wrong, offer indemnification for it, and then take it back in taxes. Bad as the original injustice was, this rivals it.

Mr. KUCHEL. Mr. President, I make these comments and place in the RECORD these insertions tonight so that they will be available to our colleagues next week. I do hope most sincerely that the Senate overwhelmingly and, indeed, I permit myself the hope, by unanimity, will approve the legislation which I have offered, not alone for myself but also on behalf of a number of my colleagues in the Senate—legislation which will prevent insult from being added to injury.

ADJOURNMENT TO 10 O'CLOCK A.M. ON MONDAY NEXT

Mr. KUCHEL. Mr. President, if there is no further business to come before the Senate I move that the Senate stand in adjournment until 10 o'clock on Monday morning next.

The motion was agreed to; and (at 7 o'clock and 43 minutes p.m.) the Senate adjourned, under the previous order, until Monday, August 27, 1962, at 10 o'clock a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 25, 1962:

U.S. DISTRICT JUDGES

E. Avery Crary, of California, to be U.S. district judge for the southern district of California.

Jesse W. Curtis, Jr., of California, to be U.S. district judge for the southern district of California.

HOUSE OF REPRESENTATIVES

MONDAY, AUGUST 27, 1962

The House met at 12 o'clock noon.

Maj. F. M. Gaugh, divisional secretary, North and South Carolina Division, the Salvation Army, Charlotte, N.C., offered the following prayer:

Almighty God, who hast given us this good land for our heritage, we beseech Thee that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless our land and save us from violence, discord, and confusion; from pride and arrogancy; and from every evil way. Endue with the spirit of wisdom those to whom, in Thy name, we entrust the authority of Government that there may be justice and peace, and that through obedience to Thy law we may show forth Thy praise among the nations of the earth; for we ask it through Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Clerk will read the Journal of the last day's proceedings.

The Clerk read as follows:

Journal of the proceedings of Thursday, August 23, 1962.

Mr. WILLIAMS (interrupting the reading of the Journal). Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Will the gentleman withhold the point of order to permit the Chair to receive a message?

Mr. WILLIAMS. I withhold the point of order.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2446. An act to provide that hydraulic brake fluid sold or shipped in commerce for use in motor vehicles shall meet certain specifications prescribed by the Secretary of Commerce;

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

H.R. 5604. An act to amend the acts of May 21, 1926, and January 25, 1927, relating to the construction of certain bridges across the Delaware River, so as to authorize the use of certain funds acquired by the owners of such bridges for purposes not directly related to the maintenance and operation of such bridges and their approaches;

H.R. 10263. An act to authorize the Secretary of the Air Force to adjust the legislative jurisdiction exercised by the United States over lands within Eglin Air Force Base, Fla.;

H.R. 10825. An act to repeal the act of August 4, 1959 (73 Stat. 280);

H.R. 11251. An act to authorize the Secretary of the Army to relinquish to the State of New Jersey jurisdiction over any lands within the Fort Hancock Military Reservation;

H.R. 11721. An act to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946, and to authorize the appropriation of $73 million for that purpose; and

H.R. 12081. An act to authorize the Secretary of the Army to convey certain land and easement interests at Hunter-Liggett Military Reservation for construction of the San Antonio Dam and Reservoir project in exchange for other property.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H.R. 1388. An act for the relief of Tai Ja Lim;

H.R. 5532. An act to amend the Armed Services Procurement Act of 1947;

H.R. 7278. An act to amend the act of June 5, 1952, so as to remove certain restrictions on the real property conveyed to the Territory of Hawaii by the United States under authority of such act;

H.R. 8520. An act to amend the Soil Conservation and Domestic Allotment Act, as amended, to add a new subsection to section 16 to limit financial and technical assistance for drainage of certain wetlands;

H.R. 10743. An act to amend title 38, United States Code, to provide increases in rates of disability compensation, and for other purposes;

H.R. 11257. An act to amend section 815 (art. 15) of title 10, United States Code, relating to nonjudicial punishment and for other purposes; and

H.J. Res. 677. Joint resolution relating to the admission of certain adopted children.

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

H.R. 12648. An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1963, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RUSSELL, Mr. HAYDEN, Mr. ELLENDER, Mr. YOUNG of North Dakota, and Mr. MUNDT to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills, a joint resolution, and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 703. An act to validate the homestead entries of Leo F. Reeves;

S. 1552. An act to amend and supplement the laws with respect to the manufacture and distribution of drugs, and for other purposes;

S. 2421. An act to provide for retrocession of legislative jurisdiction over U.S. Naval Supply Depot, Clearfield, Ogden, Utah;

S. 2950. An act for the relief of Dwijendra Kumar Misra;

S. 2962. An act for the relief of Byung Yong Cho (Alan Cho Gardner) and Moonee Choi (Charlie Gardner);

S. 3085. An act for the relief of Paul Huygelen and Luba A. Huygelen;

S. 3221. An act to provide for the exchange of certain lands in Puerto Rico;

S. 3265. An act for the relief of Despina Anastos (Psyhopeda);

S. 3275. An act for the relief of Anna Sciamanna Misticoni;

S. 3318. An act to provide medical care for certain Coast and Geodetic Survey retired ships' officers and crew members and their dependents, and for other purposes;

S. 3319. An act to extend to certain employees on the Trust Territory of the Pacific Islands the benefits of the Federal Employees' Compensation Act;

S. 3390. An act for the relief of Naife Kahl;

S. 3517. An act to authorize the Secretary of Commerce to establish and carry out a program to promote the flow of domestically produced lumber in commerce;

S. 3628. An act to amend title 10, United States Code, to authorize the appointment of citizens or nationals of the United States from American Samoa, Guam, or the Virgin Islands to the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy;

S.J. Res. 217. Joint resolution making the 17th day of September of each year a legal holiday to be known as "Constitution Day";

S. Con. Res. 84. Concurrent resolution expressing the sense of Congress that arrangements be made for viewing within the United States of certain films prepared by the U.S. Information Agency; and

S. Con. Res. 87. Concurrent resolution authorizing the printing of additional copies of the hearings entitled "Military Cold War Education and Speech Review Policies" and the report thereon.

The message also announced that the Senate agrees to the amendments of the

House to bills of the Senate of the following titles:

S. 538. An act to amend section 205 of the Federal Property and Administrative Services Act of 1949 to empower certain officers and employees of the General Services Administration to administer oaths to witnesses;

S. 981. An act to extend certain authority of the Secretary of the Interior exercised through the Geological Survey of the Department of the Interior, to areas outside the national domain;

S. 1208. An act to amend Public Law 86–506, 86th Congress (74 Stat. 199), approved June 11, 1960;

S. 2008. An act to amend the act of September 16, 1959 (73 Stat. 561, 43 U.S.C. 615a), relating to the construction, operation, and maintenance of the Spokane Valley project;

S. 2399. An act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes;

S. 2916. An act to change the names of the Edison Home National Historic Site and Edison Laboratory National Monument, to authorize the acceptance of donations, and other purposes; and

S. 2973. An act to revise the boundaries of Capulin Mountain National Monument, N. Mex., to authorize acquisition of lands therein, and for other purposes;

S. 3112. An act to add certain lands to the Pike National Forest in Colorado and the Carson National Forest and the Santa Fe National Forest in New Mexico, and for other purposes;

S. 3174. An act to provide for the division of the tribal assets of the Ponca Tribe of Native Americans of Nebraska among the members of the tribe, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 7913) entitled "An act to amend title 10, United States Code, to bring the number of cadets at the U.S. Military Academy and the U.S. Air Force Academy up to full strength," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RUSSELL, Mr. CANNON, and Mr. SALTONSTALL to be the conferees on the part of the Senate.

CALL OF THE HOUSE

The SPEAKER. The gentleman from Mississippi makes the point of order that a quorum is not present.

Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 197]

Adair	Cunningham	Kearns
Alford	Curtis, Mass.	Kilburn
Andersen, Minn.	Davis, James C.	Kitchin
Arends	Dawson	McDowell
Ashley	Diggs	McMillan
Baring	Dominick	McSween
Bass, N.H.	Dooley	McVey
Berry	Ellsworth	Macdonald
Blatnik	Evins	MacGregor
Blitch	Findley	Mason
Bolling	Frazier	Merrow
Boykin	Garland	Monagan
Bromwell	Giaimo	Moore
Cannon	Glenn	Moorehead, Ohio
Coad	Granahan	Morris
Collier	Hall	Morrison
Corman	Hébert	Nedzi
Cramer	Hoffman, Mich.	O'Brien, Ill.
O'Hara, Mich.	Saund	Steed
Osmers	Scherer	Thompson, La.
Peterson	Seely-Brown	Utt
Pilcher	Shelley	Weaver
Pirnie	Sibal	Wilson, Calif.
Powell	Sisk	Wilson, Ind.
Reifel	Smith, Miss.	
Rivers, Alaska	Spence	

The SPEAKER. On this rollcall 359 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

Mr. WILLIAMS. Mr. Speaker, I object.

Mr. ALBERT. Mr. Speaker, I move that further proceedings under the call be dispensed with.

Mr. WILLIAMS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The SPEAKER. The question is on the motion.

Mr. GROSS. Mr. Speaker, I demand a division.

The SPEAKER. The motion is that further proceedings under the call be dispensed with.

The question was taken; and there were—ayes 111, noes 32.

Mr. WILLIAMS. Mr. Speaker, I object to the vote on the ground a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 298, nays 65, not voting 73, as follows:

[Roll No. 198]

YEAS—298

Addabbo	Carey	Garmatz
Albert	Casey	Gavin
Anderson, Ill.	Cederberg	Gilbert
Anfuso	Celler	Gonzalez
Ashbrook	Chamberlain	Goodell
Aspinall	Chelf	Goodling
Auchincloss	Chenoweth	Gray
Avery	Chiperfield	Green, Oreg.
Ayres	Church	Green, Pa.
Bailey	Clancy	Griffin
Baker	Clark	Griffiths
Baldwin	Cohelan	Gross
Barrett	Conte	Hagen, Calif.
Barry	Cook	Haley
Bass, Tenn.	Corbett	Halleck
Bates	Curtin	Halpern
Battin	Curtis, Mo.	Hansen
Becker	Dague	Harding
Beermann	Daniels	Harrison, Wyo.
Belcher	Davis, Tenn.	Harsha
Bell	Delaney	Harvey, Ind.
Bennett, Fla.	Dent	Harvey, Mich.
Bennett, Mich.	Denton	Hays
Berry	Derounian	Healey
Betts	Derwinski	Hechler
Boggs	Devine	Herlong
Boland	Dingell	Hiestand
Bolton	Dole	Hoeven
Bonner	Doyle	Hoffman, Ill.
Bow	Dulski	Holifield
Brademas	Durno	Holland
Bray	Dwyer	Hosmer
Breeding	Edmondson	Hull
Brewster	Fallon	Inouye
Bromwell	Farbstein	Jarman
Brooks, Tex.	Fascell	Jennings
Broomfield	Feighan	Jensen
Brown	Fenton	Joelson
Bruce	Finnegan	Johansen
Buckley	Fino	Johnson, Calif.
Burke, Ky.	Fogarty	Johnson, Md.
Burke, Mass.	Ford	Johnson, Wis.
Burleson	Frelinghuysen	Jonas
Byrne, Pa.	Friedel	Jones, Mo.
Byrnes, Wis.	Fulton	Judd
Cahill	Gallagher	Karsten
Karth	Morgan	Ryan, Mich.
Kastenmeier	Morse	Ryan, N.Y.
Kearns	Mosher	St. George
Kee	Moss	St. Germain
Keith	Moulder	Santangelo
Kelly	Multer	Saylor
Keogh	Murphy	Schadeberg
Kilgore	Natcher	Schenck
King, Calif.	Nedzi	Schneebeli
King, N.Y.	Nelsen	Schweiker
King, Utah	Nix	Schwengel
Kirwan	Norblad	Scranton
Kluczynski	Nygaard	Sheppard
Kowalski	O'Brien, N.Y.	Shipley
Kunkel	O'Hara, Ill.	Short
Kyl	O'Hara, Mich.	Shriver
Laird	O'Konski	Siler
Lane	Olsen	Slack
Langen	O'Neill	Smith, Iowa
Lankford	Ostertag	Springer
Latta	Patman	Stafford
Lesinski	Pelly	Steed
Libonati	Perkins	Stratton
Lindsay	Pfost	Stubblefield
Lipscomb	Philbin	Sullivan
Loser	Pike	Teague, Calif.
McCulloch	Pillion	Thomas
McDonough	Poage	Thompson, N.J.
McFall	Price	Thomson, Wis.
McIntire	Pucinski	Thornberry
McSween	Purcell	Toll
Mack	Quie	Tollefson
Madden	Randall	Tupper
Magnuson	Ray	Udall, Morris K.
Mahon	Reece	Ullman
Mailliard	Reifel	Vanik
Marshall	Reuss	Van Pelt
Martin, Mass.	Rhodes, Ariz	Van Zandt
Martin, Nebr.	Rhodes, Pa.	Wallhauser
Mason	Riehlman	Walter
Mathias	Rivers, Alaska	Watts
May	Roberts, Tex.	Weis
Meader	Robison	Westland
Michel	Rodino	Whalley
Miller, Clem	Rogers, Colo.	Wharton
Miller, George P.	Rogers, Fla.	Wickersham
Miller, N.Y.	Rooney	Widnall
Milliken	Roosevelt	Wright
Minshall	Rosenthal	Yates
Moeller	Rostenkowski	Young
Montoya	Roudebush	Younger
Moore	Roush	Zablocki
Moorhead, Pa.	Rousselot	Zelenko
	Rutherford	

NAYS—65

Abbitt	Gathings	Rivers, S.C.
Abernethy	Grant	Roberts, Ala.
Alexander	Hagan, Ga.	Rogers, Tex.
Alger	Hardy	Scott
Andrews	Harris	Selden
Ashmore	Harrison, Va.	Sikes
Beckworth	Hemphill	Smith, Va.
Broyhill	Henderson	Stephens
Colmer	Horan	Taber
Cooley	Huddleston	Taylor
Davis, John W.	Jones, Ala.	Teague, Tex.
Dorn	Kornegay	Thompson, Tex.
Dowdy	Landrum	Trimble
Downing	Lennon	Tuck
Elliott	Matthews	Vinson
Everett	Mills	Waggonner
Fisher	Murray	Whitener
Flynt	Norrell	Whitten
Forrester	Passman	Williams
Fountain	Poff	Willis
Frazier	Rains	Winstead
Gary	Riley	

NOT VOTING—73

Adair	Donohue	Moorehead, Ohio
Alford	Dooley	Morris
Andersen, Minn.	Ellsworth	Morrison
Arends	Evins	O'Brien, Ill.
Ashley	Findley	Osmers
Baring	Flood	Peterson
Bass, N.H.	Garland	Pilcher
Blatnik	Giaimo	Pirnie
Blitch	Glenn	Powell
Bolling	Granahan	Saund
Boykin	Gubser	Scherer
Cannon	Hall	Seely-Brown
Coad	Hébert	Shelley
Collier	Hoffman, Mich.	Sibal
Corman	Ichord, Mo.	Sisk
Cramer	Kilburn	Smith, Calif.
Cunningham	Kitchin	Smith, Miss.
Curtis, Mass.	Knox	Spence
Daddario	McDowell	Staggers
Davis, James C.	McMillan	Thompson, La.
Dawson	McVey	Utt
Diggs	Macdonald	Weaver
Dominick	MacGregor	Wilson, Calif.
	Merrow	Wilson, Ind.
	Monagan	

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Cramer for, with Mr. Utt against.

Until further notice:

Mr. Hébert with Mr. Bass of New Hampshire.
Mr. Powell with Mr. MacGregor.
Mr. Morrison with Mr. Pirnie.
Mr. Alford with Mr. Glenn.
Mr. Evins with Mr. Adair.
Mr. Monagan with Mr. Collier.
Mr. Kitchin with Mr. Dominick.
Mr. McDowell with Mr. Cunningham.
Mr. Peterson with Mr. Findley.
Mr. McMillan with Mr. Moorehead of Ohio.
Mr. Flood with Mr. Kilburn.
Mr. Ashley with Mr. Andersen of Minnesota.
Mr. Macdonald with Mr. Wilson of California.
Mr. Giaimo with Mr. Seely-Brown.
Mr. Staggers with Mr. Arends.
Mr. Blatnik with Mr. Osmers.
Mr. Granahan with Mr. Dooley.
Mr. O'Brien of Illinois with Mr. Knox.
Mr. Morris with Mr. Smith of California.
Mr. Bolling with Mr. Ellsworth.
Mr. Sisk with Mr. Wilson of Indiana.
Mr. Ichord of Missouri with Mr. Gubser.
Mr. Shelley with Mr. Scherer.
Mr. Daddario with Mr. Weaver.
Mr. Corman with Mr. Sibal.
Mr. James C. Davis with Mr. Merrow.
Mr. Diggs with Mr. Garland.
Mr. Baring with Mr. Curtis of Massachusetts.
Mr. Donohue with Mr. Hall.
Mr. Dawson with Mr. McVey.
Mr. Cannon with Mr. Hoffman of Michigan.

The doors were opened.

The SPEAKER. The Clerk will proceed with the reading of the Journal of the preceding session.

Mr. WILLIAMS. Mr. Speaker, I demand that the Journal be read in full.

The SPEAKER. The Clerk will read the Journal in full.

The Clerk continued with the reading of the Journal.

Mr. WILLIAMS (interrupting reading of the Journal). Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Seventy-eight Members are present, not a quorum.

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

A call of the House was ordered.

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

[Roll No. 199]

Adair	Dominick	McVey
Alford	Donohue	Macdonald
Andersen, Minn.	Dooley	MacGregor
	Ellsworth	Mason
Arends	Evins	Meader
Ashley	Findley	Merrow
Baring	Fisher	Monagan
Bass, N.H.	Flood	Moorehead, Ohio
Blatnik	Garland	
Blitch	Giaimo	Morris
Bolling	Glenn	Morrison
Boykin	Granahan	O'Brien, Ill.
Cannon	Gubser	Osmers
Clark	Hall	Peterson
Coad	Harris	Pfost
Collier	Hébert	Pilcher
Corman	Hoffman, Mich.	Pirnie
Cramer	Ichord	Powell
Cunningham	Johnson, Calif.	Purcell
Curtis, Mass.	Kilburn	Saund
Daddario	Kitchin	Scherer
Davis, James C.	Knox	Scely-Brown
Dawson	McDowell	Sibal
Diggs	McMillan	Sisk
Smith, Miss.	Thompson, La.	Weaver
Spence	Tuck	Wilson, Calif.
Teague, Tex.	Utt	Wilson, Ind.

The SPEAKER. On this rollcall, 356 Members have answered to their names, a quorum.

Mr. WILLIAMS. Mr. Speaker, I object to dispensing with further proceedings under the call of the House.

Mr. ALBERT. Mr. Speaker, I move that further proceedings under the call of the House be dispensed with.

The SPEAKER. The question is on the motion.

Mr. WILLIAMS. Mr. Speaker, I move to lay that motion on the table.

Mr. ALBERT. Mr. Speaker, I make the point of order that the motion to lay on the table is not in order.

The SPEAKER. The motion to dispense with further proceedings under the call is not debatable and not subject to amendment and, therefore, the motion to lay on the table is not in order.

The question is on the motion to dispense with further proceedings under the call.

The question was taken.

Mr. WILLIAMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and twenty-six Members are present, a quorum.

Mr. WILLIAMS. Mr. Speaker, I demand a division.

The House divided and there were—ayes 146, noes 19.

Mr. WILLIAMS. I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair just counted 226, but the Chair will count again. [After counting.] Two hundred and nineteen Members are present, a quorum.

Mr. WILLIAMS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the motion was agreed to.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On August 20, 1962:

H.R. 12547. An act to amend the act of August 7, 1946, relating to the District of Columbia hospital center, to extend the time during which appropriations may be made for the purposes of that act.

On August 24, 1962:

H.R. 23. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Arbuckle reclamation project, Oklahoma, and for other purposes;

H.R. 2139. An act for the relief of Suraj Din;

H.R. 2176. An act for the relief of Salvatore Mortelliti;

H.R. 3127. An act for the relief of Amrik S. Warich;

H.R. 3507. An act to provide for the withdrawal and reservation for the Departments of the Air Force and the Navy of certain public lands of the United States at Luke-Williams Air Force Range, Yuma, Ariz., for defense purposes;

H.R. 3508. An act to amend the Tariff Act of 1930, as amended;

H.R. 4449. An act to amend paragraph 1774 of the Tariff Act of 1930 with respect to the importation of certain articles for religious purposes;

H.R. 5139. An act for the relief of Helena M. Grover;

H.R. 6219. An act to permit the vessel *Bar-Ho IV* to be used in the coastwise trade;

H.R. 6456. An act to permit the tugs *John Roen, Jr.*, and *Steve W.* to be documented for use in the coastwise trade;

H.R. 7549. An act for the relief of Lewis Invisible Stitch Machine Co., Inc., now known as Lewis Sewing Machine Co.;

H.R. 7741. An act to permit the vessel *Lucky Linda* to be documented for limited use in the coastwise trade;

H.R. 8100. An act to amend section 109 of the Federal Property and Administrative Services Act of 1949, as amended, relative to the general supply fund;

H.R. 8168. An act to admit the oil screw tugs *Barbara, Ivalee, Lydia,* and *Alice* and the barges *Florida, DB–8, No. 220,* and *No. 235* to American registry and to permit their use in the coastwise trade while they are owned by Standard Dredging Corp., a New Jersey corporation;

H.R. 10276. An act to change the name of the Petersburg National Military Park, to provide for acquisition of a portion of the Five Forks Battlefield, and for other purposes;

H.R. 10308. An act for the relief of Elizabeth A. Johnson;

H.R. 10852. An act to continue for a temporary period the existing suspension of duties on certain classifications of spun silk yarn, and to provide for the free entry of a towing carriage for the use of the Virginia Polytechnic Institute;

H.R. 10928. An act to transfer casein or lacterene to the free list of the Tariff Act of 1930;

H.R. 11400. An act to continue for 2 years the existing suspension of duties on certain lathes used for shoe last roughing or for shoe last finishing;

H.R. 11405. An act to provide for the maintenance and repair of Government improvements under concession contracts entered into pursuant to the act of August 25, 1916 (39 Stat. 535), as amended, and for other purposes;

H.R. 11643. An act to amend sections 216(c) and 305(b) of the Interstate Commerce Act, relating to the establishment of through routes and joint rates;

H.R. 12355. An act to amend the law relating to the final disposition of the Choctaw Tribe; and

H.J. Res. 439. Joint resolution authorizing the State of Arizona to place in the Statuary Hall collection at the U.S. Capitol the statue of Eusebio Francisco Kino.

The SPEAKER. The Clerk will proceed with the reading of the Journal.

The Clerk continued the reading of the Journal.

CALL OF THE HOUSE

Mr. RIVERS of South Carolina (interrupting the reading of the Journal). Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred and eighty-four Members are present, not a quorum.

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

A call of the House was ordered.

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

[Roll No. 200]

Adair	Findley	Moorehead, Ohio
Alford	Fisher	Morris
Andrews	Garland	Morrison
Ashley	Glenn	Moulder, Mo.
Bass, N.H.	Goodell	Norblad
Blatnik	Granahan	O'Brien, Ill.
Blitch	Hall	Osmers
Bolling, Mo.	Halleck	Peterson
Boykin	Hardy	Pilcher
Cannon	Harris	Powell
Celler	Harsha	Saund
Coad	Hébert	Scherer
Collier	Henderson	Seely-Brown
Corman	Hiestand	Shelley
Cramer	Hoffman, Ill.	Sisk
Curtin	Hoffman, Mich.	Smith, Miss.
Curtis, Mass.	Jarman	Smith, Va.
Davis, James C.	Kearns	Spence
Dawson	Kilburn	Stratton
Diggs	Kitchin	Thompson, La.
Dominick	McDowell	Utt
Donohue	McMillan	Weaver
Dooley	McVey	Widnall
Edmondson	Macdonald	Wilson, Calif.
Ellsworth	Mason	Wilson, Ind.
Evins	Merrow	

The SPEAKER. Three hundred and sixty Members are present, a quorum.

Without objection, further proceedings under the call will be dispensed with.

Mr. DOWDY. Mr. Speaker, I object.

Mr. ALBERT. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DOWDY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety-two Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken and there were—yeas 312, nays 62, not voting 62, as follows:

[Roll No. 201]

YEAS—312

Addabbo	Brewster	Daddario
Albert	Bromwell	Dague
Anderson, Ill.	Brooks, Tex.	Daniels
Anfuso	Broomfield	Davis, Tenn.
Ashbrook	Brown	Delaney
Aspinall	Broyhill	Dent
Auchincloss	Bruce	Denton
Avery	Buckley	Derounian
Ayres	Burke, Ky.	Derwinski
Bailey	Burke, Mass.	Devine
Baker	Burleson	Dingell
Baldwin	Byrne, Pa.	Dole
Barrett	Byrnes, Wis.	Doyle
Barry	Cahill	Dulski
Bass, Tenn.	Carey	Durno
Bates	Casey	Dwyer
Battin	Cederberg	Edmondson
Becker	Celler	Fallon
Beermann	Chamberlain	Farbstein
Belcher	Chelf	Fascell
Bell	Chenoweth	Feighan
Bennett, Fla.	Chiperfield	Fenton
Bennett, Mich.	Church	Finnegan
Berry	Clancy	Fino
Betts	Clark	Fisher
Boggs	Cohelan	Flood
Boland	Conte	Fogarty
Bolton	Cook	Ford
Bonner	Cooley	Frelinghuysen
Bow	Corbett	Friedel
Brademas	Corman	Fulton
Bray	Curtin	Gallagher
Breeding	Curtis, Mo.	Garmatz
Gavin	Loser	Robison
Giaimo	McCulloch	Rodino
Gilbert	McDonough	Rogers, Colo.
Gonzalez	McFall	Rogers, Fla.
Goodell	McIntire	Rooney
Goodling	McSween	Roosevelt
Gray	MacGregor	Rosenthal
Green, Oreg.	Mack	Rostenkowski
Green, Pa.	Madden	Roudebush
Griffin	Magnuson	Roush
Griffiths	Mahon	Rousselot
Gross	Mailliard	Rutherford
Gubser	Marshall	Ryan, Mich.
Hagen, Calif.	Martin, Mass.	Ryan, N.Y.
Haley	Martin, Nebr.	St. George
Halleck	Mathias	St. Germain
Halpern	May	Santangelo
Hansen	Meader	Saylor
Harding	Michel	Schadeberg
Harrison, Wyo.	Miller, Clem	Schenck
Harsha	Miller, George P.	Schneebelli
Harvey, Ind.	Miller, N.Y.	Schweiker
Harvey, Mich.	Milliken	Schwengel
Hays	Minshall	Scranton
Healey	Moeller	Sheppard
Hechler	Monagan	Shipley
Herlong	Montoya	Short
Hiestand	Moore	Shriver
Hoeven	Moorhead, Pa.	Sibal
Hoffman, Ill.	Morgan	Siler
Holland	Morse	Slack
Hosmer	Mosher	Smith, Calif.
Hull	Moss	Smith, Iowa
Ichord, Mo.	Moulder	Springer
Inouye	Multer	Stafford
Jarman	Murphy	Staggers
Jennings	Natcher	Steed
Jensen	Nedzi	Stratton
Joelson	Nelsen	Stubblefield
Johansen	Nix	Sullivan
Johnson, Calif.	Norblad	Teague, Calif.
Johnson, Md.	Nygaard	Thomas
Johnson, Wis.	O'Brien, N.Y.	Thompson, N.J.
Jonas	O'Hara, Ill.	Thompson, Tex.
Jones, Mo.	O'Hara, Mich.	Thomson, Wis.
Judd	O'Konski	Thornberry
Karsten	Olsen	Toll
Karth	O'Neill	Tollefson
Kastenmeier	Ostertag	Tupper
Kee	Patman	Udall, Morris K.
Keith	Pelly	Ullman
Kelly	Perkins	Vanik
Keogh	Pfost	Van Pelt
Kilgore	Philbin	Van Zandt
King, Calif.	Pike	Wallhauser
King, N.Y.	Pirnie	Walter
King, Utah	Poage	Watts
Kirwan	Price	Weaver
Kluczynski	Pucinski	Weis
Knox	Purcell	Westland
Kowalski	Quie	Whalley
Kunkel	Randall	Wharton
Kyl	Ray	Wickersham
Laird	Reece	Widnall
Lane	Reifel	Wright
Langen	Reuss	Yates
Lankford	Rhodes, Ariz.	Young
Latta	Rhodes, Pa.	Younger
Lesinski	Riehlman	Zablocki
Libonati	Rivers, Alaska	Zelenko
Lindsay	Roberts, Tex.	
Lipscomb		

NAYS—62

Abbitt	Gathings	Rivers, S.C.
Abernethy	Grant	Roberts, Ala.
Alexander	Hagan, Ga.	Rogers, Tex.
Alford	Hardy	Scott
Alger	Harris	Selden
Andrews	Hemphill	Sikes
Ashmore	Henderson	Smith, Va.
Beckworth	Horan	Stephens
Boykin	Huddleston	Taber
Colmer	Jones, Ala.	Taylor
Davis, John W.	Kornegay	Teague, Tex.
Dorn	Landrum	Trimble
Dowdy	Lennon	Tuck
Downing	Matthews	Vinson
Elliott	Mills	Waggonner
Everett	Murray	Whitener
Flynt	Norrell	Whitten
Forrester	Passman	Williams
Fountain	Poff	Willis
Frazier	Rains	Winstead
Gary	Riley	

NOT VOTING—62

Adair	Cannon	Dominick
Andersen, Minn.	Coad	Donohue
Arends	Collier	Dooley
Ashley	Cramer	Ellsworth
Baring	Cunningham	Evins
Bass, N.H.	Curtis, Mass.	Findley
Blatnik	Davis, James C.	Garland
Blitch	Dawson	Glenn
Bolling	Diggs	Granahan
Harrison, Va.	Merrow	Scherer
Hébert	Moorehead, Ohio	Seely-Brown
Hoffman, Mich.	Morris	Shelley
Holifield	Morrison	Sisk
Kearns	O'Brien, Ill.	Smith, Miss.
Kilburn	Osmers	Spence
Kitchin	Peterson	Thompson, La.
McDowell	Pilcher	Utt
McMillan	Pillion	Wilson, Calif.
McVey	Powell	Wilson, Ind.
Macdonald	Saund	
Mason		

So the motion was agreed to.

The Clerk announced the following pairs:

Mr. Powell with Mr. Adair.
Mr. Hébert with Mr. Moorehead of Ohio.
Mr. Cannon with Mr. Glenn.
Mr. Evins with Mr. Cramer.
Mr. Pilcher with Mr. Garland.
Mr. Holifield with Mr. Arends.
Mr. Shelley with Mr. Kilburn.
Mr. Peterson with Mr. Collier.
Mr. Saund with Mr. Seely-Brown.
Mr. Morrison with Mr. Wilson of California.
Mr. Kitchin with Mr. Dooley.
Mr. O'Brien of Illinois with Mr. Findley.
Mr. Diggs with Mr. Osmers.
Mr. Macdonald with Mr. Utt.
Mr. Ashley with Mr. Bass of New Hampshire.
Mr. McMillan with Mr. Hall.
Mr. Donohue with Mr. Cunningham.
Mrs. Granahan with Mr. Ellsworth.
Mr. Dawson with Mr. Wilson of Indiana.
Mr. Morris with Mr. Andersen of Minnesota.
Mr. James C. Davis with Mr. McVey.
Mr. Bolling with Mr. Dominick.
Mr. Sisk with Mr. Merrow.
Mr. Baring with Mr. Kearns.
Mr. Thompson of Louisiana with Mr. Curtis of Massachusetts.
Mr. McDowell with Mr. Scherer.
Mr. Blatnik with Mr. Pillion.
Mr. Harrison of Virginia with Mr. Mason.
Mr. Spence with Mr. Hoffman of Michigan.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The Clerk will proceed with the reading of the Journal.

The Clerk concluded the reading of the Journal.

The SPEAKER. Without objection the Journal as read will stand approved.

Mr. WILLIAMS. Mr. Speaker, I object.

Mr. ALBERT. Mr. Speaker, I move that the Journal as read stand approved.

The SPEAKER. The question is on the motion of the gentleman from Oklahoma.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WILLIAMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and nineteen Members are present, a quorum.

So the motion was agreed to.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. CELLER].

QUALIFICATIONS OF ELECTORS

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass Senate

Joint Resolution 29, proposing an amendment to the Constitution of the United States relating to qualifications of electors.

Mr. ABERNETHY. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. ABERNETHY. Mr. Speaker, I make the point of order that this is District Day, that there are District bills on the calendar, and as a member of the Committee on the District of Columbia I respectfully demand recognition so that these bills may be considered.

Mr. ALBERT. Mr. Speaker, may I be heard on the point of order?

The SPEAKER. The Chair is prepared to rule, but the gentleman may be heard.

Mr. ALBERT. Mr. Speaker, by unanimous consent, suspensions were transferred to this day, and under the rules the Speaker has power of recognition at his own discretion.

Mr. ABERNETHY. Mr. Speaker, I respectfully call the attention of the chairman to clause 8, rule XXIV, page 432 of the House Manual, which reads as follows; and I respectfully submit it is a mandatory rule:

> The second and fourth Mondays in each month, after the disposition of motions to discharge committees and after the disposal of such business on the Speaker's table as requires reference only, shall, when claimed by the Committee on the District of Columbia, be set apart for the consideration of such business as may be presented by said committee.

Mr. Speaker, I submit that rule is clear that when the time is claimed and the opportunity is claimed the Chair shall permit those bills to be considered.

Therefore, Mr. Speaker, I respectfully submit my point of order is well taken, and that I should be permitted to call up bills which are now pending on the calendar from the Committee on the District of Columbia.

Mr. SMITH of Virginia. Mr. Speaker. I should like to be heard on the point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. SMITH of Virginia. Mr. Speaker, the rules of the House on some things are very clear, and the rules of the House either mean something or they do not mean anything.

Mr. Speaker, the gentleman from Mississippi [Mr. ABERNETHY], has just called to the Chair's attention clause 8 of rule XXIV. Nothing could be clearer; nothing could be more mandatory. I want to repeat it because I hope the Chair will not fall into an error on this proposition:

> The second and fourth Mondays in each month, after the disposition of motions to discharge committees and after the disposal of such business on the Speaker's table as requires reference only—

And that is all; that is all that you can consider—disposition of motions to discharge committees—

> and after the disposal of such business on the Speaker's table as requires reference only—

That is all that the Chair is permitted to consider.

Mr. Speaker, after that is done the day—

> shall when claimed by the Committee on the District of Columbia, be set apart for the consideration of such business as may be presented by said committee.

Mr. Speaker, I know that the majority leader bases his defense upon the theory that the House having given unanimous consent to hear suspensions on this Monday instead of last Monday when they should have been heard—and I doubt if very many Members were here when that consent order was made and I am quite sure that a great number of them had no notice that it was going to be made, and certainly I did not—now the majority leader undertakes to say that having gotten unanimous consent to consider this motion on this day to suspend the rules, therefore, it gives the Speaker carte blanche authority to do away with the rule which gives first consideration to District of Columbia matters.

Mr. Speaker, there was no waiver of the rule on the District of Columbia. That consent did not dispose or dispense with the business on the District of Columbia day. The rule is completely mandatory. The rule says that on the second and fourth Mondays, if the District of Columbia claims the time, that the Speaker shall recognize them for such dispositions as they desire to call.

The SPEAKER. The Chair is prepared to rule.

Several days ago on August 14 unanimous consent was obtained to transfer the consideration of business under suspension of the rules on Monday last until today. That does not prohibit the consideration of a privileged motion and a motion to suspend the rules today is a privileged motion. The matter is within the discretion of the Chair as to the matter of recognition.

The Chair overrules the point of order.

The Clerk read the resolution (S.J. Res. 29) as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

The SPEAKER. Is a second demanded?

Mr. McCULLOCH. Mr. Speaker, I demand a second.

Mr. SMITH of Virginia. Mr. Speaker, I would like to know if the gentleman qualifies. I believe that the opposition has the right to demand a second.

The SPEAKER. Is the gentleman from Ohio [Mr. McCULLOCH] opposed to the resolution?

Mr. McCULLOCH. Mr. Speaker, I am not opposed to the resolution.

The SPEAKER. The gentleman does not qualify.

Mr. RAY. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. RAY. Mr. Speaker, I am.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from New York [Mr. CELLER] is recognized for 20 minutes.

Mr. CELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our late lamented Speaker, Sam Rayburn, President Kennedy, Vice President Lyndon Johnson, our present Speaker, John McCormack, all have at one time or another inveighed against the poll tax. Both party platforms have repeatedly pledged abolition of the poll tax. For example in the party platforms, the Republicans had the abolition of the poll tax as a platform plank in 1944, 1948, and 1952, as follows:

In 1944:

> The payment of any poll tax should not be a condition of voting in Federal elections, and we favor immediate submission of a constitutional amendment for its abolition.

In 1948:

> We favor the abolition of the poll tax as a requisite to voting.

In 1952:

> We will prove our good faith by * * * Federal action toward the elimination of the poll tax as a prerequisite for voting.

In 1960:

> (1) To continue the vigorous enforcement of civil rights laws to give the right to vote to all citizens in all areas of the country (from party pledge).

Democrat—no specific reference to the poll tax by name in platforms of 1948 and 1952, but it is obviously referred to in the Democratic platform of 1948 in the following manner:

In 1948:

> We call upon the Congress to support our President in guaranteeing the basic and fundamental American principles: (1) the right of full and equal political participation.

In 1952: We find an approval of the removal of the poll tax:

> We favor Federal legislation effectively to secure these rights to everyone: * * * (3) the right to full and equal participation in the Nation's political life, free from arbitrary restraints.

In 1960:

> We will support whatever action is necessary to eliminate literacy tests and the payment of poll taxes as requirements for voting.

I regret that this constitutional amendment is brought up under suspension of the rules with only 40 minutes of debate. I applied for a rule. A rule was not forthcoming. A discharge petition was filed but not processed. Such a

petition is rarely used and has its attendant difficulties if not embarrassments. Hence this suspension of the rules.

In espousing this amendment I regret that I must differ with my esteemed colleagues of the Judiciary Committee, Representatives WILLIS, ASHMORE, FORRESTER, DOWDY, and TUCK. Their opposition is as strong as it is sincere. In this we are as different as Hamlet is from Hercules, as a pig's tail is from the tail of a comet. But remember, democracy's strength lies in differences of opinion and the right to utter them.

The House has passed an antipoll tax bill five times, the Senate twice, including the resolution before you.

Antipoll tax legislation, since 1942, passed by the House in 77th, 78th, 79th, 80th, and 81st Congresses. Debated in the Senate during each of these Congresses but passed by the Senate only during 86th and 87th.

No bills passed by either House or Senate—82d through the 85th.

In each instance the bill which passed the House contemplated Federal legislation to prevent a poll tax prerequisite to voting in Federal elections. No such bill was passed by the Senate and at least one—H.R. 7, 78th Congress—was prevented from coming to a vote through filibuster.

Only time it passed the Senate was during the 86th Congress, and that took the form of constitutional amendment.

Seventy-seventh Congress, H.R. 1024: Passed the House on October 13, 1942, 254 to 84. Reported in Senate and debated in Senate.

Seventy-eighth Congress, H.R. 7: Passed House May 25, 1943, 265 to 110. Senate filibustered and cloture vote defeated 36 to 44.

Seventy-ninth Congress, H.R. 7: Motion to discharge the Committee on Rules from further consideration was adopted by 224 to 95; H.R. 7 passed the House June 12, 1945, 251 to 105. Debated in Senate but no action taken.

Eightieth Congress, H.R. 29: Passed House 290 to 112 on July 21, 1947. Reported and debated in the Senate.

Eighty-first Congress, H.R. 3199: Passed House July 26, 1949, by 273 to 116.

Eighty-sixth Congress, Senate Joint Resolution 39: Passed Senate February 2, 1960, 72 to 16—constitutional amendment. By vote of 50 to 37 Holland motion to table JAVITS' amendment by statute on February 2, 1960. House reported measure after deleting antipoll tax portion on May 31, 1960.

Eighty-seventh Congress, Senate Joint Resolution 29: Passed Senate March 27, 1962—voice vote. JAVITS' amendment defeated March 27, 59 to 34, and resolution itself passed Senate by vote of 77 to 16.

Only five States maintain poll taxes—Alabama, Arkansas, Mississippi, Texas, and Virginia. Here is how it operates in those States.

Alabama: Poll tax of $1.50 for persons over 21 and under 45. Maximum such requirement, including arrears, is a payment of $3—or for 2 years. Must be paid by February 1, next preceding the election, all poll taxes due from him for the last 2 years.

Arkansas: Poll tax of $1. Tax must be paid on or before October 1 preceding the election.

Mississippi: $2 per year, poll tax. Must be paid on or before February 1 of that election year in which he wishes to vote. Must have proof of payment for 2 preceding years.

Texas: $1.50 poll tax fee—$1 goes to support of schools. Must be paid before February 1 of the year in which seeks to vote.

Virginia: $1.50 poll tax fee. Must be paid at least 6 months before election in which seeks to vote. Must have paid taxes—State poll taxes—assessed against him during the 3 years next preceding the year of the election.

And it is interesting to note that these five States which still require the payment of a poll tax were among the seven States with the lowest voter participation in the 1960 presidential election. The fear that a constitutional amendment would take too long is illusory. The first 10 amendments, constituting the Bill of Rights, were ratified in approximately 9 months. The 17th, 18th, 19th, and 20th amendments each required only approximately 1 year, while the 21st and 23d amendments took less than a year. And remember, 45 States do not have a poll tax.

Reasonable minds differ as to the method to be adopted to abolish the poll tax. Some would travel the statutory route, others the constitutional route. As the Attorney General stated, "a constitutional amendment is a realistic and commendable" approach.

In testifying before the Senate Constitutional Amendments Subcommittee on June 28, 1961, Assistant Attorney General Nicholas deB. Katzenbach said:

> While we think from the recent trend in decisions that the courts would ultimately uphold such a statute, the matter is not free from doubt. In any event, as a practical matter and in view of the widespread support offered by the many sponsors of Senate Joint Resolution 58, the poll tax may possibly be laid forever to rest faster by constitutional amendment than by attempt to enact and litigate the validity of a statute. All of us know that long delays are inherent in litigation generally, and this is particularly true when important constitutional issues are at stake. Accordingly, the Justice Department supports the proposed amendment as a realistic technique which seeks the early demise of the poll tax.

Later, during that hearing, Mr. Katzenbach said:

> I am authorized on this to speak for the administration and for the President.

If the statutory method were pursued there would ensue a long period of litigation to test the statute's constitutionality.

Furthermore, a statute would be difficult to enact in both Houses—as difficult as trying to grasp a shadow.

This amendment has passed the Senate, I repeat. I am a pragmatist. I want results, not debate. I want a law, not a filibuster. I crave an end to the poll tax, not unlimited, crippling amendments.

I say to you gentlemen and ladies, "Stretch your feet according to your blanket."

It is wiser to recognize the exigencies under which we operate.

I do not wish to try for too much and fail. I do not want to keep rolling a boulder up a high hill like Sisyphus, only to have it fall down constantly upon me. We would have inordinate trouble trying to get a mere statute passed. Hence this constitutional amendment.

I am aware that this resolution only affects voting in Federal elections. States could inflict the tax on ballots in State or local elections. This might mean double or bobtailed ballots. That would be unfortunate.

It is hoped that this constitutional amendment, when ratified, will liberate the minds of the members of the State legislatures of the five poll tax States and cause these men to realize that the fungus growth on their own local body politic could very well strangle progress in many directions.

Excuse is offered that the poll tax receipts are used for educational purposes in some States. This is a specious argument. Poll tax proceeds might be used for many good causes—for bird sanctuaries, homes for inebriates, baseball parks, or what have you. But since the poll tax is inherently obnoxious, the good does not justify the evil. It is like the fruit of a poisoned tree or water from a tainted well.

The constitutional amendment is in exactly the form that it passed the Senate. I fought down all amendments before the Judiciary Committee so that we could pass upon the resolution as it had passed the Senate. This will avoid any conference and thus prevent delay. Delay has dangerous ends.

There has been sufficient delay in removing this unfair burden on the right to vote, a burden on the white man's ballot as well as on the colored man's ballot.

Recent studies of the U.S. Commission on Civil Rights revealed on the whole that the imposition of the poll tax has not been administered in a discriminatory manner, but the power to do so is resident therein. Past history is replete with discrimination. Present history still records some unjust brakes on the right to vote.

For too long a time have the rights of minorities been trammeled and trampled upon; 100 years have elapsed since the Emancipation Proclamation. That is a long time. Emancipation has still not been fully achieved. Certainly there should be no longer any procrastination in consigning the poll tax to limbo.

Cervantes said:

> By the street of by and by one arrives at the House of Never.

Let us not tarry longer with this obstruction to voting. Let us get rid of it now.

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

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

Mr. FASCELL. I want to congratulate the gentleman as chairman of the

Judiciary Committee for his perseverance and his leadership in this matter. I would like the RECORD to show also that the distinguished senior Senator from the State of Florida, the Honorable SPESSARD L. HOLLAND, in the other body, has for a long time been the sponsor of this resolution. I am very happy to join the gentleman from New York and my senior Senator from Florida in supporting this joint resolution.

We, in the U.S. Congress have witnessed a long and ofttimes bitter struggle to abolish the poll tax as a prerequisite for voting, so that no American must pay for the privilege of exercising his constitutional privilege—the right to vote.

One of the outstanding leaders in the fight for the abolition of this horrendous detriment to democracy is the distinguished and able senior Senator from my State of Florida, the Honorable SPESSARD L. HOLLAND.

As far back as 1937 Senator HOLLAND called the poll tax "an impediment to voting" and participated, as a Florida State senator, in the successful fight to remove the poll tax as a voting requirement in the State of Florida.

Through his outstanding efforts in this matter, we, in the State of Florida, have realized a great increase in the exercise of voting responsibilities and the advent of clean politics. It was common knowledge throughout the State of Florida that some persons were controlling certain county elections through manipulation in the payment of poll taxes. As Senator HOLLAND phrased it, "This means of undemocratic and corrupt control was terminated by the poll tax repeal."

Now we are discussing the abolition by constitutional amendment of the poll tax in the only five States in this free Nation which require the payment of money as prerequisite for casting a vote—Alabama, Arkansas, Mississippi, Texas, and Virginia. Certain interests have maintained that the poll tax in these States is not a bar to voting on the logic that the tax is so small—ranging from $1 to $2—that it does not present an economic barrier in our state of affluency.

Mr. Speaker, the payment of money, whether directly or indirectly, whether in a small amount or in a large amount, should never be permitted to reign as a criterion of democracy. There should not be allowed a scintilla of this in our free society.

There are other local questions involved which, indeed, the people locally should have a right to pass upon, but as Senator HOLLAND has so ably noted over the years:

> Those local questions ought not to affect the rights of citizens to vote in Federal elections and to help name their President and their Vice President, their Senators and their Representatives.

There are cries that abolition of the poll tax through a constitutional amendment is tantamount to an outright invasion of States rights.

Mr. Speaker, I submit that no constitutional amendment can be called an invasion of States rights. The very heart and foundation of our system of democracy and way of free life is a respect for and subservience to the Federal Constitution which is amendable and when amended as prescribed in the Constitution establishes rights for all Americans.

We have come a long way in the constitutional history of this great Nation. We have defended the belief that neither race, religion nor creed shall be a bar to the full enjoyment of every man of our constitutional privileges. Certainly, we do not intend to permit money—however insignificant the amount—to remain as a criteria for the freeman to exercise this privilege of participation in his government.

What fairer method is there for removal of this questionable criteria than through a constitutional amendment, as is provided for under our Federal Constitution in our democratic system.

Mr. COHELAN. Mr. Speaker, I rise in support of this important measure which would insure all Americans the right to vote free from the arbitrary discrimination of a poll tax.

This right to vote, Mr. Speaker, is the cornerstone of our democracy. It is the foundation of our form of government. It is the one right, in fact, upon which all other constitutional guarantees depend for their effective protection. It must, therefore, be defended, secured and observed.

This right to vote free from discrimination based on race or color, however—the promise guaranteed by the 15th amendment to our Constitution—continues to suffer abridgement. The excellent studies conducted by the Commission on Civil Rights reveal that many minority groups, and Negroes in particular, are anxious to exercise their full political rights as free Americans, and that progress has been made in this regard. Unfortunately, these same studies also reveal that many Negro American citizens not only find it extremely difficult, but often impossible to vote; that devices such as the poll tax are still effective tools of discrimination.

Mr. Speaker, I agree with those who argue that every State has a constitutional right to impose voting tests. These tests must, however, be reasonable and consistently applied. They must serve as qualifications for voting, not as barriers, and as the poll tax is currently being used it is neither reasonable nor a valid qualification. It is being used solely and exclusively to withhold the vote from certain groups and it must, therefore, be abolished as a violation of an equally important section of our Constitution—the 15th amendment.

Mr. Speaker, the Declaration of Independence states boldly that all men are created equal. I reject the concept that this means only some men and I urge that we in this Congress, by approving this legislation, join still further in the cause for racial justice and human equality.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. RAY].

Mr. RAY. Mr. Speaker, I yield myself 1 minute, and rise in opposition to the resolution.

Mr. Speaker, if I were a resident of one of the five States affected by this legislation, undoubtedly I would vote to change the law of that State, but I would be equally and more violently opposed to having the long arm of the Federal Government reach in and compel me to make that change.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. MCCULLOCH].

Mr. McCULLOCH. Mr. Speaker, Senate Joint Resolution 29 is a proposal to amend the Constitution of the United States to eliminate the poll tax, as a condition precedent to voting in Federal elections. It is a mild proposal, indeed, in view of the limited use of poll tax laws as a deterrent to voting in the United States today.

Only in Alabama, Arkansas, Mississippi, Texas, and Virginia is the payment of a poll tax a prerequisite for voting. More important, the Civil Rights Commission in its 1961 report stated:

> With the possible exception of a deterrent effect of the poll tax—which does not appear generally to be discriminatory upon the basis of race or color—Negroes now appear to encounter no significant racially motivated impediments to voting in 4 of the 12 Southern States: Arkansas, Oklahoma, Texas, and Virginia.

Thus, the Civil Rights Commission itself is unable to attribute more than a nod to the notion that poll taxes are used today to racially discriminate in voting.

Even if we were to assume, however, that evidence did exist that the poll tax was being so used, it would be necessary to exclude the States of Arkansas, Texas, and Virginia, since the Civil Rights Commission specifically found that voter discrimination for such means does not exist is those States. This leaves only the States of Alabama and Mississippi where the poll tax may be a racial deterrent to voting. Let us turn, then, to the voter situation in those two States to see how materially the final adoption of Senate Joint Resolution 29 will contribute to the cause of civil rights, in the area of voter enfranchisement.

In doing so, I wish to stress that I am not necessarily concluding that the poll tax is being used discriminatorily in these two States. However, in order to determine the maximum effective limits of this proposal, I secured voter registration statistics for 1960 in those counties of Alabama and Mississippi which have less than 10 percent registration among the nonwhite voting-age population. This is a most liberal estimate, since the Civil Rights Commission only labels a county for suspicion if it has less than 3 percent nonwhite registration.

Analyzing the figures, I discovered that Alabama has approximately 160,000 nonwhite citizens of voting age within such counties who have not registered. Turning to Mississippi, I found that there are approximately 250,000 nonwhite citizens of voting age within counties of 10 percent or less nonwhite registration, who have not registered. This means that by final approval of the proposed constitutional amendment, we could only assist, at the most, 410,000 citizens.

Now, I well appreciate that to assist even one additional eligible citizen to vote is a good thing. I am for that principle, I have always been for that principle, and I intend to vote for this joint resolution. But, I ask, Will one truly be able to maintain a straight face in the future when we hear talk of the New Frontier's bold new legislative program for civil rights?

Constitutional lawyers and careful students of government have long contended that the Constitution of the United States has been and should continue to be reserved for fundamental and profound changes in the basic law of the land. To proceed, as we are planning to proceed with today's action, could be harmful in precedent. It could be harmful because it tends to breed disrespect for our Constitution and encourage its change as one might amend an ordinance, or a State, or a Federal law. I hope our action today will never be used as an arguent or justification for amending the Constitution, when legislation would accomplish the same end.

Although there is no need to now enter into debate as to the propriety of proceeding by the legislative route on this matter, I may say that many skilled and intelligent lawyers have argued that such a route is possible. Yet, as strange as it may seem, little or no consideration was given to this fundamental issue in committee. Of even greater importance, I am of the firm opinion that if we are to amend the Constitution, we should make the amendment fully effective.

Do we really believe that abolition of the poll tax will, in fact, enfranchise many additional citizens who today are barred from voting? Of course not, because there are many subtle and clever devices that can be used to prevent a person from voting, if that be the intention of public officials. Nineteen States, for example, presently impose some form of literacy test as a voting requirement, and more than half that number are from so-called Northern States. I am, however, pleased to say, that the State of Ohio has no literacy test for voting. With literacy tests as prevalent as they are, and as subject to abuse as we know some of them to be, those who speak of this proposal as monumental, are deceiving themselves, and those who believe them.

It is regrettable that a proposal to amend the Constitution is debated on a motion to suspend the rules, when total time for debate is limited to 40 minutes.

There is no time to describe the effective extralegal devices which so completely deter voting in some States. Suffice it to say that this proposal will not solve the real problem. It will only be solved by an energetic and a real will to enforce the basic and statutory law of the land, and perhaps supplemented by appropriate legislation by the Congress.

In the waning days of the 2d session of the 87th Congress, I urge the suspension of the rules and the adoption of the resolution. It is neither brave nor bold, in fact it is a shameful retreat of the broad advance on the New Frontier in the fall of 1960, but it is the best that can be had this year.

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

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

Mr. HALLECK. Mr. Speaker, I believe it might be well for me to say at this point that the proposition before us is not new or novel. I have voted for antipoll tax legislation, I would guess, at least a half dozen times. I remember voting for such a bill in 1942. I voted for such a bill in 1943, and I voted for one in 1945. In June of 1947, as majority leader of the 80th Congress, we called up under suspension of the rules an antipoll tax bill. It passed by substantially more than the necessary two-thirds majority.

So, as I said at the outset, this is nothing new or novel; it is something that the House of Representatives has been trying to write into law for a long, long time. This proposal is a constitutional amendment. I think most of the measures we have heretofore dealt with undertook to accomplish this by statute law. Is that correct?

Mr. McCULLOCH. That is correct.

Mr. HALLECK. Therefore, as far as I am concerned, I propose to vote for this measure as I have voted for similar measures through the last 20 years.

Mr. McCULLOCH. I thank the gentleman from Indiana, our minority leader, and I am pleased that he has brought the record up to date.

Mr. Speaker, it is indeed regrettable that a constitutional amendment should be brought to the floor of the House with only 40 minutes for debate thereon. I hope it does not happen again.

Mr. ROGERS of Texas. Mr. Speaker, will the gentleman yield?

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

Mr. ROGERS of Texas. Can the gentleman tell me whether if this amendment is adopted it will destroy a right that is presently vested in the States?

Mr. McCULLOCH. I am not convinced that that is the case.

Mr. ROGERS of Texas. The States now have the right to make this determination. If you pass this amendment it destroys the right of the States in that regard, does it not?

Mr. McCULLOCH. I am not convinced that it does. Some of the ablest lawyers in the country are of the opinion that the intended result can be accomplished either by congressional action or constitutional amendment.

Mr. CELLER. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, Louisiana was one of the first States in the Union to repeal the poll tax. I voted to repeal it. And I would hope that some of these days the three or four remaining States still having the poll tax requirement as a condition to vote will repeal it.

Thus far, therefore, the proponents of the measure before us today and I are together. Beyond that point, however, we part company. Why? I disagree on the basis of two great constitutional concepts. In other words, I part company with my friends who favor this proposal because I believe I have the Constitution on my side.

The first constitutional provision is this. With great humility and out of consideration for all the people, the Founding Fathers put a provision in the Constitution which says that the qualification of people to vote for Members of Congress and national offices shall be the same as those who vote for members of the State legislature and local offices. The resolution before the House today would reverse this principle. It would make a special provision applicable to Members of Congress and national offices only. It would provide that when a person enters a polling booth to vote for a Member of Congress or national office, he could not be required to pay a poll tax, but when voting for a local officer on the same ballot he could be forced to pay a poll tax. Strangely enough, the proponents of this measure use this very argument to get votes for the pending proposal. On reflection I say to you that this is the greatest argument against a vote for it.

Why make a special provision for Members of Congress and national offices only? Where is our humility? Those of you who vote for this resolution must face the fact that you will not be able to tell the folks back home, "Look what I did for you." You will have to tell the mayor of your hometown, your sheriff, your justice of the peace, and on up to your Governor, "Look what I did for me."

Oh, I know, you might be able to whisper to these local officials that you could not make such a provision for them and so for the time being you made the provision only for yourself. But they might well say to you, "Did you try? Did you make a fight for us? Did you offer an amendment to include us?"

And then, too, you might be able to tell your political friends that to match the tactics of those of the opposite party you had to do something special for a special minority group—a minority group incidentally for whom I have the greatest compassion and a majority of whom I think vote for me. But the truth of the matter is that this great country of ours is made up of conglomerate people of innumerable minority groups. For example, the Catholics as such are not in a majority and in that sense are a minority group. No one sect of the Protestants constitute a majority and in that sense they, too, are minority groups. Suppose some of these days any one of these groups tells you, "Out of political consideration you always seem to justify doing something special for one minority group: when are you going to start doing something for us?" What are you going to say?

Of course you might be able to tell them, "Your turn will come next." But this, in my opinion, would violate another constitutional provision, which, in plain language, states that the time, place, and manner of conducting elections shall be left up to the States. The constitutional amendment before us today, if passed, would be an entering wedge and a foot in the door which through pressure groups, however sincere, would inevitably lead to other amendments concentrating the entire

election procedure and machinery in the Federal Government—and then good-by States rights.

The proposal before us today is reminiscent of one made by former President Eisenhower. You will remember, I am sure, that he proposed an amendment to the Constitution which would give the right to vote to all people 18 years of age. The argument was that if a person was old enough to fight for his country, he was old enough to vote, and it had great temporary emotional appeal. But then the people were heard from with a great voice saying, "The proposal has great merit, but on reflection we should heed the admonition of the Founding Fathers to the effect that the qualification of voters and the time, place, and manner of conducting elections should be left up to the States." And the proposal was abandoned.

Passage of the proposed amendment to the Constitution restricted to so-called national elections would lead to a breakdown of the division of power between the Federal Government and the States.

For example, we provide money to build a so-called Federal highway system. Should we use this as an excuse for Congress to enact speed laws and to create traffic courts? We provide funds for land-grant colleges, which includes practically every State university. Should we use this as an excuse to pass legislation regulating our State public educational system? I am very much afraid that the restriction of the present proposal to national elections in order to get votes today will be used as an excuse to further amend the Constitution in the field of State and local elections and will inevitably result in the concentration of more and greater power in the Federal Government at the expense of the States and the people, and I urge its defeat.

Mr. CELLER. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. TUCK].

Mr. TUCK. Mr. Speaker, I thank the distinguished gentleman from New York [Mr. CELLER] for allotting me this brief time in which to discuss such an important question.

Mr. Speaker, I rise in opposition to Senate Joint Resolution 29, proposing an amendment to the Constitution of the United States relating to the qualifications of electors, with specific reference to the payment of a poll tax as a prerequisite for voting in Federal elections. I respectfully submit that the House could be utilizing its time more profitably and devoting its attention to far more important matters.

This resolution is a political gesture addressed to powerful minority groups who neither live nor vote in the five poll tax States.

The power of the Congress to pass a resolution of this nature is not questioned; however, to do so will be to subvert hallowed constitutional principles. The principle involved here is the right of the States to control their own election machinery and to set forth qualifications of voters. That right is upheld in the decision of *Butler* v. *Thompson*, 341 U.S. 937, wherein the Supreme Court held that "the decisions generally hold that a State statute which imposes a reasonable poll tax as a condition of the right to vote does not abridge the privileges or immunities of the citizens of the United States which are protected by the 14th amendment. The privilege of voting is derived from the State, and not from the National Government."

The Supreme Court in *Minor* v. *Happersett*, 21 Wall. 162, held that "the Constitution of the United States does not confer the right of suffrage on anyone". Suffrage is basically a privilege and becomes a right only if denied under the guarantees of the 15th and 19th amendments. A person may vote only if he meets the qualifications prescribed by his State.

The operation of the poll tax does not create a problem which requires solution by a constitutional amendment. The unbroken precedents of upholding the poll tax against constitutional attack should not be ignored by this House. This body will not be justified in the passage of the proposed resolution.

It is claimed by the proponents of this joint resolution that it is necessary as a civil rights measure. If such were true, the Supreme Court would have long since outlawed the poll tax as violative of the 15th amendment instead of upholding it as a legitimate exercise of a State's power.

The Civil Rights Commission in its 1961 report did not make a single reference to an instance in which the poll tax requirement had been administered in such manner as to discriminate against any voter or class of voters.

In my own State, the effect of the amendment's provisions upon State election machinery would be disastrous. Whereas now only one list of voters must be kept, under the proposed amendment two sets of records would have to be maintained inasmuch as the constitution of Virginia requires the payment of a poll tax. One set would list those who had complied with State law and could, therefore, vote in State elections; the other set would list those persons who, though they had not complied with the law in State elections could vote in elections for Federal officers. This would be wholly unworkable. Our system has worked well. We are not discriminating against anyone, and the record so bears this out.

In closing, I would like to reemphasize the following general objections to the proposed amendment:

First. The proposed amendment is not consistent with the principles of a Federal system of government as outlined in the Constitution.

Second. The existence of a poll tax does not create a problem which demands solution by constitutional amendment.

Third. The proposed amendment, if adopted, would deprive five States of a source of substantial revenue.

Fourth. If adopted, the proposed amendment would abolish a tested and proven method of maintaining proper voters rolls.

Fifth. Adoption of the proposed amendment would establish a precedent for future amendments, which properly may be referred to as "national referendums," on any item in a State's laws that fail to meet the approval of the other States.

Mr. RAY. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Speaker, I am very much opposed to poll taxes, and therefore I will vote for this bill, but I do so with a heavy heart.

This is probably the greatest piece of legislative gamesmanship that has come to the floor of the House in the 87th Congress. This is a great day also for the anticivil rights proponents. It may sound strange to some of you, but I am going to agree pretty much with my good friend, the gentleman from Louisiana [Mr. WILLIS]. First of all, this is a fantastic procedure under which to amend the Constitution—an up or down vote, no amendments permitted, no motion to recommit possible, a total of 40 minutes of debate. Secondly, the result sought to be achieved can and should be achieved by a simple spot vote.

The leadership on the majority side, who are running this show, Mr. Speaker, ought to be proud of themselves for handing us this dish of tea. Under this kind of gag procedure they casually and cynically tinker with the U.S. Constitution, for political reasons, to get off the hook on civil rights. They would amend the Constitution to abolish the poll tax in Federal elections only. Why only Federal elections? That was the point made by my friend from Louisiana [Mr. WILLIS]—in Federal elections only. The impact is on two States. Only five States still have a poll tax of any kind and only two of these continue to use the poll tax in order to disfranchise voters. The Civil Rights Commission, in its 1961 report, said as follows:

> The absence of complaints to the Commission, actions by the Department of Justice, private litigation, or other indications of discrimination, have led the Commission to conclude that, with the possible exception of a deterrent effect of the poll tax—which does not appear generally to be discriminatory upon the basis of race or color—Negroes now appear to encounter no significant racially motivated impediments to voting in 4 of the 12 Southern States.

Mr. Speaker, it is dangerous to alter the U.S. Constitution when the same result can be reached by statute. Some of the Members on the majority side who think of themselves as great liberals ought to worry about this a little bit. There are any number of proposals, for example, to amend the U.S. Constitution on the school prayer issue, and if you can do it as easily as we do here today, to correct a relatively minor matter that can be corrected by simple statute, just think of what can occur in the future in the event the extreme right should be in the ascendancy. This is using a sledge hammer, a giant cannon, in order to kill a gnat.

Of course, Mr. Speaker, what we really have here is the last act and the last scene of this bad charade that we have been forced to watch for almost 2 years in which the administration and the majority side of the aisle step by step have

delivered on the deal not to give the country significant or meaningful civil rights legislation. I think it is a pretty sorry show. This is known as an "off the hook" bill—a show device that will get the administration off the hook for breaking its pledges with the American people on civil rights.

The present Attorney General of the United States came to the Judiciary Committee and testified that the poll-tax requirement in Federal elections can and should be eliminated by simple statute. And do you know when he changed? He changed when the President of the United States got caught in a press conference and came out for a constitutional amendment on the subject of the poll tax in Federal elections. This was part of the administration's original deal with southern committee chairmen. And then the Attorney General, of course, fell in line.

Mr. Speaker, if we are going to amend the Constitution, the amendment ought to be meaningful. It ought to be debated at length. Such an amendment should abolish impediments to voting in local elections as well as State elections. It should not be confined to Members of Congress. The real difficulty lies at the local level, in school boards and in those other areas where the anti-civil-libertarian forces go to work to the detriment of all citizens of this country and to the detriment of the free democratic process. Such an amendment, further, should do away with all obstructions to the right to vote.

And what has happened to all of the civil rights legislation that was promised in the Democratic platform and over and over again in the 1960 campaign? I will tell you what has happened. It has gone down the drain in the trade that was made by this administration not to come up with a civil rights program. Then, to get off the hook, they come up with this sugar-coated proposition that is meaningless except for its possible political value to those who want to get off the hook. This is a sad day on Capitol Hill, Mr. Speaker, and I am only sorry there are not more protests. I suspect that the liberals on the Democratic side of the aisle are discreetly remaining quiet at this moment because they know perfectly well this is the wrong way to achieve a result and they are embarrassed. How they can go out on the hustings now and defend the administration on this one is beyond me.

The SPEAKER. The time of the gentleman from New York [Mr. LINDSAY] has expired.

Mr. BALDWIN. Mr. Speaker, I rise in support of Senate Joint Resolution 29. This constitutional amendment is long overdue. I hope it will be passed by an overwhelming vote. No person should have to pay for the privilege of voting.

Mr. CELLER. Mr. Speaker, I yield myself one-half minute.

Mr. Speaker, the gentleman from New York [Mr. LINDSAY] says that the committee had to yield. I simply say that that is a lot of "malarkey." I would say this generally with reference to what the gentleman from New York [Mr. LINDSAY] said.

He reminds me of a bull that charges into an express train. He shows commendable courage but deficient judgment.

Mr. RAY. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. ALGER].

Mr. ALGER. Mr. Speaker, I have only 1 minute, but I want to tell my colleagues I have always been against the poll tax as a voting qualification in the State of Texas, but the end does not justify the means. If we want to change this State prerogative in Texas, Texans will do it in good time at Austin, Tex. This resolution today is the wrong way to do it. We do not have discrimination in Texas because of the poll tax, but whether we do or not, it is not the business of the other States to tell us our voting qualifications. I wish my colleagues who take the lead on States rights and the Constitution during civil rights debates would join us conservatives when we need them so badly on other issues on grounds of States rights. I am trying to be consistent. I am against the poll tax. But this is the wrong way to do it, and you will live to rue the day you do it.

I want to commend the gentlemen who wrote the minority views. I would like to read the court decision of Butler versus Thompson, time prevents, so I commend it to your consideration. This resolution is wrong, and I hope it is voted down.

Mr. RAY. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Speaker, 4 minutes; 4 minutes. I have been here a long time. I hope that the walls of this Hall will never ring again with the kind of a farce that has been put on here today, with the Constitution of the United States to be amended, when no one can offer an objection or an amendment to it, when no one can raise his voice in extended debate, but 20 minutes for and 20 minutes supposedly against it. It is unprecedented in the annals of this Government for an amendment to the Constitution, no matter how insignificant it may be, to be considered here under this procedure.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I decline to yield. I have only 4 minutes, and I regret very much, much more than the gentleman does, I am sure, that we do not have additional time.

I heard one of the speakers—and by the way, the best arguments I have heard for the defeat of this resolution have come from the Republican side. This should not be done in this way. It shows the utmost disrespect and disrepute to which the great Constitution of the United States has fallen. Think on the origin of this resolution in the other body. There was a little bill to honor the great Alexander Hamilton, one of the great Republicans of this country, and it was displaced so that they might get onto the floor this disgraceful exhibition of disrespect and disrepute of the great Constitution of the United States.

Gentlemen, how many of you are going to be proud of the vote you are about to cast, about to cast under the pressure of both parties, because the Republican leadership is just as much responsible for this as the Democrats. They do not put bills of this controversy on the "Suspense" Calendar unless they have the consent and approval of the minority leadership. So do not lay it on the Democratic side, and I am not excusing the Democratic leadership because they could have brought this up in the regular way.

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

Mr. SMITH of Virginia. I decline to yield. If you had cooperated with us in fixing this thing so that we would have some time to debate a proposed amendment to the Constitution we would have been glad to discuss it and discuss it fully and on its merits. But this resolution could have been brought up here in the regular way. Some of you will remember that just 18 months ago the leadership of this House packed the Committee on Rules so that they would have a majority vote on it. They could have gotten it out of the Committee on Rules with a majority vote, if they had wanted to do it in the democratic way and permit the House to vote on it. Yet, this House is going to vote for this in this extraordinary situation, and they are going to do it under political pressure to please a minority group. We all know that, everybody knows that, the country knows that. What is this country going to come to when we, supposedly responsible and dignified Members of the Congress, "crook the pregnant hinges of the knee" at every call and at every demand of any minority group in this country in order that some votes may be controlled? Is that the kind of government that we are going to run from now on? Think it over. Vote for it, as you will. Vote for it, as I know you will; and knowing so, vote for it under pressure—under political pressure from a minority group—and then regret it as long as you live.

The SPEAKER. The time of the gentleman has expired.

Mr. RAY. Mr. Speaker, I yield one-half minute to the gentleman from Georgia [Mr. FORRESTER].

Mr. FORRESTER. Mr. Speaker, Georgia levies no poll tax. Only 5 of our 50 States do. Nevertheless, the levying of poll taxes has always been a matter for decision by the respective States, and I hope it will continue to be. The 5 States still collecting a poll tax have as good morals, as much respect for law, and as efficient government as the other 45 States. This statement cannot be challenged. To say that a $1 or $2 poll tax prevents anyone from exercising the privilege to vote is laughable. Maybe a poll tax serves no good purpose but, conversely, it serves no evil purpose. It is a right that the States have exercised from the beginning and a right that can be destroyed only by a constitutional amendment prohibiting such tax.

The committee is to be congratulated on recognizing the fact that only a con-

stitutional amendment can deprive the States of the power to levy such tax, and proceeding by way of constitutional amendment rather than by statute which would undoubtedly have been illegal. I cannot believe any good will be accomplished by striking down the rights of the States to levy a poll tax for the purpose of trying to cure an imaginary ill nurtured by minority groups.

Appeasing of minority groups' unreasonable demands is making us ridiculous in the eyes of the people of the world.

Mr. RAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the pending resolution before the vote thereon.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RAY. Mr. Speaker, I yield the balance of the time remaining to the gentleman from New York [Mr. HALPERN].

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

Mr. HALPERN. I yield to the gentleman.

Mr. HALLECK. Mr. Speaker, I do not want to get into any controversy with any of my colleagues, but I just want it clearly stated for the record and understood that today is the regular day for considering legislation under suspension of the rules under the arrangement made last Monday; and so far as the suspensions are concerned, it was within the province of the Speaker and the majority leadership to schedule them, and that is what has been done.

Mr. HALPERN. Mr. Speaker, I am in favor of any step taken in the direction of outlawing this undemocratic, feudal practice of placing a price tag on the right to vote.

Mr. Speaker, I would much prefer that the poll tax be outlawed by statute rather than by an amendment to the Constitution, as this House has authorized five times previously. There is a big question as to the effectiveness of going the amendment route—obtaining approval of three-fourths of the State legislatures is a long, difficult, and tedious process, to say the least.

We are now, however, faced with no other alternative under the rule and the circumstances here today but to support this constitutional amendment. Despite the question of the effectiveness of this method, I definitely shall support this Senate joint resolution.

It is vital that the Congress go on record before our people that the poll tax be repealed. Mr. Speaker, I urge a massive vote for passage.

Mr. CELLER. Mr. Speaker, I yield the 1 minute remaining on this side to the gentleman from Colorado [Mr. ROGERS].

Mr. ROGERS of Colorado. Mr. Speaker, I regret that the gentleman from Virginia should say that we were placed under a gag rule, that we could not present the matter to the House so that this constitutional proposal could be amended. I want to direct attention to and read a letter from the gentleman from Virginia, addressed to the chairman of our committee, which reads as follows:

HOUSE OF REPRESENTATIVES, U.S.,
COMMITTEE ON RULES,
Washington, D.C., June 15, 1962.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary, House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This will acknowledge your letter of June 14 requesting that the Committee on Rules schedule a hearing on Senate Joint Resolution 29, proposing an amendment to the Constitution of the United States relating to the qualifications of electors.

I shall endeavor to schedule a hearing on this measure at the earliest possible time and shall be glad to advise you when a date has been set.

Sincerely,

HOWARD W. SMITH,
Chairman.

If the gentleman from Virginia and others are interested and do not want the Constitution amended, or us to have an opportunity to say how it should be amended, why did he not, upon the request of the chairman of this committee, grant a rule so that we could come in here and discuss it in every particular?

Mr. DEVINE. Mr. Speaker, when we are faced with one of the most serious and important steps in the operation of our Government; when we are revising the very document that is the foundation of the great Republic; when the Constitution of the United States is to be altered in any manner whatsoever, it well behooves this Congress to follow orderly, calm, and comprehensive procedures to assure full and complete debate and discussion.

Here today, under a procedure to suspend the rules and pass a bill designed to amend the Constitution of the United States we are gagged, full debate and discussion are prohibited, and only 20 minutes is allowed for each side.

As the gentleman from New York [Mr. LINDSAY] so ably stated, here we are "tinkering" with the Constitution and only a relatively few minutes are permitted to talk about the merits of the legislation. And the gentleman from New York has a sound record in favor of civil rights legislation.

It is quite apparent this bill will pass, and the easy and politically expedient vote would be "aye." However, it is a travesty to manhandle the Constitution by this deplorable procedure, and I will not be a party to such practice.

My district has nearly 16 percent nonwhite population, and they properly have equal voting rights without restrictions such as the poll tax. Thus this bill will neither give nor deprive my people of anything. I feel, however, that the constituents in my district would not approve of the offhand manner in which this House is toying with the Constitution of the United States.

Mr. POFF. Mr. Speaker, in my first campaign for Congress 10 years ago, I registered my opposition to the poll tax as a price tag on the voting privilege.

I prefer to see the States repeal the poll tax.

I am opposed to a Federal statute on the subject.

I am opposed to a constitutional amendment if that amendment reaches into State and local elections.

However, a constitutional amendment which is confined to Federal elections and which is ratified by the States as the Constitution provides is not an unconstitutional invasion of States rights, and such an amendment I feel obliged to support.

Mr. ABERNETHY. Mr. Speaker, the great Constitution of the United States is the greatest document ever assembled by freemen. It is renowned and acclaimed throughout the world. It was assembled only after the loss of life and shedding of blood by men who made the sacrifice to establish and preserve the dignity of man.

It is to be regretted, Mr. Speaker, that the greatest assaults made upon our Federal Constitution in this day and age have been made by our highest Court, the personnel of which seem to feel that they have the right to twist and turn its provisions to their own thinking, and by this Congress itself.

An assault is being made on this great document today by Members of this House who, I regret to say, have their eyes on the forthcoming election much more than they do on the Constitution. Under tremendous pressure—political pressures, if you please—there is a bending to political expediency. The objective is not to please or improve standards in the so-called poll tax States. It is to please special minority groups in other States, primarily in the northeastern region of the country. The action is being taken with the hope, the design, and the ambition to curry favor, and to secure the political endorsement of these minorities, on the next election day.

This horrible assault will be made, Mr. Speaker, under a procedure which gags Members of this body, which denies them the right to debate the issue freely and fully, which denies the offering of the slightest amendment, and without the Members possibly understanding the consequences of such a far-reaching resolution.

There are resolutions and bills which may be properly and satisfactorily considered under a time limitation of 40 minutes as the rule under which we are now operating provides. There are resolutions and bills of such simple character that amendments thereto would be unworthy. But, Mr. Speaker, indeed a resolution which has the effect of changing, altering, amending, defacing, or whatever you may call it, the Constitution of our great country should never be submitted to and swept through this House in such a ruthless and tornado-like fashion. What a terrible precedent.

Furthermore, Mr. Speaker, the adoption of this resolution will provide a most dangerous precedent for future proposals to further eliminate variations among the various States with respect to voter qualifications. These qualifications deal with age, with education, with residence and so on. Without any doubt, the action which appears inevitable here today will lead to other assualts, from

the Federal level, on the sovereignty and dignity of each of the great States of our Union.

While there may be differences of opinion as to the appropriateness of a poll tax as a condition to voting, the courts have on several occasions sanctioned the constitutionality of such and held that the imposition of the tax was a matter of decision and determination for each State.

This resolution is another move toward conformity, to make all States and all peoples similar and alike. The strength of our country lives in the individualism our citizens, of groups of citizens, of our great cities, and our States. But apparently the pressure minority groups are not satisfied with the individual characteristics, traits, customs and practices among our people. So, through organization and organized political pressures they are forcing House Members today to take another step toward conformity.

Finally and simply, Mr. Speaker, is it not absurd to suggest in this day when per capita income is high that a $2 per year poll tax restricts the right of any individual to vote? Even the Civil Rights Commission, whose interest, affection and, I might say, bias in favor of minority groups is well known, has dared not make such a contention. In fact, it has intimated and almost firmly stated quite the contrary.

I have some hope, slight though it may be since the skids are well greased, that you will not take this dangerous and unprecedented step. I know that many, if not most, of you are concerned. I know you do not like this procedure. And I know you would rather this issue not be here. Pause a moment, if you please. If your conscience tells you to go slow, then do it.

Mr. BENNETT of Florida. Mr. Speaker, there are sound reasons to abolish the poll tax requirement for voting in Federal elections. One is that it is a step forward in democracy. There is another which I would particularly call attention to. Experience has shown that the existence of such a tax is a temptation toward its payment by others than the person designed to be taxed. This in turn has been a temptation toward the payment of money in an effort to control the vote of the person whose tax is paid by another. This is reason enough for me to support this measure. In conclusion, I would like to pay particular tribute to the primary exponent of this measure, the senior Senator from Florida, Senator HOLLAND. His able leadership in this is the chief factor in its passage.

Mr. ROOSEVELT. Mr. Speaker, every step forward, even a small one, is important in securing full voting rights for citizens of the United States. The vote of this House takes nothing away from the States for the States must vote by a majority of 75 percent to make this constitutional amendment effective. The strength, and not the weakness, of our form of government comes from our ability thus to change our Constitution. Better late than never, but this is a vote for which every American can be proud.

Mr. JOELSON. Mr. Speaker, I want to express my complete support of this measure designed to eliminate the poll tax. It is my opinion that the poll tax system is a denial of the basic elements of democracy.

It is unthinkable that in the United States, there are still areas in which American citizens are required to pay for the right to vote. Such a system tends to discourage our poorer citizens from the exercise of their precious right of choosing their officials.

There is no doubt that in certain sections of our country, our poorer citizens among the Negroes have been prevented from voting by the poll tax as well as by other less subtle forms of persuasion.

Mr. Speaker, the poll tax is undemocratic and un-American. It is a blight that must be eliminated from our Nation.

Mr. WINSTEAD. Mr. Speaker, I rise in opposition to the adoption of Senate Joint Resolution 29, which seeks to prohibit the payment of a poll tax as a qualification for voting.

It is indeed unfortunate that the tax is known as a poll tax, for a great percentage of the public at large is under the impression that this is a tax on the polls or places where voters come on election day to cast their votes; and this tax is therefore regarded by them as a fee to be paid for the privilege of voting. It is plain to see that this point of view would incense those who hold it. However, this is not the case at all. The word "poll" is an old Anglo-Saxon word meaning "head," and the poll tax is merely a head tax. The law dictionaries define a poll tax as a capitation tax; a tax assessed on every head, that is, on every male of a certain age, and so forth, according to statute.

In my State a head tax of $2 is levied annually on each person with certain exemptions, and the revenue thus produced is used to support our schools. Every person must pay this tax, regardless of sex, race, color, and whether or not he votes. There is no discrimination. All are treated alike. All must pay it except those who come within the exemptions, and only those come within the exemptions who we think cannot afford to pay it, namely, the deaf, the dumb, the blind, the maimed, and the aged. A person who chooses not to vote still owes the tax, and although in my State no criminal proceedings are allowed to enforce its collection, such tax is made a lien upon taxable property. What is its connection with voting? We think that a person who fails to meet this small tax obligation to his State is not qualified to participate in the political affairs of the State. His disinterest and disregard for obligations have disqualified him. Is our interpretation of a tax evader's disqualification so erroneous that 45 States are willing to unite and invade the domestic affairs of the 5 other sovereign States to compel them to invalidate this interpretation? It is true that it is proposed that this be accomplished by constitutional amendment. The method is correct but the purpose is wrong. I ask that we pause and take a sober look at what is transpiring in this Chamber today. The issue appears to have simmered down to a choice between legislation and a constitutional amendment. I know that some of my colleagues feel that they are making a great concession to the cause of our national unity for forgoing an attempt to repeal the poll tax by statute and voting instead for the constitutional amendment proposed by Senate Joint Resolution 29. This is truly a noble gesture and I deeply respect them for it. They are men of honor and intellect; and some of them may possibly be sincere in their efforts to accomplish what they think is right; but they are mistaken in their judgment of the real issue. In their desire to choose a method which is legal, they have overlooked the illegality of the goal.

Since no reputable evidence has been offered by the proponents of this legislation to show that the poll tax requirement in any of the so-called five poll-tax States has ever disqualified or disfranchised any person from voting, one is prompted to question the reason why this legislation is being considered at this time. The answer is obvious to every Member of this body. It is strictly an administration election-year vote-getting gimmick calculated to attract votes from so-called civil rights reform groups and their fellow travelers.

Thirteen sovereign States met through their representatives in convention and drafted an agreement to form a union. They signed a contract, our Constitution, under which the powers were divided between the Central Government and the States. Qualifications for voting were left to be determined by the States. This was not done in carelessness or without forethought. The question was thoroughly debated by the delegates to the Constitutional Convention of 1787. These were men of great wisdom, capable statesmen, distinguished lawyers and grave students of government. Gouverneur Morris was against making the qualifications of the electors of the National Legislature depend upon the will of the States. Colonel Mason argued that—

> A power to alter the qualifications would be dangerous in the hands of the Federal Legislature.

Mr. Ellsworth claimed that—

> The qualifications were on a most proper footing. The right of suffrage was a tender point, and strongly guarded by most of the State constitutions. (See 5 Elliott's Debates on the Federal Constitution, p. 385 et seq.)

And so the power to determine qualifications for voting was rightly left with the States. What was true of 13 States in 1787 is just as true of 50 States today. Each State is confronted by different problems, has a different school of thought, and is composed of people of different temperaments. It cannot possibly be expected that their suffrage qualifications would be uniform.

Should we attempt to impose uniform requirements on each State, there will be an invasion of the rights of the States and a fracture of one of the fundamental principles of American government. And this invasion of States rights will be but the beginning; for once the Federal

Government has succeeded in making uniform one qualification for voting, others will follow. Do not be blinded by the fact that this is done by constitutional amendment. Do not overlook the fact that if 45 States can unite to repeal the poll tax laws of 5 States, 41 States can unite and make illegal the laws of the 9 States which disqualify paupers from voting, 47 States can unite and render null and void the laws of 3 States which disqualify inmates of charitable institutions from voting, and 46 States may compel the other 4 States to raise their minimum age for voting to 21 to conform to their own minimum. I could go on and on, but I hope by now I have aroused your interest sufficiently so that you will note the dangers existing to your own State. Once we embark upon such a path, there will be no authority left in the States over their own voters and the inevitable result will be the Federal preemption of the entire field of voting.

This question of the poll tax has come up in every session of the Congress since 1939. Five bills were passed by the House, and a joint resolution was adopted by the Senate in the 86th Congress. Yet nothing resulted. After the issues were joined and the excitement of debate was over, they took a second, sober look at the proposition and acted no further. A constitutional amendment should be resorted to in matters of national importance and should not be used as a means of forcing the will of the majority upon a small minority regardless of the worthiness of the purpose, or the need for such action.

I say "need" because there is really no need for any action in this field on the national level. In 1920, 12 States had a poll-tax requirement as a prerequisite for voting. Today only five States still have such laws. North Carolina repealed her law in 1920, Pennsylvania in 1933, Louisiana in 1934, Florida in 1937, Georgia in 1945, South Carolina in 1951, and Tennessee in 1953. Each of these States repealed the requirement when her people felt that there was no longer any need for it. Since Congress did not find it necessary to amend the Constitution in 1920 to invalidate the laws of 12 States, why is there a need for such action now when only 5 States still have such laws? Let us refrain from taking any action on this resolution, as did our colleagues in the past, and let us leave it to the five States themselves to take the necessary action sought by Senate Joint Resolution 29. I strongly urge this, lest the tide of federalism, once loosed, become so great that we can no longer stem it. Then will our State sovereignty, which we have so zealously striven to preserve, no longer exist.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I favor the elimination of the poll-tax requirement as a prerequisite for voting.

Our country is a democracy and the right to vote is one of the privileges of living in a democracy and is guaranteed to every qualified citizen of the United States. Surely it was not contemplated by those who wrote our Constitution that only those should vote who could and would pay a poll tax. The claim that a poll-tax payment requires only a very small amount is an evasion of the real issue for the principle remains the same whether the amount be small or large; besides, what is a trifle for some may be a formidable sum for others. I am proud to know that as a Representative from my State of Pennsylvania, I represent all the people of my district and not only those who can pay a small sum in order to partake in the political affairs of their State.

This should be so in every State in these United States. America now stands as a tower of strength and a shining example of democracy, and the eyes of the world are upon us. Is it reconcilable that a nation so mighty and so advanced shall still permit a segment of its population to be disfranchised for failure to pay a poll tax? Let us but give our people an opportunity to decide this issue and they will shout their approval of eliminating the poll tax.

Mrs. DWYER. Mr. Speaker, the right to vote is only one of several rights of American citizenship guaranteed by the United States Constitution. But it is a fundamental right, for it is the one ultimate means by which the American people retain control of their government. Any unnecessary limitation or qualification, any form of discrimination, which interferes with the free exercise of this right must be condemned as an affront to the principles of American freedom.

Historically, one of the most obnoxious forms of such a limitation has been the poll tax. It has no reasonable relationship to the right to vote and, in fact, has been used in certain circumstances in order to discriminate against and prevent groups in our society from exercising this right. Even though only five States today require the payment of a poll tax as a prerequisite to voting, it is nevertheless as important as it ever was—and a long overdue moral requirement—that our Government formally and officially remove this unjustified restriction on the right to vote.

While I intend to vote for this legislation, on the ground that it represents the only opportunity Congress will have this year to vote on any kind of anti-poll-tax measure, I must in all frankness state my disappointment at the decision of the committee to utilize the procedure of a constitutional amendment to attain this objective. It seems to me that the Attorney General of the United States and other constitutional authorities have established beyond doubt that Congress has the authority to legislate directly in this field. Simple legislation could accomplish what we seek most expeditiously and without risking the incalculable delays involved in requiring the ratification of a proposed amendment by the legislatures of three-fourths of the States.

The most tragic aspect of the pending legislation, however, is the fact that it represents, for all practical purposes, the sum total of the civil rights legislation we are likely to get during this entire session of Congress. Both Congress and the administration must share responsibility for this unfortunate state of affairs. After years of the most careful study, the Commission on Civil Rights submitted to the President and the Congress 27 recommendations for legislative action. Yet, the administration has requested that Congress act on only two of them, the abolition of the poll tax as a qualification for voting, and the establishment of a sixth grade education as proof of literacy for voting purposes. And in both cases, the administration proposal was framed in a manner to assure the least timely and least effective results.

Mr. Speaker, I cannot understand the reluctance of Congress and the administration to do what we all know is right in this supremely important area of governmental action. In a Nation which prides itself on the moral basis of its system of government, nothing is more important than the protection and extension of human and civil rights, the recognition of the dignity of all mankind, the guarantee of freedom and equal opportunity to all, regardless of color, creed, economic status, or national origin.

In view of the nature of the subject and in face of the unquestioned need of further action, one must conclude that the record of the administration and Congress reveals an unhappy failure of leadership in behalf of civil rights. Let no one imagine for a moment that approval of the pending legislation will contribute anything at all significant to this record. There is much to do in the field of civil rights. We must not content ourselves with token gestures.

Mr. RYAN of New York. Mr. Speaker, I support Senate Joint Resolution 29.

On January 22, in a speech before this body, I pointed out the pressing need for civil rights legislation. I said then and I still believe that—

> Congress has vast unfilled responsibilities in the field of civil rights. These responsibilities must be met immediately, so that all of our citizens can enjoy the benefits of our land and partake fully in our national life.

With enactment of Senate Joint Resolution 29, the Congress will take a step, even if only a small one, in the direction of establishing equality for all citizens.

It has long been my opinion that the use of the poll tax to determine voter qualification should be abolished by the Congress. I have introduced H.R. 8893 which eliminates the poll tax as a qualification for voting in Federal, State and local elections.

It is apparent that Congress has the power to enact legislation to abolish the poll tax. Both the 15th amendment and article 1, section 8, clause 18, authorize Congress to implement the right to vote without racial distinction. The 15th amendment flatly states:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

The amendment does not make any exceptions for State and local elections. Section 2 of the 15th amendment states:

> The Congress shall have power to enforce this article by appropriate legislation.

Although the State may establish qualifications for voting, article 1, section 2, of the Constitution is subject to limitations. For instance, article IV, section 4, of the Constitution provides:

> The United States shall guarantee to every State in this Union a Republican Form of Government.

The basic principle which this section protects is that State governments must govern "with the consent of the governed." Article 1, section 8, of the Constitution gives the power to Congress "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers."

There is no reason why this legislation should not be applied to State and local elections as well as Federal elections. The poll tax prevents Negroes from participating in the election of Governors, mayors, State legislators, aldermen, sheriffs, and city, county, and State judges, as well as Federal representatives. In many respects more can be done at the State and local level to alleviate social, economic, and political injustices to which the Negro is subjected.

Although I believe that Congress has the constitutional authority to, and should, pass legislation abolishing the poll tax, I am in favor of Senate Joint Resolution 29. From the past history of poll-tax legislation, it seems that, if the poll tax is to be abolished, a constitutional amendment will be the method.

Dozens and dozens of bills and joint resolutions have been introduced in both Houses of Congress to abolish the poll-tax requirement, some by an act of Congress and some by constitutional amendment, but all to no avail. In the 86th Congress one House adopted a joint resolution proposing an anti-poll-tax amendment, but this provision was not even reported out in the other House.

Senate Joint Resolution 29 is by no means a perfect measure. Since it is proposed that we amend the Constitution with regard to the poll-tax requirement, why should the amendment be limited to Federal elections? Are we not, in fact, by this amendment, saying to a portion of our population, "You may vote for Federal officers free of charge, but you must continue to pay for the privilege of voting for your Governor or mayor"?

Since Senate Joint Resolution 29, however, has succeeded in reaching the floor of this House after passing the other body, let us seize this opportunity to adopt it and send it on to the States for ratification.

Mr. Speaker, this is a badly needed reform. It is indeed badly needed, for the poll tax is a weapon of discrimination. Right now the Justice Department is involved in a lawsuit—United States against Dogan—in Tallahatchie County, Miss., in order to obtain an injunction against the use of the poll tax to discriminate against Negro citizens.

The poll tax by its very nature discriminates against persons of low economic status. According to the 1960 U.S. Census of Population, the median income for white families in the United States is $5,893, while for nonwhite families it is $3,161. In the South the median income for white families is $5,009, while for nonwhite families it is $2,322.

The 1961 Civil Rights Commission Report on voting substantiates the fact that in areas where the Negro voted, he was more prosperous than in areas where he was disenfranchised. The report points out that in 15 nonvoting counties in the South—areas where 97 percent or more of the Negroes who attained voting age were not registered to vote in 1958—the median income for Negroes "did not even match that of the State's Negro population." The report goes on to say:

> The highest Negro median in all 15 was only $885, and this was well below the lowest median income for white families in any of the counties." (U.S. Commission on Civil Rights Reports, "Voting," 1961, vol. 1, p. 153.)

Mr. Speaker, the existence of poll taxes cannot be reconciled with our democratic ideals and must be abolished. I, therefore, urge my colleagues to vote for Senate Joint Resolution 29.

Mr. WILLIAMS. Mr. Speaker, this is a sad day for those who believe in constitutional government. It is a sadder day for those who believe in representative government and those who have had faith in the House of Representatives and its historical tradition of justice.

Under the current suspension procedure which we are operating today, we are considering a far-reaching amendment to the Constitution in only 40 minutes.

The U.S. Constitution will be 175 years old on September 17. During that time, the Congress and the respective States have amended it only 23 times. Nevertheless, the leadership of this body, in the New Frontier tradition of running roughshod over those who disagree, has taken the unusual step of limiting debate on such a historical step to less than an hour. What will future generations think of such behavior?

Mr. Speaker, the puny arguments advanced in support of this amendment center around the supposition that poll taxes prevent citizens from voting. Such an argument is specious and unfounded. The real reason we have this amendment before us today is because organizations devoted to agitation and intoxicated with political power disproportionate to their actual voting strength are being placated.

Members of these minority blocs have no interest in this amendment. But their leaders do because they feel that now they can herd their members and vote them in additional States like so many cattle.

It is time that Americans take stock of where we are heading. We need voting quality—not voting quantity. We need an intelligent electorate—instead of ignorant puppets at the polling place.

Free bread and free circuses brought about the downfall of Rome, and it was a thousand years before there was a flicker of interest in reviving civilization.

Is the United States entering a period comparable to the Dark Ages? A quick glance at the legislative recommendations of those presently in power indicates clearly that our national goals now include the rewarding of indolence and the penalizing of thrift and industry. Tax, tax, spend, spend, elect, elect, has new zeal.

Mr. Speaker, the downfall of this Republic is assured when bloc voting minorities obtain absolute control of the executive branch of the Government. This proposed constitutional amendment takes us a long step toward that goal of all power-hungry politicos, because when people are relieved of the responsibility of citizenship the selfish can lead them like sheep.

The social planners, in their dreamy quest for Utopia, and leaders of bloc voting groups, in their unconscionable quest for power, realize that the erasure of State lines is necessary to the fulfillment of their hope to make intellectual eunuchs of Americans. This amendment will aid them.

Adoption of this constitutional amendment will cause future generations to weep. In the anguish of their tears, I hope they are able to rise above the enveloping ashes of governmental decay and reclaim the mantle of individual responsibility which this House proposes to bury.

Mr. GOODELL. Mr. Speaker, this is perhaps the hardest vote of my career. I favor action—effective action—to wipe out poll taxes across the land. I would favor a really effective constitutional amendment. I am not concerned with strategy or technicalities in this vote. If we were presented today with an effective proposal, whatever its form, I would vote for it.

But today we are presented with a travesty, a political maneuver which sickens me. This constitutional amendment really does not accomplish much of anything. It is a hollow shell. It will apparently have no significant effect upon Negro rights anywhere except in Alabama and Mississippi and its effect in those two States is questionable. The amendment is limited in its purview to Federal elections. It does not begin to face the real issue of deprivation of voting rights at the local and State level.

Mr. Speaker, I listened through two rollcalls without voting because I am so torn on this issue. I believe in strong and effective civil rights legislation. I have consistently voted for such legislation, even at times when such legislation had been, in my judgment, unnecessarily weakened. We are not perfectionists and the legislative process is far from perfect. In the last analysis we must often vote for what we believe to be the lesser of two evils or the better of two courses which are both profoundly deficient.

And so, Mr. Speaker, today I find myself favoring some action to eradicate poll taxes. Everyone admits that Senate Joint Resolution 29 is profoundly deficient, but we are told that it is the best we can have. As the gentleman from New York [Mr. LINDSAY] so aptly put it, and I commend to you the full reading of his statement today, "We are trying to kill a gnat with a sledge hammer."

Mr. Speaker, I sincerely believe that Senate Joint Resolution 29 abuses the constitutional process. It is a pretty political package that can only disappoint its recipients when its meager con-

tent is revealed. It sets a precedent for whimsical, frivolous and almost meaningless amendment to the basic document of our Republic. This Congress should never engage in such delusive action. I am ashamed that we are called upon today to do so in the name of protecting minority rights. I defy any of my colleagues to exceed in devotion to civil rights the gentleman from New York who now addresses you. I tell you with all my heart, however, that I cannot be for something that is wrong, simply because it has a right purpose and a right label. It is never easy to explain or justify a vote against wrong when that wrong is wrapped in the bright tinsel of right. Yet I have a deep conviction, Mr. Speaker, that history will judge us not on the tinsel but on the substance of our legislative endeavors.

In that conviction, I vote a tortured "no" on this constitutional amendment, knowing full well that today friends of human dignity will condemn me, but confident that history will eventually cast its vote in the negative on Senate Joint Resolution 29 and the circumstances of its passage in the Congress of the United States.

Mr. STRATTON. Mr. Speaker, the vote being taken today on this resolution represents the culmination of one important phase of the long fight against discrimination in America, and in behalf of full implementation of the equal rights of all our citizens under the 14th amendment to the Constitution. Over the years the poll tax has been one of many devices that have been used with the intention of denying to Negro citizens, generally in our Southern States, the right to vote which was supposedly guaranteed to them by the 14th amendment. In fact it is a little hard to realize that though we have talked and fought against this kind of vicious discrimination for years, we are only now, in the year 1962, and after the poll tax has already been superseded in many States by other more ingenious machines of discrimination, starting the long process of having an effective constitutional amendment outlawing the poll tax ratified by the several States. Nevertheless, this job must certainly be pushed forward with all possible dispatch.

And then, having eliminated this one roadblock in the path of full citizenship for all our citizens, regardless of race, creed, or color, let us move on to tackle as quickly as we can the next device designed to accomplish the same unholy objective. Let us eliminate, for instance, such things as unreasonable and unfair literacy tests which similarly are designed to prevent Negro citizens in the South from exercising the fundamental right to vote, as revealed so graphically by the reports of the U.S. Civil Rights Commission.

I congratulate the distinguished chairman of the Committee on the Judiciary, the beloved dean of our New York State delegation, Mr. CELLER, for his long fight in behalf of this legislation, and for the victory which the vote soon to be taken here will represent not only for him personally but for the principles of equality and freedom and effective democracy for which he has so long fought so untiringly.

Mr. ADDABBO. Mr. Speaker, I rise in support of Senate Joint Resolution 29, a constitutional amendment to abolish the poll tax.

Although I believe a serious question involving an amendment to the Constitution should be brought up under the regular order of the House and sufficient time be given for debate and amendment, to fully protect the rights of all voters. It is our responsibility when such process is stopped by the power of one man and a small minority to take this action to protect the right of all qualified to vote, even though under present laws only a few may be denied this right because of a poll tax.

In this day of so much apathy and so many who have the right to vote not using this great privilege, I believe it is our responsibility to at least give to all those qualified to vote the right to do so without having to pay for that right and to continue to work for the moral rights of all.

Mr. DINGELL. Mr. Speaker, I am delighted that the House of Representatives is finally considering an amendment to the Constitution of the United States outlawing poll tax as a requirement for voting.

I was the first sponsor of such legislation in this Congress and feel that it is an important step toward adequate protection of the rights of all the people of this great land of ours.

This legislation will work together with the voting statutes of the Civil Rights Acts of 1957 and 1959 to encourage wide voting participation of all races and classes of people within this country and should do much to raise the level of voter participation in States where poll tax is now used.

States using poll tax had the lowest level of voting in the 1960 presidential elections and indeed rank among the lowest in voting participation of all the States, as shown below:

	Total vote	Percent voting
Mississippi	298,171	25.6
Alabama	564.242	30.9
Virginia	771,449	34.3
Arkansas	428,509	41.6
Texas	2,311,670	43.3

Voting levels in these States show clearly that the poll-tax question has been unfairly minimized and I said earlier on the floor of Congress in connection with this legislation a constitutional amendment outlawing the poll tax should be enacted for a number of reasons:

First. It affects persons of all races, places, job conditions, and economic levels.

Second. It strikes at this evil in all elections, primary and general.

Third. It prohibits enactment of substitute legislation by Federal and State Governments.

Fourth. It prohibits other taxes being used as a device to evade the legislative purpose of the amendment.

Fifth. It prevents the Federal Government and the States from setting up property qualifications as a prerequisite for voting in elections for Federal officials.

This measure alone will not solve the problems of full voting equality and real citizenship for our people. It is equally true that a number of other measures must be promptly taken to permit our citizens full participation not only the right to vote but in all the benefits of citizenship in our beloved land.

It is indeed regrettable that this is perhaps the best effort of this Congress in protecting the rights of our people, but it is a long stride forward, and if followed by other strides in each coming Congress can make full realization of the belief we Americans express in the basic dignity of man and in the words of the Founding Fathers "that all men are created equal" and the biblical admonition that we are indeed "our brother's keeper."

POLL TAX IS ANTIVOTING REQUIREMENT AND SHOULD BE ABOLISHED

Mr. BOLAND. Mr. Speaker, I rise in favor of Senate Joint Resolution 29 and hope that it is approved today by an overwhelming vote. The purpose of this proposed constitutional amendment is to prevent the United States or any State from denying or abridging the right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress because of an individual's failure to pay any poll tax or other tax.

The proposed constitutional amendment further confers upon the Congress of the United States the power to enforce this proposed article of the Constitution by appropriate legislation.

Federal legislation to eliminate poll taxes, either by constitutional amendment or statute, has been introduced in every Congress since 1939. Bills to ban the poll tax by statute, rather than by constitutional amendment, had been approved five times between 1942 and 1949 by the House, but died each time in the Senate. The Senate has adopted constitutional amendments on two occasions, in the last Congress and the present bill.

President Kennedy said in his state of the Union message on January 1, 1962:

> The right to vote should no longer be arbitrarily denied through such iniquitous local devices as literacy tests and poll taxes.

Mr. Speaker, the fact of the matter is that the poll tax remains in some areas as a major obstacle to voting participation of minority and low income groups. The poll tax as a prerequisite for voting is now limited to five States: Alabama, Arkansas, Mississippi, Texas, and Virginia. However, it has the concrete result of making those States among the seven with the very lowest voter participation in elections.

POLL TAX DISCOURAGES ELECTORAL PROCESS PARTICIPATION BY MINORITIES

The poll tax is an arbitrary and restrictive requirement, contrary to our democratic principle of civil rights, and specifically designed to deny minorities

of their rights and privileges of citizenship. It should be abolished. While the amount of the poll tax now required is small, there should not be any price tag or any kind of tax on the right to vote. For some people this financial imposition may be enough to discourage participation in the electoral process.

Mr. Speaker, the right to vote is the core of our democratic process, and the foundation upon which good citizenship is built. It is the most precious attribute to American citizenship. It is a right denied to tens of millions of enslaved peoples and captives of communism throughout the world. It is a right that we must guarantee to every American if our public image in the world is to remain spotless and if the right to vote is to remain as a fundamental to free democratic government.

Mr. YATES. Mr. Speaker, on several occasions during my 14 years in Congress, a bill has been passed to eliminate the poll tax. I have voted for the bill on each occasion. The right to vote is an inalienable right of every American citizen, regardless of race, color, or creed. The American democracy envisaged by our Constitution cannot exist so long as each citizen is not given the right to express his choice of those who are to govern the affairs of the Nation.

The imposition of the poll tax is a barrier to the right to vote. It ought to be eliminated. I personally favor the form of legislation that was passed in earlier Congresses so that reliefs can be afforded through statute law. This would be a much quicker procedure than the method of using a constitutional amendment.

Too long have citizens in this country been deprived of their right to vote. Access to a polling booth has slammed shut in the face of many citizens merely because of their race. Various methods have been used to effect a disenfranchisement of Negroes and imposition of the poll tax is one of these.

But the poll tax does not limit Negro suffrage only. It limits white suffrage, as well. Placing the payment of a fee between the voter and the ballot box is distinctly not in keeping with the ideals of our democracy. Equal justice under law is the cardinal American tenet, and equal justice applies to all Americans.

Mr. Speaker, every American should have an opportunity to try for office if he wishes, and to influence the conduct of Government on an equal plane with other American citizens. The poll tax prevents this and it should be eliminated. I am happy to support this legislation.

Mr. VANIK. Mr. Speaker, although a case might be made for the elimination of the poll tax by the enactment of appropriate statutes, it is quite apparent in this situation that the ratification of this amendment to the Constitution will bring speedier and more certain elimination of the poll tax. The State legislatures of the several States will be meeting within 3 or 4 months. Ratification by three-fourths of the State legislatures should occur by midyear 1963. There is every reason to believe that for the first time in our Nation's history, the poll tax will not be a factor in the presidential and congressional elections of 1964.

Furthermore, the outlawing of the poll tax constitutes an increment to the rights of man deserving stature as a constitutional amendment. A statutory outlawing of the poll tax would be subject to revision, attack, or judicial procrastination which cannot threaten a constitutional amendment.

I am pleased to support this bill.

Mr. WHITTEN. Mr. Speaker, I would like to aline myself with the gentleman from Virginia, the Honorable HOWARD SMITH; the gentleman from Louisiana, the Honorable ED WILLIS; and other Members who have spoken against the pending constitutional amendment. To amend the Constitution with only 14 minutes of debate certainly is indicative of the great change which has taken place in our Republic.

At the outset qualifications of electors were intended to be left up to the States and they were left there. There are many reason for this, including the fact that each State and its local problems differed from others. In the early history of this Republic it was recognized that governmental affairs needed to be in the hands of the most responsible and solid of our citizens; and to insure that the Government was in such hands that behind them we needed an electorate who had a sense of responsibility themselves, who had an interest in public affairs.

Mr. Speaker, that continues to be the intent of our Constitution. Through the years, however, where voting was a privilege and not a right, with time many special groups have come around to where they even talk about penalizing people for not voting as though a person who had to be forced to vote, under threat of penalty, could contribute anything to sound government.

The poll tax in my State is $2. Under the constitution of the State it goes to support the schools. Can anyone imagine that any citizen who is unwilling to contribute $2 toward schools could contribute anything toward sound government. Poll taxes are levied on all races, creeds, and colors. It is an obligation whether one votes or not. With reference to voting it is required only that it be paid on or before a certain date. This has a beneficial effect in preventing taking over of elections by special interests at the last minute. In the absence of a poll tax a cut off date for qualifying is highly essential if honest elections are to be continued.

Mr. Speaker, from my observations here it would appear that this constitutional amendment will likely pass. The leadership of both political parties are apparently lined up in support of it. However, I would like to quote a portion of the minority views as carried on pages 6 and 7 of House Report No. 1821 by the Committee on the Judiciary as perhaps the best reason to vote this resolution down. I quote:

> The proposed amendment would outlaw the poll tax in Federal elections only. Its adoption would confront five States with the choice of either foregoing considerable revenue and abandoning a convenient method of registration or of installing dual ballots and voting procedures, one for Federal and one for State elections. Worse than this, the adoption of the amendment would provide a dangerous precedent for future proposals further to eliminate variations among the States with respect to voter qualifications, such as age, education, and residence. It would mark further erosion of the constitutional system and its reservation to the individual sovereign States of the right to conduct their internal affairs without interference.
>
> To sum up, as we shall show, the resolution should be rejected because it is inconsistent with the Constitution, because no legitimate need can be served by its adoption, because it marks a flagrant intrusion into the area of rights reserved to the States, and because its adoption would open the door to further regimentation in matters traditionally reserved to State and local supervision.
>
> CONSTITUTIONALITY OF POLL TAXES
>
> The Founding Fathers long and vigorously debated the question of qualification for electors in Federal elections and resolved that these qualifications should be identical with those used by the respective States for electors of the most numerous branch of the State legislatures. It may also be recalled that poll taxes, as originally adopted by States as a qualification for voting, had the purpose and effect of broadening—not narrowing—the class of persons enfranchised. Predominantly, the requirement of the payment of a tax as a prerequisite to voting provided an alternative to a requirement of property ownership which would have disqualified all but freeholders.
>
> Over the decades a long line of judicial decisions has established that the suffrage is not a right, but a privilege; that this privilege was conferred not by the Federal Constitution but by the States, and that it becomes a right only insofar as it may be infringed in violation of the 15th or the 19th amendment, by discrimination on account of race or sex. The right of the States to control their own election machinery and to prescribe their own reasonable qualifications for voting was clearly affirmed, for example, in the 1951 decision of *Butler* v. *Thompson*, 341 U.S. 937, where the High Court said:
>
> "The decisions generally hold that a State statute which imposes a reasonable poll tax as a condition of the right to vote does not abridge the privileges of immunities of the citizens of the United States which are protected by the 14th amendment. The privilege of voting is derived from the State and not from the National Government. The qualification of voters in an election of Members of Congress is set out in article I, section 2, clause 1, of the Federal Constitution, which provides that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."
>
> Earlier, in 1937, in the leading case of *Breedlove* v. *Suttles*, 302 U.S. 277, the Supreme Court summed up the state of the law with respect to constitutional validity of poll taxes in the following passage:
>
> "To make payment of poll taxes a prerequisite to voting is not to deny any privilege or immunity protected by the 14th amendment. Privilege of voting is not derived from the United States, but is conferred by the State, and, save as restrained by the 15th and 19th amendments and other provisions of the Federal Constitution, the State may condition suffrage as it may deem appropriate." (Citing *Minor* v. *Happersett*, 21 Wall 162; *Ex Parte Yarborough*, 110 U.S. 651; *McPherson* v. *Blacker*, 146 U.S. 1, and *Guinn* v. *United States*, 283 U.S. 347.)
>
> Manifestly, the use of poll taxes is a constitutionally sanctioned method for qualifying voters.

Mr. Speaker, the tragedy is that it will not end in dealing only with Federal elections but will be another step toward the elimination of all States rights. Next

we will see the Federal Government attempting to set up and control residential requirements, age requirements and various other things now clearly within the power of the State—as is set out in the minority report. With that we will see more and more pressure of politics, more and more appeal to elections by public clamor and more and more deterioration in the domestic and international situation of our Nation.

Mr. Speaker, as one who believes the Founding Fathers were right in their allowances for differences in the various States and in recognizing that each State was the best judge of how to have responsible management, right in recognizing that the States were the best judges of how to qualify a responsible electorate, I deplore the action of the Congress in taking the step which they do here today. I can only make my protest and point out, as I have on so many occasions in the past, a statement by Lord Benchley, in the 17th century, I believe, that a democracy could not long endure because the elected officials would dissipate the resources of the country in order to keep being elected. Certainly, Mr. Speaker, any step toward adding disinterested and irresponsible voters to the electorate, any step which removes any showing whatever by the voter that he has an interest in government affairs, even so little interest as to refrain from contributing $2 annually to public schools as they do in my State, certainly will do nothing toward holding public affairs in the hands of responsible people.

Poll tax legislation is a State matter and one in which the Federal Government should not interfere. It is a further step in the wrong direction.

Mr. GALLAGHER. Mr. Speaker, I rise in support of this proposed amendment to the Constitution, which would abolish the poll tax as a requirement for voting in Federal elections.

It is high time that this antiquated device is terminated. The five States in which payment of the poll tax is presently a requirement for voting are among the lowest seven States in the union in voter turnout. It is not coincidental that these five States are also among those States with the highest concentration of Negro citizens.

Those who oppose equal rights for Negro citizens always argue that the Southern States should be permitted to solve their own problems. But Negro citizens have been denied the right to vote in many Southern States. This prevents them from attaining their rights of the polls.

I am hopeful that, once the burden of the poll tax is removed, more and more citizens will exercise their prerogatives to vote. If the Negro citizens of the South can successfully exercise their right to vote it is likely that many of the civil rights problems currently existing can be solved at the polls.

Opponents of the poll tax amendment argue that poll taxes are such a small amount of money that nobody is disqualified from voting. But a dollar and a half or two dollars is a lot of money to man who only makes two or three hundred a year. Any charge for voting unjustly discriminates against people of limited means. And whatever the amount of money, a citizen of the United States should not have to pay for his constitutional right to vote.

I urge my colleagues in the House of Representatives to vote for this proposed amendment.

Mr. SELDEN. Mr. Speaker, the American people can only be amazed when their House of Representatives sets aside but 40 minutes time to deliberate whether or not to amend the Constitution of the United States.

Indeed, this ridiculous limitation would seem to support those who argue that the Constitution has come to be regarded lightly in the Nation's Capital. Yet there are those of us who will not be stampeded into drastically altering, in less time than it takes to answer the morning mail, a document which has served the Republic for 170 years.

Senate Joint Resolution 29, the so-called Qualification of Electors Amendment, represents a serious alteration of the meaning of the Constitution and the intent of the Founding Fathers. By usurping State regulation of voting and by placing these powers in the Federal Government, this proposed amendment does violence to the very principles upon which the Constitution was based.

I wonder whether any of the zealous proponents of this amendment realize what centralized authority over voting privileges and procedures can come to mean. They speak at great length about alleged evils brought about by State and local regulation of voting. Yet the inequity and corruption which could arise from centralized authority over the franchise defies the imagination.

The framers of the Constitution understood this danger. By providing for State and local regulation of voting, they sought to insure against the rise of totalitarian authority and they sought to protect the rights of all Americans.

In discussing the alleged evils of State regulation of voting, the amendment's proponents have had a great deal to say concerning my native State of Alabama. It would be far better if they had concentrated their vocal energies on the well-established evils surrounding the ballot boxes of certain States and cities closer to their own homes.

The fact is that Alabama has long since dispensed with the long-term cummulative poll tax. It can hardly be suggested that the present Alabama law, requiring payment of $1.50 per annum, either discourages or prevents the exercise of the franchise. Certainly the steady increase in both the number of qualified voters and the number of voters casting ballots in recent Alabama elections would belie such a suggestion.

It might also be pointed out that the poll tax in Alabama for the fiscal year 1961 to 1962 amounted to $405,000. This money is applied by law to the Alabama educational system. It is therefore levied and applied toward the education of future voters in the State, a contribution to the strengthening of the country, the State, and the community.

My opposition to the proposed amendment, therefore, is based on two grounds: first, it represents perhaps one of the most serious usurpations of State authority by the Federal Government ever submitted to this Congress; secondly, such a drastic change in our system of government is neither justified nor warranted by the situation existing as to voting privilege and procedures in the several States.

Mr. ELLIOTT. Mr. Speaker, I think the House of Representatives does the public a great disservice when we spend even 40 minutes of a busy legislative day to consider a measure as inconsequential to the national interest as is Senate Joint Resolution 29, the so-called anti-poll tax measure.

I think no one would disagree that the genius of our Constitution, which is the most significant document of government ever devised by mankind, is its ability to provide for a changing society, decade after decade, century after century. I think no one would disagree that we should not tinker with it, as we might with a zoning ordinance or a traffic law. It should be amended only for the most important reasons of national interest.

Is there a great, overriding, national issue involved here? Of course not. First of all, there is no national issue at all since this proposed amendment will affect only five States: Alabama, Arkansas, Mississippi, Texas, and Virginia. This resolution does, however, threaten to destroy a great national principle, which is that our country is a federation of sovereign States which are constitutionally guaranteed the right to be independent in their own unique internal affairs. This means that, just as the individual citizen is guaranteed by the Constitution certain rights and freedoms, so too are the States guaranteed a freedom which I would call "freedom from conformity."

Nothing in the Constitution dictates that one State must do something just because her sister States do it. The fact that most States raise local revenues by income taxes or property taxes is no reason for those which do not to change their laws and conform. It is for each State to decide for herself in light of the wishes of her own people.

If adopted, this resolution would violate the sovereign right of five States to be free from having to conform. It would permit 45 sovereign States, none of which authorize the collection of a poll tax as one of their many conditions for voting eligibility, to impose by a raw show of numerical power their views and methods upon the citizens of 5 equally sovereign States which, in their own judgment, have determined that such a tax is desirable.

The fact that only five States are involved is not the only reason why this is not a national issue. On three separate occasions our forefathers deliberately expressed right in the Constitution that the question of qualifying voters in Federal elections was a matter for State procedures to control. There has never been an absolute right to vote without such control. The Constitution provides, in article II, that the State legislatures shall provide for the choosing of electors in presidential elections. The Constitution provides, in article I, that

the electors for the election of U.S. Representatives "in each State shall have the qualifications requisite for electors in the most numerous branch of the State legislature."

This same principle was reaffirmed with the passage, in 1912, of the 17th Amendment to the Constitution, which provided for the direct election of U.S. Senators rather than election by State legislatures, as was formerly the procedure.

In short, one of the cornerstones of our constitutional government is that, in adopting our Federal system, the Founding Fathers preserved for the States the right to determine the eligibility and qualifications of their respective voters. Under this time-honored principle, each of the 50 States has set various qualifications for voting. Some States require prospective voters to demonstrate that they have a fundamental ability to read so as to assure a meaningful vote. In the past, voters have had to be landowners, or taxpayers, or property holders. All States have set their own age requirements, ranging from 18 to 21 years of age. No one, to my knowledge, has ever tried to justify infringing upon this sovereign right of the States by compelling all States to agree upon one single age requirement. Such a suggestion would be viewed, even by today's proponents, as ludicrous.

The 19th amendment to the Constitution did affect the qualifications of voters by prohibiting discrimination against women. Here is an example of a great national issue which affected the rights of more than one-half of our country's total population. But where is the great issue in today's proposal?

There are some who would seek to gain political advantage by characterizing this amendment as civil rights legislation. But anyone who knows anything about the poll tax knows that civil rights plays no part whatever in the question. Even the U.S. Commission on Civil Rights has stated that the poll tax has not effectively been used to discriminate against citizens of any race or creed.

The poll tax, as its historical definition has always indicated, is nothing more than a per capita or capitation tax—the oldest tool there is for raising revenue. There are many who are against the poll tax because it is no longer a modern or efficient method of raising revenues.

It is on this judgment that the proponents of this legislation base their case. In the majority report, the opinion is expressed that, "Just as the property requirement proved antiquated, so does the poll tax today." In other words, it is the opinion of the majority that a constitutional amendment is needed to clear from the books local procedures in 5 States which the remaining States consider "antiquated."

This is a judgment, however, which only the people of the State involved are entitled to make. The people of Florida, or New York, or California, have no more right to tell Alabama citizens not to raise revenue by the poll tax than they have to tell them they should abandon the income tax in favor of, say, statewide lotteries.

The majority report also says that this "antiquated" tax serves no other purpose than to be "an obstacle to the proper exercise of a citizen's franchise." This has never been demonstrated to be true. Citizens by the millions do not vote and this represents a tragic lack of interest in our greatest political safeguard. But the reason for their failure to vote is not because of the poll tax. In 1960, for instance, it has been estimated that approximately half a million registered voters who had paid their poll taxes refrained from voting in Virginia. I am sure such is the case in all of the 5 States.

The poll taxes in these States are too small to prevent people from voting. They range from $1 to $4 per person. There was a time in Alabama, it is true, when those persons who had not paid their poll taxes for many years were required to pay the cumulative total for all the years in which they were in arrears before they could vote. Perhaps such a rule deterred a few voters from voting. Several years ago, however, Alabama corrected this hardship, without the aid of a constitutional amendment, and placed a maximum charge of $3 regardless of the number of years the person was in arrears.

There are those who consider this tax a penalty. This could not be further from the fact. Every dollar which Alabama collects from the poll tax, an amount exceeding $400,000 goes toward the education of our schoolchildren. In many ways, I believe it is quite fitting that each voter should pay $1.50 to help educate the next generation of voters who will need all the education they can get to cast an intelligent and responsible ballot.

Mr. Speaker, I believe it is an exercise in the trivial for responsible lawmakers to concern themselves with how the people of 5 States raise school revenues. I believe it is a disgrace that such an obviously political maneuver should be permited to masquerade as an issue involving the rights of man. I urge the Members of this body to pay heed to the simplest of constitutional principles and reject the poll tax issue immediately so that we can turn to matters of greater national interest.

Mr. CURTIS of Missouri. Mr. Speaker, I shall vote against suspending the rules and passing this measure for a number of reasons, not the least of which is the highly questionable procedures followed in bringing this matter to the floor of the House.

I believe it is important that the Constitution of the United States should be amended only after a strong case has been made for both its need and the legal necessity for it.

No case worthy the name has been made for either the need or the necessity. The need does not exist as pointed out by the U.S. Commission on Civil Rights quoted by both the majority and the minority of the committee in the report accompanying the measure.

The legal necessity does not exist. As pointed out again by both the majority and the minority of the committee ordinary legislation as opposed to a constitutional amendment would adequately take care of whatever need might exist.

Everyone in the House knows exactly why this measure is before us. In my judgment it is a shabby attempt to avoid the responsibility of coping with some real problems of civil rights which exist in our country today. We have some real problems of extending the right of franchise to all our citizens. The right to vote, part of the right of franchise, is still being denied many of our citizens through a variety of subterfuges, but the poll tax is no longer one of these subterfuges. The equally important right to cast a free ballot and have that ballot counted fairly along with all the other ballots cast is the most neglected aspect of the right of franchise today.

Because of the action of the House leadership last year on the Cramer amendment, the Civil Rights Commission does not have jurisdiction over this second important aspect of the right of franchise, the right to have the vote counted honestly.

A second area in which basic civil rights are involved and are being neglected is the various Federal housing programs. There are many other areas. The point is this: The House and this Congress are not facing up to real issues of civil rights, but by bringing up this unneeded measure it hopes to throw powder in the eyes of those who look upon civil rights in an emotional way.

Emotionally the poll tax is detested, not because of its present remaining use in five States but because of its past abuse. The promoters of this bill today hope to catch ahold of this remaining emotionalism to hide their inaction on important civil rights matters.

Perhaps also they hoped that there would be enough Congressmen like myself who would decline to go along with this subterfuge so that they could make partisan political capital against us, or against our party.

Certainly it would be easy for me to vote for this measure. It means nothing, and I would have to explain nothing to my constituents. Voting against it requires an explanation that may never get through to my people. From past experience I can predict that my reasons will not get through to my people in time for the November elections because the reporting media will give me little or no assistance in broadcasting these views.

However, it is important that some people vote against this measure because of what it is and what it is not; that is someone other than southern Democrats who likewise make political hay, but out of the converse emotion. Their constituents remember the poll tax of the past and think a vote to retain it will preserve their political control.

Yes, I have listened to my southern friends express concern for the Constitution and for States rights, and I agree with them on this matter in this instance because I have this concern. However, I have noted over a period of years that it is primarily on civil rights issues, almost alone, that they express this concern. When the issue of constitutionality and States rights comes up on many of the measures which extend the

broad powers of the Federal Government into the States, local communities, the families and into private lives I find them far from the well of the House and voting for these measures extending Federal powers.

Finally, I would say to the chairman of the committee handling this bill, the gentleman from New York [Mr. CELLER], this bill could have had a rule if your committee sought it with vigor. Furthermore, this bill could have been brought out under Calendar Wednesday promptly. I point out that Calendar Wednesday is remarkably free from other pending legislation. Under Calendar Wednesday the bill would be handled as most of our bills are handled under the 5-minute rule, open to amendment at any point—an open rule as opposed to the gag rule under which we consider suspensions. Calendar Wednesday is not subject to delaying tactics any more than any other rule under which bills are debated, amended, and passed in the House. It is impossible to filibuster in the House if the majority really are opposed to the filibuster. At any time the majority by motion can shut off debate or any other delaying tactics as was proven here when a brief and rather inane filibuster was attempted a few hours ago.

Furthermore, Calendar Wednesday is a legislative day, and like any legislative day can last as long as no motion to adjourn is voted. In other words it can last a week or more if necessary. I am merely rebutting the false arguments that have been advanced from time to time by the self-styled liberals as to why they say they cannot work their will by the utilization of Calendar Wednesday.

Calendar Wednesday is not used by the self-styled liberals either because they lack a majority vote on the issue, or they seek to prevent debate and amendment for other ulterior purposes. In this instance before us today the purposes are quite ulterior as to why they choose to debate this sorry measure under a rule which limits debate to 40 minutes and prohibits all amendments.

Someday I hope that true liberals will start showing the courage to vote down phony civil rights measures. Until they do, and check the playing of partisan politics with matters involving civil rights, our progress toward better civil liberties in this country will remain slow.

Mr. HALPERN. Mr. Speaker, in principle, how can any freedom-loving American oppose Senate Joint Resolution 29? Its ultimate enactment will be a monumental step in the progress of our Nation.

I have long advocated the abolishment of the payment of a poll tax as a requirement for voting in Federal elections, but I strongly advocate that this be done by statute. On July 1, 1960, I introduced H.R. 12925, and on January 6, 1961, I introduced H.R. 2021. These bills make unlawful the requirement of a poll tax payment as a prerequisite to voting for national officers. I have long advocated and I will still advocate the principle that the poll tax requirement is not a qualification of voters within the meaning of the Constitution for it does not affect the capacity or the fitness of a citizen to vote. The poll tax requirement is and must be deemed as an interference with the manner of holding elections and is a tax upon the right or privilege of voting for said national officers. As such, these poll tax laws may be altered by Congress under the power given to Congress by section 4 of article I of the Constitution to make or alter the manner of Federal elections.

Further, the imposition of a tax on the right of voting is clearly an abridgement of the rights and privileges of citizens. Congress may therefore abolish it by statute under the power granted to Congress by the 14th amendment which provides that no State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States. We also have ample proof that the average per capita income of nonwhite citizens in the Nation is extremely low as compared with the average income of a white person. It is quite simple to deduce from this that the poll tax requirement serves as a discrimination against Negroes in the exercise of their voting rights. Congress can therefore abolish this poll tax requirement by statute under the power it derives from the 15th amendment which provides that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

For these reasons I believe that Congress has the constitutional authority to abolish the poll-tax requirement by statute. I also believe that the statutory method would be the quickest and would succeed in eliminating the payment of a poll tax in this coming election, whereas a constitutional amendment would have a long tedious road to travel before becoming effective.

However, we must be realistic. The House has five times passed a bill to abolish the poll-tax requirement—H.R. 1024, 77th Congress; H.R. 7, 78th Congress, H.R. 7, 79th Congress, H.R. 29, 80th Congress; and H.R. 3199, 81st Congress—but not one of these bills succeeded in passing the Senate. On the other hand, in the 86th Congress, the Senate adopted Senate Joint Resolution 39 proposing to accomplish this by constitutional amendment, but this received no action in the House. It is thus quite clear that both Houses agree in principle to the abolishment of the poll-tax requirement but cannot agree upon the method to be pursued in effecting this abolishment.

In our disagreement as to the method, let us not lose sight of our goal, which is to abolish the poll-tax requirement. With this in mind I introduced House Joint Resolution 663 on March 13 of this year, which proposes a constitutional amendment similar to that proposed by Senate Joint Resolution 29. In principle, I therefore urge that we support Senate Joint Resolution 29. Let us vote on the merits of the issue and not upon the form in which it is offered. This amendment will prevent the imposition not only of a poll tax but of any other tax as prerequisite to voting and will apply not only to a State but to the United States as well, and it is broad enough to prevent the defeat of its objectives by some ruse or manipulation of terms.

The adoption of this amendment will secure throughout our Nation a more active participation in Federal elections by persons qualified under the laws of their respective States and will assure that their ability to vote will not be dependent on their economic status. I wish to direct your attention to the statement made by Senator HOLLAND in the Senate on Januray 28, 1960—CONGRESSIONAL RECORD, volume 106, part 2, page 1513—one of the Senators sponsoring Senate Joint Resolution 29, and a Senator whose State abolished the poll tax requirement in 1937. He cites statistics to prove that although the population of Florida increased only 18 percent in the period between 1935 and 1940, the number of persons voting in the Democratic primary in 1940 showed an increase of 46 percent over the number of persons who voted in such primary in 1936 before the poll tax requirement was repealed. This is first hand information from a qualified person concerning his own State. There can be no doubt that the poll tax requirement as a prerequisite to voting is an evil which must be stamped out as soon as possible.

Mr. Speaker, may this House by its resounding vote of approval let the American people know how it feels about this antiquated, feudalistic form of voting.

Mr. DORN. Mr. Speaker, the States in substance existed before the Central Government. Our Federal Government is a creature of the States. The power, insuring the effective operation of each within its respective sphere, is vested in the Constitution. In the Constitution, powers are delegated to each in order to maintain a division and proper balance, with the States enjoying as inherent those powers not specifically delegated. The States, thus ultimately the people, must be allowed to preserve their constitutional rights and powers, both granted and residual.

Since the States have been guaranteed by the Constitution the privilege of deciding upon the manner and method of conducting their elections, there is no need for this amendment. It would be an imposition for the Federal Government to presume to dictate to the States how they must operate their elections. This coercion of the States by its own creation is a direct invasion of States rights.

There is no justification for this amendment as only five States now retain the poll tax as a requirement for vote. My own State of South Carolina long ago did away with the poll tax as a prerequisite for voting. In the States that do require poll tax, the token remittance ranges from $1 to $2, the receipts in most cases being used for education and other citizen benefits. Upon the basis of this evidence, a claim of the use of poll tax as an implement of discrimination is invalid and not worth consideration. The adoption of this amendment would, in truth, be a manifestation of the power highly organized and well-financed pressure groups can bring to bear upon the people of the United States. I believe each State

should be free to make this decision with regard to the criteria for voting, being governed by the desires of its citizens.

The adoption of this amendment would have far-reaching effects, setting a dangerous precedent. It is a step toward complete Federal control of elections on the State and local levels. This is just another among the long list of incidents of the continuing centralization of the Federal Government at the expense of the State and local governments and ultimately the citizen.

This amendment would be another weight upon one side of the already unequal balance which controls the constitutional division of power. This easy amendment of our Constitution would lead to further encroachment of this one division, the Federal Government, upon the rights included in the realm of the other, the State governments. The final burden of these limitations will be borne by the people.

The powerful pressure groups and minorities forcing this unnecessary amendment through the Congress will, with its adoption, grow more bold, arrogant, and demanding. They cannot and will not cease their agitation until they establish a dictatorship over the majority or until representative government is destroyed and elections become a Federal fraud.

The States and the people at the local level have been doing a magnificent job in this field—they need to be complimented and encouraged. This amendment is not needed. It is a reflection on the fine job done by the States. It is desperately sought by the pressure groups so as to claim for themselves and the Federal Government credit for something that has already been done by the States and the people. This amendment is a fraud and a waste of the time of the Congress.

The SPEAKER. The time of the gentlemen from Colorado has expired; all time has expired.

The question is, Will the House suspend the rules and pass the resolution, Senate Joint Resolution 29?

Mr. ABERNETHY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 294, nays 86, answered "present" 1, not voting 54, as follows:

[Roll No. 202]

YEAS—294

Addabbo	Boggs	Chenoweth
Albert	Boland	Chiperfield
Anderson, Ill.	Bow	Church
Anfuso	Brademas	Clancy
Ashbrook	Bray	Clark
Ashley	Breeding	Cohelan
Aspinall	Brewster	Conte
Auchincloss	Brooks, Tex.	Cook
Avery	Broomfield	Corbett
Ayres	Brown	Corman
Bailey	Broyhill	Curtin
Baker	Bruce	Daddario
Baldwin	Buckley	Dague
Barrett	Burke, Ky.	Daniels
Barry	Burke, Mass.	Davis, Tenn.
Bass, Tenn.	Byrne, Pa.	Delaney
Bates	Byrnes, Wis.	Dent
Becker	Cahill	Denton
Belcher	Carey	Derounian
Bell	Cederberg	Derwinski
Bennett, Fla.	Celler	Diggs
Bennett, Mich.	Chamberlain	Dingell
Betts	Chelf	Dole
Doyle	Kluczynski	Randall
Dulski	Knox	Reuss
Durno	Kornegay	Rhodes, Ariz.
Dwyer	Kowalski	Rhodes, Pa.
Edmondson	Kunkel	Riehlman
Fallon	Kyl	Rivers, Alaska
Farbstein	Laird	Robison
Fascell	Lane	Rodino
Feighan	Langen	Rogers, Colo.
Fenton	Lankford	Rogers, Fla.
Finnegan	Latta	Rooney
Fino	Lesinski	Roosevelt
Flood	Libonati	Rosenthal
Fogarty	Lindsay	Rostenkowski
Ford	Lipscomb	Roudebush
Frelinghuysen	Loser	Roush
Friedel	McCulloch	Rutherford
Fulton	McDonough	Ryan, Mich.
Gallagher	McFall	Ryan, N.Y.
Garmatz	McIntire	St. George
Gavin	McVey	St. Germain
Giaimo	MacGregor	Santangelo
Gilbert	Mack	Saylor
Glenn	Madden	Schadeberg
Gonzalez	Magnuson	Schenck
Goodling	Mailliard	Schneebeli
Gray	Marshall	Schweiker
Green, Oreg.	Martin, Mass.	Schwengel
Green, Pa.	Martin, Nebr.	Scranton
Griffin	Mathias	Shelley
Griffiths	May	Sheppard
Gross	Meader	Shipley
Gubser	Michel	Shriver
Hagen, Calif.	Miller, Clem	Sibal
Haley	Miller, George P.	Siler
Halleck	Miller, N.Y.	Slack
Halpern	Milliken	Smith, Calif.
Hansen	Minshall	Smith, Iowa
Harding	Moeller	Spence
Hardy	Monagan	Springer
Harrison, Wyo.	Montoya	Stafford
Harsha	Moore	Staggers
Harvey, Ind.	Moorhead, Pa.	Steed
Harvey, Mich.	Morgan	Stubblefield
Hays	Morse	Sullivan
Healey	Mosher	Taber
Hechler	Moss	Taylor
Hoeven	Moulder	Teague, Calif.
Hoffman, Ill.	Multer	Thomas
Holifield	Murphy	Thompson, N.J.
Holland	Natcher	Thomson, Wis.
Horan	Nedzi	Thornberry
Hosmer	Nelsen	Toll
Hull	Nix	Tollefson
Ichord, Mo.	Norblad	Tupper
Inouye	Nygaard	Udall, Morris K.
Jarman	O'Brien, N.Y.	Ullman
Jennings	O'Hara, Ill.	Vanik
Jensen	O'Hara, Mich.	Van Zandt
Joelson	O'Konski	Wallhauser
Johnson, Calif.	Olsen	Walter
Johnson, Md.	O'Neill	Watts
Johnson, Wis.	Osmers	Weaver
Jonas	Ostertag	Weis
Judd	Pelly	Westland
Karsten	Perkins	Whalley
Karth	Pfost	Wharton
Kastenmeier	Philbin	Whitener
Kee	Pike	Wickersham
Keith	Pillion	Widnall
Kelly	Pirnie	Yates
Keogh	Poff	Young
King, Calif.	Price	Younger
King, N.Y.	Pucinski	Zablocki
King, Utah	Quie	Zelenko
Kirwan		

NAYS—86

Abbitt	Fisher	Mills
Abernethy	Flynt	Murray
Alexander	Forrester	Norrell
Alford	Fountain	Passman
Alger	Frazier	Patman
Andrews	Gary	Poage
Ashmore	Gathings	Purcell
Battin	Goodell	Rains
Beckworth	Grant	Ray
Beermann	Hagan, Ga.	Reifel
Berry	Harris	Riley
Bonner	Harrison, Va.	Rivers, S.C.
Boykin	Hemphill	Roberts, Ala.
Bromwell	Henderson	Roberts, Tex.
Burleson	Herlong	Rogers, Tex.
Casey	Hiestand	Rousselot
Colmer	Huddleston	Scott
Cooley	Johansen	Selden
Curtis, Mo.	Jones, Ala.	Short
Davis, John W.	Jones, Mo.	Sikes
Devine	Kilgore	Smith, Va.
Dorn	Landrum	Stephens
Dowdy	Lennon	Teague, Tex.
Downing	McSween	Thompson, Tex.
Elliott	Mahon	Trimble
Everett	Matthews	Tuck
Van Pelt	Whitten	Winstead
Vinson	Williams	Wright
Waggonner	Willis	

ANSWERED "PRESENT"—1

Reece

NOT VOTING—54

Adair	Dominick	Moorehead, Ohio
Andersen, Minn.	Donohue	Morris
Arends	Dooley	Morrison
Baring	Ellsworth	O'Brien, Ill.
Bass, N.H.	Evins	Peterson
Blatnik	Findley	Pilcher
Blitch	Garland	Powell
Bolling	Granahan	Saund
Bolton	Hall	Scherer
Cannon	Hébert	Seely-Brown
Coad	Hoffman, Mich.	Sisk
Collier	Kearns	Smith, Miss.
Cramer	Kilburn	Stratton
Cunningham	Kitchin	Thompson, La.
Curtis, Mass.	McDowell	Utt
Davis, James C.	McMillan	Wilson, Calif.
Dawson	Macdonald	Wilson, Ind.
	Mason	
	Merrow	

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Blatnik and Mr. Macdonald for, with Mr. Hébert against.

Mr. McDowell and Mr. Pilcher for, with Mr. McMillan against.

Mr. Baring and Mr. Hall for, with Mr. James C. Davis against.

Mr. Powell and Mr. Kilburn for, with Mr. Thompson of Louisiana against.

Mr. Dawson and Mr. O'Brien of Illinois for, with Mrs. Blitch against.

Mrs. Bolton and Mr. Cramer for, with Mrs. Reece against.

Until further notice:

Mr. Evins with Mr. Wilson of California.
Mr. Kitchin with Mr. Arends.
Mr. Morrison with Mr. Collier.
Mr. Cannon with Mr. Utt.
Mr. Saund with Mr. Findley.
Mr. Morris with Mr. Cunningham.
Mr. Donohue with Mr. Dooley.
Mr. Sisk with Mr. Moorehead of Ohio.
Mr. Peterson with Mr. Ellsworth.
Mr. Smith of Mississippi with Mr. Adair.
Mr. Stratton with Mr. Andersen of Minnesota.
Mrs. Granahan with Mr. Scherer.
Mr. Bolling with Mr. Seely-Brown.
Mr. Coad with Mr. Dominick.

Mrs. REECE. Mr. Speaker, I have a live pair with the gentleman from Florida [Mr. CRAMER] and the gentlewoman from Ohio [Mrs. BOLTON]. If they were present, they would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. STRATTON. Mr. Speaker, while the rollcall vote was being taken a moment ago on the so-called poll-tax amendment, Senate Joint Resolution 29, I was called momentarily outside the Chamber on urgent business affecting the people of my district. Although I was well aware that the amendment, which I have long supported, would carry by a sizable margin, I nevertheless desired that my position in favor of it should be formally recorded. Had I been present I would have voted an emphatic "aye."

COMMUNICATIONS SATELLITE ACT OF 1962

Mr. HARRIS. Mr. Speaker, I move to suspend the rules and agree to House Resolution 769.

The Clerk read the resolution as follows:

Resolved, That immediately upon the adoption of this resolution the bill H.R. 11040, with the Senate amendment thereto, be, and the same is hereby, taken from the Speaker's table, to the end that the Senate amendment be, and the same is hereby, agreed to.

The SPEAKER. Is a second demanded?

Mr. SPRINGER. Mr. Speaker, I demand a second.

Mr. RYAN of New York. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Illinois has demanded a second.

Mr. RYAN of New York. Mr. Speaker, is the gentleman from Illinois opposed to the bill?

The SPEAKER. Is the gentleman from Illinois [Mr. SPRINGER] opposed to the bill?

Mr. SPRINGER. Mr. Speaker, I am not opposed to the bill.

The SPEAKER. Is the gentleman from New York [Mr. RYAN] opposed to the bill?

Mr. RYAN of New York. Mr. Speaker, I am opposed to the bill and I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HARRIS. Mr. Speaker, I yield myself 8 minutes.

The bill now before us has been hammered out through extensive legislative and executive action. It bears the imprimatur of the President of the United States. It has been strongly endorsed by three members of the Cabinet—the Secretary of State, the Attorney General, the Secretary of Defense, as well as by the two agencies of the Federal Government most closely connected with space communications—NASA and the FCC. It has been studied, scrutinized and endorsed by four committees of the Congress. It passed this House on May 3 by a vote of 354 to 9, and on August 17 the Senate confirmed the judgment of this body by an almost equally overwhelming vote, 66 to 11. Few bills come before this body with such endorsements.

Mr. Speaker, on May 2 of this year I stood in the well of this House and urged the Members to approve the communications satellite bill which our Committee on Interstate and Foreign Commerce had reported. We had a good bill. It was carefully developed by the committee after full and complete hearings and several days of executive sessions. On the following day, 354 Members of this House voted in the affirmative and only 9 voted in the negative.

Today, almost 3 months later, I am standing before you again, and this time asking you to support the Senate amendment to the communications satellite bill, H.R. 11040, and thus send it to the President for his signature.

The major reason why I am asking you today to agree to the Senate amendment is very simple and should be very persuasive—our Nation needs this legislation now without any further delay.

When we came before you 3 months ago I said that I thought we were very fortunate indeed in that we do not have to depend on the Government to do it all. I told you that this bill provides for a new type of organization which was specifically designed to meet specific needs. I told you that our committee felt—and the President so recommended—that a private, profitmaking corporation with Government cooperation and subject to Government regulation to the extent necessary was the most appropriate way in which this most important program could be gotten underway expeditiously.

This House supported our committee's judgment overwhelmingly and the other body did likewise. President Kennedy has advised me that the Senate amendment to H.R. 11040 is completely satisfactory to him.

Mr. Speaker, deeds, however, always speaker louder than words. Since the House voted overwhelmingly to support this legislation which provides for a private, profitmaking communications satellite corporation, another private, profitmaking communications corporation—the American Telephone & Telegraph Co.—with the cooperation of NASA, launched Telstar. Experimental Telstar is living proof that in this Nation we are fortunate in that important programs can be entrusted to private industry, and that we need not concentrate all of such programs in the hands of an all-powerful Federal Government.

This principle—that we can well afford to decentralize the planning and execution of a program of this nature which is important to this Nation's welfare and security—this principle, I say, is basic to this legislation. This principle has been fought hard by a few persons—well intended, perhaps—who apparently do not have faith in private enterprise and who believe that this program should be carried on by the Government alone.

I say to you that we can and must have faith in decentralization and cooperation which are essential to our private enterprise system and to our democratic way of life. If we lose faith in these fundamental principles and pay only lipservice to them, then we shall be illequipped to compete successfully with other nations who insist on concentrating all planning and execution of vital programs in the hands of their governments.

From the beginning, President Kennedy, and before him, President Eisenhower, sought to have the communications satellite program carried on by private enterprise with the cooperation and, to the extent necessary, under the supervision of our Government.

The FCC at first recommended that the private corporation to be established should be nonprofit and should be owned 100 percent by international communications carriers. The hardware manufacturers and domestic communications carriers fought that plan because it excluded them from sharing in the control of the corporation.

Then, President Kennedy recommended that the private corporation to be created should be profitmaking and should be controlled primarily by those stockholders who are willing to put their money into the new venture.

After extensive hearings, our committee felt that there was merit in both proposals, and that the control of the new corporation should be shared by new investors and existing carriers. That is the fundamental idea on which H.R. 11040 is based. That idea has been retained, unchanged in the amendment to the bill which passed the other body.

Now, the amendment makes numerous small changes in the bill passed by the House. I am holding in my hand a detailed analysis which our committee staff prepared at my request showing in detail the changes which the other body made in the House bill. There is also available to the membership a committee print which shows word-by-word the changes which the other body made in the House bill.

Mr. Speaker, many of these changes could be discussed and debated at length if time would permit. The outstanding fact, however, is that the other body left intact the principal provisions of the bill which the House supported on May 3 with only nine dissenting votes.

We could go on for months to dot the "i's" and cross the "t's" in this legislation, and perhaps improve on it. As a matter of fact, there are several provisions which the other body modified which I personally thought were far superior in the form in which they passed the House. However, such improvements as could be made would go to details of the bill and not to the basic pattern on which this legislation is designed. That pattern is, and I repeat, that we do not want to centralize all important programs in an all-powerful Federal Government, but that we have faith in letting private industry carry on important programs with the cooperation of our Government and, where necessary, subject to Government supervision.

Time is running out and in my judgment further delay will hurt the program. The enactment of this legislation is only a first step and, as actual experience is accumulated, changes can be made by subsequent Congresses. Therefore, I am asking the Members of the House today, not to delay this legislation any further and to vote for the amendment to H.R. 11040.

Mr. Speaker, I ask unanimous consent that following my remarks there be included in the RECORD an analysis of the principal differences between H.R. 11040 as passed by the House and as passed by the Senate, and a more detailed summary attached thereto for the information of the Members of the House and for the benefit of industry and for all concerned throughout this Nation.

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

There was no objection.

PRINCIPAL DIFFERENCES BETWEEN H.R. 11040 AS PASSED BY THE HOUSE AND THE SENATE

(A more detailed summary is attached hereto)

1. Senate bill contains more specific language than House bill relating to domestic communication services.

2. House bill requires FCC to insure effective competition in procurement of equipment by corporation. Senate bill requires FCC to insure effective competition in procurement of equipment for satellite system and terminal stations by corporation and communications common carriers. Also, requires Commission to consult with Small Business Administration to insure that small business concerns are given an equitable opportunity to share in procurement program.

3. House bill grants to FCC power to require establishment of commercial communication by satellite to foreign countries. Senate bill contains in addition similar requirement for the establishment of satellite terminal stations in foreign countries.

4. House bill requires FCC to insure compatibility and interconnections between satellite system and terminal stations. Senate bill contains in addition similar provision with regard to compatibility and interconnections among terminal stations.

5. House bill directs FCC in determining public interest to encourage construction and operation of terminal stations by communications common carriers whenever not inconsistent with policies of this act. Senate bill requires the FCC in determining public interest to authorize construction and operation of terminal stations by communications common carriers or the corporation without preference to either.

6. Senate bill grants to FCC power to approve financing, to approve any substantial additions to the satellite system or to terminal stations, to require additions to the system or stations where they would serve the public interest, and to make rules and regulations to carry out the act. House bill does not contain comparable provisions.

7. Senate bill adds requirement that incorporators be appointed by and with the advice and consent of the Senate; and eliminates provision disqualifying incorporators to serve as directors of corporation.

8. Senate bill eliminates provision prorating number of directors which may be elected by communications common carriers depending on percentage of voting stock of corporation owned by communication common carriers. (Thus common carriers may elect six directors regardless of percentage of voting stock owned by them.)

9. House bill reserves for purchase by authorized communications common carriers 50 percent of the stock offered by the corporation. Senate bill reserves for purchase by such carriers 50 percent of the stock authorized for issuance by the corporation.

10. House bill silent on whether or not voting stock of corporation shall be eligible for inclusion in the carriers' rate base. Senate bill provides that voting stock of corporation shall not be eligible for inclusion in carriers' rate base.

11. House bill contains provision which makes the right of stockholders to inspect the books of the corporation subject "to such regulations as the Commission may prescribe in the interest of national security." Senate bill eliminates this provision.

12. House bill provides that corporation may operate commercial communication satellite systems. Senate bill provides that corporation may operate "a commercial communication system."

13. House bill provides that corporation shall be subject to FCC regulation as common carrier under provisions of Communications Act. Senate bill in addition provides that the provision of terminal station facilities shall be subject to FCC regulation as a common carrier activity fully subject to the Communications Act.

14. House bill provides for reimbursement by corporation for all costs incurred by State Department in assisting corporation in international negotiations. Senate bill omits this provision.

15. Senate bill imposes duty on corporation and communications common carriers to comply with provisions of this act and regulations promulgated thereunder. House bill does not contain comparable provision.

16. Senate bill requires FCC to report to Congress on anticompetitive practices, need for additional legislation, and evaluation of corporation's capital structure to assure most efficient and economical operation of corporation. House bill does not contain comparable provision.

SUMMARY OF DIFFERENCES BETWEEN H.R. 11040 AS PASSED BY THE HOUSE AND THE SENATE

DECLARATION OF POLICY

Section 102(b): This subsection as passed by the Senate states that expanded telecommunications services are to be made available as promptly as possible. As passed by the House, the subsection is limited to international communication services. In other words, the Senate language includes both international and national telecommunication services. (See also sec. 102(d).)

Section 102(c): This subsection provides that the satellite corporation shall be so organized and operated as to maintain and strengthen competition in the provision of communications services to the public. The Senate added a provision that the activities of the corporation and of the persons or companies participating in the ownership of the corporation shall be consistent with the Federal antitrust laws.

Section 102(d): As passed by the House, this subsection provides that the Congress reserves to itself the right to provide for additional communications satellite systems if required to meet unique governmental needs or if required in the national interest. The Senate added a provision that it is not the intent of Congress by this act to preclude the use of the communications satellite system for domestic communication services where consistent with the provisions of this act. Conforming changes were made by the Senate in several sections of the bill.

DEFINITIONS

Section 103(2): As passed by the House, this paragraph defines the term "satellite terminal station" as a "complex of communication equipment located on the earth's surface which receives from or transmits to terrestial communication systems for relay via communications satellites." As passed by the Senate, the term is defined as a "complex of communication equipment located on the earth surface, operationally connected with one or more terrestial communication systems, and capable of transmitting telecommunications to or receiving telecommunications from a communications satellite system."

Section 103(7): As passed by the House, this paragraph provides that the term "communications common carrier" has the same meaning as the term "common carrier" has when used in the Communications Act of 1934, as amended. The Senate added a provision that the term "in addition includes, but only for purposes of sections 303 and 304, any individual, partnership, association, joint-stock company, trust, corporation, or other entity which owns or controls, directly or indirectly, or is under direct or indirect common control with, any such carrier." (Section 303 relates to the election by carriers of directors of the satellite corporations, and section 304 to ownership by carriers of voting stock in the satellite corporation.)

PRESIDENT'S RESPONSIBILITIES AND POWERS

Section 201(a)(1): As passed by the House, this paragraph provides that the President shall aid in the development of a national communication satellite program. As passed by the Senate, this paragraph provides that the President shall aid in the planning and development of such program.

Section 201(a)(6): As passed by the House, this paragraph requires the President to take all necessary steps to insure the availability and utilization of the communications satellite system for general governmental purposes except where a separate system is required to meet unique governmental needs. As passed by the Senate, this paragraph requires the President to take all necessary steps to insure such availability and utilization except where a separate system is required to meet unique governmental needs or is otherwise required in the national interest.

NASA'S RESPONSIBILITIES AND POWERS

Section 201(b)(2): As passed by the House, this paragraph provides that NASA shall "coordinate its research and development program in space communications with the research and development program of the corporation." As passed by the Senate, this paragraph provides that NASA shall "cooperate with the corporation in research and development to the extent deemed appropriate by the [National Aeronautics and Space Administration] in the public interest."

FCC'S RESPONSIBILITIES AND POWERS

Section 201(c)(1): As passed by the House, this paragraph provides that the FCC shall "insure effective competition in the procurement by the corporation of apparatus, equipment, and services, and, to this end, shall prescribe appropriate rules and regulations." As passed by the Senate, this paragraph provides that the FCC shall "(1) insure effective competition, including the use of competitive bidding where appropriate, in the procurement by the corporation and communications common carriers of apparatus, equipment, and services required for the establishment and operation of the communications satellite system and satellite terminal stations; and the Commission shall consult with the Small Business Administration and solicit its recommendations on measures and procedures which will insure that small business concerns are given an equitable opportunity to share in the procurement program of the corporation for property and services, including but not limited to research, development, construction, maintenance, and repair."

Section 201(c)(2): As passed by the House, this paragraph provides that the FCC shall "insure that all present and future authorized carriers shall have nondiscriminatory use of, and equitable access to, the communications satellite system on just and reasonable terms and conditions, and regulate the manner in which available facilities of the system are allocated among users thereof."

As passed by the Senate, this paragraph provides that the FCC shall "insure that all present and future authorized carriers shall have nondiscriminatory use of, and equitable access to, the communications satellite system and satellite terminal stations under just and reasonable charges, classifications, practices, regulations, and other terms and conditions, and regulate the manner in which available facilities of the system and stations are allocated among users." (Language added by the Senate underscored.) (In effect, the Senate transferred to this paragraph language relating to terminal stations which may be found in section 201(c)(7) in the bill as passed by the House.)

Section 201(c)(3): This paragraph relates to FCC proceedings for the purpose of requiring the establishment in the national interest of commercial communication by means of the communication satellite sys-

tem to a particular foreign point. The Senate added following the word "by means of the communications satellite system" the words "and satellite terminal stations."

Section 201(c)(4): As passed by the House, this paragraph provides that the FCC shall insure that facilities of the communications satellite system are technically compatible and interconnected operationally with satellite terminal stations. As passed by the Senate, this paragraph also provides that the FCC shall insure that satellite terminal stations are compatible and interconnected with each other.

Section 201(c)(7): As passed by the House, this paragraph provides that the FCC shall "grant a license for the construction and operation of each satellite terminal station, either to the corporation or to one or more authorized carriers or to the corporation and one or more such carriers jointly, as will best serve the public interest, convenience, and necessity." As passed by the House, this paragraph also provides that "in determining the public interest, convenience, and necessity the Commission shall encourage the construction and operation of such stations by communications common carriers wherever, in the judgment of the Commission, such construction and operation are not inconsistent with the policies of this Act." As modified by the Senate, this provision would require the Commission in determining the public interest to "authorize the construction and operation of such stations by communications common carriers or the corporation, without preference to either."

Section 201(c)(8): This is a new paragraph added by the Senate. This paragraph requires Commission authorization for the corporation to issue any shares of capital stock (except the initial issue of voting stock), to borrow moneys, or to assume any obligation in respect of the securities of any other person. Such authorization is to be given upon a finding that such action by the corporation is compatible with the public interest and is necessary or appropriate for, or consistent with, carrying out the purposes and objectives of the act by the corporation.

Section 201(c)(9): This is a new paragraph added by the Senate. This paragraph gives the Commission responsibility for insuring that no substantial additions are made to the facilities of the system or satellite terminal stations unless such additions are found by the Commission to be required by the public interest.

Section 201(c)(10): This is a new paragraph added by the Senate. This paragraph empowers the Commission in accordance with the procedural requirements of section 214 of the Communications Act of 1934, to require that additions be made by the corporation or by carriers with respect to facilities of the system or satellite terminal stations where it find that such additions would serve the public interest.

Section 201(c)(11): This is a new paragraph added by the Senate. This paragraph gives the Commission authority to make rules and regulations to carry out this act.

SATELLITE CORPORATION—ORGANIZATION

Section 302: The House passed bill provides that the President shall designate incorporators. As passed by the Senate this provision provides that the President shall appoint incorporators, by and with the advice and consent of the Senate. The Senate eliminated a provision contained in the House bill which provided that no incorporator shall be elected to the board of directors which first succeeds such incorporators as the board of directors of the corporation.

SATELLITE CORPORATION—DIRECTORS AND OFFICERS

Section 303(a): As passed by the House this section provides that three members of the board shall be appointed by the President by and with the advice and consent of the Senate for a term of 3 years. The Senate modified this provision by adding after the words "three years" the following new language: "or until their successors have been appointed and qualified, except that the first three members of the board so appointed shall continue in office for terms of one, two, and three years, respectively, and any member so appointed to fill a vacancy shall be appointed only for the unexpired term of the director whom he succeeds."

As passed by the House this subsection contains provisions which specified that if the communications common carriers own "in the aggregate not exceeding 15 per centum of the outstanding voting stock of the corporation; they shall elect one member; if they own in the aggregate in excess of 15 per centum but not exceeding 25 per centum, two members; if they own in the agreegate in excess of 25 per centum but not exceeding 35 per centum, three members; if they own in the aggregate in excess of 35 per centum but not exceeding 40 per centum, four members; if they own in the aggregate in excess of 40 per centum but not exceeding 45 per centum, five members; and if they own in the aggregate in excess of 45 per centum, six members."

The Senate passed bill eliminates the prorating provisions and provides that six members of the board shall be elected annually by those stockholders who are communications common carriers. (The other six to be elected annually by the other stockholders of the corporation.)

SATELLITE CORPORATION—FINANCING

Section 304(a): As passed by the House, the provisions of this subsection relating to price and distribution of the initial stock offering apply to the shares of stock initially issued. As passed by the Senate, these provisions apply to the shares of stock initially offered.

Section 304(b)(1): As passed by the House the term "authorized carrier" is defined as "a communications common carrier authorized by the Commission to own shares of stock in the corporation." As passed by the Senate, this definition has been modified as meaning "the communications common carrier which is specifically authorized or which is a member of a class of carriers authorized by the Commission to own shares of stock in the corporation upon a finding that such ownership will be consistent with the public interest, convenience and necessity."

Section 304(c): As passed by the House this subsection provides that the corporation is authorized to issue nonvoting securities, bonds, debentures and other certificates of indebtedness as it may determine. The subsection further provides that such nonvoting securities, etc. as a communications common carrier may own shall be eligible for inclusion in the rate base of the carrier to the extent allowed by the Commission. The Senate added the following provision: "The voting stock of the corporation shall not be eligible for inclusion in the rate base of the carrier."

Section 304(e): As passed by the House this subsection contains a provision which makes the right of stockholders to inspect the books of the corporation subject "to such regulations as the Commission may prescribe in the interest of national security." The Senate passed bill eliminates this clause.

Section 304(f): As passed by the House this subsection reads as follows: "Upon application to the Commission by any communications common carrier and upon a finding by the Commission after notice and hearing that the public interest and the purposes of this act will be advanced thereby, the Commission may compel any authorized carrier which owns shares of stock in the corporation to sell to the applicant a number of shares determined by the Commission to be reasonable in the light of the estimated proportionate use of the corporation's facilities by the applicant and other factors consonant for the purposes of this act at a price determined by the Commission to be fair and reasonable."

As passed by the Senate this subsection has been modified to read as follows: "Upon application to the Commission by any authorized carrier and after notice and hearing, the Commission may compel any other authorized carrier which owns stock in the corporation to transfer to the applicant, for a fair and reasonable consideration, a number of such shares as the Commission determines will advance the public interest and the purposes of this Act. In its determination with respect to ownership of shares of stock in the corporation, the Commission, whenever consistent with the public interest, shall promote the widest possible distribution of stock among the authorized carriers."

SATELLITE CORPORATION—POWERS

Section 305(a)(1): As passed by the House this paragraph provides, among others, that the corporation is authorized to operate "commercial communications satellite systems." The Senate-passed bill substitutes "a commercial communications satellite system" (singular).

APPLICABILITY OF COMMUNICATIONS ACT OF 1934

Section 401: This section provides that the corporation shall be deemed to be a common carrier within the meaning of section 3(h) of the Communications Act of 1934, as amended, and as such shall be fully subject to the provisions of title II and title III of that act. The Senate passed bill adds the following provision: "The provision of satellite terminal station facilities by one communications common carrier to one or more other communications common carriers shall be deemed to be a common carrier activity fully subject to the Communications Act. Whenever the application of the provisions of this act shall be inconsistent with the applications of the provisions of the Communications Act, the provisions of this act shall govern."

FOREIGN NEGOTIATIONS

Section 402: As passed by the House this section contains a provision to the effect that the State Department shall be reimbursed by the corporation for all costs, including salaries, incurred by the Department in assisting the corporation in negotiating with international or foreign entities. The Senate passed bill omits this provision.

SANCTIONS

Section 403(a): As passed by the House, this section confers jurisdiction upon certain district courts to grant appropriate equitable relief to prevent or terminate certain conduct or threatened conduct. As passed by the Senate, such jurisdiction would be conferred "except as otherwise prohibited by law."

Section 403(c): The Senate passed bill adds a new subsection to section 403 which provides that it shall be the duty of the corporation and all communications common carriers to comply, insofar as applicable, with all provisions of this act and all rules and regulations promulgated thereunder.

REPORTS TO CONGRESS

Section 404(c): The Senate passed bill adds to this section a new subsection (c) which provides that "the Commission shall transmit to the Congress, annually and at such other times as it deems desirable, (i) a report of its activities and actions on anticompetitive practices as they apply to the communications satellite programs; (ii) an evaluation of such activities and actions taken by it within the scope of its authority

with a view to recommending such additional legislation which the Commission may consider necessary in the public interest; and (iii) an evaluation of the capital structure of the corporation so as to assure the Congress that such structure is consistent with the most efficient and economical operation of the corporation."

Mr. RYAN of New York. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Speaker, to admit error is neither easy nor pleasant. I voted for H.R. 11040 when it passed the House, but I would like to point out that we are not today debating H.R. 11040. We are in essence debating the Senate bill.

I sat here, as many of you did, through the previous debate on an amendment to the Constitution. We heard a great deal about bypassing the Rules Committee, about the necessity for bringing up bills under suspension.

Mr. Speaker, here, in connection with one of the most important bills that will affect our country we are again limited to 40 minutes, and we are prohibited from offering any kind of amendments.

On top of that, the normal procedure in a bill of this kind, where the House has passed one version and the Senate another, is to go to conference where at least the differences between the two Houses can be brought to the attention of the conferees and then, if necessary, debated by either House. Here, on one of the most important measures of this or any session, we bypass this procedure. Why? Simply because everybody wants to go home and we are afraid there may be a filibuster in the other body.

So we hurry to do this thing. If this were a question of something going through to throw the country into an economic depression or whether some horrible thing would happen if we did not get it out of this Congress, perhaps that would be justified.

I would call your attention to the fact that that distinguished gentleman from NASA, Dr. Hugh L. Dryden, has testified it will be 3 to 5 years before most of the provisions of this bill can go into practice. What is the hurry, then? Where do we suddenly get this tremendous urgency that we must do this under an extraordinary procedure? I do not understand it, Mr. Speaker.

Therefore, I would like to point out a few of the differences between the two Houses. For instance, in the bill of the other body, they have eliminated the provision prorating the number of directors that may be elected by communication common carriers depending upon the percentage of voting stock of the corporation owned by the communication common carrier. What this means is that the common carrier may elect six directors, regardless of the percentage of voting stock owned by them. I am sure that the able and distinguished gentleman from Arkansas, chairman of the committee, thought highly of that provision when he put it in the House bill. Yet he is willing to eliminate that now, it having been eliminated by the other body. Why? This is one of the most important fundamental things which has to do with protecting the interests of the people of the United States. Yet we in the House are asked to give that up and pass it by.

There are many other provisions. For instance, one of them in our bill which passed the House of Representatives originally provided for reimbursement by the corporation that is set up in the bill for all costs incurred by the State Department in assisting the corporation in international negotiations. But the other body took it out. All of a sudden the State Department is going to have to pay for the work that it does for this private corporation. I do not understand that. I do not believe that those of you who are so interested in fiscal responsibility can understand it. It should be a matter which should have come before a conference committee.

Mr. Speaker, the debate in the other body and the detailed criticisms of the bill by such people and organizations as former President Harry Truman, many individual unions, and the AFL–CIO, distinguished experts like Benjamin Cohen and others, all these have brought to light much of what was not available to the Members of this House at the time we passed the bill 3 months ago.

So I must say, Mr. Speaker, that while it is hard to admit it, I must admit that I believe I was in error in originally voting for this bill. But I would not compound it now by voting for a procedure which violates every proper ethic, violates the tradition of going to conference, and sets up something, such as this, because somewhere there is a hidden pressure that we get this thing done at this time.

Further, Mr. Speaker, there are some matters of fundamental importance to consider. In the first place, no global satellite system will be possible without numerous and complex international negotiations which will seriously affect our foreign policy. Such negotiations should be handled by the one interest which is motivated solely by considerations of the overall national good—the President and his arm, the State Department. Instead, S. 402, the bill before us draws an artificial and impractical distinction between business and other negotiations, and relegates the State Department to the role of a mere assistant where so-called business negotiations are concerned. It does not even give the State Department the deciding voice in determining what is business. Thus, for the first time in our history a private group is given a statutory right to conduct negotiations involving foreign policy considerations with foreign entities.

Secondly, as former President Truman said, the bill is a gigantic giveaway of vast amounts of taxpayer-financed research to a private monopoly. The taxpayer gets nothing for the Government in return. The bill does not even provide preferential rates for governmental use, as some small compensation, even though USIA Director Edward R. Murrow said he would probably be unable to afford use of this taxpayer-subsidized satellite system unless he received preferential rates.

In addition, the bill establishes a consortium of companies in direct contradiction of our antitrust policies. Without the exemption from the antitrust laws created by this bill, the joint venture of carriers and equipment companies to be established by this bill would violate sections 1 and 2 of the Sherman Act and section 7 of the Clayton Act. This is because the bill will result in restraining competition in the communications industry as well as in the equipment supply industry; it will create a monopoly, it will further dangerous vertical integration in numerous areas. Small businessmen who cannot afford substantial stock holdings will almost certainly be frozen out.

There are numerous other ways in which this bill is fatally defective. I will add only one more point. This bill, as all recognize, will set up a corporation dominated by A.T. & T. That company is promoting the low-orbit system. Once the corporation becomes committed to this low system, it will be reluctant to scrap it for the superior high system. The Russians, on the other hand, will almost certainly move right to the high system, and once again, we will have the second best.

And even with respect to maximum development of the low system, it must be kept in mind that A.T. & T. and the other carriers have a multibillion dollar investment in existing facilities which will probably be rendered obsolete by full development of the satellite system. It will, therefore, not be to the carriers' interest to promote even the low system as rapidly as possible.

The list of objections to this bill could be extended almost indefinitely. Any of the points I have listed would be sufficient by itself, to condemn this bill. Jointly, they make passage of this bill almost unthinkable.

Many industry and other expert witnesses have shown that we have nothing to lose and much to gain from deferring final decision on this question until a later date. This is because research and development are still in the early stages and are proceeding at top speed, regardless of a resolution of the organizational question. If the corporation is set up at this time, it will have almost nothing to do.

For all these reasons, I believe we should reject this motion and I will vote against it.

Mr. RYAN of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. POAGE].

Mr. POAGE. Mr. Speaker, first I want to extend to the entire membership of the House an invitation to attend the meeting of the American Group of Inter-Parliamentary Union to be held tomorrow morning, Tuesday, August 28, at 8:30 a.m. in room G–221 of the New Senate Office Building.

Mr. Speaker, I want all Members of the House to know that they are welcome to attend. They will have to buy their own breakfast as will everyone else, but we hope that many of those who have criticized the Inter-Parliamentary Union as being a closed organization will be present and participate. Therefore, I extend the invitation to everyone.

Now, Mr. Speaker, as to this bill, I happen to be one of the nine who orig-

inally voted against this measure when it came before the House. I think every reason which existed at that time still exists for opposition to this proposal.

I do not look upon this as any clear-cut issue between private ownership and Government ownership as some have viewed it. On the contrary, I know of no reason why the Government should not continue to own the instrumentality which it places aloft—and it is always going to be the Government which actually puts these satellites in orbit and not the Bell Co.—I know of no reason why the Government should give up ownership.

On the other hand, I know of no reason why any private concern should not be licensed to use these satellites and to pay a fee for the use thereof in proportion to the time of use. This would assure use by new as well as existing companies. I think this is essential to true free enterprise.

I know of no reason for establishing a "favored instrumentality" similar to the British East India Co. or the old Hudson's Bay Corp. That is what this bill seems to be doing. Certainly no one will deny that this bill gives a few corporations privileges not available to all corporations. Certainly this bill extends to a few existing corporations opportunities which will be forever denied to new corporations.

I know of no reason why we should revert to the policies of the 16th century. That is exactly what we are doing with this bill. We are establishing a "favored instrumentality" to perform vital and we hope profitable business functions and we are giving to that instrumentality a complete monopoly in a vital field. I know of no reason why the Government should create such a monopoly or deny every citizen the right to use these satellites by paying a uniform fee.

On the other hand, I know of no reason why the Government should get into the communications business. Why cannot the Government continue to own the ball which it puts in the air as long as it circles the earth? And why should it not license the use of that ball to anybody who wants to use it and who will pay the fixed fees? Let them pay in proportion to their use. That will assure the Bell Telephone Co. of being able to develop all of the use that is necessary; and it will make sure that they pay their fair proportionate share of the Government's costs. But when you give them the entire board of directors I am not so certain that they are going to pay their full share.

I think that, regardless of what we have been told, we must recognize that we are not faced with a clear-cut choice between Government ownership and operation on the one hand and private operation on the other. Indeed, it seems more likely that we are faced with a 16th century monopoly for a favored few if we pass this bill, as against a really competitive arrangement where any private corporation can get in the business by paying the fees and complying with the rules. I believe that the latter situation is the more likely to perpetuate private industry.

Frankly, I doubt that you can long retain monopolistic control of so vital a new industry, and I fear that the arrangement to bring all satellite communications under the control of a Bell Co. dominated corporation contains the seeds of its own destruction.

The SPEAKER. The time of the gentleman from Texas [Mr. POAGE] has expired.

Mr. RYAN of New York. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. ROSENTHAL].

Mr. ROSENTHAL. Mr. Speaker, the issue and discussion today seems to have centered on the question whether or not there should be private or Government ownership of communications satellites. I merely take this time to bring to the attention of my colleagues the result of a poll that appeared in the Washington Star of August 19, 1962. I do not think we should regard the result of this poll so freely and willingly as we seem to be doing this afternoon. I read just a short paragraph from that article:

> A cross section of the public was asked, "Do you think the future network of American communications satellites—like Telstar—should be owned and developed by the Government or private industry?"
>
> The replies, in percentages, were:

	Percent
Government	44.1
Private industry	39.3
Uncertain as yet	4.8
No opinion	11.8

Mr. Speaker, I suggest that if we go ahead today in a hurry to pass something that hardly seems necessary for us to be in a hurry for, we defy the wishes of the American people.

Mr. HARRIS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, let me review, if I can, just what has happened on this bill thus far. In a little over 4 hours some 2 months ago we passed this bill, substantially the same bill we have before us today, by a vote of 354 to 9. It went over to the other body and a filibuster was put on over there by six or seven or eight Members of that body, which lasted some 3 weeks. But they finally passed the bill overwhelmingly and it comes back to us today. Now we are taking up the amendments which the Senate added to its own bill, which is slightly different from the House version. That is where we are today.

When this bill was before the House there were some on the floor who shouted, "Giveaway, giveaway." When it went over to the other body there were some over there who shouted from morning until night, "It is a giveaway."

The history of this bill is this. This bill was sent down by the President of the United States. He is my President, as he is yours. This is his bill. Before our committee in the House the lead-off witness was Bobby Kennedy, his own Attorney General. The second witness, who followed, was Newton Minow, the President's Chairman of the Federal Communications Commission. There are the three backers for the particular bill which we passed in the House. It is substantially the same bill which we are asked to act on here today. If you say this is a giveaway bill of the resources of our country, you are saying the President of the United States sent down to the Congress a giveaway bill. I do not think that is what the President of the United States did. I do not think that is what the Attorney General of the United States testified to, or the Chairman of the Communications Commission either. They brought down a bill which fitted in with all the traditions of America. It is that kind of bill we have before us today.

Why are we taking this bill up today? Sure, the opponents would like to send this bill to conference. There is a little group over here that would like to send it to conference, and those five or six in the other body would like to get it where they can keep it in conference for 3 or 4 weeks and, when it comes back to the other body, they will filibuster it again and kill it. That is the reason for the action of those here today who want it to go to conference. This will never pass unless it reaches the President's desk soon. That is what will happen, and I think every Member of the House ought to know that is what will happen if this bill is sent to conference.

After reading the differences between the House and Senate bills, I believe these are reasonable differences. In my opinion, there is no considerable difference that will affect anybody who voted for this bill before in being able to vote for it today. I believe this bill as it passed the House overwhelmingly, as I say, 354 to 9, is a reasonable bill, which was well considered in committee. It was given all the consideration in committee that a bill of this nature and stature ought to have.

There is a reason this ought to pass. The prestige of this country is on the line. All the world is going to watch whether we pass this bill or whether we are going to turn the President down on passing this satellite bill. There are 35 or 40 countries immediately interested in what is happening along this line. This is a fair bill; it is in the public interest, and those who vote for it will certainly be justified in going back to their constituencies and saying, "This is a good bill, and I voted for it."

Mr. RYAN of New York. Mr. Speaker, I yield such time as he may desire to the gentleman from Oregon [Mr. ULLMAN].

Mr. ULLMAN. Mr. Speaker, I rise in opposition to this legislation.

Mr. Speaker, most responsible opponents of this legislation are not opposed to private operation of the communications satellite program.

In my opinion, Congress should enact legislation which would retain ownership of the satellite system by the American people, but which would provide for operation by the private communications companies through competitive leasing arrangements. This would be similar to the system under which the Federal Communications Commission grants channels to radio and television stations. Under this arrangement, the American people continue to own the airwaves, but private enterprise is granted their use. It is a system which has worked well.

Furthermore, we would be following the precedents of the past. For example, during World War II, atomic energy and jet propulsion systems were developed by the Government at tremendous expense. Yet, at the end of the war the benefits were made available to competing firms in a way which would encourage the development of the competitive system. The opponents of the bill now before us want to follow this precedent. Competitive leasing of the communications facilities would further the system of free enterprise capitalism much more than a system of Government-instituted monopoly.

Mr. Speaker, the U.S. taxpayer is not protected under this legislation. First he will have donated the hundreds of millions of dollars which went into the research and development of this system without compensation. Under the provisions of H.R. 11040—as amended by the Senate—the corporation is not required to reimburse the Government for any of its investment in developing the communications system or the millions it took to develop the rockets which launch the satellites into orbit.

Secondly, the U.S. Government will be the corporation's largest customer, but in this bill there is no assurance that it will receive preferential rates. Certainly the U.S. taxpayer deserves this when you consider the huge subsidy the corporation would receive. Mr. Murrow, the Director of the U.S. Information Agency, testified that he feared his Agency could not afford to use the private system if USIA were charged the regular commercial rates. The U.S. Government will be its largest user and will be at the mercy of the corporation on rates.

The magnitude of this bill's impact on foreign policy has been stressed, and rightly so. These satellites will orbit over the territory of every nation in the world. Arrangements for the international regulation of such a communications system will have to be negotiated with foreign governments. In a project of such magnitude and importance, I believe our State Department, not a private corporation, should be in control of negotiations with foreign powers.

Mr. Speaker, there has been a great deal of haste in the attempt to pass this legislation. History often has shown that the result of rushing a bill through Congress is the enactment of imperfect legislation. I believe this will be the case in this instance. The House bill was a much better bill than the one the other body has returned to us. And now we are called upon to accede to the Senate version. An example of the superior House bill is the provision for the selection of the six directors representing the communication companies. The House Interstate and Foreign Commerce Committee wisely inserted a provision prorating the number of directors on the basis of the percentage of the stock purchased by the companies. This, I believe, was a wise precaution. But the Senate struck that provision. Instead, they inserted in their bill a provision which would allow the companies to buy less than the 50 percent of the stock allotted and yet still elect the full number of directors.

Mr. Speaker, the ranking members of the House Commerce Committee were so concerned about this and other provisions, that it was reported they would insist on a conference. But because of the great rush to get a bill enacted, they were persuaded to accept the objectionable amendments. Here we have a situation in which the Senate is asking the House to suspend its independent judgment and accept their bill. They are asking us to accept amendments which we do not think are wise without even going to conference where our conferees could argue the merits of the House version.

The excuse for all this haste has been that we will fall behind in our communications satellite program if we do not pass the bill this year. But I have yet to hear any convincing argument that this would happen. We have made great progress under a system in which the different private corporations worked in close and fruitful cooperation with the various Federal agencies involved. Telstar was launched and the first live TV program was sent across the Atlantic by means of this cooperative effort. If this bill were to be considered again next year it would in no way slow down our efforts in this area.

Mr. Speaker, it may not be immediately evident to all that the policy incorporated in this bill is a mistake. It may take a period of years, but I feel we will all come to regret this policy. Yet, if the Members of this body do decide to turn the communications satellite system over to private ownership, let us at least pass the best legislation possible. The bill we are asked to approve today does not measure up to this requirement. Mr. Speaker, I hope the House in its wisdom will reject this bill as passed by the other body.

Mr. RYAN of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again the House of Representatives is faced with the question of the communications space satellite bill. Now we are being asked to pass the version which passed the Senate. I think it is important that this bill go to conference where the differences can be ironed out. I was opposed to the bill originally, and I am still opposed to it. However, I believe that there are significant differences which should be ironed out in conference and that this bill should not be passed under a suspension-of-the-rules procedure.

The time which has passed since we first considered this bill and, especially, the Senate debate have strengthened my conviction and reinforced my belief that this proposal in either the House or Senate version is not sound. I should like to summarize some of the reasons why. Former President Harry Truman, the AFL–CIO Executive Council, the American Veterans Committee, and others have considered this proposal not in the national interest.

If this bill is enacted, it means handing over to a private monopoly the fruits of a vast public investment. The taxpayers have financed our space program. The taxpayers have financed 90 percent, according to Dr. Welsh, of the space communications competence which has made possible Telstar and which will make possible other significant advances in space communications. It seems to me, this investment should be reserved to all the people.

In addition, the issue here is not free enterprise. There can be no free enterprise in a noncompetitive monopoly situation.

The U.S. position of preeminence in space satellite communications must be maintained. We must have the best possible satellite communications system at the earliest possible date.

H.R. 11040 would create a private corporation to own and operate the U.S. portion of a worldwide communications system using space satellites.

If enacted into law, this bill will hand over to a private monopoly the fruits of vast amounts of taxpayer-financed research. It will endanger United States progress toward the most rapid development of a truly global satellite communications system. It will seriously impede the conduct of our foreign policy insofar as space communications are concerned.

To make matters worse, the philosophy embodied in this bill violates the principles of free competitive enterprise which have been the foundation of our Nation's economic and political strength.

In short, it is a premature and overhasty step in the wrong direction.

THE GIGANTIC GIVEAWAY

As Harry Truman said on August 10, H.R. 11040 proposes the most gigantic giveaway in the history of this country. It would turn over a governmentally created private monopoly the benefits of hundreds of millions of dollars of taxpayers' money which have been invested in the development of space and satellite communications technology. Even after the corporation is set up, the taxpayers will continue to subsidize it, and will get nothing in return. For example:

First. The Government will have to pay the same rates as any commercial user, under the terms of the bill, even though Government expenditures made the satellite system possible and the Government will be the largest user. Moreover, the bill appears to require the Government to use only this system. (Section 201(a)(6).)

Second. NASA is required under the bill to help the private corporation, but the private corporation is not required to help NASA.

Third. The State Department under the bill is required to help the private corporation, but the private corporation is not required to help the State Department.

When the benefits of Government-financed research and development have been turned over to private enterprise in such areas as the research on atomic energy, jet aircraft, and on agriculture, the benefits of the Government investment have been made available to competing firms and in a manner to encourage competition.

The bill before us, on the other hand, proposes the unprecedented creation of a single private monopoly which would

be the sole beneficiary of this huge taxpayer investment. Indeed, only this corporation is statutorily entitled as a matter of right to the NASA services set out in section 201(b) of the bill.

FOREIGN POLICY

The satellite system will be inextricably involved in numerous complex international negotiations and relationships. As pointed out by numerous students of international affairs like Ambassador Ernest A. Gross and Benjamin Cohen, the bill would turn over the conduct of our foreign negotiations in this matter to a private company. The President and State Department originally insisted on the need to retain all international negotiations in the hands of the President and the State Department. The carriers reacted with vigorous protest. To appease them an artificial and impossible distinction between "business" and "government" was injected into the bill and the State Department relegated to the role of mere assistant to the corporation where so-called business negotiations are concerned. The bill does not even give the President or the State Department the power to define what is "business" or "governmental."

Such a statutory abdication of governmental responsibility is unprecedented. It is most unwise in an area where our foreign policy interests are so vitally concerned.

ANTITRUST EXEMPTION

The private monopoly which this bill would create is likewise unique in our history. This bill proposes to allow existing and future communications common carriers to join together and participate in the ownership of a private satellite corporation. Without the special legislative immunity provided by this bill, such action by the communications carriers would be in clear violation of the antitrust laws. In fact, when the FCC originally requested the communications carriers to get together and suggest a plan for the ownership and operation of our satellite communications system, the Justice Department advised that the representatives of these carriers could not even come together to discuss the matter without violating the antitrust laws.

This exemption is one of the primary purposes of this bill, and the need for such an exemption shows how inconsistent with our free enterprise traditions this corporation will be.

SEPARATION OF COMPETING FORMS

This bill also constitutes a departure from our wise and time-tested policy of not allowing common carriers in the fields of transportation or communications to own or control competing carriers. For example, railroads may not control airlines or the trucking lines. Airlines may not control the railroads. The barge lines have not been allowed to own or control the railroads, nor have the railroads or airlines been allowed to control barge lines. We have also found it desirable to keep separate the ownership and control of telephone and telegraph communications.

This philosophy of separate ownership of competing forms of transportation and communications is founded on the belief that the economy and the public will benefit from a maximum degree of competition in these fields. We expect this competition to provide rapid development and early introduction of the newest developments in all fields.

CONFLICT OF INTEREST

The bill before us represents a complete reversal of this use policy, for it would turn over our satellite communications system to the very companies which now operate our existing communications facilities. The new facilities will be competitive with the older communications facilities. In many instances a satellite communications system will make existing facilities obsolete. We cannot afford to turn over control of this wonderful new development to companies with huge investments in such existing facilities since the spur of competition will be absent. Such companies will be inclined to lag in the speedy development of the new and revolutionary technology until they have recovered their full profits from the existing facilities.

The problem goes deeper because virtually all of the communications carriers of any size have their own manufacturing subsidiaries or divisions. There would be a natural tendency for the carriers to use their representation in the satellite corporation to influence its procurement policy. They would, of course, favor themselves and thereby restrict competition in the supplying of goods and services for the satellite system. Small companies, who cannot get much of a voice in management, will be frozen out.

NO REIMBURSEMENT TO GOVERNMENT

The private monopoly created by this bill will receive free of charge the benefits of millions of taxpayer dollars and would be under no obligation to reimburse the Government for any of this. The only requirement is that the corporation repay NASA for the out-of-pocket costs of launching the corporation's satellites into orbit, a trivial sum in comparison with the true costs to the taxpayer.

NEED FOR PREFERENTIAL RATES

This bill does not even provide that the Government and its agencies are to receive preferential rates for the use of the satellite system. There is adequate precedent in the field of communications for granting the Government preferential rates. Certainly the Government and the taxpayers are entitled to some special consideration from this proposed private monopoly in return for the huge subsidy the corporation will receive, both now and in the future. Here the Government will have to pay the same rates as any commercial user.

PROBLEM FOR USIA

The Director of the U.S. Information Agency, Edward R. Murrow, has testified that he doubts the Voice of America will be able to afford to use the facilities of the private corporation at commercial rates. At a time when it is important to carry the message of the United States all over the world, this is dramatic evidence of the problem involved. Look at the situation we will create by passing this bill.

OWNERSHIP

On the question of ownership of the proposed private corporation, there are some points which need to be clarified. The proponents of this bill and the press have frequently stated that the bill provides for 50-percent ownership by the public and 50-percent ownership by the communications carriers. Such statements are highly misleading.

This bill provides that the carriers shall be limited to 50 percent of the voting stock of the corporation. There is no ownership limitation on the nonvoting securities, bonds, debentures, or other securities of the corporation. Moreover, nothing in the bill requires that all or even much of the financing is to be through the use of voting stock.

A. T. & T. DOMINANCE

It is entire possible that the corporation could be financed largely through nonvoting securities, bonds, or debentures. If this procedure were followed, and there are good reasons to suspect that it will be, the carriers could easily end up with far more than 50 percent of the corporation's securities. As a matter of fact, the way the bill is worded, it would be entirely possible to finance the corporation in such a way that A.T. & T. alone could own 99 percent of the total of all securities issued by the corporation.

The proponents of this bill have suggested that the public interest is to be protected through the medium of stock-ownership by the public at large. The bill simply does not contain any provision to insure that this result will follow. If public participation is important, the bill should be drafted in such a way as to insure that protection.

FURTHER INADEQUACIES

The shocking inadequacy of this bill and the absence of real protection of the public interest is evident on every important issue. The administration has stated that the American taxpayers who have made the system possible should have an opportunity to buy stock in the proposed private satellite corporation. Compare this statement with the language of the bill. The bill provides only that the shares of voting stock initially offered shall be sold at no more than $100 and in such a way as to encourage the widest distribution to the American public. Neither of these requirements is imposed on subsequent offers of voting stock on any issue or offer of any other form of securities.

It would be perfectly lawful under this bill to have a small initial offer of voting stock in which the public could share, then use subsequent offerings for all major financing. The subsequent offerings could go directly to large corporations, banks, insurance companies, and the like, and the general public could be excluded completely.

PROBABLE METHOD OF FINANCING

The fact is that the corporation will probably be financed to a significant extent through the use of securities other than voting stock.

In the first place, the carriers do not have to buy any minimum amount of voting stock in order to have their right to elect their six directors. Secondly, all nonvoting securities, bonds, debentures, and so forth, which a communications carrier may buy are eligible for inclusion in the carrier's rate base.

THE DOUBLE RETURN

By purchasing securities other than voting stock, the carriers lose nothing in regard to their rights to elect directors and at the same time can earn a double return on their investment. On the one hand, any nonvoting securities, bonds or debentures would naturally pay either interest or dividends to the holder. On the other hand, through their eligibility for inclusion in the carrier's rate base, the carrier could exact a reasonable profit on these securities and bonds raising the rates to the carrier's own customers.

I have not yet had it explained to me why the communications carriers should be entitled to earn a double return at the expense of the taxpayers and the consuming public. Indeed, it is a puzzle why a carrier should be allowed to include any of the satellite corporation's securities in its own rate base at all. A.T. & T. wants to buy stock in General Motors, it is entitled to under the law, but its investment in General Motors stock does not become a part of its rate base. Why should stockownership in a private satellite corporation entitle A.T. & T. or the other communications carriers to any special privileges which are not available to any other purchasers of the satellite securities?

THE TYPE OF SYSTEM

Experiments are currently underway with low-orbit and high-orbit—synchronous—satellites. An operational system using either type is still at least a few years away. It is generally agreed, however, that the high system is ultimately the most desirable and most economical.

A.T. & T. has been promoting the low system. If this corporation is established, with A.T. & T. the dominant voice, we shall be wedded to an investment of hundreds of millions of dollars in a system which is second best. We must retain maximum flexibility so that we can determine which system to use now, and be in a position to switch to the high system as soon as possible.

NO SPACE LAW

There is now no general body of international law governing outer space. This fact alone creates many serious problems which the legislation before us necessarily leaves unanswered, for only international agreements and practices can resolve them. There are inherent problems in any attempt by one nation unilaterally to appropriate for its own use or for commercial purposes any new development of this sort. We do not even know as yet what position the United States might take if other nations were to protest our use of outer space for commercial purposes through a privately owned corporation operating for profit.

It seems to me wise to keep these satellites as American-flag satellites while the international questions are being resolved.

PARTICIPATION OF PRIVATE ENTERPRISE

Those of us who are opposing this bill believe that ownership and control of the satellite system should remain in Government hands for the benefit of all the people. We understand fully the importance of cooperation between Government and business in this important area. The record shows, however, that we have repeatedly emphasized that the facilities of the satellite communications system might appropriately be operated by private enterprise under contract or lease arrangements with the Government.

It seems to me that the gentleman from Texas [Mr. POAGE], when he spoke a few minutes ago, pointed out the real question here. The question is whether we are going to hand this system over to a private monopoly which will be dominated by the giant communications carriers or whether we will set up and establish a method whereby the communications space satellite system launched by the Government and developed by the Government can be made available on a competitive basis to all, so that any carrier may come in and bid for the use of this communications system. It has never been my position, and I do not believe it has been the position of Members of the other body, that the Government actually should be in the business of communications.

QUESTION OF GOVERNMENT EFFICIENCY

Statements have been made on the floor and elsewhere concerning the comparative efficiency of Government and private enterprise. Efficient, capable operation is not, however, a characteristic reserved for private corporations and unattainable by the Government. Private enterprise, like the Government, has a record containing both successes and failures, but the strength and freedom of our country attest to the fact that both business and Government are capable of doing fine jobs.

For those who find it a popular pastime to berate Government efficiency and operation, I would like to point out that it was not the Federal Government which built the Edsel—it was the Ford Motor Co. It was not the Government which built the 880–990 jet aircraft; it was the General Dynamics Corp. On the other hand, TVA, Bonneville, the Panama Canal—all these are efficient governmental operations. These examples show that trial and error, efficiency and inefficiency are not peculiar to either Government or private industry.

CONCLUSION

Mr. Speaker, I think the gentleman from Texas [Mr. POAGE] emphasized the issue very clearly in his statement. The issue is whether we reserve for the benefit of the millions of taxpayers of the United States the resources which we have developed at their expense or whether we turn them over to a private corporation which will be dominated by A.T. & T. and by other carriers, which will be able to put their investment in this system into their rate base and get a double return.

I submit we should not pass this bill. I urge defeat of the bill. I believe it is in the national interest not to pass this now. There are many unknown factors. There is no need to rush into this kind of proposal. Our space program will go forward, and it will benefit the Nation not to take hasty action now.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD at this point giving a complete explanation setting forth how foolish this argument is of the so-called giveaway and the great claims about this program.

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

There was no objection.

Mr. HARRIS. Mr. Speaker, when we were preoccupied by this bill last May, it was opposed by a few of our colleagues on the ground that it was a giveaway in the sense that the proposed corporation would be able to take advantage of research and development in space communications which has been conducted at Government expense. Various figures were used to support this contention. In fact, we were confronted literally by a numbers game.

These assertions, it seemed to me, were self-defeating for if the Government had expended hundreds of millions or billions of dollars to develop a communications satellite facility, as claimed, where was the evidence? The Government had then and has now no active communications satellite or ground station in operation. The simple fact is that the only communications satellite and ground stations in operation today were conceived, designed, and constructed by private industry.

Deputy Attorney General Katzenbach, on the basis of estimates prepared for him by NASA, has stated on several occasions that a proper allocation of Government expenditures in space communications would be in the neighborhood of $80 million through fiscal 1963. This is a far cry from the hundreds of millions or billions claimed by the few opponents of this bill. It is also true that between $100 and $200 million have been expended by the military on Project Advent but unfortunately this program has recently undergone a redirection or a reorientation while the efforts of private enterprise with Telstar have met with unqualified success. Our experience with Advent scarcely affords the Government any vested right to own and operate the proposed satellite system.

The fact that the Government has sponsored research and development in satellite communications hardly constitutes a giveaway. This argument could be extended to many areas of our economy. Our commercial jet aircraft are based on designs made possible by Government-financed military aviation and the fruits of this research have been made available to our aircraft manufacturers. The same is true although perhaps to lesser degree with respect to drugs, hospital equipment, and techniques of medical treatment which were the outgrowth of knowledge financed by the Government. The Government has

also paid for the bulk of the organized agricultural research in this country for more than a century, yet few seriously argue that the Government should own and operate this Nation's farms. Throughout the entire breadth of our economy one finds that the fruits of Government research and development are made available to private enterprise when they are commercially feasible and serve to promote our national objectives.

The Government's research and development in the space effort is going on in all sorts of fields, in rocketry, metallurgy, communications, biology, systems controls, and so forth. Now, I would suppose that the benefits of research in these fields will be spinning off into our society in all sorts of ways, increasing our productivity, yielding taxes, going a long way to recover in the general health of our society the costs incurred by the Government which went into this effort. But it is by no means a one-way street.

The reverse is also true. There has been a continued input from the private field into Government and back from Government research into the private field. This is one of the great partnerships which has helped this country develop.

Space communications is an excellent illustration of the beneficial effect of the continuing partnership between Government and industry. The case of Karl Jansky is a memorable one. Working for one of our private communications companies, Mr. Jansky's assignment was to discover what was making the noise that was disrupting transatlantic telephone service. In his research Mr. Jansky detected a steady hissing whenever his antenna was pointed at one particular section of the sky. He soon discovered that the noise was coming from outer space and with this discovery opened the door to radio astronomy, without which our knowledge of the universe would be limited and our space programs severely handicapped.

The invention of the transistor is also a case in point. It was the product of a fundamental research and development program conducted by one of our private communications companies. The record indicates that this one company alone has spent $1 billion since World War II on research to improve communications service but which is closely pertinent to today's satellite communications development. The discovery of the transistor which led to the Nobel Prize in physics, has made possible the miniaturization necessary for our space programs. I do not know how much such a development is actually worth in monetary terms, and it certainly is very great, but it is clear that without it our space effort would be years behind.

It should also be pointed out that Telstar, our first successful active communications satellite, was developed by private industry at a cost of some $50 million, including the cost paid to the Government for the launching expenses. It is also worth noting that all developments and know-how acquired in connection with Telstar are being made available free to NASA. Telstar is an excellent illustration of the benefits that have flowed from the continuing partnership between Government and private industry.

What this legislation attempts to do is to adapt the resources of the country to this particular project and to bring in the capital through other means that taxation. This no minor matter when our Federal budget is currently running at a $6 billion deficit. Under this bill further research and development will be largely financed by private capital rather than by the taxpayers, and the cost of developing and operating a communications satellite system—including all launching and rocket costs—will be borne by private industry and not by the taxpayers. In all probability this will involve further investment of several hundreds of millions of dollars in what is unavoidably a risk investment. In our form of government we have generally sought to attract private capital into such risk situations rather than expend the involuntary contributions of the taxpayers where, as here, a workable alternative is possible. And should this venture prove successful, the Government will have its contribution to the success of this enterprise returned not only through the payment of corporate taxes but in many other ways.

Finally, it has been said that the corporation will be able to make large windfall profits in this field. This legislation precludes any such possibility. The facts are that under this bill the corporation is going to pay for everything it gets and that it will earn only a regulated return on what it invests.

In conclusion, let me advert to one further matter: Several of our colleagues opposed this bill last May on the ground that the proposed satellite corporation could be dominated by a few large stockholders. This contention was advanced again before the other body and it seems to me was laid to rest by Attorney General Robert Kennedy in his testimony before the Senate Foreign Relations Committee when he concluded:

> I think anybody who makes an objective study of this bill, this legislation, could not possibly reach that conclusion.

This bill represents a very useful marriage of private industry and Government. The policy considerations have been carefully considered and fully debated.

> There is no reason to suppose—

As Secretary Rusk has stated—

> that they would be more wisely decided if this process were to be extended another year.

On the other hand there is every reason to suppose that the impetus from the passage of this legislation and the organization of the satellite corporation will bring us measurably closer to the time when a global communications satellite system is in operation. The time to act has arrived.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD at this point on this bill.

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

There was no objection.

Mr. MACK. Mr. Speaker, the changes made by the Senate do not substantially affect the objectives of the communications satellite bill originally passed by the House. I recommend that we accept the Senate amendments, thus completing legislative action on this important measure.

This bill provides for a privately owned, profitmaking corporation subject to Government supervision to operate the communications satellite system. I support this principle and believe that it will substantially improve the prestige of the United States in the eyes of the free countries of the world. I supported private ownership when we were originally considering this bill in the Interstate and Foreign Commerce Committee and I continue to support this approach.

Mr. Speaker, I hope that we settle this problem once and for all because I feel very strongly that we should proceed with our communications satellite program.

Mr. GONZALEZ. Mr. Speaker, I am immensely disturbed by the unseemly haste this Congress has shown in the matter of determining important future public policies for a system of communications satellite.

There was scant discussion on this when the matter was previously before the House. And in the Senate many questions were raised which received little in the form of answers from the proponents of this measure.

I wonder about this haste. And I wonder about this absence of answers. Either there is much that is not yet known about the consequences of the policies proposed in this bill or there is much that is not being told.

One thing that is known and can be told is that this proposition on its very face is a perfect illustration of an old Texas story about two neighbors who joined together to share ownership of a cow. To insure a true joint ownership it was agreed that the cow would be tethered across their property line with the understanding that each neighbor would administer to his half of the cow. This arrangement seemed fair enough when proposed but in short enough time the dim-witted one of the neighbors realized that from this bargain he ended up feeding the cow at one end while his sharp-trading friend acquired the right to milk the cow at the other end.

Mr. Speaker, this is what I see in this communication satellite bill. The sovereign Government of the United States and its citizens is the dim-witted member of this duo that is getting prepared to feed a cow from which it will not even have the right to receive milk.

Nowhere was this fact made clearer than in the testimony of Mr. Edward R. Murrow, Director of the U.S. Information Agency, before the Committee on Foreign Relations of the U.S. Senate. Mr. Murrow expressed his apprehension to the Senate committee saying that his important Agency would not be able to afford to use the satellite system. He said that it would cost $900 million a year to simply use the satellites for an hour and a half program a day beamed into the undeveloped areas of the world.

Then we were treated to the unhappy scene of the head of this Government Agency musing about whether it might be possible for this important work of the Government to enjoy something less than the going commercial rates. Mr. Murrow said:

> National investment in the system has been great. Having contributed to developing the system, Government should not be on a parity of payment with other commercial users. We strongly believe that affordable rates for our Agency's use—inasmuch as we speak abroad for all the Nation and for all this Government—is an appropriate partial repayment of that national investment. One may phrase this as a reservation of a public domain for public use, an extension of the public service concept into the system.

But the Senate has now acted on the bill and did not address itself to Mr. Murrow's point. By failing to do so, and by the House proponents bringing the Senate version before us for adoption it is now confirmed who is to feed the cow. If further confirmation is needed, consider the fact that the Senate even dispensed with the House proviso in section 402 which would require the corporation, this East India Company of the skies, to reimburse the State Department for any direct assistance it renders.

Mr. Speaker, before the Senate acted on this bill I tried to call attention to the fact that the "verbs" in this bill were largely for the purpose of defining the duties the Government will continue to have in this setup. There are many pages telling what this Government must do to feed this cow whose milk it must then purchase at regular commercial rates. Let me just remind you again of some of these.

The President must aid in development and foster the execution of this commercial system; he must continuously review both the development and operation of the system; he must coordinate all activities of Government agencies in this field; he must exercise supervision of relationships of the corporation with other governments; he must insure arrangements for foreign participation; he must take all necessary steps to insure availability of the system; he must exercise authority to protect the electromagnetic spectrum.

Now, with the President given mandates to aid, to foster, to review, to coordinate, to supervise, to insure, to take all necessary steps, and to exercise authority over the corporation, one is tempted to ask, "What is the corporation responsible for doing?" What verbs are left to describe its functions?

But, wait, despite the bill's charges to the President, it is still not satisfied that our national objectives and the cause of world peace and understanding can be turned over to the corporation. There are further guarantees to be erected.

The National Aeronautics and Space Administration must get into the act and advise, cooperate, furnish, consult, on things ranging from research and launchings to a catchall—other services.

But the bill does not stop yet. There are more chores for the Government to do for this corporation. The Federal Communications Commission must prescribe the bookkeeping system, must approve the technical operations, must grant a license for construction, must insure that this monopoly does not destroy effective competition or result in discrimination.

As though all of these were not enough, there is yet one other Federal department with a stake in this system: The Secretary of State can move in to require commercial communications to a particular foreign point.

After detailing all the functions of the President and others and adding three Presidentially appointed members of the board of directors, one would think the bill had done enough to get us an operational communication satellite system. And, actually it has. But it is at this point that the bill says, "now let's do all this in the name of good old private enterprise."

Private enterprise indeed. With all the governmental involvement required in this system, why do we delude ourselves by thinking there is any enterprise left for private persons. The bill erects a superstructure of governmental responsibilities and then calls in private enterprise. For what purpose?

The only purpose I can see is to permit private persons to profit from something Government must and should do.

Mr. HARRIS. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Speaker, I want to thank the chairman of the House Interstate and Foreign Commerce Committee, the gentleman from Arkansas [Mr. HARRIS], for his extension of the invitation for me to sit at the committee hearings on the communications satellite bill.

I would like to say to the House as one of the senior members on the Science and Astronautics Committee, having previously served on the Select Committee on Space on appointment by the Speaker, that we need this legislation passed, and we need it passed today. The United States is now first in the space communications field.

We should unite on a bipartisan basis for a good U.S. space program in order to obtain effective, economical, and meaningful progress in communications satellites. The U.S. space program where feasible, should be placed on a private enterprise basis. While there has been a compromise in some respects, I strongly advocate the passage of this legislation at this time.

I favor basic policy in the space field that where private enterprise can do the job the U.S. law should have private enterprise do it. This policy I think is clearly indicated to be correct both in space as well as on the ground.

A point we must remember is that Telstar was put into operation in space at the cost to, and under contract with, private enterprise. Telstar was paid for, the booster as well as the pad and ground facilities, were all paid for by private enterprise under contract. I favor the position that as much as possible our U.S. policy keep private enterprise in the space development, business, and operations. I hope we pass this bill today to indicate these policies, by an overwhelming majority.

Mr. HARRIS. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. WAGGONNER].

Mr. WAGGONNER. Mr. Speaker, a few days ago we sat here in this Chamber and disposed of some of the property which we had confiscated or taken control of as a result of World War II for the express purpose of getting rid of properties we could not through Government agencies operate as efficiently, or as economically, as private enterprise. This is a similar proposition: the U.S. Government cannot operate this communications satellite program as economically, as efficiently, as can private enterprise. I advocate private ownership of this communications satellite program. I approve this bill and I hope we will pass it.

Mr. HARRIS. Mr. Speaker, I yield the balance of my time to our distinguished majority leader, the gentleman from Oklahoma [Mr. ALBERT].

The SPEAKER. The gentleman from Oklahoma is recognized for 3 minutes.

Mr. ALBERT. Mr. Speaker, the action which the House is taking today on the measure now under consideration is one of historic significance. The communications satellite bill will rank among the most important legislative accomplishments of this decade. The distinguished gentleman from Arkansas [Mr. HARRIS] and his great committee are due the gratitude of the Congress and the country for the magnificent contribution they have made in finalizing this legislation in the form in which it is brought to the House today.

This legislation opens new frontiers in the science of outer space. It has far-reaching implications, national and international. The potential benefits which may accrue from a telecommunications system are virtually unlimited. We can visualize greater understanding between nations as the world shrinks further beneath an expanded capacity for rapid communication. The transmission of ideas and events around the world will be reduced to a matter of minutes. The entire world will become a stage to be viewed by all mankind. People all over the world will be able to see and hear things as they happen. We visualize a worldwide telecommunications system over which the truth can be transmitted to all mankind without delay or distortion. The potential of such a system as a weapon in the battle for world peace and understanding staggers the imagination.

The legislation before us gives a new dimension to our leadership in space communications. We are first; we intend to retain that primacy. The urgency in adopting this legislation arises from the need to press our advantage. We cannot afford the luxury of inaction which might permit hostile powers to overtake the lead we now hold in space communications.

Mr. Speaker, the Congress released the full force and power of the Government into space research 4 years ago in the National Aeronautics and Space Act of 1958, in which we declared that—

It is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind.

We are beginning now to see the results and the wisdom of that action. Four of our astronauts have been to space and returned, two have orbited the earth. A Tiros weather satellite, as I speak today, is maintaining constant surveillance for hurricanes. Countless lives have been saved, and millions of dollars in property preserved by that application of space science.

H.R. 11040 provides a model for cooperation between the Federal Government and private enterprise for the benefit of every American citizen. Private industry already has demonstrated its capacity to refine and build on the existing body of research and knowledge in the space field. This bill continues the practice, aiming at new horizons of achievement.

Today we have the opportunity to open a whole new area of applied space science. We have the opportunity to enhance American prestige. We have the opportunity to create greater world harmony through understanding. We have the opportunity and, with it, we have the responsibility. We must meet and accept both.

The SPEAKER. The question is on the motion of the gentleman from Arkansas, that the House suspend the rules and pass the bill House resolution 769.

Mr. SPRINGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 372, nays 10, not voting 53, as follows:

[Roll No. 203]

YEAS—372

Abbitt	Broyhill	Dulski
Abernethy	Bruce	Durno
Addabbo	Buckley	Dwyer
Albert	Burke, Ky.	Edmondson
Alexander	Burke, Mass.	Elliott
Alford	Burleson	Everett
Alger	Byrne, Pa.	Fallon
Anderson, Ill.	Byrnes, Wis.	Farbstein
Andrews	Cahill	Fascell
Anfuso	Carey	Feighan
Ashbrook	Casey	Fenton
Ashley	Cederberg	Finnegan
Ashmore	Celler	Fino
Aspinall	Chamberlain	Fisher
Auchincloss	Chelf	Flood
Avery	Chenoweth	Flynt
Ayres	Chiperfield	Fogarty
Bailey	Church	Ford
Baker	Clancy	Forrester
Baldwin	Clark	Fountain
Barrett	Cohelan	Frelinghuysen
Barry	Colmer	Friedel
Bass, Tenn.	Conte	Fulton
Bates	Cook	Gallagher
Battin	Cooley	Garmatz
Becker	Corbett	Gary
Beckworth	Corman	Gathings
Beermann	Curtin	Gavin
Belcher	Curtis, Mo.	Giaimo
Bell	Daddario	Gilbert
Bennett, Fla.	Dague	Glenn
Bennett, Mich.	Daniels	Goodell
Berry	Davis, John W.	Goodling
Betts	Davis, Tenn.	Grant
Boggs	Delaney	Gray
Boland	Dent	Green, Pa.
Bolton	Denton	Griffin
Bonner	Derounian	Griffiths
Bow	Derwinski	Gross
Brademas	Devine	Gubser
Bray	Diggs	Hagan, Ga.
Breeding	Dingell	Hagen, Calif.
Brewster	Dole	Haley
Bromwell	Dorn	Halleck
Brooks, Tex.	Dowdy	Halpern
Broomfield	Downing	Hansen
Brown	Doyle	Harding
Hardy	Mathias	Roush
Harris	Matthews	Rousselot
Harrison, Va.	May	Rutherford
Harrison, Wyo.	Meader	Ryan, Mich.
Harsha	Michel	St. George
Harvey, Ind.	Miller, Clem	St. Germain
Harvey, Mich.	Miller, George P.	Santangelo
Hays	Miller, N.Y.	Saylor
Healey	Milliken	Schadeberg
Hechler	Mills	Schenck
Hemphill	Minshall	Schneebeli
Henderson	Moeller	Schweiker
Herlong	Monagan	Schwengel
Hiestand	Montoya	Scott
Hoeven	Moore	Scranton
Hoffman, Ill.	Morehead, Ohio	Selden
Holifield	Moorhead, Pa.	Shelley
Holland	Morgan	Shipley
Horan	Morse	Short
Hosmer	Mosher	Shriver
Huddleston	Moss	Sibal
Hull	Moulder	Sikes
Ichord, Mo.	Multer	Siler
Inouye	Murphy	Slack
Jarman	Murray	Smith, Calif.
Jennings	Natcher	Smith, Iowa
Jensen	Nedzi	Smith, Va.
Joelson	Nelsen	Spence
Johansen	Nix	Springer
Johnson, Calif.	Norblad	Stafford
Johnson, Md.	Norrell	Staggers
Jonas	Nygaard	Steed
Jones, Ala.	O'Brien, N.Y.	Stephens
Jones, Mo.	O'Hara, Ill.	Stratton
Judd	O'Hara, Mich.	Stubblefield
Karsten	O'Konski	Sullivan
Karth	Olsen	Taber
Kearns	O'Neill	Taylor
Kee	Osmers	Teague, Calif.
Keith	Ostertag	Teague, Tex.
Kelly	Passman	Thomas
Keogh	Patman	Thompson, N.J.
Kilgore	Pelly	Thompson, Tex.
King, Calif.	Perkins	Thomson, Wis.
King, N.Y.	Pfost	Thornberry
King, Utah	Philbin	Toll
Kirwan	Pike	Tollefson
Kluczynski	Pillion	Trimble
Knox	Pirnie	Tuck
Kornegay	Poff	Tupper
Kunkel	Price	Udall, Morris K.
Kyl	Pucinski	Vanik
Laird	Purcell	Van Pelt
Landrum	Quie	Van Zandt
Lane	Rains	Vinson
Langen	Randall	Waggonner
Lankford	Ray	Wallhauser
Latta	Reece	Walter
Lennon	Reifel	Watts
Lesinski	Reuss	Weaver
Libonati	Rhodes, Ariz.	Weis
Lindsay	Rhodes, Pa.	Westland
Lipscomb	Riehlman	Whalley
Loser	Riley	Wharton
McCulloch	Rivers, Alaska	Whitener
McDonough	Rivers, S.C.	Whitten
McFall	Roberts, Ala.	Wickersham
McIntire	Roberts, Tex.	Widnall
McSween	Robison	Williams
MacGregor	Rodino	Willis
Mack	Rogers, Colo.	Winstead
Madden	Rogers, Fla.	Wright
Magnuson	Rogers, Tex.	Yates
Mahon	Rooney	Young
Mailliard	Rostenkowski	Younger
Marshall	Roudebush	Zablocki
Martin, Mass.		Zelenko
Martin, Nebr.		

NAYS—10

Gonzalez	Poage	Sheppard
Green, Oreg.	Roosevelt	Ullman
Johnson, Wis.	Rosenthal	
Kastenmeier	Ryan, N.Y.	

NOT VOTING—53

Adair	Dominick	Mason
Andersen, Minn.	Donohue	Merrow
Arends	Dooley	Morris
Baring	Ellsworth	Morrison
Bass, N.H.	Evins	O'Brien, Ill.
Blatnik	Findley	Peterson
Blitch	Frazier	Pilcher
Bolling	Garland	Powell
Boykin	Granahan	Saund
Cannon	Hall	Scherer
Coad	Hébert	Seely-Brown
Collier	Hoffman, Mich.	Sisk
Cramer	Kilburn	Smith, Miss.
Cunningham	Kitchin	Thompson, La.
Curtis, Mass.	Kowalski	Utt
Davis, James C.	McDowell	Wilson, Calif.
Dawson	McMillan	Wilson, Ind.
	McVey	
	Macdonald	

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was passed.

The Clerk announced the following pairs:

Mr. Powell with Mr. Adair.
Mr. Frazier with Mr. Kilburn.
Mr. James C. Davis with Mr. Cramer.
Mr. Morrison with Mr. Arends.
Mr. Kitchin with Mr. Collier.
Mr. O'Brien of Illinois with Mr. Ellsworth.
Mr. Pilcher with Mr. Wilson of California.
Mr. Evins with Mr. Hall.
Mr. Hébert with Mr. Andersen of Minnesota.
Mr. Saund with Mr. Cunningham.
Mr. Morris of New Mexico with Mr. Wilson of Indiana.
Mr. Bolling of Missouri with Mr. Findley.
Mr. Sisk with Mr. Utt.
Mr. Peterson with Mr. Dooley.
Mr. Baring with Mr. Seely-Brown
Mr. Thompson of Louisiana with Mr. Merrow.
Mr. McMillan with Mr. Bass of New Hampshire.
Mr. Blatnik with Mr. McVey.
Mr. Kowalski with Mr. Curtis of Massachusetts.
Mr. Cannon with Mr. Mason.
Mr. McDowell with Mr. Scherer.
Mr. Donohue with Mr. Dominick.
Mrs. Granahan with Mr. Garland.
Mr. Macdonald with Mr. Hoffman of Michigan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FOOD AND AGRICULTURE ACT OF 1962

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12391) to improve and protect farm income, to reduce costs of farm programs to the Federal Government, to reduce the Federal Government's excessive stocks of agricultural commodities, to maintain reasonable and stable prices of agricultural commodities and products to consumers, to provide adequate supplies of agricultural commodities for domestic and foreign needs, to conserve natural resources, and for other purposes," with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

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

Mr. AVERY. Mr. Speaker, I object.

SENIOR CITIZENS HOUSING ACT OF 1962

Mr. RAINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12628) to provide additional funds under section 202(a)(4) of the Housing Act of 1959, and to amend title V of the Housing Act of 1949, in order to provide low- and moderate-cost housing, both urban and rural, for the elderly.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Senior Citizens Housing Act of 1962".

SEC. 2. The Congress finds that there is a large and growing need for suitable housing for older people both in urban and rural areas. Our older citizens face special problems in meeting their housing needs because of the prevalence of modest and limited incomes among the elderly, their difficulty in obtaining liberal long-term home mortgage credit, and their need for housing planned and designed to include features necessary to the safety and convenience of the occupants in a suitable neighborhood environment. The Congress further finds that the present programs for housing the elderly under the Housing and Home Finance Agency have proven the value of Federal credit assistance in this field and at the same time demonstrated the urgent need for an expanded and more comprehensive effort to meet our responsibilities to our senior citizens.

SEC. 3. (a) Section 202(a)(4) of the Housing Act of 1959 is amended by striking out "$125,000,000" and inserting in lieu thereof "$225,000,000".

(b) Effective with respect to applications for loans under section 202 of the Housing Act of 1959 made after the date of the enactment of this Act—

(1) section 202(d)(1) of such Act is amended by striking out "(A)", and by striking ", and (B)" and all that follows and inserting in lieu thereof a period;

(2) section 202(d)(7) of such Act is amended by striking out all that follows "new structures" and inserting in lieu thereof a period; and

(3) section 202(d)(8) of such Act is amended by striking out "(A)", and by striking out ", and (B)" and all that follows and inserting in lieu thereof a period.

SEC. 4. (a)(1) Section 501 of the Housing Act of 1949 is amended—

(A) by striking out the period at the end of subsection (a) and inserting in lieu thereof the following: ", and (3) to elderly persons who are or will be the owners of land in rural areas for the construction, improvement, alteration, or repair of dwellings and related facilities, the purchase of previously occupied dwellings and related facilities and the purchase of land constituting a minimum adequate site, in order to provide them with adequate dwellings and related facilities for their own use.";

(B) by inserting at the end of subsection (b) the following new paragraph:

"(3) For the purposes of this title, the term 'elderly persons' means persons who are 62 years of age or over."; and

(C) by inserting immediately before the semicolon at the end of clause (1) of subsection (c) the following: ", or that he is an elderly person in a rural area without an adequate dwelling or related facilities for his own use".

(2) Section 502(a) of such Act is amended by adding at the end thereof the following new sentence: "In cases of applicants who are elderly persons, the Secretary may accept the personal liability of any person with adequate repayment ability who will cosign the applicant's note to compensate for any deficiency in the applicants repayment ability."

(b) Title V of the Housing Act of 1949 is amended by adding at the end thereof the following new section:

"DIRECT AND INSURED LOANS TO PROVIDE HOUSING AND RELATED FACILITIES FOR ELDERLY PERSONS AND FAMILIES IN RURAL AREAS

"SEC. 515. (a) The Secretary is authorized to make loans to private nonprofit corporations and consumer cooperatives to provide rental housing and related facilities for elderly persons and elderly families of low or moderate income in rural areas, in accordance with terms and conditions substantially identical with those specified in section 502; except that—

"(1) no such loan shall exceed the development cost or the value of the security, whichever is less;

"(2) such loans shall bear interest at rates determined by the Secretary, not to exceed the maximum rate provided in section 202(a)(3) of the Housing Act of 1959; and

"(3) such a loan may be made for a period of up to fifty years from the making of the loan.

There is authorized to be appropriated not to exceed $50,000,000, which shall constitute a revolving fund to be used by the Secretary in carrying out this subsection.

"(b) The Secretary is authorized to insure and make commitments to insure loans made to any individual, corporation, association, trust, or partnership to provide rental housing and related facilities for elderly persons and elderly families in rural areas, in accordance with terms and conditions substantially identical with those specified in section 502; except that—

"(1) no such loan shall exceed $100,000 or the development cost or the value of the security, whichever is least;

"(2) such loans shall bear interest at rates determined by the Secretary, not to exceed the maximum rate provided in section 203(b)(5) of the National Housing Act;

"(3) provide for complete amortization by periodic payments within such term as the Secretary may prescribe;

"(4) for insuring such loans, the Secretary shall utilize the Agricultural Credit Insurance Fund subject to all the provisions of section 309 and the second and third sentences of section 308 of the Consolidated Farmers Home Administration Act of 1961, including the authority in section 309(f)(1) of that Act to utilize the insurance fund to make, sell, and insure loans which could be insured under this subsection; but the aggregate of the principal amounts of such loans made by the Secretary and not disposed of shall not exceed $10,000,000 outstanding at any one time; and the Secretary may take liens running to the United States though the notes may be held by other lenders; and

"(5) no loan shall be insured under this subsection after June 30, 1964.

"(c) No loan shall be made or insured under subsection (a) or (b) unless the Secretary finds that the construction involved will be undertaken in an economical manner and will not be of elaborate or extravagant design or materials.

"(d) As used in this section—

"(1) the term 'housing' means new or existing housing suitable for dwelling use by elderly persons or elderly families;

"(2) the term 'related facilities' includes cafeterias or dining halls, community rooms or buildings, appropriate recreation facilities, and other essential service facilities;

"(3) the term 'elderly persons' means persons who are 62 years of age or over; and the term 'elderly families' means families the head of which (or his spouse) is 62 years of age or over; and

"(4) the term 'development cost' means the costs of constructing, purchasing, improving, altering, or repairing new or existing housing and related facilities and purchasing and improving the necessary land, including necessary and appropriate fees and charges approved by the Secretary.

"(e) Amounts made available pursuant to section 513 of this Act shall be available for administrative expenses incurred under this section."

(c)(1) Section 511 of the Housing Act of 1949 is amended—

(A) by striking out "section 504(b)" and inserting in lieu thereof "section 504(b) or 515(a)"; and

(B) by striking out "$650,000,000" and inserting in lieu thereof "$700,000,000, of which $50,000,000 shall be available exclusively for assistance to elderly persons as provided in clause (3) of section 501(a)".

(2) Section 506(a) of such Act is amended by striking out "section 514" each place it appears and inserting in lieu thereof "sections 514 and 515".

(3) Section 504(a) of such Act is amended by striking out "(1) in the form of a loan, or combined loan and grant, in excess of $1,000, or (2) in the form of a grant (whether or not combined with a loan) in excess of $500" and inserting in lieu thereof "in the form of a loan, grant, or combined loan and grant in excess of $1,000".

(4) Paragraph (12) of section 5200 of the Revised Statutes (12 U.S.C. 84) is amended by inserting "or title V of the Housing Act of 1949," immediately before "shall be subject under this section".

The SPEAKER. Is a second demanded?

Mr. McDONOUGH. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. RAINS. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, the Senior Citizens Housing Act of 1962—H.R. 12628—is designed to help meet one of the most urgent needs in the field of housing, that of providing suitable homes for our elderly citizens at rents and prices within their means. The Congress can take great pride in its record of approving measures to meet this problem. The most important forward step so far is the program of low-interest direct loans, authorized by the Housing Act of 1959 for which additional funds were approved last year. The outstanding success of this program and the widespread support which it has is clear evidence of the growing recognition of the housing needs of the elderly. It shows that we are on the right track in our efforts to provide this housing and in the years to come I am confident that we will witness substantial further progress in this field.

There are several factors underlying the need for special provisions for housing for our senior citizens and increased efforts to make assistance available. First, the number of older people in our population is increasing rapidly—nearly twice as fast as overall population. In the past decade the total number of people in this country rose 19 percent while the number aged 65 and over jumped 35 percent. For many families the problem of age is compounded because today 1 out of 3 persons reaching the age of 60 has one or more close relatives over 80 to be concerned about. Looking to the future, the number of our older citizens will continue to rise more rapidly than the population as a whole and we must not delay in providing the programs and assistance they need and deserve.

Health problems and living patterns are the second reason for providing programs specially tailored to the needs of the aged. The miracles of modern medicine have extended life expectancy but we must recognize the fact that age imposes certain physical limitations even on the healthy and also makes the dangers of illness and accident a more serious matter. Because of this, homes

which just a few years ago were entirely satisfactory may no longer be entirely suited to the elderly. Design features acceptable to younger families can become extremely bothersome or even dangerous in the later years. Some of the chores in maintaining a home may now seriously tax the energy and ability of an older person. There have been a number of careful studies of the special design features such as single-floor plans, ramps instead of steps, wide doorways, extra lighting, and special safety measures in the bathroom and kitchen. Actually, many of these features are desirable even for the younger families, but the fact is that most houses built for the general market do not include them and private lenders tend to shy away from such housing on the grounds that it is "special purpose" housing which limits its market. The fact of the matter is that there is a tremendous market for such housing and I am sure that as experience shows the success of these programs, private lenders will be encouraged to put more of their funds to work in meeting this problem. An important consideration in planning housing for the elderly is the striking difference in their living patterns compared to younger people. A large majority are retired or unable to work. Because of this, good housing properly designed assumes a very special importance since it becomes in most cases a focal point of their lives.

Sharply reduced incomes are a third and pressing reason why we need special legislation to help the elderly. While many families are able to prepare for their later years through savings and investment in home ownership and many are able to plan an adequate retirement income, the plain truth is that most senior citizens are forced to live on very modest incomes. Often the financial planning of earlier years will no longer provide for a comfortable retirement and in some cases our older citizens were unable to maintain an income level high enough to provide fully for their later years. Typically, a family after retirement often suffers an income drop of about one-half.

There has been a growing recognition of the fact that our housing problems in rural areas are every bit as serious as they are in the cities. In some ways, these problems are magnified in farm areas and small towns by the relatively lower income levels and shortage of private mortgage financing. This is particularly true for the 7 million rural people who are 60 or older. There is an obvious need to amend and supplement our housing programs to reach this important segment of our population and this bill is designed to do just that.

Mr. Speaker, the legislation before us has been carefully considered by our Subcommittee on Housing which held 3 days of intensive hearings and received testimony in support of the bill from administration witnesses representing both the Housing and Home Finance Agency and the Farmers Home Administration as well as representatives of farm and cooperative organizations, labor unions, groups representing senior citizens and other organizations interested in providing better housing for the elderly. All of the witnesses strongly endorsed the objectives of both bills. The bill now before the House was reported out of the Subcommittee on Housing and the full Committee on Banking and Currency without a single vote in opposition.

Mr. Speaker, the bill before us, H.R. 12628—the Senior Citizens Housing Act of 1962—has five major provisions. These provisions build on the successful programs now in operation for the elderly, and I will not go into great detail. They are fully discussed in the report of our committee—House Report No. 2052.

The first provision would authorize the appropriation of additional funds for the existing program of direct loans for housing for the elderly in urban areas. This is the program created in the Housing Act of 1959, under which the HHFA can make loans for rental and cooperative housing to private nonprofit and cooperative sponsors. The interest rate is based on a formula reflecting the cost of money to the Treasury plus the cost of administration, which currently produces a rate of 3½ percent and the loans can have maturities up to 50 years. These terms make it possible to provide good housing for the elderly at rents as much as $15 or $20 a month below what would have to be charged under regular FHA or conventional financing. At present $125 million is authorized for these loans, of which $80 million has already been appropriated. The balance of $45 million plus an additional $50 million has been requested by the administration for appropriation this year. This is the amount they expect to use during the current year. H.R. 12628 would authorize $100 million for appropriation. This would be enough to carry the program until about October of next year. In my judgment this program is one of the most successful that the Congress has ever authorized in the field of housing and it has found widespread acceptance. Already the Housing Agency has received applications for more than $160 million in these loans. This is more than the amount authorized in existing loan funds and thus this additional legislation is urgently needed.

The other major provisions of the bill are designed to extend to our older citizens in rural areas benefits similar to those which now exist under the Housing and Home Finance Agency for people in urban areas.

The Housing Act of 1949 established a program of direct Federal loans to build or improve housing in rural areas where private financing is not available on reasonable terms. At present an applicant for one of these loans must already own the land and the loans cannot be used to purchase existing homes. These limitations present special problems to older people in rural areas, many of whom wish to move closer to town but are unable to buy the building site entirely out of their own resources. They need to be able to buy the land along with the home just as is now done under some of our homeownership programs. In addition, existing housing often represents the best investment for older people because it can be purchased at a lower price without delay and in the area where they want to live. This bill would remove these two limitations in the case of older families. At the same time it would permit the Farmers Home Administration to accept cosigners if the elderly applicant does not have sufficient income to safely assure repayment of the loan. These amendments would make this program extremely helpful to those older people who want to have a home of their own.

Another provision of the bill for rural areas would establish a program of direct loans for rental and cooperative housing sponsored by nonprofit and cooperative organizations. This program, which would be administered by the Farmers Home Administration, would be very similar to the HHFA program created in 1959 which has proved so successful in urban areas. The interest rate on these loans would be the same as that established for the urban program, currently 3½ percent, and the loan maturity could extend for 50 years. I believe that this provision will fill an important gap in our housing legislation by providing good housing at reasonable rents for rural families who are no longer willing or able to take on all the responsibilities of maintaining homes of their own.

This bill would also set up a program of mortgage insurance for rental housing for the elderly in rural areas, generally similar to that now administered by the Federal Housing Administration, with adjustments for the special mortgage financing problems of rural areas. Under this program, the FHA has established a maximum maturity of 40 years and an interest rate of 5¼ percent. An insurance premium would be collected to build up reserves and enable the program to pay its own way. This provision will enable private lenders to finance rental housing for rural elderly families of somewhat higher income.

Finally, the bill will liberalize the program of grants to improve rural housing which was established in 1949 by raising the grant ceiling from $500 to $1,000. These grants can be made to rural homeowners whose incomes are so low that they cannot qualify for loans to make improvements necessary to the health and safety of the occupants or the community. The present $500 ceiling was established more than a decade ago when much lower cost levels prevailed and the committee feels that we are justified in raising the maximum. This provision would be particularly beneficial to the elderly for whom health and safety present special problems.

Mr. Speaker, in a word, this bill is designed to expand our programs of assistance to meet the urgent housing needs of our elderly, building on the firm foundation of existing programs which have proven so highly successful. In addition, it is designed to give our millions of older citizens in rural areas parity with the aids now available to those who live in the city. I urge all of my colleagues to give their support to this vitally needed legislation.

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

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

Mr. GROSS. I find no departmental reports in the report accompanying this bill. Is there some particular reason for that?

Mr. RAINS. We have all of the departmental reports. We had all of the heads of the agencies involved at our hearings who testified in favor of the bill.

Mr. GROSS. But there is none contained in the report?

Mr. RAINS. They could of course have been included in the report but we printed them instead in the record of our hearings.

Mr. GROSS. The Department of Agriculture appropriation hearings for 1963 show that this fund for rural housing grants and loans will have an estimated unobligated balance of $277,611,000 at the end of this fiscal year.

Mr. RAINS. I do not understand what the gentleman means. That may be the authorized amount. The Farmers Home Administration is now pleading with the Budget Bureau for money with which to make the loans.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. RAINS. Mr. Speaker, I yield myself an additional 3 minutes.

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

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

Mr. WHITTEN. May I say to the gentleman from Iowa that the funds to which the gentleman from Iowa has pointed were carried in the original act. It is a continuing fund and the funds are available to the Farmers Home Administration in that amount. However, since the Farmers Home Administration went into the rural housing program, as against requiring that it be strictly farm housing, the demand has been so great that at the present time there has been a freeze order by the Bureau of the Budget on the use of those funds, accounting for all of the pressure that Members have been receiving from applicants and people back home, including the State Farmers Home Offices because at present there is a freeze order on allocating those funds. But they are in existence, and it will take only a release by the Bureau of the Budget to make them available.

Mr. GROSS. If the gentleman will yield further, then you are asking for an additional $50 million on top of the $277 million unobligated, or will be unobligated as of the end of this fiscal year?

Mr. RAINS. No; the gentleman is mistaken about that. We are not asking for additional funds in the very same program that the gentleman from Mississippi [Mr. WHITTEN] has discussed. We are asking now for the additional funds in the housing for the elderly program.

I would say this to the gentleman from Iowa: I am greatly concerned—and I am glad the gentleman from Mississippi brought it up—and I have urged the Bureau of the Budget to do something about the release of the funds to the Farmers Home Administration for that particular housing program, because many Members and many people have written to me about it. But that is a different situation from what we are discussing here.

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

Mr. RAINS. I shall be glad to yield to the gentleman from Washington.

Mr. PELLY. Is this $50 million to be in borrowing authority or so-called back-door spending, and a part of it for an appropriation?

Mr. RAINS. All of the new programs authorized are on an appropriation basis. That includes the $100 million additional for the urban district loan programs and the $50 million made available to start a similar program for the elderly in rural areas. The other $50 million in loans for sales housing, it is true, comes out of Treasury borrowing but this program is not really new but is merely an extension of an existing program to also cover the rural elderly.

Mr. PELLY. I commend the gentleman from Alabama [Mr. RAINS] and I am very happy to learn that.

Mr. McDONOUGH. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. DWYER].

Mrs. DWYER. Mr. Speaker, I rise in support of H.R. 12628. It is outstanding legislation and is badly needed.

Mr. Speaker, in terms of the funds which this legislation would make available, this bill is a very modest one. As an effective contribution toward meeting one of the most pressing needs of the fastest growing and lowest income segment of our population, however, the Senior Citizens Housing Act will continue to prove to be as fruitful and worthwhile an investment as our Government can make.

It is extremely significant, I believe, that the Committee on Banking and Currency reported this bill favorably without a single dissenting vote. This fact testifies to the importance with which our committee views the housing needs of the elderly, to the success which this program has enjoyed in its very short life, and to the continuing need for this kind of assistance.

I very strongly supported this program, Mr. Speaker, when it was initiated as a part of the Housing Act of 1959. At that time, it seemed to many of us that the special difficulties which older people faced in securing adequate housing justified a special program of this kind. Experience showed that existing Federal housing assistance did not meet the needs of retired persons, a substantial proportion of whom occupied old and obsolete housing but had such sharply reduced incomes that they were unable to meet financing requirements of conventional or FHA-insured private housing. On the other hand, incomes of retired persons were just high enough to disqualify them for assistance under the public housing program.

The past 3 years have confirmed the accuracy of this analysis. As of June 30 of this year, all but $12 million of authorized appropriations under this program had either been loaned or earmarked for loans. Interest in the program has been extensive and more than 14,000 housing units have already been constructed or are presently under construction or are in the active planning stage. A number of housing-for-the-elderly projects have been started in my own area of New Jersey, and I can testify personally to the air of expectancy with which older people have anticipated construction of this housing. Applications for rental units were filed almost as soon as plans were announced and long before construction began. It is obvious that the approximately $20 a month saving reflected in the rental cost of units constructed under the direct loan program makes all the difference in the world in bringing clean, decent, and functional housing within the financial ability of most older persons.

There are important advantages to this program other than the saving in rental charges. Under the direct loan program, housing must be especially planned and built for use by elderly persons. The design of the housing units must conform to the special requirements of older people regarding safety, comfort, and convenience. Housing must also be located in such a way as to provide for the health, transportation, shopping, church, recreation, and other social and community needs of the occupants. In these respects, therefore, the direct loan program has helped to pioneer the design and construction of other, conventionally financed, housing for the elderly and has had a most salutary effect on stimulating the construction of the kind of overall environment most suitable for persons in their older years.

This legislation, Mr. Speaker, meets all the tests of a constructive bill. The need for this program has been found to be a very real one. This need cannot be met in any other way. Early experience under the program proves that it is a practicable and effective way of meeting the need. The cost of the program to the taxpayers is moderate, and the direct loan basis on which the program operates assures eventual repayment of the Federal investment.

In every respect, this is a good bill, and I urge our colleagues to support it.

Mr. McDONOUGH. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker and Members of the House, I doubt that there is anyone who would begrudge the senior citizens of this Nation better housing and more adequate housing, under favorable terms, at a reasonable rent. As a matter of fact, that is the manner in which this bill came out of the committee. Extensive hearings were held by the committee and all of the departments involved in this type housing were heard, reports were filed, and the committee in executive session passed this bill out for consideration on the floor of the House by 18 votes "yea," 1 "present," and no negative votes.

Mr. Speaker, as the chairman of the Subcommittee on Housing, the gentleman from Alabama [Mr. RAINS] has informed you, this is an extension of an existing program which provides for direct loans for housing of our elderly citizens at 3½ percent interest over a period of 50 years.

Mr. Speaker, in order to show the need I read from the report and recent study by Cornell University which analyzes the quality of housing of a national sample of persons receiving social security benefits in 1960. The results of this research study indicated the following:

1. Forty percent of older person were living in houses built over 50 years ago and an additional 40 percent were living in houses built between 30 and 50 years ago.

2. The aged in poorer health tended to occupy the poorest housing.

3. Approximately 45 percent of all aged households were classified as being in "need of better accommodations" based on the quality of the housing and the living arrangements of individuals who were dependent on their relatives.

There is a great need for this type of housing. It is limited to those people who are in the income bracket where they do not qualify for public housing but who are above the age of 62. That number of people is increasing very rapidly in this country.

In 1960, there were 7 million persons who had reached or passed the age of 60, living in rural areas. Almost 2 million live on the farms and about 5 million in the small rural communities of America.

These figures indicate that there is a demand for housing in the rural areas as well as in the urban areas. This bill provides for the housing for elderly in the rural areas.

Mr. Speaker, there is no apparent opposition to the bill. I endorse the statement previously made by the chairman of the subcommittee and urge the Members of the House to support the passage of this bill as needed legislation.

Mr. RAINS. Mr. Speaker, I yield such time as he may require to the gentleman from Pennsylvania [Mr. BARRETT].

Mr. BARRETT. Mr. Speaker, one of the most heartening developments in the past several years is the growing realization by the Congress of the needs of older people—our senior citizens—and our moral obligation to help them meet their special problems. These are the men and women who, through a lifetime of honest toil, have made America the wealthiest and most powerful Nation in the world today. Those of us who have a heart are ready and willing to take whatever steps are necessary to pay our tremendous debt to the older generation.

In the field of housing, senior citizens are confronted with a special group of obstacles. Their age makes it difficult for them to obtain mortgage loans. Because the great majority of our older folks have fixed and limited incomes, they are often unable to find the kind of housing they need at a rent or price which they can afford. The handicaps of advanced age also require specially designed and planned housing.

I take special pride in the fact that the Housing Subcommittee on which I am privileged to serve in the Congress has sponsored a number of financing programs to provide better housing for the elderly.

We have liberalized FHA financing to make it easier for older folks to obtain a mortgage on liberal terms.

We have also established a program of FHA insurance for rental housing for senior citizens. Already, we have one of these FHA projects completed in my own Philadelphia—the York House with over 200 units—and I am sure that in the very near future we will see many more.

We have made special provision to make low-rent public housing available for senior citizens. These are people in the very lowest income range who are desperately in need of housing aid. The law provides that low-rent housing units can be specifically designed to meet the needs of the elderly, and in last year's housing act we authorized an additional Federal payment of up to $120 a year for apartments occupied by the elderly if needed to meet the operating costs of the project. Over 100,000 units nationally, or more than one-fifth of all public housing dwellings, are occupied by older families. Right now over 1,400 low-rent units—1 out of every 8—are occupied by elderly persons or families in Philadelphia. Moreover, we have more than 500 units built or planned which are specially designed for the elderly and undoubtedly the number will increase substantially.

Another program which is proving to be of great value in meeting the housing needs of the elderly is the program of direct loans from the Government at a low rate of interest to nonprofit corporations to build housing for senior citizens of modest income. Under the direct loan program the interest rate is 3½ percent and the loan maturity can extend to 50 years. These terms make it possible to reduce rents to senior citizens by $15 to $20 a month as compared with rental projects financed at market interest rates.

Unfortunately, the previous administration dragged its heels in administering the program and at first progress was slow. However, the Kennedy administration fully recognizes the needs of our senior citizens and the value of this program. As a result, activity has risen sharply and I am confident that it will make a major contribution toward providing good housing at modest rents for our growing number of older citizens. The bill now before the House—the Senior Citizens Housing Act—would authorize an additional $100 million for these loans so that this vital program can continue to operate in high gear.

Mr. Speaker, when our Housing Subcommittee held hearings on this important legislation, it had the unanimous support of the witnesses who testified. It well deserves that support and I strongly urge all of my colleagues in the House to join me in supporting it here today.

Mr. RAINS. Mr. Speaker, I yield such time as he may require to the gentleman from Massachusetts [Mr. LANE].

NEW AND BETTER HOUSING FOR SENIOR CITIZENS

Mr. LANE. Mr. Speaker, the U.S. Government has accomplished much in providing public housing for low-income groups. And it has made substantial progress in meeting the special housing problems of the aged.

Public housing projects for the aged, however, aimed to help those most in need of safe, pleasant, and healthy accommodations, have income ceilings for eligible occupants that exclude all but those who depend upon social security or other forms of meager pensions.

Not enough incentives have been provided for the construction of housing for the next group: elderly families whose incomes are just below $3,000, or about $240 per month. A recent Cornell University study reveals that 800,000 units are required for this income group.

Our responsibility is to encourage and help in the construction of suitable housing for older persons whose incomes are too high for public housing, but not sufficient to meet the cost of good housing provided with private financing at conventional interest rates.

Twenty-one million Americans are now 62 years of age and over. By 1980, we will have 30 million in this age group. The over-65 population is increasing by 400,000 each year. A fact which has escaped public notice is that 1 out of 3 persons reaching the age of 60 has a parent or close relative over 80 to consider. Our society must face the increasing challenge of meeting the housing needs of not one, but two generations of senior citizens at the same time.

The average income of the aged is about 50 percent less than those under 65. Housing for senior citizens must take into account their income levels and the relative inflexibility of their income potentials.

About two-thirds of the aged now live in their own homes. They face problems of rising maintenance costs and property taxes. As a result, much of their housing is too large for their needs, too costly for upkeep, and ill adapted to meet the special needs of the aged.

It is appalling to observe that 19 percent of the households occupied by senior citizens are without private bath, toilet, or hot-running water. Some of these properties are dilapidated and even dangerous. Seventeen to twenty percent of the aged with pathetically small incomes, or because of health, live with their children in generally standard housing. But senior citizens prefer to live independently if they can for the sake of their human dignity.

Because of age, senior citizens find it almost impossible to obtain liberal mortgage financing. Limited by small and fixed incomes, they are unable to afford the type of housing that they require.

The purpose of H.R. 12628 is to authorize the appropriation of an additional $100 million for the existing program of direct loans to provide housing for the elderly in urban areas, so that rental housing can be provided for them at rents of $15 to $20 a month below projects financed either in the usual way or with FHA insurance. A comparable program will benefit those living in rural areas.

Low interest rates on loans that will not mature for up to 50 years are offered as an inducement for private nonprofit corporations, consumer cooperatives and certain public bodies or agencies, to construct this type of housing.

Eligible properties include rental housing structures and such related facilities as dining halls, community rooms, infirmaries, and other essential service facilities.

By administrative action, the Housing and Home Finance Agency has been following the policy of confining its loans to new construction, although the present law permits loans to rehabilitate, convert, or improve existing structures. The Committee on Banking and Currency wisely decided to change the law, in line with administrative practice, to guarantee brandnew construction that will fully meet the needs of elderly persons.

The housing provided under the direct loan program, designed for the safety, comfort, and convenience of older people, will benefit them in more than material ways.

Special housing for this group is helpful to personal and social relationships. The aged feel more at home with those who share their outlook and their interests.

The Senior Citizens Housing Act of 1962 marks further progress in our continuing efforts to protect the senior citizens of the Nation.

Mr. RAINS. Mr. Speaker, I yield such time as he may require to the gentleman from New Jersey [Mr. JOELSON].

Mr. JOELSON. Mr. Speaker, I am pleased to support the Senior Citizens Housing Act. It provides a comprehensive program of low and moderate cost housing for the elderly.

Twenty-one million Americans are now 62 years of age or over, and it is expected that this figure will rise to 30 million within the next two decades. Since these people generally must live on very limited incomes, it is our obligation to make suitable provision for them.

Mr. RAINS. Mr. Speaker, I yield such time as he may require to the gentleman from New York [Mr. RYAN].

Mr. RYAN of New York. Mr. Speaker, I rise in support of this legislation.

Housing for the elderly is a growing problem. As a result of advances in medical care and higher standards of living, more people are living longer. This trend can be expected to continue in the coming decades.

Some 21 million people in the United States are now 62 years of age and over. By 1980, we expect at least 30 million in the over 62 age group. The urgency of positive solutions to the problem of housing for older people can also be illustrated in terms of the growth rate of this segment of our population. The group over 62 years of age rose 35 percent between 1950 and 1960 and those over 85 years of age increased more than 60 percent, while the population as a whole increased only 19 percent. The group 62 years of age and over is currently growing at a net rate of 400,000 persons each year.

Provision for the basic needs of our senior citizens is a problem which soon will affect three generations of Americans. Already one out of three persons reaching the age of 60 has at least one parent or close relative over 80. In just 40 years this ratio is expected to rise to two out of three.

When one realizes that 50 to 60 percent of the persons aged 65 and older have less than $1,000 total cash income annually, the problem of caring for more than one generation of older people becomes serious indeed. The aged are not a homogenous group in terms of income and monetary assets. Although some have adequate means, most do not. The group as a whole tends to be in the low or moderate income categories with median money incomes 50 percent less than those under 65 years of age.

Housing for the aged should take into account their prevailing income levels and the relative inflexibility of these incomes. Most older people cannot expect any significant increases in their income in future years although the cost of living tends to increase steadily. Recent Bureau of the Census studies indicate that among the 6.2 million families with heads 65 and over, half had family income levels of less than $2,830 and one-fourth had less than $1,620. These family incomes supported an average of 2.6 persons per family or a total of approximately 9.3 million aged and about 6.7 million younger persons. Single elderly persons living alone or with nonrelatives are even less fortunate. Half of the 3.6 million aged persons in this category had incomes of less than $1,010, while four-fifths had less than $2,000.

Even though older persons are more likely than younger persons to have some savings, in general those with the smaller incomes are the least likely to have other monetary assets to fall back on. In addition, most of the savings of the aged are tied up in their homes or in life insurance rather than in a form readily convertible to cash for emergencies.

With such limited financial means, most older people have been unable to afford decent housing. Mr. Speaker, the proposal before us today will do much to help older people. Until recent years the vast majority of Federal housing laws have primarily helped younger families, those just getting started. Some progress was made in the long ignored and neglected area of senior citizen housing in the 1956 and 1959 Housing Acts, but more is desperately needed if we are going to meet our moral obligation to the older and retired members of our population. The most prosperous Nation in the world should not fail to meet one of their most basic needs—decent and reasonably priced housing in suitable neighborhoods with adequate community facilities. It is time we really tackled the problem of housing for the aged.

H.R. 12628 provides important financial assistance to help fill the urgent housing needs of the increasingly large group of aged and retired families and single persons in the United States. It extends additional Federal aid to low and moderate cost housing, both urban and rural, for the elderly.

The section 202 program of low-interest direct loans for rental housing in urban areas authorized by Congress in 1959 has been one of the most successful Federal programs designed to meet the housing needs of limited income elderly people. Many older people have relatively fixed incomes which are too high for low rent public housing but are insufficient for most decent private housing. Moreover, it is particularly difficult for them to obtain liberal mortgage financing.

The low interest rates made available on loans to private nonprofit corporations under the section 202 program makes it possible for these groups to provide rental housing for limited income older persons and families at rents $17 to $20 lower than would be feasible with the usual financing charges available in the private market. Thus, these Federal loans make a real difference in rents and the type of housing which elderly people in this income bracket can afford.

However, all of the funds authorized to date have already been appropriated or are included in current budget requests. There is a sizable unmet demand for this assistance by church groups, cooperatives, labor unions, and other private philanthropic organizations which have sponsored corporations to provide economical and appropriately designed rental housing for older people in the lower middle income brackets. H.R. 12628 will help meet this demand by authorizing an additional $100 million for new construction under the section 202 program.

There are serious housing obstacles also facing the elderly in rural areas where mortgage credit is difficult to obtain. Although title V programs of housing assistance in rural areas have made significant contributions to better housing in rural areas, additional programs are needed, particularly for the elderly.

H.R. 12628 will fill this gap in several ways. First of all, it establishes a new $50 million program of direct loans by the Farmers Home Administration similar to the section 202 program under the Housing and Home Finance Administration to permit private nonprofit corporations and consumer cooperatives to build moderate cost rental housing for the elderly in rural areas.

Additional rental housing at private market rates for older persons with larger incomes will be encouraged by a new Farmers Home Administration insurance program similar to the existing Federal Housing Administration program. Also, senior citizens 62 years of age or older will be given three special advantages under the existing Farmers Home Administration housing loan program. They will be allowed to buy existing housing as well as build or improve their homes. The loans may be used to finance the land as well as the dwelling and a cosigner will be permitted for elderly applicants who are deficient in repayment ability.

Lastly, H.R. 12628 will aid older homeowners in rural areas by raising the current ceiling on rural grants to owner-occupants whose incomes are too small to qualify for other types of loans for necessary housing improvements. Increasing the maximum grant from $500 to $1,000 will make it easier for more older applicants to make such repairs and improvements at today's higher prices.

Mr. Speaker, the basic objective of all assistance to the elderly should be to

foster the maintenance of their independence in their own homes and communities. Today most older people want and can live independently in their own homes. More standard suitable housing for the elderly in a variety of price ranges and types—including homes for sale and rent and high-rise apartments—cooperative and rental—and adequate community facilities are needed to meet this need. Federal assistance to promote the provision of this housing will go far toward making this goal possible. Mr. Speaker, I urge passage of H.R. 12628.

Mr. YATES. Mr. Speaker, will the gentleman from Alabama yield for a question?

Mr. RAINS. I yield for a question.

Mr. YATES. Is there an extension of the direct loan program in this bill for housing for the elderly?

Mr. RAINS. Yes; it is the first section of the bill.

Mr. YATES. And it has worked well under the present law?

Mr. RAINS. Indeed.

Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

Mr. McDONOUGH. Mr. Speaker, I yield such time as he may require to the gentleman from New Jersey [Mr. WIDNALL].

Mr. WIDNALL. Mr. Speaker, I rise in support of this bill. I would like to call the attention of the House to the fact that in July I introduced a bill for $125 million additional authorization for this program, feeling that it had filled a great need in our country and deserved further attention. At that time I also requested in the bill that the new program be confined to new construction. Within the committee that amendment was agreed on so that the program as now presented to the House is amended so that in the future it will be confined to new construction. This means you can build in accordance with the real needs of elderly persons where special housing is required. Also it will mean that you will not have the problem of displacement of citizens, which has taken place in the past.

Mr. Speaker, I urge the adoption of the bill. I feel it is in the best interests of our elderly citizens.

Mr. McDONOUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. HALPERN].

Mr. HALPERN. Mr. Speaker, I rise in support of this legislation.

It is a long step forward in providing housing for the elderly—a most vital need that affects the 21 million people that are now 62 and over. I have long advocated such a program and have been repeatedly urging the Housing Administration to spur cooperative programs in this field between the Federal Government and private enterprise. This bill meets that objective and I support it wholeheartedly.

As a member of the Banking and Currency Committee I wish to commend the distinguished chairman of the Housing Subcommittee and its membership on this bill. I am well aware of the hard work and dedicated efforts by the committee and able staff which resulted in this workable and meaningful program.

The program will provide housing for the elderly in urban areas as well as rural areas and will set up a new program of direct loans to private corporations and consumer co-ops for moderate cost, rental housing for the elderly. Additional insurance is provided for rental housing in rural areas.

Mr. Speaker, we in New York are particularly pleased that under the direct loan program, long-term low-interest rate loans will now be continued on a more adequate scale. Last year I was one of those who fought for the amendment—which was adopted—to make consumer cooperatives eligible for these benefits for elderly housing. This bill will provide additional incentives for both cooperatives, public bodies, and private corporations to build projects that are especially planned for use by elderly families and persons.

Mr. Speaker, again I urge an overwhelming vote for passage of this most desirable bill. We can do no less for the senior citizens of America.

Mr. RAINS. Mr. Speaker, I yield such time as he may require to the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Speaker, I thank the distinguished gentleman from Alabama and congratulate him on a very wonderful, wonderful bill.

Mr. Speaker, the great gentleman from Alabama has with his usual skill brought us a bill of benefit to those who need it urgently. It is a pleasure to congratulate him and his committee members. Too often we pass over the needs of our senior citizens who have little or no lobby here in Washington. This is a bill that truly adds to the achievements of the 87th Congress.

Mr. RAINS. Mr. Speaker, I yield such time as he may require to the gentleman from Illinois [Mr. YATES].

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

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

There was no objection.

Mr. YATES. Mr. Speaker, I am very happy to support this bill which would expand and better the Federal programs of housing for the elderly, not only in urban areas but in rural areas, as well.

Every study that has been made of the problems of the aging has indicated that their needs are many and that one of the most important is the need for housing at prices they can afford to pay. Those age 65 and over are part of the fastest growing segment of our population; and unfortunately, most of them do not have funds with which to provide adequate, decent housing for themselves. The report on the bill shows the extent of the enormous need for new housing and housing rehabilitation for the elderly. In large urban areas, too many of them are compelled to live in slums. In rural areas, their houses are old and are in great need of repair.

This bill gives an opportunity to them to live their later years in good, fairly modern surroundings. It is an excellent bill. I favor the passage most strongly.

Mr. VANIK. Mr. Speaker, as a member of the Banking and Currency Committee, I urge the enactment of the Senior Citizens Housing Act.

In my community and throughout the Nation, we are witnessing the first benefits of this splendid program. It would be tragic if this program were to "bog down" because of lack of funds at the very moment it was beginning to produce results.

In my community, the great majority of our senior citizens live in the central city—a surprising number in their own modest homes. Grave problems occur which upset these "gold age" households, such as the death of one family member, the destruction of the homestead by highway improvements, and by the reshaping of urban life. Senior citizens in most cases fail to qualify for home purchase credit because of reduced income and the likelihood of costly hospital and medical expense overhead. Low-cost housing designed to meet these needs is absolutely essential in the large population centers.

This legislation provides a minimum support to a very worthwhile cause.

Mr. WICKERSHAM. Mr. Speaker, this bill is important. I urge its passage.

One of the first loans approved in this country was one at Cordell, Okla.

It was dedicated a few months ago. It has proven to be a safe venture.

With the passage of this bill, it will be possible for favorable action to be given on several applications for housing for senior citizens in Oklahoma, including Leedey and Thomas, Okla.

Mr. FOGARTY. Mr. Speaker, I wish to urge that the House act favorably on H.R. 12628, the Senior Citizens Housing Act of 1962.

This bill is one of the most constructive legislative recommendations to come before this Congress and comes very close to fulfilling one of the major recommendations of the White House Conference on Aging held in January 1961.

As you know, I have been quite critical of the failure to implement the recommendations made by the 2,500 delegates to that Conference. In the final report of that forum a basic principle was pronounced that—

> All aging people—regardless of race, creed or national origin—should be adequately housed in a suitable neighborhood of their choice, and supplied with community facilities and services at rents they can afford.

Further, the report stated that "Government agencies will broaden and expand present laws, or where pertinent, interpret existing regulations so as to expedite the building and financing of needed low-rent housing for the aged."

The Senior Citizens Housing Act of 1962 with its authorization of an additional $100 million for direct loans to provide housing for the elderly, will make it possible for the elderly to obtain rental housing at rents $15 to $20 a month below conventionally financed projects or those with FHA insurance.

The bill also recognizes and provides for comparable housing for the elderly living in rural areas.

The greatest weakness in this bill is the amount of money authorized to meet the tremendous need. Many of the individuals and organizations testifying before the Committee on Banking and Currency recommended appropriations of $250 to $300 million to provide a realistic housing program to meet the basic needs of our senior citizens.

While it has been said that the $100 million authorized under H.R. 12628 would be sufficient to carry the program through this fiscal year, I believe that the full potential of the legislation cannot be realized under this limitation. I am equally sure that we will find ourselves early in the next session of Congress repeating our documentation in support of an additional authorization to meet the needs that we know will exist.

I do not think we should delay until next year to appraise the situation. We have sufficient information to insure the effective use of an increased appropriation and to postpone such action would not only be a disservice to the elderly but a misuse of the time of Congress to repeat all of the effort that has gone into conferences, hearings, and the final compromise appropriation of $100 million. We cannot afford the delay or the waste of time.

It has been made abundantly clear in every successful conference or meeting on aging that housing extends far beyond the provisions of shelter. Adequate housing is essential to the happiness, health, and welfare of the aging citizen, and hence to the welfare and security of the Nation as a whole.

The enactment of H.R. 12628 with a sufficient appropriation will provide living accommodations for the elderly in the urban and the rural areas that will enrich their way of life and offer a future to many who now have none.

Mr. FINNEGAN. Mr. Speaker, I rise in support of the bill before us, the Senior Citizens Housing Act of 1962, which would provide an additional $100 million authorization for direct loans to provide moderate cost housing for the elderly. As a member of the Housing Subcommittee it has been a pleasure to help draft this much-needed legislation.

The direct loan program for housing for the elderly meets a need that can be met no other way. It provides suitable housing for the elderly persons whose incomes are too high to qualify for low-rent housing but not high enough to afford decent housing in the conventional housing market.

In my district which now covers the North Lake Shore of Chicago from the Chicago River to Evanston there is perhaps the largest concentration of elderly per percentage of the population of any congressional district in the Midwest. These people are on retirement and find it difficult to live on a modest retirement income and obtain adequate housing. The present program has helped to fill the need. I am sure with the extension of the program there will be many more senior citizens housing projects built.

Because of the favorable financing terms available to nonprofit sponsors under the program, we are able to provide housing at rentals $15 to $20 a month below the rents which would have to be charged under conventional financing methods. Nonprofit sponsors, such as religious groups, cooperatives, and labor unions can obtain a loan for a term as long as 50 years and at an interest rate of 3½ percent. This interest rate is based on a formula which represents the average cost of money to the Treasury so there is no subsidy involved.

Mr. Speaker, the direct loan program of housing for the elderly is one of the most successful housing programs we have and it is vital that we pass this bill today to assure that the program will have funds to permit it to operate through the next fiscal year. Failure to pass this bill would be a terrible blow to our senior citizens who need and deserve decent housing. Our committee heard impressive and expert testimony on the dimension of this problem. For example, almost one-fifth of of the 16 million housing units in which elderly persons live are substandard according to recent tabulations of the Census Bureau.

At the time of the 1960 census, 23,700,000 persons 60 years and over lived in this country. The median income in 1959 of older persons who headed households was $1,900. The median income of households with older persons was $3,300 as compared with $5,000 for all households. Many older persons were found to be living with their children in houses too small for the families.

These are cold figures but it takes very little imagination to picture the misery and unhappiness of these senior citizens living in unsuitable substandard or inadequate housing. Others are depriving themselves of things they need in order to pay the rentals necessary to live in housing that is perhaps little better than substandard. A country which boasts the highest living standards in the world cannot afford to ignore the housing situation of its elderly mothers and fathers and grandparents.

I cannot see how anyone who understands the economic problems of the elderly can vote against this bill. The need is great. I repeat there are close to 25 million elderly with median incomes of $1,900 to $3,300—almost $2,000 per year less than other households and one-fifth of these live in substandard homes. Mr. Speaker, I urge that this bill be promptly passed by the House so that this deserving program which is doing so much good and which costs the Government nothing, since the loans are fully repayable, can be continued without interruption.

Mr. RHODES of Pennsylvania. Mr. Speaker, this legislation to provide low and moderate cost housing for the elderly is meritorious and should be enacted. It is a good bill which applies to both urban and rural areas.

The need for this program is made evident by the fact that 21 million of our fellow citizens are now 62 years of age or older. Every year this number is increased by another half-million.

In my home city of Reading I am acquainted with the many problems that face our elderly folks in need of decent housing facilities. For 10 years I served as a member of the Reading Housing Authority and became familiar with these problems.

Reading has been the first city in the Nation to have a public housing project for elderly citizens. The need for this program in my district was made evident by the large number of eligible old folks who applied for the limited number of available housing units. A second project for the elderly has been approved for Reading and plans for construction are now underway.

These are the kind of programs, Mr. Speaker, that will bring employment as well as a little sunshine into the lives of many elderly citizens in the distressed coal region areas where modern public housing is sorely needed.

This legislation is urgent and I trust that it will be enacted before this Congress adjourns.

Mr. COHELAN. Mr. Speaker, I rise in support of this measure to provide additional funds for low and moderate cost housing for our Nation's senior citizens.

The problems which these citizens face, Mr. Speaker, are many and difficult. They are not limited, furthermore, to the 17 million persons in our country age 65 and over—a group which represents the fastest growing segment of our entire adult population. These problems are also of serious concern to the many young people who have aged parents to support; to the middle aged who find employment opportunities closing to them; and to those who are about to step over the threshold into the strange and uncertain world of retirement.

These problems range the entire spectrum of our daily existence. They enter into such significant facets of our daily life as education, employment, pensions, and productive use of retirement years. These problems are formidable in scope, they are complex in their ramifications, and they are compelling in their quality. None of these problems, however, is more formidable, more complex, or more compelling than that of providing safe, sanitary housing at prices which our senior citizens can afford.

To meet this need will require a substantial effort. It will require such an effort for a sizable portion of our elderly live in substandard housing; their average incomes are far below that of other groups; and their housing requirements are often special in nature.

This bill, Mr. Speaker, provides such an effort. It is farsighted and constructive. It is a measure which commends itself on the basis of both need and merit and I urge that it be approved without further delay.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill H.R. 12628, with an amendment?

The question was taken; and the Speaker announced that in his opinion two-thirds had voted in favor thereof.

Mr. McDONOUGH. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 367, nays 6, not voting 62, as follows:

[Roll No. 204]

YEAS—367

Abernethy	Everett	Kowalski
Addabbo	Fallon	Kunkel
Albert	Farbstein	Kyl
Alexander	Fascell	Laird
Alford	Feighan	Landrum
Anderson, Ill.	Fenton	Lane
Andrews	Finnegan	Langen
Anfuso	Fino	Lankford
Ashley	Fisher	Latta
Ashmore	Flood	Lennon
Aspinall	Flynt	Lesinski
Auchincloss	Fogarty	Libonati
Avery	Ford	Lindsay
Ayres	Forrester	Lipscomb
Bailey	Frelinghuysen	Loser
Baker	Friedel	McCulloch
Baldwin	Fulton	McDonough
Barrett	Gallagher	McFall
Barry	Garmatz	McIntire
Bass, Tenn.	Gary	MacGregor
Bates	Gathings	Mack
Battin	Gavin	Madden
Becker	Giaimo	Magnuson
Beckworth	Gilbert	Mahon
Beermann	Glenn	Mailliard
Belcher	Gonzalez	Marshall
Bell	Goodell	Martin, Mass.
Bennett, Fla.	Goodling	Mathias
Bennett, Mich.	Grant	Matthews
Berry	Gray	May
Betts	Green, Oreg.	Meader
Boggs	Green, Pa.	Michel
Boland	Griffin	Miller, Clem
Bolton	Griffiths	Miller, George P.
Bonner	Gross	Miller, N.Y.
Bow	Gubser	Milliken
Brademas	Hagan, Ga.	Mills
Bray	Hagen, Calif.	Minshall
Breeding	Haley	Moeller
Brewster	Halleck	Monagan
Bromwell	Halpern	Montoya
Brooks, Tex.	Hansen	Moore
Broomfield	Harding	Moorehead, Ohio
Brown	Hardy	Moorhead, Pa.
Broyhill	Harris	Morgan
Bruce	Harrison, Va.	Morse
Buckley	Harrison, Wyo.	Mosher
Burke, Ky.	Harsha	Moss
Burke, Mass.	Harvey, Ind.	Moulder
Burleson	Harvey, Mich.	Multer
Byrne, Pa.	Hays	Murphy
Byrnes, Wis.	Healey	Murray
Cahill	Hechler	Natcher
Carey	Hemphill	Nedzi
Casey	Henderson	Nelsen
Cederberg	Herlong	Nix
Celler	Hiestand	Norblad
Chamberlain	Hoeven	Norrell
Chelf	Hoffman, Ill.	O'Brien, N.Y.
Chenoweth	Holifield	O'Hara, Ill.
Chiperfield	Holland	O'Hara, Mich.
Church	Horan	O'Konski
Clancy	Hosmer	Olsen
Clark	Huddleston	O'Neill
Cohelan	Hull	Osmers
Colmer	Ichord, Mo.	Ostertag
Conte	Inouye	Passman
Cook	Jarman	Patman
Cooley	Jennings	Pelly
Corbett	Jensen	Perkins
Corman	Joelson	Pfost
Curtin	Johnson, Calif.	Philbin
Curtis, Mo.	Johnson, Md.	Pike
Daddario	Johnson Wis.	Pillion
Dague	Jonas	Pirnie
Daniels	Jones, Ala.	Poage
Davis, John W.	Jones, Mo.	Poff
Delaney	Judd	Price
Dent	Karsten	Pucinski
Denton	Karth	Purcell
Derounian	Kastenmeier	Quie
Derwinski	Kearns	Rains
Devine	Kee	Randall
Diggs	Keith	Reece
Dingell	Kelly	Reifel
Dole	Keogh	Reuss
Dowdy	Kilgore	Rhodes, Ariz.
Downing	King, Calif.	Rhodes, Pa.
Doyle	King, N.Y.	Riehlman
Dulski	King, Utah	Riley
Durno	Kirwan	Rivers, Alaska
Dwyer	Kluczynski	Rivers, S.C.
Edmondson	Knox	Roberts, Ala.
Elliott	Kornegay	Roberts, Tex.
Robison	Shipley	Tupper
Rodino	Shriver	Udall, Morris K.
Rogers, Colo.	Sibal	Ullman
Rogers, Fla.	Sikes	Vanik
Rogers, Tex.	Siler	Van Pelt
Rooney	Slack	Waggonner
Roosevelt	Smith, Calif.	Wallhauser
Rosenthal	Smith, Iowa	Walter
Rostenkowski	Smith, Miss.	Watts
Roudebush	Spence	Weaver
Roush	Springer	Weis
Rousselot	Stafford	Westland
Rutherford	Staggers	Whalley
Ryan, Mich.	Steed	Wharton
Ryan, N.Y.	Stephens	Whitener
St. George	Stratton	Whitten
St. Germain	Stubblefield	Wickersham
Santangelo	Sullivan	Widnall
Saylor	Taylor	Williams
Schadeberg	Teague, Calif.	Willis
Schenck	Teague, Tex.	Winstead
Schneebeli	Thomas	Wright
Schweiker	Thompson, N.J.	Yates
Schwengel	Thompson, Tex.	Young
Scott	Thomson, Wis.	Younger
Scranton	Thornberry	Zablocki
Selden	Toll	Zelenko

NAYS—6

Abbitt	Dorn	Martin, Nebr.
Alger	Johansen	Ray

NOT VOTING—62

Adair	Donohue	Morrison
Andersen, Minn.	Dooley	Nygaard
	Ellsworth	O'Brien, Ill.
Arends	Evins	Peterson
Ashbrook	Findley	Pilcher
Baring	Fountain	Powell
Bass, N.H.	Frazier	Saund
Blatnik	Garland	Scherer
Blitch	Granahan	Seely-Brown
Bolling	Hall	Short
Boykin	Hébert	Sisk
Cannon	Hoffman, Mich.	Smith, Va.
Coad	Kilburn	Taber
Collier	Kitchin	Thompson, La.
Cramer	McDowell	Tuck
Cunningham	McMillan	Utt
Curtis, Mass.	McSween	Van Zandt
Davis, James C.	McVey	Vinson
	Macdonald	Wilson, Calif.
Davis, Tenn.	Mason	Wilson, Ind.
Dawson	Merrow	
Dominick	Morris	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended was passed.

The Clerk announced the following pairs:

Mr. Cannon with Mr. Arends.

Mr. O'Brien of Illinois with Mr. Short.

Mr. Baring with Mr. Nygaard.

Mr. Vinson with Mr. Hall.

Mr. Boykin with Mr. Adair.

Mr. Pilcher with Mr. Cramer.

Mr. Hébert with Mr. Findley.

Mr. Powell with Mr. Wilson of California.

Mr. Morrison with Mr. Dooley.

Mr. Kitchin with Mr. Kilburn.

Mr. Peterson with Mr. Ashbrook.

Mr. Morris with Mr. Van Zandt.

Mr. Blatnik with Mr. Moorehead of Ohio.

Mr. Evins with Mr. Andersen of Minnesota.

Mrs. Granahan with Mr. Ellsworth.

Mr. Bolling with Mr. McVey.

Mr. Saund with Mr. Wilson of Indiana.

Mr. Thompson of Louisiana with Mr. Collier.

Mr. James C. Davis with Mr. Garland.

Mr. McDowell with Mr. Bass of New Hampshire.

Mr. Sisk with Mr. Utt.

Mr. Davis of Tennessee with Mr. Cunningham.

Mr. McMillian with Mr. Merrow.

Mr. Fountain with Mr. Taber.

Mr. Donohue with Mr. Curtis of Massachusetts.

Mr. Macdonald with Mr. Dominick.

Mr. Frazier with Mr. Mason.

Mr. Coad with Mr. Seely-Brown.

Mr. Dawson with Mr. Hoffman of Michigan.

Mr. RAY and Mr. JOHANSEN changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTIONS TO SUSPEND RULES

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that motions to suspend the rules under rule XXVII, in order on Monday, September 3, be transferred to Thursday, August 30, 1962.

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

Mr. WILLIAMS. Mr. Speaker, I object.

INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Mr. HARRIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11099) to amend the Public Health Service Act to provide for the establishment of an Institute of Child Health and Human Development, and for other purposes, with an amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Public Health Service Act (42 U.S.C., ch. 6A, subch. III) is amended by adding at the end thereof the following new part:

"PART E—INSTITUTES OF CHILD HEALTH AND HUMAN DEVELOPMENT AND OF GENERAL MEDICAL SCIENCES

"Establishment of Institute of Child Health and Human Development

"SEC. 441. The Surgeon General is authorized, with the approval of the Secretary, to establish in the Public Health Service an institute for the conduct and support of research and training relating to maternal health, child health, and human development, including research and training in the special health problems and requirements of mothers and children and in the basic sciences relating to the processes of human growth and development, including prenatal development.

"Establishment of Institute of General Medical Sciences

"SEC. 442. The Surgeon General is authorized, with the approval of the Secretary, to establish in the Public Health Service an institute for the conduct and support of research and research training in the general or basic medical sciences and related natural or behavioral sciences which have significance for two or more other institutes, or are outside the general area of responsibility of any other institute, established under or by this Act.

"Establishment of Advisory Councils

"SEC. 443. (a) The Surgeon General is authorized, with the approval of the Secretary, to establish an advisory council to advise, consult with, and make recommendations to the Surgeon General on matters relating to the activities of the institute established under section 441. He may also, with such approval, establish such a council with respect to the activities of the institute established under section 442.

"(b) The provisions relating to the composition, terms of office of members, and reappointment of members of advisory councils under section 432(a) shall be applicable

to any council established under this section, except that, in lieu of the requirement in such sections that six of the members be outstanding in the study, diagnosis, or treatment of a disease or diseases, six of such members shall be selected from leading medical or scientific authorities who are outstanding in the field of research or training with respect to which the council is being established, and except that the Surgeon General, with the approval of the Secretary may include on any such council established under this section such additional ex officio members as he deems necessary in the light of the functions of the institute with respect to which it is established.

"(c) Upon appointment of any such council, it shall assume all or such part as the Surgeon General may, with the approval of the Secretary, specify of the duties, functions, and powers of the National Advisory Health Council relating to the research or training projects with which such council established under this part is concerned and such portion as the Surgeon General may specify (with such approval) of the duties, functions, and powers of any other advisory council established under this Act relating to such projects.

"Functions

"SEC. 444. The Surgeon General shall, through an institute established under this part, carry out the purposes of section 301 with respect to the conduct and support of research which is a function of such institute, except that the Surgeon General shall, with the approval of the Secretary, determine the areas in which and the extent to which he will carry out such purposes of section 301 through such institute or an institute established by or under other provisions of this Act, or both of them, when both such institutes have functions with respect to the same subject matter. The Surgeon General is also authorized to provide training and instruction and establish and maintain traineeships and fellowships, in the institute established under section 441 and elsewhere in matters relating to diagnosis, prevention, and treatment of a disease or diseases or in other aspects of maternal health, child health, and human development, with such stipends and allowances (including travel and subsistence expenses) for trainees and fellows as he deems necessary, and, in addition, provide for such training, instruction, and traineeships and for such fellowships through grants to public or other nonprofit institutions.

"Preservation of existing authority

"SEC. 445. Nothing in this part shall be construed as affecting the authority of the Secretary under section 2 of the Act of April 9, 1912 42 U.S.C. 192), or title V of the Social Security Act 42 U.S.C., ch. 7, subch. V), or as affecting the authority of the Surgeon General to utilize institutes established under other provisions of this Act for research or training activities relating to maternal health, child health, and human development or to the general medical sciences and related sciences."

SEC. 2. Section 301(d) of the Public Health Service Act is amended by striking out the words "research projects" wherever they appear therein and inserting in lieu thereof "research or research training projects".

SEC. 3. Title II of the Public Health Service Act is amended by adding after section 221 the following new section:

"Advisory committees

"SEC. 222. (a) The Surgeon General may, without regard to the civil service laws, and subject to the Secretary's approval in such cases as the Secretary may prescribe, from time to time appoint such advisory committees (in addition to those authorized to be established under other provisions of law), for such periods of time, as he deems desirable for the purpose of advising him in connection with any of his functions.

"(b) Members of any advisory committee appointed under this section who are not regular full-time employees of the United States shall, while attending meetings or conferences of such committee or otherwise engaged on business of such committee receive compensation and allowances as provided in section 208(c) for members of national advisory councils established under this Act.

"(c) Upon appointment of any such committee, the Surgeon General, with the approval of the Secretary, may transfer such of the functions of the National Advisory Health Council relating to grants-in-aid for research or training projects in the areas or fields with which such committee is concerned as he determines to be appropriate."

The SPEAKER. Is a second demanded?

Mr. SCHENCK. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

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

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

There was no objection.

Mr. HARRIS. Mr. Speaker, I am asking the House to support the bill H.R. 11099, which was reported unanimously by our committee.

The purpose of the legislation is to establish two new institutes at the National Institutes of Health. The first of these two would be the Institute of Child Research and Human Development. The second would be the Institute of General Medical Sciences.

As the Members of the House can readily see from the names of these two proposed new institutes, neither of them is related or limited to any particular disease or disease category.

At present, there are seven institutes at the National Institutes of Health. Each of these institutes deals with a different disease or disease category. There is the National Cancer Institute, the National Heart Institute, the National Institute of Mental Health, the National Institute of Dental Research, and so forth.

Now, under the provisions of the Public Health Service Act, the Surgeon General is authorized to establish by administrative action additional institutes for other diseases and groups of diseases. He is not authorized, however, to establish any institute which cuts across individual disease categories. Therefore, it is necessary to resort to legislation if these two new institutes are to be established.

Some of the Members of the House might ask, "Why is it necessary to establish new institutes?" Some Members may say that the existing institutes are already spending enough money, and that the creation of two additional institutes will only lead to increased spending.

Let me tell you, then, why our committee feels that it is highly desirable to establish these two new institutes.

Our committee received extensive testimony from physicians, expert in these two areas, that there is an urgent need for better administrative coordination of research activities carried on and supported by the National Institutes of Health where these research activities are not directly related and limited to individual diseases. These witnesses testified that research in these two broad areas in which the new institutes would function is essential to any broad advances in the health sciences.

The proposed new Institute of Child Health Research and Human Development is designed to coordinate programs in the fields of child health and human development and to stimulate new interest and effort in these important research areas.

The new Institute will give major attention to the study of the continuing process of growth and development that characterizes all biological life—from reproduction and prenatal development through infancy and childhood and on into the stages of maturation. The program will include research and training in the following broad areas:

First. The biological and physiological aspects of human reproduction, growth, and development.

Second. Studies in the prenatal and perinatal period in human development, from conception until shortly after birth.

Third. Obstetrical and pediatric problems not directly related to the specific disease interests of the other institutes.

Fourth. Studies of the process of maturation.

Fifth. Studies in special problem areas such as mental retardation.

Some research activity is now being conducted in these fields. As compared with research in the fields covered by the disease-oriented institutes, however, it is relatively limited and inadequate.

The existing categorical institutes would continue their primary responsibility for research in their particular disease categories with respect to children as well as other segments of the population. For example, the study of leukemia in children would remain in the National Cancer Institute, and the National Institute of Mental Health would continue to be responsible for research into schizophrenia in children.

The proposed new Institute of General Medical Sciences will continue to carry out without any essential change the re-research and research training activities of the present Division of General Medical Sciences. It will support research and research training in those scientific areas which provide a common basis for understanding a wide range of disease and health problems. Specific areas of research will include:

First. The basic medical, biological, preclinical, and the related natural and behavioral sciences, such as biochemistry, biophysics, molecular biology, cellular biology, anthropology, enzymology, and pharmacology.

Second. Certain clinical sciences, such as general surgery, orthopedic surgery, dermatology, pathology, and anesthesiology.

Third. Public health, medical care, and nursing.

Fourth. Methods of science, such as electronmicroscopy and biostatistics.

Studies in these fields are usually not related to any particular disease, but they provide the fundamental understanding of the structure, organization, and functions of living cells and organisms upon which all disease-directed research is based.

Despite the size and scope of its grant programs, the present Division of General Medical Sciences does not have an advisory council of its own. Instead, its project grants are reviewed by the National Advisory Health Council—which performs this function with respect to all research grants outside of the fields of the seven categorical advisory councils, and which also serves as a general advisory body to the Surgeon General on programs and policies of the Service.

The establishment of a separate Institute of General Medical Sciences with its own specialized Council would relieve the National Advisory Health Council of the responsibility of advising the Surgeon General with regard to activities and grants in this area.

The committee feels that the size and importance of this Division's program warrant its elevation to full institute status.

Mr. Speaker, to summarize, the provisions of the legislation are confined primarily to matters of organization and administration and do not add significantly to the existing authority of the Surgeon General to conduct or support research and research training in the health and medical sciences. Therefore, no specific appropriations authorization is included in the legislation. No additional appropriations are contemplated for the fiscal year 1963. Insofar as administrative expenses of the two new institutes are concerned, it is estimated by the Department of Health, Education, and Welfare that additional funds required to carry out the legislation will not exceed $500,000 annually.

Mr. Speaker, I ask the House to support the bill H.R. 11099.

Mr. Speaker, I yield such time as he may require to the gentleman from Alabama [Mr. ROBERTS], chairman of the subcommittee which held the hearings on and reported this bill.

Mr. ROBERTS of Alabama. Mr. Speaker, the bill before the House today will provide for the establishment of an Institute for Child Health and Human Development, and an Institute of General Medical Science, amending title 4 of the Public Health Service Act.

Purposes of the bill are as follows:

First. It authorizes the creation of an institute for the conduct and support of research and training relating to maternal health, child health, and human development, including research and training in the special health problems and requirements of mothers and children, and in the basic sciences relating to the processes of human growth and development, including prenatal development.

Second. The Surgeon General is authorized, with the approval of the Secretary, to establish in the Public Health Service an institute for the conduct and support of research and research training in the general or basic medical sciences and related natural or behavioral sciences which have significance for two or more other institutes, or are outside the general area of responsibility of any other institute, established under or by this act.

In the past, the functions pertaining to child health and the problems of the aging have been under the Institute of the General Medical Sciences. The functions of this institute are in the basic sciences pertaining to pharmacology, biology, and general studies in the general and basic medical sciences. In this institute we find the continuous testing of drugs to be as certain as is humanly possible, that we may prevent the use of dangerous and harmful drugs. The institute also studies such clinical sciences as, for example, general surgery, orthopedic surgery, dermatology, pathology, and anesthesiology.

It is concerned, generally, with public health, medical care, and nursing, as well as certain fields of statistics. This bill would elevate the Division of General Medical Sciences to institute status. It would give the Child Health Center and the Center for the Aging institute status.

The other institutes, such as heart, cancer, mental health, et cetera, are what is known as specific disease institutes. The two institutes created by this bill will differ in scope and purpose and would be charged with research but not tied to any specific disease. We are faced with the problem of becoming a Nation of the very young and the very old. Our people are living longer and since 1900, the rapid advances of medicine and science have raised the average lifespan from about 47 in 1900 to 67 as of today.

With the advent of new techniques, new vaccines, and improved methods of sanitation, we have practically eliminated all of the infectious killers of babies. We have replaced these problems with others which are even longer lasting and probably more dangerous. At least we may say they are more burdensome and more expensive. Our huge birth rate, which is at an all-time high, means that we are adding about 4 million children to our population each year and if this level continues, we will have over 90 million children in 1970 which will comprise 42.3 percent of the total population.

As stated before, acute infectious diseases—formerly the great cripplers and killers of infants, children, and adults—have given way to the chronic, disabling, irreversible conditions often originating before birth, such as mental retardation, congenital anomalies, disorders of speech, hearing, vision, and the degenerative disorders of the heart, limbs, brain, and so forth.

The elderly will constitute the second largest population group in our country and it has risen since 1900 to about 17 million. This is a jump of from 4 to over 9 percent of the total population. As the number of people in the older age group has increased, so have the medical, social, economic, psychological, and physiological problems associated with aging.

You will note from a glance at the chart carried on page 62 of the hearings, that predictions are made on the basis of the figures of 90 million children as to the number of handicapped children in various fields.

These predictions run for a low of 450,000 affected by epilepsy to a high of 12,500,000 for eye conditions. Other very high figures are in the field of mentally retarded, estimated to run around 2,720,000. The problem of the mentally retarded child is one of the most serious. Someone has stated that no family can afford to have a mentally retarded child, speaking of the terrific cost. We have in this country today over 1½ million children and almost 4 million adults who are mentally retarded. We believe many of these are salvageable.

Approximately 3 percent of the mentally retarded are in institutions. Mental retardation accounts for some $250 million annually in public institutional costs.

The mentally retarded are heavily represented among persons who qualify for childs benefits based on disability. Among the 20,000 persons of 18 and older who qualified for childhood disability benefits in 1957, the first year in which payments were made, mental deficiency was the primary diagnosis in 45 percent of the cases. In addition, 22 percent had cerebral spastic infantile paralysis with mental deficiency. Thus, mental deficiency was a factor in two-thirds of the cases.

HANDICAPPING CONDITIONS

Many of the physical, mental, and emotional problems in our population have their start in childhood. Research leading to their prevention or control would have a tremendous impact on the health of the country.

There are no complete or exact data on the numbers of children with various types of handicaps, but approximate estimates are available for some conditions.

The national health survey found that there were over 2 million impairments among children under 14 and 1¾ million among youths of 15 to 24 years of age. Over 300,000 young people under 25 were reported as blind or with other serious visual defects, almost 600,000 as deaf or having serious trouble with hearing, and more than 700,000 with speech impairments. Over 1,800,000 were found with orthopedic impairments, including paralysis, amputations, and other types of orthopedic defects. These figures probably understate the problem, since they do not include the institutionalized population, and may otherwise be subject to underreporting.

Close to 100,000 children have cleft palate or harelip. Some 30,000 to 50,000 children a year are born with congenital heart disease.

The number of mentally retarded children is over 1½ million. About 1 out of every 600 or 700 babies is Mongoloid.

Without further progress in research and prevention, the numbers of handicapped children will increase from year to year. Partly because of the increase in the child population and partly because medical advances are keeping some children alive who otherwise would have died.

Projections of available data suggest that by 1970 there will be nearly one-half million children under 21 with

handicaps resulting from cerebral palsy, and nearly as many with epilepsy. The number of children with some degree of mental retardation may be as high as 2¾ million.

ARMED FORCES REJECTEES

A substantial number of babies come into the world with handicaps resulting from prenatal and natal causes for many of which we do not yet have adequate knowledge for prevention. Still other children accumulate physical or emotional problems during childhood and adolescence. By the time these children reach young manhood, many of them do not qualify for service in the Armed Forces. The extent of rejection for military service is a reflection of the state of physical fitness of our youth.

The actual number of young people who are examined and found physically or emotionally not qualified for military service obviously varies greatly from year to year, depending in part on the need for manpower and the criteria in effect for acceptance or rejection. The following data, however, indicate the order of magnitude of the problem.

Studies of IV–F made by the Selective Service System and the Department of the Army indicate that a group which constitutes from 20 to 25 percent of their examinations fail to meet military medical statements. In the Statement of Registered Manpower, as of April 30, 1961, 3,328,549 registrants are listed as having failed to meet the physical and mental standards established by the Armed Forces. Of these probably 35 to 40 percent would be on the basis of health standards. During the 1-year period ending June 1960, in 169,000 preinduction examinations, 45,000 registrants were disqualified for medical and psychiatric reasons. This does not include the disqualifications that same year directly by local boards or through final induction examinations.

INFANT MORTALITY

The urgency of need for the development of more effective research relating to these problems is indicated by the fact that, in the last decade, the United States has dropped from 6th to 10th place among the advanced nations in the saving of infant lives. Every year some 70,000 pregnancies result in stillbirths, and more than 110,000 American babies die before their first birthdays. Of those infants who survive, some 400,000 are born with congenital malformations and countless others with disorders of the nervous system and other parts of their bodies.

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

Mr. ROBERTS of Alabama. I yield to the gentleman from Arkansas.

Mr. HARRIS. Is it not a fact that the purpose of this legislation is to strengthen the administration of research and training programs of the NIH which are not necessarily related to any particular disease or disease category?

Mr. ROBERTS of Alabama. That is correct. As the gentleman knows, we have practically eliminated the infectious diseases among children with powerful vaccines and better techniques, but those have been displaced by such things as retardation, Mongolism, blindness, and deafness and many other problems that are sometimes very difficult and about which practically nothing is being done.

Mr. HARRIS. For the information of the House, is it not true that there are within the National Institutes of Health seven Institutes, each with its own advisory council for seven different diseases or groups of diseases?

Mr. ROBERTS of Alabama. That is correct. They are related to certain specific diseases such as heart disease, cancer, mental health, and neurological diseases.

Mr. HARRIS. Under present authority the Surgeon General may set up this type of organization for special purposes?

Mr. ROBERTS of Alabama. That is correct.

Mr. HARRIS. Is it not true that this sets up a specific category of the Institute so that the National Institutes of Health can make special studies of human development, that is, the development of the child and all those things that have to do with it?

Mr. ROBERTS of Alabama. That is true. This is a very critical thing for this reason: We have fallen from 6th to 10th place among civilized nations of the world in the number of children who die before they become 1 year of age. We are now in 10th place among the nations of the world.

Mr. HARRIS. I would say to the House that this bill has been carefully worked out. It indicates what it is. It specifically takes care of this kind of special study. I am sure the membership of this House after a careful understanding of what it will do will be wholeheartedly in support of this program.

Mrs. BOLTON. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS of Alabama. I yield to the gentlewoman from Ohio.

Mrs. BOLTON. I am equally interested in anything that affects our children, especially when we have grandchildren. We know that the future is going to bring many more problems, more complex diseases, so that it is appealing. But I am troubled by the bill. In the first place, it helps the child before it becomes something else?

Mr. ROBERTS of Alabama. I suppose that depends on the child, but 21 years of age and under is the definition of a child for the purpose of this legislation.

Mrs. BOLTON. It goes through to 21 from infancy?

Mr. ROBERTS of Alabama. From birth.

Mr. HARRIS. If the gentlewoman would permit, I would say that it is also a study of prenatal troubles. Prenatal health is a part of it.

Mrs. BOLTON. That, of course, broadens it very much.

Mr. HARRIS. Yes.

Mrs. BOLTON. I do not find any financial statement. Does this go into the hundreds of millions of dollars? Where does this stop?

Mr. ROBERTS of Alabama. It is stated in the report that for fiscal year 1963 no funds will be necessary. No buildings are contemplated. I believe it was testified that in the future, they will ask for not over one-half million dollars a year which, and when you consider 90 million children, is a very small amount.

Mrs. BOLTON. But there is a provision for pay and allowances set forth on page 17 of the report. That means money; does it not?

Mr. ROBERTS of Alabama. That is correct.

Mrs. BOLTON. Is it to be handled as the advisory groups have been handled in the field of dentistry, for instance, for dental work in the Health Institute? Sometimes that has been a matter of grave discussion as to whether the research being done is good research and whether they deserve money in the coming year. I happen to have followed that very closely for quite a number of years, and it can be an absolutely impossibly high financial matter.

Mr. ROBERTS of Alabama. I might say to the gentlewoman whom I know is very sincerely interested in this field that my subcommittee plans to hold extensive hearings on a bill introduced by our distinguished chairman beginning in the next session, if we are here, to go into the entire Public Health Service, and the NIH, institute by institute, and have them account for everything they are spending and to give us any information as to breakthroughs and as to work that they are doing. I think the gentlewoman will be satisfied with the review that will be given.

Mrs. BOLTON. Of course, the results of such a review would be, perhaps, a year or a year and a half or even more from now and this will be furnishing the money and we would not know just where we are with this.

Mr. ROBERTS of Alabama. I think the gentlewoman will remember that I made the statement that no funds will be requested for 1963 fiscal year.

Mrs. BOLTON. Yes. And this is simply setting up the framework. I thank the gentleman very much.

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

Mr. ROBERTS of Alabama. I yield to the gentleman.

Mr. QUIE. You also mentioned that you limit the age to 21 as provided in this bill and, yet, in the report in a number of places you say that there will also be research requirements for mothers, children, and aged persons.

Mr. ROBERTS of Alabama. That was taken care of by the committee amendment which the chairman filed when the bill was called up. We have stricken all reference to aging in this bill.

Mr. QUIE. I see, and that amendment will take care of the reference to aging?

Mr. ROBERTS of Alabama. That was by agreement with the minority.

Mr. SCHENCK. Mr. Speaker, our Subcommittee on Health and Safety conducted rather extensive hearings on this legislation and had some of the best child specialists and university people in this entire field. It was eminently shown at that point that the bringing together of the various activities under one In-

stitute of Health for Children would promote efficiency and reduce costs.

Mr. HARRIS. Mr. Speaker, I yield to the gentleman from Texas [Mr. THOMPSON].

Mr. THOMPSON of Texas. Mr. Speaker, I am in favor of the enactment of this bill. However, were it not for the fact that it is being considered under suspension of the rules, I would offer some clarifying amendments to make certain that vision and physiological optics were specifically included in the programs of the new Institute of Child Health and Human Development. There can be no argument but that vision is one of the most important factors in the well-being, not only of children but of the entire population.

It is true that the language of the bill is broad enough to include these subjects and to enable the Surgeon General to avail himself of the services of optometrists who have made outstanding contributions to the solution of visual problems of children and youth. Unfortunately, notwithstanding all that this professsion has done and is doing in this field, I am informed that there is not a single optometrist, as such, employed in the entire Department of Health, Education, and Welfare. This is something which I hope the new head of that Department will speedily rectify.

In supporting the passage of this bill, I want the record to clearly indicate that this is what was intended not only by myself but by many others who will support the passage of this legislation.

Mr. HARRIS. Mr. Speaker, I yield to the gentleman from Florida [Mr. ROGERS], a member of the subcommittee.

Mr. ROGERS of Florida. Mr. Speaker, legislation before us now is designed to accomplish a great deal with very little additional legislative authority. The bill as is presently written simply carries out action which could be accomplished by administrative regulation within the Department of Health, Education, and Welfare were it but for a provision wisely placed in the Public Health Service Act when it was passed by the Congress. This legislation establishes an Institute of Child Health and Human Development, a section within the National Institutes of Health. The Surgeon General has authority to conduct research on specifically defined diseases. However, his authority to carry out research in areas which include several diseases is limited. As we know, the maladies of man are often interrelated. Suffering from one disease can cause further difficulties and a human being may then become subject to several illnesses. Because of the progress being made at the National Institutes of Health on specific diseases, there has been a wealth of information relating to the health matters of children which has gone unused. There is no clearinghouse at the NIH for research information of this type. Thus a real need for this Institute exists.

What will be the subjects under study at the National Institute of Child Health and Human Development? Generally speaking, the human being will be studied from the viewpoint of the lifespan, with emphasis on the long-term effects of prenatal, infant, and adolescent growth. We have a need for medical research information which relates to the development of the embryo and how it affects later life. For example, have we any idea of the effects of certain drugs taken during pregnancy on the adolescent? Thalidomide, about which we have all become so concerned, is a case in point. It is possible that with proper research the misfortunes arising from this drug might have been avoided. Who knows what drugs or conditions affiliated with human conception could have an adverse effect in later life? It is possible that the after-effects of treatments taken by a young mother might later have harmful effects on mother and child. Pharmacology, or the study of drugs, is only one area where a need for additional medical knowledge is needed.

Are we sure that the American child is being properly fed in infancy? Foods which are designed for the child of age 1 may not have been the proper food in retrospect. Can the diet at age 1 be correlated with heart disease at age 50? Can a concentration of certain infant foods actually cause hardening of the arteries at age 65? These are questions which need to be answered.

Mr. Speaker, this legislation will not require any sizable additional cost to the taxpayer. The results gained from the Institute of Child Health and Human Development in terms of more enlightened medical and health practices should far outweigh its cost. We have seen the tremendous strides made toward conquering cancer. Not long ago, polio was a dreaded crippler. Malaria was once labeled a "scourge of mankind." Medicine is based on effective research, and the essence of research is coordination, organization, and guidance.

One can look at this bill primarily from the point of view of whether or not it promotes administrative efficiency at the National Institutes of Health. The chairman of our committee, the gentleman from Arkansas [Mr. HARRIS], has already pointed out how this bill helps in tightening up the programs in support of research in the fields of general medical sciences and child health and human development.

Another way of looking at this bill is to inquire whether it will permit us to gain additional scientific knowledge in fields in which such knowledge is badly needed. When representatives of the pharmaceutical industry testified last week before our committee on legislation aimed at strengthening the Nation's food and drug laws, they stressed our woeful lack of scientific knowledge which contributed to the thalidomide disaster.

These two new Institutes, and particularly the Child Health Institute, are aimed at securing additional knowledge in these all-important fields. We need to know more how drugs affect human life in its embryonic form.

There is a third way of looking at this legislation. The question might be asked, Is this legislation economically sound? My answer to this question is an unqualified "Yes." The legislation does not provide additional spending authority for the National Institutes of Health. The cost of the legislation is minimal. It is estimated that the outlay for the two new Institutes will be in the neighborhood of one-half million dollars.

Under these circumstances I consider this legislation a good economic bargain. With these rather modest additional expenditures contemplated by this legislation we may be in a position of saving millions of dollars which otherwise would be required to support malformed children, retarded children, or children who otherwise are handicapped in some way in earning their own livelihood. These savings in many instances will be savings to the families of these children. In other instances they will be savings to local and State governments which will be called upon to support these children if they become public charges.

Mr. Speaker, for all of these reasons I support this legislation and to those who say that we cannot afford the minor additional expenditures which will result from this legislation, I say we can ill afford not to spend these few additional dollars in order to avoid the expenditure of much larger sums in caring for or rehabilitating children who are born with severe handicaps.

Mr. HARRIS. Mr. Speaker, I yield such time as he may desire to the gentleman from Rhode Island [Mr. FOGARTY].

Mr. FOGARTY. Mr. Speaker, this bill is one of the most important pieces of legislation affecting the future welfare of the American people—and especially of future citizens who are as yet unborn—to come before this House since the act which completed the present group of Institutes at the National Institutes of Health was passed 12 years ago.

The creation of a National Institute of Child Health and Human Development and the elevation of the Division of General Medical Sciences to the status of an Institute will signify the beginning of an important new phase in this country's concerted attack on disease and disability. I am confident that dramatic and rapid progress will result from the broader approach which these Institutes will make possible.

Much work affecting child health is, of course, already being done and supported by NIH. The Heart Institute is as concerned about congenital heart disease in young children as about the circulatory diseases of their grandparents. One of the major objectives of the Cancer Institute is to find the cause of and a cure for leukemia which is the most common form of cancer among children. Most of the work of the Institute of Allergy and Infectious Diseases directly concerns children. Much of the research supported by NIH on metabolic diseases, on dental problems, on neurological and sensory disabilities, and in the field of mental illness is focused on childhood when so many of the problems in these areas first appear.

The work of each of the existing Institutes is, however, primarily concerned with a specific disease or group of diseases. There is no institute whose principal mission and clear responsibility it is to concern itself with the infinitely

more complex problem of the total development of the human body from conception through maturity. There is no institute which can give its full attention to the relationship between all the physiological and environmental factors affecting patterns of normal and abnormal development of the child and young adult.

In the basic biological sciences, about which I want to speak in a moment, the need for interdisciplinary approaches to biological problems is now well recognized. It has become perfectly clear that biological problems cannot be fully understood and most biological problems cannot be solved unless a much broader range of scientific knowledge, skills, and techniques than those available to the biologist working alone is brought to bear on them. Nature simply will not confine herself to the neat compartments into which man has divided his study of science.

The need for a broader approach is now no less evident in the so-called clinical sciences. Nature does not maintain the distinctions drawn by man in his classification of diseases. Research on many disease problems already cuts sharply across the field for which the various categorical Institutes are responsible. Let me mention just two examples. What now seems to be among the most promising work toward finding the cause of cancer is being done in virology which is primarily the concern of the National Institute of Allergy and Infectious Diseases. Important discoveries have been made on the metabolic origins of several neurological diseases and of some forms of mental retardation—work which cuts across the interests of three Institutes.

The need for supplementing and complementing the disease-oriented research of the categorical Institutes with a broader effort aimed at the understanding of the complex processes of human development—and how and why they go awry—is nowhere more obvious than in the field of child health. The blunt truth is that despite the great spurt in medical knowledge during the past 25 years very little is known about the prenatal factors that determine whether a newborn baby will be healthy and bright or deformed or retarded.

The tragic thalidomide cases, which have been so much in the news these last few weeks, illustrate the terrible consequences of the inability of scientists to predict the effect of drugs, taken by the mother, on an unborn child. But this is only the latest example of the discovery of an unsuspected danger to child health. It is natural to be indignant that the damage done by this drug was not prevented and it is, of course, essential to take whatever steps we can to tighten control over the experimental use of drugs in the hope of preventing similar tragedies in the future. But we must also be thankful that this danger was discovered relatively quickly.

It was a common practice, for many years, to take X-ray pictures of pregnant women before it was discovered that this useful tool in insuring a safe delivery might actually damage the baby. No one knows how many people now suffer from birth defects as a result of a procedure which, at the time, was used to assist physicians in preventing birth damage.

You have seen the recent report of evidence that smoking during pregnancy is likely to cause premature delivery with possible damage to the baby. No one knows how many infants died or got off to a bad start in life as a direct result of excessive smoking among women since the 1920's.

There are uncounted thousands of people with serious brain damage because it was not known, when they were born, that some forms of anesthesia given mothers during delivery might so reduce the blood supply and the heartbeat of the unborn baby that the lack of oxygen supplied to its brain would, in a matter of minutes, do irreparable damage. It is now possible for physicians to detect and promptly correct this condition partly as a result, I am proud to say, of a monitoring method developed at the Lying-In Hospital in Providence, R.I.

What other unsuspected factors are responsibile for the fact that we will this year have in this country nearly a million "reproductive failures"—pregnancies in which the baby dies either before or shortly after birth or survives with some congenital defect? What are the unknown causes that prevent thousands of young couples from having the children they want?

What is the relationship of hereditary characteristics to susceptibility to certain diseases in later life? Can we learn how to prevent the transmission of an hereditary defect of a parent to his or her children? How can we predict and prevent abnormal development during early childhood, adolescence, and adult life?

Why is it that this country, which during the past 20 years has become the world's leader in medical research, has during the past 10 years slipped from 6th to 10th place, in comparison with other advanced nations, in its ability to save the lives of newborn infants? And what are we doing about it?

Much is already being done and I am happy to say that the National Institutes of Health have taken the lead in stimulating, supporting, and conducting research in this vital area. An outstanding example is the long-term perinatal program of the Neurology Institute which is in process of studying 50,000 mothers from the early months of pregnancy and will continue to watch the development of the children until they are at least 6 years old. This work is being done in cooperation with 15 research centers across the country. One of these is a Child Development Study directed by Brown University in Rhode Island. This project is developing new approaches and new techniques for studying prenatal influences and postnatal development which are not only producing significant research results but have already saved lives and prevented abnormalities.

Dramatic progress has also been made at NIH in the search for an understanding of the basic mechanism by which hereditary characteristics are transmitted. During the past year two scientists at NIH earned worldwide acclaim by discovering what has been called the key to the genetic code. This key holds out the very real promise that scientists will during the next few years be able to unravel the extraordinarily complex chemical messengers that direct growth and development during the reproduction process. This, in turn, will unlock the door to deeply penetrating research into the ways in which this process might be controlled to prevent the abnormalities and defects—some of them, fortunately, only minor blemishes—that now occur in something like 1 in every 14 pregnancies.

What is urgently needed is a center at which the problems of child health and human development are viewed as part of a continuous, interrelated process; a center which will examine the discoveries of narrower, disease-oriented research for their possible relationship to the normal growth process; a center which will coordinate research projects aimed at quite distinct clinical or biological problems but which may have a mutual relationship to the general development of the body; a center which will identify gap areas in the understanding of normal body changes and stimulate research to fill these gaps or to link discoveries concerning specific diseases to their possible hereditary background or genetic effect. Such a center would also serve as a national repository and clearinghouse for information on developmental problems. It would greatly facilitate the rapid dissemination of new information in this complex and vitally important field.

The National Institute of Child Health and Human Development, authorized in this bill, will have these functions. Its creation will help to focus the appropriate segments of the work now being done—and most of which will continue to be done—under the auspices of the seven categorical institutes on the problems of child health and human development. The new Institute's professional staff and the new advisory council that will be established will be able to give their full attention to this vitally important field.

I am sure that we may confidently expect that the creation of this new Institute will lead to a dramatic increase in the pace and effectiveness of the research attack on a wide range of fundamental problems whose solution will go a long way toward eliminating the tragedies of infant deaths, mental retardation, neurological defects and crippling physical malformations.

The other major provision of the bill would confer the title and status of an Institute on the present Division of General Medical Sciences.

During the 4 years since this Division was created to give special recognition and separate program direction to research and training in the basic clinical and biological sciences, its programs have rapidly expanded in scope and importance. The appropriation for the Division for the current fiscal year is larger than that of all but four of the seven existing Institutes. Its support for research projects and training programs—which account for nearly all of the Division's expenditures—is greater

than that of all but two of the other Institutes.

In fact, this Division is already an Institute in all but name. This bill will give formal recognition to the important role it plays in the support of the basic clinical and biological sciences.

Elevating the Division to the status of an Institute and providing it with a separate Advisory Council will also underscore the importance which the Federal Government—and, I think, the country as a whole—attaches to research in the basic sciences underlying the practice of medicine and the work of the other applied health sciences.

I have repeatedly stressed on the floor of the House and elsewhere—and it is the unanimous opinion of all those familiar with the problems of medical research—that the rate of future progress in the solution of disease problems depends squarely and directly on the progress that can be made toward a better understanding of basic biological principles. In many cases it is not just the rate of progress that will depend on the clarification of these basic principles—it is whether any significant progress can be made at all.

The harsh fact is that the life sciences are still in a much more primitive state of development than the so-called physical sciences. The fundamental laws and the generally applicable theories which make it possible for physicists to harness nuclear energy, for the metallurgist to produce alloys with predetermined properties, and for the astronomer to work out that a newly discovered comet has an orbit which it takes 2,900 years to complete and which will carry it nearest the earth on a certain date at a certain place, simply do not yet exist in the biological and the behavioral sciences.

Until such basic knowledge does exist, much medical research will necessarily have to be done on a trial-and-error basis with all the dangers, frustrations, and sometimes misleading results that entails.

It is the function of the Division of General Medical Sciences to support work which will progressively dispel the ignorance about basic biological processes and ultimately establish the medical sciences on a solid foundation of known principles with predictable consequences. This is a task of such importance that the organization charged with responsibility for it amply merits the authority and prestige inherent in the status of a legally constituted and proudly identified National Institute of General Medical Sciences.

The two new Institutes created by this bill will complement the seven categorical Institutes in such a way that the NIH will have a fully rounded program aimed, in a balanced and logical manner, at discovering the fundamental principles of the life sciences, sharpening the attack on the major disease categories, and developing an understanding of man as a unified living entity. The passage of this bill will demonstrate to the American people and to the scientific community the clear determination of the Congress and of the administration that medical research should be vigorously pursued on the broad fronts where there has been too little activity in years past but where the most dramatic advances can now be confidently expected.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that all Members may have permission to extend their remarks in the RECORD at this point.

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

There was no objection.

Mr. SCHENCK. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, I take this time to ask a few questions.

Do I understand this bill proposes the establishment of another Advisory Council and another Advisory Committee? Is that correct?

Mr. ROBERTS of Alabama. That is correct.

Mr. GROSS. We have them all over the place at NIH now.

Mr. ROBERTS of Alabama. I do not know what the gentleman means by "all over the place." The system down there has been the establishment of a council for each of the institutes.

Mr. GROSS. Each one of these present institutes has a council?

Mr. ROBERTS of Alabama. That is correct.

Mr. GROSS. And there are advisory committees to go along with them?

Mr. ROBERTS of Alabama. We have an advisory council with each institute. That has been the system that has been followed since the beginning, and if we authorize these two institutes there will be a need for many pediatricians who are specialists to serve on the council.

Mr. GROSS. How many more of these advisory councils, committees, and consultants do you think the taxpayers of the country can afford right now?

Mr. ROBERTS of Alabama. I think that when you consider that mental retardation costs this country around $250 million a year, that the taxpayers would be well advised to spend a little money studying it.

Mr. GROSS. The gentleman is not saying, is he, that this is going to cure mental retardation?

Mr. ROBERTS of Alabama. Not at all, but I am sure if the gentleman is interested in the subject he will find that the cost to society of one mentally retarded child or one Mongoloid is quite considerable, and I think he will realize that this is good legislation.

Mr. GROSS. Some people might say that the gentleman from Iowa is mentally retarded.

Mr. ROBERTS of Alabama. I would not agree with them.

Mr. GROSS. On page 16 of the report I find subparagraph (f):

> (f) In accordance with regulations, special consultants may be employed to assist and advise in the operations of the Service. Such consultants may be appointed without regard to the civil-service laws and their compensation may be fixed without regard to the Classification Act of 1949, as amended.

How many consultants do you think this new Institute and its advisory committee would see fit to saddle upon the taxpayers?

Mr. ROBERTS of Alabama. I would say to the gentleman that that is covered by the language of the present law.

Mr. GROSS. That could be, but how many additional consultants do you think it is going to take? They are growing by leaps and bounds all over this Government. Is there in the report in connection with this bill, as the public law requires, a statement from the Department, which in this case would be the Department of Health, Education and Welfare, advising of the cost of the new personnel consultants and otherwise, that will be deemed necessary?

Mr. ROBERTS of Alabama. Yes, there is a statement in the report. I believe it is on page 3—no, it is in the middle of page 2, which sets out the probable cost of the legislation. Further in the hearings under questioning by the gentleman from Florida [Mr. ROGERS] a member of our committee, I believe they said that when they got to the phase of needing money that they would probably need 50 people to carry on this work in these two Institutes, which I think is very reasonable.

Mr. GROSS. I see nothing on page 3 of the report which conforms to the public law in this regard.

Mr. HARRIS. I think if the gentleman would refer to page 2 of the report he would find references to the cost of this proposed legislation.

I would like to say, if the gentleman would permit, on that, in further explanation that that is not new additional money expected. Part of this program in effect is being carried on under the general plan, and already funds are being expended for this purpose. What the Department will do under the reorganization is to take this out from the general category and pinpoint it into one specialty program.

I would like to say also, in further reference to the Council the gentleman referred to, each one of these problems is a specialized matter, and we have to get people who are specialists in this particular field. You do not find them very easily. We already have specialists in all 8 or 10 of these categories, and it is for that reason it is advisable to have this kind of a setup if it is effective at all.

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

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

Mr. JOHANSEN. The law which the gentleman from Iowa refers to requires a projection of the number of personnel for the next 5 years, does it not?

Mr. GROSS. I cannot say as to the number of years, but it requires a projection, and I cannot find that in the report.

Mr. JOHANSEN. There is nothing on page 2 that covers that point as to the number or cost.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. SCHENCK. Mr. Speaker, may I assure the gentleman from Iowa that the purpose of this is and it is contemplated that the cost will actually be somewhat reduced because of the combination of services in one Institute rather than several.

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

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

Mr. GROSS. Where is it proposed to get the money for this additional setup?

Mr. SCHENCK. May I say to the gentleman from Iowa that under the legislation we are proposing here there is to be no appropriation in the fiscal year 1963. There is expected to be not to exceed a half million dollars in succeeding years. The savings made by transferring personnel into these categories will take care of that.

Mr. GROSS. There is no requirement for money in fiscal year 1963?

Mr. SCHENCK. That is exactly what the report says.

Mr. GROSS. Then there is to be no activity in fiscal year 1963?

Mr. SCHENCK. Oh, yes. The Institutes of Health is going right ahead organizing, combining and coordinating the work in these several Institutes that have to deal in particular with children.

Mr. GROSS. Is my friend from Ohio saying they have sufficient money to take care of these new functions; that there has already been appropriated to the National Institutes of Health so much money they do not have to have additional funds for this brandnew setup from now until the end of this fiscal year?

Mr. SCHENCK. That is correct as far as this Institute for Child Health is concerned.

Mr. GROSS. Then we are appropriating too much money for the Department of Health, Education, and Welfare. Here is the start of a new Institute and not a dime of additional money is requested to finance it. This simply means that the appropriations to the National Institutes of Health have been more than the authorized requirements. Among others, I stated this to be the fact when the appropriation bill for the Department of Health, Education, and Welfare was before the House earlier in this session. This completely corroborates the fact that this Department has been getting a substantial amount of money surplus to its immediate needs.

I am not opposed to the establishment of another Institute, but I am more than ever convinced that there is bad financial management in this regard on the part of Congress.

The SPEAKER. The question is on the motion of the gentleman from Arkansas that the House suspend the rules and pass the bill H.R. 11099.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

PLACING AUTHORITY OVER THE TRUST POWERS OF NATIONAL BANKS IN THE COMPTROLLER OF THE CURRENCY

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass the bill—H.R. 12577—to place authority over the trust powers of national banks in the Comptroller of the Currency.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Comptroller of the Currency shall be authorized and empowered to grant by special permit to national banks applying therefor, when not in contravention of State or local law, the right to act as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics, or in any other fiduciary capacity in which State banks, trust companies, or other corporations which come into competition with national banks are permitted to act under the laws of the State in which the national bank is located.

(b) Whenever the laws of such State authorize or permit the exercise of any or all of the foregoing powers by State banks, trust companies, or other corporations which compete with national banks, the granting to and the exercise of such powers by national banks shall not be deemed to be in contravention of State or local law within the meaning of this Act.

(c) National banks exercising any or all of the powers enumerating in this section shall segregate all assets held in any fiduciary capacity from the general assets of the bank and shall keep a separate set of books and records showing in proper detail all transactions engaged in under authority of this section. The State banking authorities may have access to reports of examination made by the Comptroller of the Currency insofar as such reports relate to the trust department of such bank, but nothing in this Act shall be construed as authorizing the State banking authorities to examine the books, records, and assets of such bank.

(d) No national bank shall receive in its trust department deposits of current funds subject to check or the deposit of checks, drafts, bills of exchange, or other items for collection or exchange purposes. Funds deposited or held in trust by the bank awaiting investment shall be carried in a separate account and shall not be used by the bank in the conduct of its business unless it shall first set aside in the trust department United States bonds or other securities approved by the Comptroller of the Currency.

(e) In the event of the failure of such bank the owners of the funds held in trust for investment shall have a lien on the bonds or other securities so set apart in addition to their claim against the estate of the bank.

(f) Whenever the laws of a State require corporations acting in a fiduciary capacity to deposit securities with the State authorities for the protection of private or court trusts, national banks so acting shall be required to make similar deposits and securities so deposited shall be held for the protection of private or court trusts, as provided by the State law. National banks in such cases shall not be required to execute the bond usually required of individuals if State corporations under similar circumstances are exempt from this requirement. National banks shall have power to execute such bond when so required by the laws of the State.

(g) In any case in which the laws of a State require that a corporation acting as trustee, executor, administrator, or in any capacity specified in this section, shall take an oath or make an affidavit, the president, vice president, cashier, or trust officer of such national bank may take the necessary oath or execute the necessary affidavit.

(h) It shall be unlawful for any national banking association to lend any officer, director, or employee any funds held in trust under the powers conferred by this section. Any officer, director, or employee making such loan, or to whom such loan is made, may be fined not more than $5,000, or imprisoned not more than five years, or may be both fined and imprisoned, in the discretion of the court.

(i) In passing upon applications for permission to exercise the powers enumerated in this section, the Comptroller of the Currency may take into consideration the amount of capital and surplus of the applying bank, whether or not such capital and surplus is sufficient under the circumstances of the case, the needs of the community to be served, and any other facts and circumstances that seem to him proper, and may grant or refuse the application accordingly: *Provided,* That no permits shall be issued to any national banking association having a capital and surplus less than the capital and surplue required by State law of State banks, trust companies, and corporations exercising such powers.

(j) Any national banking association desiring to surrender its right to exercise the powers granted under this section, in order to relieve itself of the necessity of complying with the requirements of this section, or to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts, or for any other purpose, may file with the Comptroller of the Currency a certified copy of a resolution of its board of directors signifying such desire. Upon receipt of such resolution, the Comptroller of the Currency, after satisfying himself that such bank has been relieved in accordance with State law of all duties as trustee, executory, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics or other fiduciary, under court, private, or other appointments previously accepted under authority of this section, may, in his discretion, issue to such bank a certificate certifying that such bank is no longer authorized to exercise the powers granted by this section. Upon the issuance of such a certificate by the Comptroller of the Currency, such bank (1) shall no longer be subject to the provisions of this section or the regulations of the Comptroller of the Currency made pursuant thereto, (2) shall be entitled to have returned to it any securities which it may have deposited with the State authorities for the protection of private or court trusts, and (3) shall not exercise thereafter any of the powers granted by this section without first applying for and obtaining a new permit to exercise such powers pursuant to the provisions of this section. The Comptroller of the Currency is authorized and empowered to promulgate such regulations as he may deem necessary to enforce compliance with the provisions of this section and the proper exercise of the powers granted therein.

SEC. 2. Nothing contained in this Act shall be deemed to affect or curtail the right of any national bank to act in fiduciary capacities under a permit granted before the date of enactment of this Act by the Board of Governors of the Federal Reserve System, nor to affect the validity of any transactions entered into at any time by any national bank pursuant to such permit. On and after the date of enactment of this Act the exercise of fiduciary powers by national banks shall be subject to the provisions of this Act and the requirements of regulations issued by the Comptroller of the Currency pursuant to the authority granted by this Act.

SEC. 3. Subsection (k) of section 11 of the Federal Reserve Act (12 U.S.C. 248(k)) is repealed.

SEC. 4. Paragraph (2) of subsection (a) of section 584 of the Internal Revenue Code of 1954 is amended by inserting "or the Comptroller of the Currency" immediately after "the Board of Governors of the Federal Reserve System".

SEC. 5. Section 581 of the Internal Revenue Code of 1954 is amended by striking out "section 11(k) of the Federal Reserve Act (38

Stat. 262; 12 U.S.C. 248(k))", and inserting in lieu thereof "authority of the Comptroller of the Currency".

Mr. SPEAKER. Is a second demanded?

Mr. WIDNALL. Mr. Speaker, I demand a second.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

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

There was no objection.

Mr. PATMAN. Mr. Speaker, this bill places authority over the trust powers of national banks in the Comptroller of the Currency.

The power is now in the Board of Governors of the Federal Reserve System. The Board of Governors, through Mr. Martin, Chairman, agreed to the passage of the bill and recommended its passage. There is no objection to the passage of the bill. The committee voted it out of the committee unanimously.

Mr. Speaker, I do not know of anyone who would like to speak on the bill on our side.

If the gentleman from New Jersey [Mr. WIDNALL] does not have any requests for time, I think we had just as well ask for a vote on the question.

Mr. WIDNALL. Mr. Speaker, I have no requests for time.

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

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

Mr. GROSS. I would like to ask the gentleman from Texas [Mr. PATMAN], how long the Federal Reserve Board has had the authority that he now proposes to take from it?

Mr. PATMAN. I think from the very beginning of the Federal Reserve System, in 1913. I am not absolutely sure about that, but I believe it is correct. However, it is possible that the 1935 act gave the power to the Board.

Mr. GROSS. If the gentleman will yield further, permit me to ask the gentleman the reason why you take this authority from the Federal Reserve Board?

Mr. PATMAN. Well, the Federal Reserve Board feels it more logically belongs in the Comptroller of the Currency than in the Federal Reserve Board.

Mr. GROSS. If the gentleman will yield further, permit me to ask the gentleman this pointed question:

Has there been dissatisfaction with the administration of it by the Federal Reserve Board?

Mr. PATMAN. There has been no dissatisfaction at all. But, you see, the Comptroller of the Currency has to do with the national banks.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. PATMAN] that the House suspend the rules and pass the bill H.R. 12577.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RETENTION OF BANK BRANCHES UPON CONVERSION

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12899) to amend section 5155 of the Revised Statutes relating to bank branches which may be retained upon conversion or consolidation or merger.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 5155 of the Revised Statutes, as amended (12 U.S.C. 36), is amended to read as follows:

"(b)(1) A national bank resulting from the conversion of a State bank may retain and operate as a branch any office which was a branch of the State bank immediately prior to conversion if such office—

"(A) might be established under subsection (c) of this section as a new branch of the resulting national bank, and is approved by the Comptroller of the Currency for continued operation as a branch of the resulting national bank;

"(B) was a branch of any bank on February 25, 1927; or

"(C) is approved by the Comptroller of the Currency for continued operation as a branch of the resulting national bank.

The Comptroller of the Currency may not grant approval under clause (C) of this paragraph if a State bank (in a situation identical to that of the national bank) resulting from the conversion of a national bank would be prohibited by the law of such State from retaining and operating as a branch an identically situated office which was a branch of the national bank immediately prior to conversion.

"(2) A national bank (referred to in this paragraph as the 'resulting bank'), resulting from the consolidation of a national bank (referred to in this paragraph as the 'national bank') under whose charter the consolidation is effected with another bank or banks, may retain and operate as a branch any office which, immediately prior to such consolidation, was in operation as—

"(A) a main office or branch office of any bank (other than the national bank) participating in the consolidation if, under subsection (c) of this section, it might be established as a new branch of the resulting bank, and if the Comptroller of the Currency approves of its continued operation after the consolidation;

"(B) a branch of any bank participating in the consolidation, and which on February 25, 1927, was in operation as a branch of any bank; or

"(C) a branch of the national bank and which, on February 25, 1927, was not in operation as a branch of any bank, if the Comptroller of the Currency approves of its continued operation after the consolidation.

The Comptroller of the Currency may not grant approval under clause (C) of this paragraph if a State bank (in a situation identical to that of the resulting national bank) resulting from the consolidation into a State bank of another bank or banks would be prohibited by the law of such State from retaining and operating as a branch an identically situated office which was a branch of the State bank immediately prior to consolidation.

"(3) As used in this subsection, the term 'consolidation' includes a merger."

The SPEAKER. Is a second demanded?

Mr. WIDNALL. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, this bill is endorsed by the Board of Governors of the Federal Reserve System, by the General Counsel of the Treasury Department, and by the Federal Deposit Insurance Corporation.

Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point the letters which the committee has received from each of these departments.

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

There was no objection.

(The letters referred to follow:)

BOARD OF GOVERNERS OF THE FEDERAL RESERVE SYSTEM,
Washington, August 24, 1962.

The Honorable BRENT SPENCE,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: It is understood from counsel to your committee that you would like to have a report from the Board on the bill H.R. 12899, "To amend section 5155 of the Revised Statutes relating to bank branches which may be retained upon conversion or consolidation or merger."

This bill would facilitate retention of branches by a national bank resulting from conversion of a State bank or from the consolidation or merger with either another national or a State bank, even though the branches were not in operation on February 25, 1927. Considerations relating to applications for branches in connection with conversions, consolidations, or mergers of the kinds above described are necessarily included among those taken into account by the Comptroller of the Currency in acting upon any such conversion, consolidation, or merger. Therefore, the bill, in effect, would permit avoidance of duplication of effort. It is noted that the bill would not permit the retention of branches in such situations if a State bank in a situation identical to that of the resulting national bank would be prohibited by the law of the State in question from retaining and operating as a branch an identically situated office.

The Board would have no objection to enactment of the bill.

Sincerely yours,

WM. MCC. MARTIN, Jr.

THE GENERAL COUNSEL OF THE TREASURY,
Washington, August 24, 1962.

Hon. BRENT SPENCE,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of this Department on H.R. 12899, "To amend section 5155 of the Revised Statutes relating to bank branches which may be retained upon conversion or consolidation or merger."

Under the provisions of section 5155 of the Revised Statutes, as amended (12 U.S.C. 36), upon the conversion of a State bank into a national bank, or the consolidation or merger of two or more national banks or of State and national banks resulting in a national bank, any branches established since February 25, 1927, are required to be relinquished. H.R. 12899 amends this section to provide that in such instances and subject to the approval of the Comptroller of the Currency, the converted bank, or the bank under whose charter the consolidation or merger is being effected, may retain and operate all of the branches which it had in lawful operation at the time of the conversion, consolidation or merger, if the law of the State would not prevent a resulting State bank identically situated, from retaining such branches.

The present law operates as a deterrent to State banks converting into national banks and is inconsistent with the well-established doctrine that State banks should be permitted to convert freely into national banks and vice versa. Enactment of this legislation would not be detrimental to the State banking systems nor would it give to national banks any advantage over State banks in the matter of branches. Further, a bank which takes over by merger or consolidation a State or other national bank should not for that reason have to give up the branches which it has in operation at the time of the consolidation or merger. The purpose of the existing law is to prevent a bank from acquiring branches where they could not legally be establishd under State law, by taking over other banks. This purpose does not exist in the case of branches of the continuing bank and there is no reason why a bank should not be permitted to continue in operation the legally established branches which it already has in existence.

H.R. 12899 has the same general objective as H.R. 12578 which incorporated a draft bill submitted to the Congress by the Treasury Department. While the Department is of the opinion that the revisions made in the proposal it submitted are not necessary and may cause confusion, the Department nevertheless believes that the passage of H.R. 12899 is in the best interests of the national banking system and urges its enactment.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the administration's program to the submission of this report to your committee.

Sincerely yours,

FRED B. SMITH,
Deputy General Counsel.

FEDERAL DEPOSIT
INSURANCE CORPORATION,
Washington, August 15, 1962.

Hon. BRENT SPENCE,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: You have requested a statement of the Corporation's views in reference to H.R. 12899, a bill to amend section 5155 of the Revised Statutes relating to branch banks which may be retained upon conversion or consolidation or merger.

This bill concerns itself with the retention of branches by the one final resulting national bank in the case of conversions or consolidations or mergers, which branches were lawfully in operation by that one resulting bank prior to the transaction but which were not in operation on February 25, 1927, and would not be permitted under existing law as a new branch.

The interest of the Corporation in this bill stems from the fact that Federal legislation on the right of national banks to change into State banks and State banks to change into national banks, without the approval of the respective supervisory authority, is premised on the proposition that there shall be a "two-way street." By that is meant that there shall be equal freedom for the banks in one system to convert or consolidate or merge into banks in the other system. The Federal legislation permitting national banks to move into a State system is based upon the premise that there is appropriate offsetting State legislation which permits freedom of transition of State banks into the national system. There is also a well-founded principle in Federal legislation that the matter of branches and the right to establish and maintain them is a subject of local concern, to be controlled by local and State legislation. This principle established by the McFadden Act in 1927, should remain the guideline for the establishment and maintenance of branches of both State and national banks.

It is the view of the Corporation that H.R. 12899 is consistent with the above-stated principle in the matter of changes from State banks to national banks and national banks to State banks. Accordingly, the Corporation favors the enactment of H.R. 12899.

We have been advised by the Bureau of the Budget that it has no objection from the standpoint of the administration's program to the submission of this report.

Sincerely yours,

ERLE COCKE, Sr.,
Chairman.

Mr. PATMAN. Mr. Speaker, this bill also passed the committee unanimously. I do not know of any objection to it. All of the agencies involved agree it is a good bill.

Mr. WIDNALL. Mr. Speaker, will the gentleman from Texas [Mr. PATMAN] explain what this bill proposes to do?

Mr. PATMAN. It allows the banks that merge to keep the branches which they had at the time of the merger. That is really the essence of it. It just retains the same branches.

Mr. WIDNALL. If the gentleman will yield further, the bill was reported out of the committee unanimously?

Mr. PATMAN. Yes.

Mr. WIDNALL. And all of the testimony was favorable to the bill?

Mr. PATMAN. There was no opposition to it.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. PATMAN], that the House suspend the rules and pass the bill H.R. 12899.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

INTERNATIONAL WHEAT AGREEMENT ACT EXTENSION

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3574) to extend the International Wheat Agreement Act of 1949.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the International Wheat Agreement Act of 1949, as amended, is further amended as follows:

(1) The first sentence is amended by striking out the language in the first parenthesis and all that follows in such sentence and inserting in lieu thereof the following: "signed by the United States and certain other countries revising and renewing such agreement of 1949 for periods through July 31, 1965 (hereinafter collectively called the 'International Wheat Agreement')".

(2) There is inserted immediately before the last sentence the following new sentence: "Such net costs in connection with the International Wheat Agreement, 1962, shall include those with respect to all transactions which qualify as commercial purchases (as defined in such agreement) from the United States by member and provisional member importing countries, including transactions entered into prior to the deposit of instruments of acceptance or accession by any of the countries involved, if the loading period is not earlier than the date the agreement enters into force."

The SPEAKER. Is a second demanded?

Mr. WIDNALL. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, this bill also passed the committee unanimously. The purpose of the bill is to extend for an additional 3 years the necessary implementing legislation to carry out U.S. participation in the International Wheat Agreement. This agreement was really signed in 1949 and has since been extended at 3-year intervals. The latest extension has been ratified by the Senate on July 9, 1962, by a vote of 79 to 0.

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

Mr. PATMAN. I yield to the gentleman from New Jersey.

Mr. WIDNALL. There is no opposition so far as you know to the bill?

Mr. PATMAN. No.

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

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

Mr. GROSS. Does this bill have the approval of the European Economic Community, otherwise known as the Common Market?

Mr. PATMAN. We do not consult the Common Market about things like this.

Mr. GROSS. Perhaps the gentleman's committee does not, but it seems that the State Department and everybody else does and acts accordingly. I just wondered if the gentleman had to get the approval of the Common Market.

Mr. PATMAN. We do not feel obligated to confer with the Common Market.

Mr. WIDNALL. Mr. Speaker, the subcommittee and the full committee felt that this was very much in the best interests of the United States to continue with this agreement.

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

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

There was no objection.

Mr. PATMAN. Mr. Speaker, the following comments constitute background information pertinent to the consideration of a bill to extend the International Wheat Agreement Act of 1949, as amended, to implement U.S. membership for the ensuing 3 years in the 1962 International Wheat Agreement. The Senate gave its advice and consent for ratification of the agreement on July 9, 1962.

SCOPE OF WHEAT AND FLOUR TRADE INVOLVED

The rights and obligations under the agreement are of necessity restricted to commercial trade, inasmuch as exports under special Government programs, notably Public Law 480 and noncommercial barter—United States—and under the Colombo plan and export credits insurance—Canada—by their very nature do not involve rights and obligations such as attach to trade under a multilateral agreement.

U.S. exports of wheat and flour for the crop year just ended June 30, 1962, are expected to total around 710 million

bushels. A preliminary estimate of the composition of this trade is as follows:

	Million bushels
1. Commercial sales to IWA member importing countries	160
2. Commercial sales to other exporting countries and to nonmember countries	55
3. Sales to all countries under title I, Public Law 480	410
4. Sales to all countries under title IV, Public Law 480	7
5. Noncommercial barter sales to all countries	28
6. Donations to all countries	50
Total exports	710

Only the segment of trade in category No. 1 comes under the rights and obligations of the wheat agreement for the reasons mentioned above, and also inasmuch as trade so covered is restricted to exports to member importing countries, the concept of the agreement being one of a multilateral contract between importing purchasers and exporting suppliers.

Under the 1962 agreement, and likewise under the proposed implementing legislation, "member importing countries" is intended to include importing countries with "provisional" membership. The 1962 agreement recognizes a provisional membership to accommodate those countries which participated in the negotiations but whose legislatures do not find it possible to ratify before the agreement comes into force. In such a case an interim instrument is deposited; that is, an intention to seek acceptance or accession in accordance with the country's constitutional procedures. This allows a country time to conclude those formalities, and the provisional membership expires upon deposit of the full instrument of acceptance or upon expiry of the period granted by the Wheat Council for its deposit, but in no case later than July 31, 1963.

The agreement also recognizes the practical necessity for the concluding of export transactions in advance of shipment, and the inevitable circumstance that some sales for loading the first crop year in the agreement will be made before some countries have been able to deposit instruments of acceptance or accession. Accordingly, the criterion for recording transactions under the agreement is not the time of consummation of the transaction, but is whether or not the loading period falls within the term of the agreement.

It is the intention that the reimbursement to the Commodity Credit Corporation which in the proposed legislation is authorized to be appropriated, should include net costs to the Corporation with respect to all transactions which qualify as commercial purchases—as defined in the agreement—from the United States by member and "provisional" member importing countries, on the same basis recognized by the Wheat Council.

U.S. PROGRAM UNDER THE AGREEMENT

The Commodity Credit Corporation program which has been conducted pursuant to the International Wheat Agreement Act of 1949, as amended, enables commercial wheat exporters and millers to purchase wheat at domestic market prices and to sell the wheat, or wheat-flour product, to purchasers in wheat agreement importing countries, at prices consistent with the agreement price range, in competition with other exporters in the world market. The program costs in connection with these exports are occasioned by reason of the U.S. domestic price of wheat being higher than the competitive world price. The cost per bushel—and this has been the case since 1953—is the difference between the domestic price at ports and the competitive world price as it moves within the limits of the agreement price range. Should prices advance to the maximum, then the program cost per bushel would be the difference between the domestic price and the U.S. equivalents of the agreement maximum, until the U.S. quantitative commitment had been fulfilled and then prices could advance higher with a compensating reduction in the program cost.

The Wheat Agreement Act of 1949, as amended, requires the Commodity Credit Corporation in making wheat available under the agreement to have regard for its responsibility to utilize the usual and customary channels, facilities, and arrangements of trade and commerce to the maximum extent practicable. During the life of the 1959 agreement, all exports of wheat and wheat flour under the agreement were accomplished through the private trade. Insofar as practicable, practices and procedures applicable to ordinary commercial exports are permitted and encouraged. The program requirements are such as to make participation practicable for small business or for any exporter regularly engaged in the exportation of wheat or wheat-flour.

Under the program, an exporter in the private trade negotiates a sale of wheat or wheat flour with a buyer in a wheat agreement importing country, in the knowledge of export payment rates which are publicly announced each day by the Commodity Credit Corporation after grain markets have closed. The exporter reports the sale by telegraph to the CCC, and if the transaction is eligible he receives registration under the program within a few hours. He later accomplishes the exportation and upon presentation of evidence of sale and proof of exportation he collects the export payment from an office in his area at the rate per bushel of wheat or hundredweight of flour which prevailed at the time the sale was made. In the case of wheat, the export payment is made in the form of a negotiable certificate which is redeemable only in wheat from Commodity Credit stocks at the domestic market price. This wheat is utilized only in connection with further exports under the program.

EXPORT PROGRAM COSTS

The average payment on combined wheat and flour exports under the wheat agreement during the fiscal year 1960–61 was 57 cents per bushel. This is approximately the low point for any annual average since the beginning of the agreements in 1949 except for 1953–54 when the average was 44 cents; the highest annual average was 79 in 1956–57; and the overall average since 1949 was 63½ cents. It is difficult to estimate the program costs during the life of the 1962 agreement due to the uncertainties inherent in two of the three principal determinative factors; namely, first, the volume of trade; second, the level of domestic market prices; and, third, the future export prices which will need to be established in order to remain fully competitive in the world market. The volume of commercial sales to member importing countries is expected to be about 160 million bushels annually. The domestic price factor may be expected to operate to increase unit costs although this depends upon the level of domestic market prices, whereas present conditions would indicate that the third factor—the export price—may to some extent decrease unit costs. The closet estimate possible at this time is 65 cents per bushel with a possibility of reaching 70 cents if domestic markets rise materially; or conversely, a lowering of the cost per bushel, should conditions lead to a domestic market decline.

The following information relating to the 1962 International Wheat Agreement is pertinent to the proposed implementing legislation:

PROSPECTIVE MEMBERSHIP

Forty-eight countries participated in the 1962 United Nations Negotiating Conference, but 7 of these were importing countries which did not subscribe a percentage obligation prior to the adjournment of the conference; consequently only 41 countries are inscribed in the agreement.

The membership status as of August 1, 1962, was as follows:

	Exporters	Importers	Total
Countries which had deposited final instruments of acceptance or accession	4	12	16
Countries which had deposited provisional instruments of acceptance or accession	4	10	14
Countries granted extensions for the deposit of instruments	2	5	7
Countries not granted extensions (which did not sign the agreement) which may seek accession as new members		4	4
Total inscribed in agreement	10	31	41

NOTE.—The names of the countries in the foregoing categories are listed in "App. I: Exporting Countries," and "App. II: Importing Countries."

OBLIGATION OF IMPORTING COUNTRIES

Each member importing country undertakes to purchase from member exporting countries a specified percentage of its total commercial purchases from all sources, whatever that total may be. The weighted average of the percentages subscribed by all importing countries under the 1962 agreement is approximately 81 percent. This takes into account the prospective membership of the U.S.S.R. At the level of trade during

the crop-years 1959 to 1960 and 1960 to 1961, commercial purchases from all sources aggregated around 590 million bushels.

It is expected that the member importing countries will buy within the agreement a much greater proportion of their total commercial requirements than the 81 percent subscribed. Under the previous 1959 agreement, when the weighted average subscribed was 70 percent, the actual commercial purchases for the crop years 1959 to 1960 and 1960 to 1961 approximated 92½ percent.

The importers' obligation exists at the agreement minimum price and throughout the range up to the maximum price. The right of the United States and other exporting countries is to sell this guaranteed percentage that the member importers purchase. This benefit is global in the sense that exporting countries compete with one another in selling importing countries their requirements.

OBLIGATION OF EXPORTING COUNTRIES

The obligation of exporting countries exists if the price reaches the agreement maximum. Then, they undertake to furnish any quantities not already purchased in that year, up to a moving average equal to importers' historical commercial purchases during a 4-year period. To purchase up to these quantities at the maximum price, before prices may go any higher, is the importing countries' right. The maximum obligation of the United States, at the maximum price, for the crop year 1961–62 was 163 million bushels. During the life of the 1962 agreement, the maximum obligation each year could be expected to continue at about this figure. Exporters' obligations are global in the sense that an exporting country may discharge its obligation by selling to any member importing countries until the exporter's overall commitment has been fulfilled.

It is interesting to note that commercial sales by United States for the current 1961–62 subject to the terms of the agreement, secured competitively under nonmaximum price conditions—projected on the basis of the volume recorded during the first 11 months—totals around 160 million bushels. This approximates the total quantity mentioned in the preceding paragraph which the United States could have been called upon to furnish had prices reached the maximum.

THE PRICE RANGE

The basic maximum and minimum prices in the 1962 agreement are $2.025 and $1.625 per bushel, respectively, compared with $1.90 and $1.50 in the expiring agreement. These prices are on a gold basis—that is, equal to U.S. currency—and are in terms of a basic grade and a basing point; namely, No. 1 Manitoba Northern Wheat in bulk in store at the head of the Lakes.

The equivalents of the agreement basic prices at U.S. ports are determined on the basis of prevailing transportation rates to destinations. As an example, the current f.o.b. equivalents at U.S. gulf ports of the new agreement basic prices are approximately $2.16 maximum and $1.76 minimum. For practical purposes of comparison, these prices must be further interpreted in terms of classes and grades in relation to the basic grade. The United States establishes differentials for its various classes and grades as required in the light of competitive world prices.

Shorter supplies of hard wheats in the higher protein brackets and price advances of these qualities during the last half of 1961 and early 1962, were factors favorable to the obtaining of the increase in the agreement price range at the negotiating conference. However, this was accomplished in the face of remaining large supplies of ordinary protein wheats and a concerted resistance to price increase on the part of developing countries. Although purchases by developing countries are largely under government-assisted programs rather than commercial, nonetheless they opposed a higher price range, and by and large it was the industrialized, commercial buyers which enabled the United States and other exporting countries to negotiate the price increase.

AGREEMENT ADMINISTRATION

The agreement is administered internationally by a Wheat Council composed of member countries of the agreement. Votes are divided equally between exporting countries and importing countries, with each group having 1,000 votes. The United States holds 290 of the 1,000 exporter votes in the Council.

The U.S. pro rata proportion of the cost of administration under the 1959 agreement averaged $22,600 annually, which is about one-sixtieth of a cent per bushel of wheat exported under the agreement.

APPENDIX 1

Exporting countries inscribed in the 1962 agreement

Exporting country	Member of 1959 agreement	Inscribed in 1962 agreement	Status as of Aug. 1, 1962		
			Instrument full membership deposited	Instrument of provisional membership deposited	Granted extension for deposit of instrument of acceptance
1. Argentina	X	X		X	
2. Australia	X	X	X		
3. Canada	X	X	X		
4. France	X	X			X.
5. Italy	X	X		X	
6. Mexico	X	X			X.
7. Spain	X	X		X	
8. Sweden	X	X		X	
9. United States	X	X	X		
10. U.S.S.R.	Nonmember	X	X		

APPENDIX 2

Importing countries inscribed in the 1962 agreement

Importing country	Percent of commercial purchases pledged		Status as of Aug. 1, 1962			
	1959	1962	Instrument of full membership deposited	Instrument provisional membership deposited	Extensions granted	See footnote
1. Austria	45	60	X			
2. Belgium-Luxembourg	80	90		X		
3. Brazil	50	30		X		
4. Cuba	90	90		X		
5. Dominican Republic	90	90			X	
6. Federal Republic of Germany	70	87½		X		
7. India	70	70	X			
8. Indonesia	70	70			X	
9. Ireland	90	90	X			
10. Israel	60	60		X		
11. Japan	50	85		X		
12. Republic of Korea	90	90	X			
13. Netherlands	75	90		X		
14. New Zealand	90	90	X			
15. Nigeria	90	80	X			
16. Norway	60	90	X			
17. Philippines	70	80		X		
18. Portugal	85	85			X	
19. Rhodesia and Nyasaland	90	90	X			
20. Saudi Arabia	70	70	X			
21. South Africa	90	90	X			
22. Switzerland	80	87		X		
23. United Arab Republic	30	30		X		
24. United Kingdom	80	90	X			
25. Vatican City	100	100	X			
26. Venezuela	70	60			X	
27. Ceylon	(1)	80				X.
28. Iran	(1)	80				X.
29. Liberia	(1)	70			X	
30. Libya	(1)	70				X.
31. Poland	(1)	50				X.

[1] Not member of 1959 agreement.

Seven additional importing countries participated in the 1962 negotiating conference but did not specify a percentage undertaking and consequently were not inscribed in the agreement. Two of these countries—Finland and Greece—

applied to the International Wheat Council for accession after the agreement came into force on July 16, 1962. The applications were approved and the countries are now placing membership before their legislatures. The other five countries in this category may seek accession in the same manner in the future. These countries are: Colombia, Denmark, Morocco, Pakistan, and Syria.

Nine importing countries which were members of the 1959 agreement did not participate in the 1962 negotiating conference. One of these countries—El Salvador—applied for accession after the agreement came into force on July 16, 1962. The application was approved by the Wheat Council and the deposit of the instrument of accession is pending. The other eight countries in this category are Costa Rica, Guatemala, Haiti, Honduras, Iceland, Panama, Peru, and Sierra Leone. Sierra Leone has applied for accession but the Wheat Council has not yet had opportunity to act on it.

Of the 41 exporting and importing countries inscribed in the agreement, all but 4 have deposited instruments, either final or provisional, or have been granted extensions for deposit. The four which have not been granted extensions, have not applied therefor nor did they sign the agreement during the prescribed period. These countries are Ceylon, Iran, Libya, and Poland. They are privileged to apply to the Wheat Council for accession under article 35(4) of the agreement which authorizes the Council by two-thirds votes of exporting countries and two-thirds votes of importing countries to approve accession by the Government of any member of the United Nations or the specialized agencies or by any Government which was a member of the 1959 Wheat Agreement.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill S. 3574?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ASSISTANCE FOR CERTAIN FEDERALLY IMPACTED AREAS

Mr. RAINS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3327) to make certain federally impacted areas eligible for assistance under the public facility loan program, with amendments, which I send to the Clerk's desk.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of section 202(b) of the Housing Amendments of 1955 is amended by inserting immediately after "Act" the following: ", or in the case of a community in or near which is located a research or development installation of the National Aeronautics and Space Administration".

The SPEAKER. Is a second demanded?

Mr. WIDNALL. Mr. Speaker, on that I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. RAINS. Mr. Speaker, right at the outset let me make it clear that the title of the bill does not accurately describe the amendment in the nature of a substitute that I have sent to the desk. This bill, S. 3327, is intended to make loans from the Community Facilities Administration available to those rapidly growing communities where research or development installations of the National Aeronautics and Space Administration are located.

This is the bill which was brought up on the consent calendar, but objection was raised on the grounds that it referred to federally impacted areas where there are NASA installations. My amendment overcomes those objections by eliminating entirely any reference to federally impacted areas. Instead, the amendment which is at the desk in effect substitutes a population ceiling. Under this amendment any community which has a NASA research or development installation would be eligible under the public facility loan program provided that its population does not exceed 150,000. Under existing law these loans can be made to any community with a population of 50,000 or less except that in depressed areas—those eligible for aid under the Area Redevelopment Act—we have raised the population ceiling to 150,000, the same that this bill would establish for communities with NASA installations.

Mr. Speaker, in my judgment, this is an extremely worthwhile piece of legislation. The creation of these space research centers has in most cases brought in a substantial number of new families to the area and often has placed great strain on existing community facilities. As a result of this population increase, these communities are forced to finance additional water and sewer facilities, streets, sidewalks, public buildings, and the like. Schools, of course, are not eligible under the community facility loan program and are not eligible under the bill now before the House.

Certainly we all recognize the vital importance of the space program and the need to take whatever steps are called for to keep that program moving at a rapid pace. One of these needs is adequate housing, which includes adequate community facilities for the people who work there. This bill will assure that financing on reasonable terms is available to help these communities provide the facilities needed.

Let me point out that the community facility loan program does not cost the taxpayer a single cent. The interest rate of these loans is set by a formula which fully reflects the cost of money to the Treasury and all costs of administering the program. At present the interest rate on these loans is 3¾ percent. They can be used only if the community cannot sell its own tax-exempt securities to private investors at reasonable rates. Currently, this means a 4-percent rate, and no community which can borrow on its own in the private market at 4 percent or less can obtain one of these loans.

At present there are NASA installations in 16 communities; 9 of these communities are already eligible under the public facility loan program because they are small towns of less than 50,000 population. At the other extreme, there are 3 communities in large cities which, because of their financial power, are able to borrow at low interest rates from private investors and so do not need this program and are excluded by the 150,000 population ceiling. The remaining four communities would be made eligible for these loans by the pending bill if they find that they cannot borrow from private investors at reasonable rates. These are Huntsville, Ala.; Hampton, Va.; and Pasadena and Santa Monica, Calif.

May I emphasize that these four communities would use this program only if it were really needed and, in my judgment, this kind of backstop financing should be made available to them. I urge all of my colleagues to support the bill.

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

Mr. RAINS. I yield to the gentleman from West Virginia.

Mr. BAILEY. Did I understand the distinguished gentleman from Alabama to say that this in no way affects Public Laws 815 and 874?

Mr. RAINS. Not all. It has no connection with it. In the Senate they use the words "impacted areas," whereas in reality it is an amendment to the Community Facilities Act. It has no relation to the impacted area laws, either 815 or 874.

Mr. BAILEY. I thank the gentleman.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill S. 3327, as amended?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The title was amended so as to read: "An act to make eligible for assistance under the public facility loan program certain areas where research or development installations of the National Aeronautics and Space Administration are located."

A motion to reconsider was laid on the table.

MAXIMUM PERSONNEL SECURITY IN THE NATIONAL SECURITY AGENCY

Mr. WILLIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12082) to amend the Internal Security Act of 1950 by adding thereto title IV establishing a legislative base for personnel security procedures in the National Security Agency.

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

Mr. WILLIS. Mr. Speaker, I withdraw my motion.

The SPEAKER. Does the gentleman from Ohio withdraw his point of order?

Mr. HAYS. I withdraw it, Mr. Speaker.

PADRE ISLAND NATIONAL SEASHORE

Mr. ASPINALL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4) to provide for the establishment of the Padre Island National Seashore, as amended.

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

The SPEAKER. Will the gentleman withhold his point of order until the Chair lays before the House two messages?

Mr. GROSS. Yes, Mr. Speaker.

BARBARA W. TROUSIL, EDWARD G. TROUSIL, AND ROBERT E. TROUSIL

The Chair laid before the House the following communication from the Clerk of the House:

AUGUST 27, 1962.

The Honorable the SPEAKER,
House of Representatives.

SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's office at 4:53 p.m. on August 24, 1962, and said to contain a veto message on H.R. 3372, "An act for the relief of Barbara W. Trousil, Edward G. Trousil, and Robert E. Trousil."

Respectfully yours,

RALPH R. ROBERTS,
Clerk, U.S. House of Representatives.

BARBARA W. TROUSIL, EDWARD G. TROUSIL, AND ROBERT E. TROUSIL—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 533)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith, without my approval, H.R. 3372, "for the relief of Barbara W. Trousil, Edward G. Trousil, and Robert E. Trousil."

This bill would waive the applicable statute of limitations and permit Barbara W. Trousil, Edward G. Trousil, and Robert E. Trousil to file their claims under the Czechoslovakian claims program administered by the Foreign Claims Settlement Commission.

In 1958, the Congress authorized a program to compensate those U.S. citizens who sustained losses when their property located in Czechoslovakia was nationalized following World War II. Under that program—to be financed from the liquidation of certain assets of the Czechoslovakian Government situated in the United States—the statutory deadline for filing claims was September 15, 1959.

The beneficiaries of the present bill, U.S. citizens who returned to this country from Czechoslovakia after the war, filed their claim under the Czechoslovakian program in August 1960. It was, therefore, necessarily rejected by the Foreign Claims Settlement Commission as being barred by the applicable statute of limitations.

According to the report of the House Committee on the Judiciary, the beneficiaries' failure to file timely was due to the deception of the manager of their Czechoslovakian properties. It is asserted that this manager, starting in 1953, repeatedly deceived the beneficivakia, and learned that the property and that it was not until 1960 that they became suspicious, went to Czechoslovakia, and learned that the property had, in fact, been nationalized in 1953. Had they not been so misled, it is argued, the beneficiaries would have known about the loss of their property and would, therefore, have filed a timely claim under the 1958 statute.

While regretting the losses suffered by the beneficiaries, I find myself unable to approve this bill. First of all, accepting the facts as presented in the committee report, it seems to me that the beneficiaries could and should have taken the precaution of filing under the claims program while taking earlier steps to verify the status of their property. Indeed, the manager's reported explanation that earnings from the property could not be removed from Czechoslovakia would, of itself, appear to be a sufficient reason for filing a claim. Given the wide range of possible reasons for not filing claims within a prescribed statute of limitations, I do not believe those which have been advanced in this case are sufficiently distinguishing to warrant the discriminatory relief proposed in H.R. 3372.

My second reason for disapproving the bill relates to the Czechoslovakian claims program as a whole. Claims adjudications under this program are required to be completed by the Foreign Claims Settlement Commission next month. It now appears that with awards aggregating over $80 million, compared with the $9 million available to pay them, claimants will be fortunate if they realize 10 cents on the dollar under the statutory payment scheme providing for full payment up to $1,000, with pro rata distribution thereafter.

It is obvious that any award to the beneficiaries of the present bill would reduce the extremely limited awards payable to claimants who filed their claims timely. In addition, the time required for presentation of the beneficaries' case and adjudication of their claim would necessarily delay pro rata distribution to the more than 4,000 claimants, most of whom have already waited many years for compensation. Waiver of the statutory period in this case could also serve as a precedent for similar action on behalf of other claimants, thus delaying still further the ultimate settlement date.

JOHN F. KENNEDY.

THE WHITE HOUSE, *August 24, 1962.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Without objection, the bill and message are referred to the Committee on the Judiciary and ordered to be printed.

There was no objection.

THIRD ANNUAL REPORT ON WEATHER MODIFICATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 534)

The SPEAKER laid before the House the following message from the President of the United States which was read, and, together with accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed with illustrations:

To the Congress of the United States:

I transmit herewith for the consideration of the Congress the Third Annual Report on Weather Modification (for fiscal year 1961) as submitted by the Director of the National Science Foundation.

JOHN F. KENNEDY.

THE WHITE HOUSE, *August 27, 1962.*

Mr. ASPINALL. Mr. Speaker, I withdraw the motion previously made.

REVISING THE BOUNDARIES OF THE VIRGIN ISLANDS NATIONAL PARK, ST. JOHN, V.I.

Mr. O'BRIEN of New York. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2429) to revise the boundaries of the Virgin Islands National Park, St. John, V.I., and for other purposes, with amendments.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in furtherance of the purposes of the Act of August 2, 1956 (70 Stat. 940), as amended, providing for the establishment of the Virgin Islands National Park, and in order to preserve for the benefit of the public significant coral gardens, marine life, and seascapes in the vicinity thereof, the boundaries of such park, subject to valid existing rights, are hereby revised to include the adjoining lands, submerged lands, and waters described as follows:

NORTH OFFSHORE AREA

Beginning at the hereinafter lettered point A on the shore of Cruz Bay, a corner in the Virgin Islands National Park boundary, being also a corner of lot F, Cruz Bay, added to the park by order of designation signed June 29, 1960, by the Assistant Secretary of the Interior pursuant to the Act of August 2, 1956 (70 Stat. 940), and published in the Federal Register of July 7, 1960, the said corner being the terminus of the course recited therein as "north 58 degrees 50 minutes west a distance of 20.0 feet, more or less, along Government land to a point;" for the third call in the metes and bounds description lot F, Cruz Bay.

From the initial point A, distances in nautical miles, along direct courses between the hereinafter lettered points at geographic positions (latitudes north, longitudes west):

Northwestward, approximately 0.13 mile to point B, latitude 18 degrees 20 minutes 08 seconds, longitude 64 degrees 47 minutes 43 seconds in Cruz Bay;

0.43 mile to point C, latitude 18 degrees 20 minutes 08 seconds, longitude 64 degrees 48 minutes 10 seconds in Pillsbury Sound;

1.36 miles to point D, latitude 18 degrees 21 minutes 30 seconds, longitude 64 degrees 48 minutes 10 seconds in Windward Passage;

1.64 miles to point E, latitude 18 degrees 22 minutes 10 seconds, longitude 64 degrees 46 minutes 35 seconds in the Atlantic Ocean;

1.99 miles to point F, latitude 18 degrees 22 minutes 45 seconds, longitude 64 degrees 44 minutes 35 seconds in the Narrows;

3.18 miles to point G, latitude 18 degrees 22 minutes 00 seconds, longitude 64 degrees 41 minutes 20 seconds in Sir Francis Drake Channel;

1.04 miles to point H, latitude 18 degrees 21 minutes 10 seconds, longitude 64 degrees 40 minutes 40 seconds in Haulover Bay;

Southwestward approximately 0.22 mile to point I, a bound post on the shore of Haulover Bay marking a corner of the Virgin Islands National Park boundary as shown on drawing numbered NP–VI–7000 entitled "Acquisition Area Virgin Islands National Park", approved November 15, 1956, by the Acting Secretary of the Interior in accordance with the provisions of the Act of August 2, 1956, supra, being also the southeasterly corner of estate Haulover 5a and 5c east end quarter as delineated on the municipality of Saint Thomas and Saint John drawing PW file numbered 9–24–T51 dated October 26, 1950;

Thence running generally westward along the Virgin Islands National Park northerly boundary as it follows the northerly shore of the island of Saint John as shown on the said drawing numbered NP–VI–7000 and on drawing numbered NP–VI–7003 entitled "Land Ownership Cruz Bay Creek" depicting the boundary adjustment affected by the said order of designation to point A, the point of beginning.

The area described contains approximately 4,100 acres.

SOUTH OFFSHORE AREA

Beginning at the hereinafter lettered point L, a concrete bound post on the shore of Drunk Bay marking a northeasterly corner in the Virgin Islands National Park boundary as shown on the said drawing numbered NP–VI–7000, being also the northeasterly corner of parcel numbered 1, estate Concordia (A), as delineated on the Leo R. Sibilly, civil engineer, drawing file numbered C9–13–T55.

From the initial point L, distances in nautical miles, along direct courses between the hereinafter lettered points at geographic positions (latitudes north, longitudes west):

Eastward approximately 0.32 mile to point M, latitude 18 degress 18 minutes 48 seconds, longitude 64 degrees 41 minutes 50 seconds in Sabbat Channel;

0.88 mile to point N, latitude 18 degrees 17 minutes 55 seconds, longitude 64 degrees 41 minutes 50 seconds in the Caribbean Sea;

0.40 mile to point O, latitude 18 degrees 17 minutes, 55 seconds, longitude 64 degrees 42 minutes 15 seconds in the Caribbean Sea;

1.88 miles to Point P, latitude 18 degrees 18 minutes 48 seconds, longitude 64 degrees 44 minutes 00 seconds in the Caribbean Sea;

1.74 miles to point Q, latitude 18 degrees 18 minutes 48 seconds, longitude 64 degrees 45 minutes 50 seconds in the Caribbean Sea;

0.45 mile to point R, latitude 18 degrees 19 minutes 15 seconds, longitude 64 degrees 45 minutes 50 seconds in Fish Bay;

Eastward approximately 0.08 mile to point S on the shore of Fish Bay, a corner in the present Virgin Islands National Park, as delineated on said drawing numbered NP–VI–7000, being the northwesterly corner of parcel numbered 2 estate Fish Bay, numbered 8 Reef Bay Quarter, and the terminus of the delineated course "south 78 degrees 52 minutes west distance 1,178.9 feet" as depicted on the Leo R. Sibilly, civil engineer, drawing file numbered G9–385–T56.

Thence running generally eastward along the present southerly park boundary as it follows the southerly shore of the island of Saint John as depicted on the said drawing numbered NP–VI–7000 to point L, the point of beginning.

The area described contains approximately 1,550 acres.

Lands, submerged lands, and waters added to the Virgin Islands National Park pursuant to this Act shall be subject to administration by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), as amended and supplemented.

SEC. 2. Within the boundaries of Virgin Islands National Park as established and adjusted pursuant to the Act of August 2, 1956 (70 Stat. 940), and as revised by this Act, the Secretary of the Interior is authorized to acquire lands, waters, and interests therein by purchase, donation, with donated funds, or by condemnation of exchange.

SEC. 3. Nothing in this Act shall be construed as authorizing any limitation on customary uses of or access to the areas specified in section 1 for bathing and fishing (including setting out of fishpots and landing boats), subject to such regulations as the Secretary of the Interior may find reasonable and necessary for protection of natural conditions and prevention of damage to marine life and formations.

SEC. 4. There are hereby authorized to be appropriated such sums, but not more than $1,250,000, as are necessary to acquire lands pursuant to section 2 of this Act.

The SPEAKER. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. SAYLOR. Mr. Speaker, I yield such time as he may require to the gentleman from Washington [Mr. WESTLAND].

Mr. WESTLAND. Mr. Speaker, I would not want this bill to go through without the House knowing what it is all about. I think the first thing that I ought to call to the attention of the House is that when this park on the island of St. John was originally established it was established on the basis that Mr. Laurance Rockefeller had an option on some 9,000 acres of land which was about three-quarters of the island, and that he was going to donate those 9,000 acres to the Federal Government, the Park Service, and make a park out of three-quarters of this island. Since then Mr. Rockefeller has apparently been able to acquire about 6,000 acres of the land and that has been put into a national park. Many of us on the Interior Committee have been down and visited this beautiful island. This land acquisition has completely stultified any further development of that area. Most of us know that land values in the Virgin Islands have gone up tremendously as methods of transportation have improved. You can fly down there in a jet out of New York in a matter of 3 hours. Many of the people in the Caribbean area want to find a place to live there.

This bill says that inasmuch as Mr. Rockefeller has not been able to acquire these other 3,000 acres the Federal Government is going to do it through condemnation proceedings. The whole proposition was set up originally on the basis that the park would be a donation, that the land would be a donation. Now you are asked to appropriate funds for the purpose of buying these other 3,000 acres that Mr. Rockefeller apparently cannot afford to buy. If he cannot afford to buy them I do not believe the Federal Government can afford to buy them either.

Furthermore, I think these 3,000 acres could better be used by people who want to go down there to live. I think—I am pretty certain of this—that the Legislature of the Virgin Islands has actually passed a resolution condemning Mr. Rockefeller for his attitude in trying to take over practically the whole of the island.

I would like to call to the attention of the House also another feature, and that is the matter of picking up 5,600 acres of underwater flora and fauna.

The report says:

> The many varieties of reef fish and the spiney lobster are in danger of depletion through uncontrolled spearfishing. Moreover, indiscriminate spearfishing is not only a very efficient method of killing fish but it serves to instill a permanent fear of swimmers into those fish that escape.

I would not want to instill a permanent fear of swimmers in fish. I think that would be a horrible thing to do; and so maybe we ought to expropriate these 5,600 acres which are under water so that these fish will not have a fear complex of swimmers. Maybe that part of the bill is all right, but I think the House should reject this proposition of acquiring these other 3,000 acres through condemnation proceeding when Mr. Rockefeller himself says he cannot afford to buy them.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill S. 2429?

The question was taken; and on a division (demanded by Mr. FULTON) there were—ayes 60, noes 50.

So (two-thirds not having voted in favor thereof), the motion was rejected.

SMALL HYDROELECTRIC POWER PROJECTS

Mr. HARRIS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1606) to authorize the Federal Power Commission to exempt small hydroelectric projects from certain of the licensing provisions of the Federal Power Act.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (b), (e), and (i) of section 10 of the Federal Power Act, as amended (16 U.S.C. 803(b), 803(e), 803(i)), is amended by striking out the words "one hundred horsepower" in each such subsection and inserting in lieu thereof the words "two thousand horsepower".

The SPEAKER. Is a second demanded?

Mr. SCHENCK. Mr. Speaker, I demand a second.

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

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

There was no objection.

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

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

There was no objection.

Mr. HARRIS. Mr. Speaker, the purpose of S. 1606 is to increase from 100 to 2,000 horsepower the size of small hydroelectric projects which may be exempted from certain of the licensing provisions of the Federal Power Act.

The original Federal Water Power Act in 1920 created the Commission for the purpose of licensing hydroelectric developments on the waters of the United States over which the Congress has jurisdiction. That act recognized, and its major revision in 1935, the Federal Power Act, continued to recognize, that all of the requirements for licensing a large hydroelectric project were not necessary for small projects. The Commission was given authority in section 10(i) of the act to waive all of the licensing provisions for projects of not more than 100 horsepower except the 50-year license period and annual charges for the use of Indian tribal lands, in section 10(b) to waive approval of plans for changes in a project of not more than 100 horsepower, and in section 10(e) to waive annual charges for such projects except those on Indian tribal lands.

Subsection 10(i) does not mean that projects of 100 horsepower or less do not have to have a license. It means that the Commission may, if it deems the public interest warrants such action under the circumstances, waive some of the conditions and requirements that it must attach to and apply to the license of a larger project. The bill simply would raise this discretionary dividing line from 100 to 2,000 horsepower.

As stated by the Commission, some of the detailed requirements that it now may waive for projects of not more than 100 horsepower and that it would be authorized by the bill to waive for projects of not more than 2,000 horsepower are those relating to the original cost of the project, the annual charges, the establishment of amortization reserves and depreciation reserves, and other accounting matters which are deemed unnecessary for these small plants, expensive for the licensees to comply with, and expensive for the Commission to administer.

One of the subjects which the Federal Power Commission is required to consider in the issuing of a project license is that of fish and wildlife resources.

Section 18 of the Federal Power Act reads:

> The Commission shall require the construction, maintenance, and operation by a licensee at its own expense * * * of such fishways as may be prescribed by the Secretary of Commerce [now Interior].

In connection with concern expressed at the hearing by some of the members relative to this subject, Chairman Swidler gave specific assurance that while the Commission might waive some provisions and not waive others, it was not the Commission's intention to waive the requirements with respect to protection of fish resources at these projects.

Section 2 of the Fish and Wildlife Coordination Act (16 U.S.C. 662) also imposes certain duties upon all Federal agencies, and upon all licensees, to consult with the Department of Interior and with appropriate State agencies with respect to the conservation and improvement of wildlife resources in connection with water resource development. In response to a direct question, Chairman Swidler stated that this bill would not change the responsibility of the Commission to confer with the Department or the heads of the State agencies.

In view of these assurances the Department of the Interior has no objection to the enactment of the legislation.

The Committee on Interstate and Foreign Commerce urges the passage of the bill.

Mr. Speaker, this is a very satisfactory proposal and is offered at the request of the Federal Power Commission to help expedite the business of the Commission in relation to very small hydro projects. Not only that, but it relieves certain administrative difficulties in problems with the operators of these very small hydro projects.

In the early days of the twenties, when the Federal Water Power Act was enacted into law, there was included among the administrative provisions of the act a provision relating to small hydro projects up to 100 horsepower. This proposition—it is permissive—would extend to the Federal Power Commission a discretion as to whether or not it could exempt or would exempt hydro projects from the usual provisions of the act up to 2,000 horsepower. That is simply the purpose of it, and that is all it does.

The committee conducted hearings, and this bill was voted out of the committee unanimously. I believe it is a desirable piece of legislation, and would be in the public interest.

Mr. SCHENCK. Mr. Speaker, I yield such time as he may desire to the gentleman from Iowa [Mr. JENSEN].

Mr. JENSEN. Mr. Speaker, I merely want to point out that, in my judgment—and I know a little about the workings of the Federal Power Commission—this is not good legislation. I am not saying that they would take advantage of the new authority which they would receive under legislation of this nature. But I do say that the Federal Power Commission could penalize people they do not like and favor people they do like in the electric power industry.

I do not believe that the 30-minute hearings held before the committee is sufficient time for any member of the committee to determine the value of such legislation as this, especially under suspension of the rules.

I would hope that this bill could be laid over until the committee would have sufficient time to look into a number of matters which I think should be looked into. I am sure that the gentleman will agree that the Federal Power Commission does exercise great authority over all types of electric power, both Federal and private, and to give them this added power under a suspension of the rules and after only 30 minutes of hearings before the committee, as I understand it, which was all the hearings that the committee held on this bill, is not good practice for the House of Representatives.

Mr. Speaker, I would hope that the gentleman from Arkansas [Mr. HARRIS] will withdraw his request for consideration of this bill at this time.

Mr. HARRIS. I would say to the gentleman that I certainly do appreciate the gentleman's interest. I know of the gentleman's continuing interest in matters of this kind. I will say, however, the committee conducted hearings and went into the desirability of this particular proposal—the discretion that would be given here to the Federal Power Commission. In view of the fact that the 2,000 horsepower project is only 1,500 kilowatts of power, a very small operation, I would hope that the House would favorably consider it.

Mr. JENSEN. And the next request will be to handle all hydroelectric applications in the same manner.

Will the gentleman agree that the committee only held 30 minutes of hearings? I have been told by members of the committee that that is a fact.

Mr. HARRIS. We heard the Chairman of the Federal Power Commission on it. So far as we were able to ascertain, there was no one else who wanted to be heard, because it was explained to be a relatively small matter.

The gentleman made one comment that would cause me some concern, and that was the comment with reference to the special or the preferential treatment which the Commission might give in the administration of this provision. If that were to happen, I can say to the gentleman from Iowa [Mr. JENSEN], I shall be the first one to go into it with the Federal Power Commission to determine why such preferential treatment were given.

Mr. JENSEN. But in regard to that, the gentleman will be too late. The horse will be stolen before you shut the barn door. The gentleman realizes that, does he not? I have the greatest regard for the gentleman.

Mr. HARRIS. I appreciate that and the feeling is mutual. If we had any idea or any reports at all that such would be the case, then I am sure it would have been explored thoroughly. But here we are trying to say——

Mr. JENSEN. Who knew? Did the gentleman or his committee inform any Member of the House that hearings were going to be held on a bill of this nature? I certainly did not know anything about it.

Mr. HARRIS. We announced the hearings as we do all of our hearings, and put it on the hearing calendar.

Mr. JENSEN. Well, I will say to my good friend and colleague the gentleman from Arkansas [Mr. HARRIS] that this bill is too far reaching in its significance

to pass it today under a suspension of the rules, especially since no one, to my knowledge, appeared before the committee in opposition to the bill. I am sure if people—many people—in this country, had known about it, they would have appeared in opposition to this kind of legislation.

Mr. HARRIS. I will say to the gentleman from Iowa [Mr. JENSEN] I regret exceedingly that there seems to be any opposition at all. The Department of the Interior supports it in addition to the Federal Power Commission. The Bureau of the Budget has submitted its report, and we thought it was a method of doing something for the small private licensees.

I really believe that it is something which would be desirable when it is thought through and when one sees what it is. The committee, at least, thought so.

We have had no expression of any opposition since the day that the bill was reported which was August 16. As the gentleman knows, the other body passed the bill. Had there been any opposition the committee would have been among the first to hear of it. We have not had one single objection to it since it was reported.

Mr. JENSEN. The gentleman knows that there is no Member of the House or the Senate who can possibly follow, understand, or have knowledge of every bill that this Congress considers, or that is introduced. They run into the thousands.

Mr. HARRIS. I thoroughly agree with the gentleman. If my attention is ever called to any objection by any Member of Congress I do my best, as chairman of the committee, to give opportunity to those who have objections to register them or state their position.

Mr. BAILEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman yield for a parliamentary inquiry?

Mr. HARRIS. I yield.

Mr. BAILEY. Mr. Speaker, I would like to inquire who has the floor at the present time.

Mr. HARRIS. I have charge of the time.

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

Mr. HARRIS. I yield.

Mr. BAILEY. Since the Federal Power Commission over the last 5 years has authorized certificates of convenience to five Canadian and two Mexican corporations to pipe natural gas into the United States on the free list I am of the opinion that the Federal Power Commission has too much authority right now and I am not in favor of giving it any more.

Mr. HARRIS. Mr. Speaker, I will say to the gentleman that this does not extend additional authority to the Federal Power Commission. It adjusts the size of small hydroplants which have been exempted by law heretofore, to give the Commission discretion on the question whether or not these small 1,500 kilowatt operating plants would be exempt from some of the multitudinous administrative functions that go with such organizations and such administration.

Mr. BAILEY. I would like further to clarify my position. Any Federal commission empowered as they are to do that, I do not want to give them any more authority at any time.

Mr. HARRIS. Of course, this gives business people some relief from the rigid authority that they have today. This is an effort to relax some of the rigid authority that they have and have exercised all these years.

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

Mr. HARRIS. I yield.

Mr. AVERY. If I understand the gentleman from Arkansas correctly this would not be any open-end authority for any public power entity to construct any such plant without further authorization or further appropriation by the Congress.

Mr. HARRIS. Oh, no; of course not.

Mr. AVERY. I think that is the critical and deciding point on this whole issue. This is not an open-end authority for any public power construction.

Mr. HARRIS. No. Under the law they must obtain a license. The question is whether or not the Federal Power Commission will decide on a broad basis exemptions from the multitudinous administrative responsibilities that go along with the large hydroelectric company operations. We know that a small operator, whether a small hydroplant or a small independent gas producer, has to proceed under very heavy burdens in order to carry out the administrative directions of the regulatory agency.

Mr. CURTIS of Missouri. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. CURTIS of Missouri. This is discreationary rather than mandatory, is it not?

Mr. HARRIS. That is true. It was discretionary for so long, up to 100 horsepower. This makes it discretionary——

Mr. CURTIS of Missouri. Up to 2,000?

Mr. HARRIS. Up to 2,000.

Mr. CURTIS of Missouri. In other words, the Commission could grant exemption or not grant exemption?

Mr. HARRIS. It is the intention under this program for the Commission by regular proceedings of its own on a broad scale to permit certain of these small operations to be exempt from some of the administrative functions of the Federal Power Act.

Mr. CURTIS of Missouri. Why would it be mandatory not to make an exemption?

Mr. HARRIS. I will say in all frankness that the hearings did not discuss that. We did not give it consideration. There is no mention of it during the course of the hearings or the executive session. Consequently, I assumed it was that there would be objection to outright mandatory exemption under the law, and I imagine there would be.

Mr. SCHENCK. Mr. Speaker, I have no further requests for time.

Mr. HARRIS. Mr. Speaker, I yield to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I thank the gentleman for yielding to me.

I had a number of reservations to this legislation in the committee having to do specifically with the language which appeared in the report on page 3 with regard to the Commission's waiving requirements in the Federal Power Act in regard to the construction of fishways, preservation of fish and wildlife values, and a number of other things of which I am sure the chairman was well aware. There is language in the report that states that fish and wildlife values will not be waived under the provisions of this act, and I note that the chairman has since the writing of the report also received a communication from the Power Commission stating that requirements which would be necessary to protect fish and wildlife values, including the construction of fishways, would not be waived under the provisions of the bill now before us, S. 1606.

The legislation is clear that there is no such purpose to waive essential wildlife values which the FPC must continue to protect.

Mr. HARRIS. The gentleman is correct.

Mr. Speaker, I ask unanimous consent that that letter from the Power Commission be included at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The letter referred to follows:

AUGUST 22, 1962.

HON. OREN HARRIS,
Chairman, Interstate and Foreign Commerce Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is to advise you of the Commission's position with respect to the proposal to amend S. 1606 to prohibit the Commission from waiving under section 10(i) of the Federal Power Act "any requirement under section 18 of this act which relates to the construction, maintenance and operation by a licensee of fishways." As you know, S. 1606 has the full support of the Commission; it would raise from 100 horsepower to 2,000 horsepower the capacity of hydroelectric projects which could be processed under section 10(i), thus saving both the applicants and this Commission time and expense in most cases in that class without in any way sacrificing the control of the Commission over power developments which utilize the water resources of the Nation.

After a full discussion of the proposal to amend S. 1606, the Commission has decided that it should oppose the amendment. The principal basis for the Commission's objection is that the proposal seems to assume that, in the absence of its inclusion, the Commission would fail to give adequate consideration to problems created by the impact of the proposed construction of a project upon the fish resources of the Nation. There is no basis for such an assumption. As I testified at the subcommittee hearing, the Commission consults with the Department of Interior and State agencies on fishery matters in all license cases, including those coming within the existing waiver provisions of section 10(i) of the act, and the Commission does not intend to waive "the requirements with respect to protection of fish resources at these [minor] projects." Of course, neither S. 1606 nor the amendment to that bill would in any way affect the provisions of section 2 of the Coordination Act which require the Commission to consult with the U.S. Fish and Wildlife Service and the State conservation agencies in

any license case involving the impoundment or diversion of a stream. The Coordination Act and other provisions of the Power Act (e.g., section 10(a)) have resulted in comprehensive requirements for the construction of facilities and control of operations to protect fishery interests which are much more extensive than the requirements concerning "fishways" to which section 18 of the Power Act specifically and solely refers.

The amendment unnecessarily singles out for special treatment just one of the many important provisions of the act that the Commission considers in every license case, even though it already has authority to waive that requirement under the present provisions of section 10(i). In the absence of any showing that the Commission has abused its powers under its existing authority, the addition of the unexplained exception suggested by the proposed amendment might have the effect of raising new questions as to the proper interpretation of the act, thus increasing the difficulties of administration or resulting in unnecessary litigation.

Sincerely yours,

JOSEPH C. SWIDLER,
Chairman.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill S. 1606?

The question was taken; and on a division (demanded by Mr. JENSEN), there were—ayes 107, noes 20.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REREFERRAL OF S. 3389

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the bill (S. 3389) which is to promote the foreign commerce of the United States through the use of local trade fairs be rereferred to the Committee on Merchant Marine and Fisheries.

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

There was no objection.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District Day. The Chair recognizes the gentleman from Texas [Mr. DOWDY].

Mr. DOWDY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 12467) to amend the act of June 4, 1948, as it relates to the appointment of the District of Columbia Armory Board and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

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

The SPEAKER. Does the gentleman from Texas withdraw his request?

Mr. DOWDY. Yes, Mr. Speaker, I will withdraw the request, but I have some other bills to call up.

Mr. HAYS. Then I will just make a point of order of no quorum.

Mr. DOWDY. This is District business.

Mr. HAYS. I will make a point of order.

The SPEAKER. Does the gentleman from Ohio withdraw the point of order that a quorum is not present?

Mr. HAYS. Yes, Mr. Speaker, I withdraw the point of order of no quorum—for the time being.

THE LATE HONORABLE JOSEPH LUTHER SMITH

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

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

There was no objection.

Mr. BAILEY. Mr. Speaker, it is my sad duty to inform the House of the death, last week, of the Honorable Joseph Luther Smith, of Beckley, W. Va., for 16 years a Member of this body.

Joe L. Smith, as he was known, was born in Marshes—Now Glen Daniel—Raleigh County, W. Va., May 22, 1880. He attended public and private schools. Starting to work on the Raleigh Register as a "printer's devil," he later owned the publication, and served as editor and manager until 1911. He also engaged in the real estate and banking business.

He entered public life and served as mayor of Beckley for 25 years. He was a member of the State senate. In 1928 he was elected to the 71st Congress, and served with distinction for 8 terms. He was not a candidate for reelection in 1944.

While it was not my privilege to serve with Joe Smith, our paths crossed many times, and I knew and admired him.

Members who served with him will be interested to know that his son, Hulett, serves West Virginia as Commissioner of Commerce.

I extend my deepest sympathy to Mrs. Smith and her children.

Mr. Speaker, at this time I would like to ask on behalf of my colleague, the gentleman from West Virginia [Mr. SLACK], permission to insert his remarks at this point in the RECORD.

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

There was no objection.

Mr. SLACK. Mr. Speaker, with profound sorrow I announce to the membership of the House the passing on Thursday, August 23, of a former Member, Mr. Joe L. Smith, of Beckley, W. Va. He died at the age of 82 after a long and active career which brought him well-deserved recognition and acclaim both as a public official and a successful businessman.

For 16 years he served the Sixth West Virginia District which I now represent, and during the last 13 of those years he held the chairmanship of the Committee on Mines and Mining where he brought to bear on proposed legislation his close personal knowledge of the problems of the minerals industries.

His eight terms in the House, 1929–45, spanned an era in which this body was required to deal with two of the greatest threats to our national survival—the economic depression of the thirties and the Fascist aggression of World War II. During both of those critical periods he remained steadfast in his faith in our country and its people, and went about his official duties with a quiet determination which helped our ship of state maintain an even keel.

In 1945 when he decided not to stand for reelection again, he was interviewed by the press, and was asked about his continuous success, even though he had never been known to make a fiery political speech. His comments at that time reflect a calmness and conviction all too rarely found in public life. He said:

I'm no spellbinder. I never made a rash promise in my life. I've just been a neighbor to my people and I'll bet I have had more fun than any other fellow who ever served in Congress for 16 years.

If I had worried about political campaigns like the average fellow I would not have been here. I would have been dead. I never worried—and my friends always elected me.

During the 17 years since his congressional career ended he was active in banking, real estate and insurance, and maintained a keen interest in business, political, and community affairs until he became ill a few months ago. He is survived by his wife, with whom he would have celebrated a 48th wedding anniversary next month, and two sons, Joe L. Smith, Jr., and Hulett C. Smith, both of whom are leaders in the business and community life of the city of Beckley.

I take this occasion to extend my deepest sympathy to members of his family in their bereavement, and to assure them that he will be remembered here on Capitol Hill through his work in the Congress for many years to come.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent that all members of the delegation from West Virginia and other friends of Joe L. Smith be permitted 5 days within which to extend their remarks in the RECORD on the life, character, and public service of our former colleague.

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

There was no objection.

PERSONAL STATEMENT

Mr. FOUNTAIN. Mr. Speaker, I was unable to be present when H.R. 12628, the housing bill for the elderly, passed the House today under suspension. I would like for the RECORD to show that had I been present I would have voted "yea."

THE SECRETARY OF THE INTERIOR AND THE ELECTRIC POWER INDUSTRY IN THE UNITED STATES

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

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

There was no objection.

Mr. SAYLOR. Mr. Speaker, I was interested to note the other day on the United Press International news ticker that Secretary of the Interior Stewart Udall is expected to leave for the Soviet Union this week to tour Russian electric power installations. The news item

went on to say that those making the trip with Mr. Udall include: Joseph C. Swidler, Chairman of the Federal Power Commission; Gen. R. G. McDonnell, U.S. Corps of Engineers; Under Secretary of Interior James K. Carr; Floyd E. Dominy, Reclamation Commissioner; Charles F. Luce, Bonneville Power Administration; Howard Morgan, a member of the FPC; Fred Chambers, Tennessee Valley Authority; Lee White, Assistant Special White House Counsel; Paul Shaad, of the Sacramento, Calif., Municipal Utility District.

This news item was of special interest to me because I have been concerned for some time about the attitude and activities of the Secretary of the Interior and several of these other gentlemen, particularly with regard to the electric power industry in this country.

It may be remembered that at the time of Mr. Udall's appointment as Secretary of the Interior he indicated that he did not consider himself doctrinaire on either public power or private power. However, it should be noted that since taking office almost every decision he has made has been considered favorable to the public power point of view.

Now it seems he wants to make a trip to Russia to get a better view of how that totalitarian Government runs a totally controlled and less efficient electric power system.

It seems to me that if the Secretary of the Interior wants a better knowledge of the operation of a truly magnificent and efficient electrical power supply system, he better look in his own backyard, rather that spending the taxpayers' money to go half way around the world—even though it is approaching vacation time.

I wonder if the distinguished Secretary has taken the time to visit any one of the world's most efficient steam electric generating plants, because each and every one of them is located right here in the United States. The most efficient powerplant in Russia would not even make the top 10 in the United States.

According to statistics from the Federal Power Commission, these 10 most efficient plants are:

First. Clinch River: Owned and operated by the Appalachian Power Co., with a net heat rate of 8,975 British thermal units per kilowatt-hour.

Second. Dickerson Plant: Right out here in Maryland, and owned by the Potomac Electric Power Co., with a net heat rate of 9,014 British thermal units per kilowatt-hour.

Third. The Kanawha: Also owned by the Appalachian Power Co.

Fourth. The G. G. Allen plant: Owned and operated by the Duke Power Co.

Fifth. Clifty Creek: Owned by Indiana-Kentucky Electric Corp.

Sixth. Eddystone plant of the Philadelphia Electric Co.

Seventh. The D. E. Karn plant of the Consumers Power Co. of Michigan.

Eighth. Muskingum River plant of Ohio Power Co.

Ninth. Camer Plant of the Ohio Power Co.

Tenth. Tanner's Creek of the Indiana and Michigan Electric Co.

Please note, Mr. Secretary of the Interior, that each and every one of these 10 most efficient steam electric generating plants is owned and operated by investor-owned electric companies operating within the framework of free competitive enterprise, while paying full taxes to the Federal, State and local Governments, and getting their money in the open market at the going rate of interest. I think it would be safe to say that the Secretary of the Interior has probably not visited and studied a single one of the plants. Nevertheless, he now finds it necessary to take a junket to Russia to study their plants.

A previous news item pointed out that the purpose of the trip is to "study Soviet technological advances in power production and particularly transmission of large blocks of power over great distances."

It is not difficult to understand why this important spokesman for the administration on Federal power activities wants to study the Russian government's controlled transmission system, for he and other members of the administration on this junket have been actively advocating a federally controlled national grid ever since they have been in office.

Perhaps the Secretary should also give consideration to taking the present REA Administrator with him, because he is an integral part of the efforts of these Federal bureaucrats to increase the production and interconnection of Federal power. The REA Administrator in a speech before a meeting of the Western Farmers Electrical Cooperative, at Anadarko, Okla., on April 14, 1961, said:

> This administration wants Federal interties constructed to link power areas served by the big Federal hydroprojects. We have an interest in this plan. * * * The new Assistant Secretary of the Interior for Power, Kenneth Holum, has indicated a desire to work closely with REA and its representatives for the interties. These backbone Federal interties could well be first important steps toward a concept that has excited the enthusiasm of some Americans—and the indignation of others—for a number of years. I refer to the idea of giant power, which envisions interconnection of all the power pooled in the Nation with giant transmission lines."

As a further indication of the attitude of this administration, let me refer to the President's special message on natural resources delivered to the House of Representatives on February 23, 1961, in which the President said:

> I have directed the Secretary of the Interior to develop plans for the early interconnection of areas served by that Department's marketing agency with adequate common carrier transmission lines.

So now we see the spectacle of the Secretary of the Interior running off to Russia to study at first hand ways and means of further encroaching upon this Nation's progressive electric companies.

I do not say, nor do I think the electric industry itself would say that they are perfect. But as a member of the House Interior and Insular Affairs Committee for the past 13 years, I have studied the electric power supply situation in this country and I am completely satisfied that an industry which produces over 5,000 kilowatt hours per capita is far better for us than the Russian system, which produces less than 1,400 kilowatt hours per capita.

I think we would all be better off if the Secretary of the Interior and these other Federal officials would take some good advice and "See America First" rather than going over to Russia to learn some new way to federalize the world's greatest and most efficient electric supply system.

LYNDON JOHNSON, OF STONEWALL, TEX.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. GONZALEZ. Mr. Speaker, on August 27, 1908, there was born on a farm near Stonewall, Tex., the man who today serves as Vice President of the United States.

Stonewall is a small town on a beautiful, clear, rock-bottom river called the Pedernales, which in Spanish means "flint rocks." "Stonewall" and "Pedernales" are colorful names and they tell something of this rugged but infinitely pleasant part of Texas. They tell something, too, of Samuel Ealy and Rebekah Baines Johnson, the parents of our Vice President, who must have given their son much of the hardiness, stamina, and sheer love of the land for which he is so well known.

Mr. Speaker, no one can know the extent to which LYNDON JOHNSON possesses these qualities until they have seen him in his native setting. Our Vice President is known for many great and significant contributions in this Nation, but even all of these can be placed aside and the measure of this man can be seen from other worthy, but less-known attributes.

I see our Vice President as a true product of the hill country of Texas. I see his bravery in the time he snatched his family out of the death-dealing Pedernales when roaring at full flood; I see his derring-do in crossing that same risen river in a beat-up jalopy along a low water dam—just out of zest to get home the quickest possible way; I see his attachment to his roots and to the heritage of his people when he pauses at the oak guarded graveside of family members down the river from his house; I see his love of the land as he drives at sundown to flush out and count the deer and check on his stock tanks; I see the neighborliness of the man as he talks to and about those who adjoin his home; I see his pride turned away from self and vested in the condition of the coastal bermuda grass this time of year, or the sleekness of a prize bull; I see him dismissing his own legislative accomplishments and inquiring only if the beef he has raised or the sausage he has ground meets one's fancy, and I see our Vice President relaxed and at one with the

hill country of which he is a part. As we say, he is fully "simpatico" with it.

These are worthy qualities in a man, for they bespeak something about how genuine he is, and I value them in our Vice President as I would value them in any man. I believe that a man should have pride in what he is and what he does, and I, for one, rejoice that LYNDON JOHNSON has them and is at one with Stonewall and the Pedernales.

How typical it is that today while we note this additional milestone in his life, our Vice President is in some foreign corner of the world serving as our good will ambassador among people who may have a dim understanding of all our purposes but cannot mistake the firm hand and steady eye of one who is at home on all the rocky rivers of the world. I wish him well. He is a great parliamentary leader and brings credit to us and to our land.

NAJEEB HALABY'S VISIT TO SAN ANTONIO, TEX.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. GONZALEZ. Mr. Speaker, in earlier remarks to this House I stated that I was curious to know what motivation compelled Mr. Najeeb Halaby, Administrator of the Federal Aviation Agency, to make a personal attack on me in my hometown.

Several Members of the House have asked me about this statement, and in response to their queries I wish today to put in the RECORD Mr. Halaby's personal attack on me while visiting in San Antonio. This occurred on May 18, 1962, almost a month before I appeared before the Subcommittee on Independent Offices to protest what Mr. Halaby proposed to do in moving the San Antonio ARTC Center to Houston. It occurred before I made any statements or inquiries about his personal conduct of his office.

I insert this information just as it appeared in the San Antonio News as written by the able columnist, Mr. Paul Thompson, on May 19, 1962:

(By Paul Thompson)

Najeeb E. Halaby, the Federal Aviation Administrator, was anything but a diplomat while visiting San Antonio yesterday.

He managed to alienate some 30 of the town's leading citizens, including the mayor and chamber of commerce president, and he flatly refused to give pertinent information on why the 280-job air traffic control center will be shifted from here to Houston.

Most of those who tried to reason with Halaby at International Airport were astonished at his failure to behave with even rudimentary courtesy.

DIFFIDENT

Local officialdom would never have known of the FAA man's visit if Congressman HENRY GONZALEZ hadn't tipped them beforehand.

Men like Mayor McAllister, Mayor Pro Tempore Walter Gunstream, Chamber of Commerce President Jim Gaines, Banker Tom Frost, Jr., Bill Pope, and Melvin Sisk went to the airport to meet him.

Halaby acted as if he didn't want to talk to anybody, according to Sisk.

STARTS HERE

The control center went into a new building behind Scrivener's on Broadway nearly 3 years ago.

This same FAA authorized a 10-year lease of the building on grounds it should function in San Antonio.

Just recently the FAA announced that the center would move to Houston, along with the one now operating in New Orleans.

The reasons given were economy and safety.

CRUSTY

Mayor McAllister and the others hoped to discover why Halaby reasoned that moving the control center to Houston would effect economy or promote safety.

The visitor never did come up with an explanation.

Instead, he crossed verbal swords with the mayor, Frost, Sisk, Gaines, et al.

"His attitude," declared Sisk, "seemed to be that he had made a decision and no one should bother him about it."

OBJECTIONS

Sisk pointed out that Houston is the only city in the country where a new building will go up to house control centers for other cities.

"Taxpayers will have to pay 10 years rent on the present building here, and the building in New Orleans must be vacated. I don't see how that, plus putting up another structure in Houston, adds up to economy," he said, adding:

"As for safety, there are more flights here than in Houston, taking military planes into account."

LETTER

Congressman GONZALEZ wrote Halaby a letter April 12 asking for a full explanation of the forthcoming shift. He got no answers.

The Administrator said yesterday that GONZALEZ will be answered, though he did not say what was taking him so long.

He took occasion to call GONZALEZ "a freshman who is acting like a freshman."

DISAGREES

In general, Halaby was high-handed, discourteous, arrogant, and uncooperative. At one point, according to Banker Frost, he referred to the control center affair as so much squabbling "between Texas cow towns."

Those who went out to see him certainly had a right to ask why the FAA put the control center into a new building here less than 3 years ago, installed up-to-the-minute equipment, authorized a 10-year lease, then suddenly decided to drop the whole thing for economy reasons.

"We weren't there to protest," said Chamber of Commerce President Gaines. "We wanted to know the basis on which this decision was made. We felt we had the right to know."

Mr. Halaby didn't agree.

MARKING OF PADEREWSKI'S GRAVE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Delaware Mr. MCDOWELL may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. MCDOWELL. Mr. Speaker, no word of homage, no identification marks the resting place in Arlington Cemetery of Ignace Jan Paderewski, Polish pianist, composer, statesman. He has rested there 21 years unacknowledged in a land which should treasure, which should cultivate his memory. From the late years of the 19th century until his death in 1941 America enjoyed concert after unforgettable concert of the pianist Paderewski—performances which revealed the highly trained and original mind of the artist. His operatic and instrumental compositions are well known and well loved; his skill and versatility as a composer cannot be challenged. But above all, it is his patriotism that we can never forget; for in spite of his deep devotion to music Paderewski interrupted a spectacular career as concert pianist when his beloved country of Poland needed his service.

Upon Paderewski's death in New York City in 1941 his body was placed in Arlington National Cemetery with the plan that when Poland once again became free he would be moved to his home country. The plan still holds. We are certain that the Polish people will one day throw off the yoke of Communist oppression, for the desire for freedom burns as brightly as ever in the Polish soul. But until such time is it right that the grave of this great artist and statesman remains anonymous? Should we not somehow show the world the affection and respect our Nation feels toward this great artist and public servant? Could we not set up some reminder that we are holding his remains in trust until his own country has achieved the goals he worked so hard for during his lifetime? I submit that we can. A simple identifying marker on his tomb would indicate that America has not forgotten Paderewski. It would serve as a token of our continuous respect and affection for him and would remind the world of our temporary trust. It would also remind the world that we have not forgotten President Wilson's demand in 1 of his 14 points: the creation of a united, independent, and autonomous Poland.

The creation of an independent Polish state was as important to Paderewski as his musical career, and his success as a musician of worldwide renown never caused him to forget his own country. When World War I broke out, he interrupted his musical career to dedicate himself to his country's service. In 1914 he became honorary president of a nonparty group of Poles who organized a "General Committee of Assistance for the Victims of the War in Poland." In this capacity he established branches in London and Paris and then went to the United States where he spent nearly 4 years championing the Polish cause and recruiting and organizing a hundred thousand Polish independence fighters.

After the armistice was reached he returned to Warsaw where he succeded in forming a coalition ministry of which he became Prime Minister and Minister of Foreign Affairs. He regularized the international position of Poland by ob-

taining recognition from the various powers. He suppressed the military groups which hindered national unity, and he obtained authorization from the Diet to form a national army. Paderewski was Poland's first delegate to the Paris Peace Conference in 1919, and thus he also played a role in the settlement of European affairs.

After the creation of the independent Poland which was his goal he resigned from office in 1919 to resume his musical career, and again he met worldwide acclaim as a brilliant artist. With Hitler's invasion of Poland in 1939, however, Paderewski was once again recalled from his career to serve his country, and once again he responded unselfishly. He immediately began raising funds for the defense of Poland, and he contributed substantially to this financial cause himself. In 1940 he accepted the presidency of the Polish Parliament in Exile, although his health was poor, in a final effort to win the battle for Polish freedom. But he had already reached the age of 79 and his strength had been exhausted by his untiring efforts for the freedom of his countrymen. He died on June 29, 1941, and was buried in Arlington Cemetery.

America and Poland both mourned his death, for his life was a continuing inspiration to all who knew of him. His unswerving devotion to human freedom and his indefatigable efforts for his country are unsurpassed. He serves as an example and an inspiration to the Polish people of how the individual can contribute to his country through undying faith in human freedom and through active dedication to achieving this goal. He saw his country become free at the end of the First World War only to be enslaved again two decades later. May his spirit once again see a free Poland emerge from Communist oppression. The indomitable spirit of his people, the Poles, we know, will not be subdued by totalitarianism. The remains of Ignace Jan Paderewski will one day be returned to a free Poland. But until such time, let me repeat, it is fitting, it is requisite that we place a simple marker on his grave in Arlington to show the world our respect an affection for this great man and patriot and to remind the world that his task has not yet been finished.

I have discussed this matter with the White House and I hope soon to have an official decision regarding it.

Brig. Gen. Fred C. Weyand, Acting Chief of Legislative Liaison, Department of the Army, recently suggested that the feasibility of having Paderewski's remains "properly interred in a location where appropriate memorial is possible might be investigated."

It is my earnest conviction that this matter must now be resolved in a way that will do honor to all.

We cannot delay any longer.

REDEVELOPMENT LAND AGENCY PUTS THE SQUEEZE ON PARKING IN THE DISTRICT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. KOWALSKI] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. KOWALSKI. Mr. Speaker, a situation has been brought to my attention in which, I feel, the public interest is being subverted to the possible gain of a few individuals. And the principal culprit is an agency of the U.S. Government itself.

Specifically, on Virginia Avenue between 9th and 10th Streets SW., there is a large vacant lot owned by the U.S. Government. It is capable of parking several hundred automobiles. For a number of months, construction workers and laborers who work on Government projects in this area have been using this lot for that purpose. On August 15, they were summarily informed by this Government agency that they could no longer use this area on penalty of arrest.

In calling the controlling agency, the Redevelopment Land Agency, I was informed that it had leased several other lots in the vicinity to private parking concerns. I was told that these private concerns had complained that they were losing business because this large lot was being used free of charge. I was also told that this lot was to be used only for Government employees' cars. At this date, some 20 automobiles of Government employees use this facility, leaving several hundred spaces unused.

In catering to these complaints from the lessee parking concerns, this Agency has added the profit squeeze to the District's parking problem—already a growing monster—as well as squeezing the local citizenry out of the use of vacant Government land.

Is this serving the public interest, Mr. Speaker? Where is the concern for the taxpayer, the ordinary workingman? We are all very well aware how critical the parking problem is in the District of Columbia. A little thoughtful foresight on the part of the Redevelopment Land Agency could go a long way toward alleviating this problem.

I would urge that all Government-owned property, which can be used for parking, be made available free of charge to those citizens who work in the District and have need of such facilities. The few paltry dollars that the U.S. Government earns from leasing such lots to private concerns, certainly does not outweigh the right of the taxpayer to the use of unused Government land.

In the specific instance I have described, I fail to see how arbitrarily ordering that a large lot remain vacant serves either the interest of the citizens of the District or of the U.S. Government. And I see no compelling reason why the public interest cannot be served.

I would hope that my colleagues in the Congress will also take an interest in this matter, for small as it may appear it is causing a senseless and unnecessary inconvenience to many of our citizens.

PUBLIC WORKS ACCELERATION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. SLACK] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. SLACK. Mr. Speaker, the House will soon be called upon to express its will on the pending Public Works Acceleration Act, on which a rule was granted last week. This measure is the outgrowth of a proposal by the President which was transmitted to the Congress in February.

The original proposal by the President was made on the basis of a conviction that our economic growth process could be made much smoother if the Congress were to authorize a standby program of public works construction. It was an antirecession proposition primarily, with $2 billion worth of public works activity to be generated at such a time as might be considered desirable when various economic indicators began to record declines.

Experience has pretty well proven that there is an unavoidable time lag between the congressional adoption of antirecession measures and their implementation as applied to any protracted business decline which fosters employee layoffs. The elimination of this time lag was one of the major objectives of the bill as originally conceived.

The proposal was taken up by the Senate, and after due committee consideration a bill was reported and passed on May 28 by that body. The Senate bill provided $2 billion in standby public works authority, to become operative when a sharp rise in unemployment was recorded and it became apparent that unusual action would be required to reverse an economic decline.

The Senate added another feature, however, in the form of immediate authorization of a $600 million public works program to be initiated in those areas which did not entirely share in the recovery from the last recession. This provision brought to the bill some of the characteristics of a limited Area Redevelopment Act.

Four months ago the House Committee on Public Works began consideration of the proposal. Even before the first hearings were scheduled, prominent members of the minority were widely quoted to the effect that they would oppose, unalterably and forever, the granting of standby public works authority to the President, and would insist that all such authority continue to rest with the Congress.

Their views were influential, inasmuch as the House Committee on Public Works reported out a bill, H.R. 10113, which contains no standby authority whatsoever, but simply authorizes appropriations of $900 million to accelerate construction of Federal, State, and local public works projects immediately, and stipulates that the projects must be located in areas eligible for aid under the Area Redevelopment Act, or which have had substantial unemployment during the past year.

The original purpose of the proposal—that of an antirecession tool—has

been lost completely, and the connection between massive public works programs and the ebb and flow of our business cycle has become wholly obscured.

Most recently, in the weeks since H.R. 10113 was reported out, we have been treated to a wave of oratory which expresses a solemn conviction that now the House should defeat the bill, because it has no antirecession value; it is simply a huge public works pork barrel which will be exploited by the present administration for partisan purposes. Those most active in undermining the original principle are now most active in deploring the loss of the principle and demanding defeat of the bill.

The Public Works Acceleration Act appears to have become part of a foolish and dangerous game of Russian roulette which some of my colleagues like to play with our economy. In the wider ranges of that game, they calculate the effects of a recession on the next Presidential election. In the middle ranges they broadcast publicly how many congressional seats the minority will gain at the election this November, and weigh out loud the ratio between the number of administration proposals defeated in this Congress and the prospects for the minority to gain control of the next Congress.

We are not playing a game of chance, however. We are dealing with certain tangibles which have defied proper solution ever since the end of World War II. Our business cycle does rise and fall, and it does respond to Federal spending. But the principle involved in the standby public works proposal may or may not be valid. We do not know, because we have never tried it, and we cannot know until we do.

We do know what happens when a recession strikes us while the administration lacks suitable plans and authority to take countermeasures. We saw that in 1958–59, and we were treated to a $12 billion deficit amassed by an administration supposedly dominated by hardheaded businessmen who could operate on proven business principles.

The fortunes and prospects of the public works acceleration proposal have bounced up and down like a yo-yo during the past 6 months, in response to every total employment forecast, every gross national product estimate, every stock market gyration, and every pronouncement by every professor who ever served in any capacity in the Federal Government. Within the past week we have had solemn, authoritative statements that we are "on the verge of a major recession," that the economy has "leveled off, but on a high plateau," and that business anticipates "steady gains at least until mid-1963."

Our obligation in considering matters of this kind is not to try to outguess the economic indicators, but rather to take what we know has happened in the past and use it as a yardstick for action now—to repair the roof while the sun is shining, as the President stated it originally. It is high time for us to reorient ourselves about the whole proposition.

The purpose of the public works standby proposal was not to create a pork barrel, or to undermine the authority of Congress in public works authorization, or to create a new bureaucracy, or to intrude the interest of the Federal Government more heavily into State and community affairs.

The main underlying purpose was to seize those occasions when we experience a business decline and exploit them through public construction programs both to generate temporary employment and to improve our public facilities. This, in turn, would render our communities more attractive, so that new markets might be found and new private capital investment might be encouraged to present itself, thereby countering recession tendencies. It is an extension of the same conviction which brought millions of dollars worth of electric appliances sales to those residing along powerlines strung by the Rural Electrification Administration, and billions of dollars worth of automotive sales as a result of the Federal aid highway program.

Before we allow ourselves to be sidetracked by more delightful anticipation of the way we will inflict defeats on Presidential proposals, it would be well for us to review some established trends recently published by the Bureau of Labor Statistics, trends which are disquieting and are not subject to partisan manipulation:

First. During the next 10 years there will be gains in output per man-hour in certain industries which will lead to decreases in employment of about 100,000 workers per year. This total is in addition to total worker losses which will be recorded in other industries where total output will decline or remain relatively stable.

Second. There will be 1 million net additions—new workers—to the labor force each year during the next decade.

Third. We have presently 67 million employed persons. If output-per-man-hour were to increase 3 percent per year, then our gross national product would need to increase at a rate sufficient to provide 2 million jobs per year through capital expansion, just to retain the same level of employment we have today.

In the face of this knowledge, the standby public works proposal offers us a clear choice between two roads we can follow:

First. We can do nothing to recognize the situation and can oppose the public works program. This simply means that we will inevitably be required to adopt some hasty makeshift public employment program later when there is a business downturn, or perhaps only when the working force begins to far exceed the job opportunities.

Second. We can take a stand for a deliberately programed public works effort, sanctioned and engineered in advance of the day of its need, but only implemented now to a limited extent.

Recent history has demonstrated that without strong urgings—tax adjustments, tariff and trade changes, and the like—our business community will not expand rapidly enough to provide job opportunities for the new entrants into the labor force plus those displaced by automation. This is not necessarily a weakness in our system.

We all want to maintain a vigorous enterprise society characterized by great flexibility, with a capacity to grow in any direction at any time or in all directions simultaneously, as dictated by demand. We want that society to be responsive to cost reduction generated by technological advance. We must realize that a necessary part of this process is the periodic temporary dislocation of employment opportunity caused by the diversion of energies and capital investment into newly developed fields of production.

The role of programed capital public works in this context is one whereby we raise our standard of living and increase the facilities of our communities so that we help open new areas attractive to entrepreneurial risk.

Within the traditional American approach to economics it would be no more possible to stabilize our economy completely than it would be to stabilize a bowl of mercury. We must, in fact, avoid any Government action which interferes sharply with the decision-making process in business management. The stabilization process produced famine and tragedy in China recently, and after 45 years in the Soviet Union has produced an economically backward nation, far less developed than the European countries, and attempting to hide behind flashy space exploits which produce absolutely nothing for the Soviet people.

The choice then seems quite clear: Either public works programed and pursued in a businesslike, efficient fashion during the lulls in our economic expansion drive, or an endless series of hasty and expensive efforts to provide subsistence for those affected whenever we encounter a downward business spiral.

It is a situation we must grapple with to a final conclusion one day, and we are well-positioned to take proper action now.

NATE GROSS, THE MAN WITH A FRIENDLY SOUL

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. LIBONATI] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. LIBONATI. Mr. Speaker, the press has given rise to many great literati of the written word—men who penciled their impressions of the lives of individuals, importance of events, and controversial subjects in issue with a vividness and clarity comparable to the master strokes of a painter's brush. The unique style of the individual writer and his analytical perceptiveness gained for each public notice and individual acclaim. Such a columnist was the late Nate Gross of the Chicago American, born in Chicago on the Northwest Side, colloquially called "Bucktown." He loved people and their doings, and throughout his entire career, never wrote a damaging line about anyone.

Nate entered the newspaper field in 1929 after his graduation from Chicago Law School. He covered police courts as a reporter "on the beat" for the Associated Press and Times. Later he joined the staff of the Chicago American in 1933 and was assigned to the Criminal Courts Building.

It is said that everyone's personality is subjected to and influenced and molded by life's experience—and Nate believed this to be true. He said that the hundreds of unfortunates of the common run of offenders brought into the municipal and criminal courts were a social study in human psychology.

He was a kindly, considerate, and friendly man to begin with—and so these studies of human behavior in the raw developed in him a deeper sense of humility in judging humankind. He looked upon the underdog as a friendless person searching for advice, and as a victim of despair whose spark of hope for the future was dead. Nate did something about that—he gave a helping hand and became a friend.

He numbered hundreds of policemen among his closest friends, especially Capt. Frankie Pope, now retired, formerly commander of the police in Chicago's first district. Civic leaders, politicians, judges, lawyers, businessmen, and celebrities of the stage, screen, and cafe society called him by his first name.

I have known Nate Gross for many years. He covered many notorious criminal trials, both at the Old Courts Building and at the present criminal court at 26th and California Avenue, Chicago, Ill. His own collection of reports of the celebrated criminal trials and incidents depict the history of the fabulous twenties and the characters of that era.

It was Nate Gross who was famous in that period of newspaper headlines for always being at the scene. If there was an interview with the defendant to get—he delivered to his sheet. The fellows were around the Criminal Courts Building one day talking of days long ago. How men of a different breed weighed out justice—more on the practical side of life's experiences. When humor and pathos swing jurors as actors with an audience.

Many of Nate's friends of the early days are gone now—passing through the gate of destiny to the promised land—Boensinger, Chicago American; Hildy Johnson, Morning Examiner; and Jim Doherty of the Tribune; Art Summerfield, Clem Lane, and Enoch Johnson of the Daily News. The now-retired, distinguished George Wright of the Chicago Daily Tribune, and Ted Todd, retired of the Chicago American, and Congressman Roman Pucinski of the Sun Times were celebrated reporters of that era.

The members of the famous criminal bar at that period were Miles Devine, Patrick O'Donnell, Clarence Darrow, Frank McDonald, George Crane, Wilbur Crowley (Judge), Erbstein, Brodkin, Bellows, Petrone, Stewart, Nicosia, Love, Bulger, Brody, E. M. Libonati, Busch, Meyers, the Devine brothers, Schultz, Barbaro, Scalise, the Stillo brothers, Altieri, Billy Smith, Ropes O'Brien, Milton Smith, Michael Romano, Emmett Byrne, Harold Levy, Judge Austin, Alex Napoli, Congressmen Edward Finnegan, and Barratt O'Hara.

Among the outstanding members of the bench were O'Connell, Dougherty, Butler, Crowley, Hartigan, Lupe, Sharbaro, Pope, Cilella, Barth, Geroulis, Cornelius Harrington, Morrissey, Quilici, Greene, Dunne, McDermott, Chelos, Drucker, McSweeney, Kula, McCormick, Covelli, Austin, Weiss, Padden, Casey, Normoyle, Wells, Dempsey, Barry, Robson, Holmgren, Roberts, Kluczynski, Ward, Burke, Bicek, Tucker, Leonard, Kiley, Touhy, Lyons, Adesko, Stanton, Helander, Jacobs, Hayes, and Rooney.

Whenever Nate met a man of brilliant mind and high principle humbled by a sincere desire to contribute his worth to the public problems at hand—he felt rewarded and exalted in whatever way his journalistic capacity could contribute to the individual's career. On the other hand, he knew too well the average professional "headline grabber" who seasoned to the public's fickleness and hardened to its sense of ingratitude—Nate sensed his unfitness, weighed his cold unconcern for the scandal caused by the acceptance of temptation, and wearing a mask of innocence paraded about with statesmanlike importance. Nate knew of all their shady maneuverings, false approaches, phony protestations—but the information elicited from this type was the "tipoff" before time of many important news stories—headline material, and so he gave his services more or less to each.

Nate Gross was a gentle soul who seldom permitted himself to become angered or excited. He spoke in soft tones and listened intently to anyone who stopped to talk with him.

Nate had a warm, sweet feeling heartfelt in depth for the friendship and confidence of the real leaders of men. He was always anxious to search his mind and heart to serve them. Nate himself was a lawyer by training—and in his logical mind he set each up on a pedestal to admire—he could honestly abandon the critical attitude of the professional reporter. He lived happiest when he could aggrandize the importance of real leadership in a world that the public should be informed of the work and contributions made by men in public life whose importance will never die.

Mr. Gross, as does every distinguished columnist, had enemies in newspaper circles, but he had more friends.

Being human, he had faults. The faults were of the heart kind, the virtues of both the heart and the head. He sometimes made mistakes of judgment, but was a sage in his political activities. As a writer there were few instances of any errors, but when he failed, it was due to his true loyalty to a friend or to one in whom he was interested and owed his consideration, and he never lacked courage to maintain and defend his convictions and contend for what he believed to be just. It can be said that he was reckless as to consequences; yet when he was convinced that a thing was right, he would make the fight on that basis without regard to what the result might reflect on him, either as a columnist or as an individual.

Even those who did not always agree with him realized this and declare it to be true.

He never resorted to trickery or indulged in newspaper politics in the upbuilding of his career. He was never guilty of pettiness or mean acts. As Gross was big physically, he was big in other ways.

His striking characteristics were frankness, sincerity, courage, and common sense. He had great mental powers to discern public opinion and determine the crux of the solution of a public question. Gross knew his own abilities—when he thought that he could use his abilities to the advantage of his friends, he did so.

He lived in polite luxury at the Blackstone Hotel on Michigan Avenue in its palmy days, and always gave the proprietorship and hotel personnel the most favorable publicity and respect.

He made a deep impression upon the ever increasing citizens of the ethnic groups by writing profusely of their customs and incidents experienced by him in his world travels.

He gave praise where praise was due without regard to the individual's negative social status or questionable acceptance by moralists and reformers—other columnists were afraid to touch upon these sensitive areas of publicity.

He wore his heart on his sleeve and was very sensitive to any hurt directed against him. He was sincere, candid, and earnest in his journalism as well as in his political convictions.

Memory of Nate Gross dwells sweetly in all the minds of those who knew him, and an unusual and sentimental incident is recalled in connection with the first anniversary of his death last year at the dedication of his monument. Services were held at the grave site. A distinguished banker and businessman from Chicago with tears in his eyes told me that Nate had loaned him his entire fortune—a goodly sum—at a time of grave crisis and dire necessity in his financial affairs, without a note. That he had paid back the loan a short time before Nate's death. The money had saved him from bankruptcy. Nate's action in this instance attests to his deep sense of loyalty and generosity to his last dollar toward his friends, leaving the financial worries for tomorrow as a matter of personal economics.

If the future museum for celebrated journalists cited for their work and selected as famous newsmen, Nate Gross would be there represented in marble or bronze in recognition of his dedication to the highest principles of brilliant journalism. His fearlessness in defense of the underdog was one of his most conspicuous traits. As the years roll by, Gross will live longer in the memory of the citizens of Chicago through his magnificent writings in defense of the unwanted, the unwashed, and the unappreciated characters of his time.

Nate did more than his share to place the journalist in his proper niche before

the public mind. He fought all the way for clean and straight-to-the-truth journalism. He did not believe that to be friendly to the individual or the masses, forced you to sell your publisher or editor down the river. He felt that friendliness was a certain medium for the stimulating sources of news. And with him it worked. He had a high code of ethics—off the record meant a secretive and honored confidence which he kept.

Not all men can be fully understood or appreciated in their lifetime. Contentions and passions must be carried away with the mortal parts to the cemeteries before situations can be intelligently revolved in the mind.

In his personality, Nate Gross was a most engaging man, and everyone loved him and mourned his passing.

May God bless this fine character of His likeness and keep him forever in the mansions of His glory.

HON. THURGOOD MARSHALL

The SPEAKER. Under the previous order of the House, the gentleman from Pennsylvania [Mr. NIX] is recognized for 10 minutes.

Mr. NIX. Mr. Speaker, the delay in the confirmation of Mr. Thurgood Marshall is an international disgrace and a national calamity. The obstructionist tactics of a reactionary minority confirms the charges of our enemies that restraints can be placed upon the democracy we expound and nullify justice whenever the Negro is involved.

The President named Mr. Marshall last September 23 to fill a vacancy on the Second Circuit of the Court of Appeals which embraces New York, Connecticut, and Vermont and, since last October Acting Judge Marshall has sat on an interim basis under a recess appointment. Hearings were delayed until May and since then six sessions to debate his qualifications have taken place.

Mr. Speaker, we find in Mr. Marshall a legally able citizen of the United States and one who is uniquely qualified for the highest judicial appointment. Permit me to enumerate some of these qualifications. Immediately upon completion of his academic training in 1933 Mr. Marshall was admitted to the bar of the State of Maryland and he practiced in Baltimore until 1938. In 1939 he was admitted to the U.S. Supreme Court and thereafter to the U.S. Circuit Courts of Appeals for the Second Circuit, Fourth Circuit, Fifth Circuit, Sixth Circuit, and Eighth Circuit and numerous U.S. District Courts.

In the meantime Mr. Marshall had become counsel for the Baltimore City Branch of the National Association for the Advancement of Colored People in 1934 and advanced to assistant special counsel in 1936. In 1938 he was appointed special counsel in active charge of legal cases to secure full citizenship rights for Negroes. From 1950 until his nomination by the President last fall, he served also, as the director-counsel of the NAACP Legal Defense and Educational Fund, Inc., in charge of the program of legal aid and assistance to worthy Negroes being denied rights guaranteed by the Constitution of the United States.

As chief legal officer of the NAACP Acting Judge Marshall has appeared before the Supreme Court of the United States and the Federal and State courts for most of the States of the South. In the U.S. Supreme Court, Mr. Marshall has argued or prepared briefs with the cooperation of NAACP lawyers in all NAACP cases affecting constitutional rights of Negroes from 1938 to his recent nomination for judge of the Second Circuit Court of Appeals. He has appeared 32 times before the U.S. Supreme Court, winning 29 and losing only 3.

This record represents an amazing and meteoric rise in the legal profession, in the respect of the bench and the bar, and in the admiration of the American people. History may accord him a very special place for his role in the legal evolution of the rights of man in the United States.

Mr. Speaker, it, therefore, becomes crystal clear that the issue before us is not Mr. Marshall's professional competence, nor his loyalty as a citizen of the United States, nor his integrity, but rather it becomes quite evident that he is being opposed solely because, through his earnest endeavors and tireless efforts a myth has been exploded; because a vicious practice born of the slave system and nurtured since the Reconstruction period—a practice which continued brutalities and injustices against the Negro—is now being struck down.

Mr. Speaker, I, therefore, say in concluding these remarks, if we sit idly by and allow this confirmation of Acting Judge Marshall to be further delayed; if we permit this appointment to become the subject of further obstructionistic tactics; if we tolerate the efforts of hostile forces to place a cloud of suspicion upon the name and reputation of this outstanding American, then we all become a party to one of the most vicious conspiracies ever engaged in by officialdom against the interest of this great Nation.

May we exercise our positive influence to complete this unfinished task and get along with other pressing business of state.

BACKGROUND ON LAOS

Mr. ARENDS. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. LAIRD] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. LAIRD. Mr. Speaker, on August 13, 1962, I inserted in the CONGRESSIONAL RECORD my letter of July 24 addressed to Secretary of State Rusk in which I raised certain questions regarding the 1962 Geneva Agreements on Laos. On August 10, 1962, Assistant Secretary of State W. Averell Harriman replied to my letter at some length. His reply was inserted in the CONGRESSIONAL RECORD by me on August 13 and can be found on page 16274. This morning I have answered the letter from Assistant Secretary Harriman and under unanimous consent I am having my answer printed in the CONGRESSIONAL RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington D.C., August 23, 1962.

The Honorable W. AVERELL HARRIMAN,
Assistant Secretary of State, Department of State, Washington, D.C.

My DEAR MR. HARRIMAN: Thank you for your letter of August 10 responding to certain questions I had raised about the Lao peace treaty.

In candor, I must state that your letter has heightened the fears which led me to write to Secretary Rusk in the first place. I agree with the perceptive reporter Richard Starnes that the administration's justification of the agreement of July 23 on Laos is "another fable * * * added to the dangerous mythology that is the foundation for much of what passes for American policy in southeast Asia." I think that Mr. Starnes is right in saying, "To believe the Communist world means to keep the peace in a neutral Laos, one must first believe Communist policy has undergone a sharp and total reversal since the disgraceful rout of the United States-backed royal Lao Army at Nam Tha in May. This was the final disaster for the West in Laos, the ultimate proof of the bankruptcy of our policy, and it was a Communist victory as decisive as Dien Bien Phu."

Your letter assures me that "the Communists have agreed to respect the sovereignty, independence, unity, neutrality, and territorial integrity of Laos." I find this flat assurance incredible in one who had direct personal experience with the Communists at Yalta. Have we not learned from this experience and many others since World War II that promises of this type made by the Communists are valueless?

The declaration and protocol on neutrality in Laos establishes a troika composed of Communist Poland, neutralist India, and Canada to supervise the execution of the agreements. When the Soviet Union proposed the establishment of a troika to handle the duties of the Secretary General of the United Nations, President Kennedy quite properly said: "To install a triumvirate in the United Nations administrative offices would replace order with chaos, action with paralysis, and confidence with gross confusion." It seems to me that the same results, against which the President warned, can be expected from the installation of a triumvirate to supervise the execution of the Geneva agreements.

Further, the troika which is responsible for supervising the execution of the declaration and protocol is the same one which failed in the performance of a similar responsibility with respect to the Geneva agreement of 1954. If this three-member International Control Commission had done its job after 1954, there would have been no Communist aggression in Laos or Vietnam—and no need for new agreements in 1962.

You write that the "general rule (applying to the work of the International Control Commission) * * * is that decisions of the Commission are made by majority vote." But article 14 of the protocol clearly states that "decisions of the Commission on questions relating to violations of articles 2, 3, 4, and 6 of this protocol or of the cease-fire referred to in article 9, conclusions on major questions sent to the Co-Chairman and all recommendations by the Commission shall be adopted unanimously." The articles of the protocol specified in this sentence cover the entire range of the authority granted to the International Control Commission—the withdrawal of foreign troops from Laos, the prohibition of the introduction of more foreign troops and of arms, and the maintenance of a cease-fire in Laos.

It is true that the Commission may by majority vote undertake investigations, but article 15 of the protocol clearly declares, "The conclusions and recommendations of the Commission resulting from investigations shall be adopted unanimously."

Consequently, I cannot accept your statement that the general rule is that the Commission will act by majority vote. On the contrary, the general rule is that the Commission can act only by unanimous vote, including the vote of Communist Poland.

In fact, the veto is stitched into every part of the fabric of the incredible Geneva agreements. It is given to Communist Poland as a member of the International Control Commission. It is given to Prince Souphanouvong, the Communist representative in the troika which rules Laos, without whose concurrence the Control Commission cannot exercise any of its functions.

I am hardly reassured by your statement that a vote on the part of one of the members of the International Control Commission is not final since the 14 signatory nations can "consider measures to be taken to ensure observance of the agreements, regardless of the decisions or recommendations of the Commission itself." I find it hard to believe that the Soviet Union, Communist China, North Vietnam, Poland—and all signatories of the agreements—can be expected to take corrective action when a violation of the agreements by the Communists occurs. Indeed, press reports indicate that the agreements have already been violated by the movement of Communist forces from Laos into South Vietnam. Yesterday noon the deadline on agreeing to exit routes for foreign troops to get out of Laos expired. Already the treaty will be violated.

The negotiations at Geneva were an unbroken retreat by the United States from positions which our President, our Secretary of State, and our Government had taken over the past 12 months. President Kennedy in March 1961 said that he would not permit Communist aggression to succeed in Laos. Secretary Rusk said that he would not sit down to negotiate in Geneva until there was an effective cease-fire in Laos. Mr. Rusk said the Lao control body "should not be paralyzed by a vote." You yourself sought to include in the protocol a provision requiring the integration of the three armies in Laos. This was not included. You sought to include a provision prohibiting reprisals against the Lao who fought against the Communists at the urging of the United States. This was not included. The fate which these Lao allies of ours now face can be judged from the reports that the recently freed American prisoners give of their treatment by Communist captors.

The disappointment which our Nation experienced at Geneva is understandable. But when responsible spokesmen for our Nation return from Geneva to tell us that this defeat is really a victory, to assert that peace has thereby been made more secure, to profess confidence that the Communist aggressors will keep their promises, their behavior is so like that of Neville Chamberlain at the time of Munich that it should send cold chills down the spine of all whose memories go back to the 1930's.

Prime Minister Chamberlain said of Hitler at the time of Munich "* * * here was a man who could be relied on when he had given his word." The Washington Post of July 26, 1962, reported "W. Averell Harriman, former Ambassador to Moscow, says he trusts Soviet Premier Nikita S. Khrushchev to keep his word in carrying out the Geneva agreement guaranteeing the independence of Laos."

Every effort is made by me to support our foreign policy on a bipartisan basis. To ask me or the members of my party to support your actions regarding Laos which were directly opposite to the pronouncements of our President and our Secretary of State is most difficult to understand.

With best wishes and kindest personal regards, I am,

Sincerely yours,

MELVIN R. LAIRD,
Member of Congress.

CONGRESSIONAL INVESTIGATION

Mr. ARENDS. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CURTIS of Missouri. Mr. Speaker, I am inserting into the RECORD two editorials from the St. Louis Post-Dispatch and one from the St. Louis Globe-Democrat commenting upon the investigation being conducted by a subcommittee of the other body into the Federal mineral stockpiling program.

The issues raised by the three editorials with some conflict of viewpoint are of serious concern to the entire Congress and to the citizens of our country. Regrettably under the rule of comity between the two Houses of the Congress, a rule which for other important values is sound, I cannot comment in the CONGRESSIONAL RECORD to the extent deserved on the actions of the subcommittee and the members of this subcommittee.

I can commend the editors of the St. Louis Post-Dispatch, however, for the objective manner in which they have presented the issues involved to their readers. All too often the public commentators on the Washington, D.C., scene further becloud the issues by personifying them into good guys and bad guys, instead of clarifying them.

The kind of objective commenting, and questioning, contained in the two Post-Dispatch editorials is exemplary and will do much to further the cause of public understanding from whence comes intelligent public discussion and debate. It is out of this kind of public exchange of views that we are most likely to come up with intelligent answers to the public policy we should be following in respect to important issues of the day.

The Post-Dispatch editorials would have been improved had they pointed out the difference in the problem confronting a proposed Secretary of Treasury divesting himself of his security holdings to reinvest them in neutral investments, that is, in investments which would be as little influenced by the decisions he would be required to make as a public official as possible, and other potential officeholders. The Secretary of Treasury cannot transfer his investments into either Government bonds or bank liquidities; these kind of investments are by no means neutral as far as his official duties are concerned. The best that a Secretary of Treasury can do is to freeze his investments, that is, to neither buy nor sell during his tenure of office, or turn them over to an independent trustee to invest and reinvest.

I believe the St. Louis Globe-Democrat editorial in its discussion loses sight of the fact that much testimony has been adduced by the subcommittee which tended to degrade the former Secretary of Treasury, which had been made public. In 1957 I was pleased to see, and was of some assistance in bringing about the reform in the House rules relating to testimony adduced before a House committee which tended to degrade a person. The new House rules provide that such testimony must be taken in executive session and can only be made public upon the vote of the committee and even then the person involved has certain rights of presenting his side of the story before anything is made public.

The American Civil Liberties Union earlier this year—see my insert in the daily CONGRESSIONAL RECORD, August 8, pages A6059–A6061—commented upon the actions of the FCC in the Kroker Baking case in pursuing an investigation in Indianapolis, in public. The American Civil Liberties Union pointed out that the FCC, and this principle applies to congressional committees, was in effect utilizing the powers of a grand jury without any of the civil rights safeguards that have grown up over the centuries to temper the great powers of grand jury investigation with the rights of individuals against unfair public degradation.

Unfortunately, the congressional powers to investigate in our most recent years have been brought to the public conscience almost exclusively as they were being exercised in investigating alleged un-American activities. Those who were most active in attacking the congressional powers to investigate sought to confine the public's attention to the issue of Communist infiltration. The criticism of these people apart from much unfairness was gravely unbalanced because of this concentration. Congressional investigations of alleged national crime, alleged national labor racketeering, alleged national improper pricing of drugs and in other fields were in violation of the same principles allegedly violated by the committees investigating Communist infiltration. The organized group of critics of the HUAC failed completely to relate their criticism in this context.

The emotionalism flowed in great waves in two opposing directions. The emotionalism of those who were concentrating upon the rights of individuals was in some respects surpassed by the emotionalism of those who were concentrating upon the dangers of communism infiltration. The excesses that flowed from both groups served as momentum to increase the emotional reactions of the other.

Those who seek to handle the important and basic power of congressional investigation with proper regard for the equally important and basic rights of the individual citizen have been all but swamped in the turbulence which has ensued in the wake of the meeting of these two huge conflicting waves of emotion.

When we top all of this difficulty with the efforts of those who are trying to gain partisan political advantage out of this or that investigation it becomes a thing of wonder that any objectivity at

all remains in present day congressional investigation. Yet it does.

Furthermore, the need for congressional investigations if representative government in a constitutional system of balanced powers is to function with any degree of efficiency, is so great that we cannot abandon the process because of the seemingly overwhelming difficulties. Instead we must redouble our efforts to establish the kind of procedures which will protect it from the attacks of emotionalism and permit it to fulfill its functions.

Perhaps it would be well that the two basic investigation committees of the House and Senate, the Government Operations Committees, be under the control of the political party not in control of the executive department, regardless of which party controls the House or the Senate. Interestingly enough, the people have provided for this kind of balance 8 out of the last 16 post-World War II years by electing Congresses controlled by the party not in the control of the executive, the 80th, 84th, 85th, and 86th Congresses. There is great likelihood that half of the 88th Congress to be elected this coming November will carry out this principle.

For legislative reasons it may not be good for the political control to be split in the executive and legislative branches but for investigatory reasons it might very well be the best thing that can happen.

The editorials follow:

[From the St. Louis Post-Dispatch, Aug. 17, 1962]

THE HUMPHREY CASE

After full allowance has been made for partisanship and a certain degree of unfair innuendo in the Senate stockpiling investigation, one comes down to the core question: Was it right for Secretary of the Treasury George M. Humphrey in the Eisenhower administration to retain his dominant stock ownership in a company doing business with the Government?

We do not think it was right.

We think Mr. Humphrey should have disposed of his Hanna stock exactly as Secretary of Defense Charles E. Wilson disposed of his General Motors stock, and Secretary McNamara of his Ford stock. It is shocking that the Senate in 1953 applied one rule to Mr. Wilson and another to Mr. Humphrey. It is equally so that Mr. Humphrey did not see then, and still does not see today, that despite some superficial differences his case and Mr. Wilson's were essentially identical.

Mr. Wilson had to sell his General Motors stock because as Secretary of Defense he would be approving Government contracts with General Motors. True, Mr. Humphrey as Secretary of the Treasury was not a contracting officer. But he was a member of the Defense Mobilization Board, which laid down the broad stockpiling policies that controlled Hanna's nickel operations; and his pervasive influence extended throughout the administration.

How could he sit through the uproar over Mr. Wilson's stock without ever suspecting that perhaps he ought to follow Mr. Wilson's example? Why did not the basic identity of the cases occur to anybody in the Eisenhower administration, or to anybody in the 1953 Senate, particularly Senator BYRD, who led the fight on Mr. Wilson but placidly acquiesced in Mr. Humphrey's profiting from transactions with an administration he came close to controlling?

It is of no significance that Mr. Humphrey's Hanna investment, worth $7,738,000 in 1953, had appreciated in value by $5,756,000, or 75 percent, by 1961. Almost all stocks were appreciating in that period. In fact, if Mr. Humphrey in 1953 had invested $7,738,000 in the industrial stocks comprised in the Dow Jones average, his gain over the same period would have been 125 percent, or $9,672,500.

The Symington committee was far off base in trying to make a scandal on this point. Nor has it proved that the nickel deal turned out to be a bad one for the Government. It is difficult for the layman to thread the maze of corporate accounting closely enough to decide that Hanna's profits were in fact excessive, as the committee tried to show. If they were, the major responsibility lies with the Truman administration which negotiated the deal well before Mr. Humphrey became a Cabinet officer.

But the essential point is not whether Mr. Humphrey made much or little out of nickel. The essential point is that a powerful Cabinet officer ought not to retain holdings in a company dealing with the Government he so largely influences. Admittedly this principle makes difficulties for wealthy businessmen who enter Government service; perhaps some regular procedure needs to be worked out whereby such men can serve without undergoing undue financial sacrifice. But the principle is sound and ought to be maintained, in all administrations and even-handedly for all officials.

[From the St. Louis Post-Dispatch, Aug. 19, 1962]

TWO QUESTIONS ON HANNA

The political content of the Senate stockpiling investigation went up several degrees when Senator SYMINGTON petulantly adjourned the hearings without permitting former Secretary of the Treasury Humphrey to complete his testimony.

Senator SYMINGTON's excuse was that Mr. Humphrey in press statements outside the hearings, had "impugned the motives" of the investigation. Mr. Humphrey did. He charged it had a political motive. But Mr. Humphrey has a right to this opinion, and he has a right to testify fully in his own defense. By cutting him short, Senator SYMINGTON raised doubts about the fairness of the inquiry.

Inasmuch as Mr. Humphrey had questioned information already disclosed, the Senator said, the adjournment was for the purpose of seeking all the facts. But why had not all the facts been previously determined by staff investigation, and why object to letting Mr. Humphrey question or present any facts he wished to?

There are two main questions about the Hanna nickel contract which call for clear answers. One is whether Mr. Humphrey was right in retaining a dominant stock interest in the Hanna company while he was a powerful cabinet officer in the Government which was Hanna's customer. We think he was clearly wrong. He should have disposed of his Hanna holdings just as Secretary of Defense Wilson disposed of his General Motors stock and Secretary McNamara of his Ford stock.

The other question is whether Hanna gained exorbitant profits from selling nickel to the Government and from acquiring a smelter at less than cost. Richmond C. Coburn, committee counsel, made the strongest case for excessive earnings when he brought out that Hanna's nickel division earned gross profits of 57 percent on sales to the Government while its other divisions, selling to private customers, earned 10 and 13 percent on sales.

Corporate accounting, however, is a statistical jungle where the conclusion to be drawn depends heavily upon what figures are selected for attention. The same committee witnesses who charged excessive profits also gave the impression that Mr. Humphrey's personal gain from the rise in value of his Hanna stock was excessive—whereas in fact Hanna stock values in the fifties went up much less than most stock values.

What is needed for a judgment on the nickel deal is a comparative showing that will indicate whether Hanna obtained unusually favorable terms not available to other Government contractors.

We are all in favor of Senator SYMINGTON's stern resolve to seek "all the facts," including who it was in the Truman administration who pressed the Hanna contract to completion, and who it was who laid down the stockpiling policies out of which the contract grew. But the progress of the inquiry so far reinforces the judgment that while congressional investigations generate a great deal of heat and sometimes result in convictions without a trial, they are not the best instrument for bringing out the truth. Senator SYMINGTON would have won more confidence in this particular inquiry if he had marshaled "all the facts" to which his staff has access to begin with, instead of breaking off Mr. Humphrey's testimony to seek them.

[From the St. Louis Globe-Democrat, Aug. 18–19, 1962]

MR. HUMPHREY AND THE RIGHT TO KNOW

The right of the Senate, or of the House of Representatives, to inquire into the affairs of Government and into matters pertaining to the Nation has never been seriously questioned.

George M. Humphrey, former Secretary of the Treasury and one of the ablest men ever to serve in the Government, came pretty close to questioning that right in his cavalier treatment of Senator SYMINGTON's Stockpile Subcommittee.

On Thursday and again Friday, Mr. Humphrey acted, as one newspaper reporter put it, "as if he were lecturing the Senate on the art of thinking big."

Time and again, the former Secretary parried questions as to the profits of his various companies, the propriety of a company in which a Cabinet member is a large stockholder having a substantial contract with the Government, and questions as to whether the Nation was oversupplied with nickel, as all being quite irrelevant and beneath his dignity to respond.

This, of course, just plain isn't right.

When he stated that he dared Senator SYMINGTON to adjourn the hearing, he was completely out of order. The Senator replied in the only manner in which he could, by adjourning it.

This unfortunate performance by the Eisenhower Cabinet officer still leaves many of the questions unanswered. There seems little doubt, however—out of the haze of charge and countercharge—that the Hanna Co., of which Mr. Humphrey was chief executive officer, profited handsomely on some of its operations with the Government.

Mr. Humphrey pointed out that he did not do as well on some investments as if he had invested similar sums of money in stocks earning the national rate of return.

On the other hand, the Hanna Co. profited considerably by purchasing a smelting plant constructed largely through Government funds for $1,722,000, even though the Government had some $22 million invested in the facility.

Though it doesn't make it right, this is not greatly different from countless other similar transactions.

Senator SYMINGTON, as chairman of several subcommittees, has never been a headline seeker and has sought to do a conscientious job of gaining necessary information for the Senate and for the Government.

We think he has pursued that policy in the current testimony, nor do we think that the stockpile hearings are in any way an off-set to the Billie Sol Estes mushrooming scandals.

It is regrettable that Mr. Humphrey assumed, incorrectly, the role of martyr and insisted on giving partial, or incomplete, answers, thus frustrating, at least for the time being, the Senate's unquestioned right to know.

DEFENSIVE ARMS FOR ISRAEL

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 20 minutes.

Mr. HALPERN. Mr. Speaker, it is with a sad heart that I have heard the words of the President, expressed to his press conference last Wednesday, indicating an attitude contrary to the intent of an amendment to the Foreign Assistance Authorization Act, that voiced the sense of Congress on an important principle. This attitude emerged even before we have received the foreign assistance appropriations bill and in the face of the fact that the amendment was unanimously approved by this body and incorporated into the act signed by the President himself.

The amendment to which I refer is found in section 101 of the act. It is one I had the privilege of offering on the floor of this House and it was identical with Senator KEATING's amendment accepted in the Senate. It expresses the sense of Congress that in the administration of these funds great attention and consideration should be given to those countries which share the view of the United States on the world crisis and which do not, as a result of U.S. assistance, divert their own economic resources to military or propaganda efforts, supported by the Soviet Union or Communist China, and directed against the United States or against other countries receiving aid under this act.

A news reporter asked the President at his press conference last week if he thought a country receiving aid from us had a moral right to engage in business deals for military purposes with the Communist bloc countries. The President replied that he did not think it was a moral issue and went on to justify American assistance to nations that use their own resources to buy Soviet munitions.

Mr. Speaker, the amendment offered a clear guideline expressing the sense of the Congress on the matter stated. Now, the question comes up whether the White House is to implement this will of the American people as unanimously expressed by their representatives in this Congress. Or is the administration to turn its back on this important principle?

I cannot understand why we should increase assistance and loans, for instance, to Egypt. It is no secret that Egypt is using its own resources to pay Soviet military technicians and instructors and to purchase jet bombers, jet fighters, tanks, and even submarines. Egyptian military training programs are now inextricably linked to camps and bases behind the Iron Curtain.

Instead of promoting human welfare and peaceful development, the Egyptian regime is building up an arsenal of Soviet weapons in the Near East. I do not see why the American taxpayer should finance, however indirectly, such expansion of the Soviet military supply network. Have we forgotten Nasser of Egypt is a friend, supporter, and admirer of Cuba's Castro who is acquiring similar Soviet equipment? Indeed, press reports describe how Egyptian and Cuban soldiers are both being trained in military and air bases in Soviet bloc countries and even in Russia itself.

Mr. Speaker, the State of Israel is a democratic nation far more closely identified with America than Egypt. Witness the pro-Soviet votes of Egypt at the United Nations and the pro-American votes of Israel. Yet, not only are we assisting Egypt to build up a Soviet-equipped and Soviet-trained aggressive military force but we have denied Israel the right to purchase balancing arms from us for her own self-defense because Nasser might be annoyed.

Mr. Speaker, Israel is the only anti-Communist nation on earth that is threatened by Soviet-equipped forces and which has turned to us pleading for the right to purchase balancing arms to use against Mig's and Soviet jet bombers and gotten no favorable response.

I recently have asked the President to prepare an explanation on the whole perplexing question of why we ignore Israel's military needs while subsidizing Egypt's buildup of late-model Soviet jets, tanks, submarines, and so forth.

Mr. Speaker, under unanimous consent, I include my communication to the President at this point in the RECORD:

AUGUST 21, 1962.

The Honorable JOHN F. KENNEDY,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am seeking, through this communication which I respectfully address to you, clarification of the current thinking of the executive department on an issue in which you in the past have indicated personal interest and concern.

As you will recall, you wrote the Honorable Herbert H. Lehman on November 2, 1960, stating that if an arms race cannot be avoided involving the Arab States and Israel, "then at the very least, we should not condone any imbalance between the powers. For imbalance also leads to war."

Mr. President, since you wrote those words a dangerous imbalance has developed. The most sophisticated weapons of the Soviet arsenals, in significant quantities, have been provided by the Soviet Union to Egypt's Nasser. Mr. Nasser has openly threatened to "Algerianize" the Palestine issue, made bellicose displays of military rocketry, and bragged that Israel has nothing to match his new Mig–21 jet fighters and TU–16 Soviet jet bombers.

At tremendous expense, Israel has been forced to seek whatever arms it can obtain from France, in an attempt to maintain a semblance of balance. But Soviet weapons of ultramodern design, at bargain rates, are cynically poured into Egypt by the Soviet merchants of death. Israel's French sources are inadequate because Russia is giving Egypt its very latest equipment.

The only response of the United States has apparently been to provide American arms to the Arab States other than those supplied by Russia. Israel has been put at a grave disadvantage.

The Soviet bloc has clearly put its arsenals to work on the side of Nasser. Indeed, the entire Egyptian military establishment appears geared to the Soviet Red army, Red fleet, and Red air force for training, equipment, spare parts, and so forth. The imbalance between Israel and the Arabs has reached a dangerous point where Nasser is tempted to consider reckless adventures.

We are seemingly ignoring our commitments, stated by yourself and in the platforms of both parties.

The Egyptians are diverting their economic credits and resources not to raise living standards but to raise rockets of destruction and to finance the flow of Soviet weapons. As you know, Mr. President, the Congress recently expressed itself through adoption of the so-called Keating-Halpern amendment to the Mutual Security Act this session. This amendment established a principle that we should concentrate on aiding those nations that do not divert their own assets to the Soviet arms supply system.

We are gravely concerned by Castro's new Soviet military jets and equipment. How can we justify to the taxpayer the loans and grants to Castro's good friend, Nasser, that enable Egypt to divert resources to get his country more deeply involved with the Soviet military supply system?

It comes to my attention, Mr. President, that Israel is the only anti-Communist nation on earth, threatened by Soviet-equipped forces, which has turned to us pleading for the right to purchase balancing arms and gotten no favorable response.

I would like to respectfully inquire, Mr. President, as to the current view of the executive department on the whole perplexing question of why we ignore Israel's military needs while indirectly subsidizing Egypt's purchase of late-model Soviet jets, tanks, submarines, and so forth.

I understand that we have become neutral to a friend, Israel, but friendly to a "neutral" Egypt. Israel has been denied the right to buy any American arms of real military importance and cannot even get authorization, apparently, to buy purely defensive antiaircraft weapons systems to defend herself from Nasser's Soviet jet bombers.

Would we similarly ignore the defense needs of South American nations threatened by Castro's Soviet military equipment?

In order that I may be constructively informed, especially since the foreign assistance appropriations bill will soon come before the House, I ask your early response to this inquiry.

With all good wishes and my warm regard.

Very sincerely,

SEYMOUR HALPERN.

Mr. Speaker, Mr. Nasser of Egypt has bragged that his budget for military purposes is being vastly increased. The American taxpayer is to finance his domestic needs while Egyptian assets are released to pay for Russian munitions. Mr. Nasser said, "Why this budget? Because we are preparing. We are strengthening our air force, army, and navy."

Against whom is Nasser preparing this Soviet-equipped military force? Certainly not against the Soviet Union. He has openly stated that Israel is the intended victim.

Mr. Speaker, Mr. Milton Friedman is a White House correspondent highly respected in Washington as an objective journalist. I feel that some of the points raised in Mr. Friedman's recent syndicated column are worthy of our consideration. He perceptively presents an evaluation, in depth, of this issue. Under unanimous consent, I include Mr. Friedman's column:

UNITED STATES WON'T AID ANTI-COMMUNIST ISRAEL

(By Milton Friedman)

The administration is finding it increasingly difficult to explain why it still refuses

to provide any significant defensive arms to an anti-Communist nation, Israel, threatened by the rockets, missiles and jets of a Soviet-armed neutral, Nasser's Egypt.

This issue is clearly destined for a crisis in coming months. Israel, it seems, is the only anti-Communist nation in the world experiencing such difficulty in obtaining American help to defend itself against Soviet-equipped and Soviet-trained enemies.

The United States provides military equipment to Jordan, Lebanon, and other Arab States. Russia supplies the rest of the Arabs. But if America helped arm Israel, the State Department says, it would constitute an arms race. The race is already on, with one side running unrestrained.

Any Latin American democracy can easily get American equipment by merely citing its fears of Cuba. Yet Castro's forces have fewer Soviet jet bombers and fighters than Egypt. There are also more Soviet bloc military technicians and instructors in Egypt and more Egyptian officers being trained in the Soviet Union.

Nor has Castro been able to test-fire military rockets like Nasser has done.

Israel has been getting some equipment from France at tremendous expense. However, Soviet weapons of such ultramodern designs are pouring into Egypt that French sources are inadequate.

State Department officials are praising the new Nasser for his alleged devotion to peace and progress. They ignore his open threats to "Algerianize" the Israel dispute, his bellicose display of military rocketry, his supersonic Soviet TU–16 jets and so forth. All this our officials view as merely propaganda show for domestic public opinion.

Accordingly, the State Department has recommended increased aid and loans to Nasser and the continued denial of any really important military equipment to Israel.

Even though Soviet technicians are working in the Egyptian military establishment, the State Department failed to object when West Germany shipped sensitive electronic and guidance equipment for the Egyptian rockets. The Germans and Russians are apparently divided by no Berlin walls in Egypt, working happily together on rockets to kill Israelis.

If West Germany shipped strategic rocket components to Cuba, Washington would be in an uproar. But the New Fronter has seemingly adopted the same evasive line as the previous frontiers—the United States is not the traditional source of defense arms for Israel. Only 2 years ago, both political parties made the "traditional" campaign pledges to safeguard Israel's security.

Apologists will tell you that Washington is still mindful of the Tripartite Declaration of 1950 and would consider action, probably through the United Nations, if Israel were attacked. The trouble is that the Soviet Union veto would forestall any effective U.N. remedy. Also, rocket and jet warfare is measured by hours; Israel's fate could be sealed in one tragic day.

A moral question has been raised: Should America stand by unconcerned, while the Soviet bloc arms a "neutral" with space age weapons against a pro-Western democracy?

The emotions of Congress were voiced in the Keating-Halpern amendment to the new Foreign Assistance Act. This amendment is noncompulsory and serves mainly to apprise the executive department of the sentiments of Congress and the American people. It called on the President to restrict aid to nations, like Egypt, which use their own resources to buy Soviet arms.

State Department sources have already termed the amendment "vague" and "unrealistic." They said it would be ignored to avoid offending Nasser. In their view, it was adopted only as a sop for Jewish votes.

The administration has failed entirely to explain its concept of a "new" Nasser when the entire military establishment of Egypt is geared to the Soviet army, fleet and air force for training, equipment, spare parts, and so forth. Egyptian forces have reached the point where they are entirely dependent on a Soviet service and supply and technical manuals originating in Moscow.

President Kennedy has apparently been so preoccupied with the American Medical Association he has lost sight of that other AMA, the Arabian Missile Association.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. MACDONALD (at the request of Mr. ALBERT), for today, on account of official business.

Mr. CUNNINGHAM (at the request of Mr. HALLECK), for Monday, August 29, on account of official business.

Mr. O'BRIEN of Illinois (at the request of Mr. LIBONATI), indefinitely, on account of illness.

Mr. MCDOWELL (at the request of Mr. ALBERT), for today and tomorrow, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RODINO (at the request of Mr. ALBERT), for 30 minutes, tomorrow, August 28, 1962, and to revise and extend his remarks and include extraneous matter.

Mr. NIX (at the request of Mr. ALBERT), for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. BRAY (at the request of Mr. ARENDS), for 30 minutes, on August 30, 1962.

Mr. LINDSAY (at the request of Mr. ARENDS), for 1 hour on Wednesday, August 29, 1962.

Mr. HALPERN (at the request of Mr. ARENDS), for 20 minutes, today.

Mr. HALPERN (at the request of Mr. ARENDS), for 30 minutes, on Tuesday, August 28, 1962.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. ALGER.

(The following Members (at the request of Mr. ALBERT) and to include extraneous matter:)

Mr. MULTER.

Mr. SMITH of Iowa and to include tables.

Mr. THOMPSON of New Jersey.

Mr. DIGGS.

Mr. RAINS.

(The following Members (at the request of Mr. LATTA) and to include extraneous matter:)

Mr. VAN ZANDT.

Mr. LINDSAY.

SENATE BILLS, JOINT RESOLUTION, AND CONCURRENT RESOLUTIONS REFERRED

Bills, a joint resolution, and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 703. An act to validate the homestead entries of Leo F. Reeves; to the Committee on Interior and Insular Affairs.

S. 1552. An act to amend and supplement the laws with respect to the manufacture and distribution of drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 2421. An act to provide for retrocession of legislative jurisdiction over U.S. Naval Supply Depot Clearfield, Ogden, Utah; to the Committee on Armed Services.

S. 2950. An act for the relief of Dwijendra Kumar Misra; to the Committee on the Judiciary.

S. 2962. An act for the relief of Byung Yong Cho (Alan Cho Gardner) and Moonee Choi (Charlie Gardner); to the Committee on the Judiciary.

S. 3085. An act for the relief of Paul Huygelen and Luba A. Huygelen; to the Committee on the Judiciary.

S. 3221. An act to provide for the exchange of certain lands in Puerto Rico; to the Committee on Armed Services.

S. 3265. An act for the relief of Despina Anastos (Psyhopeda); to the Committee on the Judiciary.

S. 3275. An act for the relief of Anna Sciamanna Misticoni; to the Committee on the Judiciary.

S. 3318. An act to provide medical care for certain Coast and Geodetic Survey retired ships' officers and crew members and their dependents, and for other purposes; to the Committee on Merchant Marine and Fisheries.

S. 3319. An act to extend to certain employees on the Trust Territory of the Pacific Islands the benefits of the Federal Employees' Compensation Act; to the Committee on Education and Labor.

S. 3390. An act for the relief of Naife Kahl; to the Committee on the Judiciary.

S. 3517. An act to authorize the Secretary of Commerce to establish and carry out a program to promote the flow of domestically produced lumber in commerce; to the Committee on Agriculture.

S. 3628. An act to amend title 10, United States Code, to authorize the appointment of citizens or nationals of the United States from American Samoa, Guam, or the Virgin Islands to the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy; to the Committee on Armed Services.

S.J. Res. 217. Joint resolution making the 17th day in September of each year a legal holiday to be known as Constitution Day; to the Committee on the Judiciary.

S. Con. Res. 84. Concurrent resolution expressing the sense of Congress that arrangements be made for viewing within the United States of certain films prepared by the U.S. Information Agency; to the Committee on Foreign Affairs.

S. Con. Res. 87. Concurrent resolution authorizing the printing of additional copies of the hearings entitled "Military Cold War Education and Speech Review Policies" and the report thereon; to the Committee on House Administration.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1458. An act for the relief of Lee Dock On;

H.R. 2446. An act to provide that hydraulic brake fluid sold or shipped in commerce for

use in motor vehicles shall meet certain specifications prescribed by the Secretary of Commerce;

H.R. 5604. An act to amend the acts of May 21, 1926, and January 25, 1927, relating to the construction of certain bridges across the Delaware River, so as to authorize the use of certain funds acquired by the owners of such bridges for purposes not directly related to the maintenance and operation of such bridges and their approaches;

H.R. 6984. An act to provide for a method of payment of indirect costs of research and development contracted by the Federal Government at universities, colleges, and other educational institutions;

H.R. 7736. An act to amend the act of May 13, 1960 (Private Law 86–286);

H.R. 8730. An act for the relief of Sister Mary Alphonsa (Elena Bruno) and Sister Mary Attilia Filipa Todaro);

H.R. 9915. An act for the relief of Umberto Brezza;

H.R. 10263. An act to authorize the Secretary of the Air Force to adjust the legislative jurisdiction exercised by the United States over lands within Eglin Air Force Base, Fla.;

H.R. 10825. An act to repeal the act of August 4, 1959 (73 Stat. 280);

H.R. 11040. An act to provide for the establishment, ownership, operation, and regulation of a commercial communications satellite system, and for other purposes;

H.R. 11251. An act to authorize the Secretary of the Army to relinquish to the State of New Jersey jurisdiction over any lands within the Fort Hancock Military Reservation;

H.R. 11310. An act to amend section 3515 of the Revised Statutes to eliminate tin in the alloy of the 1-cent piece;

H.R. 11721. An act to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946, and to authorize the appropriation of $73 million for that purpose; and

H.R. 12081. An act to authorize the Secretary of the Army to convey certain land and easement interests at Hunter-Liggett Military Reservation for construction of the San Antonio Dam and Reservoir project in exchange for other property.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 538. An act to amend section 205 of the Federal Property and Administrative Services Act of 1949 to empower certain officers and employees of the General Services Administration to administer oaths to any person;

S. 981. An act to extend certain authority of the Secretary of the Interior exercised through the Geological Survey of the Department of the Interior, to areas outside the national domain;

S. 1208. An act to amend Public Law 86–506, 86th Congress (74 Stat. 199), approved June 1, 1960;

S. 2008. An act to amend the Act of September 16, 1959 (73 Stat. 561. 43 U.S.C. 615a), relating to the construction, operation, and maintenance of the Spokane Valley project;

S. 2399. An act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes;

S. 2916. An act to change the names of the Edison Home National Historic Site and the Edison Laboratory National Monument, to authorize the acceptance of donations, and for other purposes;

S. 2973. An act to revise the boundaries of Capulin Mountain National Monument, New Mexico, to authorize acquisition of lands therein, and for other purposes;

S. 3112. An act to add certain lands to the Pike National Forest in Colorado and the Carson National Forest and the Santa Fe National Forest in New Mexico, and for other purposes; and

S. 3174. An act to provide for the division of the tribal assets of the Ponca Tribe of Native Americans of Nebraska among the members of the tribe, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on August 23, 1962, present to the President, for his approval, bills of the House of the following titles:

H.R. 3728. An act to amend chapter 11 of title 38, United States Code, to authorize special consideration for certain disabled veterans suffering blindness or bilateral kidney involvement;

H.R. 8564. An act to amend the Federal Employees's Group Life Insurance Act of 1954 to provide for escheat of amounts of insurance to the insurance fund under such act in the absence of any claim for payment, and for other purposes;

H.R. 10651. An act to amend title 28, United States Code, with respect to fees of U.S. marshals, and for other purposes;

H.R. 11523. An act to authorize the employment without compensation from the Government of readers for blind Government employees, and for other purposes; and

H.R. 12355. An act to amend the law relating to the final disposition of the property of the Choctaw Tribe.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 6 minutes p.m.) the House adjourned until tomorrow, Tuesday, August 28, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2450. A letter from the Secretary of the Army, transmitting reports of the number of officers on duty with Headquarters, Department of the Army and the Army General Staff on June 30, 1962, pursuant to section 3031(c) of title 10, United States Code; to the Committee on Armed Services.

2451. A letter from the Chairman, Federal Home Loan Bank Board, transmitting a draft of a proposed bill entitled "A bill to amend the Home Owners' Loan Act of 1933, as amended, and the Federal Home Loan Bank Act, as amended"; to the Committee on Banking and Currency.

2452. A letter from the Deputy Administrator, Federal Aviation Agency, relative to the proposed program of airport development for the fiscal year next ensuing, pursuant to section 4 of the Federal Airport Act, as amended on September 20, 1961; to the Committee on Interstate and Foreign Commerce.

2453. A letter from the Secretary, Department of Health, Education, and Welfare, transmitting a draft of a proposed bill entitled "A bill to authorize mortgage insurance and loans to help finance the cost of constructing and equipping facilities for the group practice of medicine or dentistry"; to the Committee on Interstate and Foreign Commerce.

2454. A letter from the Administrator, General Services Administration, transmitting a report on tort claims paid by General Services Administration during fiscal year 1962, pursuant to title 28, section 2673, of the United States Code; to the Committee on the Judiciary.

2455. A letter from the Administrator, General Services Administration, transmitting a draft of a proposed bill entitled "A bill to amend further section 11 of the Federal Register Act, as amended"; to the Committee on the Judiciary.

2456. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 6, 1962, submitting a report, together with accompanying papers and an illustration on the Great Lakes Harbors study-second interim report on Cleveland Harbor, Ohio, requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted May 18, 1956, and June 27, 1956 (H. Doc. No. 527); to the Committee on Public Works and ordered to be printed with one illustration.

2457. A letter from the Secretary of the Army transmitting a letter from the Chief of Engineers, Department of the Army, dated June 7, 1962, submitting a report, together with accompanying papers and an illustration, on a review of the reports on, and a survey of, the Pensacola Harbor, Fla., requested by resolutions of the subcommittee on Rivers and Harbors and the Committee on Public Works, House of Representatives, adopted November 20, 1945 and June 3, 1959, and authorized by the River and Harbor Act, approved March 2, 1945 (H. Doc. No. 528); to the Committee on Public Works and ordered to be printed with one illustration.

2458. A letter from the Secretary of the Army transmitting a letter from the Chief of Engineers, Department of the Army, dated June 5, 1962, submitting a report, together with accompanying papers and an illustration, on a review of the reports on the Port Sutton and Ybor Channel, Tampa Harbor, Fla., requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted November 18, 1958, January 5, 1959, and April 15, 1959 (H. Doc. No. 529); to the Committee on Public Works and ordered to be printed with one illustration.

2459. A letter from the Secretary of the Army transmitting a letter from the Chief of Engineers, Department of the Army, dated July 16, 1962, submitting a report, together with accompanying papers and an illustration on a review of the reports on the Narraguagus River, Maine, requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 27, 1956 (H. Doc. No. 530); to the Committee on Public Works and ordered to be printed with one illustration.

2460. A letter from the Secretary of the Army transmitting a letter from the Chief of Engineers, Department of the Army, dated July 6, 1962, submitting a report, together with accompanying papers and an illustration on a review of the report on the Cow Creek, Kans., requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 3, 1959 (H. Doc. No. 531); to the Committee on Public Works and ordered to be printed with one illustration.

2461. A letter from the Secretary of the Army transmitting a letter from the Chief of Engineers, Department of the Army, dated July 19, 1962, submitting a report, together with accompanying papers and an illustration on an interim report on the Dana Point Harbor, Calif., authorized by the River and Harbor Act, approved March 2, 1945 (H. Doc. No. 532); to the Committee on Public Works and ordered to be printed with one illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 2267. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. HARRIS: Committee on Interstate and Foreign Commerce. H.R. 12201. A bill to clarify certain provisions of part IV of the Interstate Commerce Act and to place transactions involving unifications or acquisitions of control of freight forwarders under the provisions of section 5 of the act; with amendment (Rept. No. 2268). Referred to the Committee of the Whole House on the State of the Union.

Mr. OLSEN: Committee on Post Office and Civil Service. H.R. 2079. A bill to amend the Classification Act of 1949 to authorize the establishment of hazardous duty pay in certain cases; with amendment (Rept. No. 2269). Referred to the Committee of the Whole House on the State of the Union.

Mr. ICHORD of Missouri: Committee on Post Office and Civil Service. H.R. 10936. A bill to permit the Postmaster General to extend contract mail routes up to 100 miles during the contract term; without amendment (Rept. No. 2270). Referred to the Committee of the Whole House on the State of the Union.

Mr. ICHORD of Missouri: Committee on Post Office and Civil Service. H.R. 11951. A bill to provide for the transportation of mail by aircraft upon star routes within the Commonwealth of Puerto Rico; without amendment (Rept. No. 2271). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 11587. A bill to amend the Merchant Marine Act, 1936, in order to provide for the reimbursement of certain vessel construction expenses; without amendment (Rept. No. 2272). Referred to the Committee of the Whole House on the State of the Union.

Mr. MACK: Committee on Interstate and Foreign Commerce. Report on world newsprint supply-demand; without amendment (Rept. No. 2273). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BATES:

H.R. 12974. A bill to authorize the Secretary of the Interior to acquire and add certain lands to the Salem Maritime National Historic Site in Massachusetts, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROYHILL:

H.R. 12975. A bill to amend the act entitled "An act to provide for a mutual-aid plan for fire protection by and for the District of Columbia and certain adjacent communities in Maryland and Virginia, and for other purposes"; to the Committee on the District of Columbia.

By Mr. GONZALEZ:

H.R. 12976. A bill to amend the Internal Revenue Code of 1954 to repeal the manufacturers excise tax on musical instruments; to the Committee on Ways and Means.

By Mr. ROUSSELOT:

H.R. 12977. A bill to abolish the Arms Control and Disarmament Agency and transfer its functions to the National Security Agency; to the Committee on Foreign Affairs.

By Mr. SCRANTON:

H.R. 12978. A bill to amend title I of the Housing Act of 1949 with respect to eligibility for capital grants thereunder in certain hardship cases; to the Committee on Banking and Currency.

By Mr. THOMPSON of New Jersey:

H.R. 12979. A bill to provide for the production and distribution of educational and training films for use by deaf persons, and for other purposes; to the Committee on Education and Labor.

By Mr. DURNO:

H.R. 12980. A bill authorizing the Administrator of General Services to convey certain property of the United States to the city of Roseburg, Oreg.; to the Committee on Government Operations.

By Mr. HALPERN:

H.R. 12981. A bill to establish a Domestic Peace Corps; to the Committee on Education and Labor.

By Mr. NORBLAD:

H.R. 12982. A bill to provide for the waiver of a condition on certain land in Clatsop County, Oreg., so as to permit its use as a public park; to the Committee on Merchant Marine and Fisheries.

By Mr. ARENDS:

H.J. Res. 860. Joint resolution making the 17th Day of September in each year a legal holiday to be known as "Constitution Day"; to the Committee on the Judiciary.

By Mr. MATTHEWS:

H.J. Res. 861. Joint resolution proposing an amendment to the Constitution of the United States reserving to each State the exclusive power to apportion membership of its legislature; to the Committee on the Judiciary.

By Mr. WIDNALL:

H.J. Res. 862. Joint resolution requiring a public hearing before any theater in the District of Columbia which is suitable, and has been used, for the presentation of live drama, ballet, or opera productions, may be demolished; to the Committee on the District of Columbia.

By Mr. WRIGHT:

H.J. Res. 863. Joint resolution authorizing the President of the United States to designate the period from November 26, 1962, through December 2, 1962, as National Cultural Center Week; to the Committee on the Judiciary.

By Mr. FRIEDEL:

H. Res. 770. Resolution authorizing additional employees for the offices of the Doorkeeper and Postmaster of the House of Representatives; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

The SPEAKER presented a memorial of the Legislature of the State of Florida, memorializing the President and the Congress of the United States relative to requesting an amendment to the Constitution relating to the apportionment and reapportionment of the membership of State legislatures to the several States and to spell out that State action in this field is not subject to review by the Federal courts, which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRY:

H.R. 12983. A bill for the relief of Diza Grad; to the Committee on the Judiciary.

By Mr. BROYHILL:

H.R. 12984. A bill for the relief of Victor O. McNabb; to the Committee on the Judiciary.

By Mr. DOOLEY:

H.R. 12985. A bill for the relief of Loreto Testa; to the Committee on the Judiciary.

By Mr. FOGARTY:

H.R. 12986. A bill for the relief of Carmine Antonio Cambio; to the Committee on the Judiciary.

H.R. 12987. A bill for the relief of Irene Golato and Clorinda Golato; to the Committee on the Judiciary.

By Mr. HALEY:

H.R. 12988. A bill for the relief of Douglas K. Warner; to the Committee on the Judiciary.

By Mr. HUDDLESTON:

H.R. 12989. A bill to authorize the Commissioners of the District of Columbia to sell a right-of-way across a portion of the District Training School grounds at Laurel, Md., and for other purposes; to the Committee on the District of Columbia.

By Mr. LOSER:

H.R. 12990. A bill for the relief of Karolina Rado; to the Committee on the Judiciary.

By Mr. O'HARA of Michigan:

H.R. 12991. A bill for the relief of Sister M. Augustina (Teresa Cattaneo), Sister M. Francesca (Rina Tagliaferri), Sister Maria Silvia (Natalina Da Dalt), and Sister Maria Angela (Rosa Colombo); to the Committee on the Judiciary.

H.R. 12992. A bill for the relief of Brother Antonio Testori; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 12993. A bill for the relief of Ioannis Liberopoulos; to the Committee on the Judiciary.

By Mr. ROBERTS of Alabama:

H.R. 12994. A bill providing for the extension of Patent No. 2,439,502, issued April 13, 1948, relating to an automatic fire alarm system; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

404. By the SPEAKER: Petition of J. W. Tibbs, Jr., and others, Atlanta, Ga., petitioning consideration of their resolution with reference to protecting the rightful interests of small, independent retailers by working for, and voting for, the quality stabilization bill; to the Committee on Interstate and Foreign Commerce.

405. Also, petition of Eva Northrup, secretary, the Hopi Tribe, Oraibi, Ariz., relative to authorizing the Secretary of the Interior to prescribe and promulgate regulations, to secure for the Hopi Tribe the right to take eagles in its traditional territories, and secure adequate protection for its outlying, established shrines for the placing of sacred prayer feather offerings, both within and without the Navajo and Hopi Reservations; to the Committee on Merchant Marine and Fisheries.

SENATE

MONDAY, AUGUST 27, 1962

The Senate met at 10 o'clock a.m., and was called to order by the President pro tempore.

Rev. Charles H. Mercer, minister, Centenary Methodist Church, Smithfield, N.C., offered the following prayer:

O God, our help in ages past, we thank Thee for our rich heritage, and ask for