defense Production Act of 1950. PL 89–482. (PR)

Military Construction Authorization: Provides construction and other related authority for the military departments and the Office of the Secretary of Defense, within and outside the U.S., and authority for construction of facilities for the Reserve components in the total amount of $1,005,842,000. PL 89–568. (PR)

Military Medicare: Authorizes an improved health benefits plan for retired members and members of uniformed services and their dependents. PL 89–614. (PR)

Vote: Senate passage 87(56D, 31R)—0.

Military Procurement—Pay Increase: Authorizes $17,480,759,000 for the procurement of aircraft, missiles, naval vessels, tracked combat vehicles, research, development, test, and evaluation, and a 3.2% military pay raise. PL 89–501. (PR)

Vote: Senate adoption of conference report 81(51D, 30R)—1(1D).

Regular Commissions: Authorizes regular commissions for male officers in the Army Nurse Corps, the Army Medical Specialist Corps, the Navy Nurse Corps, and in the Air Force with designation as Air Force nurses and medical specialists. PL 89–609.

Renegotiation Act Extension: Extends to 6/30/68 the Renegotiation Act for recovery of excess profits on defense contracts. PL 89–480. (PR)

Special Allowances: Authorizes a 5-year extension of the authority to pay special allowances to dependents of members of the uniformed services who are evacuated because of emergencies. PL 89–608.

Trophy Awards: Authorizes all the Armed Forces to use appropriated funds to award medals, trophies, badges, and similar devices to members for excellence in accomplishments or competitions. PL 89–529.

Uniformed Services Savings Deposit Program: Authorizes up to 10% interest on savings deposit accounts for members of the uniformed services stationed overseas. PL 89–538. (PR)

Vietnam Leave: Authorizes an additional 30 days leave for servicemen who voluntarily extend their duty for an additional 6 months in Vietnam. HR 15748. PL 89–

Vietnam Supplemental Economic Aid: Authorizes for the current fiscal year additional economic aid in the amount of $290 million for Southeast Asia and $25 million for the Dominican Republic; plus an additional $100 million for the worldwide contingency fund. PL 89–371. (PR)

Vote: Senate passage 82(55D, 27R)—2(2D).

Vietnam Supplemental military authorization: Authorizes a total of $4.8 billion additional for fiscal 1966 for military activities in Vietnam. PL 89–367. (PR)

Vote: Senate passage 93(61D, 32R)—2(2D).

DISTRICT OF COLUMBIA

Bail Agency Act: Establishes an agency in the District of Columbia to promote a system whereby worthy defendants and material witnesses will be able to secure their release from detention pending court appearances on nonfinancial conditions and to furnish a judicial officer with information about a person's background so he can made an appropriate bail determination. PL 89–519. (PR)

Capital Stock Requirements: Amends the D.C. Fire and Casualty Act to require that all domestic stock insurance companies authorized to do a fidelity or surety business in D.C. maintain a paid up capital stock of not less than $500,000 and a surplus of not less than $250,000. PL 89–399.

CPA Act of 1966: Provides for the regulation of the professional practice of certified public accountants in the District of Columbia, including examination, license and registration. PL 89–578.

Court Functions: Transfers numerous functions from the U.S. District Court for the District of Columbia to the D.C. Court of General Sessions, the Commissioners of D.C. and to the Recorder of Deeds. PL 89–493.

Court of General Sessions: Authorizes the expansion of the D.C. Court of General Sessions from 15 to 20 associate judges and establishes a Traffic Branch in this Court. PL 89–598.

Crime Bill: Improves the D.C. Criminal Code as an effective weapon in the fight against crime in the District of Columbia by providing procedures to bring the criminal to swift and sure justice. HR 5688. PL 89–. (PR)

D.C. Code: Makes technical amendments to titles 19 and 20 of the D.C. Code relative to the administration of decedents estates. PL 89–567.

14th Street Bridge: Authorizes the construction of an $11.8 million 6-lane bridge over the Potomac River at 14th Street. PL 89–627.

Foreign Corporations: Exempts from D.C. taxes real property investment income of certain foreign corporations. PL 89–591.

General John J. Pershing: Authorizes the erection of a memorial in the District of Columbia to General John J. Pershing. S. 2338. PL 89–.

Home Rule: Provides for an elected mayor, city council, and non-voting delegate to the House of Representatives for D.C. S. 1118. Senate requested conference 4/5; House D.C. Committee rejected motion to appoint conferees 5/11. Cloture rejected 10/10 when Home Rule was offered as an amendment to HR 14644, the Higher Education bill. (PR)

Vote: Senate passage 63(47D, 16R)—29 (15D, 14R)

Income and Franchise Tax Act: Restates section 4 of title I of the Income and Franchise Tax Act—relating to foreign corporations which have a place of business, an officer or representative located in D.C.—to make it clear that "non-commercial" activities will not subject persons or corporations to taxation. PL 89–585.

Injury Reports: Requires mandatory reporting by physicians, hospitals, or similar institutions in D.C. of injuries caused by firearms or other dangerous weapons. HR 9985. PL 89–.

Inmates Transfer: Allows the Attorney General to transfer an inmate of the D.C. Jail to any other institution under the control of the Director of the District of Columbia Department of Corrections notwithstanding the pendency of a petition for a writ of habeas corpus with respect to such inmate, or of an appeal from a denial thereof. S. 3404. Passed Senate 8/26.

Insurance Premium Finance Companies: Provides a requirement for licensing and a means for regulating the activities of premium finance companies in the District of Columbia. PL 89–403.

Judicial Retirement: Amends the D.C. Judges' Retirement Act of 1964 to make improvements in the retirement law as it affects the retired judges of the D.C. Court of Appeals, the D.C. Court of General Sessions, and the D.C. Juvenile Court. PL 89–587.

Life Insurance Act: Permits D.C. insurance companies to make prompt public announcement of their financial standing. PL 89–559.

Minimum Wage: Raises the minimum wage payable to almost all employees in the District to $1.60 an hour over the next 3 years and extends coverage to 280,000 men, women, and minors. PL 89–684. (PR)

Vote: Senate passage 60 (41D, 18R)—10 (6D, 4R)

National Visitor Center: Created a 21-member study commission to make a complete and thorough investigation of sites and plans to provide facilities and services for visitors and students coming to the National Capital. Report to be submitted by 3/15/67. HR 14604. PL 89–. (PR)

Old Georgetown Market: Authorizes the D.C. Board of Commissioners to preserve the old Georegtown Market, located at 3276 M Street, N.W., as an historic landmark and to operate and maintain it as a public market. PL 89–600.

Parking Facility Act: Provides for a parking program as part of a balanced transit system in the District of Columbia, and a unified planning program under the supervision of a Parking Board and Advisory Council. S. 2769. Passed Senate 6/21.

Pay Increase: Authorized an average 9.9% raise for D.C. firemen and police, and 8.9% for teachers and school employees. HR 15857. PL 89–. (PR)

Physical Abuse Reports: Requires mandatory reporting by physicians and institutions in the District of Columbia of physical injury inflicted upon children by other than accidental means. HR 10304. PL 89–

Practical Nurses' Licensing Act: Amends the D.C. Practical Nurses Licensing Act to permit licensing without any written examination of an applicant otherwise qualified to be a licensed practical nurse, who, for the year immediately preceding the effective date of this act, has resided in the District of Columbia and been actively engaged in caring for the sick in the Washington metropolitan area. PL 89–518.

Premarital examinations: Requires premarital examinations in the District of Columbia within 30 days prior to filing for a marriage license. PL 89–682.

Public Colleges: Establishes a District of Columbia Board of Higher Education to create a 4-year public college of arts and sciences and a 2-year public community and vocational college in the District. HR 16958. PL 89–. (PR)

Public School Food Services: Authorizes appropriations to pay for lunches furnished to all needy secondary public school children whose parents are not recipients of public welfare. S. 1312. Passed Senate 7/11.

Registration of Trade Names: Protects the general public and legitimate businesses in D.C. by requiring registration of assumed trade names, disclosure of principals and agents conducting business under such names, and requiring such principals and agents residing outside the District to constitute the D.C. Board of Commissioners as their attorney for service of process. S. 1717. Passed Senate 4/5.

Regulating Domestic Stock Insurance Companies: Provides D.C. with regulatory authority over domestic stock insurance companies to enable those companies, by coming under the regulatory jurisdiction of the Superintendent of Insurance for the District, to be exempt from regulation by the SEC. PL 89–402.

Revenue: Provides additional revenue of approximately $12.7 million to finance District government activities supported from the general fund which includes the cost of police, fire protection, education, health, welfare, courts, and other general government functions; provides an annual Federal payment of $60 million; provides a method for computing the annual borrowing authority for the general fund; and increases the highway fund following authority for highway construction by $25 million. PL 89–610. (PR)

School Census: Provides all children below the age of 18 be listed in the school census, instead of the present requirement that only those between the ages of 3 and 18 be listed. S. 2060. Passed Senate 7/11.

Selected Offenders: Authorizes the D.C. Courts to release selected offenders from prison at specified times to engage in gainful employment. S. 1319. PL 89–.

Shaw Junior High School: Authorizes the D.C. Redevelopment Land Agency to acquire real property for a new Shaw Junior High School, prior to the adoption of an urban

renewal plan for the Shaw area. PL 89–569. (PR)

Student Loans—Insurance: Authorizes in the District of Columbia an increase from $5,000 to $10,000 in the maximum amount of credit life, health, and accident insurance with respect to debtors who have secured loans for educational or other purposes which are repayable in installments. PL 89–594.

Teachers' Retirement Increase: Provides a combined increase of 11.1% to teacher retirees whose annuities are based on the law in existence on or before October 1, 1956, and 6.1% to those retirees whose annuities were computed under the liberalized formula made applicable after October 1, 1956, by the 1956 retirement amendments to the Teachers' Retirement Act. Increases retroactive to 12/1/65. PL 89–494.

EDUCATION

Books for Handicapped: Extends to other handicapped persons the provisions of existing law which authorize that books and other materials be furnished to the blind. PL 89–522. (PR)

Elementary and Secondary: Amends the Elementary and Secondary Education Act of 1965 and authorized $2.3 billion for fiscal 1967 and $3.3 billion for fiscal 1968. HR 13161. PL 89–. (PR)

Vote: Senate passage 54(41D, 13R)—16 (9D, 7R)

GI Benefits: Provides educational assistance for veterans who have served on active duty for more than 180 days since 1/31/55. PL 89–358 (PR)

Vote: Senate adopted House amendments 99(67D, 32R)—0.

Higher Education: Authorizes $3.085 billion and extends the program for 3 years. HR 14644. PL 89–. (PR)

High School for Deaf: Authorized Gallaudet College to establish and operate a model secondary school for the deaf to serve the National Capital region. PL 89–694.

International Education Act of 1966: Authorizes a 5-year program funded for 3 years at approximately $140 million to strengthen American educational resources for international studies and research. HR 14643. PL 89–. (PR)

Library Services: Extends the Library Services and Construction Act to June 30, 1971, and authorizes appropriations totaling $700 million. PL 89–511 (PR)

Salary Increase for Overseas Teachers: Provides for approximately a 10% increase for teachers in the overseas dependents school system. PL 89–391.

School Sites: Permits setting aside Federal public lands for needed school sites. PL 89–470.

Sea Grant Colleges: Establishes a $20 million, 2-year program of aid to sea grant colleges to further development of marine resources. PL 89–688.

ELECTION REFORMS

Campaign Financing: Provides for public support of presidential election campaign financing by permitting individual tax payers to designate on their annual tax returns that $1 of their income tax liability can be deducted for presidential campaign expenses. HR 13103. PL 89–.

FEDERAL EMPLOYEES

Additional Supergrades: Provides for the establishment of certain management, administrative, scientific, and research and development positions in GS–16 through 18 and other comparable salary levels. PL 89–632.

Assistant PMG: Creates a sixth position of Assistant Postmaster General in the Post Office Department to be in charge of research, development, and construction engineering programs. PL 89–492.

Back pay: Consolidates and liberalizes existing law on the restoration of an employee to his position after an adverse action against him has been found by appellate authority to have been erroneous or unjustified. PL 89–380.

Botanic Garden: Amends the Civil Service Retirement Act to extend to employees of the U.S. Botanic Garden the formula used in computing the annuities of employees of the Senate, the House of Representatives, and the Office of the Architect of the Capitol. PL 89–604.

Civil Service Retirement: Permits the natural child of a deceased Federal employee who dies without survivors eligible to receive a survivor annuity from the civil service retirement and disability fund to share in the distribution of any money on deposit in the fund which belongs to the deceased employee. PL 89–407.

Commission on Political Activity: Creates a 12-member bipartisan commission to make a full and complete investigation and study of the Federal laws which limit or discourage the participation of Federal and State officers and employees in political activity with a view to determining the effect of such laws, the need for their revision or elimination, and an appraisal of the extent to which undesirable results might accrue from their repeal. PL 89–617. (PR)

Compensation Act: Increases payments under Federal Employees Compensation Act for on-the-job injuries or disability. PL 89–488. (PR)

Congressional Employees: Preserves the retirement, group life, and health benefits for congressional employees receiving fellowships from the American Political Science Association. PL 89–379.

Federal Work Week: Permits variation of the 40-hour work week of Federal employees for educational purposes. PL 89–478.

Foreign Service Retirement: Places annuitants of the Foreign Service retirement system on the same basis as civil service annuitants for purposes of computing future cost-of-living increases in annuities; provides retired personnel with the same percentage increase in their annuities as was authorized for the civil service retirement system. S. 3247. Passed Senate 10/5.

Government Organization and Personnel: Enacts into law title V of the U.S. Code, entitled "Government Organization and Employees," codifying the general and permanent laws relating to the organization of the Government of the United States and to its civilian officers and employees. PL 89–554. (PR)

Hazardous Duty Pay: Permits the payment of premium compensation (up to 25%) to Classification Act employees for periods of work involving hazardous conditions. PL 89–512.

Interior Employees Medical Expenses: Authorizes the Secretary of the Interior to use appropriated funds for the payment of medical care of temporary and seasonal employees and employees located in isolated areas who become disabled because of injury or illness not attributable to official work. S. 2153. Passed Senate 3/4.

Lighthouse Service: Increases from $75 to $100 a month benefits payable to widows of certain former employees. S. 2980. Passed Senate 10/17.

Merchant Seamen: Authorizes 2 additional days of vacation leave for every 30 days at sea for federally employed merchant seamen. HR 18217. PL 89–.

Salary Act of 1966: Provides a 2.9% increase for Federal employees, Congressional, Foreign Service, and Judicial. Permits Federal employees to retire on a full annuity at age 55 after 30 years' service or at age 60 after 20 years' service. Effective July 1, 1966. PL 89–504. (PR)

Vote: Senate passage 81 (52D, 29R)—0.

Survivor Annuities: Amends the Civil Service Retirement Act to provide for inclusion of certain periods of reemployment of annuitants for the purpose of computing annuities of their surviving spouses. S. 699. Passed House amended 10/11.

Travel Expenses: Provides for reimbursement of certain moving and storage expenses of Federal employees when transferred from one official duty station to another, in the interest of the U.S.; and provides for the payment of a cash allowance up to $632 to cover miscellaneous expenses of the transferred employees. PL 89–516.

FINANCE AND ECONOMY

Bank Holding Company Act Amendments: Eliminates two major open-end exemptions from the Bank Holding Company Act of 1956 (the exemption for long-term trusts and religious, charitable, and educational institutions and the exemption for registered investment companies and their affiliates) and brings up to date the regulatory and administrative provisions of the Bank Holding Company Act and related acts. PL 89–485. (PR)

Bank Mergers: Establishes new and uniform standards for bank merger approvals by regulatory agencies; requires that antitrust action be filed within 30 days; permits mergers on basis of community need and public interest if these factors predominate; exempts mergers completed prior to June 17, 1963. PL 89–356.

Bankruptcy Act Amendments: Amends chapter XI of the Bankruptcy Act to give the court supervisory power over all fees paid from whatever source. S. 1923. Passed Senate 3/4.

Bankruptcy Liens: Rearranges the priority of liens in bankruptcy to subordinate Federal tax liens to statutory liens. PL 89–495.

Bankruptcy Referees: Amends the Bankruptcy Act to prohibit referees or part-time referees from acting as trustee or receiver in any proceeding under the Bankruptcy Act. PL 89–414.

Bankruptcy—Tax Priority: Provides for discharge in bankruptcy of Federal taxes due more than 3 years except withholding taxes and income taxes where no return was filed, or where fraud is involved. PL 89–496.

Vote: Senate passage 69 (43D, 26R)—8 (7D, 1R).

Debt Ceiling: Provides a temporary debt limitation of $330 billion beginning on July 1, 1966 and ending June 30, 1967. PL 89–472. (PR)

Vote: Senate passage 50 (40D, 10R)—17 (8D, 9R)

Disaster Relief Act of 1966: Provides additional assistance for areas suffering a major disaster. S. 1861. PL 89–.

Federal Reserve Purchases: Extends until 6/30/68 the present authority of the Federal Reserve banks to purchase securities direct from the Treasury in amounts not to exceed $5 billion outstanding at any one time. PL 89–484.

Financial Institutions Supervisory Act: Authorizes the Federal authorities who supervise insured banks and savings and loan associations to issue cease-and-desist, suspension, and removal order to prevent violations of laws and regulations and unsafe and unsound practices. PL 89–695. (PR)

GATT Negotiations: Expresses the sense of Congress that our trade negotiators should limit their offers of concessions to authority prescribed by the Trade Expansion Act of 1962. S. Con. Res. 100. Passed Senate 6/29.

Hunting Stamps: Increased from $3 to $5 the fee for Federal migratory hunting stamps. H.R. 14136. PL 89–.

Interest and Dividend Rates: Provides for controls on dividend and interest rates payable by lending institutions. PL 89–597. (PR)

Participation Sales Act of 1966: Authorizes sale to private investors of $10 billion of

assets held by the Federal Government as security for loans, $4.2 billion of it this year. PL 89-429. (PR)

Vote: Senate passage 39 (34D, 5R)—22 (2D, 20R). Senate adoption of House amdts. 50 (47D, 3R)—20 (2D, 18R).

Poverty Programs: Authorized $1,750 million for fiscal 1967 and extended the programs under the Economic Opportunity Act through June 30, 1970. HR 15111. PL 89-. (PR)

Vote: Senate passage 49 (37D, 12R)—20 (9D, 11R).

Football Merger: Clarifies the tax consequences of a merger of the professional football leagues and indicates that the antitrust laws are not to apply to a joint agreement by which member clubs of two or more professional football leagues combine their operations in an expanded single league. HR 17607. PL 89-.

SBA Authorization: Raises limit of Small Business Administration business loans by $125 million to $1.5 billion; sets up separate disaster loan revolving fund; and fixes overall total loan ceiling at $1.96 billion. PL 89-409. (PR)

SBIC Amendments of 1966: Grants to the Administrator of the Small Business Administration additional powers to enable him to supervise the small business investment company program more effectively. HR 18021. PL 89-.

Stockpile Disposals: (20) (PR)

Aluminum, PL 89-460.

Amosite Asbestos, PL 89-422.

Bauxite, PL 89-394.

Bismuth, PL 89-417.

Celestite, PL 89-461.

Chromite, PL 89-415.

Crocidolite Asbestos, PL 89-463.

Fluorspar, PL 89-416.

Metallurgical Grade Manganese Ore, PL 89-539.

Molybdenum, PL 89-413.

Muscovite Mica, PL 89-419.

Opium, PL 89-464.

Phlogopite Mica, PL 89-418.

Platinum, PL 89-390.

Rhodium, PL 89-420.

Ruthenium, PL 89-423.

Sisal, PL 89-462.

Thorium, PL 89-421.

Vanadium, PL 89-424.

Industrial Diamond stones, HR 13320: PL 89-.

Truth in Packaging: Fixes standards for labelling of net contents of food and other consumer goods; establishes procedures for developing uniform weight-quantity standards for packages. S. 985. PL 89-. (PR)

Vote: Senate passage 72 (56D, 16R)-9 (1D, 8R).

Use of foreign currencies: Permits the Government to improve balance of payment position by using reserved foreign currencies in lieu of dollars to meet current obligations abroad. PL 89-677.

GENERAL GOVERNMENT

Administrative Procedure Act of 1966: Revises and modernizes Administrative Procedure Act by separating adjudicative and policy-making functions as between hearing-examiners and members of regulatory agencies, boards, and Commissions; fixes procedural steps to expedite decisions and relieve the backlog of cases. S. 1336. Passed Senate 6/21.

Attorney's Fees: Removes arbitrary limitation on attorneys fees for services rendered in proceedings before administrative agencies of the U.S. S. 1522. Passed Senate 6/13.

Contract Exemptions: Permits the head of an agency to exclude an examination of records clause from a contract or a subcontract with a foreign contractor or subcontractor after determining that the inclusion of such a clause would not be in the public interest. PL 89-607.

Cuban Refugees: Adjusts the status of Cuban refugees to that of lawful permanent residents of the U.S. H.R. 15183. PL 89-.

Design Protection Act of 1966: Encourages the creation of original ornamental designs of useful articles by protecting the authors of such designs for a limited time against unauthorized copying. S. 1237. Passed Senate 7/27.

Freedom of Information: Revises section 3 of the Administrative Procedure Act to provide a true federal public records statute by requiring the availability, to any member of the public, of all of the executive branch records described in its requirements, except those involving matters which come under stated exemptions. PL 89-487. (PR)

Guam: Authorizes the legislature of Guam to provide by law for the election of its members from election districts. PL 89-552.

Guam: Extends coverage of the State Technical Services Act to the Territory of Guam. S. 2979. PL 89-.

Guam—Governor: Provides for the popular election of Governor and Lieutenant Governor for the territory of Guam. H.R. 11775. (PR) P/S amended Oct. 11.

Hirshhorn Museum: Establishes the Joseph H. Hirshhorn Museum and Sculpture Garden, and makes available to the Smithsonian the areas bounded by 7th Street, N.W., Independence Avenue, 9th Street, N.W. and Madison Drive in the District of Columbia as the permanent site of the museum and garden. S. 3389. PL 89-. (PR)

Obscene Commission: Establishes a Commission to explore methods of combating traffic in obscene and noxious materials. S. 309. Passed Senate 7/11.

Postal Savings: Discontinues U.S. Postal Savings System 30 days after enactment. PL 89-377.

Powers of Congress: Authorizes the chairman of Senate Judiciary Committee to appoint a special subcommittee to make a study of possible encroachments by the executive and the Judicial branches on the powers of Congress. S. Res. 305. Adopted 10/17/66.

Reapportionment of Virgin Islands Legislature: Enlarges the membership of the Virgin Islands legislature from 11 to 15 and permits its reapportionment in keeping with the recent U.S. Supreme Court decisions. PL 89-548.

Smithsonian: Authorizes the Board of Regents of the Smithsonian to negotiate cooperative agreements granting concessions at the National Zoological Park to certain nonprofit organizations and to accept voluntary services of such organizations or of individuals. S. 3230. PL 89-.

Trust Territory: Increases from an annual authorization of $17.5 million to $32 million for fiscal 1967 and $35 million for fiscal 1968 for the Trust Territory of the Pacific Islands for civil works. Designates the High Commissioner and Deputy High Commissioner as Governor and Lt. Governor and provides that future appointments to the office shall be made by the President and confirmed by the Senate. S. 3504. Passed Senate 8/26. (PR)

Uniform Time: Establishes uniform daylight saving time throughout the U.S. beginning in 1967 unless the State legislature votes to remain on standard time. Requires any state or subdivision using DST in 1966 to commence it on the last Sunday in April and end it on the last Sunday in October. PL 89-387.

Uniform Relocation Act of 1966: Establishes a uniform relocation policy for fair and equitable treatment of persons, businesses, or firms displaced by Federal or Federally assisted programs. S. 1681. Passed Senate 7/22.

Virgin Islands borrowing authority: Increases the special revenue bond borrowing authority of the Virgin Islands for governmental water and power projects and for limited expenditures for other governmental projects. PL 89-643.

Virgin Islands—Governor: Provides for the popular election of Governor and Lieutenant Governor of the Virgin Islands. H.R. 11777. (PR) P/S Amended 10/11.

Weather: Established a weather modification program to develop, encourage and maintain a comprehensive and coordinated program and to control or modify tornadoes, hurricanes, and other severe storms. S. 2916. Passed Senate 10/14.

HEALTH

Allied Health Professions: Authorizes $105 million to increase the training opportunities of medical technologists and personnel in other allied health professions and to improve the existing student loan programs for medical, osteopathic, dental, podiatry, pharmacy, optometric, and nursing students. H.R. 13196. PL 89-. (PR)

Child Protection Act of 1966: Bans the sale of toys and other children's articles containing hazardous substances, and creates a National Commission on Hazardous Household Products. S. 3298. PL 89-. (PR)

Clean Air Act Amendments: Amends the Clean Air Act of 1963, to provide a stronger and more effective air pollution control effort at the Federal, State, and local level, to consolidate appropriation authorizations, and to authorize $186 million through fiscal 1969. PL 89-675. (PR)

Vote: Senate Passage 80 (51D, 29R)—0

Comprehensive Health Planning: Authorizes a 3-year, $154 million, program in grants to assist in the extension and improvement of comprehensive health planning and public health services. S. 3008. PL 89-. (PR)

Food and Drugs: Allows manufacturers of candy to use ingredients which have been approved as safe by the Food and Drug Administration. PL 89-477.

Fish Protein and Concentrate: Inaugurates an accelerated 5-year program of fish protein concentrate research including authority to construct two demonstration plants to provide a new and effective weapon against world hunger. S. 2720. PL 89-.

Medicare: Extends from March 31 to May 31, 1966 the deadline for enrollment in the medical insurance portion of the social security health insurance program for the aged. PL 89-384. (PR)

Narcotics: Provides for treating and rehabilitating narcotic addicts. HR 9167. PL 89- (PR)

Health Service Personnel: Authorizes the Department of Medicine and Surgery to carry out a program of training and education of health service personnel, acting in cooperation with schools of medicine, dentistry, osteopathy, and nursing; other institutions of higher learning; medical centers; hospitals; and other public or nonprofit agencies, institutions or organizations. HR 11631. Passed Senate amended 10/14.

Veterinary Medical Education Act of 1966: Authorized a 3-year, $3 million loan program for students in schools of veterinary medicine. HR 3348. PL 89-.

Water Pollution Control: Establishes the Clean Rivers Restoration Program as a supplement to the existing water pollution control program for planning and construction of treatment works on a river basin basis; authorizes a total of $3.4 billion for Federal sewage treatment construction grants through fiscal 1971; broadens the existing program; and strengthens other existing laws including the Oil Pollution Act of 1924. S. 2947. PL 89-. (PR)

Vote: Senate passage 90(59D,31R)—0.

HOUSING

Demonstration Cities, Metropolitan Planning, Housing and Urban Development: Establishes a new city demonstration program of Federal grants and authorizes $24

million for fiscal 1967 and 1968 for planning and $900 million for fiscal 1968 and 1969 for program assistance; $250 million additional for urban renewal for projects included within a city demonstration program; $75 million for fiscal 1967 and 1968 grants to State and local public bodies for metropolitan development planning programs; and $15 million for fiscal 1967 and 1968 grants to States and metropolitan area agencies to help finance information and technical assistance centers; and provides FHA insurance for new towns on an experimental basis through 6/30/72. S. 3708. PL 89–. (PR)

Vote: Senate passage 53(39D,14R)—22(9D, 13R). Adoption of conf. report 38(29D,9R)—22(13D, 9R).

Electric Transmission Study: Authorizes the Secretary of Housing and Urban Development to make a study of the impact of overhead electric transmission lines and towers on scenic assets, zoning and community planning, property values, and real estate revenue. S.J. Res. 189. Passed Senate 9/6.

FNMA Amendments of 1966: Gives Federal National Mortgage Association powers that will enable it to pump $4.7 billion into homebuilding industry by mortgage purchases. PL 89–566. (PR)

Vote: Senate passage 83(54D, 29R)—0.

Vice President's Residence: Authorizes an appropriation of $750,000 for the construction and furnishing of an official residence for the Vice President to be located on the grounds of the U.S. Naval Observatory. PL 89–386.

INDIANS

Civil Actions: Permits Indian tribes to bring civil actions arising under the Constitution, treaties, and laws of the U.S., without regard to the $10,000 limitation. PL 89–635.

Expert Assistance Loans: Increases from $900,000 to $1,800,000 the revolving loan fund for assisting Indian tribes to procure the assistance of expert witnesses in cases before the Indian Claims Commission. PL 89–592.

Indian Claims: Extends the life of the Indian Claims Commission to April 10, 1972. HR 5392. In conf.

Indian Revolving Loan Fund: Authorizes an increase of $35 million in the Indian revolving loan fund. HR 9323. In Conf.

Navajo Reservation: Provides that royalties from the Navajo Reservation payable to the State of Utah be used for the health, education, and welfare of the Indians on the reservation. S. 2535. Passed Senate 8/29.

INTERNATIONAL

Asian Development Bank: Authorizes the President to accept membership on behalf of the U.S. in the Asian Development Bank and authorizes an appropriation of $200 million. PL 89–369. (PR)

Beirut Agreement: Implements the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character. PL 89–634. (PR)

Chamizal Boundary Highway: Authorizes not to exceed $6 million for the construction of the 12.5 mile highway, estimated to cost $12 million, on the U.S. side of the Rio Grande River channel in El Paso. H.R. 11555. PL 89. (PR)

China—Loan of Naval Vessels: Authorizes lending one destroyer and one destroyer escort to the Republic of China. PL 89–398.

Claims: Provides for the determination of the amounts of claims of U.S. nationals against the Chinese Communist regime. S. 3075. PL 89–.

Convention on Settlement of Investment Disputes Implementing Legislation: Authorizes the President to appoint a U.S. representative to the Administrative Council of the International Center for the Settlement of Investment Disputes and designates four persons for the Panel of Arbitrators to be established pursuant to the provisions of the convention and provides that U.S. district courts will have jurisdiction to enforce the pecuniary obligations of arbitral awards. PL 89–532. (PR)

Florence Agreement: Implements the Florence Agreement to facilitate the free flow of educational, scientific, and cultural materials by removing barriers that impede the international movement of such materials. PL 89–651. (PR)

Foreign Agents Registration Act Amendments: Protects the interests of the U.S. by requiring complete public disclosure by persons acting for or in the interest of foreign principals where their activities are political in nature or border on the political. Such public disclosures as required by the act will permit the Government and the people of the U.S. to be informed as to the identities and activities of such persons and thus be better able to appraise them and the purposes for which they act. PL 89–486.

Foreign Aid Authorization: Authorizes $3.5 billion for economic and military aid for fiscal 1967. PL 89–583. (PR)

Vote: Senate passage 66 (48D, 18R)—27 (15D, 12R). Conf. report adoption 33 (25D, 8R)—25 (15D, 10R).

Foreign Gifts and Decorations: Establishes uniform basic standards for the acceptance of gifts and decorations by persons employed by the U.S. Government under specified conditions. PL 89–673.

Foreign Service Buildings Act: Authorized $55,160,000 for construction and operation of Foreign Service buildings abroad. PL 89–636.

German Paintings: Authorizes the Attorney General to transfer, without cost, 3 German paintings to the Republic of Germany. PL 89–619.

Greek Loans: Authorizes the Secretary of the Treasury to conclude the settlement of a debt arising from a U.S. loan to Greece in 1929 on which no payments have been made since the early years of World War II. S. 1760. PL 89–.

HemisFair: Authorizes $7,500,000 to carry out U.S. participation in the HemisFair Exposition in San Antonio, Texas, in 1968. PL 89–685.

Human Rights Committee: Creates an 11-member advisory committee to formulate plans for U.S. participation in the U.N. sponsored International Human Rights Year of 1968. S. 3101. Passed Senate 10/17. H. Cal.

India—Emergency Aid: To help India meet her pressing food shortages, this act makes available under PL 480 certain agricultural commodities including food grain, corn, vegetable oils, milk powder, cotton and tobacco. PL 89–406. (PR)

Interama: Authorizes the President to provide for U.S. participation in the Inter-American Cultural and Trade Center, known as Interama, in Miami, Florida, a permanent international fair to serve as a meeting ground for the governments and industries of the Western Hemisphere and other areas of the world. PL 89–355.

Vote: Senate passage 56 (43D, 13R)—18 (6D, 12R).

International Conference on Water for Peace: Authorizes the U.S. to sponsor an International Conference on Water for Peace in Washington in 1967, and provides $900,000 for expenses incident to organizing and holding the conference. S.J. Res. 167. PL 89–. (PR)

International Organization Immunities Act: Provides for tax and customs exemption of the European Space Research Organization and for tax exemption of their foreign employees. PL 89–353.

International Petroleum Exposition: Authorizes the President to invite the States of the Union and foreign nations to participate in the International Petroleum Exposition to be held in Tulsa, Oklahoma, May 12 through 21, 1966. S.J. Res. 63. Passed Senate 2/10.

Lower Rio Grande Salinity Problems: Authorizes the Secretary of State to conclude an agreement, or agreements, with Mexico for the construction, operation, and maintenance by Mexico, under the supervision of the International Boundary and Water Commission, of a drainage conveyance channel through Mexican territory for the discharge of waters of El Morillo and other drains in Mexico into the Gulf of Mexico. PL 89–584.

National UNICEF Day: Requests the President to issue annually a proclamation designating October 31 of each year as National UNICEF Day. S.J. Res. 194. Passed Senate 9/21.

Nonproliferation of Nuclear Weapons: Expresses to the President that the Senate commends his efforts to negotiate an international agreement limiting the spread of nuclear weapons and supports the principle of additional efforts which the President deems appropriate and necessary in the interest of peace and for the solution of nuclear proliferation problems. S. Res. 179. Adopted 5/17.

Senate passage 84 (55D, 29R)—0.

Pan American Institute of Geography and History: Increases the ceiling on U.S. contributions to the Pan American Institute of Geography and History from $50,000 a year to $99,300 and authorizes appropriations for the expenses of U.S. participation in Institute activities (estimated at $3,000 a year). PL 89–646.

Peace Corps: Authorizes $110 million for fiscal 1967. PL 89–572. (PR)

U.S.-Mexico Flood Control: Authorizes conclusion of an agreement for joint construction by U.S. and Mexico of flood control project for the Tiajuana River. PL 89–640.

1972 Winter Olympics: Approves selection of U.S. Olympic Committee and supports its recommendation that Utah be designated as the site for the 1972 Winter Olympic Games. S. Con. Res. 71. Senate adopted 3/14; House adopted 4/4/66.

World Health Assembly: Authorizes an appropriation of not to exceed $500,000 to enable the U.S. to extend an invitation to the World Health Organization to hold the 22nd World Health Assembly in Boston, Massachusetts in 1969. PL 89–357.

JUDICIAL

Appeals in Patent and Trademark Cases: Simplifies the procedure in appeals from the Patent Office to the Court of Customs and Patent Appeals mainly by eliminating the existing requirement that the appellant set forth "reasons of appeal" when the appeal is filed. S. 2207. Passed Senate 8/26.

Court of Claims: Authorizes the President to appoint two additional judges for the U.S. Court of Claims, subject to Senate confirmation. PL 89–425.

Federal bail reform: Revises the practices relating to bail to assure that all persons, regardless of their financial status, shall not needlessly be detained pending their appearance to answer charges, to testify, or pending appeal, when detention serves neither justice nor public interest. PL 89–465 (PR)

Federal Claims Collection Act: Authorizes heads of agencies or their designees to compromise claims that do not exceed $20,000 and are claims for money or property arising out of activities of the agency or are referred to it. PL 89–508. (PR)

Federal Judgeships: Creates 45 new Federal judgeships, 10 circuit court and 35 district court. PL 89–372.

Federal Tort Claims Act Amendment: Provides authority to the heads of Federal agencies for administrative settlement of tort claims against the U.S. PL 89–506. (PR)

Habeas Corpus: Allows a person in custody under a judgment and sentence by a State court to petition for a writ of habeas corpus in the Federal district court of the district

within which the State court was held that convicted and sentenced him. PL 89–590.

Judgments: Provides that in any action brought by or against the U.S. or any agency or official of the U.S. acting in his official capacity, costs may be awarded by the court to the prevailing party. PL 89–507. (PR)

Judicial Review: Removes any existing doubt as to the power of taxpayers, citizens, and institutions to obtain judicial review of the validity of Federal grants or loans under certain acts of Congress which include, by application, church-related institutions among their beneficiaries, S. 2097. Passed Senate 7/29.

Obstruction of Justice: Amends chapter 73 of title 18, U.S. Code, relating to obstruction of the administration of justice, by adding a new section prohibiting the obstruction of Federal criminal investigations. S. 2188. Passed Senate 8/26. (PR)

Puerto Rico: Provides the same life tenure and retirement rights for future judges appointed to the U.S. District Court for the District of Puerto Rico as the present judges of all other U.S. district courts. PL 89–571.

Uniform Civil Appellate Rules: Authorizes the Supreme Court to extend the scope of the Federal Rules of Civil Procedure to encompass practice and procedure in civil actions conducted before the U.S. courts of appeals. S. 3254. PL 89–.

Statute of Limitations: Establishes statutes of limitations which will apply to contract and tort action brought by the U.S. Government. PL 89–505. (PR)

U.S. Seals: Makes it a Federal crime to use the design of the great seal of the U.S. or the seal of the President without authority. S. 2770. Passed House amended 10/3.

Witness Immunity: Modifies the procedure for compelling a witness to testify or produce evidence in exchange for a grant of immunity from prosecution by requiring an application for a court order to that effect. S. 2190. Passed Senate 8/26. (PR)

Federal Criminal Laws: Establishes a National Commission on the Reform of Federal Criminal Laws. HR 15766. PL 89–. (PR)

Law Enforcement: Authorizes funds for law enforcement training. HR 13551, PL 89–. (PR)

LABOR

Coal Mine Safety: Extends the mandatory safety provisions of the Federal Coal Mine Safety Act to mines regularly employing less than 15 men underground, and strengthens other provisions of the act to increase the protection of lives and property in all underground coal mines. PL 89–376. (PR)

Manpower Development Training Amendments of 1966: Amends the 1962 act to provide a needed flexibility to its programs and its administration which will permit a more effective method of dealing with the growing problem of skill shortages in certain areas and occupations. HR 16715. PL 89– (PR)

Metal and Nonmetallic Mine Safety: Directs the Secretary of Interior to develop and enforce mandatory health and safety standards for mining of metal and nonmetallic substances. Exempts coal and lignite mines and operations in which minerals are extracted in liquid form unless this required workers underground. PL 89–577. (PR)

Vote: Senate passage 57 (41D, 16R)—18 (7D, 11R).

Minimum Wage: Amends the Fair Labor Standards Act of 1938 by extending its benefits and coverage to an estimated 8 million workers and raising the minimum wage for workers now covered to $1.40 an hour beginning February 1, 1967, and $1.60 an hour beginning 2/1/68; newly covered workers will receive $1 an hour beginning 2/1/67 with the minimum rate raised in 4 annual increases to $1.60 an hour beginning 2/1/71. PL 89–601. (PR)

Vote: Senate passage 57 (42D, 15R)—17 (8D, 9R). Conference report 55) (45D, 10R)—38 (15D, 23R).

Older Americans: Authorizes the Administration on Aging in the Department of HEW to provide funds and technical assistance to nonprofit private organizations, municipalities, counties, and States for community service programs which utilize the abilities, enthusiasm, and energy of men and women of age 60 or over. S. 2877. Passed Senate 10/2.

Railroad Retirement: Provides survivor benefits to children aged 18 to 21 under the Railroad Retirement Act. HR 14355. PL 89–.

Railroad Retirement Annuities: Gives those people who did not share in the Social Security amendments of last year a 10% increase; sets up a supplemental annuity plan from $45 to $70 a month to be administered by the Railroad Retirement Board. HR 17285. PL 89–.

Railway labor: Eliminates the large backlog of undecided claims of railway employees pending before the National Railroad Adjustment Board, and provides equal opportunity for judicial review of awards by this Board to employees and employers. PL 89–456.

Unemployment insurance: Covers 2.3 million more workers under Federal-State unemployment compensation system, fixes minimum Federal standards, provides, under certain conditions, for additional 13 weeks benefits after expiration of normal period, with Federal Government furnishing the funds; raises tax rates and wage base. HR 15119. In conference. (PR)

Vote: Senate passage 53 (45D, 8R)—31 (12D, 19R).

MEMORIALS AND COMMISSIONS

American Revolution Bicentennial Commission: Establishes the American Revolution Bicentennial Commission to commemorate the great struggle for freedom which occurred nearly 200 years ago. Commission will be composed of Members of Congress and the Executive Branch, and distinguished and outstanding Americans appointed by the President. PL 89–491. (PR)

Bible Translation Day: Authorizes the President to designate the 30th of September, 1966 as Bible Translation Day. S.J. Res. 169. Passed Senate 8/26.

Chamizal Treaty National Memorial: Provides for the establishment of the Chamizal Treaty National Memorial in El Paso, Texas. PL 89–479. (PR)

Clark Park: Authorizes the Secretary of Interior to accept the donation from the State of Indiana of George Rogers Clark Memorial for the establishment as the George Rogers Clark National Historical Park in Vincennes, Indiana. PL 89–517.

Fort Union Trading Post: Authorizes the establishment of the Fort Union Trading Post National Historic Site, North Dakota and Montana, to commemorate the significant role of Fort Union as a fur trading post during the early history of our nation. PL 89–458.

International Literacy Day: Designates September 8, 1966, as International Literacy Day. PL 89–546.

Lewis and Clark Trail Commission Authorization: Adds Illinois to the list of States entitled to representation on the Lewis and Clark Trail Commission and increases the annual authorization from $25,000 to $35,000. PL 89–475.

National Air Museum: Provides for memorializing space flight as a part of the National Air Museum. PL 89–509.

Patrick V. McNamara Building: Provides that the Federal office building to be constructed in Detroit, Michigan, shall be named the "Patrick V. McNamara Office Building" in memory of the late Senator from Michigan. S. 3748. Passed Senate 8/31. H. Cal.

Pennsylvania Avenue: Provides for the administration and development of Pennsylvania Avenue in the District of Columbia as a national historic site. S.J. Res. 116. Passed Senate 6/8. H. Cal. PR

Preservation of Historic Properties: Authorizes the Secretary of Interior to maintain a national register of sites, buildings, and objects significant in American history and culture, including both historic and archeological sites. Establishes a program of matching grants to States and the National Trust for Historic Preservation in the U.S. for projects having as their purpose the preservation for public benefit of properties that are significant in American history and culture. PL 89–665. (PR)

Roanoke Island Memorial: Establishes the Roanoke Island Memorial Commission, North Carolina. S. Con Res. 39. Passed Senate 6/8.

San Juan Island National Historical Park: Authorizes $3,542,000 for the establishment of a national historical park on San Juan Island in the State of Washington. PL 89–565. (PR)

Sir Winston Churchill: Designates April 9, 1966 as Sir Winston Churchill Day, the third anniversary of the date U.S. citizenship was conferred on Sir Winston. PL 89–385.

REORGANIZATION

Reorg. Plan No. 1: Approved the transfer of the Community Relations Service from the Department of Commerce to the Department of Justice and the transfer of all its functions from the Secretary of Commerce to the Attorney General. Effective 4/22/66. (PR)

Vote: Senate rejected disapproval resolution: Yeas 32 (11 D, 21R); Nays 42 (42D).

Reorg. Plan No. 2: Approved the transfer of the water pollution control functions from HEW to the Department of Interior. Effective 5/10/66. (PR)

Reorg. Plan No. 3: Approved the transfer to the Secretary of HEW the functions now vested in the Surgeon General of the Public Health Service. Effective 6/25/66. (PR)

Reorg. Plan No. 4: Vests all responsibility for the National Zoological Park in the Smithsonian Institution. Effective 8/23/66. (PR)

Reorg. Plan No. 5: Abolishes the National Capitol Regional Planning Council and vests its functions in the National Capital Planning Commission in order to improve existing organizational arrangements of and promote effective and efficient planning for the National Capitol region. Effective 9/8/66. (PR)

Reorganization of Congress: Provides that until 3/31/67, the six members of the Joint Committee on the Organization of Congress will be constituted as a Special Committee on the Organization of Congress with legislative authority to receive, consider, and report a bill designed to implement the recommendations of the joint committee. S. Res. 293. Senate adopted 8/26.

Reorganization of Navy Department: Effective 5/1/66. (PR)

RESOURCE BUILDUP

Bighorn Canyon National Recreation Area: Authorizes $355,000 to establish the Bighorn Canyon National Recreation Area in Montana and Wyoming to provide for public outdoor recreation use and enjoyment of the proposed Yellowtail Reservoir and for the preservation of the scenic, scientific, and historic features of the area. PL 89–664. (PR)

Cape Lookout: Authorizes $3,200,000 for the establishment of the Cape Lookout National Seashore in North Carolina. PL 89–366. (PR)

Contiguous Fishing Zone: Establishes a 12-mile fishing zone off the U.S. coast. PL 89–658.

Delmarva Peninsula Hydrological Study: Expresses Congressional approval of a 5-year hydrologic study and investigation of the Delmarva Peninsula located between the Delaware and Chesapeake Bays, to be carried out by the Geological Survey of the Department of the Interior, to determine the availability of adequate future water supplies. PL 89–618.

Feasibility Study: Authorizes the Secretary of Interior to study the feasibility and desirability of a Connecticut River National Recreation Area in the States of Connecticut, Massachusetts, Vermont and New Hampshire. PL 89–616.

Fishery Resources Survey: Directs the Secretary of Interior to conduct a survey on the extent and condition of the inland and coastal fishery resources of the U.S. S.J. Res. 29. Passed Senate 6/7.

Fur Seal Act of 1966: Implements the Convention on the Conservation of North Pacific Fur Seals and gives the Secretary of Interior broader discretion in the administration of the Pribilof Islands, encouraging self-government. S. 2102. PL 89–.

Geothermal Steam: Authorizes the Secretary of Interior to make disposition of geothermal steam and associated geothermal resources. S. 1674. PL 89–.

Grand Coulee—Third Powerplant: Authorizes $390,000,000 for Federal construction of a third powerplant at Grand Coulee Dam on the Columbia River in the State of Washington, which will add 3.6 million kilowatts of generating capacity to the 2 million kilowatts of the two existing plants, making it the largest single hydroelectric development in the world. PL 89–448. (PR)

Great Salt Lake: Authorizes immediate conveyance to Utah of 250,000 acres of Federal land which borders on the Great Salt Lake. PL 89–441. (PR)

Great Salt Lake Relicted Lands Act Amendment: Insures full protection to the contingent interests of the Federal Government in certain lands in the State of Utah relicted from the Great Salt Lake (PL 89–441). PL 89–542. (PR)

Guadalupe: Establishes the Guadalupe Mountains National Park covering some 77,582 acres in Culvertson and Hudspeth Counties, Texas. PL 89–667. (PR)

Hudson River Basin Compact: Directs the Secretary of Interior to cooperate with the States of New York and New Jersey on a program to develop, preserve, and restore the resources of the Hudson River and its shores. PL 89–605. (PR)

Indiana Dunes: Authorizes the establishment of the Indiana Dunes National Lakeshore Recreation Area. S. 360. PL 89–. (PR)

Interior Research Contracts: Authorizes the Secretary of the Interior to enter into contracts for scientific and technological research into problems confronting the department. PL 89–672.

Irrigation Project Feasibility Studies: Authorizes the Secretary of Interior to continue feasibility investigations of certain specified water resource proposals now pending and to authorize initiation of new ones. PL 89–561. (PR)

Manson Irrigation Unit, Washington: Authorizes the Department of Interior to construct, operate, and maintain the Manson Unit, Chelan Division, Chief Joseph Dam Project, Washington. The estimated cost of $13,344,000 will be repaid within 50 years by the water and power users, with the exception of $150,000 to be used for fish and wildlife purposes. PL 89–557.

Marine Resources and Engineering Development: This bill furthers ocean engineering and exploration, expands marine science and technology, and intensifies development and utilization of ocean, Continental Shelf, and Great Lakes resources. PL 89–454.

Missouri River Basin Project: Increases by $60 million for fiscal years 1967 and 1968 the authorization for appropriations for continuing the work on the Missouri River Basin Project. PL 89–515.

Mount Rogers Recreational Area: Authorizes the establishment of the Mount Rogers National Recreation area in the Jefferson National Forest in Virginia. PL 89–438.

National Water Commission: Establishes a National Water Commission to review and advise on the entire range of water resource problems. S. 3107. Passed Senate 6/9. HR 4671. H. Cal. (PR)

Nuclear Desalting Plant: Authorized the AEC to participate in the construction and operation of a large-scale combination nuclear power desalting project in California. PL 89–648. (PR)

Pictured Rocks National Lakeshore: Establishes the Pictured Rocks National Lakeshore in the State of Michigan. PL 89–668.

Point Reyes National Seashore: Increases from $14 million to $19,135,000 the authorization for establishing the Point Reyes National Seashore in California. PL 89–666.

Public Land Leasing: Authorizes the Secretary of Interior to enter into leases for a period of 25 years under the Recreation and Public Purposes Act which will permit States and local units of government to plan and develop Federal lands under lease to them with Federal participation as provided for in the Land and Water Conservation Fund Act. PL 89–457.

Public Works Authorization: Authorizes $670 million for rivers and harbors and flood control projects. HR 18233. PL 89–.

Repeal of Railroad Coal Leasing Limitations: Removes an impediment to development on a large scale of the vast coal deposits on the publicly owned lands of the U.S., particularly in the western States, by repealing sec. 2(c) of the Mineral Leasing Act of 1920, which prevents railroad companies or corporations from obtaining or holding a permit or lease for any coal deposit, except for their own use for railroad purposes. S. 3070. Passed Senate 8/11.

Sleeping Bear Dunes: Authorizes the establishment of Sleeping Bear Dunes National Lakeshore in the State of Michigan. S. 936. Passed Senate 8/26/65. H. Cal. (PR)

Small Reclamation Projects Act Amendments: Broadens and strengthens the Small Reclamation Projects Act of 1950, which is designed to encourage State and local participation in the development and improvement of reclamation projects in their own localities. PL 89–553.

Southern Nevada Project Amendment: Repeals Sec. 6 of PL 89–292 authorizing $81,003,000 for the Federal construction of the southern Nevada water project. Sec. 6, because of being couched in general language, requires the Department of Interior to recognize the intra-state priorities of water rights to the use of water. PL 89–510. (PR)

Taylor Grazing Act: Facilitates the exchange authority of the Department of Interior under the Taylor Grazing Act. S. 3178. Passed Senate 8/29.

Tualatin Federal Reclamation Project, Oregon: Authorizes $22 million, plus increased cost, for the Federal construction of the Tualatin Federal reclamation project in Washington County, Oregon. PL 89–596.

Tva Financing: Increases by $1 billion (from $750 million to $1,750 million) the amount of revenue bonds that may be issued and sold by the Tennessee Valley Authority. PL 89–537. (PR)

Vega Dam and Reservoir: Authorizes the Secretary of Interior to make adjustments interests in land acquired for the Vega Dam and Reservoir, Colorado, through reconveyance of mineral interests to former owners. PL 89–579.

Water Resources Research Act Amendments: Enlarges the scope of the 1964 Water Resources Research Act by authorizing $85 million over a 10-year period in grant, matching and contract funds for assistance to educational institutions in addition to State land-grant colleges, to competent private organizations and individuals, and to local, State, and Federal agencies in undertaking special research in water resource problems. PL 89–404. (PR)

Wildlife Refuge: Authorizes the Secretary of Interior to initiate and carry out a program to conserve, protect, and restore selected species of native fish and wildlife, including game and nongame migratory birds, that are found to be threatened with extinction. PL 89–669. (PR)

Wild Rivers: Establishes a National Wild Rivers System and designates seven rivers to be preserved in their natural condition and provides for study and possible inclusion later of segments of 17 other rivers. Estimated cost is $16,067,000 for the 5-year program. S. 1446. Passed Senate 1/19. (PR)

Vote: Senate passage 71(45D, 26R)—1(1R).

Wolf Trap Farm: Provides for the establishment of the Wolf Trap Farm Park in Fairfax County, Virginia. PL 89–671. (PR)

TAXES AND DUTY

Armed Forces—Tax Treatment: Provides that retired servicemen are to be taxed only on the amount they actually receive as retired pay. The amount of any reduction to provide survivor annuities would be excluded. Estate and gift tax exclusions are also provided. PL 89–365.

Central Filing of Tax Returns: Alters present law specifying the place for filing tax returns in order to promote savings under the automatic data processing system of the Internal Revenue Service. HR 6958. PL 89–.

Copper Tariff Suspension: Suspends the present 1.7 cents per pound duty on unrefined copper (1.7 cents per pound plus 10% in the case of nickel silver waste and scrap) for the period 2/9/66 through 6/30/68. PL 89–468. (PR)

Disclaimers: Amends present law to allow an interest in property which a surviving spouse receives as a result of a disclaimer by a beneficiary under a will to qualify for the estate tax marital deduction where certain conditions are met. PL 89–621.

Estate Tax Deficiencies: Amends the Internal Revenue Code of 1939 to provide that if any part of a deficiency with respect to estate tax liability is due to fraud with intent to evade tax, the penalty to be imposed is 50% of the total amount of the deficiency rather than 50% of the total tax liability. PL 89–359.

Excise Tax on Tires and Tubes: Requires tire and tube manufacturers to pay the excise tax on such products at the time of delivery to manufacturer-owned retailers, conforming the excise tax treatment between manufacturer-owned retailers and independent retailers of tires and tubes. PL 89–523.

Expropriation Recoveries: Provides a new set of rules for the tax treatment to be accorded recoveries of foreign expropriation losses. Generally, the new rules limit the tax on the recovery to the benefit previously received in deducting the loss. PL 89–384.

Federal Tax Lien Act of 1966: Amends the Internal Revenue Act of 1954 relative to the priority of federal tax liens and brings that act more in conformity with the lien provisions of the Uniform Commercial Code. HR 11256. Passed Senate amended 10/13.

Foreign Investors Tax Act of 1966: Revises the tax treatment of nonresident aliens and foreign corporations who invest in the United States. HR 13103. PL 89–. (PR)

Guaranteed debt obligations: Permits a taxpayer who is a dealer in property to take an income tax deduction for reasonable additions to a reserve for bad debts which arise from his contingent liability as a guarantor, endorser, or indemnitor of debt obligations

arising out of a sale by him of real property or tangible personal property in the ordinary course of the dealer's business. H.R. 11782. PL 89–

Income tax treatment—mining exploration: Allows an increased deduction for mining exploration expenses. PL 89–570.

Investment credit: Suspends the investment credit and allowance of accelerated depreciation in the case of certain real property. Effective date October 10, 1966. H.R. 17607. PL 89– (PR)

Tax adjustment act: Increases revenues in 1966 and 1967 by approximately $6 billion to help finance the war in Vietnam; extends Social Security coverage ($35 minimum) to all who are or reach 72 by 1968 and are not receiving railroad retirement, Federal, State or local pensions; increases excise tax on automobiles to 7 percent and telephone service to 10 percent through March 31, 1968; increases withholding and accelerates corporate tax payments. PL 89–368. (PR)

Vote: Senate passage 79(55D, 24R)—9(5D, 4R). Conference report 72(49D, 23R)—5(1D, 4R).

Tax court: Liberalizes the computation of benefits for retired judges of the Tax Court by basing their pension on the salary of the "office" rather than actual salary at the time of retirement, thereby permitting pay raises to be passed on to retired judges. PL 89–354.

Tax Exempt. Savings Institutions: Provides income tax exemption for certain nonprofit organizations operated to provide reserve funds for savings and loan associations, and subjects them to unrelated business income tax. PL 89–352.

Tax Refunds—Interest: Provides that no interest is to be paid on refunds on overpayments of income tax if the refund is made within 45 days after the date the return is actually filed; and extends to taxpayers with an investment credit carryback the quick refund procedure presently available to taxpayers with a net operating loss carryback. H.R. 11660. PL 89–

Undistributed taxable income: Provides that undistributed taxable income made within 2½ months after close of taxable year to shareholders of certain small business corporations shall be considered to have been made before the close of the taxable year. PL 89–389.

Vacation pay: Permits accrued vacation pay to continue to be deducted until January 1, 1969, regardless of whether liability to a specific person for the pay has been established or whether the amount of liability to each individual can be computed with reasonable accuracy. PL 89–692.

DUTIES

Bauxite: Continues until July 15, 1968 the suspension of duty on certain alumina and bauxite. PL 89–440.

Chicory: Extends until June 30, 1969 the suspension of duty on crude chicory and the reduction in ground chicory. PL 89–439.

Copra: Makes permanent the duty-free treatment or lower rates of duty temporarily applicable to copra, palm nuts, and palm nut kernels, their oils, and specified fatty acids, salts, and other chemical products derived from the oils. PL 89–388.

Corkboard: Makes permanent the existing duty-free treatment for certain corkboard insulation. PL 89–431.

Electrodes: Extends until July 15, 1968 the suspension of duty on electrodes imported for use in producing aluminum. PL 89–434.

Graphite: Makes permanent the existing suspension of duty on certain natural graphite. PL 89–433.

Heptanoic Acid: Continues until 8/8/69 the existing suspension of duty on heptanoic acid. PL 89–432.

Household Effects: Makes permanent the existing duty-free treatment of personal and household effects brought into the U.S. under Government orders. PL 89–436.

Istle: Continues until 9/5/69 the existing duty suspension on processed istle fiber. PL 89–575.

Shoe Lathes: Continues until the close of June 30, 1969, the existing suspension of duty on certain copying shoe lathes. PL 89–437.

Tanning Extracts: Continues until September 30, 1969 the period during which certain extracts suitable for tanning may be imported duty free. PL 89–573.

Tariff Treatment of Certain Articles: Simplifies the requirements of the Tariff Schedules for qualifying imported articles for partial exemption from duty to the extent of the value of any U.S. components that have been assembled abroad. H.R. 11216. PL 89–

Tropical Hardwoods: Suspends the duty on tropical hardwoods until 1/1/68. PL 89–392.

Watches from Insular Possessions: Amends the Tariff Schedules with regard to the dutiable status of watches, clocks, and timing apparatus from insular possessions of the U.S. H.R. 8436. Passed Senate amended 10/11.

TRANSPORTATION AND COMMUNICATIONS

Airlines Safeguard: Safeguards U.S. airlines against discriminatory acts of foreign air carriers. S. 3198. Passed Senate 8/29.

Authorization increase for airports: Increases the level of authorization from $2. million to $3.5 million for the purpose of developing or participating in the development of airports in or in close proximity to national parks, national monuments and national recreation areas. S. 476. PL 89–

Auto Safety: Provides for a coordinated national safety program and establishes safety standards for motor vehicles, highways, and tires. PL 89–563. (PR)

Vote: Senate passage 76 (52D, 24R)—0.

Bus Charter Service: Amends the Interstate Commerce Act to provide that future applicants for motor common carrier passenger certificates will be required to seek rights to engage in charter service and show a public need for such service. S. 2893. PL 89–.

Coast Guard—Navigation Services: Expands the authority of the Coast Guard with respect to the establishment of aids to navigation beyond the territorial limits of the U.S. and permits the Coast Guard to establish and operate various electronic aids to navigation. PL 89–662.

Compact Between Missouri and Kansas: Grants Congressional consent to a compact between the States of Missouri and Kansas creating the Kansas City Area Transportation Authority. PL 89–599.

Connally Hot Oil Act: Amends the Connally Hot Oil Act to permit any State to ship in interstate commerce oil which it has acquired through confiscation or otherwise because of violation of its laws. PL 89–644.

Construction Differential Subsidies: Extends for 2 years the present authority of the Secretary of Commerce to make construction differential subsidy payments of a maximum of 55% on new merchant vessel construction. PL 89–589.

Department of Transportation: Establishes a new Department of Transportation as a Cabinet-level agency to which are transferred the major transportation agencies and functions of the Federal Government. PL 89–670. (PR)

Vote: Senate passage 64 (48D, 16R)—2 (1D, 1R)

Federal Aid Highway Act: Authorizes $19.7 billion in Federal highway grants to the States over the next 5 years. PL 89–574. (PR)

Vote: Senate passage 85 (57D, 28R)—0.

Federal Airport Act: Extends the Federal aid to airports program an additional 3 years, expiring 6/30/70, at the existing $75 million annual level of authorization. PL 89–647. (PR)

Fire Companies: Authorizes special postage rates for volunteer fire companies. S. 390. PL 89–.

Foreign Air Carriers: Amends the Federal Aviation Act to authorize CAB to exempt one or more carriers from the provisions of sec. 401. S. 3197. Passed Senate 8/19.

Freight Car Shortage: Expands the present powers of the Interstate Commerce Commission to set daily rental rates paid by one railroad to another for the use of freight cars moving across the country, and includes considerations of the national freight car supply as a basis for setting rates. PL 89–430. (PR)

Government Inspections: Provides for inspections and quarantine service at ports and airports of entry without reimbursement of owners of the transportation facilities. S. 1956. Passed Senate 8/19.

Highway Safety: Authorizes a 3-year, $322 million national highway safety program. PL 89–564. (PR)

Obscene Telephoning: Makes it a federal offense to make obscene or harassing telephone calls in interstate or foreign commerce or within the District of Columbia. S. 2825. Passed Senate 6/29.

Parcel Post: This bill increases the rates and revises the size and weight limitations on parcel post packages. PL 89–593. (PR)

Pet Theft Bill: Authorizes the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation. PL 89–544. (PR)

Pipeline Thefts: Makes it a criminal offense to steal or embezzle property from a pipeline. PL 89–654.

Pollution of Sea by Oil: Implements the provisions of the International Convention for the Prevention of the Pollution of the Sea by Oil. PL 89–551.

Radio Frequencies—Harmful Interference: Provides the Federal Communications Commission with adequate authority to deal with increasingly acute interference problems arising from expanded usage of electrical and electronic devices which cause, or are capable of causing, harmful interference to radio reception. S. 1015. Passed Senate 6/2.

Safety of Life at Sea: Requires evidence of adequate financial responsibility to pay judgments for personal injury or death or to repay fares in the event of non-performance of voyages, to establish minimum standards for passenger vessels and to require disclosure of construction details on passenger vessels. HR 10327. PL 89–.

Ship Mortgage Act Amendments: Amends the Ship Mortgage Act of 1920 to reduce the cost of obtaining certified copies of mortgages to owners of non-self-propelled vessels and to eliminate the requirement for retaining those copies on the vessels. PL 89–582.

Small Vessels: Simplifies the admeasurement of small vessels. P.L. 89–476.

Standard Container Acts: Repeals the Standard Container Acts of 1916 and 1928 which prescribe standard sizes and capacities for certain types of baskets and hampers used in the shipment of fresh fruits and vegetables. S. 17. Passed Senate 9/1.

Transportation to Airports: Authorizes Federal Aviation Agency to make a comprehensive study of high-speed ground transportation to Dulles, Washington and Friendship airports. S. 3523. Passed Senate 7/20.

Urban Mass Transit: Extends the Urban Mass Transportation Act of 1964 through fiscal 1969; retains the existing grant authorization of $150 million for each fiscal year; requires research to develop new systems and provides two-thirds grants for planning, engineering, and designing. PL 89–562. (PR)

Vote: Senate passage 65 (48D, 17R)—18 (4D, 14R)

War Risk Insurance: Extends war risk insurance authority until September 7, 1970, which permits the Secretary of Commerce to provide war risk insurance for the protection of aircraft and persons together with other liabilities pertaining to aircraft when commercial insurance cannot be obtained on reasonable terms and conditions. PL 89–447.

Washington Metropolitan Area Transit Authority: Grants the consent of Congress for the States of Virginia, Maryland, and D.C. to amend the Washington Metropolitan Area Transit Regulation Compact to establish an organization empowered to provide transit facilities in the National Capital region. See 3488. PL 89—. (PR)

TREATIES (PR)

Settlement of Investment Disputes. Vote: 72 (44D, 28R)—0. Exec. A: Ratified 5/16.

Supplementary income-tax convention with Netherlands. Vote: 83 (55D, 28R)—0. Exec. B: Ratified 6/21.

Supplementary tax protocol with the United Kingdom and Northern Ireland. Vote: 83 (55D, 28R)—0. Exec. C: Ratified 6/21.

Protocol to Mexican broadcasting agreement extending its provisions to December 31, 1967. Vote: 85 (55D, 28R)—0. Exec. D: Ratified 6/21.

Amendments to the Convention of the Intergovernmental Maritime Consultative Organization. Vote: 83 (55D, 28R)—0. Exec. H: Ratified 6/21.

Protocols to the Northwest Atlantic Fisheries Convention. Vote: 87 (56D, 31R)—0. Exec. I: Ratified 7/19.

Protocol extending International Wheat Agreement to 7/31/67. Vote: 89 (58D, 31R)—0. Exec. F: Ratified 7/14.

Treaty of Amity and Economic Relations with Togo. Vote: 64 (43D, 21R)—0. Exec. E: Ratified 9/28.

International Convention on Load Lines. Vote: 76 (56D, 20R)—0. Exec. S: Ratified 10/13.

VETERANS

American Legion: Amends the American Legion charter to enable veterans serving in Vietnam to become eligible for membership. PL 89–550. (PR)

Amvets: Amends the charter of the American Veterans of World War II, to admit the cold war veterans to membership in Amvets. PL 89–576.

Burial allowances: Extends the statutory burial allowance to certain veterans whose deaths occur as a result of a service-connected disability. PL 89–360.

Disabled veterans—cars: Authorizes the VA to make grants toward the purchase of a car for certain veterans of the cold war who suffer serious service-connected disabilities. S. 1199. Passed Senate 6/9.

Disappeared Veteran: Provides that where a veteran receiving a pension disappears, the VA may pay his pension to his wife and children. PL 89–467.

Hospitalization: Restricts the conditions under which benefits are immediately reduced upon readmission of veterans for hospitalization or other institutional care. PL 89–362.

Hospital and Nursing Care in Alaska and Hawaii: Broadens the definition of the term "Veterans' Administration facilities" to include private contract facilities for war veterans in a State which is not contiguous to the 48 contiguous States (Alaska and Hawaii). S. 562. Passed Senate 6/8.

NSLI—Philippine Peso Payments: Provides for the refund of erroneous deduction for national service life insurance premiums from the pay of former members of the organized military forces of the Philippines, and provides the certain dependency payments be paid at the rate of 2 Philippine pesos for each dollar authorized. PL 89–641.

Philippine Hospitalization and Medical Care: Provides for extension and expansion of the program of grants-in-aid to the Republic of the Philippines for the hospitalization of certain veterans. PL 89–612. (PR)

Service Connected: Liberalizes dependency and indemnity compensation (DIC) to the surviving parents and children of a veteran who died as a result of service-connected causes by increasing the monthly dependency and indemnity compensation rates and the applicable annual income limitation provisions, and provides for certain exclusions from the computation of annual income in the case of dependent parents. HR 14347. Passed Senate amended 6/27.

Travel Expenses: Authorizes the payment of actual necessary travel expenses, or a mileage allowance in lieu thereof, to any person, to or from a Veterans' Administration facility or other place, in connection with vocational rehabilitation, counselling required pursuant to the war orphans educational assistance program, as well as for the purpose of treatment, examination, or care. PL 89–455.

Vietnam Readjustment Act: Provides additional benefits to veterans who have served in the Armed Forces during the Vietnam era, comparable to benefits now provided by Congress for veterans of World Wars I and II and the Korean conflict. S. 3580. PL 89–.

War Orphans' Educational Program: Extends the benefits of the War Orphans' Educational Assistance program to the children of those veterans of the Philippines Commonwealth Army who died or have become permanently and totally disabled by reason of their service during World War II. PL 89–613. (PR)

Widows: Allows the widow of a veteran, who died from a service-connected disability, left to care for eight or more children the same benefits that the children of a widow left in similar circumstances would receive under the pension program. PL 89–466.

Widow's Compensation: Liberalizes the requirements used in computing the compensation paid to the widow of a veteran. PL 89–622.

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## HEW "GUIDELINES" AND COMMISSIONER HOWE

Mr. MANSFIELD. Mr. President, a tough job needs a man of tough fiber. One of the toughest and most sensitive jobs in Washington today is the office of U.S. Commissioner of Education. Harold Howe fills this position with abundant fitness and great dedication.

When President Johnson chose Harold Howe to succeed Francis Keppel earlier this year, he picked a man eminently qualified to carry forward our Nation's vital and expanding education programs—a man whose youth and vigor belie an outstanding record of long service to the cause of better education. His quick grasp and willing advance of new and progressive ideas for improving the educational opportunities of American youth assure this country's educational superiority for years to come.

During the past several weeks, discussion of HEW "guidelines" for carrying out the mandate of the 1964 Civil Rights Act has turned, in some quarters, into a personal attack upon the character, allegiance, and integrity of Mr. Howe. Fortunately, Commissioner Howe is able to withstand these extreme attacks with no effect upon his performance.

I do not speak as an apologist for Harold Howe. I believe he requires no defense, no more, certainly, than that required of any other official of this Government saddled with the responsibility of implementing the law of the land. If his job is unique, the difference is in the nature of the problem—one permitted to linger unchecked for so long in our society.

Congress has enacted legislation to end the segregation by race in all public facilities. The law also places an additional task on the Commissioner of Education under title VI of the 1964 act. Commissioner Howe has attempted to carry out this added responsibility. It is obvious that his goal is nothing more than that stated by the Congress as the policy of the country. He is presently studying a proposal which would refer the responsibility for insuring the implementation of these guidelines to the States. But whether the State departments of education carry out the job or it is done in his office is of little significance to Commissioner Howe. His only concern is to get the job done properly. Neither he nor his office has designs upon the responsibilities of State departments of education or local school boards. His only purpose is to prevent the circumvention of the law over which Congress has made him responsible.

Harold Howe is not unaccustomed to conflict. His years as skipper of a Navy minesweeper speak abundantly for his courage and his unflinching willingness to face crises. This same spirit has been subjected recently to a test as severe as any witnessed in Washington in a long, long time. He is challenged first by those who would want to revert to or indeed even to decrease the slow pace of school desegregation following the 1954 Brown decision in the Supreme Court. Congress already has responded to that inadequate rate of speed by the 1964 act. In addition, Mr. Howe is challenged by those who advocate integration as an end in itself—to be accomplished arbitrarily and immediately, however great may be the disadvantage to the pupil. They would disagree that the primary purpose of our educational system is in providing the best education for every child.

Faced with these challenges, Harold Howe's unbending resolution to carry out the law, which Congress overwhelmingly passed, speaks best for his integrity and answers best the scorn of his self-appointed judges.

To Harold Howe my hope that from this encounter you find encouragement to achieve a solution reasonably and peaceably at this critical moment in our history.

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

Mr. MANSFIELD. I yield.

Mr. MORSE. I wish the RECORD to show that I associate myself with the remarks of the majority leader in regard to Commissioner Howe.

There is no question about Mr. Howe's integrity, and there can be no question about his carrying out the duties as he is satisfied the law dictates that he carry them out.

As I said the other day on the floor of the Senate, when we were dealing with one section of the education bill, he has acted, in regard to the so-called deferments and guidelines, under the legal

instructions of the Department of Justice.

Mr. President, although there are grounds for the criticism of administrative policies of the Department of Health, Education, and Welfare in the field of education, those criticisms bear not at all upon the character, integrity, and dedication to public service of Commissioner Howe, of the Secretary of Health, Education, and Welfare, Dr. Gardner, of Dr. Halperin, or of their associates.

However, if the majority leader will permit me to make this brief comment, I think we have had considerable evidence this year that the Department of Health, Education, and Welfare needs to reappraise its procedures for handling the projects that are coming in from the States, and that the Department needs to see to it that they streamline their procedures so that fewer decisions will be made at the Washington, D.C., level; because they are leaving themselves open to the criticism that they are seeking to determine policy in Washington which should be determined by State departments of education and local school districts in the States. That is why I was heard to say the other day, when I was handling the bill, that, as manager of these bills, I have pledged to the Senate and to the country that the Department of Health, Education, and Welfare will not be allowed to determine educational policy.

We can have our honest differences of opinion with Commissioner Howe and with Secretary Gardner, and many members of the committee do; and we have given them notice that, come January, we intend to survey their procedures and their administrative practices in order to make certain that the growing criticisms about their determining educational policy at the Washington, D.C., level, which should be determined by the local authorities, will have no basis in fact.

But let me join the majority leader by saying that I have a duty and my committee has a duty to disagree with Mr. Howe and Secretary Gardner on this issue of policymaking, but our disagreements do not in any way reflect any lack of confidence that we have in their ability, any lack of confidence we have in their integrity, or any lack of confidence we have in their dedication to public service.

Mr. MANSFIELD. I would not disagree with what has just been said by the distinguished Senator from Oregon [Mr. MORSE], who is "Mr. Education himself."

But I would point out that the Education Commissioner indicated that he is studying decentralization so that States can take over more. That is a step in the right direction. I do not think that a man who has carried out the law of the land, whether a given person likes it or not, should be subjected to the kind of abuse that this man has in the Congress. Hence my rising at this time.

I know Mr. Howe slightly. He appeared before the Subcommittee on Appropriations on which I serve. I watched him there. I have an idea of the difficulty under which he is working, and I believe he is trying to do the best that he can on the basis of a law which he has been asked to administer, and to do it in a reasonable and decent way.

I must say that I am delighted with his suggestion that he is seriously considering placing more responsibility on the State level and bringing about less responsibility in Washington.

Mr. MORSE. I agree with the statement of the majority leader. I did not want any impression left not intended by the Senator from Montana, I know, but which might be interpreted by the readers of the RECORD, that the chairman of the Subcommittee on Education, in connection with certain policies in the Department of Health, Education, and Welfare, reflected in any way any personal criticism of mine against either Secretary Gardner or Commissioner Howe.

Mr. MANSFIELD. Not at all.

Mr. MORSE. I backed them to the limit on the matter of guidelines because I am the author of the proposal, and it is the law of the land in the civil rights bill that provided for the denial of Federal funds to any Federal project in which it was found that the State group was in violation of Federal policy. I have backed them in regard to that. My difference with them is with regard to administrative policy.

Mr. MANSFIELD. And a justifiable and worthwhile difference. I hope that the Senator from Oregon, who is chairman of the Subcommittee on Education will continue his excellent surveillance.

## EXECUTIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate proceeded to the consideration of executive business.

## EXECUTIVE REPORT OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. MONRONEY, from the Committee on Post Office and Civil Service:
Nine postmaster nominations.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

## POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations of postmasters be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

## MISSISSIPPI RIVER COMMISSION

The Chief Clerk read the nomination of Maj. Gen. Robert George MacDonnell to be a member and president of the Mississippi River Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

## NATIONAL HIGHWAY SAFETY AGENCY

The legislative clerk read the nomination of William Haddon, Jr., of New York, to be Administrator, National Highway Safety Agency.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

## AGENCY FOR INTERNATIONAL DEVELOPMENT

The legislative clerk read the nomination of Rutherford M. Poats, of Virginia, to the Deputy Administrator, Agency for International Development.

Mr. MANSFIELD. Mr. President, I have been asked that this nomination go over.

The PRESIDING OFFICER. The nomination will be passed over.

## INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

The legislative clerk read the nomination of Emmett J. Rice, of New York, to be U.S. Alternate Executive Director of the International Bank for Reconstruction and Development.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

## U.S. ARMS CONTROL AND DISARMAMENT AGENCY

The legislative clerk read the nomination of Samuel De Palma, of Maryland, a Foreign Service officer of class 1, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

## DEPARTMENT OF STATE

The legislative clerk proceeded to read the nomination of Robert G. Neumann, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Afghanistan.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

## UNESCO REPRESENTATIVES

The legislative clerk proceeded to read sundry nominations for UNESCO representatives.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, there are a number of other nominations at the desk. I ask that they be called up at this time.

## ROUTINE NOMINATIONS OF POSTMASTERS AT THE DESK

The legislative clerk proceeded to read sundry routine nominations for postmasters at the desk, reported favorably earlier today.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc. I do so at the request of the chairman of the Committee on Post Office and Civil Service, the Senator from Oklahoma [Mr. MONRONEY].

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, are there any other nominations at the desk?

The PRESIDING OFFICER. There is only the nomination of Mr. Poats.

Mr. MANSFIELD. He will be held over.

Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

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

Mr. MORSE. Mr. President, will the Senator from Montana yield in connection with the nominations?

Mr. MANSFIELD. I yield.

Mr. MORSE. It is my understanding that the Senate has already confirmed the nomination of certain State Department nominees, including Robert G. Neumann, of California.

Mr. MANSFIELD. The Senator is correct.

Mr. MORSE. Mr. President, I want the RECORD to show that I heartily support those nominations. I was not here when they were passed upon, and I would like to have the attention of the chairman of the Committee on Foreign Relations [Mr. FULBRIGHT] as I make this statement.

We had a meeting of the Committee on Foreign Relations in regard to these very late nominations sent over to us by the Department of State. We approved of the nominations. But we disapproved of the procedure followed by the State Department. Our committee served notice on the State Department that they are not going to get such approval again, no matter who is involved, in a dying session of the Congress.

The State Department waited until the last minute to send over nominations. They violated the 6-day rule, of which the State Department is well aware. They know that there is a rule that nominations have to be presented 6 days in advance of action. They open themselves to suspicion by this procedural course of action.

If this were the exceptional case it would be different, but sad as it is, this is the normal practice of the Secretary of State.

It is about time that this Secretary of State knows, and I give him notice now, that he has put through the Senate the last nomination in violation of the 6-day rule. Just let him try it again.

Also, I want to say to the Secretary of State that he had better do something about improving the liaison relationship between the Department of State and the Committee on Foreign Relations of the Senate because I am one Senator on the Committee on Foreign Relations who does not hesitate to tell him what I think about the course of action. Their liaison is "lousy" and that is not a polite term, but a very descriptive term.

It is about time that this Secretary of State recognizes that the Senate, under the advise and consent clause of the Constitution, has an effective check on any executive branch of government. The senior Senator from Oregon has waived that rule and many other rules for the benefit of the State Department for the last time.

We are going to abide, Mr. Rusk, by the rules henceforth.

## LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

## TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that a committee of two Members had been appointed by the House to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 1048. Concurrent resolution providing for adjournment sine die; and

H. Con. Res. 1049. Concurrent resolution providing that during the sine die adjournment the Speaker of the House and the President of the Senate be authorized to sign enrolled bills and joint resolutions.

The message further announced that the House had passed a joint resolution (H.J. Res. 1322) fixing the time of assembly of the 90th Congress, in which it requested the concurrence of the Senate.

## ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 1674. An act to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes;

S. 2010. An act for the relief of Fun Wat Hoy;

S. 2040. An act for the relief of Dr. Dean H. Gosselin;

S. 2109. An act for the relief of Dr. Olibio S. Rodriguez-Eiras;

S. 2222. An act for the relief of Susan Jeanne Clynes;

S. 2491. An act for the relief of Dr. Juan Federico Antonio Lamas y Parra;

S. 2750. An act for the relief of You I. Souk;

S. 2798. An act for the relief of CWO Glen Zeigler, U.S. Navy (retired);

S. 3209. An act for the relief of Zofia Zych;

S. 3222. An act for the relief of Dusko Doder;

S. 3254. An act to amend section 2072 and 2112 of title 28, United States Code, with respect to the scope of the Federal Rules of Civil Procedure and to repeal inconsistent legislation;

S. 3318. An act for the relief of Yung Mi Kim;

S. 3466. An act to change the name of the Rolla Jewel Bearing Plant at Rolla, N. Dak., to the William Langer Jewel Bearing Plant; and

S. J. Res. 133. Joint resolution designating February 1967 as American History Month;

## CONCURRENT RESOLUTION— ADJOURNMENT SINE DIE

Mr. MANSFIELD submitted a concurrent resolution (S. Con. Res. 116) establishing that when the two Houses of Congress adjourn on Saturday, October 22, 1966, they stand adjourned sine die, which was considered and agreed to.

(See the above concurrent resolution printed in full when submitted by Mr. MANSFIELD, which appears under a separate heading.)

## RESOLUTIONS

### APPOINTMENT OF COMMITTEE TO NOTIFY THE PRESIDENT CONCERNING THE PROPOSED ADJOURNMENT OF THE SESSION

Mr. MANSFIELD submitted a resolution (S. Res. 318) appointing a committee to notify the President concerning the proposed adjournment of the session, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. MANSFIELD, which appears under a separate heading.)

### AUTHORIZATION FOR PRESIDENT OF THE SENATE TO MAKE CERTAIN APPOINTMENTS AFTER SINE DIE ADJOURNMENT

Mr. KUCHEL submitted a resolution (S. Res. 319) authorizing the President of the Senate to make certain appointments after the sine die adjournment of the present session, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. KUCHEL, which appears under a separate heading.)

### THANKS OF THE SENATE TO THE VICE PRESIDENT FOR HIS PRESIDING OVER THE DELIBERATIONS OF THE SENATE

Mr. MANSFIELD submitted a resolution (S. Res. 320) tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the

deliberations of the Senate, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. MANSFIELD, which appears under a separate heading.)

## THANKS TO THE PRESIDENT PRO TEMPORE FOR HIS PRESIDING OVER THE DELIBERATIONS OF THE SENATE

Mr. MANSFIELD submitted a resolution (S. Res. 321) tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. MANSFIELD, which appears under a separate heading.)

## THANKS TO THE ACTING PRESIDENT PRO TEMPORE FOR HIS PRESIDING OVER THE DELIBERATIONS OF THE SENATE

Mr. KUCHEL submitted a resolution (S. Res. 322) tendering the thanks of the Senate to the Acting President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. KUCHEL, which appears under a separate heading.)

## ADDITIONAL COSPONSORS OF BILLS

Under authority of the orders of the Senate, as indicated below, the following names have been added as additional cosponsors for the following bills:

Authority of October 14, 1966:

S. 3913. A bill to amend the Public Health Service Act to facilitate the construction of nursing homes, the establishment of home health agencies, and the expansion of training, education, and research designed to meet the personnel needs for geriatric long-term care services: Mr. MCGOVERN.

Authority of October 18, 1966:

S. 3919. A bill to establish a Federal Motor Vehicle Insurance Guaranty Corporation, and for other purposes: Mr. MAGNUSON.

## SUMMARY OF ACTIVITIES OF COMMITTEE ON AGRICULTURE AND FORESTRY AND COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES

Mr. MANSFIELD. Mr. President, I ask unanimous consent to insert in the RECORD a letter from the Honorable ALLEN ELLENDER, chairman of the Senate Agriculture Committee, together with a list of his committee's activity; and a summary of the activities of the Senate Committee on Aeronautical and Space Sciences.

Both committees have a splendid record and I commend them.

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

U.S. SENATE,
COMMITTEE ON AGRICULTURE AND FORESTRY,
*October 15, 1966.*

Hon. MIKE MANSFIELD,
*Majority Leader, U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR: During the second session of the 89th Congress the Senate Committee on Agriculture and Forestry reported seventeen bills as shown on the attached list.

Twenty-nine days of hearings have been held in connection with these and other bills studied by the Committee. We considered and reported three nominations and approved 37 watershed projects with ten pending October 15. These will likely be approved before adjournment.

A few other pending bills may be reported and approved before adjournment.

With kindest personal regards, I am,

Sincerely yours,

ALLEN J. ELLENDER,
*Chairman.*

LIST OF MEASURES FAVORABLY REPORTED TO THE SENATE BY THE SENATE COMMITTEE ON AGRICULTURE AND FORESTRY, 89TH CONGRESS, 2ND SESSION

SENATE BILLS, CONCURRENT AND JOINT RESOLUTIONS

S. 688. Authorizes additional means and measures for land conservation and utilization. Passed Senate Oct. 7, 1966.

S. 902. Authorizes Secretary of Agriculture to cooperate with states and other public agencies in planning for changes in use of agricultural land—urban and other non-agricultural use areas. Approved Sept. 7, 1966 (P.L. 89–560).

S. 2264. Permits Secretary of Agriculture to accept a cash equalization of exchanges for lands under his jurisdiction. Referred to House Committee on Agriculture May 24, 1966.

S. 2822. To improve operations of laws administered by the Farm Credit Administration and to improve operations thereunder. Approved August 2, 1966 (P.L. 89–525).

S. 2934. To provide for community development districts to achieve equality of opportunity for residents of rural America. Reported to House June 25, 1966.

S. 3325. To authorize a cooperative screwworm eradication program in Mexico. Reported to Senate June 28, 1966 (See H.R. 14888 which was approved July 27, 1966) (P.L. 89–521).

S. 3421. Authorizes Secretary to convey certain lands and improvements to the University of Alaska. Approved Oct. 4, 1966 (P.L. 89–620).

S. 3467. To expand and strengthen food service programs for children. (School lunch programs). Approved Oct. 11, 1966 (P.L. 89–642).

S.J. Res. 149. India Relief Act. Reported to Senate and H.J. Res. 997 passed in lieu thereof. Approved April 19, 1966 (P.L. 89–406).

S. Con. Res. 88. Relative to parity prices for agricultural commodities. Referred to House Committee on Agriculture June 20, 1966.

S.J. Res. 178. Deletes interest rate limitation on debentures issued by Federal Intermediate Credit Banks. Approved Sept. 20, 1966 (P.L. 89–595).

HOUSE BILLS

H.R. 10366. Establishes Mount Rogers National Recreation area in the Jefferson National Forest in Virginia. Approved May 31, 1966 (P.L. 89–438).

H.R. 12322. Provides for a program of research and promotion to improve competitive position of cotton growers and enabling them to finance and carry out the program. Approved July 13, 1966 (P.L. 89–502).

H.R. 15124. Extends time for filing tobacco acreage allotment leases until July 31, of each year. Approved June 24, 1966 (P.L. 89–471).

H.R. 14929. Food for Peace Act of 1966. P.L. 89–

H.R. 15510. Authorizes Secretary of Agriculture to hold prepayments by insured loan borrowers for transmission to holder of note in installments as they become due. Approved Oct. 8, 1966 (P.L. 89–633).

H.R. 15662. To modernize the Federal Seed Act. House agreed to Senate amendments Oct. 5, 1966.

SUMMARY OF THE ACTIVITIES OF THE SENATE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES DURING 1966

The Aeronautical and Space Sciences Committee during 1966 has continued its oversight of our national aeronautics and space programs. Beginning early in January, it held hearings to review the status of our national communications satellite programs. On January 25 and 26, it received testimony from Mr. James McCormack, Chairman of the Board, and Dr. Joseph Charyk, President, Comsat Corporation, Mr. James O'Connell, Director of Telecommunications Management, Executive Office of the President, Lt. General Alfred D. Starbird, Director, Defense Communications Agency, Department of Defense, and Mr. Earl Hilburn, Deputy Associate Administrator of NASA.

NASA's budget request for $5,012 million was submitted early in January and included in S. 2909 which was introduced by the Chairman (Senator ANDERSON) for himself and the Senator from Maine (Mrs. SMITH) on February 9, 1966. After a thorough and detailed analysis of NASA's budget by the staff, open hearings were held on February 28, March 1, 2, and 3, during which time Administrator James E. Webb, Dr. Robert Seamans, Deputy Administrator, and other NASA officials testified in connection with such budget request. On March 4, 1966, a classified hearing was held on the military space program. Testimony taken in connection with NASA's FY 1967 request was published in a volume which covered NASA's scientific and technological programs and program management; its program budget detail and a declassified discussion of the military space program. After several days of executive meetings to mark-up the bill, the Committee reported its recommendations as an amendment, in the nature of a substitute, to H.R. 14324. In acting on the House approved bill of $4,986,-874,150, the Senate Committee recommended a total of $5,008,000,000. The Committees met in conference during the months of June and July and on July 19, 1966, agreed to an authorization totaling $5,000,419,000. NASA's appropriations for FY 1967 are contained in the Independent Offices Appropriation Act which subsequently appropriated a total of $4,968,000,-000.

The Committee also held hearings on January 28 on the nomination of Dr. Robert C. Seamans who was appointed as Deputy Administrator of NASA upon the death of Dr. Hugh L. Dryden. The Committee subsequently reported favorably Dr. Seamans' nomination to the Senate.

The Committee also continued its interest in other aspects of our national space program. On February 24, the Committee met in classified session to hear testimony from the Department of Defense on the Manned Orbiting Laboratory. The Committee heard testimony from Dr. John S. Foster, Jr., Director, Defense Research and Engineering,

Department of Defense, Dr. Alexander H. Flax, Assistant Secretary of the Air Force (Research and Development) and from Dr. Robert Seamans, Jr., Deputy Administrator, NASA. This hearing was subsequently published in declassified form.

The Committee also continued its interest in the international aspects of space and published a staff report in July of 1966 on space treaty proposals by the U.S. and the U.S.S.R.

The Committee, pursuant to S. Res. 260, published a staff report, Doc. No. 90, "Policy Planning for Aeronautical Research and Development." This comprehensive document surveyed the relationships of civil aviation to national transportation systems and policies, relationships between the Federal Government, industry, and the universities, and research and development necessary to advance this technology. The report was prepared by the Science Policy Research Division of the Legislative Reference Service of the Library of Congress in conjunction with the Committee's staff.

Continuing its deep interest in areonautical research and development, the Committee has also announced that it is planning hearings on the nation's research and development efforts in aeronautics as the first order of business during the Calendar Year 1967.

## APPROPRIATIONS FOR DEPARTMENTS OF LABOR AND HEW, AND HIGHER EDUCATION AMENDMENTS OF 1966—STATEMENT BY SENATOR COOPER

Mr. KUCHEL. Mr. President, our esteemed friend from Kentucky [Mr. COOPER] is unavoidably absent, and he desires the RECORD to show his full approval of the Labor-HEW appropriations bill conference report and of the Higher Education Amendments of 1966.

I am very glad to comply with his request to include his statement on these bills in the RECORD, and I ask unanimous consent that the statement prepared by the distinguished senior Senator from Kentucky be printed at this point in the proceedings today.

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

STATEMENT BY SENATOR COOPER

I have been traveling in Kentucky, and I want the record to show my support of the appropriations bill providing funds for programs of the Department of Labor and the Department of Health, Education and Welfare.

It has been my privilege to give testimony before the Appropriations Committee on budget items and on other requests, and I am very glad that the conference has agreed to maintain funds for projects and programs that are important to the people of my own home state, and to the whole nation.

I served in earlier Congresses for five years on the Labor and Public Welfare Committee, and I have also spoken for the programs under these departments during the annual hearings before the Senate Appropriations Committee.

These programs affect nearly every person in the nation, and I very much appreciate the consideration that has been given to them, and to the need for their continuation.

I am glad to support the passage of the Conference Report, and I was glad to give my support to the bill to extend for three years the Higher Education Act and the Higher Education Facilities Act.

As one who spoke and voted for the Higher Education Act of 1965, I am very glad that the authorizations under this Act will be extended, and that the program of aiding smaller colleges through cooperative projects with larger universities has received such good atttention.

As one who also was a sponsor of the original National Defense Education Act, I know the great concern among students throughout Kentucky this year about the Administration proposal to phase out the NDEA program.

I am particularly glad that the Senate bill has extended the authority which I supported in the Higher Education Act of 1965, and that the Conferees have agreed to provide two hundred twenty million dollars for this student loan program in the current fiscal year.

These bills mean much to our youth and to education in this nation, and it has been my view that their enactment should be completed before the adjournment of the Congress. I am glad this has now been done.

## THE URBAN MASS TRANSPORTATION ACT AMENDMENTS OF 1966

Mr. WILLIAMS of New Jersey. Mr. President, some confusion has apparently arisen among those charged with administering the Urban Mass Transportation Act of 1964 as to the effect of certain technical changes made in that act by the 1966 amendments which were signed into law by President Johnson on September 8, 1966. As a member of the Committee on Banking and Currency and floor manager of these amendments to the act, I ask unanimous consent to have printed at this point in the RECORD a memorandum further clarifying certain technical changes made in the labor protective provisions of the act.

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

EXPLANATION OF THE TECHNICAL CHANGES MADE BY THE URBAN MASS TRANSPORTATION ACT AMENDMENTS OF 1966 (PUBLIC LAW 89–562) IN THE LABOR PROTECTION PROVISIONS OF THE ACT

On September 8, 1966, President Johnson signed into law amendments to the Urban Mass Transportation Act of 1964 which extended the authorization provided by the Act through fiscal year 1969, and added several new programs, including grants for technical studies managerial training programs, research and training and for study and preparation of a "program of research, development, and demonstration of new systems of urban transportation." A number of technical amendments were also made in the Act, including the re-numbering of Sec. 10(c) as Sec. 13(c), and revising of the phrase "under this Act" used in the new Sec. 13(c) to read "under Sec. 3 of this Act."

It has been suggested that the effect of this last change may be to narrow the scope of the employee protective provisions so that they would no longer apply to demonstration projects undertaken pursuant to Sec. 6 of the Urban Mass Transportation Act, such as the operating experiments, inaugurating new bus service in the Watts area of Los Angeles, California, and between major medical centers in Nashville-Davidson County, Tennessee, referred to in the Committee reports. Prior to the 1966 amendments, suitable employee protective arrangements were attached to both of these projects, in accordance with the labor requirements of the 1964 Act.

The following analysis is submitted to establish that nothing in the 1966 amendments was intended to obviate the necessity for similar employee protection arrangements in connection with any future operating demonstration projects under Sec. 6, as shown by the language and logic of the statute as a whole.

Sec. 10(c) of the original Urban Mass Transportation Act of 1964 required, as a condition of "any assistance under this Act" that fair and equitable arrangements be made, "as determined by the Secretary of Labor," to protect the rights and interests of affected employees. Sec. 10(c) further required that the contract of assistance specify the terms and conditions of the particular protective arrangements.

Although the Secretary of Labor was given the authority and responsibility to determine what terms and conditions are necessary to provide this protection to employees, exclusive authority to determine whether assistance under the Act should actually be provided was lodged by other provisions of the Act with the Administrator of the Housing and Home Finance Agency (and more recently, with the Secretary of the Department of Housing and Urban Development). Accordingly, to assure proper implementation of the employee protective provisions in Sec. 10(c) (now section 13(c)), the Administrator's authority to award financial assistance was specifically limited by a prohibition included in Sec. 3(c) of the original and amended Act which states that "no financial assistance shall be provided under this Act" for the purchase, construction or "operation of mass transportation facilities or equipment" unless, among other conditions, "(4) the Secretary of Labor certifies that such assistance complies with the requirements of Sec. 13(c) of this Act." The effect of this condition is that before the Secretary of Housing and Urban Development may approve any financial assistance under the Act, the Secretary of Labor must certify that the requirements of the labor protection provisions, included in Sec. 13(c) of the Act, are complied with. In other words, "fair and equitable arrangements" must be made, as determined by the Secretary of Labor, to provide such protection, and the contract for assistance must specify "the terms and conditions of the protective arrangements." Without such a certification the Secretary of the Department of Housing and Urban Development is powerless to award such assistance.

Sec. 3(c) applies broadly to all of the various types of financial assistance authorized by the Urban Mass Transportation Act. This is clear from the language used in this Section, which specifies that "no financial assistance shall be provided under this Act to any state or local public body or agency thereof for the purpose of, directly or indirectly" acquiring any facilities or property of a private mass transportation company, constructing, re-constructing or improving any facilities acquired from any such company, "or for the purpose of providing by contract or otherwise for the operation of mass transportation facilities or equipment in competition with or supplemental to, the service provided by an existing mass transportation company," unless certain conditions are met, including the certification of the Secretary of Labor required by clause (4), to assure compliance with the labor protection provisions.

There can be no doubt that the language in Sec. 3(c) is specifically applicable to demonstration grant projects undertaken under Sec. 6 of the Act because the *only* operating projects authorized by the Act, as a whole, which provide by contract or otherwise "for

the operation of mass transportation facilities or equipment" are those undertaken pursuant to the demonstration grant authority contained in Sec. 6 of the Act.

Thus, a demonstration project making provision "by contract or otherwise for the operation of mass transportation facilities or equipment in competition with, or supplementary to, the service provided by an existing mass transportation company" is subject to the same terms and conditions as would be applicable to a project for a capital grant or loan under Sec. 3(a) of the Act, as amended. Moreover, as shown by the purposes of the Act stated in Sec. 2(b)(2) and (3) of the Act, and by the definition of "mass transportation" contained in the renumbered Sec. 12(d)(5), the term "mass transportation company" used in Sec. 3(c) refers without distinction both to public and private operations. Accordingly, the labor provisions as revised by the 1966 amendments continue to apply, as before, to all demonstration projects such as the Watts and Nashville projects. The Watts project involves supplementary services provided by a public operation which, to some extent, is competitive with other existing systems, both public and private, while the Nashville experiment is for supplementary service to be provided by a private operator in a non-competitive situation. Both projects would continue to be covered by the revised language in Sec. 13(c) when properly read in conjunction with the language contained in Sec. 3(c).

It can, therefore, be seen, in the context of the entire statute, that the added language in the new Sec. 13(c) stating that it shall be a condition of any assistance *"under Sec. 3 of"* the Act, was designed merely to clarify that employee protection arrangements are not required in relation to the non-operating progams undetaken by the Secretary of Housing and Urban Development. Thus, there is plainly no occasion for application of the labor protection provisions specified in Sec. 3(c) and 13(c) of the Act with respect to the new programs authorized by the 1966 amendments for technical studies under re-designated Sec. 9, managerial training fellowships under renumbered Sec. 10 and similarly, with respect to grants for research and training in urban transportation problems under the new Sec. 11.

The same is true as regards non-operational demonstration projects undertaken pursuant to Sec. 6 of the amended Act. This Section was amended in 1966 to direct the Secretary of Housing and Urban Development, in cooperation with the Secretary of Commerce, "to undertake a project to study and prepare a program of research, development and demonstration of new systems of urban transportation that will carry people and goods within metropolitan areas speedily, safely, without polluting the air, and in a manner that will contribute to sound city planning." Obviously, to the extent that this amendment (Sec. 6(b)) simply provides for preparation as distinguished from *operation* of a research, development and demonstration program, there is clearly no occasion for application of the labor protection provisions specified in Sec. 3(c) and 13(c).

Sec. 6(a) of the Act, however, authorizes the Secretary of Housing and Urban Development to "undertake research, development, and demonstration projects in all phases of urban mass transportation (including the development, testing, and demonstration of new facilities, equipment, techniques, and methods)." To finance such projects, Sec. 6(b) of the original Act (now Sec. 6(c)) provided that $10 million of the funds authorized under Sec. 4(b) to be appropriated to finance programs of mass transportation assistance might be made available for such projects. This amount was increased to $20 million on July 31, 1965, $30 million on July 31, 1966, and under the 1966 amendments to the Act, $40 million on July 1, 1967, and $50 million on July 1, 1968.

When projects undertaken under Sec. 6(a) involve the operation of mass transit facilities and equipment to provide mass transportation service, the limitations of Sec. 3(c) will continue to require that employee rights and interests be protected.

In sum, the insertion in Sec. 13(c) of the words "under Sec. 3 of" the Act, was a wholly technical change in the labor provisions designed only to make plain that such provisions do not apply to non-operational programs having no possible impact upon employees. The labor protective provisions contained in the original Urban Mass Transportation Act continue to apply in the case of any project which can conceivably affect the rights and interests of employees.

Mr. WILLIAMS of New Jersey. Mr. President, it should be perfectly obvious that the 1966 amendments, which extended the urban mass transportation authorization provided by the act through fiscal year 1969 and broadened its program, were not intended to make substantive changes in the protections which the 1964 act extended to labor. There is not the slightest suggestion by any administration official, by the leadership, or by any proponent or opponent of the bill during the committee hearings or in the floor debates that anything contained in the 1966 amendments was designed to alter or affect adversely in any way these labor protective arrangements. To the contrary, both the Senate and House committee reports specifically stated:

> Before Federal assistance may be provided, the Secretary must determine that all contracts contain the usual provisions relating to * * * labor * * * under criteria specified in the Act * * *.

It is to dispel any further suggestion that the amendments to the labor provisions were something other than technical, clarifying, and conforming changes," as stated by the conference report, that I have asked unanimous consent to insert in the RECORD at this point a statement explaining the effect of these amendments.

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## PRESIDENTIAL VETO OF GUAM'S RIGHT-TO-WORK LAW

Mr. FANNIN. Mr. President, by his quiet veto of the Guam right-to-work law, President Johnson has again shown his subservience to the labor union leaders. He has again demonstrated that his prime concern is to please big labor, notwithstanding its cost in terms of basic freedoms for individual Americans, including union members.

He has attempted in vain to force compulsory unionism on the American people, only to be rebuffed by the Congress responding to the will of an overwhelming majority of the American people. It is interesting to note that President Johnson's position in favor of compulsory unionism is in contrast to his record as a Member of Congress where he voted upon two occasions in favor of right to work. By this veto he has denied to the citizens of Guam the very right he voted for as a Texas Congressman and Senator.

The President states that we are fighting in Vietnam to secure freedom of choice for the people of this little country. He has underscored this with an extensive, well-publicized trip. Yet while he fights for self-determination for the people of Vietnam, he denies the same self-determination to 75,000 U.S. citizens. If there are no second-class citizens, why are the people of Guam denied this simple choice?

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point two articles dealing with this Presidential action.

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

[From the Chicago (Ill.) Tribune, Oct. 19, 1966]

### RIPS VETO OF GUAM'S RIGHT-TO-WORK LAW

(By Russell Freeburg)

WASHINGTON, October 18.—The National Right to Work committee charged President Johnson with being the servant of labor bosses today in criticizing his veto of a right to work law for the Island of Guam.

The committee issued a statement several hours after the White House acknowledged that the President had vetoed before leaving for Asia the measure passed by the Guam legislature. The President sent a letter to Gov. Manuel Guerrero of Guam explaining his action.

#### CALLS IT SUBSERVIENCE

"I am appalled that the President has denied the right of free choice to the 75,000 citizens of Guam," said Reed Larson executive vice president of the National Right to Work committee. "It is the most flagrant example in recent history of the subservience of a President of the United States to wishes of self-serving labor bosses who would like nothing better than to see all of the workers of the country enslaved by compulsory unionism."

Last July 12, the legislature of Guam overrode Guerrero's veto of a right to work law by a vote of 14 to 6. The legislature earlier had passed a measure prohibiting compulsory unionism, which the governor didn't like.

However, Guam is not a sovereign state but a territory, which means final action is up to the White House. Johnson vetoed the bill only a few days before a 90-day period when it would have become law without his signature. The 90 days began July 22. Without the Presidential veto, the measure would have become law tomorrow.

#### SAYS HE KNUCKLED UNDER

Larson said that the only conclusion to be drawn from Johnson's action is that he again knuckled under to the compulsory unionism demands of labor leaders.

"This action by the President should lay to rest for all time any speculation that he was less than deadly serious in his attempt to repeal section 14(b) of the Taft-Hartley act in Congress," said Larson.

The right to work committee has led the fight to defeat the repeal, which would have nullified existing right to work laws in 19 states.

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[From the Washington (D.C.) Evening Star, Oct. 19, 1966]

### A PRESIDENTIAL CHOICE THAT COULDN'T BE RIGHT

(By Robert Walters)

On Monday morning, shortly after the President took off from Dulles Airport for his Asian tour, the unusual notice was posted

on the bulletin board of the virtually empty White House press room:

"President Johnson has sustained Gov. Manuel F. L. Guerrero in disapproval of Guam Legislature bill number 279 . . ."

Behind that brief announcement was the story of a bill that traveled 9,000 miles and forced Johnson to make a difficult choice between the principles of self-determination and the union shop.

It was one of those million-to-one shots that nobody expected or welcomed—a presidential decision required under an obscure law that, regardless of which way he turned, would force him to rule against a principle in which he believed.

BILL PASSED AND VETOED

The unusual string of events began last July 8, when the Guam Legislature approved a "right-to-work" bill, similar to those in force in 19 states.

The bill simply stated that "no person shall be denied the opportunity to obtain or retain employment because of non-membership in a labor organization."

Guerrero immediately vetoed the measure, but four days later the legislature overrode his veto with more than the necessary two-thirds of the votes still in favor of the law.

In any state of the union, the bill would have become law, but Guam is a territorial possession of the United States and such situations are covered in a little-known law passed by Congress in 1950.

That law, the Guam Organic Act, for the first time gave Guam a large measure of self-rule, but it also contained a provision requiring the President to settle disputes where the legislature overrides a gubernatorial veto.

Johnson was a member of Congress when that home rule law was approved for the distant South Pacific island, and he has long advocated increased self-determination for all U.S. possessions.

SENSITIVE OVER CONTROL

Guam residents are particularly sensitive about control from the mainland. From 1898 to 1950, they were governed by the U.S. Navy, and they still are unhappy about their inability to vote in federal elections or be represented in Congress.

Moreover, they point out that Gov. Guerrero is a presidential appointee and their only truly representative voice, the 21-member legislature, twice voted in favor of the right-to-work bill.

Guam is being used as a principal staging area for B52s making bomb runs over Viet Nam and many of the island's men are fighting in Viet Nam. On the basis of those and other contributions, Guam citizens strongly believe they have a right to complete self-rule.

But the pressures on the other side are equally great. The AFL–CIO poured thousands of dollars and hundreds of man-hours into an unsuccessful effort this year and last to repeal Section 14(b) of the Taft-Hartley law—the federal legislation which allows the states and territories to pass right-to-work laws.

Johnson, in two state of the Union messages and countless speeches to labor groups, supported that repeal drive, but when it failed many leaders of organized labor privately blamed Johnson for a lack of real White House enthusiasm.

The labor leaders argued that right-to-work laws give non-union members a "free ride" and allow them to receive the benefits and wage increases negotiated by unions without paying dues or supporting the unions.

ACTION CLOSELY WATCHED

Those on both sides of the right-to-work issue were watching Johnson closely on the Guam decision, which they believed would test his credibility in repeatedly supporting repeal of Section 14(b).

The 90 days the law allows the President to act would have run out late this week, but Johnson apparently decided to make the decision before leaving on his trip.

Although technically he sustained the governor's decision, in effect he also vetoed the legislature's action—and that veto is final.

Organized labor is happy for the small victory, but others are not.

Reed Larson, executive vice president of the National Right to Work Committee, issued a statement yesterday in which he said the action was "the most flagrant example in recent history of the subservience of the President to the wishes of the self-serving labor bosses . . ."

Larson added:

"Johnson's veto proves to the people of Guam that . . . autonomy exists only so long as the people of Guam, through their elected representatives, act and vote along the lines acceptable by the administration in Washington."

## RESOLUTION OF THE FEDERATION OF CITIZENS ASSOCIATIONS OF THE DISTRICT OF COLUMBIA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a resolution adopted by the District of Columbia Federation of Citizens Associations on October 13, 1966.

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

RESOLUTION OF THE FEDERATION OF CITIZENS' ASSOCIATIONS OF THE DISTRICT OF COLUMBIA, OCTOBER 13, 1966

Whereas the Federation of Citizens' Associations and its member bodies are interested in the maintenance of law and order in the District of Columbia, and are much concerned with the rising crime rate and with the activities of certain publicly supported organizations whose actions are contributing to the increasing lack of respect for constituted authority, and

Whereas over recent months numerous incidents have occurred in which employees of the United Planning Organization and employees of organizations, supported and funded by the United Planning Organization, have not only participated in, but have also encouraged and furnished aid and support to picketing, disturbances, rioting, marches, and attacks on police, precinct houses and civilians, all in the name of the "War on Poverty", the most recent and serious of which occurred in the Anacostia area and, according to the reports of both the police and the "Citizens' Committee" of the 11th Precinct, the uprising was fomented by the director of the Southeast Neighborhood House, who has a record of having belonged to numerous organizations listed as subversive: Now, therefore, be it

*Resolved By the Federation of Citizens' Associations, in meeting assembled this 13th day of October, 1966.* That the Congress of the United States be requested to conduct an investigation of the administration, activities, and programs of the United Planning Organization:

To determine the extent to which employees have participated in, or encouraged in any way whatsoever, activities such as picketing, marches, presentation of demands, etc., tending to create, or contribute to public disturbances or disorder; and,

To determine the guide rules used by the United Planning Organization in negotiating contracts with, and providing funds for organizations and individuals, performing services related in any way to the War on Poverty Program; and,

To determine what control and supervision is exercised over such agents as regards their conduct, and use of funds provided; and,

To insure that taxpayers' money is being used, not only for the obliteration of poverty, but also for the development of respect for law and order, rather than the utter disregard for lawful authority, as is being consistently demonstrated in the District of Columbia; and be it further

*Resolved,* That copies of this resolution be sent to the chairmen of the House and Senate District Committees, the President of the United States, the Commissioners of the District of Columbia, and the Executive Director of the United Planning Organization.

MRS. E. W. HOWARD,
*Chairman, Police and Fire Committee*
*Federation of Citizens' Associations of the District of Columbia*

Passed—D.C. Federation of Citizens' Association, October 13, 1966.

## TRIBUTE TO SENATOR BASS

Mr. MONRONEY. Mr. President, as the Senate nears its adjournment for the 89th Congress, it is with deep regret that one of our outstanding members, Senator Ross BASS, the junior Senator from Tennessee, will not be here to continue his outstanding work.

Senator BASS, in his 2 years in the Senate, continued the effective drive that had marked his 10 years in the House. He was a leader in legislation for improving the level of education in our schools from the elementary level to the college level.

His continuing interest and determination to assist the rural electric cooperatives of the Nation proved of great value in his service here. Naturally the assistance to this phase of greater electric use on the farms of America found a continuing interest also in the great TVA projects to which he gave such effective support.

As senior Senator from Oklahoma I have greatly appreciated his efforts in public works development for our State.

I knew him best as a fellow member of the Committee on Commerce where he always took a strong lead in legislation in behalf of aviation and improved transportation in the Nation.

His loss is a severe one and the enduring friendships he has made here will continue through the years.

## A SURVEY OF NEW JERSEY HISTORY

Mr. WILLIAMS of New Jersey. Mr. President, for a recent supplement to the New York Times, one of New Jersey's most distinguished historians, John T. Cunningham, has written a brief but informative survey of New Jersey history. Mr. Cunningham, as always, writes gracefully and well of my native State and I know his article will be of interest to my colleagues.

I ask unanimous consent that his article be printed in the RECORD at the conclusion of my remarks.

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

THIS IS A VERY GOOD LAND

(By John T. Cunningham)

Robert Juet, an English mate aboard Henry Hudson's Dutch ship, the *Half Moon*, penned an enduring accolade when he gazed ashore

on September 2, 1609, at what is now New Jersey. He wrote:

"This is a very good land . . . and a pleasant land to see."

Juet's view was underscored by Dutch Captain Henry Jacobsen Mey when he eased his ship, the *Glad Tidings*, around New Jersey's southern cape in 1620. Captain Mey recorded the climate as charming—"like Holland" (to a Hollander, the ultimate in praise).

Midway between Maine and Florida, New Jersey has welcomed newcomers through all its history. They have found parts of it "like Italy," "like England," "like Japan," "like Argentina," "like Germany"—not in genuine Old World traditions or appearance, but in terrain.

New people still seek out New Jersey, at the rate of about 15,000 every month. They come from near and far, from other states and from far-away lands. Climate is not the main factor: these people seek—and find—opportunity, whether they be California Scientist or international industrialist.

Such things as excellent transportation, vast markets, favorable tax structures and the abundant availability of skilled labor are vital to business enterprise. These are vital matters of industry, however, for those who man the plants, as important is what beckons when each day ends.

Good living is the major New Jersey dividend, for owner and worker alike.

Northwestward are the mountains, not awesome when viewed in terms of the Alps or the Andes, but rugged nevertheless. Then, in the northern Highlands, cool lakes are cupped within the hard rock formations. Dairy herds graze on both mountain slope and Highland field and thick hardwood forests top the hills.

New Jersey's nickname, *The Garden State*, rightfully stems from its southern fields. Enough tomatoes are grown there to rank New Jersey third among states. So many vegetables are harvested that New Jersey places sixth—and Seabrook Farms, world's largest farming-freezing operation, is amid those fields.

East of the vegetables, nearly one-fourth of New Jersey is encompassed in the "Pine Barrens." The region is far from barren for there grow wild orchids, pixie moss and hundreds of other wild flowers and plants. Botanists throughout the world come each year to study the flora of this great pine woodland. Equally, campers, hikers, picnickers and canoeists enjoy other fine forest attractions.

Justly famed is New Jersey's 127 miles of seashore between Sandy Hook on the north and Cape May on the south. Here are the tinseled delights of Atlantic City, around-the-calendar home of some of America's largest conventions and birthplace each September of a new Miss America. Here are scores of other towns, spread along the strand like beads on a necklace. Here are the golden dunes of Avalon, the Victorian stateliness of Cape May, the fishing fleets of Brielle, the variety of New Jersey seaside resorts.

Nature spices life through changing seasons—the blossoming of 5,000 cherry trees in Essex County's Branch Brook Park in April, the flowering of summer's wild orchids in the Pinelands, the autumn foliage that paints northern forests red and gold, the winter snows that entice skiers to Great Gorge and other Highland slopes.

For those in tune with the outdoors. New Jersey has more than 375 species of birds, from the tiny hummingbird to the great bald eagle: more than 200 kinds of native trees, from the white pine to the red oak, and more than one thousand wild flowers, from the violet to the lady slipper.

History, too, is close at hand.

New Jersey is truly the story of all America. Washington spent one fourth of the American Revolution on New Jersey soil, but New Jerseyans also pioneered the transistor and streptomycin, Telstar and Tiros. America's first locomotive was built in Hoboken in 1825 and Edison perfected in New Jersey the incandescent lamp, the phonograph and movies.

Washington's campaign route can be followed, from the place where he crossed the Delaware on Christmas Day 1776, for the dramatic victory at Trenton to historic Morristown where he and his troops spent the dreadful winter of 1779–80.

The restoration of the town of Batsto, in Burlington County, depicts life in a 19th century iron and glass town. The historical village of Allaire in Monmouth County lives on in tribute to a bog iron town that died in the 1840s. Warren County's Waterloo Village relives the glory of bygone days on the Morris Canal. Dozens of old stone Dutch houses in Bergen and Morris Counties bespeak a colonial heritage and scores of decorated brick houses in Salem and Cumberland Counties bear pre-Revolutionary dates.

Yet, within a fifteen-mile-wide strip spread diagonally across the center of the state is the corridor that makes New Jersey a mighty industrial and business state despite its small size (fifth smallest among the fifty). Here is the reason why the state ranks seventh in industrial output, eighth in population and first in urban concentration.

Within this vibrant corridor are three-fourths of New Jersey's 6,800,000 people, three-fourths of its 14,000 industrial plants, all but three of its nearly forty colleges and universities and a high percentage of its nearly 700 research laboratories.

That corridor is the nerve center of transportation in the East. Its highways and railroads carry the heaviest density of traffic in the nation. Nearly all of the nation's major railroads feed into the mighty yards of Essex and Hudson Counties. The Arthur Kill between Perth Amboy and Elizabeth carries twice the annual tonnage of the Suez Canal.

Transportation's vigor is uniquely shown at Port Newark. There, side by side, are seaport, super highway, railroad and modern airport. Here are ships from nearly all the world, served by trucks, freight trains and airlines. Across state, Camden has a bustling port, and downstream on the Delaware River, refineries create heavy shipping on the river.

Day after day that vibrant corridor hums with the sights and sounds and action of a modern busy world. Then, after work, the people of New Jersey stream outward from the industries and the laboratories to the places where they dwell.

Within the busy corridor itself, good living is easy to find. Here are the residential regions of Bergen County, the growing numbers of new apartment complexes for those who like city life and the many fine suburbs fringing the cities. Princeton's exciting university-research-residential blend is entirely within the corridor.

Good roads lead outward and upward—up to the tree-shaded Watchung Mountains overlooking the valley, further upward to the lake-cooled Highlands, upward even to the mountains, only a quick highway ride away. The Garden State Parkway makes Monmouth and Ocean Counties close for those who like to dwell year-around close to the rolling Atlantic Ocean.

Southern New Jerseyans spend their leisure hours in the fast-growing suburbs immediately surrounding the city of Camden. They can find quiet each night in such towns as Haddonfield or Moorestown, filled with reminders of an old Quaker past, or they can ride on to scores of pleasant towns—some very old, some very new—ranged between Camden and Atlantic City.

New Jersey is tiny, as tiny as its 7,836 square miles, but as big as the world-wide markets it serves. It is as serious as its 14,000 active industrial plants and mills but as gay as its oceanside excitement. It is as old as its unsurpassed Revolutionary heritage but as new as the research facilitites which explore nuclear fission and outer space.

Robert Juet wrote well: New Jersey IS a very good land . . . and a pleasant land to see.

## SUMMARY OF ACTIVITIES, COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point a summary listing of measures acted on by the Committee on Foreign Relations during the 89th Congress.

For purposes of comparison I might add that our activities this Congress will result in 37 public and private laws as opposed to 29 in the 88th Congress. Fifteen treaties won Senate approval in comparison with 23 the previous Congress. Sixteen miscellaneous Senate and concurrent resolutions were agreed to as against 11 the last Congress. With respect to nominations, a total of 2,759 were approved of which 181 were major appointments and 2,578 Foreign Service appointments and promotions. The comparable figures for the 88th Congress were 128 nominations for appointments as Ambassadors, officials in the State Department, and so forth and 3,863 in the Foreign Service, for a total of 3,991.

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

SUMMARY OF ACTIVITIES, COMMITTEE ON FOREIGN RELATIONS

TREATIES APPROVED DURING THE 89TH CONGRESS

1. Vienna Convention on Diplomatic Relations, together with the Optional Protocol Concerning the Compulsory Settlement of Disputes, signed at Vienna under date of April 18, 1961. Approved, September 14, 1965, by a vote of 85–0.

2. Texts of amendments to the Charter of the United Nations adopted by the General Assembly of the United Nations on December 17, 1963. Approved, June 3, 1965, by a vote of 71–0.

3. Protocol for the Extension of the International Wheat Agreement, 1962, open for signature in Washington from March 22 until and including April 23, 1965. Approved, June 15, 1965, by a vote of 88–0

4. Agreement between the Government of the United States of America and the Government of Canada concerning the establishment of an International Arbitral Tribunal to dispose of U.S. claims relating to Gut Dam, signed at Ottawa, march 25, 1965. Approved, August 30, 1965, by a vote of 74–0.

5. Protocol, signed at Brussels on May 21, 1965, modifying and supplementing the convention of October 28, 1948, between the United States and Belgium for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, as amended by supplementary conventions of September 9, 1952, and August 22, 1957. Approved, October 22, 1965, by a vote of 66–0.

6. Amendments to arts. 17 and 18 of the Convention of the Intergovernmental Maritime Consultative Organization, which amendments were adopted on September 15, 1964, by the Assembly of the Intergovernmental Maritime Consultative Organization at its 2d extraordinary session, held at London from September 10–15, 1964. Approved, June 21, 1966, by a vote of 83–0.

7. Protocol between the United States of America, and the Federal Republic of Germany, signed at Bonn on September 17, 1965, modifying the convention of July 22, 1954, for

the avoidance of double taxation with respect to taxes on income. Approved, October 22, 1965, by a vote of 66–0.

8. Convention on the Settlement of Investment Disputes Between States and Nationals of Other States which was approved on March 18, 1965, by the Executive Directors of the International Bank for Reconstruction and Development and which is open for signature at the Bank's headquarters in Washington. Approved, May 16, 1966, by a vote of 72–0.

9. Supplementary convention, signed at Washington on December 30, 1965, modifying and supplementing the convention between the United States of America and the Kingdom of the Netherlands with respect to taxes on income and certain other taxes signed at Washington on April 29, 1948. Approved, June 21, 1966, by a vote of 83–0.

10. Supplementary protocol, signed at London on March 17, 1966, between the United States of America and the United Kingdom of Great Britain and Northern Ireland, amending the Convention for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion With Respect to Taxes on Income, signed at Washington on April 16, 1945, as modified by supplementary protocols signed at Washington on June 6, 1946, May 25, 1954, and August 9, 1957. Approved June 21, 1966, by a vote of 83–0.

11. Protocol between the United States of America and the United Mexican States, signed at Mexico City on April 13, 1966, amending the agreement concerning radio broadcasting in the standard broadcast band, signed at Mexico City on January 29, 1957. Approved June 21, 1966, by a vote of 83–0.

12. Treaty of amity and economic relations between the United States of America and the Togolese Republic, signed at Lomé on February 8, 1966. Approved September 28, 1966, by a vote of 64–0.

13. Protocol for the Further Extension of the International Wheat Agreement, 1962, open for signature in Washington from April 4 until and including April 29, 1966. Approved July 14, 1966, by a vote of 89–0.

14. Protocol to the International Convention for the Northwest Atlantic Fisheries, Relating to Measure of Control, and Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Entry into Force of Proposals Adopted by the Commission, dated November 29, 1965. Approved, July 19, 1966, by a vote of 87–0.

15. International Convention on Load Lines (international voyages), signed by U.S. at London on April 5, 1966. Approved October 13, 1966, by a vote of 75–0.

BILLS AND JOINT RESOLUTIONS APPROVED DURING THE 89TH CONGRESS

1. S. 693, to amend the Foreign Agents Registration Act of 1938, as amended. Approved June 30, 1966. Public Law 89–486.

2. S. 1742, to authorize the U.S. Government to agree to amendments to the articles of agreement of the International Bank for Reconstruction and Development and the International Finance Corporation, and for other purposes. Approved August 14, 1965. Public Law 89–126.

3. S. 1903, to amend the United Nations Participation Act, as amended. Approved September 28, 1965. Public Law 89–206.

4. S. 2054, to amend further the Peace Corps Act (75 Stat. 612), as amended, an for other purposes. Authorizes $115 million for fiscal year 1966. Approved August 24, 1965. Public Law 89–134.

5. S. 2463, to grant the consent of the Congress to the acceptance of certain gifts and decorations from foreign governments, and for other purposes. Approved October 15, 1966. Public Law 89–673.

6. S. 2540, to authorize the conclusion of an agreement for the joint construction by the United States and Mexico of an international flood control project for the Tijuana River in accordance with the provisions of the treaty of February 3, 1944, with Mexico, and for other purposes. Approved October 10, 1966. Public Law 89–640.

7. S. 2747, to authorize conclusion of an agreement with Mexico for joint measures for solution of the Lower Rio Grande salinity problem. Authorizes an appropriation of not to exceed $690,000 for costs of construction, and not to exceed $20,000 annually for costs of operation and maintenance. Approved September 19, 1966. Public Law 89–584.

8. S. 3418, to amend further the Peace Corps Act (75 Stat. 612), as amended, and for other purposes. Authorizes an appropriation of not to exceed $110 million for fiscal year 1967. Approved September 13, 1966. Public Law 89–572.

9. S. 3498, to facilitate the carrying out of the obligations of the United States under the Convention on the Settlement of Investment Disputes between States and Nationals of Other States, signed on August 27, 1965, and for other purposes. Approved August 11, 1966. Public Law 89–532.

10. H.R. 30, to provide for participation of the United States in the Inter-American Cultural and Trade Center in Dade County, Fla., and for other purposes. Authorizes an appropriation of $7,500,000 for U.S. participation in Interama, and $1,000,000 for each of the fiscal years 1968 and 1969 for maintenance of U.S. installations and activities. Approved February 19, 1966. Public Law 89–355.

11. H.R. 45, to amend the Inter-American Development Bank Act to authorize the United States to participate in an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank. Authorizes $750 million without fiscal year limitation, in three annual installments of $250 million each beginning in fiscal year 1965. Approved March 24, 1965. Public Law 89–6.

12. H.R. 2998, to amend the Arms Control and Disarmament Act, as amended, in order to increase the authorization for appropriations. Authorizes $30 million for fiscal years 1966 through 1968. Approved May 27, 1965. Public Law 89–27.

13. H.R. 4170, to provide for adjustments in annuities under the Foreign Service retirement and disability system. Approved October 31, 1965. Public Law 89–308.

14. H.R. 6497, to amend the Bretton Woods Agreements Act to authorize an increase in the International Monetary Fund quota of the United States. Authorizes an appropriation of $1,035 million to remain available until expended. Approved June 2, 1965. Public Law 89–31.

15. H.R. 7064, to amend the Foreign Service Buildings Act of 1926, as amended. Authorizes additional $1 million for chancery in Saigon, South Vietnam. Approved May 21, 1965. Public Law 89–22.

16. H.R. 7750, to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes. Authorizes $3,360 million for fiscal year 1966. Approved September 6, 1965. Public Law 89–171.

17. H.R. 8715, to authorize a contribution by the United States to the International Committee of the Red Cross. Authorizes a contribution of $50,000 a year. Approved October 1, 1965. Public Law 89–230.

18. H.R. 8862, to amend the act of August 7, 1935, to increase the authorized annual share of the United States as an adhering member of the International Council of Scientific Unions and Associated Unions. Authorizes an annual contribution of $100,000. Approved August 3, 1965. Public Law 89–104.

19. H.R. 9247, to provide for participation of the United States in the HemisFair 1968 Exposition to be held at San Antonio, Tex., in 1968, and for other purposes. Authorizes an appropriation of not to exceed $125,000. Approved October 22, 1965. Public Law 89–284.

20. H.R. 9336, to amend title V of the International Claims Settlement Act of 1949 relating to certain claims against the Government of Cuba. Approved October 19, 1965. Public Law 89–262.

21. H.R. 10132, to authorize the Honorable JOSEPH W. MARTIN, Jr., of Massachusetts, former Speaker of the House of Representatives, to accept the award of the Military Order of Christ with the rank of grand officer. Approved September 1, 1965. Private Law 89–61.

22. H.R. 10342, to authorize the Honorable FRANCES P. BOLTON of Ohio, a Member of the House of Representatives, to accept the award of officer in the French National Order of the Legion of Honor. Approved September 11, 1965. Private Law 89–64.

23. H.R. 11227, to authorize the Honorable EUGENE J. KEOGH, of New York, a Member of the House of Representatives, to accept the award of the Order of Isabella the Catholic. Approved July 4, 1966. Private Law 89–260.

24. H.R. 12169, to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes. Authorizes an appropriation of $415 million. Approved March 18, 1966. Public Law 89–371.

25. H.R. 12563, to provide for the participation of the United States in the Asian Development Bank. Authorizes an appropriation, without fiscal year limitation, of $200 million. Approved March 16, 1966. Public Law 89–369.

26. H.R. 14019, to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes. Authorizes an apropriation of $55,-160,000 for construction and operations of Foreign Service buildings abroad. Approved October 10, 1966. Public Law 89–636.

27. H.R. 15098, to amend Public Law 89–284 relating to participation of the United States in the HemisFair 1968 Exposition to be held in San Antonio, Tex., in 1968. Authorizes an appropriation of not to exceed $7,500,000. Approved October 15, 1966. Public Law 89–685.

28. H.R. 15750, to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes. Authorizes an appropriation of $3,500,735,500 for fiscal year 1967. Approved September 19, 1966. Public Law 89–583.

29. S.J. Res. 32, to authorize a contribution to certain inhabitants of the Ryukyu Islands for death and injury of persons, and for use of and damage to private property, arising from acts and omissions of the U.S. Armed Forces, or members thereof, after August 15, 1945, and before April 28, 1952. Authorizes an appropriation of not to exceed $22 million. Approved October 27, 1965, Public Law 89–296.

30. S.J. Res. 71, to amend the joint resolution of January 28, 1949, providing for membership and participation by the United States in the South Pacific Commission. Approved July 27, 1965. Public Law 89–91.

31. S.J. Res. 106, to allow the showing in the United States of the U.S. Information Agency film "John F. Kennedy—Years of Lightning, Day of Drums." Approved October 20, 1965. Public Law 89–274.

32. S.J. Res. 108, to amend the joint resolution providing for membership of the United States in the Pan American Institute of Geography and History and to authorize appropriations therefor. Authorizes an increase in the ceiling of U.S. contributions to the Pan American Institute of Geography and History from $50,000 a year to $90,300 a year commencing in fiscal year 1967. Approved October 13, 1966. Public Law 89–646.

33. H.J. Res. 403, authorizing an appropriation to enable the United States to extend an invitation to the World Health Organization to hold the 22d World Health Assembly in Boston, Mass., in 1969. Authorizes an appropriation of not to exceed $500,000 for the purpose of defraying the expenses inci-

dent to organizing and holding the Twenty-second World Health Assembly in Boston, Massachusetts. Approved March 1, 1966. Public Law 89-357.

34. S. 1760, to authorize the acceptance of a settlement of certain indebtedness of Greece to the United States and to authorize the use of the payments resulting from the settlement for a cultural and educational exchange program. Authorizes about $13 million. Senate agreed to House amendment on October 18, 1966.

35. S. 3675, to amend title V of the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of nationals of the United States against the Chinese Communist regime. Passed House on October 17, 1966.

36 H.R. 11555, to provide a border highway along the United States bank of the Rio Grande River in connection with the settlement of the Chamizal boundary dispute between the United States and Mexico. Conference report adopted in Senate and House on October 19 and 20, 1966, respectively.

37. S.J. Res. 167. To enable the United States to organize and hold an International Conferenece on Water for Peace in the United States in 1967 and authorize an appropriation therefor. Passed House on October 19, 1966.

CONCURRENT RESOLUTIONS APPROVED DURING THE 89TH CONGRESS

1. S. Con. Res. 36, expressing the sense of the Congress with respect to the 20th anniversary of the United Nations during International Cooperation Year, and for other purposes. Passed House June 22, 1965.

2. S. Con. Res. 71, to approve selecting of the U.S. Olympic Committee and to support its recommendations that the State of Utah be designated as the site for the 1972 Winter Olympic games. Passed House April 4, 1966.

3. S. Con. Res. 77, authorizing the printing of additional copies of hearings on supplemental foreign assistance for Vietnam for fiscal year 1966. Conference report passed Senate September 12, 1966.

4. S. Con. Res. 91, authorizing the printing of additional copies of hearings on U.S. Policy With Respect to Mainland China. Passed House June 2, 1966.

5. H. Con. Res. 282, expressing the sense of the Congress with respect to the viewing of the U.S. Information Agency film entitled "Years of Lightning, Day of Drums" at the dedication of the new Civic War Memorial Auditorium in Boston, Massachusetts. Passed Senate without reference to Foreign Relations Committee February 11, 1965.

6. H. Con. Res. 426, expressing the sense of Congress with respect to the viewing of the U.S. Information Agency film "Years of Lightning, Day of Drums," at the 25th class reunion of the Harvard class of 1940 in Cambridge, Mass. Passed Senate June 3, 1965.

7. H. Con. Res. 468, to recognize the World Law Day. Passed the Senate without reference to Foreign Relations Committee, September 10, 1965.

SENATE RESOLUTIONS APPROVED DURING THE 89TH CONGRESS

1. S. Res. 28, authorizing the Committee on Foreign Relations to examine and study the foreign policies of the United States. Agreed to February 8, 1965.

2. S. Res. 89, authorizing attendance at the next general meeting of the Commonwealth Parliamentary Association, to be held in Wellington, New Zealand. Agreed to March 29, 1965.

3. S. Res. 145, to provide for responding to invitations from foreign parliamentary bodies. Agreed to September 23, 1965.

4. S. Res. 179, relating to nonproliferation of nuclear weapons. Agreed to May 17, 1966, by a vote of 84-0.

5. S. Res. 184, to authorize the printing of additional copies of the committee print "Vietnam: The Shadow and the Substance." Agreed to January 19, 1966.

6. S. Res. 214, to provide additional funds for the Committee on Foreign Relations for making certain studies. Agreed to February 17, 1966.

7. S. Res. 216, to print additional copies of a report by Senator MANSFIELD. Agreed to January 29, 1966.

8. S. Res. 256, relating to U.S. denunciation of the Warsaw Convention. Agreed to May 12, 1966.

9. S. Res. 276, authorizing the appointment of a Senate delegation to attend a meeting of the Commonwealth Parliamentary Association. Agreed to July 28, 1966.

NOMINATIONS APPROVED DURING THE 89TH CONGRESS

The Committee has received and confirmed 181 nominations for appointments as Ambassadors, officials in the State Department and so forth. Of this number 75 were for Ambassadors, 20 for State Department officials, 37 for U.N. representatives, and 49 in "other" categories representing members to various government agencies and the elevation of senior foreign service officers to be career ministers or ambassadors. In addition, 2,578 routine foreign service nominations were also confirmed.

TREATIES, BILLS, AND RESOLUTIONS REPORTED BY THE COMMITTEE ON FOREIGN RELATIONS ON WHICH FINAL ACTION WAS NOT COMPLETED

1. S. 1935. To amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals settled by the United States-Polish Claims Agreement of July 16, 1960, and for other purposes. Passed Senate, September 7, 1965.

2. S. 2064. To amend the International Claims Settlement Act of 1949, as amended, relative to the return of alien property interests. Passed Senate, September 7, 1965.

3. S. 2138. To consent to an agreement between the State of Minnesota and the Province of Manitoba, Canada, providing for an access highway to the Northwest Angle in the State of Minnesota, and to authorize the Secretary of Commerce to pay Minnesota's share of the cost of such highway. Passed Senate, September 28, 1966.

4. S. 3101. To establish a U.S. Committee on Human Rights to prepare for participation by the United States in the observance of the year 1968 as International Human Rights Year, and for other purposes. Passed Senate, October 17, 1966.

5. S. 3247. To provide certain increases in annuities payable from the Foreign Service Retirement and Disability Fund, and for other purposes. Passed Senate, October 5, 1966.

6. H.R. 10779. To authorize the construction, maintenance, and operation of an international toll bridge at Pharr, Texas. Passed Senate, October 13, 1965.

7. S.J. Res. 63. Authorizing the President to invite the States of the Union and foreign nations to participate in the International Petroleum Exposition to be held at Tulsa, Oklahoma, May 12 through 21, 1966. Passed Senate, February 10, 1966.

8. S. Con. Res. 17. To express the sense of Congress against the persecution of persons by Soviet Russia because of their religion. Passed Senate, May 14, 1965.

9. H. Con. Res. 416. To request the President of the United States to urge certain actions in behalf of Lithuania, Estonia, and Latvia. Reported to Senate, September 19, 1966.

10. S. Res. 283. Creating a Committee on Intelligence Operations. Reported to Senate, July 14, 1966.

11. Protocol, dated at The Hague September 28, 1955, to amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air, signed at Warsaw on October 12, 1929. Reported to Senate, June 29, 1965.

12. Consular convention between the United States of America and the Union of Soviet Socialist Republics, together with a protocol relating thereto, signed at Moscow on June 1, 1964. Reported to Senate, August 3, 1965.

## NEED FOR INCREASED FOOD PRODUCTION

Mr. MONRONEY. Mr. President, today's New York Times carries an important editorial dealing with the needs of greater production and utilization of fertilizer in order to produce the food that the expanding populations of the world require and will require in greater amounts in the coming years.

I ask unanimous consent that this fine editorial be printed in the body of the RECORD.

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

WAR AGAINST HUNGER

Every fresh study reaches the same grim conclusion: The world is on a treadmill when it comes to feeding the growing population of developing countries. It must run hard to stay in the same place—and just to stay in the same place will not head off starvation and chaos.

The United States and other exporters cannot for long make up the food deficit from their own stocks. Birth control is imperative, but its effects will be felt only over the long term. Advanced countries must intensify efforts to help struggling nations transform their agriculture in many different ways.

There is broad agreement, however, that the best single method of lifting food production rapidly in needy lands during the next ten to fifteen years is through the vastly expanded use of fertilizer, of which a major component is nitrogen.

Senator MCGOVERN of South Dakota has proposed that the Government launch comprehensive research on the world fertilizer prospect, with special emphasis on nitrogen needs of the Indian subcontinent, Latin America and Africa. Mr. MCGOVERN, first administrator of the Food for Peace program, urges the United States to take the lead by offering to finance construction of three pilot plants in the developing countries for production of fertilizer from natural gas.

Colossal amounts of natural gas are still flared, and thus lost, in all major producing countries. The Senator says the United States should study the possibility of using part of the gas now being flared in the Middle East, Latin America and Africa. He points out that the use of low-cost natural gas has helped bring about a revolution in the fertilizer industry.

Senator MCGOVERN estimates the over-all cost of the projected three pilot plants at $200 million and believes private foundations might help finance them. Eventually, he would hope to bring into an expanded fertilizer production program other governments, all relevant United Nations agencies and private enterprise.

This carefully prepared proposal merits the consideration not only of the United States but of all governments and organizations willing to join in a war against hunger, the dimensions of which can hardly be exaggerated.

## TRIBUTE TO ASSISTANT SECRETARY OF DEFENSE FOR PUBLIC AFFAIRS, ARTHUR SYLVESTER

Mr. WILLIAMS of New Jersey. Mr. President, one of the distinguished citizens of New Jersey who is now serving

with the Government here in Washington is Arthur Sylvester, Assistant Secretary of Defense for Public Affairs. Mr. Sylvester came to the Government with a distinguished background in journalism, having served as city editor and Washington editor of the Newark News. I think Mr. Sylvester has done an excellent job in an often difficult and controversial post. I was, therefore, delighted to see an editorial appear in the Paterson News of September 9 commending the excellent job that Arthur Sylvester has done. I know this praise must be particularly pleasing to Arthur Sylvester, as it comes from a newspaper in his home State.

I ask unanimous consent that the editorial be printed in the RECORD at this point.

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

A GOOD MAN IN A VITAL POST

There is an old saw about being bedeviled if you do and damned if you don't, and men in positions of significant responsibility are frequently in the middle of fire.

Arthur Sylvester, Assistant Secretary of Defense for Public Affairs in Washington, is a case in point. He is accused on one hand of allowing too much news about the war in Viet Nam to filter through and on the other, not enough.

Mr. Sylvester of course doesn't have to put up with this kind of annoyance since he could command much more substance in private life. But the fact he has the courage and devotion to do so is a good measure of the man. His calm demeanor in the face of invective hurled by the press, a few members of Congress and general critics-at-large is a reflection of his confidence in himself as a guardian at the gate.

Mr. Sylvester has done a tremendous job in an unheralded post. People in the news-gathering, writing and editing fraternity, as well as in industry, are fully aware of his superb performance and frequently wonder why he continues to brook harassment.

Mr. Sylvester has the responsibility—and a publicly avowed goal—of seeing to it that the news of military activities flows freely, without at the same time disclosing details vital to the national security.

As a former city editor of a major metropolitan daily paper and as a tough reporter in Washington, he long ago earned a reputation that won him the respect and admiration of members of the Fourth Estate. He learned in that crucible the need to dig for the details, yet to exercise what is called editorial responsibility in the dispatch of his material.

Newsmen, congressmen and the public at large accept without question the daily editing of news, particularly when some details deleted in this fashion are likely to have harmful side effects on the people involved.

But let us speak of "managing the war news" and the national hackle rises; the defenders of our sacred right to know proliferate like algae in a bucket of dirty water.

What Mr. Sylvester has to do may be simply stated: determine what is harmful and cannot be said at all; what may be harmful and may be said in part; what must be said, whether it be harmful or not; and what is not harmful at all and may be told in full and complete detail.

And he must make these choices the hard way. He cannot hide behind the strictures of wartime censorship; nor can he take the opposite extreme that anything goes. His is a most exacting and critical post.

Mr. Sylvester has admittedly made mistakes in the past; he is quite likely to make a few more in the future. He is neither Saint nor Solomon.

But he is working at this job many nights when a goodly number of his critics are all jollied-up to the idiot box listening to some one trying to take him apart. It is most likely that these self-same critics never consider how things look from his point of view. We suspect that Mr. Sylvester had to be on the spot himself before he could fully realize the import of his task, and the obstacles to be faced in doing it.

Mr. Sylvester strikes us as being something of an anachronism: a man with plain old-fashioned dedication and patriotism. Too many people these days consider these traits a bit on the "square" side.

The country could use more men like Arthur Sylvester of demonstrated good judgment, patience, fortitude—and dedicated patriotism. He is an asset in difficult times and in a sensitive post.

## SALUTE TO THE NATURAL GAS INDUSTRY

Mr. BYRD of West Virginia. Mr. President, during 1966 the Nation's natural gas industry has been honored on its 150th anniversary. The tribute is more than justified, for the industry has made outstanding contributions to America's economy and security since the first franchise was issued to the Gas Light Co. of Baltimore in 1816.

Today more than 34 million residential customers are served with natural gas. In addition, there are 2,712,000 commercial users and 159,000 industrial users. In terms of plant investment, natural gas is the sixth largest industry in the country.

This anniversary year has special significance for West Virginia. The first discovery of natural gas was made in our State more than four decades before the event that took place in Baltimore in 1816. For the RECORD, I cite this passage from the World Book Encyclopedia:

The earliest known discovery of natural gas in the United States was in 1775, when a pioneer found a burning spring in what is now Kanawha County, West Virginia. In the same year George Washington dedicated it as a national park. Gas seepages also were found along Lake Erie and in various other places, and pioneer children delighted in setting fire to them and watching them burn.

The first practical use of gas in the United States was of manufactured gas rather than natural gas. In 180C David Melville of Newport, R.I., lighted his home and the streets in front of his house with gas manufactured from coal. He also lighted a factory at Pawtucket and made a contract with the United States Government to supply gas for a lighthouse at Beaver Trail in Rhode Island. In 1816, Baltimore became the first city in the United States to light its streets with manufactured gas. Rembrandt Peale and his associates formed the first gas company in the United States to light the city.

Meanwhile, natural gas was discovered as early as 1815 during the digging of a salt brine well at Charleston, W. Va.

The American Gas Association, Inc., also describes West Virginia's role in the development of natural gas in its highly interesting booklet, "The Story of Gas." It explains that the discovery near Charleston was made by Capt. James Wilson, who struck gas-bearing rock at a depth that would be considered close to the surface by today's standards.

While production of natural gas in West Virginia is little more than 1 percent of the national total, the industry is nevertheless highly important to the State's economy. Employment is provided not only by local gas companies, and the pipeline transportation industry, but also by the many distributors of gas appliances.

Net production of natural gas amounted to 198,238 million cubic feet in West Virginia during 1965, the highest output since 1950. In that 15-year period, West Virginia's reserves have increased from 1,650,675 to 2,494,023 million cubic feet. Although the total reserves of natural gas in the United States are sufficient to last for many years into the future, the industry is already looking to the day when the demand will require new sources of fuel.

In search of a practical and economic method of producing synthetic natural gas from coal, the American Gas Association has joined with the Office of Coal Research in support of a project being conducted by the Institute of Gas Technology. Thus, the Association, in providing 50 percent of the funds required for the program, is exhibiting the same confidence in the future of the Nation that has been instrumental in establishing it as a vital component of America's economic and defense structures.

## UNIONS AND CAMPAIGN SPENDING

Mr. FANNIN. Mr. President, now that the general subject of campaign financing has been raised, despite the lateness of this session and the overwhelming majority sentiment for immediate adjournment, the record should show that the amendment by the Senator from Louisiana aims at only one aspect of the problem.

Whatever the merits of the idea to finance the national campaigns of the two major parties through voluntary earmarking of income tax revenue—and the merits are indeed questionable—this amendment would do nothing about one of the major inequities which now exists.

If a debate is in order on the issue of campaign financing, then I submit that Congress should also be complete and fair about it. Let us do something about the tremendous political spending by union officials of funds collected from members under compulsory contracts.

There should no longer be any doubt anywhere as to the fact and scope of Big Labor's political contributions. Nor should anybody doubt that millions of dollars are being used against the individual political preferences of many union members.

As Mr. Justice Black pointed out in the opinion on International Association of Machinists against Street, and I quote:

There can be no doubt that the federally sanctioned union shop contract here, as it actually works, takes a part of the earnings of some men and turns it over to others, who spend a substantial part of the funds

so received in efforts to thwart the political, economic and ideological hopes of those whose money has been forced from them under authority of law.

Mr. President, all of us know that we are not talking about peanuts when we look at union financial strength in the political arena.

The $3.8 million reported total of labor's political contributions in 1964 was only a drop in the bucket. This was only the so-called voluntary donations to candidates for Federal office, even though it did represent the largest single source of majority party support.

When you examine the overall picture, you find that the money available to union officials for political purposes runs into the hundreds of millions of dollars.

The combined annual dues income of all American labor organizations, according to the latest informed estimates, is now in the vicinity of $1 billion.

There is no way at present to determine the precise amount of this huge sum which is devoted to political activity—but some scholars and authorities in the labor field have estimated it may go as high as 40 percent in an election year.

This, of course, includes State and local candidate support, as well as the year-around voter registration and political organization activities.

The great bulk of this money comes from the paychecks of individual union members through the checkoff—men who must belong to the union in order to gain or maintain a job.

It is an established fact that many individual union members prefer the principles and candidates of the minority party—yet their money is steadily being used to finance the campaigns and support the programs of majority candidates who are diametrically opposed to the views of the forced contributors.

That is why, Mr. President, that I have cosponsored legislation at this session to prohibit the use of union funds received from dues for support of candidates. The majority saw fit not to consider this legislation.

I can assure the Senate, however, that such legislation will again be pressed in the next Congress as part of a bill I intend to introduce. This legislation will provide the complete revision of our national labor code which for too long has been weighted in favor of a few union officials and against the best interests of the many individual citizens who must contribute the money or lose their jobs.

## DELAWARE WATER GAP NATIONAL RECREATION AREA

Mr. WILLIAMS of New Jersey. Mr. President, those of us who sponsored legislation establishing the Delaware Water Gap National Recreation Area have been deeply concerned at the speculation forcing land prices up in and around the proposed national park. Just recently I joined with the sponsors of the original legislation in offering a bill which would allow the Delaware River Basin Commission to issue a $30 million bond so that funds could be loaned to the Secretary of the Interior for land acquisition. Regrettably, I am informed that the Budget Bureau is opposed to this seemingly simple device to speed up land acquisition and reduce the ultimate cost to the Government in establishing this much needed park. I was very pleased to see that the Washington Star for October 2 carried a lengthy and informative editorial discussing the problems facing our national parks, and particularly the damage done to the park system by unnecessary delays in land acquisition which serve only to generate avaricious speculation.

I know that my many colleagues who are interested in the problems of conservation will find the commentary of the Star interesting and informative, and I ask unanimous consent that it be printed in the RECORD at this point.

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

DELAY IMPERILS OUR VANISHING PARK SITES

National parks are enjoying an unprecedented popularity. Last year more than 121 million visitors were recorded, an increase of nine percent from the previous year. And the forecast for 1966 is 137 million.

The government is correspondingly busy acquiring new parkland, while sites are still available, as an investment in recreation for future generations. But the greed of land speculators, encouraged by the glacial slowness of federal machinery in buying sites, is sending price tags up. In the long run, it's the taxpayer who will be hurt.

Consider the case of Point Reyes National Seashore north of San Francisco. When Congress authorized the acquisition of this rolling, windswept chain of headlands back in 1962, it approved what seemed to be adequate funds at the time—$14 million.

Under the plan, this would have provided for a seashore area of nearly 54,000 acres. The total included 26,000 acres remaining in private hands as ranch and dairy land, with the condition that it be left in a pastoral state.

The news of the program sent land prices skyrocketing. Private speculators and developers moved in. So sharp has been the increase in values that the government was able to buy only 16,000 acres before its funds were exhausted. Now the total for the park is estimated at $57.5 million, and officials have been obliged to go back to Congress for more money.

Nor is this an isolated case. According to testimony by Edward C. Crafts, director of the Interior Department's Bureau of Outdoor Recreation, Congress has authorized $169 million for acquiring land in 48 areas in the national park system. Yet in the few short years since these various sites were approved for purchase, prices have escalated so fast that the government will need to add another $87 million just to keep pace with current land values in 18 of the areas. For another 22 areas, the Bureau frankly admits it doesn't know if there's enough money in the kitty now to buy the property.

A much-publicized example is the Delaware Water Gap National Recreation Area. Locally known as Tocks Island, this is a proposed park of breathtaking dimensions sprawled across 72,000 acres of lakes and forests in Pennsylvania and New Jersey. When completed it will serve a regional population of 30 million.

Since Congress gave the go-ahead on the area last year, costs have been spiraling. Private land within the proposed park is being carved up into lakefront lots, the bulldozers are flattening trees, and subdivisions are mushrooming. All this housing presumably will be torn down again in a few years after Uncle Sam gets around to buying the property—at a fancy price. And the wasted money will come out of your pocketbook.

President Johnson expressed concern about the problem last February in a message to Congress. While agreeing a landowner should get fair compensation for his property, he emphasized that "land for the use of the general public should not be burdened with the increased price resulting from speculative activities." At the President's order, the Interior Department is now looking into these "artificial price spirals."

The key to the problem is time. Once Uncle Sam makes known that a site will become a national park, the speculation begins. The machinery of hearings, authorization, appropriation and negotiation with owners all consumes years. In that time a speculator can lay out roads and erect houses, then sell off the improved property by the square foot at a huge profit. The developers of course claim they can't wait while Washington fiddles around with vague plans to acquire a park site. And with the postponements that often occur in any program that Congress must approve, they have a point. Both sides must share the blame.

Several proposals to remedy the situation are under study. Most of them are aimed at speeding up the acquisition process. One suggests a revolving fund set up by private foundations to buy land and hold it until federal money is available. Another calls for river basin authorities to issue bonds, backed by the federal government, to buy sites now. The bonds would be paid off gradually by Interior's land and water conservation fund. Such a plan, in fact, is now embodied in a bill by Representative SAYLOR of Pennsylvania to meet the crisis at Tocks Island.

One scheme that Interior might examine has been used successfully for years in Montgomery and Prince Georges Counties. The National Capital Park and Planning Commission, which must make do with limited park money, approaches farmers in outlying areas with a long-term deal. After agreeing on a price, it permits the owner to continue living on his land and pays him in installments spread over a period up to ten years. In return he agrees not to cut trees or change the land's contours. The counties get tomorrow's parks at today's prices.

America is rapidly running out of sites for future parks. The vast undeveloped tracts of public land that made possible the creation of Yellowstone and the Great Smokies Parks at nominal cost are vanishing.

The nation's population now stands at 197 million. At the present birth rate, it will increase by 24 million in the next decade. The total will reach 308 million by the year 2000.

With such population pressure, land prices are bound to keep on rising. Congress and Interior must work out a plan—and soon—for a faster, more efficient way to buy park sites. If the government fails to come up with a solution, tomorrow's generation will be burdened with exorbitant taxes to pay for the parks they need. Or, even worse, the public will find those once-available woodlands irretrievably blanketed with monotonous subdivisions.

## THE LATE SENATOR HARRY F. BYRD OF VIRGINIA

Mr. SIMPSON. Mr. President, I want to associate myself with the many fine tributes given on the floor of the Senate to the Honorable Harry F. Byrd, Sr., who

so eminently served this body and our Nation. There have been many eloquent expressions of admiration, respect and affection for this beloved public servant. I envy those who had the privilege of serving with him in this Chamber for many years, those who are counted among his most intimate friends, and especially those who fought with him to preserve the principles of sound government. In this age when heroes are going out of style, Senator Harry F. Byrd is mine. To me, and to all who know him, Harry Byrd exemplified the highest integrity and moral courage. The name Harry Byrd is a natural synonym for integrity, courage, foresight, dedication, statesmanship, and faithfulness.

Upon coming to the Senate, the admiration and respect I felt for Harry F. Byrd became an affectionate and warm personal regard. He had a genuine friendliness and an innate sense of fairness. It was apparent that he had a firm and continuous desire to render to everyone that which was his due. Some day historians will make proper note of the fact that he did unwitnessed what we should be capable of doing before all the world.

We have no gage by which to measure the benefit of his wisdom, far-reaching vision and the practical application of policies to achieve and to maintain our national fiscal responsibility. The great State of Virginia has given our Nation men of intelligence, rare judgment, ethical philosophy, courageous commitment, and men with a strong Christian faith. Virginia gave us Washington, Jefferson, Madison, Monroe, Patrick Henry, Benjamin Harrison, Robert E. Lee, and to men of this stature, we must add Harry Flood Byrd. America mourns with the people of Virginia, the passing of this great American, and we are filled with gratitude for his life among us.

## CHINA, THE U.N., AND THE UNITED STATES

Mr. KENNEDY of Massachusetts. Mr. President, a report by the National Policy Panel of the United Nations Association of the United States on "China, United Nations, and United States policy" was released yesterday.

This panel, comprised of eminent citizens, educators, and men of business and labor, spent a great deal of time and energy investigating the question of China's entry into the United Nations. They concluded that the time had come for a reassessment of the U.S. approach toward the China representation issue. It was their judgment that our position in world affairs would be strengthened if we acknowledged that "the China originally contemplated in the Charter has now been succeeded by two states, and that both states should be members of the United Nations."

Earlier this year I spoke on this issue, arriving at the same conclusion. It was my hope that those determining our policy in this area would find it possible to formulate a more constructive U.S. position on China and the U.N., and by so doing guarantee the preservation of Formosa; enhance our image in the capitals of the world, especially in Asia; and move us closer to the principle of universality in the United Nations.

Unfortunately, it has been determined that our position in 1966 is to be no different than it was 15 years ago. We had an opportunity this year to make a fresh start on an old matter, to reinforce our desires for peace in Asia with a recognition of the realities of life in Asia. We could have, at the time of China's most difficult foreign policy period, shifted the burden of her absence from the United States, from our shoulders to hers. Yet we chose not to make that move.

The report of the United Nations Association Panel and the views of the distinguished men who constructed it should be widely read by those interested in U.S. policy toward Asia.

Accordingly, I ask unanimous consent that it be printed in the RECORD.

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

[A report of a National Policy Panel established by the United Nations Association of the United States of America]

CHINA, THE UNITED NATIONS, AND UNITED STATES POLICY—AN ANALYSIS OF THE ISSUES AND PRINCIPAL ALTERNATIVES WITH RECOMMENDATIONS FOR U.S. POLICY

RECOMMENDATION OF THE PANEL

The panel believes the time has come for a reassessment of the United States approach toward representation of mainland China in the United Nations. The United States' position in world affairs would be strengthened, we believe, by acknowledging that the China originally contemplated in the Charter has now been succeeded by two states, and that both states should be Members of the United Nations. The recent hardening of Maoist extremism in Peking and the xenophobic excesses of the Red Guards convincingly demonstrate, in our view, the need to provide this fresh and timely encouragement to those moderate influences that still remain in China.

We have weighed the alternatives over a period of several months. It is now our considered judgment that the United States should promptly begin consultations with those countries which have, in the past, joined this country in opposition to extending an invitation to Peking, in order to work toward the representation of mainland China in the United Nations. The first premise of such negotiations must be that Nationalist China will at the same time retain its membership. The aim should be membership by two Chinas. On the question of representation in the Security Council, the panel believes that if Peking failed to accept a two-China approach in the General Assembly, any consideration of her seating in the Security Council should be deferred.

Even though modifications in Peking's policies may be a long time in coming, it is in the United States' interest that any tendencies toward more moderate policies be encouraged by creating openings for increased international contact. Sustained exposure to the force of international opinion and of widened diplomatic contact may well, over the long run, effect some moderation of mainland China's present belligerency and promote peace. The People's Republic of China, with its vast land area and its 700 million people, is now an undeniable part of the international political scene—too formidable to attempt to ignore, and too important to remain in isolation.

The U.S. must continue to protect its Asian allies, several of them China's close neighbors, from military attack. We must give strong and effective support to those countries threatened by Peking's world-wide policies of subversion. It is of the greatest importance that mutual miscalculation in the conduct of U.S.-China relations be avoided. The panel believes that these objectives of increasing the exposure of Peking to the force of international opinion, effecting some moderation of her policies, protecting our allies, blocking subversion and avoiding miscalculation, can best be served by a policy which is designed to contain aggression without, however, isolating China from the rest of the world. If the people of mainland China are to remain isolated, the full responsibility should rest with the Peking regime.

We consider it essential that the Republic of China retain its UN membership—a membership which has been characterized by responsible participation in twenty UN bodies, significant contributions to the international community through its bilateral technical assistance programs, a strong loyalty to the UN Charter and the fact that it is recognized by fifty-five United Nations Members.

We have considered carefully the difficulties that Peking's participation in the United Nations would create for the operations of the Organization and for many of the other Members. Yet the United Nations cannot effectively carry out its responsibilities for international peace and security—fulfilling thereby the over-riding objectives of its Members—unless it can invite the world's most populous country to participate in the Charter undertakings to which all member states are now committed.

1. INTRODUCTION

A stable peace among self-governing independent states is the goal of United States Asian policy. Much of the recent debate over Vietnam and over United States-China policy has arisen from a search for the best means of achieving that goal.

In his address to the American Alumni Council on July 12, 1966, President Johnson, in calling for a reconciliation between countries that now consider themselves enemies, said:

"A peaceful mainland China is central to a peaceful Asia. A hostile China must be discouraged from aggression. A misguided China must be encouraged toward understanding of the outside world and toward policies of peaceful cooperation.

"For lasting peace can never come to Asia as long as the 700 million people of mainland China are isolated by their rulers from the outside world."

Since 1950, relations between mainland China and the U.S. have been characterized by an active hostility. The Korean War left its bitter aftermath, and the possibility of further armed conflict was present in the 1954–55 and 1958 Formosa Strait crises. Over the years the extremist statements by Peking and the accompanying efforts to promote revolution and subversion throughout the world have presented formidable barriers to any lessening of tension and improvement of relations. And now behind the war in Vietnam there lurks the threat of a massive confrontation between the United States and China.

During the past seventeen years, Peking would appear to have consolidated its control over the mainland. Industry is beginning to recuperate from the disruptive 1958–60 policies of the "Great Leap Forward". Many western specialists have been impressed by the sophistication of recent Chinese nuclear explosions.

Moving slowly over the last few years the United States has proposed a variety of exchanges with mainland China—exchanges of newsmen, of scholars and of experts in medicine and public health. Recently, the U.S.

has indicated that the passports of other leading Americans would be validated for travel to China. Thus far, none of these moves has brought a positive response from the Chinese side.

The ambassadorial talks in Warsaw between Washington and Peking provide both countries a limited but sometimes useful channel for communication, presentation of proposals, and evaluation of intentions. The dialogue has extended over eleven years and probably has been more extensive than that held between Peking and any other noncommunist or western government. While it is an important line to keep open, it is not a substitute for exposure of Peking to the force of wider diplomatic contact.

The absence of effective general communication between Peking and large segments of the international community increases the difficulty for each in making accurate assessments of the other's intentions, as well as interpreting and predicting the other's behavior, at a time when miscalculations could lead to an Asian catastrophe. Periodic discussions in Warsaw, listening posts in Hong Kong, and reports of third-party conversations are not adequate substitutes for this wider range of direct and multilateral diplomatic relationship.

At the same time, it is important for the United States to maintain its commitments and to help support its Asian allies against military and subversive threats, and to assist them in their development of viable economic and political institutions.

The panel has looked at the question of Chinese representation at the UN in the context of simultaneously pursuing both goals—blocking mainland China's military threats to her neighbors, while at the same time seeking to maximize contact with the Chinese.

The United States approach to the question of China's representation in the United Nations is only one aspect of our China policy. Conversely, for mainland China, the question of whether to participate in international organizations is only one facet of her international involvement—or lack of it. But this particular aspect has now become important, both because it implies, for good or ill, an increase in Peking's exposure to international opinion, and because the shift of a few votes in the UN General Assembly, under present formulation of the issue, might lead to the seating of Peking and possibly to the ouster of the Republic of China.

This report takes a hard, and we hope a timely, look at this complex problem.

It projects no easy solution.

It takes as fundamental the continuance of U.S. commitments to Taiwan and support for her independence.[1]

It examines various alternatives that have been suggested to existing U.S. policy over recent years. It seeks the most effective way to serve U.S. interests—the way that can offer the best prospect for a mutual avoidance of miscalculation with Peking, for protection of Taiwan's membership in the UN, and for the peaceful evolution of prosperous and harmonious relations throughout the Far East.

The report is based on a conviction that a strong and effective United Nations is in the United States' interest. It recognizes that any course of action which led to the seating of Peking in the General Assembly, and particularly in the Security Council, would pose major new problems for the United Nations.

It does not assume that Peking would immediately accept seating in the UN, if that were offered under terms which would also keep the Nationalist Chinese in the Organization. Nor does it assume any early alteration of Peking's behavior, or of its hostility to the U.S., whenever she does accept seating in the UN. In the present-day multilateral diplomatic context, the soundness of a course of action cannot always be judged by the initial response of one of the principals. Its soundness must rather be judged by its consistency with political realities, by its probable and potential long term influence on the principals, and by its possible short and long term influence on third parties.

What this report—a precursor of further studies to be completed in 1967—does attempt to do is to take a thoroughgoing look at the problem of Chinese representation in the United Nations, to examine the courses of action that are open to the United States, and to make recommendations for United States policy.

The report distinguishes between the question of Chinese representation in the UN and the question of United States recognition of the Peking Government.

In the case of recognition, the United States can set forth its own terms under which it is prepared to enter into diplomatic relations. If these terms are not accepted, it is then up to the U.S. to decide on any further action to be taken. The decision on UN representation is a multilateral one, and therefore it would appear to require separate treatment. There are already four States (Albania, Cambodia, Cuba, and Outer Mongolia) that are Members of the United Nations with whom the United States does not maintain bilateral diplomatic relations. In addition, of course, the United States does not maintain diplomatic relations with the Byelorussian SSR or the Ukrainian SSR, each of which has a vote in the United Nations.

The panel is convinced that the great majority of the American public will support a change in U.S. policy on the Chinese representation issue only if the changed policy (1) improves the prospect of preserving Taiwan's membership in the UN and (2) may reasonably be expected to contribute to the development of a viable peace in Asia. These elements are essential ingredients of United States policy on this question. (See Appendix A for recent public opinion polls.)

### 2. THE PRINCIPAL ISSUES: HISTORY AND ANALYSIS

At the time of North Korea's invasion of South Korea in 1950, U.S. policy toward mainland China was still in the process of formulation.

In January 1950, only three months after the People's Republic of China was proclaimed, Washington announced a policy of non-intervention in the Chinese civil war. Many of our allies were considering recognition of the Peking Government and on January 6, 1950, the United Kingdom extended recognition. There was speculation that U.S. recognition would come in the near future.

The U.S. Government was understandably concerned about the strong anti-Americanism of the Peking regime and seemed to be withholding any definite policy commitment pending further developments, particularly the PRC's reaction to British recognition. This hesitation is perhaps further reflected in the position taken by the U.S. in January 1950 when the Chinese representation question was first presented in the Security Council. The U.S. voted against the seating of Peking's representatives, but care was taken to explain that we regarded the vote as a procedural one and that, therefore, our vote was not to be considered a veto. The Russian sponsored resolution was defeated by a vote of three in favor, six against and two abstentions. The U.S. vote was explained by the United States representative, not on moral grounds nor on the grounds that the Peking regime was unrepresentative or failed to observe the customary practices of international law; rather, the United States position against seating Peking was linked to its own views on recognition—which were not explained at the time in the Council.

The possibility of any early U.S. recognition of Peking was foreclosed when on June 25, 1950, North Korea invaded South Korea. Chinese involvement in the hostilities served as a catalyst and U.S. policy hardened against the Peking regime. By December 1954, the United States had signed a Treaty of Mutual Defense with the Republic of China, formally pledging to help defend Taiwan against Communist attack. The United States Congress in January 1955, adopted the so-called "blank check" resolution—further evidence of a hardening of the United States position. This resolution gave the President authority to act "as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores".

#### *China at the United Nations*

From 1952 to 1960, voting in the UN on the representation question was based on United States' proposals, *not* to put the item on the Assembly's agenda. These proposals required only a simple majority for adoption.

However, by 1961, the views of certain new UN Members had made it more difficult to obtain a majority for this simple proposition and the U.S. did not advance its agenda proposal in that year. The Chinese representation question was, with U.S. support, included on the agenda of the 1961 General Assembly, but our Government successfully backed a resolution that any proposal to change the representation of China is an "important question". This resolution required only a simple majority and its adoption meant that a two-thirds majority would be required in order to seat the representatives from Peking. This two-thirds majority was not obtained in 1961. The vote was 36 votes for seating, 48 against and 20 abstentions.

In 1962 and 1963, votes were confined to the single issue of whether Peking should be seated, and in each year the proposals were defeated through failure to obtain a simple majority. The Article 19 issue (loss of vote over failure to pay assessments) dominated the truncated Assembly in 1964 and no vote was taken on the Chinese representation issue. In 1965, both the "important question" and the seating question were again put to a vote. The Assembly, by a 56–49 vote with 11 abstentions, decided again that the issue was an important question requiring a two-thirds majority. The Albanian draft resolution to seat Peking and oust the Nationalists was then defeated by a failure to obtain a two-thirds majority. The vote was 47 to 47, with 20 abstentions. (See Appendix C for the Albanian draft resolution and the "important question" resolution, and Appendix B for a complete tabulation of the votes on the Chinese representation question.)

The General Assembly thus in 1961 and 1965 decided that any change in Chinese representation was an "important question". while it may be possible for the Assembly to alter its determination in this respect, to do so would represent a major change.

The lessening support in the United Nations for the United States position in the early 1960's took place against a perplexing backdrop. Peking had set out both to woo and to subvert a number of African countries. Indonesia withdrew from the United Nations and rumors abounded that the withdrawal has been in the expectation of joining with Peking in the establishment of a rival organization. Both developments alienated many members of the United Nations who might have been more friendly to

[1] For comment by Mr. Everett Case, see page 28839.

Peking. Indonesia has, of course, since returned to the UN.

But balanced against these developments were the explosion by mainland China of her first atomic device, the belief by many UN Members that her participation in disarmament negotiations would somehow be made easier if she were in the United Nations, and the general and growing conviction that the 700 million Chinese on the mainland should have their own voice in the UN.

Some Members are not inclined to take seriously as does the United States the extreme and often outrageous statements made by the leaders in Peking—both on the virtues of revolutionary war, and on the need for reform of the United Nations. Nevertheless such statement and the policies which they reflect certainly are relevant to the present discussion.

In a press conference on September 20, 1965, Chen Yi, Vice Premier and Foreign Minister, said:

"The question now is how to reform the United Nations in accordance with the purpose and principles of its Charter and to free it from the control of the United States and other big powers. If the task of reforming the United Nations cannot be accomplished, conditions will no doubt gradually ripen for the establishment of a revolutionary United Nations. . . .

"The United Nations must rectify its mistakes and undergo a thorough reorganization and reform. It must admit and correct all its past mistakes. Among other things, it should cancel its resolution condemning China and the Democratic People's Republic of Korea as aggressors and adopt a resolution condemning the United States as the aggressor; the UN Charter must be reviewed and revised jointly by all countries, big and small; all independent states should be included in the United Nations; and all imperialist puppets should be expelled."

In responding to the vote on the representation question in 1965 at the 20th General Assembly, the Peking daily, *Jenmin Jih Pao* declared:

"To return to the path of its purposes and principles, the United Nations must free itself from the control of the United States, rectify all its mistakes and undergo a thorough reorganization and reform."

The editorial indicated that Peking would not be satisfied just to see the United Nations expel the Chinese Nationalist Government on Taiwan and give its seat to the Chinese Communists.

At the time of the opening of the 21st General Assembly in September 1966, Peking reiterated its demands for reorganization of the UN and denounced the UN as a place of collaboration between the U.S. and the Soviet Union.

Despite these extreme statements, many UN Members appear to be convinced that Peking might accept seating in the United Nations if the Nationalists were unseated. Few Members appear to believe that Peking would accept seating in the Assembly in the near future, if a seat for the Republic of China in the Assembly were retained. Nevertheless, there is substantial support in the UN for the continued membership of the Republic of China—and hence representation in the Assembly—even if this meant no early entry by Peking.

Taiwan has made an important contribution to the international community, both in its responsible participation in UN organs (see Appendix D) and in its recent bilateral technical assistance programs to many of the newer UN Members. It is presently a member of twenty UN bodies, twelve UN specialized agencies, and is recognized by fifty-five United Nations Members.

It has a thriving economy and a right to protection from threats to its existence—a protection by the international community which is implicit in its membership in the United Nations. (For a list of countries which have diplomatic relations with the People's Republic of China and with the Republic of China, see Appendix E.)

### 3. ALTERNATIVE APPROACHES TO THE CHINESE REPRESENTATION ISSUE

There appear to be five principal policy options open to the United States on the question of Chinese representation in the United Nations: (1) a continuation of the present opposition to Peking's seating; (2) support for a successor state proposition leading to "two Chinas"; (3) acceptance of one China and one Taiwan; (4) urging the admission of several divided states, such as the two Koreas as well as two Chinas; or (5) accepting the outright replacement in the UN of Taiwan by Peking.

#### *1. Continuation of present policy*

Maintaining the present general policy requires that there be either a simple majority in the Assembly explicitly against the seating of mainland China, or a simple majority for some procedural variant, such as the decision that any change in Chinese representation is an "important question"—thus requiring a two-thirds majority for effecting a change.

In terms of total UN membership, support for the U.S. position on the "important question" issue dropped from 59% in 1961 to 48% in 1965. On the substantive issue, the percentage vote dropped from 46% in 1961 to 40% in 1965. The number of member states abstaining on these votes was large enough to be pivotal. That is, in 1965, had the abstentions been votes against the United States position, Peking could have been seated and Taiwan ousted.

While the voting trend is against the United States position, it is possible nonetheless that the present U.S. position could be maintained for at least another year. An indefinite continuation of the present policy, however, involves serious risks of the seating in the Assembly of the People's Republic of China with the unseating of the representatives of the Republic of China. This defeat could be administered by a one or two vote margin in the General Assembly. It would also be difficult, under these circumstances, to prevent an early seating of the People's Republic of China in the Security Council.

Should the Republic of China's representatives be ousted from the UN, the United States would certainly maintain its own treaties with Taiwan. No doubt a few other UN Members would continue to maintain diplomatic relations with that government. But the general political and representational disadvantages which would flow from such General Assembly action are obvious. Many UN Members that now recognize the Republic of China would probably shift their diplomatic recognition to Peking. The reaction in the United States to this kind of defeat could hurt U.S. support for the UN as well as its financial contributions to UN projects. The results could be damaging both to the United Nations and to the general prospects for the development of effective international organizations.

There are many who would challenge present United States policy on wider grounds.

Although Peking's isolation has in fact been largely self-imposed, continued opposition to seating Peking tends to limit the possibilities for changes in Peking's own policies, changes which could lead to more regular contact with the activities, procedures and interests of most of the rest of the world, and with the force of international public opinion.

It prevents development of the types of multilateral contact which can help greatly to avoid those possible mutual miscalculations of intentions, appraisals, or capabilities that can be so terrifyingly dangerous among atomic powers.

It curbs the two-way flow of information of all kinds that could be useful to the people themselves, in all walks of life in all countries.

#### *2. A two-China solution*

A two-China procedure for enabling the People's Republic of China to be represented in the UN would require General Assembly action to seat Peking while the membership of the Republic of China would simply be continued.

The most likely avenue to such an arrangement would be some version of the successor state formula. Under this formula, both the People's Republic of China and the Republic of China would be declared by the Assembly to be successor states, for the purposes of United Nations membership, to the China mentioned in the UN Charter. A political agreement on a two-China approach would be sought widely among the UN membership. Such an agreement would be important both as a prelude to any United States support for seating Peking in the Security Council, and as assurance against any future moves to unseat the Republic of China in the Assembly. Action on the representation question in the Council would only be taken after approval of the two-China approach in the Assembly.

The panel is aware of the differing opinions as to whether the representation question in the Security Council is procedural or substantive, and thus whether the veto would apply to a change in Chinese representation. It has not, however, attempted to come to any conclusion on this question. (For further comment on the veto and other procedural questions in the Council see Appendix F.)

It is often argued that Peking should be required to announce basic changes in her policies as a condition to United Nations membership. The panel believes, however, that such conditions, other than those imposed by the UN Charter and that of the acceptance by Peking of Taiwan's membership in the United Nations, are unlikely to be supported by the UN membership as prerequisites for Peking's being seated. It is equally unlikely, however, that the United Nations would accept Peking's own current conditions for her entry—that Taiwan be expelled, that the UN revise its Charter, and that it rescind its resolution condemning the People's Republic of China for aggression.

The seating of mainland China in the United Nations should not carry any implications regarding the disposition of the overseas Chinese assets as between Peking and Taiwan.

While a successful two-China approach could preserve Taiwan's membership in the United Nations, the viability of the approach would depend upon the composition of the coalition of countries taking the leadership for this solution in the General Assembly—as well as on the vigor and effectiveness of their efforts. There are some UN Members who believe it is too late for a two-China solution. It seems to us likely, however, that most UN Members would welcome an opportunity to vote on such a proposal rather than on the radical Albanian draft resolution which would seat Peking and oust Taiwan. Many of them would consider that a two-China proposal reflected the present political realities in the Far East.

#### *3. A one-China, one-Taiwan solution*

This approach would mean that Peking would assume China's seat in both the General Assembly and Security Council. The Republic of China would have a separate membership in the Assembly as "Taiwan".

Procedurally, the approach in this form has the serious limitation of necessitating a

separate application for Taiwan's membership. This would require Security Council recommendation (subject to the veto) as well as Assembly approval.

Another consideration affecting the one-Taiwan, one-China approach would be the deference due the *Cairo Declaration* of December 1943, which declared the intention that Formosa be restored to China. The Declaration was signed by the United States, United Kingdom, and the Republic of China. The intention of restoration was reaffirmed by the *Potsdam Declaration* of 1945. No consensus having been reached among the Allied Powers by 1951 as to the disposition of Formosa, the Japanese Peace Treaty that year reads simply, "Japan renounces all right, title, and claim to Formosa and the Pescadores". The Cairo and Potsdam Declarations might be cited against any approach which required the admission of Taiwan to the United Nations as a new state—although their possible effect cannot at this stage be assessed.

The one-Taiwan, one-China approach would also require a willingness on the part of the Nationalist regime on Taiwan to change its name and to apply for United Nations membership.

While the Assembly might, through applying the successor state formula, decide to seat Peking and to provide membership for a "Republic of Taiwan", such a change in her position would certainly be unacceptable to the Republic of China.

*4. Bringing all or most of the divided states into UN membership*

Some students of the Chinese representation question have suggested that it be included in a more general move which would bring the divided states of North and South Korea, North and South Vietnam, and East and West Germany into UN membership. This could presumably be done under some version of the successor state approach or could be done as a purely political move, recommended by the Security Council and approved by the Assembly.

This approach remains a theoretical possibility, but it is doubtful that such a move would simplify the issues involved. Indeed it might complicate them. A case might be made for a representation and membership proposal which included North and South Korea and even North and South Vietnam. But the German situation is politically very different. It raises a complex and interrelated set of European problems which, if included in any package arrangement, would be likely only to complicate further the UN membership and representation questions.[2]

*5. The replacement of the Republic of China in the UN by the People's Republic of China*

This is the solution of the Chinese representation question which is favored by most of those countries which now recognize the Peking Government and which have no diplomatic relations with the Republic of China. It is the result which might well follow from a defeat of the United States position on the simple majority vote required for the "important question" approach now being taken in the General Assembly.

It is a solution which would adversely affect the United States' interests in the UN and in the Far East and might weaken the United States' military position and that of its allies in the western Pacific. We have referred earlier to the reaction that might in consequence take place in the United States both toward the United Nations and toward further development of effective multilateral organizations. Because we believe that continued separate representation of Taiwan in the United Nations should be a precondition for any acceptance of Peking in the United Nations, we found no support for this last approach from any member of our group.

4. IMPLICATIONS OF A CHANGE IN U.S. POLICY

*1. Implications for the United Nations*

Although Peking's participation in the United Nations would raise substantial new problems, these would not in the view of the panel lead to a major paralysis of the Organization. We are impressed that so few UN Members appear to have considered this likely. While the newer UN Members have distinct views of the way in which the Organization should function, they do have a basic loyalty to its continued functioning. The UN was, indeed, instrumental in the achievement of their statehood—and they prize their membership. The UN has survived walkouts by the Soviet Union and South Africa and, more recently, the Indonesian withdrawal. The United Nations probably has more resilience today to withstand the obstructions of an obstreperous new Member than it had some years ago.

Nevertheless, Peking's seating in the United Nations would introduce an abrasive new factor and impede great power unanimity in the Security Council.

The Security Council

The Charter gives the Security Council primary responsibility for the maintenance of international peace and security. While over the last few years the Council has had limited effectiveness in dealing with problems involving important interests of major powers, more recently it has been able to take up some of these questions with reasonable assurance of useful consideration.

If Peking were in the Security Council, the Council as well as the Assembly might be in an improved position to take up other issues—such as Vietnam—now eluding effective UN consideration. However, once a permanent member of the Security Council, mainland China would of course possess veto powers. The Council would, as a result, be subject to the serious risk of intermittent paralysis—a risk that would no doubt be particularly severe during the early stages of Chinese membership.

Frequent Chinese use of the veto in the Security Council would almost certainly lead to much greater use of the *Uniting for Peace Resolution*. This resolution provides procedures for transferring matters which threaten or breach the peace, to the General Assembly when the Security Council fails to take action due to a lack of unanimity of the permanent members. Consequently, while the Assembly might be utilized to make recommendations on these important political questions, the Security Council would probably lose, on balance, at least for a substantial period, some of its present ability to take substantive decisions—most importantly those on the establishment of peacekeeping operations. Although the disruptive effects of seating mainland China in the Security Council are quite unpredictable, it is conceivable that the sources of constructive power within the UN might shift to such an extent as to indicate a need for some new organizational approaches.

The General Assembly

There are presently 119 Members in the General Assembly. Should mainland China be seated in the Assembly, one should not anticipate any early changes in Peking's policies or tactics. The policies would continue to be strident and extreme. The tactics would be obstructive. Over a period of time, with exposure to the views of other UN Members, as a result of extended experience with UN processes, and with changes in the governmental hierarchy in Peking, some moderating adjustments might come. The Peking regime would probably learn that in a political arena such as the UN, even the large powers must compromise on some issues. But until this lesson was learned, the Assembly as well as the Security Council would have rough passage.

Peking's ability to find obstructionist allies among smaller Members might be limited somewhat by the latters' desire to strengthen the Assembly, an organ in which they comprise the great majority and which they feel best serves their national interests.

At the present time the United States has to spend a great deal of political capital in maintaining support for its policy of excluding Peking. If the U.S. should move to a two-China policy, it could find itself in a better position to develop support for other intiatives in the Assembly. This stronger position for the United States coupled with the loyalty to the United Nations of the newer UN Members, could blunt the effect of Peking's obstructionist tactics. It should be noted that in order to prevent a peacekeeping operation established by the Assembly under the *Uniting for Peace Resolution*, Peking would need the support of one-third of the Members present and voting. To stop an operation underway, Peking would have the difficult task of obtaining the support of a two-thirds majority.

The Secretariat

If Peking were to insist upon China's full quota of Secretariat staff, her nationals would be able to assume between 40 and 56 posts. Chinese nationals presently hold 49 posts. It is possible, of course, if a two-China solution were reached, that the posts for Chinese nationals in the Secretariat might be divided—although not equally—between Peking and Taiwan.

The question arises to what extent Peking's nationals would be able to hinder the Secretary-General in the performance of his duties as chief administrative officer of the UN and generally impede the operations of the Secretariat.

Members of the UN Secretariat are international civil servants whose responsibilities, according to UN staff regulations, are not national but exclusively international. Since the Secretary-General has exclusive authority in staff appointments and in the determination of the organization of the Secretariat, he might be able to isolate those staff members who refused to abide by the rules of the international civil service. While this has been done in the past in several instances in which staff members failed to live up to their responsibilities under Article 100 of the Charter, the measures are not easy to apply and to maintain.

*2. Implications for U.S. participation in the United Nations*

Peking's participation in the UN would mean that the United States would find itself in competition with mainland China for influence and support throughout the UN membership. If Peking continued to maintain her present extreme policies, this could result in her isolation and in the development of even greater support for U.S. policies and initiatives. Much would depend upon the reaction of the smaller Members—and whether many of them felt impelled to move into a neutralist position vis-a-vis the United States and Peking.

The effects of mainland China's seating, however, would run a wide gamut of possibilities. An airing of the Sino-Soviet dispute within the Organization could either move the United States and the Soviet Union toward closer working relationships in the United Nations, or it could cause embarrassment to the Soviets and therby hinder cooperative efforts with the U.S. within the Organization.

It is possible that after an adjustment period for all concerned, Peking would enter

[2] For comment and reservation by Professor George E. Taylor, see page 28839.

into discussions and negotiations on several problems which the United Nations has thus far been unable to take up in a meaningful manner. The raison d'etre for many Members resisting United Nations involvement in these questions, including Vietnam, would at the least be gone—but with what consequences one could not foretell.

*3. Implications for Peking and Taiwan*

A General Assembly resolution accepting representatives from two Chinas would be tantamount to international acceptance that the People's Republic of China exercises control over the mainland. The international position of Taiwan would be altered somewhat, but clarified. The claims of both Peking and Taiwan to represent all of China would of course have been rejected.

Taiwan's acceptance of a two-China formula would provide her greatest insurance for continued membership in the United Nations. It could also greatly increase her stature in the international community—especially among countries that do not now maintain relations with her—as a government with a population larger than that of most UN Member states. There are presently 85 Members of the UN with less than Taiwan's twelve million inhabitants.

However, if a two-China solution were adopted by the Assembly, the strong probability is that Peking would refuse to sit with the Republic of China in the Assembly, in which event any possibility of her seating in the Security Council would be deferred. Peking's seat in the Assembly might be vacant for a period of time. This might be a prolonged period, but it is not impossible that future leaders in Peking would reassess their interest and position and decide to occupy their seat.

The handling of China's seat in the Security Council would of course depend upon the precise formulation of the two-China approach. A rejection by Peking of a two-China approach in the Assembly might result in the Nationalist Government continuing to sit in the Council.

Under these circumstances some Members might wish to propose a Charter amendment which would permit the permanent seat in Security Council, presently held by the Republic of China, to be occupied, in series, by the larger Asian Members. Whether such a proposal would have any possibility of adoption would of course depend upon the circumstances at the time and upon whether the proposal would be considered as one which opened up the whole question of permanent membership in the Security Council.

We believe it is possible that offers from the UN to seat Peking in the General Assembly and in the Security Council could strengthen the position of moderate voices in Peking and thereby have some influence in the changes that will be taking place in post-Mao leadership.

5. A BALANCE SHEET: WITH RECOMMENDATIONS FOR UNITED STATES POLICY

In the preceding sections we have traced briefly the history of the Chinese representation issue, outlined what seem to us to be the principal policy options open to the United States, and considered some of the implications of a change in U.S. policy—for the United Nations, for Taiwan and Peking, and for our own participation in the UN.

The panel would anticipate no early moderation in Peking's policies if she were seated in the United Nations. It would expect formidable new difficulties in decision-making in each of the principal United Nations organs in which Peking was represented.

Nevertheless, we are convinced that the United States policy on the Chinese representation issue, recommended in this report, would be in our national interest.

It is essential that mainland China be exposed to the political force of a wider range of diplomatic contact. Peking's willingness to participate in this wider diplomatic contact has not been fully tested. It has been the opposition of the United States in past years to Peking's seating in the United Nations which has prevented that test.

The United States has made a very heavy expenditure of diplomatic capital in the effort to prevent Peking's entry. But despite that expenditure, which may well have been costly in the pursuit of other objectives, support for the U.S. position on this issue has declined. Indeed, we believe there is serious risk if we hold to the past position, that Taiwan might actually lose its seat in the Assembly.

The steady erosion of support for the U.S. position reflects the growing belief among the UN Members that it is in their national interest for mainland China to be less isolated and to participate more fully in international political life. They see their interests imperiled by the possibility, under present circumstances, of major miscalculation. Many of them believe that with Peking in the UN the Organization would be better able to deal with Peking-supported subversion, including the issue of Vietnam, and that such advantages would outweigh the difficulties for the UN which a change in representation would entail.

U.N. representation may or may not have a bearing on Peking's willingness to sign the *Test Ban Treaty* and to participate in negotiations looking toward comprehensive test ban and nuclear proliferation treaties. But it is certain that both signature of the Treaty and participation in disarmament negotiations are clearly in the United States interest—as well as in that of the other U.N. Members—and that an offer of representation in the U.N. would certainly not hurt the possibilities for participation and for signature. The conceptions of national interest as seen by other U.N. Members are, we believe, also important considerations to be taken into account in the determination of our own national interest.

The panel believes that the time has come for the United States to support some form of two-China solution to the representation question in the United Nations.

There are now two Chinas in fact. The twelve million people of Taiwan deserve their own representation. As we have pointed out, the Nationalist Government is now recognized by fifty-five U.N. Members, and has made important contributions to the work of the United Nations.

Peking's initial response to a two-China decision in the Assembly would probably be to reject the offer—even though the proposal included the possibility of seating in the Security Council. If Peking's present policies would not permit her to sit with representatives of Taiwan, that may prove to be only one of several policies now being pursued in Peking that will ultimately require modification to bring them into accord with present-day realities.

A two-China approach in the General Assembly would reflect present political realities in the Far East. Acquiescence in such an approach by Peking and Taiwan need not preclude decision at a later stage of political development in one or both countries for them to join forces and form a single entity for the purposes of U.N. representation and membership. One has only to recall the Egyptian-Syrian and Tanganyika-Zanzibar experience. In the case of Peking and Taiwan, acquiescence to a two-China approach need not be accompanied by forfeiture of any basic long-range claims. It could for each party reflect short-range political considerations.

The response of Peking and Taiwan to a two-China decision by the Assembly would provide some guidance for any subsequent action in the Security Council. The stakes here are much greater, both for the United Nations and for the parties directly concerned. If what we are proposing for the Assembly is adopted, any seating of Peking in the Security Council should be deferred pending Peking's acceptance of the two-China approach in the Assembly.[3] The panel does not believe the United States should support any change in Chinese representation in the Security Council unless Taiwan's membership in the Assembly is maintained.

A two-China decision by the Assembly, even though rejected initially by Peking, could open up lines of negotiation with importance for Peking's ultimate participation in the United Nations, in disarmament negotiations and in moves for the resolution of the current conflict in Southeast Asia.

The panel in this first report has preferred to deal with the basic question of United States policy toward Chinese representation in the United Nations. It is not suggesting the particular procedures by which the United States at this (the 21st) or another session of the General Assembly might move to implement that policy. Whether this should be pursued through a resolution or through diplomatic activity must remain a matter of governmental discretion.

It is essential, however, that in this matter the United States move in the closest consultation with those countries, including neighbors of China, whose national interests would especially be affected. The panel believes it is important that the United States move promptly to explore with her allies in particular, the possibility of implementing the policy suggested in this report.

The recent address made by Ambassador Goldberg to the United Nations General Assembly on September 22, 1966, may, we think, be the foundation on which can be constructed a new United States position of leadership of the kind proposed in this report.

That address included three pillars:

". . . it is not the policy of the United States to isolate Communist China from the world . . .

". . . the United States will vigorously oppose any effort to exclude the representatives of the Republic of China from the United Nations . . .

". . . the United States has the friendliest historic feelings toward the great Chinese people and looks forward to the occasion when they will once again enrich, rather than endanger, the fabric of the world community, and, in the spirit of the Charter, 'practice tolerance, and live together in peace with one another as good neighbors.' "

The hoped for reconciliation between the United States and China, of which President Johnson spoke to the American Alumni Council on July 12, 1966, would ultimately require the establishment of full diplomatic relations. While there is little prospect of any early decisive action in this field, the panel believes that our Government, in connection with moves to be made in the United Nations, should give further study to the possible terms under which it could enter into full diplomatic relations with Peking. Even if Peking should accept seating in the United Nations, that would only be a way station on a long, tedious and thorny path to peace in Asia. Those who travel that path should be in a position see the guide posts and understand the goals.

MEMORANDA OF COMMENT AND RESERVATION

*Reservation by Messrs. Young, Pye, Lindsay and Dillard*

We would prefer at this time making only a conditional amplification of United States

[3] For reservation by Messrs. Kenneth T. Young, Lucian W. Pye, Franklin A. Lindsay and Hardy C. Dillard, see above, and for comment by Mr. Arthur H. Dean, see p. 28839.

policy regarding the issue of Chinese representation in the United Nations. Subject to several considerations briefly stated herein, we would favor a provisional two-stage modification of present United States policy which would (1) provide for dual representation of both the Republic of China and the Chinese People's Republic in the General Assembly, but (2) defer the complicated question of changing the representation of a permanent and veto-empowered member of the Security Council. In our opinion it is premature at this time to propose any ultimate resolution of the complex issue of membership in the Security Council, particularly as this may require an amendment of Article 23 of the Charter which would in turn open consideration of other possible candidates such as Japan, India, and even others.

We believe that opportunities should be made available for appropriate participation at the opportune time by the Chinese People's Republic in the United Nations and other international bodies. While we do not expect the present leadership of the Chinese People's Republic to use any such opportunities as provisionally made available, we are convinced that long range United States relations with and interests in Asia justify supporting the international community in making and keeping open the option for Peking's responsible membership and participation in the UN. The chief and perhaps sole reason for our supporting the principle of altering United States policy along these lines is our estimate that such an internationally supported change has some reasonable chance of encouraging the emergence of moderate leadership eventually in China. That, we feel, is the most important objective and consideration for the world community involved in this issue of Chinese representation. We also believe that the present leadership of the Chinese People's Republic, if seated in the Security Council, would do far more damage to the United Nations and international comity than is recognized in this report.

We are concerned about the incongruity of the United States and the United Nations considering or undertaking any change whatsoever in Chinese representation under current circumstances in view of the extraordinary internal and external actions of the present leadership in Peking. However, we believe that a provisional, two-stage amplification of United States policy, such as we recommend, would reconcile that immediate contradiction with long term requirements.

*Comment by Mr. Dean on reservation of Messrs. Young, Pye, Lindsay and Dillard*

I concur in the reservation of Messrs. Young, Pye, Lindsay and Dillard, with the following comment.

I believe the United Nations only functions effectively when the Members of the Security Council are in unanimous agreement. Korea is an exception because the USSR was, in June 1950, boycotting the meetings of the Security Council. I do not believe this will occur again.

When the General Assembly acts pursuant to the Uniting for Peace resolution of 1950, against the wishes of a Permanent Member of the Security Council, such a Permanent Member, as in the case of the USSR in the Congo peace-keeping operation, can withhold payment of its assessment for the peace-keeping operations, and can continue to issue propaganda and to harass the Secretariat. For these reasons I believe the granting of the Security Council's seat, presently held by Nationalist China, to Communist China should be deferred until such time as it is clear Communist China will be, and Nationalist China will continue to be members of the UN.

Then the question of the Security Council seat membership can be worked out more intelligently. If Communist China will not accept membership in the United Nations unless it becomes a Permanent Member of the Security Council then that fact will have to be faced and necessary adjustments made.

*Comment by Professor Taylor on reservation of Messrs. Young, Pye, Lindsay and Dillard*

While I am in general sympathy with the reservation made by Messrs. Young, Pye, Lindsay and Dillard, I feel that the representation of Communist China in the UN is no more or less important than that of other States not now members. We should move towards the position that membership in the UN is an obligation of any people claiming to have an independent government. Under the present ground rules representation of Communist China is unacceptable. But it could be discussed if it is understood that the Republic of China as a legal entity is not negotiable and that all remaining States not now members should be invited to membership of the Assembly at the same time. The question of the composition of the Security Council can be left to future negotiations, as Messrs. Young, Pye, Lindsay and Dillard suggest.

*Comment by Mr. Case*

In order to make clear that we are not in opposition to peaceful change, I would subscribe to the reference on page 28835, to "the continuance of U.S. commitments to Taiwan and our support for her independence" on the understanding that it included the right of self-determination.

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UNA-USA National Policy Panel on China, the United Nations, and United States Policy

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Lucian W. Pye, Professor of Political Science, Massachusetts Institute of Technology.

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Anna Lord Strauss, Former President, League of Women Voters.

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[1] Mr. Bancroft: Participated in the work of the panel until his appointment to the U.S. Delegation to the 21st UN General Assembly.

[2] Mr. Prochnow: Not able to participate in the drafting of the report.

[3] Mr. Shulman: Unable to participate in the drafting of the report because of absence from the country.

[4] Mr. Tapp: Not able to participate in the drafting of the report because of illness.

## WORLD FERTILIZER SITUATION

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of the Senator from South Dakota [Mr. McGovern], I ask unanimous consent that an editorial entitled "War Against Hunger," published in this morning's New York Times, be printed at this point in the Record.

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

[From the New York Times, Oct. 22, 1966]

War Against Hunger

Every fresh study reaches the same grim conclusion: The world is on a treadmill when it comes to feeding the growing population of developing countries. It must run hard to stay in the same place—and just to stay in the same place will not head off starvation and chaos.

The United States and other exporters cannot for long make up the food deficit from their own stocks. Birth control is imperative, but its effects will be felt only over the long term. Advanced countries must intensify efforts to help struggling nations transform their agriculture in many different ways.

There is broad agreement, however, that the best single method of lifting food production rapidly in needy lands during the next ten to fifteen years is through the vastly expanded use of fertilizer, of which a major component is nitrogen.

Senator McGovern of South Dakota has proposed that the Government launch comprehensive research on the world fertilizer prospect, with special emphasis on nitrogen needs of the Indian subcontinent, Latin America and Africa. Mr. McGovern, first administrator of the Food for Peace program, urges the United States to take the lead by offering to finance construction of three pilot plants in the developing countries for production of fertilizer from natural gas.

Colossal amounts of natural gas are still flared, and thus lost, in all major producing countries. The Senator says the United States should study the possibility of using part of the gas now being flared in the Middle East, Latin America and Africa. He points out that the use of low-cost natural gas has helped bring about a revolution in the fertilizer industry.

Senator McGovern estimates the over-all cost of the projected three pilot plants at

$200 million and believes private foundations might help finance them. Eventually, he would hope to bring into an expanded fertilizer production program other governments, all relevant United Nations agencies and private enterprise.

This carefully prepared proposal merits the consideration not only of the United States but of all governments and organizations willing to join in a war against hunger, the dimensions of which can hardly be exaggerated.

## NOMINATION OF THOMAS F. MALONE TO BE U.S. REPRESENTATIVE TO UNESCO

Mr. DODD. Mr. President, I am pleased that the Committee on Foreign Relations has reported favorably on the appointment of Mr. Thomas F. Malone of Hartford, Conn., as U.S. representative to UNESCO. It is an appointment which I believe merits the unanimous confirmation of the Senate.

Thomas Malone is a scientist of note, an insurance executive, a lifelong apostle of international cooperation, a man who has devoted himself in many different ways to the advancement of science for the benefit of mankind.

He has served as director of research at Travelers Insurance Co. for more than a decade, and he now also serves as second vice president of this great organization.

The various positions he has held in the field of science are too numerous to list, but I wish to mention for the RECORD at least a few of the most important ones:

He has been a member of the Panel on Science and Technology of the Committee on Science and Astronautics of the U.S. House of Representatives; a member of the National Advisory Committee on Community Air Pollution of the Department of Health, Education, and Welfare; and a member of the Scientific Information Council of the National Science Foundation.

He has also served as Chairman of the Committee on Natural and Social Sciences and as Chairman of the Committee on Meteorology of the National Citizens Commission for International Cooperation.

In the field of international scientific cooperation he has served as Secretary General of the Committee on Atmospheric Sciences of the International Union of Geodesy and Geophysics; as representative of the American Geophysical Union to the U.S. National Commission for UNESCO; and as president of the section on international participation of the American Geophysical Union.

The national recognition which he commands in his field is attested to by the fact that he was the recipient in 1960 of the Robert M. Losey Award of the Institute for Aeronautical Sciences.

In addition to his background of achievement, both in science and in business, I know from many years of friendship, that Thomas Malone will bring to his post a richly varied cultural background, a total dedication to the cause of international cooperation, and all the personal graces of the ideal diplomat.

I consider his appointment to UNESCO an exceptionally fortunate selection, and I strongly urge the unanimous confirmation of his nomination.

## U.S. MILITARY POSTURE AND FUTURE URANIUM NEEDS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a letter, and accompanying data, which I have today written to the Secretary of the Navy, suggesting that he take steps to initiate joint studies with the Atomic Energy Commission with regard to future uranium needs in order that the Nation's military posture may be safeguarded.

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

OCTOBER 22, 1966.

HON. PAUL H. NITZE,
*Secretary of the Navy,*
*Washington, D.C.*

DEAR MR. SECRETARY: In August of this year the Joint Committee on Atomic Energy held hearings on the subject of proposed uranium enrichment criteria and related subjects. One of the related subjects which received a great deal of attention during those hearings was the adequacy of low cost uranium reserves, after a special report by National Coal Association aroused interest in that subject.

In the course of those hearings, Dr. Glenn T. Seaborg, chairman of the Atomic Energy Commission, indicated that about 190,000 tons of uranium concentrates ($U_3O_8$, commonly known as "yellowcake") are known to be recoverable in the United States at a price of $10 per pound or less. Approximately 40,000 tons of these reserves are committed to Government purchase contracts, leaving about 150,000 tons available for commercial use. This amount will, of course, be supplemented by such additional amounts as may be found under the recently-renewed widespread search for uranium. In addition, it was indicated that some still-unknown amount might be made available from Government stockpiles of this material.

During the hearings, Dr. Seaborg indicated that defense needs of the future would be given full consideration in determining how much stockpiled uranium might be surplus, but he also indicated that at the present time he could not speak in quantitative terms because it is very difficult to determine future Government needs. The quantities in stockpile, and anticipated Government defense needs, are of course military secrets.

In addition to Government requirements, the AEC stockpile will be called upon to satisfy commitments already made and to be made in the future to supply uranium to foreign power reactors.

It seems to me that great care should be taken to see that an amount of uranium adequate for possible military needs is earmarked for that purpose and retained in the Government's stockpile. Included in "possible military needs" is, of course, the need for uranium to power nuclear submarines and to power the nuclear navy of the future. The needs are too vital to our country's defense to permit gambling that additional low-cost supplies will be found when needed.

Some idea of the adequacy, or inadequacy, of known reserves can be derived from a statement made by Mr. Rafford L. Faulkner, Director of AEC's Division of Raw Materials, on May 6, 1966. Mr. Faulkner said that on the average each electrical megawatt of installed atomic generating capacity requires about one short ton of uranium concentrates for the initial loading. Without plutonium recycling, he said, two-tenths of a ton is required each year for each megawatt as "make-up" fuel. If the plutonium is recycled, Mr. Faulkner stated, the "make-up" fuel requirement is reduced to fifteen-hundredths of a ton per year. Since most atomic power plants are designed to last at least 30 years, Mr. Faulkner's figures indicate a 30-year requirement of 7 tons of uranium concentrates for each megawatt if there is no recycling of plutonium, and a 30-year requirement of 5.5 tons of uranium concentrates for each megawatt if the plutonium is recycled rather than being saved to start "breeder" reactors.

While very few large atomic power plants are actually in operation at this time, a very great number are under construction or in the planning stage. Attached is a list of the major atomic power plants in operation, under construction, or planned, with a computation (based on Mr. Faulkner's statement referred to above) of the amount of uranium concentrates required to fuel such plants over a 30-year lifetime.

It will be noted that the total capacity of these plants is more than 31,800,000 kilowatts, or 31,800 megawatts, electric. Without plutonium recycle, these plants will need a total of more than 222,000 tons of yellowcake. If the plutonium produced is recycled rather than being saved for breeder reactors, these plants will need a total of more than 174,000 tons of yellowcake. Both figures are, as you will note, substantially in excess of the 150,000 tons of domestic reserves (190,000 available at $10 or less, minus the 40,000 tons committed to Government purchase) which are currently known to exist. It thus appears that the utility industry is willing to gamble that very substantial additional reserves of low-cost uranium will be discovered in the future. While that may be an appropriate gamble for the utilities to take, I believe it is not an appropriate gamble for defense purposes. We should take all steps necessary to assure retention in stockpile of an amount adequate for possible future defense needs.

The possible scarcity of low-cost uranium reserves was highlighted recently by Mr. Sidney Siegel, vice president of Atomics International and president of the American Nuclear Society. His remarks were summarized on page 5 of Nucleonics Week for October 13, 1966, as follows:

"We need fast breeders and we need them in a hurry, Sidney Siegel, Atomics International vice president and American Nuclear Society president, told the society's New York section Monday. What's more, he said, the low-performance fast breeder now in view won't produce enough plutonium to greatly relieve pressure on uranium reserves. He showed a graph depicting almost as much uranium needed in a light water & low-performance fast breeder technology as in just a light water reactor era. The graph also showed that, with an industry based on high-performance fast breeders, the fuel curve leveled off in 1985 with $U_3O_8$ requirements still in the $35/lb class. With such a technology, Siegel said, we could achieve an inexhaustible energy supply between the years 2010–2020. He defined the high-performance fast breeder as one with a 1.3 or 1.4 conversion ratio and power density of 1,000 lbs/gr Pu. This, he thinks, may be the only thing capable of keeping nuclear power competitive with fossil fuels as the reserves of low- and medium-priced uranium are exhausted. Siegel believes the accomplishment of the fast breeder is imminent and there are no big obstacles in the way . . ."

It will be noted from the above that Mr. Siegel believes that even with the early development of high-gain breeders, it will be necessary to use, in 1985, yellowcake costing $35 per pound. This is more than four times

as much as the AEC is currently paying for yellowcake, and illustrates the wisdom—and the necessity—of keeping in stockpile supplies adequate for all possible future military needs.

It would appear that imports will not offer a reasonable alternative to adequate stockpiling. Information submitted in the August hearings before the Joint Committee on Atomic Energy indicated that the rest of the free world is in about the same position as the United States; that is, the ratio of known supplies to projected requirements is about the same. Indeed, the forthcoming shortage of low-cost uranium will, according to Professor Alexandr Ilych Leipunski, scientific director of the Physico-Energetics Institute of Russia's State Committee for the Utilization of Atomic Energy, be world-wide. According to Nucleonics Week of October 6, 1966, Professor Leipunski said that if thermal reactors are producing half of the world's power by the year 2030, the world will need a staggering 40 million metric tons of natural uranium. He compared this with the amount of 2 million tons which he believes can be obtained at a price of $30 per pound or less.

I am sure that the Atomic Energy Commission will take great care to safeguard the Nation's military needs. However, the Department of the Navy should collaborate with the Atomic Energy Commission in determining the possible extent of future needs for the purpose of furnishing power for submarines and for future nuclear warships. If you have not already taken steps to initiate joint studies with the AEC, may I respectfully suggest that you do so in the near future. It is important that full consideration be given to this matter before any uranium is released from Government stockpiles.

Sincerely yours,

ROBERT C. BYRD,
*U.S. Senator.*

*Major atomic powerplants in operation, under construction, or planned*

| Name | Size (kilowatts electric) | $U_3O_8$ requirements over 30-year period (in tons) | |
|---|---|---|---|
| | | (a) Without Pu recycling | (b) With Pu recycling |
| Dresden No. 1 (Commonwealth) | 200,000 | 1,400.0 | 1,100 |
| Yankee Atomic | 175,000 | 1,225.0 | 962.5 |
| Indian Point No. 1 (Consolidated Edison) | 200,000 | 1,400.0 | 1,100 |
| Consumers Power, Michigan | 75,000 | 525.0 | 412.5 |
| Pacific Gas & Electric Co. (Humboldt Bay) | 60,900 | 426.3 | 334.95 |
| Hanford (AEC) | 800,000 | 5,600.0 | 4,400 |
| Connecticut Yankee | 462,000 | 3,234.0 | 2,541 |
| Southern California Edison | 375,000 | 2,625.0 | 2,062.5 |
| Los Angeles Department of Water & Power | 462,000 | 3,234.0 | 2,541 |
| Jersey Central (Oyster Creek) | 515,000 | 3,605.0 | 2,832.5 |
| Niagara Mohawk (Nine Mile Point) | 500,000 | 3,500.0 | 2,750 |
| Rochester Gas & Electric | 420,000 | 2,940.0 | 2,310 |
| Dresden No. 2 (Commonwealth) | 800,000 | 5,600.0 | 4,400 |
| Indian Point No. 2 (Consolidated Edison) | 873,000 | 6,111.0 | 4,801.5 |
| Connecticut Light & Power | 600,000 | 4,200.0 | 3,300 |
| Florida Power & Light: | | | |
| 1st unit | 760,000 | 5,320.0 | 4,180 |
| 2d unit | 760,000 | 5,320.0 | 4,180 |
| Public Service of Colorado | 330,000 | 2,310.0 | 1,815 |
| Boston Edison | 540,000 | 3,780.0 | 2,970 |
| Carolina Power & Light | 700,000 | 4,900.0 | 3,850 |
| Dresden No. 3 (Commonwealth) | 800,000 | 5,600.0 | 4,400 |
| Consumers Power | 770,000 | 5,390.0 | 4,235 |
| Commonwealth & Iowa-Illinois (Quad City units): | | | |
| 1st | 800,000 | 5,600.0 | 4,400 |
| 2d | 800,000 | 5,600.0 | 4,400 |
| Maine Yankee | 700,000 | 4,900.0 | 3,850 |
| Northern States Power | 520,000 | 3,640.0 | 2,860 |
| Wisconsin Electric Power (Wisconsin-Michigan Power, substation) | 450,000 | 3,150.0 | 2,475 |
| Vermont Yankee | 513,000 | 3,591.0 | 2,821.5 |
| Delaware Valley (Philadelphia Electric and 3 others): | | | |
| 1st unit | 1,100,000 | 7,700.0 | 6,050 |
| 2d unit | 1,035,000 | 7,245.0 | 5,692.5 |
| 3d unit | 1,100,000 | 7,700.0 | 6,050 |
| 4th unit | 1,035,000 | 7,245.0 | 5,692.5 |
| Metropolitan Edison | 700,000 | 4,900.0 | 3,850 |
| Consumers Public Power District of Nebraska & Iowa Electric | 700,000 | 4,900.0 | 3,850 |
| Long Island Lighting | 500,000 | 3,500.0 | 2,750 |
| TVA: | | | |
| 1st unit | 1,064,500 | 7,451.5 | 5,854.75 |
| 2d unit | 1,064,500 | 7,451.5 | 5,854.75 |
| Omaha Public Power District | 400,000 | 2,800.0 | 2,200 |
| Virginia Electric Power Co.: | | | |
| 1st unit | 800,000 | 5,600.0 | 4,400 |
| 2d unit | 800,000 | 5,600.0 | 4,400 |
| Duke Power Co.: | | | |
| 1st unit | 822,000 | 5,754.0 | 4,521 |
| 2d unit | 822,000 | 5,754.0 | 4,521 |
| Pacific Gas & Electric Co. | 850,000 | 5,950.0 | 4,675 |
| Detroit Edison: | | | |
| 1st unit | 750,000 | 5,250.0 | 4,125 |
| 2d unit | 750,000 | 5,250.0 | 4,125 |
| Metropolitan Water District of Southern California (with 3 utilities) | 1,600,000 | 11,200.0 | 8,800 |
| Puerto Rico Water Resources Authority | 450,000 | 3,150.0 | 2,475 |
| Sacramento Municipal Unit District | 500,000 | 3,500.0 | 2,750 |
| Total | 31,803,900 | 222,627.3 | 174,921.45 |

## TENTH ANNIVERSARY OF HUNGARIAN REVOLUTION

Mr. WILLIAMS of New Jersey. Mr. President, on Saturday night, October 22, free Hungarians will meet in New York to commemorate the 10th anniversary of the Hungarian revolution.

It will be a sad, happy time for the people attending this banquet. Sad, because of all those left behind, living and dead. Sad, because they are forced to meet on foreign soil instead of remembering this noble event in familiar surroundings.

But there will also be happiness. The joy of being free cannot be matched by any other pleasure. And only those who have lived without it can fully appreciate the privilege of freedom.

I am proud of my Hungarian friends. They have prospered in America, and they have immeasurably enriched our culture with their presence.

And I am proud of my country for having welcomed these people with open arms. It is fitting that those who love liberty so dearly have chosen to settle in the birthplace of modern democracy.

I refuse to give up hope that someday a similar reunion will be held in Budapest. As lovers of freedom, our job will not be complete until those who embrace freedom are able to return to their native Hungary to plant again the seeds of democracy in this unhappy land.

## LEGISLATIVE SUMMARY OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. McCARTHY. Mr. President, the Senator from Washington [Mr. JACKSON], chairman of the Committee on Interior and Insular Affairs, is necessarily absent today. He has prepared a statement and a legislative summary of his committee, and has asked me to present it to the Senate for him. I therefore ask unanimous consent that they be printed in the RECORD.

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

LEGISLATIVE SUMMARY OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

(Statement by Senator JACKSON)

The 89th Congress has been a most meaningful and productive one for the Committee on Interior and Insular Affairs, of which I have the honor to be Chairman. The Interior Committee, as the members know, is charged with primary legislative responsibility for the protection, development, and wise use of much of our Nation's great natural resources, including our water resources and hydroelectric power, minerals, reclamation, and the publicly owned lands of the United States.

Of major significance with respect to the latter category is the intensive program our committee has carried on for the development of outdoor recreational resources and the preservation of our many areas of outstanding scenic beauty and historic significance through the establishment of National Parks, National Sea and Lakeshores, Historic Sites, and Recreation Areas.

In addition, the Interior Committee has considered far-reaching legislation affecting the international obligations of the United States with respect to the Trust Territory of the Pacific, and with respect to our other off-shore dependencies, the Virgin Islands, Guam, and American Samoa.

So broad and far-reaching are the responsibilities of the Interior Committee that I venture to state that we handle more pieces of substantive legislation of more varied a nature than any other single Committee of the Congress. The fulfilment of the responsibilities of the Committee for such a large number and great variety of bills requires a tremendous amount of hard work, both in the multitude of actual hearings and meetings of the Committee and on the part of the individual Senators. Also required is a high degree of cooperation, and of mutual trust and understanding.

It is a matter for pride that very rarely, if ever, does the Committee divide on a partisan basis. Only on very few occasions are bills reported with dissenting votes. Usually we are able to work out mutually satisfactory agreements.

At this time, I want to express, in my official capacity as Chairman, my thanks to my able, hardworking colleagues on the Committee on both sides of the aisle. Meriting special appreciation is the Ranking Minority Member of the Committee, the distinguished senior Senator from California, Senator KUCHEL. While he is most assiduous in looking after the interests of the State he represents so well, and also fulfilling his duty as head of the Minority, Senator KUCHEL has been a tower of strength in working out the constructive legislation that has characterized the Interior Committee in this Congress.

Most of the work of the Interior Committee, as is the case with that of most other Committees, is done through subcommittees. Usually, it is the Subcommittee that hold the hearings, analyze the evidence and points of view, and make recommendations to the full committee.

However, certain bills are retained in full committee without being referred to subcommittee, either because they cut across the jurisdiction of several subcommittees, or because of their nature they are better adapted to initial full committee consideration.

FULL COMMITTEE MEASURES

S. 3107, sponsored by Senator JACKSON for himself and 45 other Senators of both parties, is a measure to establish a National Water Commission, composed of 7 non-governmental experts to be appointed by the President. The Commission would: (1) review present and anticipated national water resource problems, making such projections of water requirements as may be necessary and identifying alternative ways of meeting these requirements—giving consideration, among other things, to conservation and more efficient use of existing supplies, increased usability by reduction of pollution, innovations to encourage the highest economic use of water, interbasin transfers, and technological advances including, but not limited to desalting, weather modification and waste water purification and reuse; (2) consider economic and social consequences of water resource development, including, for example, the impact of water resource development on regional economic growth, on institutional arrangements, and on esthetic values affecting the quality of life of the American people; and (3) advise on such specific water resource matters as may be referred to it by the President and the Water Resources Council.

S. 3107 is a measure toward fulfillment of the national responsibilities of the Committee on Interior and Insular Affairs for water resource development and increased supplies of water to meet our ever growing national needs. The bill was reported favorably with amendments after public hearings (which have been printed) and passed the Senate on June 9, 1966. In the House most of the substance of the measure was added as a Title II to H.R. 4671, the Lower Colorado River Basin project. H.R. 4671, with Title II was reported favorably by the House Committee on Interior and Insular Affairs on August 11, 1966, but no rule for consideration by the House was obtained.

S. 3823, sponsored by Senators KUCHEL, JACKSON, ANDERSON, and MURPHY, would provide for the participation of the Department of the Interior in the construction and operation of a nuclear-powered, dual purpose, 150 million gallon a day saline water conversion plant in the Los Angeles area. In addition to the production of fresh water from the Pacific Ocean, the plant would generate 1,500 megawatts of net electrical energy. The facility would be built, at an estimated cost of $444 million, as a non-Federal undertaking by the Metropolitan Water District of Southern California in partnership with a group of public and private electric utility companies serving the area. Appropriations of not to exceed $57,200,000 for Interior's participation are authorized. Total Federal participation is limited to $72 million, of which the Atomic Energy Commission would contribute $15 million.

By joining in an effective partnership with public and investor-owned water and power utilities, significant advantages—not otherwise obtainable—will accrue to this important phase of the Government's desalting program. The plant is fitted into a realistic water need situation and thus will serve in the best possible way to meet the objective of demonstrating the technical and economic feasibility of such a facility. Its success will gain public acceptance and confidence in desalting as a dependable source of water supply.

S. 3823 passed the Senate without amendment September 21, 1966. No action was taken in the House.

S. 1761, by Senators JACKSON and MAGNUSON, authorizes the Secretary of the Interior to construct and operate a third powerplant at the Grand Coulee Dam, Columbia Basin Project, State of Washington. The purpose of the measure is to meet the growing power needs of the Northwest, to provide additional peaking power for the Southwest, and to enable the United States to take full advantage of the additional water storage that will be available as a result of the Canadian Treaty proclaimed September, 1964. The plant authorized by S. 1761 will add 3.6 million kilowatts of generating capacity to the 2 million kilowatts of the two existing plants, making it the largest single hydroelectric development in the world.

In addition, a modified basin account for the Federal Columbia River power system was established.

The entire cost of the third powerplant, estimated at $364,310,000, will be repaid in full in 50 years, with interest, and revenues will exceed by nearly a million a year the annual amounts of such repayment.

The benefit-cost ratio is the exceedingly favorable one of 3.24 to 1.

S. 1761 passed the Senate, with an amendment, on June 16, 1965, and the House with substitute language on April 19, 1966. The Senate concurred and the measure became Public Law 89–448.

Subsequently, an amendment to Public Law 89–448 was made in another bill, S. 3034 (Public Law 89–561). The amendment to the Third Powerplant Act specifies conditions under which financial assistance may be given from the modified basin account of the Federal Columbia River power system to reclamation projects, and places a limitation upon the amount of such assistance. Reclamation projects hereafter authorized must be scheduled in such a manner that the required financial assistance for those projects, together with financial assistance for previously authorized projects, will not cause increases in the power rates of the Bonneville Power Administration. The amount cannot exceed an average of $30 million annually in any period of 20 consecutive years.

S. 1446, by Senator CHURCH for himself and 31 cosponsors of both parties, to establisn a National Wild Rivers System. The bill would save for this and future generations certain unspoiled, free-flowing rivers or river sections that symbolize and will perpetuate this vanishing heritage of our original American landscape. The System is initiated with segments of five rivers; the Salmon and Clearwater in Idaho, the Rogue in Oregon, the Rio Grande in New Mexico, the Eleven Point in Missouri, the Cacapon, West Virginia and the Shenandoah, West Virginia. Seventeen other rivers are listed for study as possible future inclusions, and a procedure for inclusion of these and other rivers is provided. States would be encouraged to cooperate in the planning and administration of wild river areas which include State-owned or county-owned land.

After extensive field hearings, S. 1446 was reported favorably, with amendments, on September 28, 1965 and passed the Senate on January 19, 1966, by a vote of 71 yeas to 1 nay. No action was taken in the House.

S. 1229, by Senator JACKSON at the request of the Bureau of the Budget, is a measure to provide uniform policies with respect to recreation and fish and wildlife benefits and costs on Federal multipurpose water resource projects. The bill establishes a cost-sharing formula and sets up standards under which recreation and wildlife benefits may be included in all irrigation, flood control, hydroelectric, navigation and other water projects.

Among the amendments made by the Committee was one requiring that after July 1, 1966, no activity connected with feasibility reports under reclamation law with respect to any water resource project shall be carried on unless the preparation of such feasibility report has been specifically authorized by law.

S. 1229, as amended, passed the Senate on April 13, 1965; was further amended and passed the House on May 18, 1965. The conference report was agreed to and the measure became Public Law 89–72 on July 9, 1965.

S. 897, by Senator NELSON for himself and Senators MONDALE, DOUGLAS and WILLIAMS of New Jersey, to establish the St. Croix National Scenic Riverway in the States of Minnesota and Wisconsin. This measure is another action in furtherance of the Committee's responsibilities for outdoor recreation and protection of scenic beauty. It would authorize the setting aside of some 85,000 acres of land and 21,200 acres of water, including 152 miles of the St. Croix and 90 miles of the Namekagon Rivers for those basic purposes, including fish and wildlife preservation.

S. 897 with amendments passed the Senate on September 8, 1965; no action was taken in the House Interior Committee.

S. 2282, by Senator NELSON for himself and 10 co-sponsors, is the so-called "ecological research bill" to authorize the Secretary of the Interior to conduct a program of research and study on the natural environmental systems of the United States for the purpose of gaining a better understanding of our living natural resources and the forces responsible for their development and well-being and of providing a basis for the future use and development of these systems.

Public hearings, which have been printed, were held on the measure on April 27, 1966, but on the recommendation of the several executive agencies involved further action was deferred.

The Committee anticipates the holding of further hearings in the 90th Congress in connection with fulfillment of its responsibility for environmental and ecological research.

Extensive hearings and conferences were held in the State of Washington on the report of the North Cascades Study Team on the optimum uses of the North Cascades area. Involved also was a proposed revision of the boundaries of the Olympic National Park.

These hearings have been published and will form the basis for consideration of specific legislation which is expected to be submitted to Congress by the Bureau of the Budget.

SUBCOMMITTEE ON INDIAN AFFAIRS—SENATOR LEE METCALF, MONTANA, CHAIRMAN

The Subcommittee on Indian Affairs has legislative responsibility over matters involv-

ing the relations of the Federal Government with approximately 500,000 Indians, Eskimos, and Aleuts, about half of whom reside on reservations; over Indian landholdings and reservations which, subject to varying degrees of Federal control, total approximately 52 million acres in 29 States; and over the administration of the Bureau of Indian Affairs. In addition, the Indian health and sanitation program supervised by the Division of Indian Health in the U.S. Public Health Service is of concern to the subcommittee, as is the Indian Claims Commission.

Of the 66 measures referred to the subcommittee, 28 were reported and passed and 22 were enacted into law.

The following Indian bills of general applicability throughout Indian country were acted upon during the 89th Congress:

H.R. 4778, Public Law 89–14: To increase the amounts authorized for Indian adult vocational education. The bill amends the act of August 3, 1956 (70 Stat. 986, 25 U.S.C. 309), entitled "An act relative to employment for certain adult Indians on or near Indian reservations," by increasing the amount authorized to be appropriated for the program from $12 to $15 million annually. This legislation is necessary in order to accommodate the large number of Indians who are seeking enrollment under the 1956 act. The response of Indians to the opportunities afforded them in vocational courses and on-the-job training has been most favorable. From its inception through 1964, 10,000 persons have enrolled in various vocational programs throughout the United States. More and more of the younger Indians are completing high school and will become available for these training programs in the near future.

S. 3068 (JACKSON): To amend the Indian Claims Commission Act of 1946.

The purposes of S. 3068 are to provide for the adjudication or dismissal of all claims filed with the Indian Claims Commission and to extend the life of the Commission to April 10, 1972.

The Indian Claims Commission was established to provide for a final disposition of all claims of Indian tribes against the United States that existed on the date of the act of August 13, 1946 (60 Stat. 1049). The Indian tribes were given 5 years in which to file their claims, and the Commission was given an additional 5⅔ years within which to adjudicate the claims. The Commission was to terminate on April 10, 1957. The time allotted in the original act to adjudicate the many claims filed proved to be inadequate, and the Congress extended the life of the Commission for 5 years by the act of July 24, 1956 (Public Law 84–767), until April 10, 1962. This extension also proved to be inadequate, and Congress again extended the life of the Commission for 5 years by act of June 16, 1961 (Public Law 87–48), until April 10, 1967.

The Indian tribes filed a total of 852 separate causes of action with the Claims Commission. These claims have been consolidated into a total of 571 dockets. To date, 215 docket numbers have been adjudicated and the files sent to the National Archives. Of this number, 92 awards were made to Indian tribes for a total sum of over $185 million. There are 356 dockets now pending and active, some of which have been partly adjudicated and others of which are in early stages of processing.

The extension of the life of the Commission, as provided in S. 3068, is highly desirable in order that claims which the Indians have filed may be properly heard and decided. Otherwise, the Indians will again resort to petitioning the Congress for special jurisdictional acts to have their claims adjudicated, the very practice Congress sought to overcome in adopting the Indian Claims Commission Act of 1946.

The life of the Commission is extended an additional 5 years, but provision is made for determination of all cases by April 10, 1972. S. 3068, as amended, directs the Claims Commission to set a trial date for all cases not yet acted upon so that by January 1, 1969, all pending dockets will have entered the first stage of trial, or be dismissed for lack of prosecution. The bill also provides that if on the day set for a trial the claimant is unwilling or unable to present his case, the Commission shall enter an order dismissing the claim with prejudice unless upon motion of the claimant, and for good cause shown, the Commission grants a continuance. If at the end of the 6 months' continuance the claimant is still not able or willing to proceed, the case will be dismissed. Exception is provided in the event of good faith negotiation efforts on the part of plaintiff and defendant.

S. 3354 (METCALF), Public Law 89–592: To amend the law establishing the revolving fund for expert assistance loans to Indian tribes.

S. 3354 would amend the act of November 4, 1963 (77 Stat. 301), establishing a revolving loan fund for the purpose of assisting Indian tribes to procure the assistance of expert witnesses in cases before the Indian Claims Commission, by increasing the amount authorized to be appropriated for the fund from $900,000 to $1,800,000.

The act of November 4, 1963, authorized the appropriation of $900,000 for the establishment of a revolving fund from which the Secretary of the Interior could make loans to Indian tribes for the purpose of retaining expert assistance, other than legal counsel, for the preparation and trial of claims pending before the Indian Claims Commission. Most of the 852 claims filed by 1951 involve compensation for land takings by the United States. Anthropologists, ethnologists, and experts in the history of tribal relations with the United States are necessary to determine ownership and value of the disputed land.

To be eligible for a loan, the applicant tribal group is required to have inadequate means to finance the preparation of its claims for adjudication. In addition, the Secretary is precluded from making the loan if, in his opinion, the fees to be paid for such expert assistance are unreasonable.

Under the terms of the basic law, unless the judgment is less than the amount needed to repay the loan and interest, the loans are required to be repaid, with interest, out of the proceeds of any judgment recovered by the tribe on its claim against the United States.

Since the establishment of the fund, the entire $900,000 has been appropriated and has been almost completely obligated. Needed loans exceed the amount which remains available in the fund.

Although repayments are expected once the claims are adjudicated, it is not anticipated that sizable returns will be forthcoming before the expiration of from 3 to 7 years.

The increased loan fund will materially contribute to the prompt consideration and determination of the remaining claims before the Indian Claims Commission.

S. 2196 (METCALF, MANSFIELD) (H.R. 9323): Relating to the Indian revolving loan fund and the Indian heirship land problem.

The purposes of S. 2196, as amended, are to (1) authorize an increase of $35 million in the Indian revolving credit loan fund created by the act of June 18, 1934; (2) consolidate all existing loan funds presently authorized for loans to Indians into a single revolving fund and prescribe the administration thereof; and (3) provide the Secretary of the Interior with authority that will enable him to reduce the rapidly increasing number of Indian allotments in multiple ownership by—

(*a*) Partitioning or selling lands in heirship status, upon application of the requisite number of Indian owners, where such partition or sale is found to be in the best interest of the Indian owners, and not detrimental to the Indian tribe;

(*b*) Providing for judicial partition or sale where non-Indian interests so require;

(*c*) Authorizing the Secretary of the Interior to represent owners who are minors, non compos mentis, or are unlocatable;

(*d*) Establishing procedures for selling heirship lands that will afford the owners full opportunity to obtain fair market value for their property and give the Indian owners and tribes preference rights to purchase the land;

(*e*) Increasing the Indian revolving credit loan fund in order that individual Indians and tribes may borrow funds with which to purchase heirship tracts; and

(*f*) Providing for tribal land consolidation programs to permit maximum economic utilization of the land resource by Indians.

The provisions of this legislation are almost identical to those in S. 1049, 88th Congress, which passed the Senate on October 11, 1963.

The following Indian bills relating to specific tribes, bands, or groups were enacted or passed by the Senate during the 89th Congress:

S. 664. (NEUBERGER, MORSE), Public Law 89–224: To provide for the disposition of judgment funds of the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians, and for other purposes. The purpose of S. 664 is to provide for the distribution of $2,500,000 in judgment funds recovered by the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians in Indian Claims Commission docket No. 100, and all other funds heretofore or hereafter deposited in the U.S. Treasury to the credit of the Klamath Tribe or any of its constituent parts or groups. The judgment in docket No. 100 was the result of a compromise settlement approved by members of the Klamath Tribe over which Federal supervision was terminated in accordance with the act of August 13, 1954 (68 Stat. 718), as amended.

S. 702 (JACKSON), Public Law 89–28: To provide for the disposition of judgment funds on deposit to the credit of the Quinaielt Tribe of Indians. The Indian Claims Commission has awarded the Quinaielt Indians $250,172.40 in settlement of the claim in docket 242. The Quinaielt General Council, through its business committee, has proposed tribal programing, in consultation with the Bureau of Indian Affairs, for the use of the judgment funds. Projects to be initiated through use of the funds include the establishment of community facilities in cooperation with the U.S. Public Health Service, the improvement of fisheries resources, and the development of tourism and recreation potential. The proposed legislation will permit the Quinaielt business committee, subject to the approval of the Secretary of the Interior, to decide how the judgment funds will be programed.

S. 795 (JACKSON, MAGNUSON), Public Law 89–190: To provide for the assessing of Indian trust and restricted lands within the Lummi Indian diking project on the Lummi Indian Reservation in the State of Washington, through a drainage and diking district formed under the laws of the State. The purposes of this legislation are to permit lands within the Lummi diking district to be included in a new district under the laws of the State of Washington and to direct the Secretary of the Interior to cancel all outstanding charges for construction and operation and maintenance and to use previously collected assessments to pay for assessments in the future by the new State

district. Under the law, the Federal Government would be relieved of any responsibility for further operation, maintenance, betterment, or construction of this Indian project.

S. 893 (MANSFIELD, GRUENING, BARTLETT), Public Law 89–130: To amend the act of June 19, 1935 (49 Stat. 388), as amended, relating to the Tlingit and Haida Indians of Alaska. The purpose of this legislation is to amend the 1935 act to define Tlingit and Haida Indians and to recognize a central council which would have authority to make plans for the use of judgment funds expected to be awarded the tribes in the very near future. It would also authorize the advancement and expenditure of any appropriation to satisfy the judgment for any purpose authorized by the official central council, including per capita payments, and for the preparation of a current roll of all Tlingit and Haida Indians. Under the law it is required that following appropriation of funds to satisfy the award, Tlingit and Haida Indians shall submit an additional legislative proposal providing for the use of their money, based upon approved plans and recommendations.

S. 1413 (JACKSON, by request): To provide for the termination of Federal supervision over the property of the Confederated Tribes of Colville Indians located in the State of Washington and the individual members thereof, and for other purposes. As a result of a directive in section 5 of Public Law 772, 84th Congress, the Business Council of the Confederated Tribes of Colville Indians submitted proposed legislation providing for the termination of Federal supervision over the property of the tribes. After hearings on the proposed legislation in the 88th Congress, Senator JACKSON was requested to introduce S. 1413. As passed by the Senate, the bill provides for a referendum and the remaining provisions of the bill shall become effective only if a majority of the voting adult members of the tribes approve. The bill provides for the closing of the tribal rolls, the updating of all land records, and the appraisal by three qualified independent appraisers of all tribal assets. Thereafter, individual members of the tribes will be afforded a right to withdraw from the tribes and have their shares of tribal property converted to money and paid to them or to remain in the tribe and participate in a tribal management program. Such amounts of the tribes' timberlands as would be required to be sold would be purchased by the Secretary of Agriculture and designated as national forest lands. Other property would be sold on a competitive bid basis, except that property belonging to those remaining in the tribe shall be placed in the hands of a private corporation or trustee. This legislation is similar to the Klamath Termination Act of 1954. The House Interior Committee held further hearings during 1966.

S. 1904 (ANDERSON, MONTOYA), Public Law 89–363: To authorize the Secretary of the Interior to give to the Indians of the Pueblos of Acoma, Sandia, Santa Ana, and Zia the beneficial interest in certain federally owned lands heretofore set aside for school or administrative purposes. The purpose of S. 1904 is to authorize the Secretary of the Interior to give in trust to the Pueblos of Acoma, Sandia, Santa Ana, and Zia in New Mexico the beneficial interest in certain federally owned lands and improvements when they are no longer needed. The lands (approximately 435 acres) were set aside for school or administrative use. The value of the lands and improvements is approximately $31,000. The bill also provides that the Indian Claims Commission shall consider the value of the property conveyed by the bill in connection with any claim which the named Pueblos may have before the Indian Claims Commission.

S. 1938 (BIBLE, CANNON), Public Law 89–408: To amend the Indian Long-Term Leasing Act. The purpose of S. 1938 is to permit leases of Indian land on the Pyramid Lake Reservation in Nevada for business and other purposes to be made for a term of up to 99 years. Enactment of S. 1938 is needed to permit a lease with a term long enough to enable a prospective lessee to obtain financing for the recreational development that is contemplated. The 175-square-mile lake, located entirely within the reservation, offers excellent potential for water-oriented recreational development.

S. 2535 (Moss): To amend the Act of March 1, 1933, entitled "An Act to permanently set aside lands in Utah as an addition to the Navajo Indian Reservation."

The purpose of S. 2535, as amended, is to amend the act of March 1, 1933 (47 Stat. 1418), to authorize expenditure of royalties from certain Navajo Indian lands for the health, education, and general welfare of the Indians living in San Juan County, Utah. Present law restricts expenditure of these royalties to Indian tuition in white schools and/or the building and maintenance of roads across the lands set aside for the Navajo Reservation in 1933.

S. 2535 passed the Senate on August 29, 1966, but was not acted upon in the House.

S. 2595 (MCGEE, SIMPSON): To place in trust status certain lands on the Wind River Indian Reservation in Wyoming.

The purpose of S. 2595 is to place in trust 15 acres on the Wind River Indian Reservation in Wyoming. The land is surplus to the needs of the Federal Government and would be used by the Indians for administrative purposes.

S. 2595 passed the Senate on June 1, 1966, but was not acted upon by the House.

S. 2948 (METCALF, MANSFIELD), Public Law 89–524: To set aside certain lands in Montana for the Indians of the Confederated Salish and Kootenai Tribes of the Flathead Reservation.

The purpose of S. 2948 is to declare that the United States holds 487 acres on the Flathead Reservation, Mont., in trust for the Confederated Salish and Kootenai Tribes.

The land covered consists of nine tracts. They are part of 577 acres which were bought from the tribes in 1904 for administrative purposes by the Bureau of Indian Affairs for $658.75. The 487 acres have been declared surplus to the needs of the Bureau. Some of the parcels involved are adjacent to trust land while others are contiguous to unrestricted land. All are within the boundaries of the reservation. The tribe plans to use the land for exchange, assignments, and leases to tribal members.

H.R. 70, Private Law 8925: To provide for the conveyance of approximately 80 acres of land to the heirs of Adam Jones, Creek Indian not enrolled. The subject land upon the death of the allottee became part of the Creek Reservation, subject to reassignment to a cooperative group of Creeks or to an individual Indian. The Tribe, by resolution dated July 27, 1963, waived whatever rights the Creek Nation might have in the land and recommended that legislation be introduced conveying the property to the heirs of the original allottee.

H.R. 5860, Public Law 89–107: To amend the law relating to the final disposition of the property of the Choctaw Tribe. The purpose of the bill is to extend by 3 years the time within which certain provisions of the act of August 25, 1959, as amended, relating to the termination of Federal supervision and control over certain Choctaw lands, would be completed. Problems have arisen in connection with title to various lands owned by the Indians, and it is believed that additional time should be provided to enable the Tribe to complete several lawsuits in which it is now engaged with respect to tribal lands.

H.R. 9041, Private Law 89–30: To restore to the heirs of the Indian grantor certain tribal land of the Iowa Tribe of Oklahoma. The purpose of H.R. 9041 is to grant a 2½-acre parcel of land to the heirs of Jack Small Lincoln, an Indian, who donated the same to the Iowa Tribe of Oklahoma. Since the tribe has no further need for the site, its business committee requested legislation conveying the land to Mr. Lincoln's heirs.

H.R. 10431, Public Law 89–459: To declare that certain Federally owned land is held by the United States in trust for the Minnesota Chippewa Tribe.

The purpose of H.R. 10431 is to declare that the United States holds in trust for the Minnesota Chippewa Tribe 40 acres of land which was acquired for administrative use by the Government but is no longer needed for this purpose.

H.R. 10476, Public Law 89–442: To retrocede to the State of Kansas concurrent jurisdiction over Haskell Institute.

The purpose of H.R. 10476 is to retrocede to the State of Kansas concurrent jurisdiction over the site of Haskell Institute at Lawrence, Kans., in order to provide adequate police and fire protection for the school.

H.R. 12264 (S. 2735, ANDERSON), Public Law 89–445: To declare that 99.84 acres of Government-owned land acquired for Indian administrative purposes is held by the United States in trust for the Apache Tribe of the Mescalero Reservation.

The purpose of H.R. 12264 is to transfer the beneficial title to a 99.84 acre tract of land and the improvements thereon now owned by the United States to the Apache Tribe of the Mescalero Indian Reservation in New Mexico.

The tract was included within the boundaries of the Mescalero Indian Reservation as created by the Executive Order in 1873. The property, however, had been settled prior to that time by a non-Indian. The Government purchased the non-Indian's interest in the land in 1918 for $10,000, and title was taken in the name of the United States.

The land was used as an agency and Indian school until 13 years ago. The land is presently being used by the tribe for agricultural purpose on a permit basis. The tribe wishes to construct low-rent housing on this land.

H.R. 3596, Public Law 89–663: To provide for the disposition of judgment funds on deposit to the credit of the Skokomish Tribe.

The Skokomish Tribe was awarded $373,142.40 by the Indian Claims Commission in its suit against the United States (docket 296). Funds to pay the judgment were appropriated by the act of January 6, 1964 (77 Stat. 857). Payment of $37,357.70 in attorney fees and $17,559.15 in additional expenses reduced the original sum to $318,660.15. This amount is on deposit in the U.S. Treasury and is drawing interest at the rate of 4 percent per annum. Enactment of H.R. 3596 is needed in order to permit the tribe to make use of this money.

The committee was advised that the Skokomish Tribe has very few resources—16 acres of tribal land and 2,900 acres of allotted lands. It has no approved roll. Fewer than 100 tribal members live on the reservation. The tribal council has several developmental programs in mind which will be recommended for approval of the Secretary of the Interior. Money that is distributed per-capita-wise will not be subject to Federal or State income tax.

H.R. 10633, Public Law 89–655: To provide for the disposition of funds appropriated to pay a judgment in favor of the Quileute Tribe of Indians, including the Hoh Tribe.

Funds were appropriated in 1964 to satisfy a judgment of the Indian Claims Commission in favor of the Quileute Tribe, includ-

ing the Hoh Tribe, in docket 155. The judgment was for $112,152.60. From the award the sum of $11,215.26 has been paid for attorney fees. The remainder is on deposit in the Federal Treasury where it is drawing interest at the rate of 4 percent per annum.

Under this bill, the judgment fund and accumulated interest will become available for expenditure for any purpose authorized by the respective tribal bodies with the approval of the Secretary of the Interior. It is provided, however, that until the Hoh Indians establish a formal tribal organization their funds may be expended by the Secretary for the benefit of the Hoh Reservation and the Hoh tribal members upon his approval of plans adopted by a majority of the adult Hoh Indians voting at a general meeting called by him.

The Quileute tribal roll will be based on the 1938 Quileute census and the 1934, 1937, and 1940 Quinaielt tribal census. Persons born after December 31, 1940, will not be eligible for membership on the Quileute roll.

The Hoh tribal roll will include only the names of Indians whose names or names of whose lineal ancestors appear on the June 30, 1894, census of the Hoh Indians of Neah Bay Agency.

Per capita payments that may be made from the judgment will be exempt from Federal and State income taxes.

H.R. 10747, Public 89–660: To provide for the disposition of funds appropriated to pay a judgment in favor of the Duwamish Tribe of Indians in Indian Claims Commission docket 109, and for other purposes.

Funds were appropriated in 1964 to satisfy a judgment of the Indian Claims Commission in favor of the Duwamish Tribe in docket 109. The judgment was for $62,000. From the award, the sum of $7,765.77 has been paid for attorney fees and expenses. The remainder is in the Federal Treasury where it is drawing interest at the time of 4 percent per annum. Detailed figures are presented in the tabulation attached to the Interior Department communication.

Under this bill, the judgment fund and accumulated interest will be distributed on a per capita basis among eligible Duwamish tribal members inasmuch as the tribe has no reservation or tribal holdings.

The Secretary of the Interior will be authorized to prepare a roll of all descendants of members of the Duwamish Tribe as it existed in 1855, the date of the treaty under which the tribe ceded the lands in question to the United States.

Proportional shares of heirs and legatees amounting to $5 or less will escheat to the United States. Per capita payments will be exempt from Federal and State income taxes.

H.R. 12437, Public Law 89–656: To provide for the disposition of funds appropriated to pay a judgment in favor of the Nooksack Tribe of Indians.

Funds were appropriated in 1965 to satisfy a judgment of the Indian Claims Commission in favor of the Nooksack Tribe in its docket 46. The judgment was for $52,383.50, less offsets amounting to $3,000. From the award, the sum of $6,313.43 has been paid for attorney fees and expenses. The remaining $43,070.07 is in the Federal Treasury where it is drawing interest at the rate of 4 percent per annum.

H.R. 7466, Public Law 89–659: To provide for the disposition of funds appropriated to pay judgments in favor of the Miami Indians of Indiana and Oklahoma.

Moneys have been appropriated to satisfy the judgments of the Indian Claims Commission in favor of the Miami Tribe of Oklahoma and the Miami Tribe of Indiana, jointly, in docket Nos. 67 and 124; the Miami Tribe of Oklahoma, singly, in docket No. 251; and the Miami Tribe of Indiana, singly, in docket No. 124–A. The amounts appropriated were, respectively, approximately $4,647,500, $349,200, and $64,700. A portion of these sums has been paid out for attorneys' fees and expenses. The remaining amounts are on deposit in the Treasury where they earn interest at the rate of 4 percent per annum.

Under this bill, distribution of the funds appropriated to satisfy the judgments in docket Nos. 67 and 124 will be made to those Indians, living on the date the bill becomes law, whose names appear on a roll to be prepared by the Secretary of the Interior on the basis of four earlier rolls, identified in the bill, which were prepared between 1888 and 1895. The funds appropriated in satisfaction of the judgment in docket No. 251 will be made available to carry out plans formulated by the Miami Tribe of Oklahoma and approved by the Secretary of the Interior. If, as expected, a per capita distribution is made of these funds, it will be made to those who are enrolled members of the tribe. The moneys appropriated to satisfy the judgment in docket No. 124–A will be distributed to individuals whose names appear on a roll of living Indians to be prepared by the Secretary of the Interior on the basis of three earlier rolls prepared between 1888 and 1895 excluding, however, any person who is now enrolled in the Miami Tribe of Oklahoma.

Provision is also made in the bill for the reservation of funds sufficient to meet the expenses of litigation in other cases which the Miamis have pending before the Indian Claims Commission; for the exemption from Federal and State income taxes of any moneys which are distributed per capita; and for the protection of payments which are to be made to persons who are under age or under legal disability.

H.R. 10674. Public Law 89–661: To provide for the disposition of funds appropriated to pay a judgment in favor of the Otoe and Missouria Tribe of Indians.

Under this bill, the judgment fund and accumulated interest will be distributed on a per capita basis among eligible Nooksack tribal members inasmuch as the tribe has no reservation, tribal land, or tribal assets.

There is not now in existence a list of living Nooksacks. The Secretary of the Interior, therefore, is directed by H.R. 12437 to prepare a roll of all descendants of members of the Nooksack Tribe as it existed January 22, 1855.

Proportional shares of heirs and legatees amounting to $5 or less will not be distributed but will remain to the credit of the Nooksack Tribe. Such sums as are not distributed to members of the Nooksack Tribe within 3 years after the date of enactment will escheat to the United States. Per capita payments will be exempt from Federal and State income taxes.

H.R. 8917, Public Law 89– : To provide for the disposition of funds appropriated to pay a judgment in favor of the Omaha Tribe of Nebraska.

The purpose of H.R. 8917 is to authorize the disposition of judgment funds now on deposit to the credit of the Omaha Tribe.

The Omaha Tribe of Nebraska was awarded $1,750,000 by the Indian Claims Commission in its suit against the United States (docket No. 138). The award was for inadequate compensation originally paid for lands in western Iowa and northwestern Missouri. Funds to pay the judgment were appropriated by the act of June 9, 1964.

H.R. 8917 provides that the Secretary of the Interior, after the deduction of attorney fees litigation expenses, and distribution expenses, shall make a per capita distribution of not more than $270 to each person whose name appears on the tribal roll prepared pursuant to the act of September 14, 1961 (75 Stat. 508), and to each living child born after September 14, 1961, who possesses Omaha blood of the degree of one-fourth or more unless said child is enrolled with any other tribe of Indians. The balance of the judgment plus interest thereon may be expended for purposes authorized by the tribal governing body and approved by the Secretary of the Interior.

Section 1 of the bill further provides that the sum of $150,000 plus interest shall be withheld from disbursement pending settlement of a claim of the Yankton Sioux Tribe presently before the Indian Claims Commission. Section 2 provides for payments to others on behalf of minors and persons under legal disability. It also provides that payments of less than $5 shall escheat to the tribe. Section 3 provides that per capita distributions will not be subject to Federal or State income tax, and section 4 authorizes the Secretary of the Interior to prescribe rules and regulations to implement the act.

The Indian Claims Commission awarded $1,750,000 to the Otoe and Missouria Tribe on April 4, 1964, in docket No. 11–A, in recognition of the fact that the Otoe and Missouria Indians were inadequately compensated for the lands in western Iowa and northwestern Missouri which they ceded to the United States by the treaties of October 15, 1836 (7 Stat. 524) and March 15, 1854 (10 Stat. 1038). Funds to satisfy this judgment were appropriated by the act of June 9, 1964, and are on deposit in the U.S. Treasury to the credit of the Otoe and Missouria Tribe of Oklahoma, drawing interest at the rate of 4 percent per annum.

The Otoe and Missouri Reservation is located in northeastern Oklahoma and contains 1,400 acres of tribal and 33,437 acres of allotted land. Nearly 500 members of the tribe reside on or near the reservation. The total enrollment of the tribe, however, is somewhat in excess of this figure—probably in the neighborhood of 1,100 or 1,200 persons.

H.R. 10674 will permit the Otoe and Missouria tribal governing body, with the approval of the Secretary of the Interior, to determine how the judgment fund will be used. The amount appropriated to satisfy the judgment, however, is subject to deductions for attorneys' fees and expenses and, under the terms of the bill, $150,000 is to be withheld pending decision in Indian Claims Commission Docket No. 332–A which involves a conflicting claim of the Yankton Sioux Tribe. The Otoe and Missouria Tribe has not yet come forward with any formal proposals for use of its funds but it is anticipated that it will want all or most of the judgment moneys paid to members of tribe per capita.

H.R. 7648, Public Law 89– : To authorize long-term leases on the San Xavier and Salt River Pima-Maricopa Indian Reservations, Arizona.

The primary purpose of H.R. 7648 is to provide long-term leasing authority for tribal and individual lands of the San Xavier and Salt River Pima-Maricopa Indian Reservations in Arizona for public, religious, educational, recreational, residential, business, farming, or grazing purposes.

The San Xavier and Salt River Pima-Maricopa Reservations are adjacent to the cities of Tucson and Phoenix, respectively, two of the most rapidly expanding cities in the Southwest. In both instances the close proximity of city and reservation has created opportunities for profitable use of the Indian land if it can be leased for sufficiently long terms.

The maximum permissible term for which Indian land may be eased under existing general law is 25 years with a right of renewal for another 25 years. The Palm Springs, Navajo, Dania, Southern Ute, Colorado River, Fort Mojave, and Pyramid Lake Reservations have been granted longer lease terms because the 25-year authority is not sufficiently long to permit development loans in some instances and a clear 50-year minimum period plus an allowance of time for negotiations and

construction is frequently required. In all of the instances just cited, legislative authority to lease for up to 99 years has been granted. H.R. 7648 does the same for the two reservations to which it applies, with, however, a limit of 40 years in the case of farming leases that require a substantial investment in the improvement of the land and 10 years in the case of grazing and other farming leases. The Secretary of the Interior will approve 99-year leases only if such extended period is absolutely essential.

SPECIAL COMMITTEE ACTION RELATING TO INDIAN AFFAIRS

On August 25, 1965, the Senate Interior Committee adopted a Committee resolution concerning the Kalispel Tribe of Washington State.

The Indian Claims Commission awarded the Kalispels $2.7 million in compensation for lands taken by the United States; and by legislation enacted in the 88th Congress, the Tribe was authorized to use these funds for individual or tribal purposes with the approval of the Secretary of the Interior. *The Committee's* report accompanying the 1964 legislation suggested that before the Tribe's proposed plan for use of the judgment was implemented that the Bureau of Indian Affairs investigate the practicality of placing the administration of the program in the hands of a private state-licensed trustee. Negotiations have been under way during the past year with private trustees.

The resolution adopted by the Senate Committee recommends the use of a part of the tribal funds for family housing plans and tribal projects but specifies that approximately $1,700,000 of the total judgment should be placed with a corporate trustee for management purposes. This will be the first instance in which a judgment awarded a tribe is placed with a non-federal trustee, and it is expected that in the future similar recommendations will be made involving other tribes where that action would be appropriate. The Committee has expressed itself as being anxious to protect these large judgment funds from dissipation and to preserve the funds and the income for the benefit of the individual Indians.

The Kalispel Tribe consists of about 155 members, and the reservation of approximately ten thousand acres is located in the northeast section of Washington State. It is believed that a private trusee in managing the Tribe's funds will be able to invest in diversified stocks and bonds, thus assuring steady income, and will also be in a position to advise the Tribe on any business opportunities that may become available in the area of the reservation.

On April 1, 1966, the Committee held hearings on the nomination of Robert L. Bennett to be Commissioner of Indian Affairs. The nomination was approved unanimously and reported to the Senate on April 8, 1966. Accompanying the nomination was a Committee report (Executive Report No. 1) setting forth in detail Committee views on the programs, policies and general administration of Indian affairs in recent years. Additionally, the new Commissioner was requested to file a formal report within 90 days following his confirmation outlining the steps taken to begin to meet the problems referred to in Executive Report No. 1. Under date of July 11, Commissioner Bennett filed his written comments with the Committee and that document is currently under study in connection with legislative proposals to be introduced in the 90th Congress.

*Subcommittee hearings*

In addition to the foregoing actions, the Subcommittee held hearings on the following legislation:

S. 96 (ANDERSON): To amend the Indian Long-term Leasing Act.

S. 2197 (METCALF, MCGOVERN): To provide for guaranty and insurance of loans to Indians and Indian organizations.

S. 3085 (ANDERSON): To amend section 4 of the act of May 31, 1933, to add certain lands, including the Blue Lake area, to the Taos Pueblo, New Mexico.

S. 3228 (MANSFIELD, METCALF): To grant minerals, including oil, gas, and other natural deposits, on certain land in the Northern Cheyenne Indian Reservation, Montana, to certain Indians.

H.R. 7028: To provide compensation to the Crow Tribe of Indians, Montana, for certain lands, for the validation of titles to those lands, and for other purposes.

SUBCOMMITTEE ON MINERALS, MATERIALS, AND FUELS—SENATOR ERNEST GRUENING, OF ALASKA, CHAIRMAN

The Subcommittee on Minerals, Materials, and Fuels has initial responsibility for measures concerning "mineral interests generally," in the words of the Legislative Reorganization Act, the mineral resources of the public lands, and mineral land laws and claims and entries thereunder.

During the 89th Congress, the subcommittee devoted a considerable amount of time and effort to finding ways and means to stimulate domestic production of gold, reopen closed American gold mines, and put American gold miners back to work.

Three measures dealing directly with gold were considered: S. 1377, by Senator GRUENING for himself and 8 other Senators; S. 2562, by Senator MCGOVERN and 7 others; and Senate Resolution 83, by Senator BARTLETT for himself and 14 others. All three measures had bipartisan cosponsorship.

S. 1377, which was based on Senator GRUENING's S. 2125 of the 88th Congress as reported favorably to the Senate, provided for incentive payments to domestic gold producers on an individual basis of amounts predicated on the differences between their cost of producing gold in the last quarter of 1939, our last period of normal production, and average costs as of the last quarter of 1965.

The measure carefully refrained from any suggestion for any increase in the $35 an ounce price for gold established by President Roosevelt as a depression measure in 1934.

S. 2562 was introduced by Senator MCGOVERN with 7 cosigners for the purpose of aiding and stabilizing the gold mining industry of the United States by maintaining the rate of gold production from currently operating gold mines and by stimulating increased gold production through the reopening of mining properties which have ceased operations prior to January 1, 1965. Exploration, development, and commencement of new gold mining operations would be encouraged through a Gold Mines Assistance Commission. The bill states that financial assistance payments to domestic gold producers under it shall have no relation to the monetary price of gold paid by the Treasury Department of the United States.

Senate Resolution 83 would have created a Select Committee of the Senate on Gold Production to study the problem in its entirety and report back to the Senate with recommendations.

The administrative agencies, led by the Treasury Department objected to all of the measures on the ground that any effort to do equity to our domestic producers and to stimulate domestic production would create a "two-price system for gold," and that such action would upset the international monetary market. After full and careful consideration, the Subcommittee found that the fears expressed were in fact groundless, and reported S. 1377 favorably to the full committee. The Committee reached the same conclusion, and S. 1377 was reported favorably on August 30, 1966 (Senate Report No. 1537).

Another subcommittee measure of far-reaching importance to the development of the mineral resources of the public domain and mining operations on it was S. 3485, amending the so-called "Common Varieties Act" (Public Law 167, 84th Congress). This measure, drafted by Senator METCALF after public hearings in Butte and in Washington on the interpretation and administration of the law and co-sponsored by Senator GRUENING, laid down specific guidelines and standards to be followed by the Bureau of Land Management and the Forest Service in determining what minerals were "common varieties," and specifically excluded certain minerals from the act. S. 3485 was favorably reported by Senator METCALF and passed the Senate on September 21, 1966, despite unfavorable reports and testimony in opposition from the Forest Service and the Bureau of Land Management.

In addition, the subcommittee held hearings and considered, S. 2281, sponsored by Senator CANNON, which also would have amended the Common Varieties Act. Senator CANNON's bill, however, would have made substantive amendments to the mining law of 1872 as well, and in view of the study of the basic mining law under way by the Public Land Law Review Commission, no further action was taken on S. 2281.

Other legislation considered and acted upon by the subcommittee included:

S. 1378, by Senator Moss and five other Senators, to amend the Lead-Zinc Small Producers Stabilization Act of 1961. The House companion measure, H.R. 5842, as amended, was substituted, and became Public Law 89–238. The law extends the lead-zinc small producers program for an additional 4 years, broadens the base for participation, and clarifies certain provisions of the parent act.

S. 1674, by Senator BIBLE, to authorize leasing by the Secretary of the Interior of geothermal steam and associated geothermal resources on the public lands, was favorably reported, with amendments, by Senator GRUENING and passed the Senate on September 7, 1965. The bill opens the way to development of a new natural resource of our publicly owned lands. The steam itself has been proven valuable for production of electric energy. In a number of localities the superheated brines or gases contain mineral required by industry and agriculture. The proposed legislation is a leasing act, providing the Secretary with authority, which he does not now have, to permit development by private enterprise of geothermal deposits, and setting forth conditions and standards of leasing.

The House passed the measure with an amendment in the nature of a susbtitute. The Senate concurred in the House amendment with further amendments and returned the bill to the House which on October 21 concurred in the Senate amendments and cleared the legislation for the President.

The Subcommittee considered and acted favorably on several private bills to authorize reinstatement of oil and gas leases which had been cancelled by operation of law because of minor deficiencies in rental payments resulting from errors in tract description by the Bureau of Land Management. These included S. 1880, by Senators MCGEE and SIMPSON and S. 2918 by Senator Moss.

Other private bills authorized the sale to the surface owner of reserved Federal mineral rights in certain specified tracts of land.

S. 3070, by Senator MCGEE, to remove the limitation in the Mineral Leasing Act prohibiting railroads from holding Federal coal leases, was the subject of hearings, reported favorably, and passed the Senate on August 11, 1966.

Senator BURDICK's S. 526, to remove the special restriction in appropriation authorization in legislation authorizing three Bureau of Mines Experimental Stations, passed the Senate June 15, 1966. This measure makes the authorizing legislation consistent with other experimental station authorizations.

SUBCOMMITTEE ON PUBLIC LANDS—SENATOR FRANK CHURCH OF IDAHO, CHAIRMAN

The Public Lands Subcommittee has initial responsibility for legislation affecting hundreds of millions of acres of lands belonging to all Americans—one of our great national heritages. The administration of these lands has become an increasingly complex problem as is graphically illustrated by the legislation considered by our subcommittee during the Eighty-Ninth Congress. Members of the committee devoted long hours in both public hearings and executive sessions to legislation ranging from the relief of individuals innocently in conflict with the law, to bills to facilitate public land administration.

Few measures of the Eighty-Ninth Congress underwent more thorough study and examination by a committee than S. 265, a bill by Senator Moss of Utah to convey the State of Utah title to lands lying below the meander line of the Great Salt Lake to permit development of the tremendous mineral resources of the lake. The bill was the subject of field and Washington hearings and a number of executive sessions in both House and Senate. It was signed into law June 3, 1966. As approved (Public Law 89–441), the legislation authorizes the sale of Federal surface interest in lands to the State of Utah based upon fair market value. The measure will be a basis for substantial new industrial development and natural resource utilizations.

Of major importance to many western public lands States was a bill introduced by Senators Moss and FANNIN, S. 1883, to amend sections 2275 and 2276 of the Revised Statutes, as amended.

As the States entered the Union, the Federal Government granted them certain lands in order to promote the general welfare, and more specifically, schools. The grants usually took effect upon admission to statehood or at the time of the survey, whichever was later. Although rectangular surveys of the public land were initiated in each instance prior to statehood, large areas of the public lands are still unsurveyed. Because the surveys have not been completed, specific land areas were not identifiable and many of the sections that had been granted to a State were put to other uses, through no fault of the State. When this problem was brought to the attention of the Congress, legislation was enacted to permit the States to select other lands in lieu of the lands that had been granted but lost. These became known as the indemnity selection laws. The existing law, sections 2275 and 2276 of the Revised Statutes, as amended (43 U.S.C. 851, 852) provides for selection of indemnity lands to replace lands lost "prior to survey," the lieu selections must be made from "unappropriated, surveyed and public lands."

The Committee approved a House-passed companion measure, H.R. 5984, which became Public Law 89–470. This Act restores as eligible for indemnity selection lands utilized for other purposes before the title could pass to a State and permits selection of unsurveyed lands to supply deficiencies in lands granted a State.

Public lands problems in the new State of Alaska continued to receive attention by the subcommittee. A bill was introduced by Senators GRUENING and BARTLETT, S. 2366, to reform the method by which the University of Alaska may acquire land for its support. Involved are 100,000 acres of public land granted to the then Territory of Alaska for the use and benefit of a State University by the act of January 21, 1929. Some of the requirements involving the sale and lease of the lands were cumbersome and outmoded. The Committee decided these were unduly restrictive, and would hamper the State in managing and controlling the assets of the university. The bill eliminating these restrictive requirements became Public Law 89–588.

The subcommittee favorably reported H.R. 16813, a companion measure to S. 3692, introduced by Senator ANDERSON to provide for transfer, without reimbursement, to the Atomic Energy Commission of all interest in a tract of public domain land located in Santa Fe County, New Mexico. It became Public Law 89–693. The land was transferred to the administrative control of the Atomic Energy Commission for use in connection with the Los Alamos Scientific Laboratory. A sewer plant and related facilities have been constructed on the 78 acres. The Atomic Energy Commission plans to donate these facilities to Los Alamos County. The legislation removes any doubt as to the Commission's authority to convey the land under the Atomic Energy Act or other appropriate authority.

Signed into law (P.L. 89–457) was H.R. 6646, a companion bill to S. 2327, introduced by Senator ANDERSON of New Mexico, to amend the Recreation and Public Purposes Act pertaining to the leasing of public lands to States and their political subdivisions. This will permit the Secretary of the Interior to enter into leases for a period of 25 years under the Recreation and Public Purposes Act—and thereby permit States and local units of government to plan and develop Federal lands under lease to them with Federal participation as provided in the Land and Water Conservation Fund Act. The latter authorizes financial assistance in certain instances where Federal lands are under lease to States or their political subdivision for a term of 25 years or more. However, section 2 of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869–1), authorized the Secretary to issue leases on public lands "for a period up to 20 years, and, at the discretion of the Secretary, for a privilege of renewal for a like period." This provision had been interpreted by the Secretary as precluding him from issuing a 20-year lease with a firm right of automatic renewal in the lease.

Our Subcommittee late in the Second Session reported out a bill Chairman JACKSON introduced by request, S. 3178, to amend section 8 of the Taylor Grazing Act of June 28, 1934 (43 U.S.C. 315g). The bill is designed to improve the Interior Department's land exchange authority under the Taylor Grazing Act, and to facilitate the consummation of such exchanges. It was submitted and recommended by the Department of Interior in an effort to resolve part of the burdensome and time-consuming problem of completing land exchanges in the West. The Subcommittee amended the bill to restrict exchanges for private lands to lands within the same State, thus assuring that similar geographical limitation on exchanges are provided both for State and privately owned lands.

Extensive consideration was given by the Committee to S. 3104, a bill by Senators HAYDEN, KUCHEL, FANNIN and MURPHY, and which is intended to permit a resolution of a dispute between certain private individuals and the Federal Government over ownership of specific tracts of land in the Palo Verde Irrigation District in Riverside County, California. After adopting substitute provisions, the Subcommittee reported the House bill, H.R. 13955, which was subsequently approved by the Congress. The bill would resolve the dispute by declaring that for the purposes of establishing any right, title or interest of the United States in or to such lands, the location of the Colorado River as determined by the Interstate Compact between Arizona and California is recognized as the present boundary of the river, and that all changes in the course of the river prior to the effective date of the act shall be conclusively presumed to be accretive changes.

S. 1764, adding lands to the Uinta National Forest in Utah, to save 10,000 acres of the drainage of the north fork of the Provo River to halt serious soil erosion and save the main source of the domestic water supply for the City of Provo. The measure became Public Law 89–226.

The Senate passed a bill, S. 1285, from the Interior Committee which took cognizance of the tremendous recreation pressures on the greatly expanded southwestern cities of Phoenix, Tucson, and Albuquerque, and authorized special conveyance of land under the Recreation and Public Purposes Act of 1926 to answer these burgeoning needs.

Two widely separated State universities, Maryland and Alaska, were benefited by Senate bills 1988 and 1190 which were enacted into Public Law (Public Law 89–227 and Public Law 89–223). Fourteen acres of land on the Maryland campus originally donated to the United States in 1935 were authorized to be returned to the State of Maryland for the fair market value of the fixed improvements. The State of Alaska was authorized to negotiate a sale of 153 acres of patented land in dispute between the University of Alaska and a mining corporation, which now wishes to purchase the property.

Of historic and recreational importance to the National Capital area was the bill, S. 1065, which was enacted by the Congress and became Public Law 89–255, authorizing the United States to acquire the scenic Great Falls tract on the Virginia side of the Potomac and administer it in connection with the George Washington Memorial Parkway. This will assure preservation of one of the Capital's beauty spots. It is of great geological interest, and contains the remains of the Potowmack Canal—a project in which George Washington was actively interested both before and after the American Revolution. The land had been under lease to the National Park Service, but the Government was without authority to place any permanent improvements upon it. Acquired by exchange, it will now be developed for the fullest public use. The remnants of the canal will be preserved as testimony to George Washington's great efforts to forge an early transportation and communications system which would lay the groundwork for a United States of America.

A bill, S. 435, to preserve in its natural setting one of the truly gem-like lakes of mountain West—Upper Priest Lake in the panhandle of northern Idaho—has been signed into law (Public Law 89–39). It authorizes the Department of Agriculture to acquire the few private holdings on the lakeshore and incorporate them into the Kaniksu National Forest. This lake has been referred to as one of the most beautiful in the world.

S. 625, a bill to permit the purchase of lands in Wyoming that had, through doubt of ownership, been fenced in with private holdings, has passed the Senate. This would permit clearance of title along section lines of small parcels formerly managed by the Bureau of Land Management.

The Public Lands Subcommittee also considered legislation dealing with scrip and similar rights relating to interests in public lands.

SUBCOMMITTEE ON TERRITORIES AND INSULAR AFFAIRS—SENATOR HENRY M. JACKSON, CHAIRMAN

The Subcommittee on Territories and Insular Affairs has responsibility for measures relating to the insular possessions of the

United States, the Commonwealth of Puerto Rico, and the Trust Territory of the Pacific Islands, except those measures affecting their revenue and appropriations.

Of the 11 bills referred to the subcommittee, 9 were reported and subsequently acted upon by the Senate. They are as follows:

*Puerto Rico*

S. 2154 (JACKSON, JAVITS), Public Law 89–84: To amend the act establishing the United States-Puerto Rico Commission on the Status of Puerto Rico. The purpose of S. 2154 is to amend the act of February 20, 1964, establishing the United States-Puerto Rico Commission on the Status of Puerto Rico, by extending the date for the submission of the Commission's final report and increasing the funds authorized to be appropriated for the Commission's operation.

Public Law 88–271 established the United States-Puerto Rico Commission to study all factors which have a bearing on the future relationship between the United States and Puerto Rico. The 1964 act authorized an appropriation of $250,000 for the Commission to perform its task. The government of Puerto Rico appropriated an equal sum as its contribution to the Commission's work. The Commission's final report was to be submitted to the President, Congress, the Governor of Puerto Rico, and the Legislative Assembly of Puerto Rico not later than the opening day of the 2d session of the 89th Congress.

Because of the elections of 1964, both on the mainland and in Puerto Rico, the Commission was unable to begin its work as promptly as had been hoped. Following the elections there were 4 changes in the Commission's total membership of 13. While considerable work has been done in authorizing and preparing studies, these cannot be completed in the time authorized.

The additional funds are necessary in part because of the extension of time which the Commission requires to complete its work and because the studies authorized by the Commission are broader than originally envisioned.

S. 2154 would amend the existing law by authorizing a maximum appropriation of $460,000, an increase of $215,000. A similar increase in funds will also be authorized by the Commonwealth of Puerto Rico. The bill extends the time for submission of the final report until September 30, 1966, a period of 9 months beyond the present requirement.

The report has been duly submitted and is available for public use.

H.R. 3433: To provide for the conveyance of certain real property to the Commonwealth of Puerto Rico.

The purpose of H.R. 3433 is to convey to the Commonwealth of Puerto Rico without monetary consideration a 1.4-acre tract of land owned by the United States in San Juan, P.R., for public purposes.

The 1.4-acre parcel in question, which is adjacent to the Capitol Building in San Juan, was acquired by the United States from Spain by the Treaty of Paris. It was, until recently, a part of the Fort Brooke Military Reservation, but the Department of the Army has declared it surplus to its needs and made it available for disposal. Although section 7 of the act of March 2, 1917, as amended (48 U.S.C. 747, 748), authorizes the President, in general terms, to convey surplus property within the territorial limits of Puerto Rico to the Commonwealth, the Solicitor of the Department of the Interior has held that tidelands, as this tract is, can be conveyed only under special legislative authority. Enactment of H.R. 3433 is therefore necessary to effect the conveyance. The Commonwealth government plans to use the land as a part of a public historical and recreational area to be developed according to the land use master plan prepared by the Puerto Rico Planning Board for Fort Brooke and its satellite installations.

The land is to be used for public purposes, and, if not, title shall revert to the United States.

*Virgin Islands*

H.R. 11777: To provide for the popular election of the Governor of the Virgin Islands, and for other purposes.

The primary purpose of H.R. 11777 as amended by the Senate is to provide for the election by popular vote of the Governor and Lieutenant Governor of the territory of the Virgin Islands. Other purposes which H.R. 11777, as amended, would accomplish are: (1) Create the office of Lieutenant Governor; (2) provide that the salaries and expenses of the executive and legislative branches be paid by the government of the Virgin Islands; (3) specify the powers, duties, and responsibilities of the Governor; (4) provide a method of recall for removal of the Governor; (5) set out the line of succession in the event the Governor is disabled; (6) clarify the powers, duties, responsibilities, and procedures of the office of the government comptroller; (7) provide that the expenses and salaries of the office of the government comptroller shall be paid by the United States from funds derived by transfer from the internal revenue collections appropriated for the Virgin Islands, thus resulting in a substantial savings to Federal Government; (8) extend the privileges and immunities clauses, the due process clause, and the equal protection clause of the U.S. Constitution to the people of the Virgin Islands; (9) make the Virgin Islands subject to the general military law of the United States; and (10) make certain technical changes in the revised organic act.

The Senate passed the bill as amended but the House declined to accept.

S. 3080 (JACKSON), Public Law 89–643: To increase the special revenue bond borrowing authority of the Virgin Islands.

The basic purpose of S. 3080 is to increase the special revenue bond borrowing authority of the Virgin Islands for governmental water and power projects, and for limited expenditures for other governmental projects.

Section 8(b) of the Revised Organic Act of the Virgin Islands of 1954, as amended (68 Stat. 497, 500; 48 U.S.C. 1574) provides that the Legislature of the Virgin Islands may cause bonds to be issued under subparagraph (1) for specific public improvement or specific public undertakings authorized by an act of the legislature, and under subparagraph (2) for the establishment, maintenance, and improvement of other projects which will, in the legislature's judgment, promote the public interest by economic development of the Virgin Islands. The total amount of such revenue bonds which may be issued and outstanding for all such improvements or undertakings at any one time may not exceed $10 million. The bonds are to be redeemable after 5 years without premium.

S. 3080 would amend existing law so as to (1) preclude the issuance of bonds or other obligations for nongovernmental projects intended to promote the economic development of the Virgin Islands; (2) increase the outstanding revenue bond ceiling at any one time from $10 to $30 million; (3) exclude from the new bond ceiling these bonds or obligations which are held by the Federal Government as a result of a sale of property to the government of the Virgin Islands; (4) provide that not more than $10 million of such bonds or obligations may be outstanding at any one time for public improvements or undertakings other than water or power projects; (5) delete the word "specific" each time that it appears in the first and second sentences of section 8; and (6) provide that bonds may be redeemable (either with or without premium) or nonredeemable.

For power and water purposes alone, approximately $29 million in outside revenue-secured financing is estimated to be needed during the next 5 years in order to meet the average rate of growth in demand for electric power which has been experienced in the Virgin Islands during recent years. For the three islands—St. Thomas, St. John, and St. Croix—this growth rate is 20 percent, or almost three times the average growth rate on the U.S. mainland. Of this estimated total of $29 million, approximately $6 million in revenue financing is needed by September of this year for a new dual-purpose (water and power) plans for St. Thomas.

In addition to the revenue financing needed for water and power purposes, an estimated $5 million will be needed during the next 5 years for staff housing facilities for the new hospital centers in St. Thomas and St. Croix and for additional dormitory and other revenue-producing facilities for the College of the Virgin Islands.

Included in these projected financing needs is approximately $8 million for new water production facilities which can be financed either by the issuance of general obligation bonds under section 8(b)(ii) of the Organic Act or by the issuance of revenue bonds under section 8(b)(i). However, the issuance of $8 million in general obligation bonds for water purposes would—together with outstanding general obligation securities amounting to about $7,800,000—exceed the present general obligation bond ceiling of $14 million and, at the same time, foreclose general obligation financing for other necessary public purposes, such as the school and hospital construction programs.

In short, the increase in the revenue bond financing ceiling which S. 3080 would authorize is urgently needed to enable the local government to undertake self-liquidating projects.

H.R. 13277, Public Law 89–548: To amend the Revised Organic Act of the Virgin Islands to provide for the reapportionment of the legislature of the Virgin Islands.

The purpose of H.R. 13277 is to amend the Revised Organic Act of the Virgin Islands to provide for the enlargement and reapportionment of the Legislature of the Virgin Islands.

The islands are divided into three legislative districts, St. Thomas, St. Croix, and St. John. Section 5(b) of the Revised Organic Act apportions two senators to the district of St. Thomas, two to the district of St. Croix and one to the district of St. John. The other six are elected at large. Under the present statute each elector is entitled to vote for two and only two of the at-large candidates.

H.R. 13277 will enlarge the membership of the legislature to 15, permit its reapportionment in keeping with the recent U.S. Supreme Court decisions enunciating the "one man, one vote" principle, and abolish the "two out of six" rule. Pending action by the legislature it will also fix the total number of members to be elected at large at four and allocate five each to St. Thomas and St. Croix and one to St. John.

The responsibility of the Congress for continuing the development of meaningful self-government for the Virgin Islands and, although the decisions of the Supreme Court in the recent reapportionment cases do not apply per se to the Virgin Islands, keeping it as consistent as possible with the principles of those cases and the equal protection clause of the 14th amendment require the enactment of the legislation.

The addition of four seats will, furthermore, enable the legislature to discharge its duties better than it now can. This will be particularly helpful in view of the rapid economic development that has taken place in the Virgin Islands in recent years and that requires the legislature to consider increasingly sophisticated and complex problems.

The provision in H.R. 13277 for reapportionment from time to time as the legislature sees fit, subject to the qualification that no person in the Virgin Islands be denied the equal protection of the laws by such reapportionment and that every voter be permitted to vote for the whole number of persons to be elected in any district or at-large election, will permit the wishes of the people of the Virgin Islands, as they may be expressed, to prevail. While H.R. 13277 does not follow a recommendation of a recent constitutional convention in the Virgin Islands that whatever reapportionment is agreed upon shall be frozen by Federal statute, it is believed that this should be adjustable as population shifts occur and that the local legislature is the proper body to make whatever reapportionment may be necessary, it in no way contravenes the basic principles which that convention recommended.

The bill becomes effective with respect to the legislature to be elected at the regular general election in November 1966, and thereafter.

H.R. 8721, Public Law 89–98: To amend the Revised Organic Act of the Virgin Islands to provide for the payment of legislative salaries and expenses by the government of the Virgin Islands. The purpose of H.R. 8721 is to vest in the government of the Virgin Islands the power to fix the salaries and allowances of members of its legislature and to provide for the payment of the same from local revenues rather than from Federal appropriations.

Subsection (e) of section 6 of the Revised Organic Act of the Virgin Islands (68 Stat. 487, 499), as amended (14 U.S.C. 1572(e)), fixes the basic compensation of each of the 11 members of the Virgin Islands Legislature at $600 per annum and provides for payment thereof by the United States. In addition, each legislator who is away from the island of his residence receives $20 per diem while the legislature is actually in session. These allowances are also paid by the United States.

The legislature of the Virgin Islands is charged with responsibility for enacting all local laws. Its regular sessions may continue for 60 days per year. Special sessions not in excess of 30 days a year may be convened by the Governor.

Enactment of H.R. 8721 will permit the Virgin Islands Legislature to determine its own salaries and allowances subject, of course, to the usual veto power of the Governor. This will result in a modest savings to the Federal Government of about $14,000 a year.

*Guam*

H.R. 11775: To provide for the popular election of the Governor of Guam, and for other purposes.

The primary purpose of H.R. 11775 is to provide for the popular election of Governor and Lieutenant Governor for the territory of Guam. Other purposes which H.R. 11775 as passed by the House of Representatives and as amended by the Senate Committee on Interior and Insular Affairs, would accomplish are: (1) Create the office of Lieutenant Governor; (2) provide that the salaries and expenses of the office of the executive and legislative branches be paid by the Government of Guam; (3) specify the powers, duties and responsibilities of the Governor; (4) provide a method of recall for removal of the Governor; (5) set out the line of succession in the event the Governor is disabled; (6) create the office of Government Comptroller and specify the powers, duties, responsibilities, and procedures of that office; (7) provide that the expenses and salaries of the office of the Government Comptroller shall be paid by the United States from funds to be covered into the treasury of Guam pursuant to section 30 of the Organic Act of Guam, thus resulting in a substantial savings to the Federal Government; (9) extend the privileges and immunities clauses, the due process clause, and the equal protection clause of the U.S. Constitution to the people of Guam; (10) make Guam subject to the general military law of the United States; and (11) make certain technical changes in the organic act.

The Senate passed H.R. 11775 with amendments but the House did not accept the bill in its amended form.

H.R. 13298, Public Law 89–552: To amend the Organic Act of Guam in order to authorize the legislature thereof to provide by law for the election of its members from election districts.

The Organic Act of Guam gave that island a substantial degree of local self-government and made Guamanians citizens of the United States. It provided for a unicameral legislature composed of 21 members to be elected at large biennially in even-numbered years. The powers of the legislature extend to "all subjects of legislation of local application" not inconsistent with the provisions of the organic act and other laws of the United States which are applicable to Guam. The members of the present legislature come from two parties—the Territorial Party and the Democratic Party of Guam.

At the present time the urban centers on Guam are able to dominate the voting on an at-large basis, and some rural areas lack representation. Though there are 19 voting districts in Guam, the at-large election system often means that the successful candidates come from a limited number of parts of the island. From the first to the incumbent eighth legislature, the average number of districts from which candidates have been elected to office stands at 11. The present legislature is composed of members from only 10 of the 19 districts. Removing the election-at-large requirement of the present statute and permitting election by districts will allow the legislature to bring about the greater equality of representation which, the committee was advised, is very much desired by the people of Guam. It will, in addition, allow the voters of each district to concentrate on the merits and demerits of the candidates from that district instead of having to try to assess those of every candidate for every seat in the legislature.

A solution to a further problem identified with the at-large election of all members of the Guam Legislature will result from districting. Under the present system a slight shift in the attitude or reactions of the electorate can produce a great and perhaps unwarranted change in whole membership of the legislature. It is possible under the present system for 51 percent of the voters to elect all of the legislature. Districting, whole or partial, will reduce the likelihood of this occurring in the future and will make more likely continuous representation of the minority.

H.R. 13298 will, permit the Guam Legislature to district the territory and apportion itself as it believes proper, subject to the provision that neither such districting nor such apportionment shall deny to any person in Guam the equal protection of the laws. Its requirement that every voter in every district shall be entitled to vote for the whole number of persons to be elected from the district at that election as well as the whole number of persons to be elected at large, if there are any such, is further assurance of the application to Guam of the "one man, one vote" principle.

Reasonable stability in the electoral process is provided by the prohibition against changing the manner in which members of the legislature are to be elected—that is, the distribution of seats between at-large members, if there are any, and district members—more often than once in 10 years. District lines will be subject to change from time to time to reflect population shifts.

H.R. 8720, Public Law 89–100: To amend the Organic Act of Guam to provide for the payment of legislative salaries and expenses by the government of Guam. The purpose of H.R. 8720 is to vest in the government of Guam the power to fix the salaries and allowances of members of its legislature and to provide for the payment of the same from local revenues rather than from Federal appropriations.

Subsection (e) of section 26 of the Organic Act of Guam (48 U.S.C. 1421d(e)) fixes the basic compensation of members of the Guam Legislature at $15 per day while the legislature is in session and provides for payment of the same by the United States. All other legislative expenses are paid by the government of Guam.

The Guam Legislature is composed of 21 members who serve 2-year terms. The legislature is charged with responsibility for enacting all local laws. Regular sessions are held annually and may not exceed 60 calendar days. Special sessions of not more than 14 days in length may be convened by the Governor.

Enactment of H.R. 8720 will permit the Legislature of Guam to determine and pay its own salaries and allowances. This will result in a modest saving to the Federal Government of approximately $23,000 a year.

*Trust territory*

S. 3504 (Jackson): To amend the act of June 30, 1954, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

The purpose of S. 3504 is to authorize increased appropriations for the Trust Territory of the Pacific Islands for civil works and administrative costs. The bill increases the present appropriation authorization of $17,500,000 annually to a maximum of $32 million for fiscal year 1967 and $35 million for fiscal year 1968. The bill also designates the High Commissioner and Deputy High Commissioner as Governor and Lieutenant Governor, respectively, and provides that appointment hereafter made to the office of Governor of the trust territory shall be made by the President with the advice and consent of the Senate.

Since 1951, $121,905,000 has been appropriated for the trust territory, enabling important progress to be made in administration and capital improvements. Yet much remains to be done in developing public health and educational facilities, and the infrastructure of roads, harbors, water supplies, etc., without which the local economy cannot readily expand, elicit individual initiative, and attract private investment. The development of these basic facilities and services has been greatly complicated by factors such as the geographic dispersion of the inhabited islands, which means an uneconomic duplication of facilities for the population; the small total land area of the islands, the high birth rate, the large proportion of children in the population, and the low level of economic and social development. Past appropriations, in the face of steadily rising administrative costs, have not encouraged development of the full potential of the islands.

Increased appropriations for a 2-year program of capital improvements are vital if Micronesia is to rise above a low level of subsistence and take its place in a modern world. The money authorized to be appropriated by S. 3504 would bolster health, education, water, power, and sewage services; provide better air, ground, and water transportation; modernize and extend radio and telephone communications; and establish suitable buildings for executive, legislative, and judicial branches of the territorial government. At the same time, the higher level of economic development produced by these improvements would enable the territory to

pay for a much greater portion of its financial needs.

The bill passed the Senate but died in the House.

FROM THE WATER AND POWER RESOURCES SUBCOMMITTEE—SENATOR CLINTON P. ANDERSON, CHAIRMAN

In the 89th Congress the responsibilities of the Subcommittee on Water and Power Resources became nation-wide in scope as the knowledge and experience of its members were called upon to help meet the water crises in the Northeast and elsewhere, and to plan for water resource development throughout the country.

Early in the session, the subcommittee held hearings on and piloted through the Congress S. 21, the Water Resources Planning Act, which became Public Law 89–80. This measure established the National Water Resources Council and authorized river basin planning commissions. It also provided for cooperation between the States and Federal Government, with financial aid to the States for water resource planning.

Thus, when the water shortage in New York, the Delaware Basin, and other areas of the East became acute, there was already in existence the organization and legal mechanisms for prompt action by the heads of the executive agencies concerned with water supplies.

Subsequently, the committee held an open hearing on the Northeast water crises specifically, reviewing the action that already had been taken and participating in planning future development, thus assuring close cooperation between the legislative and executive branches.

Another bill of national and international importance with respect to potable water for our cities and industries was S. 24, which became Public Law 89–118. This measure, transmitted to Congress by President Johnson and sponsored by Senator ANDERSON, provided for expansion and acceleration of the saline water conversion program, and provided for a total of new authorized appropriations of up to $200 million to further research and development in making useable sea and brackish water.

Another long-range water resource development measure which the committee reported favorably and the Senate passed after intensive study was S. 22, for promotion of a more adequate national program of water research. This amended the Water Research Act of the 88th Congress and became Public Law 89–404 on April 19, 1966. This law provides authorization for grant and loan funds to educational institutions and other centers of excellence, in addition to land grant colleges, for water research projects.

Other bills of major importance considered by the subcommittee in public hearings and executive sessions were:

S. 32, by Senators BIBLE and CANNON, to establish the Southern Nevada Water Project. It will provide gravely needed municipal and industrial water for the rapidly developing region in southern Nevada, of which Las Vegas is the center, from Nevada's share of Colorado River water. Present supplies for the area depend upon ground water, which is inadequate even for immediate needs, and is being mined at a rate that threatens depletion. The measure became Public Law 89–292 on October 22, 1965.

S. 34, by Senators BURDICK, YOUNG, MCGOVERN, and MUNDT, to provide for the Garrison Diversion Unit, Missouri Basin Project. The measure was amended and reported to the Senate by Senator BURDICK, and its House counterpart substituted and passed to become Public Law 89–108. The Garrison diversion project will provide irrigation for some 250,000 acres of farmland, municipal and industrial water for 14 cities and towns, and make possible full development of one of the principal breeding grounds for waterfowl in the United States.

S. 254, by Senators NEUBERGER and MORSE, to authorize the Tualatin Federal reclamation project, Oregon. This measure was reported favorably with amendments by Senator JACKSON and passed the Senate on April 1, 1965. Tualatin is a multipurpose project for irrigation, municipal water supply, flood control, and recreation and fish and wildlife enhancement. It will bring gravely needed water to a rapidly growing area near Metropolitan Portland. This became Public Law 89–586 on September 20, 1966.

S. 490, by Senators JACKSON and MAGNUSON, to construct the Manson Unit, Chelan Division, Chief Joseph Dam Project, Washington. This measure was favorably reported by Senator JACKSON and passed the Senate on February 10, 1965. It would provide a new water collection and distribution system for some 5,770 acres of irrigated orchard lands in central Washington now being farmed by small, independent farmers to produce specialty crops. The benefit-cost ratio is the extremely favorable one of 6.5 to 1. The bill, S. 490, was signed by the President on September 7, 1966 and is now Public Law 89–577.

S. 355, by Senator YARBOROUGH, for construction of the Columbus Bend, Tex., reclamation project. Extensive public hearings were held on the bill, but further study is required.

S. 553, by Senators SIMPSON, HRUSKA, and CURTIS and MCGEE, to grant the consent of Congress to the Upper Niobrara River compact between the States of Wyoming and Nebraska. At the public hearings, amendments insisted upon by the Department of Justice and the Bureau of the Budget were submitted and discussed. The measure, S. 553, was approved by the Senate on August 9, 1966.

S. 599, by Senators KUCHEL and MURPHY, to authorize construction of the Auburn-Folsom south unit, American River division, Central Valley Project, California. It authorizes a huge multipurpose project for water, power, fish and wildlife preservation and recreational facilities in the great, fertile Central Valley of California in the vicinity of Sacramento. It will meet urgent needs in the Nation's most populous State, and permit expansion and growth. In addition, it will provide flood control in an area gravely threatened by floods earlier this year. The substance of this legislation was recommended to Congress by President Truman in January 1948 and has been under consideration since then. This legislation became Public Law 89–161 on Aug. 20, 1965.

S. 602, by Senator Moss for himself and 15 other Senators of both parties, to extend and broaden the Small Reclamation Projects Act. The measure was reported by Senator Moss, amended on the floor, and sent to the House on July 1. The other body amended the bill substantially. As approved by the Senate, S. 602 would provide additional funds for the successful small reclamation projects program, which assists and encourages action by State and local entities in solving their own irrigation problems. It would adjust the interest rate on future projects to the Water Supply Act formula and make other clarifying and broadening amendments to the act which experience has shown to be desirable. This bill finally became Public Law 89–553 on September 2, 1966 after a long series of conferences to resolve the differences in the Senate-House versions.

S. 794, by Senators JACKSON and MAGNUSON, provides for construction of the Kennewick Division extension, Yakima Project, Wash. Reported, with amendments, by Senator JACKSON and passed the Senate on February 10, 1965. It would bring an additional 6,300 acres under irrigation to southern Washington, making them especially suitable for fruits and row crops. Water for Kennewick extension is available from extra capacity built into the division's main canal, the construction of which was recognized as a deferred cost in the original authorizing legislation.

S. 1000, submitted by the Secretary of the Interior, will permit the Secretary of the Interior to transfer title to movable property to agencies which assume operation and maintenance responsibility for project works serving municipal and industrial functions. It became Public Law 89–48.

S. 1088, by Senators JACKSON and MAGNUSON, authorizes construction and operation of the Touchet Division, Walla Walla Project, Oregon-Washington. Reported with amendments by Senator JACKSON and passed the Senate on July 29. Touchet, which is entirely in the State of Washington, is a multipurpose project, bringing some 10,000 acres under full irrigation in its initial stages, with deferred storage for another 7,000 acres, and providing municipal and industrial water for the city of Dayton. Expert testimony at the hearing shows that Touchet will reestablish the anadromous fish run, particularly of salmon, on a scale comparable to that of the days of Lewis and Clark, and the reservoir will form the only sizable lake in timbered surroundings in the entire Walla Walla Basin. No action on the bill was taken by the House.

S. 1462, by Senator ANDERSON, authorizes the Secretary of the Interior to contract with the Middle Rio Grande Conservancy District of New Mexico for payment and operation and maintenance charges on certain Pueblo Indian lands. It authorizes continuance of payment by the Federal Government of assessments against lands farmed by Indians in very small tracts (10 acres, on the average). The amounts involved are small, totaling only about $40,000 a year, and payment by the Federal Government is in furtherance of our Indian policy. This measure was approved on July 27, 1965 and is Public Law 89–94.

S. 1478, by Senators CURTIS, HRUSKA, MUNDT and MCGOVERN, grants the consent of Congress to the Lower Niobrara River and Ponca Creek compact between Nebraska and South Dakota. At hearings on this measure recommendations by the administrative agencies for amendment were submitted. Some of these proposed amendments have met with opposition by the States concerned and further consideration is necessary.

S. 1582, by Senator CHURCH, authorizes an increase in appropriations for the Mann Creek reclamation project, Idaho. Reported by Senator CHURCH, with amendments. The House counterpart bill, H.R. 6032, was substituted, and became Public Law 89–60. The increase in appropriations from $3,490,000 to $4,180,000, is necessary because of geologic problems at the damsite which could not have been foreseen at the time of the original authorization. Also, new legislation with respect to relocation of roads delayed construction, and the delay has resulted in higher prices than estimated.

S. 2310, by Senators JACKSON and MAGNUSON, to provide that certain pumping costs to maintain Banks Lake, Columbia Basin Project, Washington, shall be nonreimbursable for a limited period of time. Hearings were held on the measure on August 30, and it was favorably reported to the full committee.

S. 1464, by Senator ALLOTT, provides adjustments in order to make uniform the estate acquired for the Vega Dam and Reservoir, Collbran project, Colorado, by authorizing the Secretary of the Interior to reconvey mineral interests in certain lands. Hearings were held on the Senate measure, the full committee reported the House-passed bill, H.R. 399, to the Senate, and the measure has become Public Law 89–579.

S. 2287, a bill to authorize a 5-year hydrologic study and investigation of the Delmarva Peninsula, was the subject of hearings, was passed by both houses and is now Public Law 89–618.

Action also was taken on S. 2297, to amend the act of September 2, 1964, in connection with compensation for canals and ditches, and this bill is Public Law 89–624.

S. 2670, a bill sponsored by Senator YARBOROUGH to approve a contract negotiated with the El Paso County Water Improvement District No. 1 in Texas, was also the subject of subcommittee hearings, and its companion House-passed measure, H.R. 11671, was reported to the Senate and became Public Law 89–543.

Hearings were held on S. 3186, a measure submitted and recommended by the Interior Department to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior. The measure was reported favorably by the full committee to the Senate, and the House-passed measure, H.R. 14312, was passed in lieu of the Senate bill. The legislation has been signed by the President and is Public Law 89–515.

S. 3075, a bill to direct the Secretary of the Interior to cooperate with the States of New York and New Jersey on a program to develop, preserve and restore the resources of the Hudson River and its shores and to authorize certain necessary steps to be taken to protect those resources from adverse Federal actions until the States and Congress shall have had an opportunity to act on that program, was the subject of subcommittee hearings, and the House-passed measure, H.R. 13508, was reported to Senate, passed the Senate on September 13 and became Public Law 89–605 on September 26, 1966. The purpose of this law is to encourage the States of the Hudson River Basin, with the assistance of the Secretary of the Interior acting on behalf of the United States, to enter into a compact relating principally to the natural, scenic, historic, and recreational resources of that basin, proper heed being given also to the basin's commercial, industrial, and other economic potentials.

S. 3034, a bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource development proposals, was submitted and recommended by the Department of the Interior, in accordance with the provisions of section 8 of Public Law 89–72, the Federal Water Recreation Act, which is explained under the heading of the Full Committee in this analysis. Public hearings were held on the measure, and it passed the Senate with committee amendments on July 12, 1966. The House passed the bill with further amendments, and after a conference the bill was sent to the President and is now Public Law 89–561. Under this law the Nation will be assured of continued Federal leadership in the planning and development of irrigated agricultural lands in a manner consistent with its economic growth, with Congress retaining responsibility for and control over the public policy involved.

S. 2875, by Senator ANDERSON for himself and 20 co-sponsors of both parties, would establish in the Department of the Interior a comprehensive program of scientific and engineering research, tests and operations directed at increasing the yield of water from atmospheric sources for beneficial uses in all regions of the United States. This weather modification bill is to be distinguished from measures concerning weather forecasting and storm tracking, hail and fog disperson and the like, in that it is directed to a primary responsibility of the Interior Committee, namely, water resource development for increasing supplies of water in the Nation.

S. 2875 is a direct outgrowth of studies of weather modification as a water resource undertaken by the Committee in the 82nd Congress when the subject was linked with saline water conversion in a single bill. The current measure was drafted to carry out recommendations of the National Science Foundation Special Commission and the Panel of the National Academy of Sciences.

Field hearings were held on the bill in South Dakota and New Mexico after exploratory hearings in Washington. These hearings have been published and will form an important source of information and considered judgment for future legislation. However, certain of the administrative agencies involved recommended action be deferred at this time pending resolution of Congressional and Executive departments reorganization problems.

SUBCOMMITTEE ON PARKS AND RECREATION—SENATOR ALAN BIBLE, OF NEVADA, CHAIRMAN

On February 8, 1965, the President transmitted to the Congress "A Message on Natural Beauty of Our Country." This message provided the guidelines under which the Parks and Recreation Subcommittee has acted during the 1st session of the 89th Congress.

In his historymaking statement, the President said:

"In almost every part of the country citizens are rallying to save landmarks of beauty and history. The Government must also do its share to assist these local efforts which have an important national purpose. We will encourage and support the National Trust for Historic Preservation in the United States, chartered by Congress in 1949. I shall propose legislation to authorize supplementary grants to help local authorities acquire, develop, and manage private properties for such purposes.

"Our present system of parks, seashores, and recreation areas—monuments to the dedication and labor of farsighted men—do not meet the needs of a growing population.

"The full funding of the land and water conservation fund will be an important step in making this a Parks-for-America decade.

"I propose to use this fund to acquire lands needed to establish:

"Assateague Island National Seashore, Md.-Va.

"Tocks Island National Recreation Area, N.J.-Pa.

"Cape Lookout National Seashore, N.C.

"Sleeping Bear Dunes National Lakeshore, Mich.

"Indiana Dunes National Lakeshore, Ind.

"Oregon Dunes National Seashore, Oreg.

"Great Basin National Park, Nev.

"Guadalupe Mountains National Park, Tex.

"Spruce Knob, Seneca Rocks National Recreation Area, W. Va.

"Bighorn Canyon National Recreation Area, Mont.-Wyo.

"Flaming Gorge National Recreation Area, Utah-Wyo.

"Whiskeytown-Shasta-Trinity National Recreation Area, California.

"In addition, I have requested the Secretary of the Interior, working with interested groups, to conduct a study on the desirability of establishing a Redwood National Park in California.

"I will also recommend that we add prime outdoor recreation areas to our national forest system, particularly in the populous East; and proceed on schedule with studies required to define and enlarge the Wilderness System established by the 88th Congress. We will also continue progress on our refuge system for migratory waterfowl."

I am happy to be able to report to the Senate that the Interior and Insular Affairs Committee has acted on most of these requests as follows:

S. 20, to provide for the establishment of the Assateague Island National Seashore in the States of Maryland and Virginia, was the subject of open hearings, passed both Houses of Congress, and is now Public Law 89–195.

S. 36, to authorize establishment of the Tocks Islands National Recreation Area in the States of Pennsylvania and New Jersey, was heard by the subcommittee, and the companion House-passed bill, H. R. 89, was passed by the Senate, and is now Public Law 89–158, now known as the Delaware Water Gap National Recreation Area.

S. 60, authorizing the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, was passed by the Senate and House and is now Public Law 89–19.

H.R. 797, to establish the Whiskeytown-Shasta-Trinity National Recreation Area has been passed by both Houses and is now Public Law 89–336.

S. 251, to provide for the establishment of the Cape Lookout National Seashore in the State of North Carolina is Public Law 89–366.

S. 3007, providing for the establishment of the Chamizal National Memorial, Texas, was the subject of public hearings, and the House-passed measure, H. R. 7402 was reported to the Senate and subsequently became Public Law 89–479, with the amended title of Chamizal Treaty National Monument.

H.R. 3957, to authorize establishment of the Fort Union Trading Post National Historic Site in the State of North Dakota and Montana is now Public Law 89–458.

H.R. 9599, to authorize the Secretary of the Interior to accept a donation by the State of Indiana of the George Rogers Clark Memorial for the establishment as the George Rogers Clark National Historical Park, was the subject of open hearings along with the Senate Companion measure, S. 2886, and the legislation has been signed into Public Law 89–517.

S. 489, to authorize the establishment of the Pig War National Historical Park in the State of Washington, was passed by both Houses and signed into Public Law 89–565. It now is known as the San Juan Island National Historical Park.

S. 295 and H. R. 698, bills to establish the Guadalupe Mountains National Park in Texas received favorable action by both Houses and was signed into law on October 7, 1966, as Public Law 89–677.

H.R. 13417, to amend the Act of October 4, 1961, to facilitate the efficient preservation and protection of certain lands in Prince Georges and Charles Counties, Maryland, was passed and is now Public Law 89–513.

S. 2057, to establish in the State of Michigan the Pictured Rocks National Lakeshore, has become Public Law 89–668;

S. 360, a bill to provide for the establishment of the Indiana Dunes National Lakeshore, has passed both Houses of Congress and is awaiting the signature of the President.

S. 491, providing for the establishment of the Bighorn Canyon National Recreation Area, passed both Houses and is now Public Law 89–664.

S. 3423, to provide for the establishment of the Wolf Trap Farm in Fairfax County, Virginia, was acted upon favorably by the committee, passed both Houses of Congress, and is now Public Law 89–671.

One of the final acts of the 89th Congress was to pass H.R. 14604, providing for a study of a National Visitor Center in the Nation's Capital. When the study commission makes its report to the Congress before next September, it is my hope and expectation that the authorization for this very worthwhile project will be forthcoming without delay.

S. 250, the Oregon Dunes National Seashore bill, was the subject of public hearings, and the House-passed bill, H.R. 7524, was reported to the Senate.

S. 936, the Sleeping Bear Dunes National Lakeshore bill, passed the Senate and was favorably reported by the House Interior Committee.

Many national monuments and historic sites have been added to the system through the efforts of the subcommittee. They include: The Golden Spike Histric Site in Utah; the Hubbell Trading Post in Arizona; the Agate Fossil Beds National Monument in Nebraska; the Herbert Hoover National Monument in Iowa; the Pecos National Monument in New Mixico; the Alibates Flint Quarries and Texas Panhandle Pueblo Culture National Monument in Texas; the addition of Ellis Island to the Statue of Liberty National Monument; the Roger Williams National Memorial in Rhode Island and the Memorial to General John J. Pershing in the District of Columbia.

Extensive hearings have been conducted on S. 2962 the proposal to establish Redwood National Park in the State of California. Although no final action was taken in the 89th Congress, the Committee was successful in securing an agreement from the major timber companies in the Redwood area to cease cutting these unique trees pending final determination of the Congress in 1967 as to what areas for a park will be approved.

H.R. 2091, relating to the establishment of concession policies in the areas administered by the National Park Service, is designed to stimulate the development of better facilities for the tens of millions of Americans who enjoy our national parks each year. Its initial effect will permit the Service to enter into long-term contracts with concessioners, a practice that was suspended several years ago. This measure was signed into Public Law 89–249.

S. 3295, sponsored by the Senators from Idaho, Senators CHURCH and JORDAN, would set aside for outdoor recreation and historic preservation an area in the rugged, scenic Sawtooth Mountains of Idaho as a National Recreation area. Private enterprise, such as mining, timbering, and stockraising, which would not be inconsistent with the purposes of the recreation area would be permitted.

The Subcommittee held extensive field hearings in Idaho and obtained information and expressions of local views which are expected to form the basis for action on establishment of the Recreation Area in the 90th Congress.

The 89th Congress has authorized over $180 million to be spent for acquisition of land and development of national parks, historic sites, monuments and recreation areas.

Over half the money authorized was allocated to the populous states east of the Mississippi, principally for the Delaware Water Gap National Recreation Area, the Assateague Island National Seashore, and the Indiana Dunes National Lakeshore.

For too many years, the great parks were carved out of the tremendous public domain lands that are federally owned and required no funds for land acquisition. With the effective operation of the land and water conservation fund, created last year, moneys will be available to establish our recreation, seashore and lakeshore areas where they will be accessible to Americans who need them most and who, without great expense in the past, have not had an opportunity to enjoy this type of public outdoor recreation.

It would appear appropriate to close this report on the accomplishments of the Parks and Recreation subcommittee of the 89th Congress with the eloquent comments made by President Johnson when on October 15, 1966, at the White House, he signed into law most of the remaining park proposals considered by this Congress.

"We have come here this morning to give part of our country back to its people.

"When our forefathers came here they found nature's masterpiece. They found a beautiful, rich, varied, fertile land, a whole continent to farm and to hunt upon, and to explore.

"As Robert Frost said, 'The land was ours before we were the land's. She was our land more than a hundred years before we were her people.'

"Our pioneer fathers made this beautiful land a great nation. But when the wave of settlement reached the Pacific, it turned back upon itself. America began to exploit the land. We chopped down its forests. We abused its soil. We built upon its beaches.

"Some Americans realized our loss—Gifford Pinchot, John Muir, Theodore Roosevelt, Franklin Roosevelt, Harold Ickes. They saw that America could be great only as long as Americans could commune with the land. They were the architects of American conservation.

"Today our crowded country thanks them—thanks them for their courage and for their vision, and for their generosity.

"This year, we reach a milestone in the history of conservation. This year, thanks to the 89th Congress, we will restore more land for more parks, for more playgrounds for our children to use than we will lose to housing ventures, to highways, to airports, and to shopping centers.

"We are creating recreation areas where they will do the most good for the greatest number, for all of our people—near our cities, where most of our people live. We are putting national parks and seashores where a man and his family can get to them.

"The father that is the mechanic can load his five children in his car, and in an hour or two hours, or three hours, take them to a nearby playground.

"The 89th Congress has done all of this. It has enacted 20 major conservation measures.

"Today we pay tribute to that Congress.

"Today we establish by Act of Congress.

"— The Guadalupe Mountain National Park in Texas. That is a great tribute to the Senator from Texas, Senator YARBOROUGH, who has been the outstanding leader in conservation in that State.

"—The Pictured Rocks National Lake Shore in Michigan.

"— The Big Horn Canyon National Recreation Area in Montana.

"— The Wolf Trap Farm Park in Virginia.

"We increase the land in the Point Reyes National Seashore in California. And if we don't stop Mrs. Johnson going out there we will increase it some more, I am afraid.

"I am also signing today the Endangered Species Preservation Act and the National Historic Preservation Act. Both of these will help us to preserve for our children the heritage of this great land we call America that our forefathers first saw.

"The bills that I will now sign help enrich the spirit of America.

"These Acts of Congress help assure that this land of ours—this gift that is outright from God—shall be the most precious legacy that we leave.

"I want to express my gratitude to the leaders of the parks movements, the recreation areas, the State commissions and their executive directors, for their enlightened interest, for their support, and particularly for the presence of a good many of them this morning."

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## SINE DIE ADJOURNMENT OF THE 89TH CONGRESS—STATEMENT BY THE MINORITY LEADER

Mr. HICKENLOOPER. Mr. President, the minority leader, the Senator from Illinois [Mr. DIRKSEN] is incapacitated in the hospital. He has prepared a statement in connection with the sine die adjournment of the 89th Congress and he has asked that I read it for him.

STATEMENT BY SENATOR DIRKSEN READ BY SENATOR HICKENLOOPER

Mr. DIRKSEN. Mr. President, Senator HICKENLOOPER, distinguished majority leader, my colleagues in the 89th Congress, fellow workers on Capitol Hill, and fellow citizens: I am sorry that I shall miss the final session of the 89th Congress, but as you well know, it is not from choice but from necessity. I have seen 31 sessions conclude their labors and have seen 16 Congresses adjourn sine die. It is an occasion for fellowship, for comradeship, and for contemplation.

This marks the end of the 89th Congress since the Republic was launched. In that 178-year period neither war nor domestic turbulence, neither depression nor civil strife has interrupted the meeting and functioning of this the one exclusive lawmaking branch in our Nation. No other nation on earth can make such a claim.

When the labors of this Congress end the analysts and commentators will sally forth to make their appraisals. These may be kind or unkind. They may be harsh or gentle. They may be rough and filled with strictures or they may be generous and complimentary.

Too often in assessing the Congress, critics use as a measure of accomplishment strictly material criteria. Such a measuring rod is purely cold and factual. It concerns itself with the number of bills enacted and the number which died in the legislative process through inaction. They will point out the important problems and challenges which remain unresolved. They may concern themselves with the alleged dereliction of Members or they might invite invidious comparisons with other Congresses. Then again they may concern themselves with a breakdown of what economic group got what and what economic group got little. The trouble is that such an assessment tends to be superficial and misses the real mark.

Every Congress is faced with problems and challenges which are peculiar to its own time. All of these are presented for consideration. Solutions for such problems and challenges may fail entirely or may fail partially. Some may succeed and some but partially so. This is in the inherent harmonizing process which marks every Congress. No person, no group, no administration ever receives all that it requests or demands. All receive something. To be sure, they know there is another time.

In no country and in no generation has a legislative body so well articulated solutions for the pressing problems of the day and done so with so little rebellious outcry from the people than this the Congress in which we are serving. No legislative body has been so free from direct threat, violence, intimidation, and actual coercion as the Congress of the United States.

Frustrations we have had. Disappointments there have been. Disillusionment has been experienced. Discontent has been part of the process. There have

been vapid threats. There has been full, free, and constant criticism, but when the day is done and the legislative labor has ended eyes are turned to the next Congress with faith and hope that it will produce what its predecessor Congress failed to accomplish.

And when the time for sine die departure comes there is no personal rancor or spleen, no hatred or base passion, no animosities or deep disaffection. Each Member prepares to return to those who sent him here to report in his own way on the triumphs and failures of the Congress and to criticize or applaud as he perceives and appraises the whole work of the body of which he is a Member. He may praise or attack the record according to his lights, but never in a spirit that dictates the destruction of our system of government or even its impairment by unwise restrictions.

Change is eternal and when the people—still the fountainhead of all power in this blessed land—have spoken, some familiar faces may fade from view and new personalities will take their places. The change will bring a transient chagrin and disappointment to those who fail to survive in the tough competition of the polls. Some will enjoy the eager exuberance that comes from victory. In due course as the new Congress convenes new Members will find their places and each will adjust to the rules and the assignments which will be his lot. From then on his own personal drive, capacity, team spirit, and ability to adjust will determine his influence and effectiveness in shaping the destiny of his country and of the world.

To you who if destiny is willing will be here in January, I wish for you a pleasant year—what there is of it. May life's choicest blessings be yours.

To you who for one reason or another may not return in January, let me say good luck and Godspeed. May you continue to enjoy the respect and esteem of your people back home and find comfort in the service which you are privileged to render.

And to those who shall come here for the first time in January, may pride in our traditions, respect for our free institutions, and a desire to serve according to their lights from the sense of conviction and deep devotion to this free land mark their service in the days ahead.

In the language of General MacArthur, I shall, God willing, return to these haunts minus crutches and a wheelchair and I trust untroubled in body and unvexed in mind or spirit ready to forge the anchors and spin the gossamers which mark the day-by-day work of this durable and imperishable legislative body—the very core of our Government—free and untrammelled, constant and responsive, combative and yet with rare restraint, cooperative and yet independent, and devoted to the preservation of freedom of this land where hope springs eternal and opportunity never ends.

To my own party colleagues my thanks and gratitude for your every kindness. To the Members of the majority my appreciation for your unfailing fairness and understanding. To the distinguished majority leader, MIKE MANSFIELD, my boundless gratitude for your understanding, forbearance, and cooperation. To the Senate staff, including the Official Reporters of Debates; the attachés and the pages, a warm salute as an evidence of my affection and esteem. To our Presiding Officer, the Vice President, may the autumn colors bring comfort to him as he orbits over the land, and may the judgment of the people on November 8 not unduly vex his spirit and may he continue to enjoy health and vigor.

And so, adieu.

Mr. HICKENLOOPER. Mr. President, that is the statement of the distinguished minority leader, who is languishing in the hospital. I am sure that everyone joins me in wishing him well and success in the removal of the metal pins from his leg, so that when he gets out of the hospital he can bounce around without his crutches which have been so necessary in the last few weeks. I am sure that Senators join me in wishing him Godspeed.

## ACCOMPLISHMENTS OF THE 89TH CONGRESS

Mr. MANSFIELD. Mr. President, we are in the final hours of the session. The end is not far off.

The last days have been long with waiting and it is not a time to burden with words. Nevertheless, some things must be said.

The books are closing on the 89th Congress. The record lists the immense achievements of the Senate in the past 2 years. But it does not tell the whole story.

It does not tell of the dedication of the President, Lyndon B. Johnson, whose dynamic leadership was felt in a great range of social and economic issues which were resolved into legislation during this Congress. Nor does it tell of his understanding relationship with the Senate. Nor does it tell of his cordiality to the leadership on both sides, of his cooperation with the Senate and his respect for its independent constitutional responsibilities. These considerations, Mr. President, are of the story of the Senate in the 89th Congress.

And the record does not reveal the contributions of the distinguished President of the Senate, the Vice President, HUBERT H. HUMPHREY. His devotion to the Senate has been complete. He has given us of his time, wisdom and humor—in short, of himself. He has towered over the Senate from his seat as Presiding Officer. His elevation, however, has been undergirded with a gentle and irrepressible humanism which endears him to us now as it did in the past when he stood beside us. It is true that HUBERT HUMPHREY is the President's Vice President. But it is also true that, first and foremost, he is the Senate's President. In that capacity and as a colleague of many years, he holds our respect, affection and gratitude. That, too, is of the story of the Senate in the 89th.

And so, too, is the unheralded, day-in and day-out, nuts-and-bolts work of the committees and their chairmen and ranking minority members. Each group, in its specialty, has labored as servants of the Senate as a whole, to shape, to fit, and to rivet various segments of the great amalgam which is the legislative record of the past 2 years. Without the committees and their able staffs, there could not have been this record. That, too, is of the story of the Senate in the 89th.

Nor from that story should there be omitted the contribution of the majority whip who is also the chairman of the Finance Committee, the immensely able Senator from Louisiana, Mr. RUSSELL LONG. He has given much in the way of brilliance of mind, parliamentary skill, and outstanding legislative leadership, particularly in the field of finance. He has been willing, time and again, to restrain his personal views in order to help the Senate face and meet wider national needs and urgencies.

Coincident with this contribution, there has also been the support which has been given to me by the secretary of the conference [Mr. SMATHERS] and the inspiration of the distinguished President pro tempore [Mr. HAYDEN] who, time and again, has overcome physical indisposition in order to help. I would note, too, Mr. President, the great and energetic assistance of the four assistant whips on this side of the aisle, the Senator from Maine [Mr. MUSKIE], the Senator from Michigan [Mr. HART], the Senator from Hawaii [Mr. INOUYE], and the Senator from Maryland [Mr. BREWSTER]. They have shared in the burdens and responsibilities of the majority leadership and deserve great credit for the effective operations of these past 2 years. That, too, is of the story of the Senate in the 89th Congress.

Then there is the minority leader, the distinguished Senator from Illinois [Mr. DIRKSEN]. I said it to him personally a few days ago, before he went into the hospital. I say it again. He is a warm friend, a distinguished Republican leader, an outstanding Senator, and a great American. He is a tower of strength to the Government of the United States. His discernment and his willingness to put Nation before party and personal inclination, Mr. President, is also of the story of the Senate in the 89th.

Let me say that I deeply appreciate the cooperation and understanding shown by the distinguished senior Senator from California, the minority whip [Mr. KUCHEL], for what he has been able to do to bring about the remarkable results of the 89th Congress.

Finally, I want to say to every Member of the Senate, to Republicans and Democrats alike—your treatment of the leadership has been warm, more than considerate and more than fair. You have worked with the leadership and in so doing have made the Senate work in a most effective fashion. Your forbearance and your dedication, your ideas and your practicality have merged to produce in this institution during the past 2 years a vibrant and vital contribution to the political leadership of the Nation. In my judgment, that contribution shall be remembered for a long time to come.

To the President Lyndon B. Johnson, to the Vice President, HUBERT H. HUMPHREY, to the House of Representatives and its distinguished Speaker, JOHN MCCORMACK, to all of my colleagues, to the officers and staff of the Senate, I express my personal thanks for what has been a deeply satisfying session of an outstanding Congress.

## THE LEGISLATIVE RECORD OF THE 89TH CONGRESS

Mr. MANSFIELD. Mr. President, the 89th Congress is about to adjourn sine die, which brings us to the time of assessment.

Both sessions of this Congress have been extraordinary in every sense of the word—and for different reasons. The first session adjourned with the distinction of having the most productive record in legislative history. Though not *quite as mo*numental as the first, the second session has produced a record of accomplishment in which all of us can nevertheless take pride; together the two sessions of the 89th Congress produced a record of accomplishment which has led the President to call it the great Congress. This is particularly noteworthy since the second session was fraught with the disquieting pressures of the Vietnam conflict; the problem of balance of payments; the difficulties of holding the budget line in the face of increased expenditures—both domestic and international.

This Congress was unable to enact all the legislation introduced, but this is true of every Congress. But this Congress can place its record before the people with some sense of satisfaction. Its achievements are a testimonial to the vitality of the American system of government.

It was this Congress that—

Established mandatory Federal safety standards for all new cars, buses, and trucks, to be fixed by the Secretary of Commerce by January 31, 1967, and to apply to all 1968 models and, in addition, required similar standards for tires and used cars;

Authorized the 3-year, $322 million highway safety program;

Authorized the $150 million a year grant program for urban mass transportation;

Established a new Department of Transportation as a Cabinet-level agency;

Authorized $19.7 billion in Federal highway grants to the States over the next 5 years;

Authorized the $325.5 million program of highway beautification and scenic development of the interstate and primary systems and junkyard control;

Extended for an additional 3 years the Federal aid to airports program;

Authorized the ICC to fix rates for the rental of freight cars among railroads to encourage acquisition of an adequate supply of new cars; and

Authorized the 3-year, $90 million program of research and demonstration projects for the development of high-speed intercity railroad transportation.

It was this Congress that paved the way in the field of education by—

Charting the course for Federal aid to education—a course long overdue—by extending help to 13.8 million children of poor families to fulfill their desire to overcome poverty through the educational process; to accomplish this $1.5 billion was appropriated for fiscal 1966; $2.3 billion was authorized for fiscal 1967 and $3.3 billion for fiscal 1968;

Approving for the first time in U.S. history Federal scholarships for undergraduate students who desire to obtain an education beyond high school;

Establishing and appropriating funds for the National Teachers Corps to serve in poverty-stricken areas to improve educational opportunities for the less fortunate;

Expanding the National School Lunch Act to include a 2-year trial child nutrition program of breakfasts for pupils in poor economic areas or who must travel long distances, authorizing $465 million for 4 years through June 30, 1970 for the special milk program and the 3-year $63 million program to help schools purchase food preparation and service equipment;

Establishing a National Technical Institute to provide higher education for the deaf;

Authorizing educational and housing benefits, similar to the World War II GI bill of rights, to more than 3 million cold war veterans with a minimum of 180 days of active duty since January 31, 1955;

Extending the Library Services Act for another 5 years and authorizing appropriations totaling $700 million to aid this program;

Establishing the National Foundation on the Arts and Humanities composed of two autonomous subdivisions, a National Endowment for the Arts and a National Endowment for the Humanities, to make grants in a wide range of activities, and authorizing an appropriation totaling $63 million through 1968;

Enacting the International Education Act which provides a 5-year program of grants funded for 3 years at approximately $140 million, to strengthen graduate and undergraduate programs in international studies;

Approving a $20 million, 2-year program of aid to sea grant colleges to further the development of marine resources; and

Implementing the Florence agreement to permit the free flow of educational, scientific and cultural materials by removing barriers that impede the international movement of such materials.

It was this Congress that took into consideration the health of the Nation and—

Gave new hope to millions of Americans over 65 by providing for their care in hospitals, skilled nursing homes, or in their own homes—a measure popularly known as medicare;

Enacted the Child Protection Act to bar from interstate commerce hazardous toys and other articles which could cause harm to children;

Authorized Federal assistance in the initial staffing of community mental health centers and expanded teacher training, research, and demonstration projects for the education of handicapped children;

Authorized the 3-year, $340 million program of grants to assist in planning, establishing and operating regional medical complexes for the purpose of combating heart disease, cancer, stroke, and other major diseases;

Increased the opportunities for training medical technologists and personnel in other allied health professions, and improved the educational quality of schools training such personnel;

Authorized $775 million for a 3-year extension of the matching grants program for construction of teaching facilities for physicians, dentists, professional health personnel, optometrists, pharmacists, and podiatrists;

Authorized a 3-year, $3 million, loan program for students in schools of veterinary medicine;

Authorized $154 million to cover 2 years of comprehensive health planning and 1 year of grants-in-aid for public health services;

Provided a 7 percent across-the-board increase for social security beneficiaries;

Authorized a 4-year program to improve the educational quality of schools of medicine, dentistry and osteopathy;

Enacted the Drug Abuse Control Act to prevent the misuse of the illicit traffic in potentially dangerous drugs;

Expanded and extended the air pollution control program;

Established the clean rivers restoration program as a supplement to the existing water pollution control program;

Inaugurated an accelerated 5-year program of fish protein concentrate research including authority for two demonstration plants to provide a new and effective weapon against world hunger;

Required every package and carton of cigarettes to bear a statement that cigarettes "may be hazardous to your health;" and

Provided for the treatment and rehabilitation of narcotic addicts.

It was this Congress that—

Enacted into law the most comprehensive Voting Rights Act to receive congressional approval in 95 years;

Ended the 40-year campaign by minority groups for a reform of the Federal immigration laws by abolishing the national origins quota system as the basis of immigration by persons born outside the Western Hemisphere;

Enacted the Pet Theft law to prohibit trafficking in animals to be used for scientific purposes;

Enacted the Truth in Packaging Act of 1966 to enable the consumer to know the actual weight and package content;

Established the new city demonstration program of Federal grants and technical assistance to help provide the incentive and the financial means for a city to plan and carry out a program for rebuilding and restoring entire sections or neighborhoods—now areas of slum and blight;

Enabled FNMA to pump $4.7 billion into the homebuilding industry to help finance 300,000 homes for needy Americans;

Assumed the initiative to provide an official residence for the Vice President on the grounds of the U.S. Naval Observatory;

Enacted and provided funds for the rent supplement program;

Created the new Cabinet Department of Housing and Urban Development to cope with urban problems; and

Authorized $1.1 billion in aid to Appalachia to initiate and coordinate public works and other programs in this 11-State region to revive the economy and to improve the skills and health of area residents.

It was this Congress that took cognizance of labor and—

Increased the minimum wage from $1.25 to $1.60 by 1968 and extended coverage to an additional 8 million workers;

Extended the mandatory safety provisions of the Federal Coal Mine Safety Act to mines regularly employing less than 15 men underground;

Authorized the development and enforcement of mandatory health and safety standards for metal and nonmetallic mines;

Extended the Manpower Development and Training Act to June 30, 1969, and provided a needed flexibility in its program to permit a more effective method of dealing with the problems of the disadvantaged and the hard-core unemployed; and

Authorized $1.8 billion for fiscal 1966 for antipoverty programs and $1,750 million for fiscal 1967.

It was this Congress that—

Enacted the 2-year, $5 billion, food-for-peace program shifting the emphasis from disposal of surplus from commodities to planned production for those countries that improve their own agricultural production and undertake population control programs;

Enacted the Food and Agriculture Act designed to maintain farm income, stabilize prices and assure adequate supplies of agricultural commodities, reduce surpluses, lower Government costs, and afford greater economic opportunity in rural areas;

Authorized $500 million in emergency food assistance to India;

Provided grants and increased loans for water facilities in rural agricultural areas;

Extended the domestic and foreign sugar programs for 5 years; and

Authorized additional means and measures for land conservation and utilization.

It was this Congress that—

Authorized an improved health benefits plan for retired members and members of uniformed services and their dependents;

Provided an average 10.4-percent pay increase in 1965 and a 3.2-percent increase in 1966 for the military;

Authorized $15.4 billion in fiscal 1966 for military procurement and $17.8 billion for fiscal 1967;

Authorized $1.78 billion for military construction in fiscal 1966 and $1.05 billion for fiscal 1967;

Authorized supplemental funds for fiscal 1966 for military activities in Vietnam, $4.8 billion in military aid, $415 million in economic aid, and appropriated $700 million for fiscal 1965 and an additional $13.1 billion for fiscal 1966;

To assure our continued dominance of space, $5.1 billion was authorized for the National Aeronautics and Space Administration for fiscal 1966 and $5 billion for fiscal 1967; and

Extended to June 30, 1970, standby authority of the President to invoke civil defense emergency powers in the event of attack on the United States.

It was this Congress that—

Increased the authorization for a national program of water research to provide $85 million in 10 years for grants and contracts;

Authorized $364 million for construction of a third powerplant at Grand Coulee Dam;

Authorized preliminary studies of reclamation projects, on specific direction by Congress, to determine economic feasibility;

Removed the limit on tax exemption for exploratory expenses in mining;

Increased by $1 billion the borrowing authority of TVA;

Established a Federal Water Resources Council and River Basin Commission to coordinate planning for the maximum use of resources;

Authorized $944 million for flood control and navigation improvement projects in 13 river basins during 1966 and 1967;

Authorized $1.97 billion in 1965 and $670 million in 1966 for a program of navigation improvement, flood and beach erosion control, and hydroelectric power projects;

Extended the saline water program for 5 years, to June 30, 1972, and authorized $185 million for expanded research and development;

Extended the lead-zinc industry Stabilization Act for 4 years to December 31, 1969; and

Authorized the Assateague, Spruce Knob, Tocks Island, Bighorn Canyon, Cape Lookout, Guadalupe, Pictured Rocks, and Indiana Dunes National Recreation Areas.

It was this Congress that—

Provided a combined increase of 11.1 percent to teacher retirees in the District of Columbia;

Provided an overall salary increase of 9.9 percent for District of Columbia police and firemen, and an 8.9-percent increase for teachers and other school employees;

Authorized Gallaudet College to establish and operate a model high school for the deaf to serve the National Capital region;

Created the Washington Metropolitan Area Transit Authority for improvement of transportation facilities;

Provided for the establishment in the District of Columbia of a public college of arts and sciences and a public community and vocational college;

Raised District of Columbia revenues by $12.7 million;

Raised District of Columbia minimum wage to $1.60 an hour over the next 3 years and extended coverage to 280,000 men, women, and minors; and

Created a 21-member Commission to make a study and investigation of sites and plants to provide a Visitors' Center in the Nation's Capital.

It was this Congress that—

Provided a 2.9-percent increase for Federal employees and permitted retirement on a full annuity at age 55 after 30 years' service or at age 60 after 20 years' service;

Authorized the payment of premium compensation to Classification Act employees doing hazardous work; and

Increased benefits under the Federal Employees Compensation Act for on-the-job injuries or disability.

It was this Congress that—

Fixed the scale of personal income tax withholding on a graduated basis from 14 to 30 percent; accelerated payments of corporate income tax; increased from 6 to 7 percent the excise levy on auto sales and from 3 to 10 percent on telephone service;

Enacted the Foreign Investors Tax Act to revise the tax treatment of nonresident aliens and foreign corporations who invest in the United States;

Suspended to December 31, 1967 the investment credit and the allowance of accelerated depreciation in the case of certain real property;

Increased rates on 4th class parcel post and catalogs and fixed standard maximum size for all parcels;

Established new and uniform standards for bank merger approvals by regulatory agencies;

Raised the limit of Small Business Administration business loans by $125 million to $1.5 billion, set up a separate disaster loan revolving fund, and fixed the overall total loan ceiling at $1.96 billion;

Authorized the sale to private investors of $10 billion of assets held by the Federal Government as security for loans;

Strengthened the authority of Federal regulatory and supervisory agencies over banks and savings and loan associations, and increased the insurance from $10,000 to $15,000; and

Authorized a 3-year, $60 million program of Federal matching funds to cooperate with universities, States, local governments, and private enterprise in establishing State or regional technical services center to disseminate findings of science and technology to commerce and industry.

It was this Congress that—

Authorized U.S. participation in the newly created Asian Development Bank and subscription to $200 million of its $1 billion capitalization;

Authorized $3.36 billion in foreign aid for fiscal 1966 and $3.5 billion for fiscal 1967;

Authorized $115 million for the Peace Corps in 1966 and $110 million for fiscal 1967; and

Strengthened the provisions of the Foreign Agents Registration Act by banning contingent fee contracts based upon success in political activities of the agent and prohibiting election campaign contributions by or for foreign principals.

It was this Congress that—

Created 45 new Federal judgeships, 10 circuit court and 35 district court;

Revised bail procedures in U.S. courts to assure that no person is unfairly detained;

Authorized Federal grants for training State and local law enforcement personnel;

Authorized $1.5 million for the President's Commission on Law Enforcement and the Commission on Crime in the District of Columbia;

Provided penalties for assassination, kidnaping, or assault of the President or Vice President; and

Proposed the constitutional amendment fixing conditions and procedures for succession of Vice President to the Presidency in the event of the Chief Executive's disability, and provided for filling a vacancy in the Vice-Presidency.

It was also this Congress that provided for public financial support of presidential candidates by permitting the taxpayer on his tax return that $1 be deducted for such purposes.

So it is only fair to say that the 89th Congress can take pride in these achievements and, as the bells signal sine die adjournment, the economy of the United States is at its highest peak in history—the gross national product has reached the staggering sum of $746 billion.

The attainments of the "enlightened 89th" were not limited to a few measures—the attainments are as broad as our Nation—and broader. Specific comments have not been made on all the accomplishments of this Congress but a careful reading of the summary to be submitted subsequently as a Senate document will reveal with startling clarity that it was a Congress with a mission—a goal, or series of goals which were fulfilled, to make the United States a better place in which to live and, to the extent possible, to contribute to the making of a better world.

## ADJOURNMENT SINE DIE

Mr. MANSFIELD. Mr. President, I submit a resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read the concurrent resolution (S. Con. Res. 116) as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the two Houses of Congress shall adjourn on Saturday, October 22, 1966, and that when they adjourn on said day, they stand adjourned sine die.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

## APPOINTMENT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. MANSFIELD. Mr. President, I submit a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read the resolution (S. Res. 318), as follows:

*Resolved*, That a committee of four Senators be appointed by the Presiding Officer to join a similar committee of the House of Representatives to notify the President of the United States that the two Houses have completed the business of the session and are ready to adjourn unless he has some further communication to make to them.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

The PRESIDING OFFICER. The Chair appoints the following distinguished Senators as members of this committee: The Senator from Montana [Mr. MANSFIELD]; the Senator from Illinois [Mr. DIRKSEN]; the Senator from Florida [Mr. SMATHERS]; and the Senator from California [Mr. KUCHEL].

Mr. MANSFIELD. Mr. President, as a matter of courtesy and friendship, it is our intention to proceed immediately to Walter Reed Hospital where the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] is incapacitated, but who, from there, will carry on a conversation with the President who, as we all know, is some distance away.

## ORDER FOR RECESS SUBJECT TO THE CALL OF THE LEADERSHIP

Mr. MANSFIELD. Mr. President, there will be some speeches made at this time, but I would ask unanimous consent that when all such speeches have been made, the Senate stand in recess subject to the call of the leadership on its return from Walter Reed Hospital.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

## RECESS SUBJECT TO CALL OF LEADERSHIP

The PRESIDING OFFICER. In accordance with the request of the Senator from Montana [Mr. MANSFIELD], the Senate will now stand in recess, subject to the call of the leadership.

Whereupon (at 4 o'clock and 29 minutes p.m.) the Senate took a recess, subject to the call of the leadership.

At 5 o'clock and 5 minutes p.m.:

Mr. MANSFIELD. Mr. President, I ask the Chair to suspend the recess.

The PRESIDING OFFICER (Mr. INOUYE in the chair). The Senate will come to order.

## REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. MANSFIELD. Mr. President, I send to the desk a statement and ask that it be read.

The PRESIDING OFFICER. The statement will be read.

The legislative clerk read as follows:

The Senator from Montana [Mr. MANSFIELD], from the committee appointed to notify the President of the United States that the Congress has completed its business and was ready to adjourn unless he had further communications to make to them, reports that the committee has performed that duty, and that the President has informed the committee that he has no further communications to make to the Congress at this session.

## RESOLUTION FOR ADJOURNMENT SINE DIE

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a concurrent resolution coming over from the House, and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The legislative clerk read the concurrent resolution (H. Con. Res. 1048), as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That the two Houses of Congress shall adjourn on Saturday, October 22, 1966, and that when they adjourn on said day, they stand adjourned sine die.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

## AUTHORITY TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a concurrent resolution coming over from the House, and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The legislative clerk read the concurrent resolution (H. Con. Res. 1049), as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That notwithstanding the sine die adjournment of the two Houses, the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was agreed to.

## RESOLUTION FIXING TIME OF ASSEMBLY OF 90TH CONGRESS

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate, House Joint Resolution 1322.

The PRESIDING OFFICER laid before the Senate the joint resolution (H.J. Res. 1322) to establish the date of assembly of the 90th Congress, which was read the first time by its title and the second time at length, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Ninetieth Congress shall assemble at noon on Tuesday, January 10, 1967.

Mr. MANSFIELD. Mr. President, I ask for the immediate consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (H.J. Res. 1322) was considered, ordered to a third reading, read the third time, and passed.

## AUTHORITY OF PRESIDENT OF THE SENATE TO MAKE APPOINTMENTS TO COMMISSIONS OR COMMITTEES

Mr. KUCHEL. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read the resolution (S. Res. 319), as follows:

*Resolved,* That, notwithstanding the final adjournment of the present session of the Congress, the President of the Senate be, and he is hereby, authorized to make appointments to commissions or committees authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

## THANKS OF THE SENATE TO THE ACTING PRESIDENT PRO TEMPORE

Mr. KUCHEL. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read the resolution (S. Res. 322), as follows:

*Resolved,* That the thanks of the Senate are hereby tendered to the Honorable LEE METCALF, Acting President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the Eighty-ninth Congress.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

## THANKS OF THE SENATE TO THE VICE PRESIDENT

Mr. SMATHERS. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read by the clerk.

The legislative clerk read the resolution (S. Res. 320) as follows:

*Resolved,* That the thanks of the Senate are hereby tendered to the Honorable HUBERT H. HUMPHREY, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the Eighty-ninth Congress.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

## THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE

Mr. MANSFIELD. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read the resolution (S. 321), as follows:

*Resolved,* That the thanks of the Senate are hereby tendered to the Honorable CARL HAYDEN, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the Eighty-ninth Congress.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

## ADJOURNMENT SINE DIE

Mr. MANSFIELD. Mr. President, that long-awaited moment has arrived. In accordance with the terms of House Concurrent Resolution 1048, previously agreed to, I move that the Senate adjourn sine die.

The motion was agreed to; and (at 5 o'clock and 8 minutes p.m.) the Senate adjourned sine die.

## MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED SUBSEQUENT TO SINE DIE ADJOURNMENT

Pursuant to the provisions of House Concurrent Resolution 1049, 89th Congress, on October 25, 1966, the Secretary of the Senate received a message from the House of Representatives, which announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, on the following dates:

On October 24, 1966:

S. 2451. An act for the relief of Che Yim Loh;

S. 2770. An act to amend title 18 of the United States Code so as to prohibit the use of the likenesses of the great seal of the United States falsely to indicate Federal agency, sponsorship, or approval;

H.R. 1328. An act for the relief of Glenn D. Humes;

H.R. 1388. An act for the relief of Maj. Ralph D. Caldwell;

H.R. 2129. An act for the relief of Maria Rossi;

H.R. 2266. An act to provide for the settlement of claims resulting from an explosion at a U.S. ordnance plant in Bowie County, Tex., on July 8, 1963;

H.R. 3500. An act for the relief of Mrs. Emilie Boulay;

H.R. 3526. An act for the relief of Dr. Eric J. Lazaro;

H.R. 3530. An act for the relief of Dr. Miguel Angel Martinez y Corpas;

H.R. 3531. An act for the relief of Dr. Julio Cesar Muñiz y Sotolongo;

H.R. 3536. An act for the relief of George R. Lore;

H.R. 3689. An act for the relief of Juanita Cereguine de Burgh;

H.R. 3756. An act for the relief of James S. Kahriman;

H.R. 3879. An act for the relief of Ernest Buillet;

H.R. 3901. An act for the relief of Miss Elisabeth von Oberndorff;

H.R. 3993. An act to authorize the issuance of certificates of citizenship in the Canal Zone;

H.R. 4077. An act for the relief of Jean A. Quaintance;

H.R. 4454. An act for the relief of Herman Feldman;

H.R. 5622. An act for the relief of Dr. Jorge Ignacio Miquel Franca;

H.R. 5958. An act relating to applications for writs of habeas corpus by persons in custody pursuant to judgments of State courts;

H.R. 5969. An act for the relief of Dr. Raul R. Moriff;

H.R. 6035. An act for the relief of the estate of Maj. John W. Roy, and for other purposes;

H.R. 6103. An act for the relief of the city of Umatilla, Oreg.;

H.R. 6115. An act for the relief of Dr. Jose A. G. Mendoza;

H.R. 6226. An act for the relief of Dr. Bienvenido Benach Carreras;

H.R. 6443. An act for the relief of Dr. Antonio U. Catasus;

H.R. 6899. An act for the relief of Dr. Myriam de la Caridad Ares y Fernandez de Bosch;

H.R. 7026. An act for the relief of Nathan Levine;

H.R. 7341. An act for the relief of Dr. Ricardo R. Fuste;

H.R. 7382. An act to amend section 1391 of title 28 of the United States Code relating to venue;

H.R. 8358. An act for the relief of the Milan Compress Co.;

H.R. 8614. An act for the relief of Miss Rajka Soda;

H.R. 8937. An act for the relief of Charles A. Turner;

H.R. 9036. An act for the relief of J. M. Pendarvis, Jr.;

H.R. 9213. An act for the relief of William A. Buzbee;

H.R. 9217. An act for the relief of certain civilian employees of the Department of the Army at Fort Sam Houston, Tex.;

H.R. 9348. An act for the relief of Capt. Harold G. Wilmarth;

H.R. 10151. An act for the relief of Dr. Luis Crespo;

H.R. 10249. An act for the relief of Mrs. Elisabeth Manninen;

H.R. 10253. An act for the relief of Dr. Luis E. Bencomo;

H.R. 10259. An act for the relief of Dr. Allan Baumal;

H.R. 10288. An act for the relief of Dr. Antonio B. Santillano;

H.R. 10662. An act for the relief of Leonard J. Dalton;

H.R. 10832. An act for the relief of Gloria Alesna Relampagos;

H.R. 10846. An act for the relief of Katherine Nabokoff and Emil Homoceanu;

H.R. 10876. An act to authorize and direct the Administrator of the Farmers Home Administration to quit claim certain property in Jackson County, Ala., to Skyline Churches Cemetery, a corporation;

H.R. 11224. An act for the relief of Dr. Pedro Raphael;

H.R. 11254. An act for the relief of Julieta Gloria Bersamin;

H.R. 11256. An act to amend the Internal Revenue Code of 1954 with respect to the priority and effect of Federal tax liens and levies, and for other purposes;

H.R. 11467. An act for the relief of CWO Joseph J. McGavin;

H.R. 11570. An act for the relief of James R. Kemp;

H.R. 11590. An act for the relief of Dr. Jacinta Llorens;

H.R. 11617. An act for the relief of Jun Becky;

H.R. 11640. An act for the relief of Dr. Juan Antonio Dumois;

H.R. 11676. An act for the relief of Johnny R. Bradley and others;

H.R. 11952. An act for the relief of Maria Kazidakis;

H.R. 11957. An act for the relief of Muriel Williams;

H.R. 12237. An act for the relief of Tri-States Construction Co., Inc.;

H.R. 12317. An act for the relief of Dr. Augusto J. Fernandez-Conde;

H.R. 12512. An act for the relief of Carl V. Elliott;

H.R. 12781. An act for the relief of Dr. Mario Orlando Santos-Estevez;

H.R. 12826. An act for the relief of Kim Kap Yung;

H.R. 12920. An act for the relief of Alexander Francis Saker, M.D.;

H.R. 13101. An act for the relief of Mario P. Navarro, M.D.;

H.R. 13192. An act for the relief of Nermin Demirbag Lavapies;

H.R. 13370. An act to authorize the disposal of fused crude aluminum oxide from the national stockpile and the supplemental stockpile;

H.R. 13551. An act to amend the Law Enforcement Assistance Act of 1965, and for other purposes;

H.R. 13661. An act to authorize the disposal of battery-grade synthetic manganese dioxide from the national stockpile;

H.R. 13682. An act for the relief of Donald E. Auseon;

H.R. 13683. An act for the relief of Robert A. Ivins;

H.R. 13800. An act for the relief of Sp5c. Ronald J. Olson, U.S. Army, retired;

H.R. 13935. An act to give the consent of Congress to the State of Massachusetts to become a party to the agreement relating to bus taxation proration and reciprocity as set forth in title II of the act of April 14, 1965 (79 Stat. 60), and consented to by Congress in that act and in the act of November 1, 1965 (79 Stat. 1157);

H.R. 13982. An act to amend the act of August 14, 1964, to authorize payments of any amounts authorized under the act to the estates of persons who would have been eligible for payments under the authority of the act, and for other purposes;

H.R. 14075. An act to authorize the Secretary of Commerce to settle and pay certain claims arising out of the taking of the 1960 decennial census;

H.R. 14173. An act for the relief of Antonio Barquet Chediak;

H.R. 14174. An act for the relief of Esteban Fernandez Noda;

H.R. 14233. An act for the relief of Beatriz Diaz;

H.R. 14525. An act for the relief of Thomas C. Macpherson, Jr.;

H.R. 14615. An act for the relief of certain members and former members of the Army on whose behalf erroneous payments were made for storage of household goods;

H.R. 14643. An act to provide for the strengthening of American educational resources for international studies and research;

H.R. 14741. An act to authorize an increase in the number of Marine Corps officers who may serve in the combined grades of brigadier general and major general;

H.R. 14749. An act for the relief of Katherine M. Perakis;

H.R. 14819. An act for the relief of Mr. and Mrs. William Nussbaum;

H.R. 14864. An act for the relief of certain individuals;

H.R. 14920. An act for the relief of Marie del Carmen Bermudez;

H.R. 14984. An act for the relief of Renato Camacho Castro;

H.R. 14990. An act for the relief of Herman Adams, doing business as the Adams Manufacturing Co.;

H.R. 15014. An act for the relief of Henry P. Leonhardy;

H.R. 15183. An act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes;

H.R. 15251. An act for the relief of Walter W. Taylor;

H.R. 15297. An act for the relief of Leonard G. Duffy, lieutenant, U.S. Navy;

H.R. 15488. An act for the relief of Dr. Ali Haji-Morad;

H.R. 15766. An act to establish a National Commission on Reform of Federal Criminal Laws;

H.R. 16074. An act to cancel certain unpaid interest accrued after September 30, 1931, on loans made to World War I veterans upon the security of adjusted service certificates;

H.R. 16394. An act for the relief of certain enlisted members of the military services who lost interest on amounts deposited under section 1035 of title 10, United States Code, or prior laws authorizing members' deposits, and for other purposes;

H.R. 16522. An act for the relief of Vicente Fernandez Marino;

H.R. 16610. An act for the relief of Dr. Antonio Rondon Delgado;

H.R. 16977. An act for the relief of Eugene G. Peterson, Harry E. Byers, and Russell W. Jordan;

H.R. 17260. An act for the relief of Robert A. Jellison;

H.R. 17261. An act for the relief of Augustus J. Theodore;

H.R. 17271. An act to amend section 112 of the Internal Revenue Code of 1954 to increase from $200 to $500 the monthly combat pay exclusion for commissioned officers serving in combat zones;

H.R. 17376. An act to authorize the disposal of nickel from the national stockpile;

H.R. 17451. An act to preserve the pay and retirement privileges of certain former deputy chiefs of Navy bureaus;

H.R. 17588. An act to amend section 8(g) of the Soil Conservation and Domestic Allotment Act with respect to assignments;

H.R. 17798. An act to provide that a judgment or decree of the District of Columbia court of general sessions shall not constitute a lien until filed and recorded in the office of the Recorder of Deeds of the District of Columbia, and for other purposes;

H.R. 18019. An act to authorize the Secretary of the Army to construct an addition at the Walter Reed Army Medical Center, Washington, D.C.;

H.R. 18021. An act to amend the Small Business Investment Act of 1958, and for other purposes;

H.R. 18033. An act for the relief of Dr. Fidel Rodriguez-Cubas; and

H.R. 18381. An act making supplemental appropriations for the fiscal year ending June 30, 1967, and for other purposes.

On October 25, 1966:

H.R. 203. An act to amend title 38, United States Code, to set aside funds for research into spinal cord injuries and diseases;

H.R. 647. An act to amend the act of March 3, 1901, to permit the appointment of new trustees in deeds of trust in the District of Columbia by agreement of the parties;

H.R. 872. An act to amend the provisions of title 18 of the United States Code relating to offenses committed in Indian country;

H.R. 1269. An act for the relief of H. Foster Hunter;

H.R. 3348. An act to authorize a program for the construction of facilities for the teaching of veterinary medicine and a program of loans for students of veterinary medicine;

H.R. 5990. An act to grant increased benefits to persons receiving cash relief under the Panama Canal Cash Relief Act of July 8, 1937;

H.R. 7973. An act to amend section 4339 of title 10, United States Code;

H.R. 8436. An act to amend the Tariff Schedules of the United States with respect to the dutiable status of watches, clocks, and timing apparatus from insular possessions of the United States;

H.R. 9778. An act to amend titles 10 and 37, United States Code, to codify recent military law, and to improve the Code;

H.R. 11475. An act to provide for the control or elimination of jellyfish and other such pests in the coastal waters of the United States, and for other purposes;

H.R. 11631. An act to amend title 38 of the United States Code to clarify, improve, and add additional programs relating to the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes;

H.R. 13103. An act to provide equitable tax treatment for foreign investment in the United States, to establish a presidential election campaign fund to assist in financing the costs of presidential election campaigns, and for other purposes;

H.R. 13196. An act to amend the Public Health Service Act to increase the opportunities for training of medical technologists and personnel in other allied health professions, to improve the educational quality of the schools training such allied health professions personnel, and to strengthen and improve the existing student loan programs for medical, osteopathic, dental, podiatry, pharmacy, optometric, and nursing students, and for other purposes;

H.R. 14347. An act to liberalize the provisions for payment to parents and children of dependency and indemnity compensation, and for other purposes;

H.R. 14604. An act to authorize a study of facilities and services to be furnished visitors and students coming to the Nation's Capital;

H.R. 14644. An act to amend the Higher Education Facilities Act of 1963, the Higher Education Act of 1965, and the National Defense Education Act of 1958;

H.R. 14745. An act making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1967, and for other purposes;

H.R. 14929. An act to promote international trade in agricultural commodities, to combat hunger and malnutrition, to further economic development, and for other purposes;

H.R. 15024. An act to authorize the Administrator of General Services to select an available Government-owned site in the District of Columbia and to improve and lease such site for a temporary heliport;

H.R. 15111. An act to provide for continued progress in the Nation's war on poverty;

H.R. 17658. An act to provide for the striking of medals in commemoration of the U.S. Naval Construction Battalions (Seabees) 25th anniversary and the U.S. Navy Civil Engineers Corps (CEC) 100th anniversary;

H.R. 18284. An act to authorize the Attorney General to adjust the legislative jurisdiction exercised by the United States over lands within the Federal reformatory at Chillicothe, Ohio;

H.J. Res. 1001. Joint resolution to provide for the designation of the month of May each year as "Steelmark Month"; and

H.J. Res. 1322. Joint resolution giving the time of assembly of the 90th Congress.

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## APPOINTMENTS BY THE VICE PRESIDENT SUBSEQUENT TO SINE DIE ADJOURNMENT

Pursuant to Senate Resolution 319, 89th Congress, the Vice President made

the following appointments subsequent to the sine die adjournment:

On November 3, 1966:

Hon. Francis R. Valeo to the Federal Records Council, to fill the vacancy caused by the retirement of Hon. Emory L. Frazier.

On November 4, 1966:

Senator JOHN SHERMAN COOPER, of Kentucky, to be alternate delegate to attend the 12th NATO Parliamentarians' Conference, to be held in Paris, France, on November 14–19, 1966.

## ENROLLED BILLS SIGNED SUBSEQUENT TO SINE DIE ADJOURNMENT

The VICE PRESIDENT, pursuant to House Concurrent Resolution 1049, 89th Congress, on the following dates signed the following bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

On October 24, 1966:

H.R. 14643. An act to provide for the strengthening of American educational resources for international studies and research.

On October 25, 1966:

H.R. 14355. An act to amend the Railroad Retirement Act of 1937, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act to make certain technical changes, to provide for survivor benefits to children ages 18 to 21, inclusive, and for other purposes;

H.R. 17285. An act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act, and for other purposes; and

H.R. 18381. An act making supplemental appropriations for the fiscal year ending June 30, 1967, and for other purposes.

On October 28, 1966:

H.R. 203. An act to amend title 38, United States Code, to set aside funds for research into spinal cord injuries and diseases;

H.R. 647. An act to amend the act of March 3, 1901, to permit the appointment of new trustees in deeds of trust in the District of Columbia by agreement of the parties;

H.R. 872. An act to amend the provisions of title 18 of the United States Code relating to offenses committed in Indian country;

H.R. 1269. An act for the relief of H. Foster Hunter;

H.R. 1328. An act for the relief of Glenn D. Humes;

H.R. 1388. An act for the relief of Maj. Ralph D. Caldwell;

H.R. 2129. An act for the relief of Maria Rossi;

H.R. 2266. An act to provide for the settlement of claims resulting from an explosion at a U.S. ordnance plant in Bowie County, Tex., on July 8, 1963:

H.R. 2600. An act to provide for the acquisition and preservation of the real property known as the Ansley Wilcox House in Buffalo, N.Y., as a national historic site;

H.R. 3348. An act to authorize a program for the construction of facilities for the teaching of veterinary medicine and a program of loans for students of veterinary medicine;

H.R. 3500. An act for the relief of Mrs. Emilie Boulay;

H.R. 3526. An act for the relief of Dr. Eric J. Lazaro;

H.R. 3530. An act for the relief of Dr. Miguel Angel Martinez y Corpas;

H.R. 3531. An act for the relief of Dr. Julio Cesar Muniz y Sotolongo;

H.R. 3536. An act for the relief of George R. Lore;

H.R. 3689. An act for the relief of Juanita Cereguine de Burgh;

H.R. 3756. An act for the relief of James S. Kahriman;

H.R. 3879. An act for the relief of Ernest Buillet;

H.R. 3901. An act for the relief of Miss Elisabeth von Oberndorff;

H.R. 3993. An act to authorize the issuance of certificates of citizenship in the Canal Zone;

H.R. 4077. An act for the relief of Jean A. Quaintance;

H.R. 4454. An act for the relief of Herman Feldman;

H.R. 5622. An act for the relief of Dr. Jorge Ignacio Miquel Franca;

H.R. 5688. An act relating to criminal procedure in the District of Columbia;

H.R. 5958. An act relating to applications for writs of habeas corpus by persons in custody pursuant to judgments of State courts;

H.R. 5969. An act for the relief of Dr. Raul R. Morffi;

H.R. 5990. An act to grant increased benefits to persons receiving cash relief under the Panama Canal Cash Relief Act of July 8, 1937;

H.R. 6035. An act for the relief of the estate of Maj. John W. Roy, and for other purposes;

H.R. 6103. An act for the relief of the city of Umatilla, Oreg.;

H.R. 6115. An act for the relief of Dr. Jose A. G. Mendoza;

H.R. 6226. An act for the relief of Dr. Bienvenido Benach Carreras;

H.R. 6443. An act for the relief of Dr. Antonio U. Catasus;

H.R. 6899. An act for the relief of Dr. Myriam de la Caridad Ares y Fernandez de Bosch;

H.R. 6958. An act to amend the Internal Revenue Code of 1954 to promote savings under the Internal Revenue Service's automatic data processing system;

H.R. 7026. An act for the relief of Nathan Levine;

H.R. 7341. An act for the relief of Dr. Ricardo R. Fuste;

H.R. 7382. An act to amend section 1391 of title 28 of the United States Code relating to venue;

H.R. 7648. An act to authorize long-term leases on the San Zavier and Salt River Pima-Maricopa Indian Reservations, and for other purposes;

H.R. 7973. An act to amend section 4339 of title 10, United States Code;

H.R. 8358. An act for the relief of the Milan Compress Co.;

H.R. 8436. An act to amend the Tariff Schedules of the United States with respect to the dutiable status of watches, clocks, and timing apparatus from insular possessions of the United States;

H.R. 8614. An act for the relief of Miss Rajka Soda;

H.R. 8917. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Omaha Tribe of Nebraska, and for other purposes;

H.R. 8937. An act for the relief of Charles A. Turner;

H.R. 9036. An act for the relief of J. M. Pendarvis, Jr.;

H.R. 9167. An act to amend title of the United States Code to enable the courts to deal more effectively with the problem of narcotic addiction, and for other purposes;

H.R. 9213. An act for the relief of William A. Buzbee;

H.R. 9217. An act for the relief of certain civilian employees of the Department of the Army at Fort Sam Houston, Tex.;

H.R. 9348. An act for the relief of Capt. Harold G. Wilmarth;

H.R. 9778. An act to amend titles 10 and 37, United States Code, to codify recent military law, and to improve the code;

H.R. 9985. An act 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;

H.R. 10151. An act for the relief of Dr. Luis Crespo;

H.R. 10249. An act for the relief of Mrs. Elisabeth Manninen;

H.R. 10253. An act for the relief of Dr. Luis E. Bencomo;

H.R. 10259. An act for the relief of Dr. Allan Baumal;

H.R. 10288. An act for the relief of Dr. Antonio B. Santillano;

H.R. 10304. An act to provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children;

H.R. 10327. An act to require evidence of adequate financial responsibility to pay judgments for personal injury or death, or to repay fares in the event of nonperformance of voyages, to establish minimum standards for passenger vessels and to require disclosure of construction details on passenger vessels, and for other purposes;

H.R. 10662. An act for the relief of Leonard J. Dalton;

H.R. 10832. An act for the relief of Gloria Alesna Kelampagos;

H.R. 10846. An act for the relief of Katherine Nabokoff and Emil Homoceanu;

H.R. 10876. An act to authorize and direct the Administrator of the Farmers Home Administration to quitclaim certain property in Jackson County, Ala., to Skyline Churches Cemetery, a corporation;

H.R. 11216. An act relating to the tariff treatment of articles assembled abroad of products of the United States, and for other purposes;

H.R. 11224. An act for the relief of Dr. Pedro Raphael;

H.R. 11254. An act for the relief of Julieta Gloria Bersamin;

H.R. 11256. An act to amend the Internal Revenue Code of 1954 with respect to the priority and effect of Federal tax liens and levies, and for other purposes;

H.R. 11467. An act for the relief of CWO Joseph J. McGavin;

H.R. 11475. An act to provide for the control or elimination of jellyfish and other such pests in the coastal waters of the United States, and for other purposes;

H.R. 11555. An act to provide a border highway along the U.S. bank of the Rio Grande in connection with the settlement of the Chamizal boundary dispute between the United States and Mexico;

H.R. 11570. An act for the relief of James R. Kemp;

H.R. 11590. An act for the relief of Dr. Jacinta Llorens;

H.R. 11617. An act for the relief of Jun Becky;

H.R. 11631. An act to amend title 38 of the United States Code to clarify, improve, and add additional programs relating to the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes;

H.R. 11640. An act for the relief of Dr. Juan Antonio Dumois;

H.R. 11660. An act relating to interest on income tax refunds made within 45 days after the filing of the tax return, and for other purposes;

H.R. 11676. An act for the relief of Johnny R. Bradley and others;

H.R. 11782. An act to amend the Internal Revenue Code of 1954 to allow a deduction for additions to a reserve for certain guaranteed debt obligations, and for other purposes;

H.R. 11952. An act for the relief of Maria Karidakis;

H.R. 11957. An act for the relief of Muriel Williams;

H.R. 12237. An act for the relief of Tri-States Construction Co., Inc.;

H.R. 12317. An act for the relief of Dr. Augusto J. Fernandez-Conde;

H.R. 12360. An act to permit the sale of grain storage facilities to public and private nonprofit agencies and organizations;

H.R. 12512. An act for the relief of Carl V. Elliott;

H.R. 12781. An act for the relief of Dr. Mario Orlando Santos-Estevez;

H.R. 12826. An act for the relief of Kim Kap Yung;

H.R. 12920. An act for the relief of Alexander Francis Saker, doctor of medicine;

H.R. 13101. An act for the relief of Mario P. Navarro, doctor of medicine;

H.R. 13103. An act to provide equitable tax treatment for foreign investment in the United States, to establish a presidential election campaign fund to assist in financing the costs of presidential election campaigns, and for other purposes;

H.R. 13192. An act for the relief of Nermin Demirbag Lavapies;

H.R. 13194. An act to amend the Public Health Service Act to increase the opportunities for training of medical technologists and personnel in other allied health professions, to improve the educational quality of the schools training such allied health professions personnel, and to strengthen and improve the existing student loan programs for medical, osteopathic, dental, podiatry, pharmacy, optometric and nursing students, and for other purposes;

H.R. 13320. An act to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile;

H.R. 13370. An act to authorize the disposal of fused crude aluminum oxide from the national stockpile and the supplemental stockpile;

H.R. 13448. An act to amend title 39, United States Code, with respect to mailing privileges of members of the U.S. Armed Forces and other Federal Government personnel overseas, and for other purposes;

H.R. 13551. An act to amend the Law Enforcement Assistance Act of 1965, and for other purposes;

H.R. 13661. An act to authorize the disposal of battery-grade synthetic manganese dioxide from the national stockpile;

H.R. 13682. An act for the relief of Donald E. Auseon;

H.R. 13683. An act for the relief of Robert A. Ivins;

H.R. 13800. An act for the relief of Sp5c. Ronald J. Olson, U.S. Army, retired;

H.R. 13935. An act to give the consent of Congress to the State of Massachusetts to become a party to the agreement relating to bus taxation proration and reciprocity as set forth in title II of the act of April 14, 1965 (79 Stat. 60), and consented to by Congress in that act and in the act of November 1, 1965 (79 Stat. 1157);

H.R. 13982. An act to amend the act of August 14, 1964, to authorize payments of any amounts authorized under the act to the estates of persons who would have been eligible for payments under the authority of the act, and for other purposes;

H.R. 14075. An act to authorize the Secretary of Commerce to settle and pay certain claims arising out of the taking of the 1960 decennial census;

H.R. 14173. An act for the relief of Antonio Barquet Chediak;

H.R. 14174. An act for the relief of Esteban Fernandez Noda;

H.R. 14233. An act for the relief of Beatriz Diaz;

H.R. 14347. An act to liberalize the provisions for payment to parents and children of dependency and indemnity compensation, and for other purposes;

H.R. 14525. An act for the relief of Thomas C. Macpherson, Jr.;

H.R. 14604. An act to authorize a study of facilities and services to be furnished visitors and students coming to the Nation's Capital;

H.R. 14615. An act for the relief of certain members and former members of the Army on whose behalf erroneous payments were made for storage of household goods;

H.R. 14643. An act to provide for the strengthening of American educational resources for international studies and research;

H.R. 14644. An act to amend the Higher Education Facilities Act of 1963, the Higher Education Act of 1965, and the National Defense Education Act of 1958;

H.R. 14741. An act to authorize an increase in the number of Marine Corps officers who may serve in the combined grades of brigadier general and major general;

H.R. 14745. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1967, and for other purposes;

H.R. 14749. An act for the relief of Katherine M. Perakis;

H.R. 14819. An act for the relief of Mr. and Mrs. William Nussbaum;

H.R. 14864. An act for the relief of certain individuals;

H.R. 14920. An act for the relief of Marie del Carmen Bermudez;

H.R. 14929. An act to promote international trade in agricultural commodities, to combat hunger and malnutrition, to further economic development, and for other purposes;

H.R. 14984. An act for the relief of Renato Camacho Castro;

H.R. 14990. An act for the relief of Herman Adams, doing business as the Adams Manufacturing Co.;

H.R. 15014. An act for the relief of Henry P. Leonhardy;

H.R. 15024. An act to authorize the Administrator of General Services to select an available Government-owned site in the District of Columbia and to improve and lease such site for a temporary heliport;

H.R. 15111. An act to provide for continued progress in the Nation's war on poverty;

H.R. 15183. An act to adjust the status of Cuban refugees to that of lawful permanent residents of the United States, and for other purposes;

H.R. 15251. An act for the relief of Walter W. Taylor;

H.R. 15297. An act for the relief of Leonard G. Duffy, lieutenant, U.S. Navy.

H.R. 15335. An act to amend the act entitled "An act to establish an Advisory Commission on Intergovernmental Relations," approved September 24, 1959;

H.R. 15488. An act for the relief of Dr. Ali Haji-Morad;

H.R. 15727. An act to establish rates of compensation for certain positions within the Smithsonian Institution;

H.R. 15748. An act to amend title 10, United States Code, to authorize a special 30-day period of leave for a member of a uniformed service who voluntarily extends his tour of duty in a hostile fire area;

H.R. 15766. An act to establish a National Commission on Reform of Federal Criminal Laws;

H.R. 15857. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries of officers and members of the Metropolitan police force and the Fire Department, to amend the District of Columbia Teachers' Salary Act of 1955 to increase the salaries of teachers, school officers, and other employees of Board of Education of the District of Columbia, and for other purposes;

H.R. 16074. An act to cancel certain unpaid interest accrued after September 30, 1931, on loans made to World War I veterans upon the security of adjusted service certificates;

H.R. 16114. An act to provide for the inclusion of premium pay under section 5545 (c)(1) of title 5, United States Code, for the purpose of determining benefits under the civil service retirement, group life insurance, and injury compensation provisions of such title, and for other purposes;

H.R. 16394. An act for the relief of certain enlisted members of the military services who lost interest on amounts deposited under section 1035 of title 10, United States Code, or prior laws authoriing enlisted members' deposits, and for other purposes;

H.R. 16522. An act for the relief of Vicente Fernandez Marino;

H.R. 16610. An act for the relief of Dr. Antonio Rondon Delgado;

H.R. 16715. An act to amend the Manpower Development and Training Act of 1962;

H.R. 16977. An act for the relief of Eugene G. Peterson, Harry E. Byers, and Russell W. Jordan;

H.R. 17260. An act for the relief of Robert A. Jellison;

H.R. 17261. An act for the relief of Augustus J. Theodore;

H.R. 17271. An act to amend section 112 of the Internal Revenue Code of 1954 to increase from $200 to $500 the monthly combat pay exclusion for commissioned officers serving in combat zones;

H.R. 17376. An act to authorize the disposal of nickel from the national stockpile;

H.R. 17451. An act to preserve the pay and retirement privileges of certain former deputy chiefs of Navy bureaus;

H.R. 17588. An act to amend section 8(g) of the Soil Conservation and Domestic Allotment Act with respect to assignments;

H.R. 17607. An act to suspend the investment credit and the allowance of accelerated depreciation in the case of certain real property;

H.R. 17636. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1967, and for other purposes;

H.R. 17637. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1967, and for other purposes;

H.R. 17658. An act to provide for the striking of medals in commemoration of the U.S. Naval Construction Battalions (Seabees) 25th anniversary and the U.S. Naval Civil Engineers Corps (CEC) 100th anniversary;

H.R. 17798. An act to provide that a judgment or decree of the District of Columbia court of general sessions shall not constitute a lien until filed and recorded in the office of the Recorder of Deeds of the District of Columbia, and for other purposes;

H.R. 18019. An act to authorize the Secretary of the Army to construct an addition at the Walter Reed Army Medical Center, Washington, D.C.;

H.R. 18021. An act to amend the Small Business Investment Act of 1958, and for other purposes;

H.R. 18033. An act for the relief of Dr. Fidel Rodriguez-Cubas;

H.R. 18119. An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1967, and for other purposes;

H.R. 18233. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbers for navigation, flood control, and for other purposes;

H.R. 18284. An act to authorize the Attorney General to adjust the legislative jurisdiction exercised by the United States over lands within the Federal reformatory at Chillicothe, Ohio;

H.R. 18381. An act making supplemental appropriations for the fiscal year ending June 30, 1967, and for other purposes;

H.J. Res. 1001. Joint resolution to provide for the designation of the month of May each year as "Steelmark Month"; and

H.J. Res. 1322. Joint resolution fixing the time of assembly of the 90th Congress.

On November 1, 1966:

S. 2102. An act to protect and conserve the North Pacific fur seals, to provide for the administration of the Pribilof Islands, to conserve the fur seals and other wildlife on the Pribilof Islands, and to protect sea otters on the high seas; and

S. 2720. An act to authorize the Secretary of the Interior to develop, through the use of experiment and demonstration plants, practicable and economic means for the production by the commercial fishing industry of fish protein concentrate.

On November 2, 1966:

S. 84. An act to provide for reimbursement to the State of Wyoming for improvements made on certain lands in Sweetwater County, Wyo., if and when such lands revert to the United States;

S. 195. An act for the relief of Sunnyside Seed Farms;

S. 360. An act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes;

S. 476. An act to amend the act approved March 18, 1950, providing for the construction of airports in or close proximity to national parks, national monuments, and national recreation areas, and for other purposes;

S. 688. An act to amend title III of the Bankhead-Jones Farm Tenant Act, as amended, to provide for additional means and measures for land conservation and land utilization, and for other purposes;

S. 690. An act for the relief of Norman J. Pitman;

S. 769. An act for the relief of Dr. Marshall Ku;

S. 985. An act to regulate interstate and foreign commerce by preventing the use of unfair or deceptive methods of packaging or labeling of certain consumer commodities distributed in such commerce, and for other purposes;

S. 1068. An act for the relief of Fred E. Starr;

S. 1101. An act to provide for the conveyance of certain mineral interests of the United States in seventy-nine and one-hundred-and-eighty-four one-thousandths acres located near Orangeburg, S.C., to Allen E. Dominick, the owner of such property;

S. 1137. An act for the relief of Dr. Rafael Martinez Torres;

S. 1319. An act to authorize a work release program for persons sentenced by the courts of the District of Columbia; to define the powers and duties in relation thereto, and for other purposes;

S. 1349. An act to amend the inland, Great Lakes, and western rivers rules concerning sailing vessels and vessels under 65 feet in length;

S. 1496. An act to repeal section 3342 of title 5, United States Code, relating to the prohibition of employee details from field service to the departmental service, and for other purposes;

S. 1556. An act to authorize the Board of Governors of the Federal Reserve System to delegate certain of its functions, and for other purposes;

S. 1572. An act for the relief of Merritt A. Seefeldt and August C. Seefeldt;

S. 1661. An act for the relief of Samuel C. Neiburg;

S. 1674. An act to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes;

S. 1760. An act to authorize the acceptance of a settlement of certain indebtedness of Greece to the United States and to authorize the use of the payments resulting from the settlement for a cultural and educational exchange program;

S. 1861. An act to provide additional assistance for areas suffering a major disaster;

S. 2010. An act for the relief of Fun Wat Hoy;

S. 2040. An act for the relief of Dr. Dean H. Gosselin;

S. 2109. An act for the relief of Dr. Olibio S. Rodriquez-Eiras;

S. 2222. An act for the relief of Susan Jeanne Clynes;

S. 2338. An act to authorize the erection of a memorial in the District of Columbia to Gen. John J. Pershing;

S. 2451. An act for the relief of Che Yim Loh;

S. 2491. An act for the relief of Dr. Juan Federico Antonio Lamas y Parra;

S. 2500. An act for the relief of James A. Todd, Jr.;

S. 2621. An act for the relief of Ioannis A. Vasilopoulos and Chester (Abramczyk) Hill;

S. 2750. An act for the relief of You I. Souk;

S. 2751. An act for the relief of David R. Siemon;

S. 2763. An act for the relief of Dr. Marcial Alfredo Marti (Alfredo Marti);

S. 2770. An act to amend title 18 of the United States Code so as to prohibit the use of the likenesses of the great seal of the United States falsely to indicate Federal agency, sponsorship, or approval;

S. 2798. An act for the relief of CWO Glen Zeigler, U.S. Navy, retired;

S. 2801. An act for the relief of Helena Gilbert Maddagiri and Heather Gilbert Maddagiri;

S. 2829. An act to amend section 301(a)(17) of the Immigration and Nationality Act;

S. 2893. An act to amend section 209(c) to provide certificates issued to motor common carriers of passengers pursuant to future applications shall not confer, as an incident to the grant of regular route authority, the right to transport special or chartered parties;

S. 2947. An act to amend the Federal Water Pollution Control Act in order to improve and make more effective certain programs pursuant to such Act;

S. 2979. An act to extend coverage of the State Technical Services Act of 1965 to the Territory of Guam;

S. 3008. An act to amend the Public Health Service Act to promote and assist in the extension and improvement of comprehensive health planning and public health services, to provide for a more effective use of available Federal funds for such planning and services, and for other purposes;

S. 3148. An act to provide for the conveyance of all right, title, and interest of the United States reserved or retained in certain lands heretofore conveyed to the city of El Paso, Tex.;

S. 3209. An act for the relief of Zofia Zych;

S. 3222. An act for the relief of Dusko Doder;

S. 3230. An act to authorize the Board of Regents of the Smithsonian Institution to negotiate cooperative agreements granting concessions at the National Zoological Park to certain nonprofit organizations and to accept voluntary services of such organizations or of individuals, and for other purposes;

S. 3254. An act to amend sections 2072 and 2112 of title 28, United States Code, with respect to the scope of the Federal rules of civil procedure and to repeal inconsistent legislation;

S. 3258. An act for the relief of Deniz Hikmet Sen Manes;

S. 3298. An act to amend the Federal Hazardous Substances Labeling Act to ban hazardous toys and articles intended for children, and other articles, so hazardous as to be dangerous in the household regardless of labeling, and to apply to unpackaged articles intended for household use, and for other purposes;

S. 3318. An act for the relief of Yung Mi Kim;

S. 3358. An act for the relief of Theodora Bezates;

S. 3389. An act to provide for the establishment of the Joseph H. Hirshhorn Museum and Sculpture Garden, and for other purposes;

S. 3391. An act to amend the Shipping Act, 1916, as amended, to authorize exemption from the provisions of the act;

S. 3466. An act to change the name of the Rolla Jewel Bearing Plant at Rolla, N. Dak., to the William Langer Jewel Bearing Plant;

S. 3488. An act to grant the consent of Congress for the States of Virginia and Maryland and the District of Columbia to amend the Washington Metropolitan area transit regulation compact to establish an organization empowered to provide transit facilities in the National Capital region and for other purposes and to enact said amendment for the District of Columbia;

S. 3675. An act to amend title V of the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of nationals of the United States against the Chinese Communist regime;

S. 3708. An act to assist comprehensive city demonstration programs for rebuilding slum and blighted areas and for providing the public facilities and service necessary to improve the general welfare of the people who live in those areas, to assist and encourage planned metropolitan development, and for other purposes;

S. 3887. An act to amend title 10, United States Code, to permit persons from countries friendly to the United States to receive instruction at the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy, and for other purposes.

S.J. Res. 133. Joint resolution designating February 1967 as American History Month; and

S.J. Res. 167. Joint resolution to enable the United States to organize and hold an International Conference on Water for Peace in the United States in 1967 and authorize an appropriation therefor.

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## ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED SUBSEQUENT TO SINE DIE ADJOURNMENT

The Secretary of the Senate reported that on the following dates, bills and joint resolutions of the following titles were presented to the President of the United States:

On November 1, 1966:

S. 2720. An act to authorize the Secretary of the Interior to develop, through the use of experiment and demonstration plants, practicable and economic means for the production by the commercial fishing industry of fish protein concentrate; and

S. 2102. An act to protect and conserve the North Pacific fur seals, to provide for the administration of the Pribolof Islands, to conserve the fur seals and other wildlife on the Pribilof Islands, and to protect sea otters on the high seas.

The following communications from the Vice President of the United States

and the Secretary of the Senate were received relating to the presentation of the above-entitled bills to the President of the United States:

THE VICE PRESIDENT,
*Washington, November 1, 1966.*

HON. FRANCIS R. VALEO,
*Secretary of the Senate,*
*Washington, D.C.*

DEAR FRANK: This is to advise you that at the request of Mr. Califano of the White House staff, I personally delivered S. 2102 and S. 2720 to the White House. In so doing I hope I have not caused you any difficulty in your record keeping.

Sincerely,

HUBERT H. HUMPHREY

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NOVEMBER 4, 1966.

The VICE PRESIDENT,
*U.S. Senate,*
*Washington, D.C.*

DEAR MR. VICE PRESIDENT: Thank you for your note apprising me that you personally delivered the enrollments of S. 2102 and S. 2720 to the White House on November 1, 1966, at the request of the White House staff.

Your communication to me is most essential to complete our records, the White House staff having subsequently declined to sign the Senate's time-honored receipt book for these two bills.

Consequently your letter and my response thereto are necessary to serve as the only entry in the Senate Journal showing the delivery of these two Senate bills to the White House for presentation to the President, and thereby establish the ten-day period for Presidential signature, beginning at midnight on November 1, 1966.

Sincerely yours,

FRANCIS R. VALEO,
*Secretary of the Senate.*

On November 2, 1966:

S. 84. An act to provide for reimbursement to the State of Wyoming for improvements made on certain lands in Sweetwater County, Wyo., if and when such lands revert to the United States;

S. 195. An act for the relief of Sunnyside Seed Farms;

S. 360. An act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes;

S. 476. An act to amend the act approved March 18, 1950, providing for the construction of airports in or close proximity to national parks, national monuments, and national recreation areas, and for other purposes;

S. 688. An act to amend title III of the Bankhead-Jones Farm Tenant Act, as amended, to provide for additional means and measures for land conservation and land utilization, and for other purposes;

S. 690. An act for the relief of Norman J. Pitman;

S. 769. An act for the relief of Dr. Marshall Ku;

S. 985. An act to regulate interstate and foreign commerce by preventing the use of unfair or deceptive methods of packaging or labeling of certain consumer commodities distributed in such commerce, and for other purposes;

S. 1068. An act for the relief of Fred E. Starr;

S. 1101. An act to provide for the conveyance of certain mineral interests of the United States in $79^{18}/_{1000}$ acres located near Orangeburg, S.C., to Allen E. Dominick, the owner of such property;

S. 1137. An act for the relief of Dr. Rafael Martinez Torres;

S. 1319. An act to authorize a work release program for persons sentenced by the courts of the District of Columbia; to define the powers and duties in relation thereto, and for other purposes;

S. 1349. An act to amend the inland, Great Lakes, and western rivers rules concerning sailing vessels and vessels under 65 feet in length;

S. 1496. An act the repeal section 3342 of title 5, United States Code, relating to the prohibition of employee details from field service to the departmental service, and for other purposes;

S. 1556. An act to authorize the Board of Governors of the Federal Reserve System to delegate certain of its functions, and for other purposes;

S. 1572. An act for the relief of Merritt A. Seefeldt and August C. Seefeldt;

S. 1661. An act for the relief of Samuel G. Neiburg;

S. 1674. An act to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes;

S. 1760. An act to authorize the acceptance of a settlement of certain indebtedness of Greece to the United States and to authorize the use of the payments resulting from the settlement for a cultural and educational exchange program;

S. 1861. An act to provide additional assistance for areas suffering a major disaster;

S. 2010. An act for the relief of Fun Wat Hoy;

S. 2040. An act for the relief of Dr. Dean H. Gosselin;

S. 2109. An act for the relief of Dr. Olibio S. Rodriquez-Eiras;

S. 2222. An act for the relief of Susan Jeanne Clynes;

S. 2338. An act to authorize the erection of a memorial in the District of Columbia to Gen. John J. Perishing;

S. 2451. An act for the relief of Che Yim Loh;

S. 2491. An act for the relief of Dr. Juan Federico Antonio Lamas y Parra;

S. 2500. An act for the relief of James A. Todd; Jr.;

S. 2621. An act for the relief of Ioannis A. Vasilopoulos and Chester (Abramczyk) Hill;

S. 2750. An act for the relief of You I. Souk;

S. 2751. An act for the relief of David R. Siemon;

S. 2763. An act for the relief of Dr. Marcial Alfredo Marti (Alfredo Marti);

S. 2770. An act to amend title 18 of the United States Code so as to prohibit the use of the likenesses of the great seal of the United States falsely to indicate Federal agency, sponsorship, or approval;

S. 2798. An act for the relief of CWO Glen Zeigler, U.S. Navy (retired);

S. 2801. An act for the relief of Helena Gilbert Maddagiri and Heather Gilbert Maddagiri;

S. 2829. An act to amend section 301(a) (17) of the Immigration and Nationality Act;

S. 2893. An act to amend section 209(c) to provide that certificates issued to motor common carriers of passengers pursuant to future applications shall not confer, as an incident to the grant of regular route authority, the right to transport special or chartered parties;

S. 2947. An act to amend the Federal Water Pollution Control Act in order to improve and make more effective certain programs pursuant to such act;

S. 2979. An act to extend coverage of the State Technical Services Act of 1965 to the Territory of Guam;

S. 3008. An act to amend the Public Health Service Act to promote and assist in the extension and improvement of comprehensive health planning and public health services, to provide for a more effective use of available Federal funds for such planning and services, and for other purposes;

S. 3148. An act to provide for the conveyance of all right, title, and interest of the United States reserved or retained in certain lands heretofore conveyed to the city of El Paso, Tex.;

S. 3209. An act for the relief of Zofia Zych;

S. 3222. An act for the relief of Dusko Doder;

S. 3230. An act to authorize the Board of Regents of the Smithsonian Institution to negotiate cooperative agreements granting concessions at the National Zoological Park to certain nonprofit organizations and to accept voluntary services of such organizations or of individuals, and for other purposes;

S. 3254. An act to amend section 2072 and 2112 of title 28, United States Code, with respect to the scope of the Federal rules of civil procedure and to repeal inconsistent legislation;

S. 3258. An act for the relief of Deniz Hikmet Sen Manes;

S. 3298. An act to amend the Federal Hazardous Substances Labeling Act to ban hazardous toys and articles intended for children, and other articles, so hazardous as to be dangerous in the household regardless of labeling, and to apply to unpackaged articles intended for household use, and for other purposes;

S. 3318. An act for the relief of Yung Mi Kim;

S. 3358. An act for the relief of Theodora Bezates;

S. 3389. An act to provide for the establishment of the Joseph H. Hirshhorn Museum and Sculpture Garden, and for other purposes;

S. 3391. An act to amend the Shipping Act, 1916, as amended, to authorize exemption from the provisions of the act;

S. 3466. An act to change the name of the Rolla Jewel Bearing Plant at Rolla, N. Dak., to the William Langer Jewel Bearing Plant;

S. 3488. An act to grant the consent of Congress for the States of Virginia and Maryland and the District of Columbia to amend the Washington metropolitan area transit regulation compact to establish an organization empowered to provide transit facilities in the National Capital region and for other purposes and to enact said amendment for the District of Columbia;

S. 3675. An act to amend title V of the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of nationals of the United States against the Chinese Communist regime;

S. 3708. An act to assist comprehensive city demonstration programs for rebuilding slum and blighted areas and for providing the public facilities and service necessary to improve the general welfare of the people who live in those areas, to assist and encourage planned metropolitan development, and for other purposes;

S. 3887. An act to amend title 10, United States Code, to permit persons from countries friendly to the United States to receive instruction at the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy, and for other purposes;

S.J. Res. 133. Joint resolution designating February 1967 as American History Month; and

S.J. Res. 167. Joint resolution to enable the United States to organize and hold an International Conference on Water for Peace in the United States in 1967 and authorize an appropriation therefor.

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## MESSAGE FROM THE PRESIDENT— APPROVAL OF BILLS AND JOINT RESOLUTIONS

The Secretary of the Senate, on November 16, 1966, received a message from the President of the United States,

which announced, on the dates indicated, he had approved and signed the following acts and joint resolutions:

On October 19, 1966:

S. 3834. An act to amend chapter 141 of title 10, United States Code, to provide for price adjustments in contracts for the procurement of milk by the Department of Defense.

On November 2, 1966:

S. 2102. An act to protect and conserve the North Pacific fur seals, to provide for the administration of the Pribilof Islands, to conserve the fur seals and other wildlife on the Pribilof Islands, and to protect sea otters on the high seas; and

S. 2720. An act to authorize the Secretary of the Interior to develop, through the use of experiment and demonstration plants, practicable and economic means for the production by the commercial fishing industry of fish protein concentrate.

On November 3, 1966:

S. 985. An act to regulate interstate and foreign commerce by preventing the use of unfair or deceptive methods of packaging or labeling of certain consumer commodities distributed in such commerce, and for other purposes;

S. 2947. An act to amend the Federal Water Pollution Control Act in order to improve and make more effective certain programs pursuant to such act;

S. 3008. An act to amend the Public Health Service Act to promote and assist in the extension and improvement of comprehensive health planning and public health services, to provide for a more effective use of available Federal funds for such planning and services, and for other purposes;

S. 3298. An act to amend the Federal Hazardous Substances Labeling Act to ban hazardous toys and articles intended for children, and other articles so hazardous as to be dangerous in the household regardless of labeling, and to apply to unpackaged articles intended for household use, and for other purposes; and

S. 3708. An act to assist comprehensive city demonstration programs for rebuilding slum and blighted areas and for providing the public facilities and services necessary to improve the general welfare of the people who live in those areas, to assist and encourage planned metropolitan development, and for other purposes.

On November 5, 1966:

S. 84. An act to provide for reimbursement to the State of Wyoming for improvements made on certain lands in Sweetwater County, Wyo., if and when such lands revert to the United States;

S. 360. An act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes;

S. 476. An act to amend the act approved March 18, 1950, providing for the construction of airports in or in close proximity to national parks, national monuments, and national recreation areas, and for other purposes;

S. 690. An act for the relief of Norman J. Pitman;

S. 769. An act for the relief of Dr. Marshall Ku;

S. 1068. An act for the relief of Fred E. Starr;

S. 1101. An act to provide for the conveyance of certain mineral interests of the United States in seventy-nine and one-hundred-and-eighty-four one-thousandths acres located near Orangeburg, S.C., to Allen E. Dominick, the owner of such property;

S. 1137. An act for the relief of Dr. Rafael Pedro Martinez Torres;

S. 1349. An act to amend the inland, Great Lakes, and western rivers rules concerning sailing vessels and vessels under 65 feet in length;

S. 1496. An act to repeal section 3342 of title 5, United States Code, relating to the prohibition of employees detailed from the field service to the departmental service, and for other purposes;

S. 1556. An act to authorize the Board of Governors of the Federal Reserve System to delegate certain of its functions, and for other purposes;

S. 1572. An act for the relief of Merritt A. Seefeldt and August S. Seefeldt;

S. 1760. An act to authorize the acceptance of a settlement of certain indebtedness of Greece to the United States and to authorize the use of the payments resulting from the settlement for a cultural and educational exchange program;

S. 3148. An act to provide for the conveyance of all right, title, and interest of the United States reserved or retained in certain lands heretofore conveyed to the city of El Paso, Tex.; and

S.J. Res. 133. Joint resolution designating February 1967 as "American History Month."

On November 6, 1966:

S. 1861. An act to provide additional assistance for areas suffering a major disaster;

S. 2010. An act for the relief of Fun Wat Hoy;

S. 2040. An act for the relief of Dr. Dean H. Gosselin;

S. 2109. An act for the relief of Dr. Olibio S. Rodriguez-Eiras;

S. 2222. An act for the relief of Susan Jeanne Clynes;

S. 2451. An act for the relief of Che Yim Loh;

S. 2491. An act for the relief of Dr. Juan Federico Antonio Lamas y Parra;

S. 2500. An act for the relief of James A. Todd, Jr.;

S. 2621. An act for the relief of Ioannis A. Vasilopoulos and Chester (Abramczyk) Hill;

S. 2750. An act for the relief of You I. Souk;

S. 2751. An act for the relief of David R. Slemon;

S. 2763. An act for the relief of Dr. Marcial Alfredo Marti Prieto (Alfredo Marti);

S. 2798. An act for the relief of CWO Glen Zeigler, U.S. Navy, retired;

S. 2801. An act for the relief of Helena Gilbert Maddagiri and Heather Gilbert Maddagiri;

S. 2829. An act to amend section 301(a)(7) of the Immigration and Nationality Act;

S. 2979. An act to extend coverage of the State Technical Services Act of 1965 to the territory of Guam;

S. 3209. An act for the relief of Zofia Zych;

S. 3222. An act for the relief of Dusko Doder;

S. 3230. An act to authorize the Board of Regents of the Smithsonian Institution to negotiate cooperative agreements granting concessions at the National Zoological Park to certain nonprofit organizations and to accept voluntary services of such organizations or of individuals, and for other purposes;

S. 3254. An act to amend sections 2072 and 2112 of title 28, United States Code, with respect to the scope of the Federal rules of civil procedure and to repeal inconsistent legislation;

S. 3258. An act for the relief of Deniz Hikmet Sen Manes;

S. 3318. An act for the relief of Yung Mi Kim;

S. 3358. An act for the relief of Theodora Bezates;

S. 3391. An act to amend the Shipipng Act, 1916, as amended, to authorize exemption from the provisions of the act;

S. 3466. An act to change the name of the Rolla Jewel Bearing Plant at Rolla, N. Dak., to the William Langer Jewel Bearing Plant;

S. 3488. An act to grant the consent of Congress for the States of Virginia and Maryland and the District of Columbia to amend the Washington metropolitan area transit regulation compact to establish an organization empowered to provide transit facilities in the National Capital region and for other purposes and to enact said amendment for the District of Columbia; and

S. 3675. An act to amend title V of the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of nationals of the United States against the Chinese Communist regime.

On November 7, 1966:

S. 2338. An act to authorize the erection of a memorial in the District of Columbia to Gen. John J. Pershing; and

S. 3389. An act to provide for the establishment of the Joseph H. Hirshhorn Museum and Sculpture Garden, and for other purposes.

On November 8, 1966:

S. 688. An act to amend title III of the Bankhead-Jones Farm Tenant Act, as amended, to provide for additional means and measures for land conservation and land utilization, and for other purposes; and

S.J. Res. 167. Joint resolution to enable the United States to organize and hold an International Conference on Water for Peace in the United States in 1967 and authorize an appropriation therefor.

On November 9, 1966:

S. 3887. An act to amend title 10, United States Code, to permit persons from countries friendly to the United States to receive instruction at the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy, and for other purposes.

On November 10, 1966:

S. 195: An act for the relief of Sunnyside Seed Farms;

S. 1319. An act to authorize a work release program for persons sentenced by the courts of the District of Columbia; to define the powers and duties in relation thereto, and for other purposes.

S. 1661. An act for the relief of Samuel C. Neiburg; and

S. 2893. An act to amend section 208(c) to provide that certificates issued to motor common carriers of passengers pursuant to future applications shall not confer, as an incident to the grant of regular route authority, the right to transport special or chartered parties.

On November 11, 1966:

S. 2770. An act to amend title 18 of the United States Code so as to prohibit the use of likenesses of the great seal of the United States falsely to indicate Federal agency, sponsorship, or approval.

## GEOTHERMAL STEAM ACT OF 1966—MEMORANDUM OF DISAPPROVAL

On November 15, 1966, the Secretary of the Senate received from the President of the United States the following memorandum of disapproval on Senate bill S. 1674, the Geothermal Steam Act of 1966:

MEMORANDUM OF DISAPPROVAL ON S. 1674

I am withholding my approval from the Geothermal Steam Act of 1966.

I am taking this action because many of the principles embodied in the bill violate the public interest.

Geothermal steam is produced by the internal heat of the earth. It is well known to every schoolchild in America under other names. Old Faithful at Yellowstone is one example of a geothermal steam spring.

We know very little about how extensive or valuable our geothermal resources are. They may be an inexhaustible supply of energy. Today, for example, the

steam from a single geothermal spring is generating enough electricity to serve a community of 50,000 people. Geothermal springs may also hold untapped mineral wealth—such as gold, lithium, and silver.

These circumstances dictate a policy of prudence and reason in the leasing of Federal lands to develop this resource.

S. 1674 does just the opposite.

It ignores the basic lessons we have learned much to our sorrow—that our natural resources are priceless treasures which must be developed with wisdom and foresight.

The bill is flawed by six major provisions which run counter to sound public policy:

First. It provides for unfair and unlimited "grandfather" rights. The holders of mineral or mining leases on Federal lands as of September 7, 1965, would be automatically entitled to convert them into geothermal leases. This amounts to a free gift of valuable public property rights to these developers, and gives them an undue advantage over other prospective developers.

Second. It provides for maximum leases of 51,200 acres—an area four times greater than our experts say is needed for economical development. This could result in a single developer monopolizing the geothermal resources of entire States.

Third. It provides that royalties are payable only on steam "sold or utilized." This could encourage the wanton waste of a precious natural asset.

Fourth. It fails to provide specific and clear authority for the Government to readjust the lease terms and conditions at suitable intervals. The public deserves this protection because we still know so little about our geothermal resources.

Fifth. It provides for perpetual leases to the developer if steam is produced in commercial quantities. As a result, future generations of Americans will have lost their stake in the formulation of policies for a natural resource which may be inexhaustible, and whose potential we are only beginning to appreciate.

Sixth. It gives the developer 20 years in which to begin production. Our scientists and engineers say that this is too long a period and will encourage speculation.

In short, I have withheld my approval because this bill does not sufficiently protect the interests of the American people.

If these were only technical flaws in a measure providing for the necessary development of geothermal energy, I would gladly sign the bill. For I believe we must move vigorously to make use of this promising national asset.

But they are more than technical flaws. They represent a serious failure to protect the people's interest.

When we consider landmark legislation of this sort, dealing with a vast and little-known natural resource, we must remember that we are acting—not just for today or 5 years from today—but for decades to come. Once we have given away the people's interest in the wealth of their land, we cannot easily retrieve what has been lost. We must understand that we are trustees for 200 million Americans. All that we do must protect their interest—and the interest of their children and grandchildren—in the rich legacy with which nature has endowed us.

This bill does not do that. And because it does not, I will not give it my approval.

This does not mean we should delay the development and use of these resources. Wise and prudent trustees do not lose opportunities to increase the value of the estate they manage. But we must assure ourselves that we have first protected the people's interest before we make our geothermal springs available for productive development.

I have directed the Secretary of the Interior and the Acting Attorney General to prepare a new proposal to accomplish our objectives—one that eliminates the pitfalls of the present bill.

Next year we will ask Congress for legislation to transform the potential of this national treasure into a reality. We will ask for legislation that will protect the public interest, encourage economic and efficient development with a fair and just return to the developer, and conserve the benefits of that development in coming generations. When that legislation comes before me, I shall sign it enthusiastically.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *November 14, 1966.*

## CONFIRMATIONS

Executive nominations confirmed by the Senate October 22, 1966:

### POSTMASTERS

#### ARKANSAS

Thomas R. Holiman, Donaldson.
Roy L. Riales, Sr., Mena.

#### CALIFORNIA

Richard L. Waterbury, Gridley.

#### GEORGIA

Jerry E. Byers, Demorest.
Billy M. Daniell, Mableton.

#### ILLINOIS

Ernest Bickhaus, Jr., Quincy.

#### INDIANA

Edward P. Nonnweiler, Velpen.

#### KENTUCKY

Robert G. Hill, Florence.
Wendel R. Bridges, Morning View.

#### LOUISIANA

Kirby Allen, Clarks.

#### MASSACHUSETTS

Francis J. Morrison, Dalton.

#### MINNESOTA

Raymond H. Salzwedel, Lakefield.
Richard W. Brust, Olivia.
Gladys C. Johnson, Strandquist.

#### MISSISSIPPI

Isaac H. Whiteside, Ashland.

#### NEW JERSEY

Evelyn L. Bea, Dayton.
Joseph Sorelle, Glassboro.

#### NEW YORK

Gordon F. Hack, Beaver Falls.
Arlene H. Lockwood, Corbettsville.
Charles H. Knox, Copake.
John J. Lenhart, Hempstead.
Laura E. Maben, Jewett.
Sherman D. Dowie, Mexico.
Theodore A. Barkley, Salem.

#### PENNSYLVANIA

Ethel V. Zoltani, Conway.
Clifford P. Wenhold, Milford Square.
Richard J. Evans, Peckville.
Thomas V. Simonetti, Susquehanna.
Ann R. Daily, Wallingford.
Henry C. Slaczka, Wilmerding.

#### SOUTH CAROLINA

James R. Bennett, Blackstock.
Essie M. Eller, Hickory Grove.

#### SOUTH DAKOTA

Milton B. Severyn, Vivian.

#### TEXAS

Frank W. Hardesty, Big Spring.
Lowell C. Shuler, Bonham.
Wayne I. Burk, Dodd City.
August E. Hooge, Poteet.
William P. Smith, Queen City.
Maybelle J. Larsen, Rock Island.

#### WASHINGTON

Cleve R. Martin, Kettle Falls.

#### WEST VIRGINIA

Emmett A. Adler, Follansbee.

### MISSISSIPPI RIVER COMMISSION

Maj. Gen. Robert George MacDonnell, XXXXXX U.S. Army, to be a member and President of the Mississippi River Commission, under the provisions of section 2 of an act of Congress approved June 28, 1879 (21 Stat. 37; 33 U.S.C. 642).

### NATIONAL HIGHWAY SAFETY AGENCY

William Haddon, Jr., or New York, to be Administrator, National Highway Safety Agency.

### INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Emmett J. Rice, of New York, to be U.S. Alternate Executive Director of the International Bank for Reconstruction and Development for a term of 2 years and until his successor has been appointed.

### U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Samuel De Palma, of Maryland, a Foreign Service officer of class 1, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

### DEPARTMENT OF STATE

Robert G. Neumann, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Afghanistan.

### UNESCO REPRESENTATIVES

Charles Frankel, of New York, to be Representative of the United States of America to the 14th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

William Benton, of Connecticut, to be Representative of the United States of America to the 14th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

Thomas F. Malone, of Connecticut, to be Representative of the United States of America to the 14th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

Nan Tucker McEvoy, of the District of Columbia, to be Representative of the United States of America to the 14th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

Joseph R. Smiley, of Colorado, to be Representative of the United States of America to the 14th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

Fredric R. Mann, of Pennsylvania, to be Alternate representative of the United States of America to the 14th session of the General

Conference of the United Nations Educational, Scientific, and Cultural Organization.

Patrick E. Haggerty, of Texas, to be Alternate representative of the United States of America to the 14th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

Whitney M. Young, Jr., of New York, to be Alternate representative of the United States of America to the 14th session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization.

# HOUSE OF REPRESENTATIVES

SATURDAY, OCTOBER 22, 1966

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*The Lord will give strength unto His people; the Lord will bless His people with peace.*—Psalm 29: 11.

Our Father God, grant us Thy peace as we begin to tread our homeward way—peace in our own hearts, peace in our homes, peace in our Nation and in our world. Bless Thou our President as he visits countries in Asia seeking this peace. Grant unto him, and all who meet with him, the sense of Thy presence and the power of Thy spirit. Out of these endeavors may there come a greater peace to our planet and an increasing desire and determination to live together in greater harmony and finer accord.

May we meet the pressures of this present period with courage and faith through the presence of Thy spirit living in our hearts. In the Master's name we pray. Amen.

## THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

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

H.R. 2129. An act for the relief of Maria Rossi;

H.R. 3526. For the relief of Dr. Eric J. Lazaro;

H.R. 3531. An act for the relief of Dr. Julio Cesar Muñiz Sotolongo;

H.R. 3536. An act for the relief of George R. Lore;

H.R. 3756. An act for the relief of James S. Kahriman;

H.R. 3879. An act for the relief of Ernest Bulliet;

H.R. 3901. An act for the relief of Miss Elisabeth von Oberndorff;

H.R. 5622. An act for the relief of Dr. Jorge Ignacio Miquel Franca;

H.R. 6115. An act for the relief of Dr. Jose A. G. Mendoza;

H.R. 6226. An act for the relief of Dr. Bienvenido Benach Carreras;

H.R. 6443. An act for the relief of Dr. Antonio U. Catasus;

H.R. 6899. An act for the relief of Dr. Myriam de la Caridad Ares y Fernandez de Bosch;

H.R. 7341. An act for the relief of Dr. Ricardo R. Fuste;

H.R. 8614. An act for the relief of Miss Rajka Soda;

H.R. 9036. An act for the relief of J. M. Pendarvis, Jr.;

H.R. 10253. An act for the relief of Dr. Luis E. Bencomo;

H.R. 10259. An act for the relief of Dr. Allan Baumal;

H.R. 10832. An act for the relief of Gloria Alesna Relampagos;

H.R. 11224. An act for the relief of Dr. Pedro Raphael;

H.R. 11254. An act for the relief of Julieta Gloria Bersamin;

H.R. 11590. An act for the relief of Dr. Jacinta Llorens;

H.R. 11640. An act for the relief of Dr. Juan Antonio Dumois;

H.R. 11952. An act for the relief of Maria Karidakis;

H.R. 11957. An act for the relief of Muriel Williams;

H.R. 12317. An act for the relief of Dr. Augusto J. Fernandez-Conde;

H.R. 12781. An act for the relief of Dr. Mario Orlando Santos-Estevez;

H.R. 12920. An act for the relief of Alexander Francis Saker, doctor of medicine;

H.R. 13101. An act for the relief of Mario P. Navarro, doctor of medicine;

H.R. 14173. An act for he relief of Antonio Barquet Chediak;

H.R. 14984. An act for the relief of Renato Camacho Castro;

H.R. 15488. An act for the relief of Dr. Ali Haji-Morad;

H.R. 16522. An act for the relief of Vicente Fernandez Marino;

H.R. 16610. An act for the relief of Dr. Antonio Rondon Delgado;

H.R. 17376. An act to authorize the disposal of nickel from the national stockpile; and

H.R. 18033. An act for the relief of Dr. Fidel Rodriguez-Cubas.

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

H.R. 3530. An act for the relief of Dr. Miguel Angel Martinez y Corpas;

H.R. 10288. An act for the relief of Dr. Antonio B. Santillano; and

H.R. 13192. An act for the relief of Nermin Demirbag Lavapies.

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate to the bill:

H.R. 14643. An act to provide for the strengthening of American educational resources for international studies and research.

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. 14745) entitled "An act making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1967, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to a bill and a joint resolution of the Senate of the following titles:

S. 3254. An act to amend sections 2072 and 2112 of title 28, United States Code, with respect to the scope of the Federal Rules of Civil Procedure and to repeal inconsistent legislation; and

S.J. Res. 133. Joint resolution designating February of each year as "American History Month."

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

S. 2024. An act for the relief of Louis T. Miller;

S. 2877. An act to amend the Older Americans Act of 1965 in order to provide for a National Community Senior Service Corps;

S. 3301. An act for the relief of Charles Bernstein;

S. 3621. An act for the relief of Timothy Joseph Shea and Elsie Annet Shea; and

S. 3750. An act for the relief of Martha Blankenship.

## TRIBUTES TO CONGRESSMEN

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

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

There was no objection.

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

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

Mr. ARENDS. Could the distinguished gentleman inform the House what the program might be for next week?

Mr. BOGGS. Mr. Speaker, the distinguished gentleman from Illinois, despite the strenuous session he has been through and the fine job he has done, retains his good sense of humor. I congratulate the gentleman.

Mr. ARENDS. I thank the gentleman.

Mr. BOGGS. Mr. Speaker, first I would like to make some remarks about the fact that some of the very distinguished Members of our body who have served here for many years on both sides of the aisle will not be back with us when the 90th Congress convenes. In fact, only fate can determine who will be back and who will not. But we do know some who, either by voluntary retirement or by the fate of the primary system in our country, will not be with us next time. I do not have the full list before me on both sides of the aisle, but I know that includes many distinguished Members of our body.

Looking at the Members to my left, I cannot help but think about the distinguished former Speaker of the House of Representatives, the Honorable JOE MARTIN of Massachusetts.

If my people honor me by returning me here to the 90th Congress, I know of no man I will miss more.

In the years I have been here I have served with JOE MARTIN, as a Member of the House, when he was minority leader and when he was Speaker of the House. He has indeed personified throughout many years of service here the tradition of this great representative body.

There are many others.

I think of JOHN KUNKEL, on the Republican side, who is retiring, and of others who have been defeated in primaries.