MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

365. By Mr. CUNNINGHAM: Memorial of the Nebraska State Legislature urging the opposition to the proposed diversion of Federal-aid secondary road funds for use on scenic highways while great needs continue to exist on the Federal-aid secondary road system; to the Committee on Public Works.

366. Also, memorial of the Nebraska State Legislature urging opposition to the adoption of the proposed policy of denying Federal-aid funds to those States which do not provide effective regulation of signs and displays along the Interstate Highway System and the primary highway system; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BALDWIN:

H.R. 10832. A bill for the relief of Gloria Alesna Relampagos; to the Committee on the Judiciary.

By Mrs. BOLTON:

H.R. 10833. A bill for the relief of Anica Nastasic; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 10834. A bill to provide for the free entry of a pipe organ and parts imported for the use of the Episcopal Church of the Advent of Christ the King, San Francisco, Calif.; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 10835. A bill for the relief of Francesco Corigliano; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 10836. A bill for the relief of Dr. Anselmo S. Alvarez-Gomez; to the Committee on the Judiciary.

H.R. 10837. A bill for the relief of Dr. Guillermo Rodriguez; to the Committee on the Judiciary.

By Mr. GURNEY:

H.R. 10838. A bill for the relief of certain employees of the Post Office Department at Eau Gallie, Fla.; to the Committee on the Judiciary.

By Mr. MACKAY:

H.R. 10839. A bill for the relief of Lt. Col. Norman Dean Schanche; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.R. 10840. A bill for the relief of Nicolae and Ana Spuza and their children, Diana, Maria and Decebal Spuza; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 10841. A bill for the relief of Ferrum Trading Co., Inc.; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 10842. A bill for the relief of Sotirios Catarachias; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 10843. A bill for the relief of Estepan Evladian; to the Committee on the Judiciary.

H.R. 10844. A bill for the relief of Elma Eiola Tobitt; to the Committee on the Judiciary.

By Mr. SMITH of New York:

H.R. 10845. A bill for the relief of Mrs. Shirley Norene Buckley; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 10846. A bill for the relief of Katherine Nabokoff, and others; to the Committee on the Judiciary.

By Mr. TODD:

H.R. 10847. A bill for the relief of First National Bank & Trust Co. of Lexington and Security Trust Co.; to the Committee on the Judiciary.

H.R. 10848. A bill for the relief of Continental-Illinois National Bank & Trust Co. of Chicago and City National Bank & Trust Co. of Chicago; to the Committee on the Judiciary.

H.R. 10849. A bill for the relief of the Merchantile Trust Co. National Association and the Security Trust Co.; to the Committee on the Judiciary.

H.R. 10850. A bill for the relief of the Third National Bank in Nashville and the Nashville Bank & Trust Co.; to the Committee on the Judiciary.

H.R. 10851. A bill for the relief of Manufacturers Trust Co. and the Hanover Bank; to the Committee on the Judiciary.

H.R. 10852. A bill for the relief of Crocker-Anglo National Bank, Citizens National Bank, and Transamerica Corp.; to the Committee on the Judiciary.

SENATE

WEDNESDAY, SEPTEMBER 1, 1965

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

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

Eternal Father, in changing and troubled days we pray for conceptions big enough, and spirits strong enough, to match the awesome time in which we live and serve.

We face the tasks here with minds startled by the swift march of world-shaking events. Hidden fires are flaming forth, consuming the old habitations of men. We hear angry voices that challenge all that men have counted fixed and final and sure. Men so long in chains are chanting a new song of expected freedom.

For social systems that have sentenced the masses to grinding poverty, for arrogant overlords of government and industry who have held human life more cheap than merchandise, the ax is at the root of the rotted tree, the judge is at the barred gate, as the shining sword of universal freedom is lifted against all that denies and enslaves.

As Thy emancipating truth goes marching on, may our souls be swift to answer Thee, and jubilant our feet.

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

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, August 31, 1965, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 9042) to provide for the implementation of the Agreement Concerning Automotive Products between the Government of the United States of America and the Government of Canada, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

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

H.R. 4905. An act to provide for the conveyance of certain real property of the Federal Government to the Board of Public Instruction, Okaloosa County, Fla; and

H.R. 6927. An act to establish a Department of Housing and Urban Development, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 9042) to provide for the implementation of the Agreement Concerning Automotive Products between the Government of the United States of America and the Government of Canada, and for other purposes, was read twice by its title and referred to the Committee on Finance.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Subcommittee on Internal Security of the Committee on the Judiciary was authorized to meet during the session of the Senate today.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar, excluding treaties and the nominations placed on the Secretary's desk, and continuing through the nominations in the Department of State, including the nomination of Phillips Talbot, of New York.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

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

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

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

Lawrence Francis O'Brien, of Massachusetts, to be Postmaster General.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

By Mr. MAGNUSON, from the Committee on Commerce:

Robert A. Bartley, of Texas, to be a member of the Federal Communications Commission;

Willard Deason, of Texas, to be an Interstate Commerce Commissioner for the remainder of the term expiring December 31, 1965;

Willard Deason, of Texas, to be an Interstate Commerce Commissioner for a term of 7 years expiring December 31, 1972; and

William R. Curtis, and sundry other persons, for permanent appointment in the Environmental Science Services Administration.

The VICE PRESIDENT. If there be no further reports of committees, the nominations of the Executive Calendar will be stated.

DEPARTMENT OF STATE

The Chief Clerk proceeded to read sundry nominations in the Department of State.

Mr. MANSFIELD. Mr. President, I ask that the nominations, through the nomination of Phillips Talbot, be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

Mr. JAVITS subsequently said: Mr. President, I wish to call attention to the confirmation by the Senate today of the nominations of two very distinguished sons of New York. I wish to speak of them separately, because they are deserving of separate statements.

The first is Mr. Harlan Cleveland, who came to Washington as an Assistant Secretary of State in charge of International Organization Affairs, including the United Nations. He did not surrender his idealism, but became a practical diplomat at the same time. He is now given the great responsibility of representing the United States at NATO, replacing another distinguished and highly respected New Yorker, Tom Finletter, where he will have an opportunity to buttress the heart of world security, which is the Atlantic Alliance. His services toward the orientation of the military aspects of the organization come at a historic moment. I am sure he will make a great contribution in that regard.

Mr. Phillips Talbot, of New York, who will succeed another distinguished American, Mr. Henry Labouisse, as Ambassador to Greece, has earned a remarkable reputation as a vigorous diplomat.

I happen to have a special interest in this matter, an international responsibility with respect to Greece, as Chairman of a Special Committee of the NATO Parliamentarians' Conference, which is presently engaged in an effort to encourage closer economic cooperation between Greece and Turkey.

Mr. Talbot can be assured of my vigorous support in his representation of the President in a country whose people, as the world has learned, have great courage and spirit, and which is one of the stanchest allies which the United States has anywhere in the world.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

PLANS FOR WORKS OF IMPROVEMENT IN VARIOUS STATES

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Blue Eye Creek, Ala.; Beardsley watershed, California; Revolon watershed, California; Mill Creek, Ind.; Mosquito of Harrison watershed, Iowa; Turkey Creek, Kans.; Little Delaware-Mission Creek and tributaries, Kansas; Lower Bayou Teche watershed, Louisiana; Back Swamp watershed, North Carolina.; Margaret Creek, Ohio; Escondido Creek, Tex.; and Williams Creek, Tex. (with accompanying papers); to the Committee on Agriculture and Forestry.

PLANS FOR WORKS OF IMPROVEMENT IN VARIOUS STATES

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Upper Choptank River, Del. and Md.; Little Raccoon Creek, Ind.; Timber Creek, Kans.; Tamarac watershed, Minnesota; Quapaw watershed, Oklahoma; Duck Creek, Tex.; and Cherrystone watershed, Virginia (with accompanying papers); to the Committee on Public Works.

HIGHER EDUCATION ACT OF 1965—REPORT OF A COMMITTEE—SUPPLEMENTAL AND INDIVIDUAL VIEWS (S. REPT. NO. 673)

Mr. MORSE. Mr. President, from the Committee on Labor and Public Welfare, I report favorably, with an amendment, the bill (H.R. 9567) to strengthen the educational resources of our colleges and universities and to provide financial assistance for students in postsecondary and higher education.

I ask unanimous consent that the report be printed, together with supplemental and individual views.

I am proud to say, in making the report, that the bill comes to the floor of the Senate with the unanimous vote of the Committee on Labor and Public Welfare.

The VICE PRESIDENT. The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Oregon.

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL EMPLOYMENT AND PAY

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal employment and pay for the month of July 1965. In accordance with the practice of several years' standing, I ask unanimous consent to have the report printed in the RECORD, together with a statement by me.

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

FEDERAL PERSONNEL IN EXECUTIVE BRANCH, JULY 1965 AND JUNE 1965, AND PAY, JUNE 1965 AND MAY 1965

PERSONNEL AND PAY SUMMARY

(See table I)

Information in monthly personnel reports for July 1965 submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures is summarized as follows:

Total and major categories	Civilian personnel in executive branch			Payroll (in thousands) in executive branch		
	In July numbered—	In June numbered	Increase (+) or decrease (−)	In June was—	In May was—	Increase (+) or decrease (−)
Total [1] [2]	2,542,590	2,508,119	+34,471	$1,468,514	$1,405,816	+$62,698
Agencies exclusive of Department of Defense	1,497,003	1,474,323	+22,680	852,234	821,793	+30,441
Department of Defense	1,045,587	1,033,796	+11,791	616,280	584,023	+32,257
Inside the United States	2,386,976	2,353,804	+33,172			
Outside the United States	155,614	154,315	+1,299			
Industrial employment	558,437	546,068	+12,369			
Foreign nationals	130,119	130,451	−332	25,798	26,626	−828

[1] Exclusive of foreign nationals shown in the last line of this summary.
[2] Includes employment under the President's Youth Opportunity Campaign.

Table I breaks down the above figures on employment and pay by agencies.

Table II breaks down the above employment figures to show the number inside the United States by agencies.

Table III breaks down the above employment figures to show the number outside the United States by agencies.

Table IV breaks down the above employment figures to show the number in industrial-type activities by agencies.

Table V shows foreign nationals by agencies not included in tables I, II, III, and IV.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during July 1965, and comparison with June 1965, and pay for June 1965, and comparison with May 1965*

Department or agency	Personnel				Pay (in thousands)			
	July	June	Increase	Decrease	June	May	Increase	Decrease
EXECUTIVE DEPARTMENTS (EXCEPT DEFENSE)								
Agriculture	117,481	113,027	4,454		$62,233	$55,872	$6,361	
Commerce	33,824	33,663	161		23,662	22,339	1,323	
Health, Education, and Welfare	90,311	87,316	2,995		51,198	47,148	4,050	
Interior	71,664	70,738	926		43,307	39,967	3,340	
Justice	33,452	33,222	230		24,465	22,946	1,519	
Labor	9,562	9,567		5	6,789	6,420	369	
Post Office	605,721	595,512	10,209		311,190	307,561	3,629	
State [1] [2]	40,975	40,687	288		25,608	24,744	864	
Treasury	90,884	88,765	2,119		54,424	57,991		$3,567
EXECUTIVE OFFICE OF THE PRESIDENT								
White House Office	328	333		5	257	256	1	
Bureau of the Budget	548	524	24		528	486	42	
Council of Economic Advisers	58	45	13		47	41	6	
Executive Mansion and Grounds	71	71			54	44	10	
National Aeronautics and Space Council	27	29		2	34	33	1	
National Council on the Arts	3	26		23	4	4		
National Security Council	39	38	1		38	37	1	
Office of Economic Opportunity	1,338	1,263	75		1,314	761	553	
Office of Emergency Planning	388	380	8		363	344	19	
Office of Science and Technology	55	116		61	51	48	3	
Office of the Special Representative for Trade Negotiations	27	28		1	30	29	1	
President's Committee on Consumer Interests	18	25		7	11	9	2	
President's Committee on Equal Opportunity in Housing	12	12			10	9	1	
President's Council on Equal Opportunity	23	18	5		15	8	7	
INDEPENDENT AGENCIES								
Advisory Commission on Intergovernmental Relations	25	25			24	31		7
American Battle Monuments Commission	444	439	5		90	88	2	
Appalachian Regional Commission	7	6	1		14	10	4	
Atomic Energy Commission	7,430	7,330	100		6,377	5,866	511	
Battle of New Orleans Sesquicentennial Celebration Commission	1	1			(3)	(3)		
Board of Governors of the Federal Reserve System	672	667	5		486	458	28	
Civil Aeronautics Board	839	846		7	758	717	41	
Civil Service Commission	3,786	3,789		3	2,753	2,512	241	
Civil War Centennial Commission	3	3			9	4	5	
Commission of Fine Arts	6	6			5	5		
Commission on Civil Rights	116	109	7		74	66	8	
Delaware River Basin Commission	2	2			3	3		
Equal Employment Opportunity Commission	56	19	37		8		8	
Export-Import Bank of Washington	309	308	1		242	230	12	
Farm Credit Administration	233	235		2	190	180	10	
Federal Aviation Agency	45,332	45,286	46		36,108	34,701	1,407	
Federal Coal Mine Safety Board of Review	6	7		1	6	5	1	
Federal Communications Commission	1,550	1,541	9		1,226	1,162	64	
Federal Deposit Insurance Corporation	1,555	1,545	10		1,049	991	58	
Federal Field Committee for Development Planning in Alaska	3	3			5	4	1	
Federal Home Loan Bank Board	1,302	1,300	2		988	938	50	
Federal Maritime Commission	249	251		2	216	205	11	
Federal Mediation and Conciliation Service	422	422			438	412	26	
Federal Power Commission	1,179	1,163	16		935	898	37	
Federal Radiation Council	4	4			5	5		
Federal Trade Commission	1,158	1,157	1		970	925	45	
Foreign Claims Settlement Commission	182	186		4	114	127		13
General Accounting Office	4,283	4,274	9		3,199	3,013	186	
General Services Administration	36,471	36,527		56	19,809	18,303	1,506	
Government Printing Office	7,392	7,416		24	5,062	4,892	170	
Housing and Home Finance Agency	13,820	13,777	43		9,770	9,279	491	
Indians Claims Commission	19	19			23	31		8
Interstate Commerce Commission	2,423	2,433		10	1,920	1,833	87	
National Aeronautics and Space Administration	35,224	34,063	1,161		28,736	27,730	1,006	
National Capital Housing Authority	425	423	2		223	261		38
National Capital Planning Commission	64	67		3	53	44	9	
National Capital Transportation Agency	32	32			31	32		1
National Commission on Food Marketing	63	62	1		45	45		
National Commission on Technology, Automation, and Economic Progress	22	14	8		9	7	2	
National Gallery of Art	384	321	63		150	155		5
National Labor Relations Board	2,275	2,252	23		1,780	1,677	103	
National Mediation Board	141	135	6		132	115	17	
National Science Foundation	1,116	1,207		91	839	763	76	
Panama Canal	14,941	14,964		23	5,870	5,917		47
President's Advisory Committee on Labor-Management Policy	3	1	2		1	1		
President's Committee on Equal Employment Opportunity	60	61		1	46	44	2	
President's Review Committee for Development Planning in Alaska	1	1			1	(3)	1	
Railroad Retirement Board	1,753	1,767		14	1,146	1,082	64	
Renegotiation Board	185	184	1		182	189		7
St. Lawrence Seaway Development Corporation	163	164		1	112	109	3	
Securities and Exchange Commission	1,428	1,420	8		1,062	1,062		
Selective Service System	7,652	7,588	64		2,668	2,496	172	
Small Business Administration	3,787	3,754	33		2,744	2,597	147	
Smithsonian Institution	2,029	2,013	16		1,104	1,011	93	
Soldiers' Home	1,122	1,134		12	377	420		43
Subversive Activities Control Board	26	27		1	30	29	1	
Tariff Commission	298	298			237	221	16	
Tax Court of the United States	155	154	1		149	146	3	
Tennessee Valley Authority	17,076	16,797	279		11,319	10,747	572	
U.S. Arms Control and Disarmament Agency	179	175	4		168	157	11	
U.S. Information Agency	11,717	11,633	84		6,833	5,923	910	
United States-Puerto Rico Commission on the Status of Puerto Rico	28	30		2	18	12	6	
Veterans' Administration	166,543	167,059		516	87,623	83,602	4,021	
Virgin Islands Corporation	22	21	1		38	208		170
Woodrow Wilson Memorial Commission	1	1			(3)	(3)		
Total, excluding Department of Defense	1,497,003	1,474,323	23,557	877	852,234	821,793	34,347	3,906
Net increase, excluding Department of Defense			22,680				30,441	

See footnotes at end of table.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during July 1965, and comparison with June 1965, and pay for June 1965, and comparison with May 1965*—Continued

Department or agency	Personnel				Pay (in thousands)			
	July	June	Increase	Decrease	June	May	Increase	Decrease
DEPARTMENT OF DEFENSE								
Office of the Secretary of Defense	2,327	2,301	26		$2,219	$1,985	$234	
Department of the Army	[4] [5] 370,939	366,740	4,199		213,577	201,881	11,696	
Department of the Navy	[5] 336,634	333,273	3,361		204,913	194,419	10,494	
Department of the Air Force	[5] 295,819	291,500	4,319		169,821	162,718	7,103	
Defense Atomic Support Agency	2,104	2,080	24		1,174	1,098	76	
Defense Communications Agency	983	987		4	776	737	39	
Defense Contract Audit Agency [6]	92		92					
Defense Intelligence Agency	[5] 2,904	2,186	718		1,697	1,422	275	
Defense Supply Agency	[4] 33,272	34,203		931	21,753	19,436	2,317	
U.S. Court of Military Appeals	40	40			41	39	2	
Interdepartmental activities	9	9			6	6		
International military activities	59	57	2		52	45	7	
Armed Forces information and education activities	405	420		15	251	237	14	
Total, Department of Defense	1,045,587	1,033,796	12,741	950	616,280	584,023	32,257	
Net increase, Department of Defense			11,791				32,257	
Grand total, including Department of Defense [7] [8] [9]	2,542,590	2,508,119	36,298	1,827	1,468,514	1,405,816	66,604	$3,906
Net increase, including Department of Defense			34,471				62,698	

[1] July figure includes 14,895 employees of the Agency for International Development as compared with 15,098 in June and their pay. These AID figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The July figure includes 3,916 of these trust fund employees, and the June figure includes 3,790.

[2] July figure includes 1,233 employees of the Peace Corps as compared with 1,104 in June and their pay.

[3] Less than $500.

[4] In July 973 employees were transferred to the Department of the Army from the Defense Supply Agency.

[5] In July 726 employees were transferred to the Defense Intelligence Agency as follows: 315 from the Department of the Army, 174 from the Department of the Navy, and 237 from the Department of the Air Force.

[6] New organizational entity established pursuant to Department of Defense directive 5105.36, June 9, 1965, issued by the Secretary of Defense under authority of sec. 3(a) of the Department of Defense Reorganization Act of 1958 (Public Law 85-599). In July 83 employees and their functions were transferred to the Defense Contract Audit Agency as follows: 35 from the Department of the Army, 19 from the Department of the Navy, and 29 from the Department of the Air Force.

[7] Exclusive of personnel and pay of the Central Intelligence Agency and the National Security Agency.

[8] Includes employment under the President's Youth Opportunity Campaign.

[9] Includes employment in the Job Corps by Federal agencies under the Economic Opportunity Act of 1965 (Public Law 88-452), as follows:

Agency	July	June	Change
Agriculture Department	1,253	960	+293
Interior Department	938	807	+131
Total	2,191	1,767	+424

TABLE II.—*Federal personnel inside the United States employed by the executive agencies during July 1965, and comparison with June 1965*

Department or agency	July	June	Increase	Decrease
EXECUTIVE DEPARTMENTS (EXCEPT DEFENSE)				
Agriculture	116,190	111,734	4,456	
Commerce	33,206	33,042	164	
Health, Education, and Welfare	89,592	86,656	2,936	
Interior	71,034	70,118	916	
Justice	33,045	32,821	224	
Labor	9,495	9,496		1
Post Office	604,082	593,875	10,207	
State [1] [2]	11,795	11,486	309	
Treasury	90,161	88,055	2,106	
EXECUTIVE OFFICE OF THE PRESIDENT				
White House Office	328	333		5
Bureau of the Budget	548	524	24	
Council of Economic Advisers	58	45	13	
Executive Mansion and Grounds	71	71		
National Aeronautics and Space Council	27	29		2
National Council on the Arts	3	26		23
National Security Council	39	38	1	
Office of Economic Opportunity	1,338	1,263	75	
Office of Emergency Planning	388	380	8	
Office of Science and Technology	55	116		61
Office of the Special Representative for Trade Negotiations	27	28		1
President's Committee on Consumer Interests	18	25		7
President's Committee on Equal Opportunity in Housing	12	12		
President's Council on Equal Opportunity	23	18	5	
INDEPENDENT AGENCIES				
Advisory Commission on Intergovernmental Relations	25	25		
American Battle Monuments Commission	7	7		
Appalachian Regional Commission	7	6	1	
Atomic Energy Commission	7,392	7,296	96	
Battle of New Orleans Sesquicentennial Celebration Commission	1	1		
Board of Governors of the Federal Reserve System	672	667	5	
Civil Aeronautics Board	839	846		7
Civil Service Commission	3,783	3,786		3
Civil War Centennial Commission	3	3		
Commission of Fine Arts	6	6		
Commission on Civil Rights	116	109	7	
Delaware River Basin Commission	2	2		
Equal Employment Opportunity Commission	56	19	37	
Export-Import Bank of Washington	309	308	1	
Farm Credit Administration	233	235		2
Federal Aviation Agency	44,286	44,208	78	
Federal Coal Mine Safety Board of Review	6	7		1
Federal Communications Commission	1,545	1,536	9	
Federal Deposit Insurance Corporation	1,553	1,543	10	
Federal Field Committee for Development Planning in Alaska	3	3		
Federal Home Loan Bank Board	1,302	1,300	2	
INDEPENDENT AGENCIES—continued				
Federal Maritime Commission	249	251		2
Federal Mediation and Conciliation Service	422	422		
Federal Power Commission	1,179	1,163	16	
Federal Radiation Council	4	4		
Federal Trade Commission	1,158	1,157	1	
Foreign Claims Settlement Commission	172	175		3
General Accounting Office	4,230	4,218	12	
General Services Administration	36,441	36,497		56
Government Printing Office	7,392	7,416		24
Housing and Home Finance Agency	13,608	13,562	46	
Indian Claims Commission	19	19		
Interstate Commerce Commission	2,423	2,433		10
National Aeronautics and Space Administration	35,208	34,046	1,162	
National Capital Housing Authority	425	423	2	
National Capital Planning Commission	64	67		3
National Capital Transportation Agency	32	32		
National Commission on Food Marketing	63	62	1	
National Commission on Technology, Automation, and Economic Progress	22	14	8	
National Gallery of Art	384	321	63	
National Labor Relations Board	2,241	2,216	25	
National Mediation Board	141	135	6	
National Science Foundation	1,112	1,203		91
Panama Canal	157	156	1	
President's Advisory Committee on Labor-Management Policy	3	1	2	
President's Committee on Equal Employment Opportunity	60	61		1
President's Review Committee for Development Planning in Alaska	1	1		
Railroad Retirement Board	1,753	1,767		14
Renegotiation Board	185	184	1	
St. Lawrence Seaway Development Corporation	163	164		1
Securities and Exchange Commission	1,428	1,420	8	
Selective Service System	7,487	7,427	60	
Small Business Administration	3,714	3,681	33	
Smithsonian Institution	2,009	1,993	16	
Soldiers' Home	1,122	1,134		12
Subversive Activities Control Board	26	27		1
Tariff Commission	298	298		
Tax Court of the United States	155	154	1	
Tennessee Valley Authority	17,071	16,792	279	
U.S. Arms Control and Disarmament Agency	179	175	4	
United States Information Agency	3,526	3,524	2	
United States-Puerto Rico Commission on the Status of Puerto Rico	23	22	1	
Veterans' Administration	165,589	166,098		509
Woodrow Wilson Memorial Commission	1	1		
Total, excluding Department of Defense	1,435,620	1,413,020	23,440	840
Net increase, excluding Department of Defense			22,600	

See footnotes at end of table.

TABLE II.—*Federal personnel inside the United States employed by the executive agencies during July 1965, and comparison with June 1965*—Continued

Department or agency	July	June	Increase	Decrease
DEPARTMENT OF DEFENSE				
Office of the Secretary of Defense	2,257	2,250	7	
Department of the Army	[3] 324,872	320,822	4,050	
Department of the Navy	312,708	309,298	3,410	
Department of the Air Force	272,468	268,521	3,947	
Defense Atomic Support Agency	2,104	2,080	24	
Defense Communications Agency	930	933		3
Defense Contract Audit Agency [4]	92		92	
Defense Intelligence Agency	2,177	2,186		9
Defense Supply Agency	[3] 33,261	34,192		931
U.S. Court of Military Appeals	40	40		
Interdepartmental activities	9	9		
DEPARTMENT OF DEFENSE—continued				
International military activities	33	33		
Armed Forces information and education activities	405	420		15
Total, Department of Defense	951,356	940,784	11,530	958
Net increase, Department of Defense			10,572	
Grand total, including Department of Defense	2,386,976	2,353,804	34,970	1,79
Net increase, including Department of Defense			33,172	

[1] July figure includes 3,341 employees of the Agency for International Development as compared with 3,270 in June.
[2] July figure includes 829 employees of the Peace Corps as compared with 715 in June.
[3] In July, 973 employees were transferred from the Department of the Army to the Defense Supply Agency.
[4] New organizational entity established pursuant to Department of Defense directive 5105.36, June 9, 1965, issued by the Secretary of Defense under authority of sec. 3(a) of the Department of Defense Reorganization Act of 1958 (Public Law 85-599). In July, 83 employees and their functions were transferred to the Defense Contract Audit Agency as follows: 35 from the Department of the Army, 19 from the Department of the Navy, and 29 from the Department of the Air Force.

TABLE III.—*Federal personnel outside the United States employed by the executive agencies during July 1965, and comparison with June 1965*

Department or agency	July	June	Increase	Decrease
EXECUTIVE DEPARTMENTS (EXCEPT DEFENSE)				
Agriculture	1,291	1,293		2
Commerce	618	621		3
Health, Education, and Welfare	719	660	59	
Interior	630	620	10	
Justice	407	401	6	
Labor	67	71		4
Post Office	1,639	1,637	2	
State [1] [2]	29,180	29,201		21
Treasury	723	710	13	
INDEPENDENT AGENCIES				
American Battle Monuments Commission	437	432	5	
Atomic Energy Commission	38	34	4	
Civil Service Commission	3	3		
Federal Aviation Agency	1,046	1,078		32
Federal Communications Commission	5	5		
Federal Deposit Insurance Corporation	2	2		
Foreign Claims Settlement Commission	10	11		1
General Accounting Office	53	56		3
General Services Administration	30	30		
Housing and Home Finance Agency	212	215		3
National Aeronautics and Space Administration	16	17		1
National Labor Relations Board	34	36		2
National Science Foundation	4	4		
Panama Canal	17,484	14,808		24
Selective Service System	165	161	4	
Small Business Administration	73	73		
INDEPENDENT AGENCIES—continued				
Smithsonian Institution	20	20		
Tennessee Valley Authority	5	5		
U.S. Information Agency	8,191	8,109	82	
United States-Puerto Rico Commission on the Status of Puerto Rico	5	8		3
Veterans' Administration	954	961		7
Virgin Islands Corporation	22	21	1	
Total, excluding Department of Defense	61,383	61,303	186	106
Net increase, excluding Department of Defense			80	
DEPARTMENT OF DEFENSE				
Office of the Secretary of Defense	70	51	19	
Department of the Army	[3] 46,067	45,918	149	
Department of the Navy	[3] 23,926	23,975		49
Department of the Air Force	[3] 23,351	22,979	372	
Defense Communications Agency	53	54		1
Defense Intelligence Agency	[3] 727		727	
Defense Supply Agency	11	11		
International military activities	26	24	2	
Total, Department of Defense	94,231	93,012	1,269	50
Net increase, Department of Defense			1,219	
Grand total, including Department of Defense	155,614	154,315	1,455	156
Net increase, including Department of Defense			1,299	

[1] July figure includes 11,554 employees of the Agency for International Development as compared with 11,828 in July. These AID figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The July figure includes 3,916 of these trust fund employees, and the June figure includes 3,790.
[2] July figure includes 404 employees of the Peace Corps as compared with 389 in June.
[3] In July 726 employees were transferred to the Defense Intelligence Agency as follows: 315 from the Department of the Army, 174 from the Department of the Navy, and 237 from the Department of the Air Force.

TABLE IV.—*Industrial employees of the Federal Government inside and outside the United States employed by the executive agencies during July 1965, and comparison with June 1965*

Department or agency	July	June	Increase	Decrease
EXECUTIVE DEPARTMENTS (EXCEPT DEFENSE)				
Agriculture	3,739	3,744		5
Commerce	6,195	6,141	54	
Interior	10,193	10,237		44
Post Office	280	270	10	
Treasury	5,622	5,608	14	
INDEPENDENT AGENCIES				
Atomic Energy Commission	278	273	5	
Federal Aviation Agency	2,571	2,581		10
General Services Administration	2,321	2,178	143	
Government Printing Office	7,392	7,416		24
National Aeronautics and Space Administration	35,224	34,063	1,161	
Panama Canal	7,066	7,170		104
St. Lawrence Seaway Development Corporation	162	163		1
Tennessee Valley Authority	13,562	13,282	280	
Virgin Islands Corporation	22	21	1	
Total, excluding Department of Defense	94,627	93,147	1,668	188
Net increase, excluding Department of Defense			1,480	
DEPARTMENT OF DEFENSE				
Department of the Army:				
Inside the United States	[1] 138,215	[2] 131,234	6,981	
Outside the United States	[1] 4,170	[2] 4,111	59	
Department of the Navy:				
Inside the United States	189,597	187,680	1,917	
Outside the United States	1,675	1,638	37	
Department of the Air Force:				
Inside the United States	127,433	125,566	1,867	
Outside the United States	1,157	1,119	38	
Defense Supply Agency:				
Inside the United States	1,563	1,573		10
Total, Department of Defense	463,810	452,921	10,899	10
Net increase, Department of Defense			10,889	
Grand total, including Department of Defense	558,437	546,068	12,567	198
Net increase, including Department of Defense			12,369	

[1] Subject to revision.
[2] Revised on basis of later information.

TABLE V.—*Foreign nationals working under U.S. agencies overseas, excluded from tables I through IV of this report, whose services are provided by contractual agreement between the United States and foreign governments, or because of the nature of their work or the source of funds from which they are paid, as of July 1965, and comparison with June 1965*

Country	Total		Army		Navy		Air Force	
	July	June	July	June	July	June	July	June
Crete	76	77					76	77
England	1,960	1,919	112	106	100	103	1,748	1,710
France	14,837	14,792	11,543	11,589	8	8	3,286	3,195
Germany	65,249	65,581	55,147	55,403	77	71	10,025	10,107
Greece	313	307			37	38	276	269
Japan	41,284	41,385	14,011	14,162	12,272	12,275	15,001	14,948
Korea	5,444	5,441	5,444	5,441				
Morocco	577	534			577	534		
Netherlands	51	51					51	51
Trinidad	328	364			328	364		
Total	130,119	130,451	86,257	86,701	13,399	13,393	30,463	30,357

STATEMENT BY SENATOR BYRD OF VIRGINIA

THE MONTH OF JULY 1965

Civilian employees

Executive agencies of the Federal Government reported civilian employment in the month of July totaling 2,542,590, compared with 2,508,119 in June. This was a net increase of 34,471.

This was the largest monthly increase in Federal civilian employment since June of 1962. Employment in July reached its highest point since June 1953.

Employment by civilian agencies for the month of July was 1,497,003, an increase of 22,680 as compared with the June total of 1,474,323. Total civilian employment in the military agencies in July was 1,045,587, an increase of 11,791 as compared with 1,033,796 in June.

Civilian agencies reporting the larger increases were Post Office Department with 10,209, Agriculture Department with 4,454, Department of Health, Education, and Welfare with 2,995, Treasury Department with 2,119 and National Aeronautics and Space Administration was 1,161.

In the Department of Defense the largest increases in civilian employment were reported by the Air Force with 4,319, Army with 4,199 and Navy with 3,361.

Total employment inside the United States in July was 2,386,976, an increase of 33,172 as compared with June. Total employment outside the United States in July was 155,614, an increase of 1,299 as compared with June. Industrial employment by Federal agencies in July totaled 558,437, an increase of 12,369.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Nonessential Federal Expenditures.

Foreign nationals

The total of 2,542,590 civilian employees certified to the committee by executive agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad, but in addition to these there were 130,119 foreign nationals working for U.S. agencies overseas during July who were not counted in the usual personnel reports. The number in June was 130,451.

SUMMARY OF FEDERAL CIVILIAN EMPLOYMENT COSTS FOR FISCAL YEAR 1965 (ENDED JUNE 30, 1965)

For the past 9 years the committee, in its statement accompanying the monthly civilian payroll cost for June (the last month in the fiscal year) has compared the annual cost with the totals for previous years. The following comparison continues this practice.

The cost of civilian employment in the executive branch of the Federal Government in fiscal year 1965, ended June 30, totaled $17,242 million. This was $1,037 million higher than the preceding fiscal year 1964; and it was an all-time high. The 1965 payroll costs rose, while average employment for the full 12 months of the fiscal year decreased 8,876, compared with average employment in 1964.

The 1965 civilian agency payrolls totaled $10,137 million as compared with $9,387 million the year before; and payroll costs for civilian employment of the military agencies totaled $7,105 million as compared with $6,818 million in fiscal year 1964.

Figures by fiscal years since 1954 follow:

Annual Federal expenditures for civilian payroll, executive branch—Fiscal years 1954–65

[In millions of dollars]

Fiscal year	Civilian agencies	Defense Department (civilian employment) [1]	Total
1954	$4,865	$4,588	$9,453
1955	4,921	4,700	9,621
1956	5,359	5,167	10,526
1957	5,602	5,399	11,000
1958	6,040	5,415	11,455
1959	6,564	5,766	12,330
1960	6,877	5,760	12,637
1961	7,622	6,026	13,648
1962	7,978	6,318	14,296
1963	8,743	6,603	15,347
1964	9,387	6,818	16,205
1965	10,137	7,105	17,242

[1] Excludes U.S. pay for foreign nationals not on regular rolls (totaling $305,000,000 for fiscal year 1965).

Executive branch employment during fiscal year 1965 averaged 2,479,489 as compared with 2,488,365 in 1964. Civilian agency employment averaged 1,455,007, an increase of 9,194 over the previous year; civilian employment by military agencies averaged 1,024,482, a decrease of 18,070.

Average employment by fiscal years since 1954 follows:

Average civilian employment by Federal agencies, executive branch—Fiscal years 1954–65

Fiscal year	Civilian agencies	Defense Department (civilian employment) [1]	Total
1954	1,183,389	1,252,775	2,436,164
1955	1,182,663	1,184,627	2,367,290
1956	1,189,458	1,174,584	2,364,042
1957	1,219,836	1,174,263	2,394,099
1958	1,242,942	1,104,403	2,347,345
1959	1,266,566	1,085,676	2,352,242
1960	1,331,605	1,054,740	2,386,345
1961	1,335,089	1,037,356	2,372,445
1962	1,385,132	1,058,676	2,443,808
1963	1,429,654	1,063,720	2,493,374
1964	1,445,813	1,042,552	2,488,365
1965	1,455,007	1,024,482	2,479,489

[1] Excludes foreign nationals not on regular rolls (averaging 133,261 for fiscal year 1965).

BILLS INTRODUCED

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

By Mr. SYMINGTON (for himself and Mr. LONG of Missouri):

S. 2483. A bill to amend the General Bridge Act of 1946 for the purpose of maintaining existing bridge clearances on navigable rivers and waterways connecting with the sea; to the Committee on Public Works.

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

By Mr. DODD:

S. 2484. A bill to amend title V of the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of nationals of the United States against the Chinese Communist regime; to the Committee on Foreign Relations.

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

By Mr. BAYH:

S. 2485. A bill to amend the Merchant Marine Act, 1920, to prohibit transportation of articles to or from the United States aboard certain foreign vessels, and for other purposes; to the Committee on Commerce.

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

By Mr. MONDALE:

S. 2486. A bill for the relief of Dr. Earl C. Chamberlayne; to the Committee on the Judiciary.

By Mr. HARRIS:

S. 2487. A bill for the relief of Eleutheria Tsakalakis; to the Committee on the Judiciary.

By Mr. DOMINICK:

S. 2488. A bill for the relief of Santiago Ochoa Garcia; to the Committee on the Judiciary.

CONCURRENT RESOLUTION TO EXPRESS SENSE OF CONGRESS RELATIVE TO CERTAIN WATER PROBLEMS CONFRONTING THE UNITED STATES AND CANADA

Mr. MOSS submitted a concurrent resolution (S. Con. Res. 55) to express sense of Congress relative to certain water problems confronting the United States and Canada, which was referred to the Committee on Foreign Relations.

(See the above concurrent resolution printed in full when submitted by Mr. Moss, which appears under a separate heading.)

AMENDMENT TO GENERAL BRIDGE ACT OF 1946

Mr. SYMINGTON. Mr. President, the program for the river development of the Nation continues to advance at a rapid pace. We are controlling the depth and improving the navigable channels of our inland waterways to meet the demand for waterborne commerce.

Water transportation is encouraging industrial growth along our inland waterway system. Freight tonnage is setting new records annually.

In the light of these demands upon the capabilities of our rivers—especially the necessary movement of large structures—we should maintain presently available bridge clearances so that our navigable waters will be kept open.

To meet this need, therefore, on behalf of my colleague from Missouri [Mr. LONG] and myself, I introduce, for appropriate reference, a bill to amend the General Bridge Act of 1946.

Mr. President, I ask unanimous consent that an editorial on this subject, published in the St. Louis Post Dispatch of August 17, 1965, be printed at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the editorial will be printed in the RECORD.

The bill (S. 2483) to amend the General Bridge Act of 1946 for the purpose of maintaining existing bridge clearances on navigable rivers and waterways connecting with the sea, introduced by Mr. SYMINGTON (for himself and Mr. LONG of Missouri), was received, read twice by its title, and referred to the Committee on Public Works.

The editorial presented by Mr. SYMINGTON is as follows:

[From the St. Louis (Mo.) Post-Dispatch, Aug. 17, 1965]

BRIDGES, NOT BARRIERS

The war over bridge clearances on the Mississippi and Missouri Rivers has been going on for more than 8 years now and still it is being fought to a conclusion on a span-by-span basis. Currently under debate are one structure at Omaha which is being built and another at Kansas City for which a permit has been issued. Both would still further reduce the minimum clearances of 52 feet vertical and 400 feet horizontal in existence on bridges now in use.

As the Waterways Journal of St. Louis declares editorially, this procedure "not only is a needless expense for waterway interests, but there is always the danger that some proposals will not be discovered until it is too late." The result could be to foreclose the waterways to some types of important freight as has already been done on the highways and the railroads by inadequate clearances. Minimum clearances on these two principal rivers should not be further reduced unless for more compelling reasons than have yet been raised. The country must not sell its future short on the last transportation artery capable of carrying giant freight.

TO EXPAND THE JURISDICTION OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION TO INCLUDE THE CLAIMS OF U.S. CITIZENS AGAINST COMMUNIST CHINA

Mr. DODD. Mr. President, in 1954 Congress established the Foreign Claims Settlement Commission to adjudicate claims by U.S. citizens against foreign countries which have seized their property.

During the past 15 years, the Foreign Claims Settlement Commission and its predecessors have made awards to claimants from funds available as part of settlements with the United States by Yugoslavia, Poland, Rumania, and Bulgaria.

In other cases, where no settlement on claims has been reached between the United States and the expropriating nation, Congress has empowered the Commission to determine the validity and amount of U.S. citizens' claims against the expropriating country anyway, but payment of the claims has been made only from assets of the foreign government in the possession of the United States.

Where there have been no such assets, no payment has been made at all.

In this latter class of cases, in which no assets exist from which payment can be made, the Commission nonetheless determines the merits and the amounts of the claims in order to decide and record the facts of each case and in order to provide the Secretary of State with an intelligent basis upon which to negotiate with the expropriating power, should it be determined prudent to do so.

Last year Congress expanded the jurisdiction of the Foreign Claims Settlement Commission to include determination of the amount and the validity of claims by U.S. citizens against the Government of Cuba which have arisen as a result of the Castro Government's bad credit, expropriation, and lawlessness against U.S. citizens.

That legislation specifically provided that it could not be construed as authorizing an appropriation for the purpose of paying these Cuban claims.

I think the Cuban Claims Act was a wise piece of legislation.

But I think the jurisdiction of the Foreign Claims Settlement Commission should also be extended to include claims of U.S. citizens against the Chinese Communist Government for expropriation, unpaid debts, and other unlawful injuries. Therefore, I introduce, for appropriate reference, a bill to authorize the Foreign Claims Commission to hear, decide, and record these claims against the day when Communist China can be brought to the bar of international law and justice.

The bill I propose in no way changes the provisions of the Cuban Claims Act passed last year, except to allow the Commission to adjudicate claims of U.S. citizens against Communist China on the same basis as claims against Cuba.

This bill, like the Cuban Claims Act, will not involve or authorize any appropriation of funds to pay these claims.

But it will provide some remedy for those of our citizens who have been victimized by the outlawry of Communist China.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2484) to amend title V of the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of nationals of the United States against the Chinese Communist regime, introduced by Mr. DODD, was received, read twice by its title, and referred to the Committee on Foreign Relations.

SANCTIONS AGAINST SHIPPING COMPANIES TRADING WITH NORTH VIETNAM

Mr. BAYH. Mr. President, I introduce, for appropriate reference, a bill designed to discourage and bring sanctions against shipping companies throughout the free world which persist in trading with North Vietnam.

It is high time, Mr. President, that such companies realize the full extent and implications of the situation in which we are engaged in Vietnam.

The United States of America—this Nation's soldiers, sailors, and airmen—are fighting and dying in Vietnam to protect the free world from further Communist encroachment upon freedom and liberty.

Yet a number of ships of free world nations continue to carry supplies to North Vietnam. It may well be that supplies carried to North Vietnam by free world vessels are predominantly nonstrategic in nature. It may be that any loss of supplies from free world ships to North Vietnam could be replaced by Communist bloc vessels.

But I maintain, Mr. President, that any supplies of any kind to a nation making war on its neighbor contribute directly to the war effort and could result in the death of American and allied fighting men. I contend further, Mr. President, that the burden of furnishing such supplies to an aggressor nation should fall upon those in sympathy with the aggressor. No freedom-loving nation should seek to profit from trade which could result in the death of boys seeking to defend freedom.

In the 18-month period between January 1964 through June 1965 ships from the free world have carried 476 cargoes to North Vietnam. In the first half of this year, ships from six free world nations have visited North Vietnamese ports a total of 75 times. The six nations represented in this trade are the United Kingdom—which accounted for about 60 percent of this traffic—Japan, Greece, Norway, the Netherlands, and Lebanon.

Ironically, 24 of the very same vessels which have hauled cargoes to North Vietnam have put in to American ports no fewer than 75 times in the 18 months between January 1964 through June 1965.

It seems inconceivable to me that the United States should open its ports to vessels which may have earlier carried cargoes to North Vietnam or may be heading to North Vietnamese ports soon after putting in at American harbors.

It seems to me, Mr. President, that this Nation should not only prohibit those individual ships from utilizing American ports, but should similarly penalize any vessel owned by a private shipping interest which permits any ship under its control to carry cargoes to or from North Vietnam.

The bill I am introducing today would do just that. From the time it becomes law, the proposal would prohibit the use of American ports to the ships of any private interest which allowed any of its vessels to traffic with the North Vietnamese.

This, it seems to me, is the very least this Nation could do to punish those who continue to seek profits at the possible cost of spilling American blood on Vietnamese soil.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2485) to amend the Merchant Marine Act, 1920, to prohibit transportation of articles to or from the

United States aboard certain foreign vessels, and for other purposes, introduced by Mr. BAYH, was received, read twice by its title, and referred to the Committee on Commerce.

HIGHER EDUCATION ACT OF 1965—AMENDMENTS

AMENDMENT NO. 429

Mr. JAVITS. Mr. President, I submit an amendment to section VII of the Higher Education Act of 1965 (H.R. 9567), which is scheduled to be considered by the Senate tomorrow.

The Housing and Urban Development Act of 1965—Public Law 89–117—established an interest rate ceiling on college housing of 3 percent. My amendment applies the same formula to loans made under title III of the Higher Education Facilities Act of 1963—Public Law 88–204. The amendment is effective after enactment of the Higher Education Act. Presently loans are charged an interest rate of 3⅞ percent; $120 million was appropriated for these loans for the current fiscal year.

My amendment therefore would equalize the interest rate charged for construction of classrooms and other college facilities with that now charged for dormitory rooms and college housing. The Office of Education informs me that it has no objection to the amendment.

The VICE PRESIDENT. The amendment will be received, printed, and will lie on the table.

AMENDMENT NO. 430

Mr. MILLER submitted an amendment, intended to be proposed by him, to House bill 9567, the Higher Education Act of 1965, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTION

Mr. MOSS. Mr. President, at their next printing, I ask unanimous consent that the names of the following Senators be added as cosponsors of the following bills and resolution:

S. 1883, Mr. FANNIN.

S. 2430, Mr. FONG and Mr. INOUYE.

S. 2435, Mr. TYDINGS.

Senate Resolution 121, Mr. HARTKE and Mr. MILLER.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HART. Mr. President, I ask unanimous consent that at the next printing of S. 2478, a bill to give consent to three additional States to enter into a compact for bus taxation proration and reciprocity, the name of the Senator from Connecticut [Mr. RIBICOFF] be added as a sponsor.

The VICE PRESIDENT. Without objection, it is so ordered.

CHANGE IN HEARING DATE ON CRITICAL WATER PROBLEM

Mr. JACKSON. Mr. President, previously I had announced that the Committee on Interior and Insular Affairs would hold a hearing on September 9 on the critical water problem in the Northeast.

The date has been changed to September 8 due to an unavoidable conflict in committee activity.

The hearing will be held in room 3110 of the New Senate Office Building, and it is our purpose to hear Secretary of the Interior Udall, serving in his capacity as Chairman of the Water Resources Council, who will inform the committee on the current scope of Federal activity in assisting the States which have suffered due to the drought in the Northeast.

NOTICE OF HEARINGS ON SENATE BILL 2049

Mr. TYDINGS. Mr. President, as chairman of the Subcommittee on Improvements in Judicial Machinery, I wish to announce that hearings will be held by the subcommittee on S. 2049, a measure to realine the counties comprising the territory of the U.S. district courts for the eastern and western districts of Oklahoma.

The hearings are scheduled for September 9 at 10 a.m. in room 6226 of the New Senate Office Building. Any person who wishes to testify or submit statements pertaining to this measure should contact the Subcommittee on Improvements in Judicial Machinery.

THE SALE OF WHEAT AND THE BALANCE OF PAYMENTS

Mr. SYMINGTON. Mr. President, today the United States has a vast surplus stock of wheat.

Today the United States continues to lose its already heavily diminished stock of gold.

In that this Nation now has less than $24 billion of gold, and owes abroad, primarily to foreign central banks, over $28 billion of current liabilities redeemable in gold, the problem is obvious.

One way to help solve the said problem would be to follow the precedent set by many other countries of the free world—Argentina, Australia, Canada, France—and sell wheat for gold to customers behind the Iron Curtain.

In that connection, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "Russian Deals Brighten U.S. Wheat Outlook," published in the Kansas City Times of August 17, 1965.

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

RUSSIAN DEALS BRIGHTEN U.S. WHEAT OUTLOOK

The wheat market outlook in the United States was made suddenly brighter by Canadian and Argentine sales to the Soviet Union. This is true even though the United States was not included in the deals. This country now stands as the only potential exporter of wheat with a large surplus for sale.

We have no way of knowing whether Russia or the satellites will want more wheat and might be forced to come to the United States for it. But if such should be the case, this country should be in a position to sell if it is considered expedient at the time. This would require the elimination of the provision that half of any wheat sold to the Soviet bloc must be carried in U.S. vessels which charge freight rates higher than foreign vessels. This single factor would cut the United States out of the Russian cash market. It does nothing whatever to prevent the Soviets from buying wheat elsewhere.

But whether a single bushel is sold to the Soviet bloc, the United States has a greater opportunity than before to supply markets any place else in the world.

It is axiomatic that any industry that has an ample supply of its product on hand, immediately available to be delivered to a customer at a competitive price, is in a position to do business. That is the U.S. position today. At this particular time we have an advantage over other exporting countries in the world.

Canada has a lot of wheat, or will have after this summer's harvest. But it apparently has sold or has commitments to sell all that it can deliver before next May. Australia has ceased exporting wheat until it determines what the winter harvest will be. Currently, that country's wheat prospects are not too promising. Argentina has apparently sold to its limits its winter harvest. The United States has harvested a big crop to add to a substantial carryover.

Even before the big Russian purchases, the dollar export market for U.S. wheat has been good this summer, but additional sales have been made to Western Europe and Japan in the last few days. Wheat exports are larger thus for this marketing year than the grain trade had expected and are larger than at this time last year. If demand from abroad continues strong, U.S. sales should continue to grow.

In 1963 the maritime unions and some ship owners were successful in getting the administration to invoke the rule requiring the use of American ships to haul grain to Russia. Only by extra subsidy gimmicks was it possible then for this country to make two important sales. We submit, however, that if a principle is involved in selling to Russia, the principle is not altered by charging higher freight rates. Actually, the effect is to leave the Russian market open to all other countries and the American vessels haul no wheat.

Looking to the rest of the world, U.S. dollar sales are handled by the private grain trade. These are firms in the business of trading to make money. The more they can sell, the greater the profits. We have no suggestion for a better system of stimulating trade. In fact, in support of the free enterprise system we might refer to the fact that Russia with its controlled economy must buy wheat—it was once an exporter. The United States still is an exporter and by exporting it not only strengthens its own economy but further relieves the balance-of-payments problem which has by no means been solved.

Mr. SYMINGTON. Mr. President, I also ask unanimous consent that an editorial entitled "Wheat Exports Lost," published in the Des Moines Register of August 25, 1965, be printed at this point in the RECORD.

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

WHEAT EXPORTS LOST

The Soviet Union is in a bad way on grain production again. The wheat crop for 1965 is estimated at around 60 million tons, compared with last year's good crop of 74 million and the disastrous 1963 harvest of only 50 million. Once again the Soviet Government has been forced to buy wheat abroad to fill its home consumption needs. Already orders have been placed for upwards of 7.5 million tons, and it seems likely more will be placed.

Canada, Argentina, Australia, and France have sold wheat to Russia, with Canada the biggest seller. The United States, which got in on the Russian market after the 1963 crop failure, has not been able to compete this time. The reason is that the Russians will not consider an American wheat purchase so long as the United States attaches the condition that 50 percent of the grain be transported in American ships. U.S. shipping is far more expensive than that of other countries.

The 50-percent rule in shipping was applied to the 1963 wheat sale by President Kennedy as a means of appeasing the maritime unions. However, an adjustment in price was made which offset the extra shipping costs.

The Johnson administration could do this again and possibly obtain some of the wheat export business to Russia. But the administration seems to be afraid the maritime unions and the dock unions would strike if an effort to change the 50-percent rule were made. A large part of the U.S. shipping industry already is tied up in a dispute over automation. The 50-percent requirement does not help union labor if it results in the loss of all wheat exports to Russia; surely the unions can be made to see that.

The administration also may be sensitive to the protests against selling wheat to help the Russians, especially at a time when American boys are fighting Communists in Vietnam. This is a short-sighted, emotional point of view. It is a surface view which assumes that anything which is advantageous to the Russians is a disadvantage to America.

The truth is that the advantages, economic and political, to this country from selling wheat to the Russians are very substantial.

The Soviet Union is having to dig deep into its gold reserves to import wheat. The total value so far is probably over $600 million. This not only reduces the capacity of the Soviet Union to spend for other things overseas—including the making of mischief in Vietnam and other revolutionary countries—it also benefits the United States and the West by increasing the supply of gold in world trade. This indirectly helps the balance of payments problems of Britain and the United States.

It would directly help the U.S. balance if this country could sell a large supply of wheat for gold or dollars.

The benefit to the U.S. agricultural supply position is obvious. This country still has excess capacity for producing wheat. It is still necessary, despite the growth of population and foreign commercial demand, to checkrein wheat and other grain output by means of acreage restrictions. Also, it is necessary to subsidize the export of grain. A large sale of wheat to Russia would help to further reduce the surplus in this country and ease the load on the Government budget for agriculture.

Perhaps the biggest benefit of all, however, is political. The sale of wheat to Russia dramatizes the weakness of Soviet agriculture and its elaborate planning system. It shows the superiority of American and Canadian farm organization and enterprise.

Opponents of selling wheat to Russia ought to consider why it is that the Soviet Government in 1963 and now again is spending scarce foreign exchange to buy wheat from capitalist countries. One reason is that hunger no longer is an acceptable alternative in the Soviet Union. Stalin would have let the people suffer from lack of bread. The new regime dares not.

The rise of the consumer and the demand for a better life in Russia are powerful political factors. It is strongly in the interest of America that these forces be encouraged. Resources used for domestic improvement cannot be used for aggressive adventures in the world.

When Canada, Australia and other countries sell wheat to Russia and to China the United States derives indirect benefits. Their sales reduce the supply of wheat in the rest of the world market and tend to strengthen commercial demand for U.S. wheat elsewhere. However, direct selling to Russia would benefit America much more.

Mr. SYMINGTON. Mr. President, it is also interesting to note that one country, Canada, improved its balance of payments position some $1.8 billion by selling this one crop behind the Iron Curtain.

In this connection, I ask unanimous consent that an article entitled "Canada's No. 1 Wheat Salesman," written by John M. Lee, and published in the New York Times of Saturday, August 28, 1965, be printed at this point in the RECORD.

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

CANADA'S NO. 1 WHEAT SALESMAN: MCNAMARA MADE $1.8 BILLION IN SALES IN LAST 5 YEARS—RUMORS OF DEALS FLY WHEN OFFICIAL GOES TO OTTAWA

(By John M. Lee)

WINNIPEG, August 25.—W. C. McNamara is the sort of man who, just by flying to Ottawa for the day, can shake the grain market with rumors of an impending wheat sale to Red China.

"I suppose my movements are watched," Mr. McNamara remarked. The 61-year-old Canadian, looking husky and hearty, in a dark plaid sports jacket, bow tie and cigar, continued: "but I don't know how this report of another Chinese deal got started. I know nothing of it.

"I can tell you, if it had been a Chinese agreement, I would have to stay in Ottawa more than 1 day to negotiate it," he added.

Mr. McNamara's travels stimulate interest because in his position as chief commissioner of the Canadian Wheat Board, he has become the world's No. 1 wheat salesman.

He has traveled widely in Eastern Europe and he made his second trip to Peiping last fall.

SALES CULTIVATION

In the last 5 years of his administration, the Wheat Board, the Government sales agency for wheat, has cultivated relations with the Soviet Union, Communist China, and the satellites for almost $1.8 billion of business.

This is two and a half times the value of sales to Britain, formerly the largest purchaser of Canadian wheat.

Two weeks ago, Mr. McNamara announced another sale, under which the Soviet Union will take $450 million of Canada's $1.4 billion wheat crop before next July 31.

"We treat them all like customers, without regard to race, creed, or color," he smiled.

In return, the Soviet traders have become friendly enough to give Mr. McNamara a Russian-made camera for his birthday.

"It's quite intricate," he said. "My son is working on it. The instructions are in Russian."

The Wheat Board chairman has also interested the Russians in Canadian football. Mr. McNamara is a fan of the Saskatchewan Rough Riders and has played semiprofessional football.

William Craig McNamara was born in Winnipeg on August 8, 1904, and grew up in the heart of the prairie wheatlands in Regina, Saskatchewan. He worked for the bank, then joined the Saskatchewan Wheat Pool in 1924.

He left a job as manager of the pool's coarse grain department in 1932 to join the Wheat Board and was a special representative of the agency in Washington during the war.

He was named a commissioner of the board in 1945 and chief commissioner in 1958.

The Wheat Board was formed by Parliament in 1935 and is now the sole marketing agency for wheat, oats, and barley produced in western Canada.

It guarantees minimum prices to farmers, sets selling prices, negotiates sales and controls the flow of grain.

Mr. McNamara said he was optimistic on the future of international trade in wheat.

"We have raised our sights from what was normal a few years ago, and we are growing faster even than that expectation," he said.

"I don't think we'll ever go back to the surpluses of the 1950's when we had the supply and couldn't move it."

Mr. McNamara felt so exuberant in conversation at his offices today that he joked, "I think we'll be the first to sell with the man on the moon."

Some persons in the grain trade might bet that Bill McNamara would be there to close the deal.

LYNDON BAINES JOHNSON PRESIDENTIAL ARCHIVAL DEPOSITORY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 654, House Joint Resolution 632.

The VICE PRESIDENT. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (H.J. Res. 632) to authorize the Administrator of General Services to enter into an agreement with the University of Texas for the Lyndon Baines Johnson Presidential Archival Depository, and for other purposes.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask that Senate Joint Resolution 105 be indefinitely postponed.

The VICE PRESIDENT. Without objection, Senate Joint Resolution 105 is indefinitely postponed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report on Senate Joint Resolution 105 (No. 651), explaining the purposes of the joint resolution.

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

PURPOSE

This resolution would waive the 60-day waiting period provided in section 507(f)(1) of the Federal Property and Administrative Services Act of 1949, as amended, as a condition precedent to the Administrator of General Services entering into an agreement for the protection, operation, and maintenance of the Lyndon Baines Johnson Presidential Archival Depository as a part of the National Archives system.

Enactment of Senate Joint Resolution 105 is necessary to enable the University of Texas and the Administrator of General Services to move forward immediately with this proposal.

The statutory waiting period was provided to assure the Congress an adequate opportunity to review such proposals and assure that they accorded with the purposes and objectives contemplated by the Congress in authorizing the establishment of Presidential libraries. In considering and taking

affirmative action on this resolution, the Congress would be accomplishing the purposes intended by the 60-day waiting period.

With respect to the proposed Lyndon Baines Johnson Library, adjournment of Congress prior to the expiration of the 60-day period would require a new beginning of the running of the 60-day period upon the reconvening of the Congress.

This would result in an unnecessary delay of 6 months which could be utilized for selecting the specific site and the architects, and in getting started with the design of the project.

The board of regents of the University of Texas has extended an offer to the President of the United States to provide facilities within the academic environs of the university to be used as a Presidential Archival Depository to be known as the Lyndon Baines Johnson Library for the housing and display of President Johnson's papers and other historical materials. This offer is conditioned upon the Government's acceptance of the papers and its agreement to maintain, operate, and protect that portion of the building dedicated to library and museum purposes as well as the contents thereof as a Presidential Archival Depository.

The President has accepted the proposal of the University of Texas and, in compliance with the conditions of the offer, has himself offered as a gift to the United States his Presidential papers and other historical materials for deposit in a Presidential Archival Depository with a specific condition that they be deposited in the proposed Lyndon Baines Johnson Library.

As authorized by the Federal Property and Administrative Services Act of 1949, as amended, the Administrator of General Services has accepted, on behalf of the United States, the President's offer under the conditions and restrictions prescribed by the President.

The Administrator of General Services is further authorized in section 507(f) of the same act to enter into agreements with any university to utilize as a Presidential Archival Depository, land, buildings, and equipment of such university to be made available by it without transfer of title to the United States and to operate such depository as a part of the National Archives system. The Administrator has indicated his intention to accept the facilities offered by the University of Texas, thus fulfilling the conditions set forth in the respective offers of the President and the university. In accordance with the requirements for exercising this authority, the Administrator has submitted a report on the proposal to the President of the Senate and the Speaker of the House of Representatives including the necessary information for consideration by the Congress. The Administrator may not enter into such agreement until the expiration of the first period of continuous session of Congress. Such period is broken only by an adjournment sine die.

Having fully complied with the purposes of section 507(f)(1) of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. 397(f)(1)), enactment of this resolution would indicate the approval of the Congress for the Administrator of General Services to enter into the proposed agreement with the University of Texas for the Lyndon Baines Johnson Library and would authorize him to do so without regard to the provision requiring that such agreement not be entered into until the expiration of 60 calendar days of continuous session of Congress following submission of the report to the Speaker of the House and the President of the Senate.

BACKGROUND

On August 6, 1965, the board of regents of the University advised the President of the university's desire to provide a library for his papers and outlined the details of their proposal, essentially as follows. The university at its expense will provide an appropriate 14-acre site on the campus at Austin and construct thereon a building providing not less than 100,000 square feet of space dedicated for use as a Presidential archival depository to house and display Presidential papers and other historical materials relating to and contemporary with the President's life and works; upon completion of the space and facilities to be occupied by the Presidential Archival Depository, the university will "turn over, dedicate, and make available the same, including the furnishings and equipment therein, to the United States for its use in perpetuity as the Lyndon Baines Johnson Library, but without transfer of title, * * *" pursuant to Federal statutes relating to the establishment of Presidential Archival Depositories, the library will be available for occupancy within 2 years after final working drawings are completed but that this period shall not begin to run until the Administrator of General Services has agreed to "maintain, operate and protect the Library as part of the National Archives system."

In responding to Mr. W. W. Heath, chairman of the university board of regents, the President, on August 9, 1965, manifested his full commitment to the university's proposal and his awareness throughout the course of his public service of the value of this historical material to future generations.

The President, on August 13, 1965, wrote the Administrator of General Services of his wishes regarding the designation of the proposed Lyndon Baines Johnson Library at the University of Texas as a Presidential Archival Depository.

In his letter, the President stated that "* * * in furtherance of the public purposes which will thus be served, I hereby offer as a gift to the United States for the purpose of ultimate deposit in the said Presidential Library my Presidential and other papers, documents, historical materials, mementos, objects of art, and other memorabilia, including books, motion pictures, still pictures, and sound recordings, * * * belonging to me or in my possession which relate to my life and work, * * *."

The President's offer is conditioned upon the Government's acceptance of the university's proposal and the designation of the library to be constructed on the campus at Austin as a Presidential Archival Depository.

In his letter to the Administrator of General Services, the President emphasized that it is his purpose "to make the papers and other historical materials * * * available for the purpose of study and research as soon as possible and to the fullest possible extent," and specifically provided that "such material may be made available for display, inspection, and research purposes prior to the expiration of (his) tenure as President with (his) personal approval." The opportunity to use such materials while the President is still in the White House would be entirely new in our history.

The President on August 17, 1965, was advised by the Administrator of General Services of acceptance of his offer. Following acceptance of the President's offer of his papers and other historical materials, the Administrator of General Services, on August 19, 1965, submitted a report to the Speaker of the House of Representatives and the President of the Senate in accordance with section 507(f) of the Federal Property and Administrative Services Act of 1949, as amended. This provision of law requires "* * * that the Administrator shall submit a report in writing on any such proposed Presidential Archival Depository to the President of the Senate and the Speaker of the House of Representatives, which report shall include a description of the land, buildings, and equipment offered as a gift or to be made available without transfer of title as aforesaid, a statement of the terms of the proposed agreement, if any, a general description of the types of papers, documents, or other historical materials which it is proposed to deposit in the Presidential Archival Depository so to be created, and of the terms of such proposed deposit, a statement of the additional improvements and equipment, if any, necessary to the satisfactory operation of such depository, together with an estimate of the cost thereof, and an estimate of the annual cost to the United States of maintaining, operating, and protecting such depository: *Provided further*, That the Administrator shall not take title to any such land, buildings, and equipment or enter into any such agreement, until the expiration of the first period of 60 calendar days of continuous session of the Congress following the date on which such report is transmitted, which 60-day period shall be computed as follows: Continuity of session shall be considered as broken only by an adjournment sine die, but the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded from the computation; * * *."

To his report, the Administrator attached the proposal of the University of Texas, the President's response to the university's proposal, and the President's offer of his papers and other materials of his public offices to the United States to be housed in the library to be constructed on the university campus, and the Administrator's acceptance. Copies of these documents are included in this report. Upon review of these proposals, the Administrator concluded that the conditions set forth in the aforesaid agreements are consistent with the law. He recommends acceptance of the offers in the public interest.

In his report, the Administrator has estimated the cost to the United States of maintaining this facility. As manifested in the correspondence between the President and the university, in addition to the space and facilities dedicated for use as the Presidential Archival Depository, the building to be constructed will also include space and facilities for University of Texas purposes to be used in furtherance of studies and research in history, government, economics, public administration, and related disciplines. The cost of administering, maintaining, operating, and protecting the site of the Presidential library and such portions of the building as is used for university purposes will be borne by the university. The estimated cost to the United States of maintaining, operating, and protecting that portion of the building dedicated to national archival depository use is estimated to range from approximately $190,000 during the early years to $225,000 after the library is in full operation.

NEED FOR LEGISLATION

The proposal which the University of Texas has submitted is consistent in every respect with the statutory requirements contained in section 507(f) of the Federal Property and Administrative Services Act of 1949, as amended. The proposed Lyndon Baines Johnson Library on the campus of the university at Austin would be in furtherance of the objectives Congress sought to achieve in the approval of this enabling legislation. This new library would be a valuable addition to those which have previously been generously donated to the United States to house the papers of former Presidents. Inasmuch as the President has indicated his willingness to join with the University of Texas in this undertaking, the committee agrees with the Administrator of General Services that acceptance of the university's proposal would be in the best interest of the United States.

As evidenced in the offer of his papers to the people of the United States, the President seeks to make the benefits of his proposal available to the Nation as expeditiously as possible. If certain of the President's papers can become available during his tenure in

office it would be of significant advantage to scholars and students concerned with the historical developments of the last three decades. Mindful of the value of this material to the broader evaluation of national and world affairs in which he has taken a leading role, there is an urgency in this proposal which warrants immediate action by the Congress. Any delay in acceptance of the university's offer will be translated directly into a delay in the availability of the President's papers and in the opportunity of the general public view items selected for exhibit from the President's historical collection.

There are other considerations which support prompt approval of this proposal. The fact of the personal interest of the President must be considered. The development of the Lyndon Baines Johnson Library to the level of excellence he will consider acceptable will require extensive personal effort by the President. Cognizant of the demands upon him, it would not be appropriate for Congress to needlessly delay approval of this project beyond the time required for appropriate review as provided in the resolution.

Also, the University of Texas must be considered. The university's generous proposal involves a considerable outlay in funds of the people of Texas. The university's proposal is based upon cost analyses and other criteria available at this time. Delays in construction often means increases in construction costs. They are also wasteful in the time and efforts of those responsible for and involved in the implementation of the project.

For these reasons, the committee believes that it would be in the best interest of the people of the United States and for the Congress, as an alternative of the mere passage of a statutory review period, to take affirmative action at this time to register its approval of this proposal, and, in so doing, waive the 60-day limitation which otherwise is imposed upon the Administrator of General Services.

AUTHORITY FOR HON. FRANCES P. BOLTON, OF OHIO, A MEMBER OF THE HOUSE OF REPRESENTATIVES, TO ACCEPT THE AWARD OF OFFICER IN THE FRENCH NATIONAL ORDER OF THE LEGION OF HONOR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 636, H.R. 10342.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 10342) to authorize the Honorable FRANCES P. BOLTON, of Ohio, a Member of the House of Representatives, to accept the Award of Officer in the French National Order of the Legion of Honor.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 654), explaining the purposes of the bill.

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

PURPOSE

The bill will authorize the Honorable FRANCES P. BOLTON, of Ohio, Member of the House of Representatives, to accept the award of Officer in the French National Order of the Legion of Honor, tendered to her by the Government of France, together with any decorations and documents evidencing this award and will give the consent of the Congress to such acceptance as required by section 9, article 1 of the Constitution.

BACKGROUND

The Constitution provides in article 1, section 9, paragraph 8:

"No person holding any Office of Profit or Trust under [the United States] * * * shall, without the consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State."

An Executive order of April 13, 1945, applicable to employees of the executive branch, further provides that no department is to request congressional approval for acceptance of such gifts by any employee until that employee has retired and that each agency transmit to the Secretary of State a list of its retired personnel for whom the department is holding decorations, etc., and directs the Secretary to compile an omnibus list of such retired persons for submission to every other Congress. This order does not apply to the legislative and judicial branches.

Since the end of World War II, Congress has authorized the following incumbent Members to accept foreign decorations: Speaker Sam Rayburn (1956), Senator William F. Knowland (1956), and Representatives JOHN W. MCCORMACK and JOHN J. ROONEY (1957). All of these bills were passed in the Senate without reference to the committee.

Since 1957 it has been the practice of the Committee on Foreign Relations not to act favorably on bills authorizing the acceptance of awards by incumbent Members of Congress. An exception to this policy of the committee was made recently when the committee recommended and the Senate passed a bill authorizing the Honorable JOSEPH W. MARTIN, JR., to accept and wear a foreign decoration. On that occasion, the committee's report stressed "that its approval * * * does not constitute a precedent for future such approvals, but is recognition of the high and distinguished office of the Speaker of the House of Representatives * * *." Similarly, the committee's action on H.R. 10342 does not set a precedent but is recognition of the distinguished service of the senior lady of the House of Representatives who has earned the warm regard of all her colleagues.

RUSSIAN ECONOMIC STAGNATION MEANS A GREAT U.S. OPPORTUNITY

Mr. PROXMIRE. Mr. President, Marquis Childs writes a report on the Russian economy in this morning's Washington Post that should open many eyes and put our relations to the second most powerful nation in the world in a new and different light.

The Childs article shows that the Russian economy has seriously suffered in the past 5 years. It has not only fallen far below expectations and plans, it has after years of growth—after some recovery from the devastation of World War II—failed miserably. It is stagnating.

In the precise period when free world economies led by the United States are thriving as never before, giving the peoples of the free world by far the highest standard of living they have ever enjoyed, the Soviet Union is going nowhere economically.

Not only are its people suffering, but its military potential—which even in a police state is stringently limited by economic strength—has been relatively much reduced.

Mr. President, this relative gain of the United States of America and the free world should not be ignored in our dealing with Communist nations over Vietnam or in striving to stop nuclear proliferation at Geneva. Now we have the force and power. We are moving. Our great adversary is not. We should recognize that we operate from great basic strength not only in our capacity to defend the free world, but in our relative ability to build a peaceful world based on economic plenty and growing educational understanding.

I ask unanimous consent that the article entitled "Rates of Growth: A Russian Issue," written by Marquis Childs, be printed at this point in the RECORD.

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

RATES OF GROWTH: A RUSSIAN ISSUE

(By Marquis Childs)

Weighed in the troubled balance of war or peace, cold war or cold coexistence, is a factor thus far obscured by the comparative silence of the new regime in Moscow. The Kremlinologists believe a new power struggle is going on behind the massive walls of the Kremlin.

No one is predicting when it will surface in the kind of climax that shook the world when Nikita Khrushchev was forced out last October. Among veterans following the ups and downs of the Soviet cast of characters are those who take the clues to unrest and rivalry in the Supreme Soviet as "more of the same" inevitable in a totalitarian society.

Yet the big drop in the Soviet economy—one of the reasons Khrushchev was forced out—is such that the effort to reverse the downtrend is bound to affect personal power relationships. In this connection an extraordinary document has come out of the Soviet Union which paints the economic picture in somber colors.

In a private lecture to a Moscow publishing house a 33-year-old Soviet economist of Armenian origin, Abel Aganbegyan, put in cold facts and figures the deficits that have led to such developments as the Soviet purchase of Canada's surplus wheat crop. In the document, obtained by intelligence sources, he is quoted as saying:

"A significant part of our means is put into defense. It is very difficult for us to keep up with the United States of America, for we have about the same expenditures on defense as the United States of America. But our economic potential is half that of the United States of America. Out of 100 million workers in the U.S.S.R. 30 to 40 million are employed in the defense industries."

This obviously has a bearing on the rising demand on Moscow for more aid from countries dependent on the Soviet Union or which Moscow hopes to draw into the Soviet orbit. It could help to explain reports of the growing irritation with Fidel Castro and his clamor for more and more assistance. President Gamal Abdel Nasser of Egypt, now on a state visit to Moscow, would like to get a larger share of Soviet aid so that he could spurn the United States.

In the past 6 years, according to Aganbegyan, the rate of growth of the Soviet economy decreased approximately three times. The rate of growth in agriculture dropped 10 times from 8 percent to 0.8 percent. The real per capita income, "extraordinarily low in any case," declined sharply.

"Since 1958, according to a series of indices, the absolute growth has also decreased," to quote further the Soviet economist. "Most surprising of all was that this decrease was completely unexpected. The 7-year plan is a wreck. Moreover, after the completion of the first 10 years of the 20-year plan we are not close to the control figures according to any indicator. In working out this plan we have made enormous mistakes.

In 1959, our economists projected that in the United States and in other capitalist countries there would be an economic decline very soon. Our economists said that the annual rate of growth in the United States would be not more than 2.5 percent but in fact it turned out that the early rate of growth of the United States beginning from 1958 has been 5 percent and we must also take into account that the economic potential of the United States is twice as much as ours.

"In these years we have had a decrease of effective productive reserves. All this time the growth of industrial production has decreased. There has been a strengthening of the split between the possibilities of technical progress and the realization of these possibilities. The structure of our production is the most backward of all the developed countries and is the worst. Our plans for new technology, by the way, are not so good and do not reach more than 70 percent of fulfillment."

Although he is only 33 years old, Aganbegyan is a member of the Soviet Academy of Sciences and a leading economist of Novosibirsk, a developing industrial center in Siberia. It was in the new lands in Siberia that Khrushchev initiated his disastrous agricultural experiment that was overwhelmed by various natural calamities.

Aganbegyan is understood to have given his report first to the Central Committee last December. Later he delivered a more comprehensive lecture to the publishing house and excerpts, or a digest of this lecture are the basis for the document being analyzed here. It was never reported in the Soviet Union.

What fascinates Kremlinologists studying the Aganbegyan document is that conclusions tally so closely with those of Western observers. The latter, of course, have had only the published Soviet statistics to work on. And, as Aganbegyan makes plain, they mean little.

A GREAT L.B.J. CONTRIBUTION TO PEACE: SPACE COOPERATION WITH U.S.S.R.

Mr. PROXMIRE. Mr. President, the President of the United States, Lyndon B. Johnson, has been quietly building the groundwork for cooperation with the Soviet Union in space exploration.

In view of the immense military threat of space, the miraculous technological advances that could lead to great adventures for mankind or a spatial basis for nuclear annihilation, space rapport with the Soviet Union may turn out to be one of the great and enduring contributions of President Johnson to peace on earth.

A moment ago I placed in the RECORD an analysis of the Soviet economy that showed its startling stagnation in recent years. Space effort makes a heavy demand on the U.S. economy. The burden on the smaller and weaker Soviet economy must be enormous. The time may be propitious for the Soviets to agree to pool resources with us in outer space and to work together.

Mr. President, an effective agreement with the Soviet Union would not only save us billions; it could lead, through mutual cooperation, to greatly improved relations between the world's two superpowers. It could sharply advance the prospect for peace.

I ask unanimous consent that the article entitled "Peace in Space: A Time for Overtures," written by Roscoe Drummond and published in today's Washington Post be printed at this point in the RECORD.

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

PEACE IN SPACE: A TIME FOR OVERTURES

(By Roscoe Drummond)

This is the ideal time for President Johnson to do everything in his power to encourage the Soviet Union to join with the United States in the manned flight to the moon.

It is the ideal time because the American and Soviet space achievements are about even. No one can be sure who's ahead. Moscow is becoming more modest in its claims. With astronauts Cooper and Conrad safely back from their 8-day record flight, the U.S. target date of 1969 for putting a man on the moon is realistic.

Moscow has no reason to feel that our willingness to make the exploration of outer space a joint enterprise reflects backwardness in our own program. There was nothing backward about Gemini 5.

There is another huge dividend which would come to both sides if the Kremlin could be persuaded to make outer space the forum of total cooperation rather than total competition. That would be to end the perilous extension of the arms race into space. Both sides are doing it because there is no assurance that the other isn't. There can be no stopping until each side can know everything the other is doing. There is no better way of knowing than to do it together.

This is why President Johnson is acting wisely in doing three things:

In inviting observers from the Soviet Academy of Sciences to come to the United States to be present at the flight of Gemini 6 in October.

In assuring the Soviets that, while the Air Force will launch a manned orbiting laboratory, the United States will not put nuclear weapons into outer space. (But at this stage there is no way for either Russia or America to establish that the other side is not orbiting nuclear weapons. This would require a degree of mutual inspection which Moscow has never come near to accepting.)

And finally, the President is again demonstrating that he is more than willing to pool our resources in outer space. "I would repeat and renew," he said, "this country's invitation to all nations to join together to make this adventure a joint adventure."

The Soviets may never accept any of these invitations for cooperation. But it is good that the United States is making the offers and is keeping them open. It shows the whole world that it is our deep desire not to extend the conflicts of the cold war to outer space.

Obviously, the easiest gesture by which the Soviets could signal some interest in "joint adventure" would be to come to see Gemini 6. But acceptance, while welcome, is improbable. It would come as a surprise. Two reasons: they don't want to have to admit so openly that they would not extend a reciprocal invitation to U.S. observers; they don't want the outside world to see at first hand how deeply the military is embedded into their space program.

The United States has made tremendous gains in its outer space exploits in the last 4 years. As Mr. Johnson pointed out in his Texas press conference, "Only 7 years ago we were neither first nor second in space—we were not in space at all."

Not until 1961, when Congress approved President Kennedy's proposal that we make a manned lunar flight a national commitment, did the United States start to do what was needed to make sure that the Soviet Union would not dominate outer space. It has been a crash program and a costly program—but necessary.

Space is a resource to be kept open and to be kept free. Our objective is not to deny outer space to any nation, but to make sure that no nation can deny it to the United States.

Outer space ought to belong to all mankind and nothing would insure it more than for the United States of America and the U.S.S.R. to make it the "joint adventure" the President envisions.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to proceed for 10 minutes at this time.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations for the Department of Justice on the Executive Calendar.

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

DEPARTMENT OF JUSTICE

The Chief Clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On motion of Mr. MANSFIELD, the Senate resumed the consideration of legislative business.

VIETNAM: NARROWING THE ISSUES

Mr. MANSFIELD. Mr. President, the fighting in Vietnam is unabated. Military engagements intensify. Casualties on all sides increase. The streams of refugees rise. The extent of the devastation wrought is not known but it is obviously immense. Indeed, the costs of the heightened conflict in Vietnam already dwarf the billion-dollar development program for the Mekong project in southeast Asia which was suggested by

President Johnson in a speech in April at Johns Hopkins University.

The President did not want it that way. At Johns Hopkins, he stated emphatically his preference for peace. He has since emphasized it at every opportunity. He offered then, and he has offered again and again, to enter into "unconditional discussions," in an effort to bring the war to an end. These appeals for negotiation, unfortunately, have either been ignored, dismissed with derision, or otherwise rejected. The efforts of various intermediary nations to initiate negotiations—efforts which have been endorsed by the United States—have met a similar fate. These attempts, in short, have all drawn a blank.

It might be concluded, therefore, that Hanoi and the Vietcong have no interest whatsoever in negotiating peace. As if to reinforce this conclusion, Ho Chi Minh has talked in terms of a 20-year war. It would appear, then, that Hanoi is determined to continue the military struggle until the United States is driven into the sea. But the President has made clear that we will not permit that to happen and it will not happen.

There the matter stands. Hanoi and the Southern Liberation Front insist that they will not desist from the struggle and we will not yield. Is there, then, no alternative but a trial by arms in the 3-, 5-, or 10-year conflict which is projected by some of our own officials or the 20-year war which was mentioned by Ho Chi Minh?

Hanoi has indeed talked of a 20-year war. But from that same city there has also come talk of the conditions on which the war might end. Hanoi stated these conditions for peace in a radio broadcast on April 12, 1965, in response to the President's Johns Hopkins speech. The conditions were underscored subsequently by Peiping and by Moscow. From these announcements, it would appear that negotiations to end the conflict are feasible, insofar as Hanoi is concerned, on the basis of these four conditions.

Mr. President, I ask unanimous consent that these conditions be printed in the RECORD.

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

1. That the rights of the Vietnamese people—peace, independence, sovereignty, unity, territorial integrity—on the basis of the Geneva agreements are recognized;

2. That the division of Vietnam into two zones will continue, pending peaceful reunification and that there will be no foreign military alliances, bases, or troop personnel in connection with either zone;

3. That the internal affairs of South Vietnam will be determined by the South Vietnamese people themselves alone in accordance with the National Liberation Front program and without any foreign interference;

4. That the peaceful reunification of Vietnam will be settled eventually by the Vietnamese people themselves in both zones and without foreign interference.

Mr. MANSFIELD. Mr. President, I cite these conditions which have been set forth by Hanoi because it is important that we do not assume that we are engaged in Vietnam against a group or a government which has no objective except warfare for the sake of warfare. On the contrary, it would appear that the leaders in Hanoi and the Southern Liberation Front and their allies in Peiping and their supporters in Moscow have a very clear idea of why they fight and, in the four points to which I have referred, of the conditions on which they will cease fighting.

In a similar fashion, while some U.S. officials have suggested, as noted, that we are engaged in a 3-, 5-, or 10-year war, the President has also spoken of peace and the great desirability of restoring it as quickly as possible in Vietnam. There are conditions on which we, too, would be prepared to see this conflict terminated, although there may still be confusion both at home and abroad as to what these conditions may be.

To be sure, there have been pronouncements from various sources and in general terms, about ending aggression from the north. There has been talk of aiding the South Vietnamese Government as long as our aid is sought. There have been individual views of why we fight expressed in the press, in Congress, and in the departments of the Government. But with all due respect there could be set forth, cohesively, even now, the basic conditions which U.S. policy regards as essential to peace in Vietnam. Such conditions do exist. They can be distilled from President Johnson's many statements on Vietnam and other official pronouncements. And it may be useful at this time to set them forth, once again, in cohesive form. A clarification on this point may not only be helpful to public understanding; it may also be a spur to the initiation of negotiations.

In any event, the Communists have not alone set forth the conditions for peace in Vietnam. We have also done so even though they may not be fully understood. Given the degree of American involvement and sacrifice, we, too, have the right and responsibility to define again and again as concisely and as clearly as possible, the basic conditions for peace in that nation, as we see them.

Indeed, it may be—and certainly, it is to be hoped—that the clear juxtaposition of the two sets of conditions for peace may lead to the "unconditional discussions" which are properly and urgently sought as a means of bringing this bitter and brutal struggle to an end.

When the official statements of the policy of the United States of the past few months are examined, it would appear to me that these conditions for peace in Vietnam have already been identified by the President and his principal spokesman during the past few months:

First. There must be a verified choice by the people of South Vietnam of their own government—a choice free of terrorism, violence, and coercion from any quarter. In this connection, the President clearly stated at Johns Hopkins:

> We want nothing for ourselves—only that the people of South Vietnam be allowed to guide their own country in their own way.

Second. There can be a future for South Vietnam either in independence or as a part of a unified Vietnam on the basis of a peaceful, free, and verified expression of the wish of the people in each segment of that region and in general accord with the Geneva agreements. In a press conference on July 28, the President gave emphasis to this point when he said:

> We insist and we will always insist that the people of South Vietnam shall have the right of choice, the right to shape their own destiny in free elections in the South, or throughout all Vietnam under international supervision.

Third. There shall be a withdrawal of all foreign forces and bases throughout Vietnam, north and south, provided peace can be reestablished and provided the arrangements for peace include adequate international guarantees of noninterference, not only for Vietnam, but for Laos and for Cambodia as well. This point was underscored by Secretary McNamara on June 16 when he said:

> The United States has no designs whatsoever on the territory or the resources of southeast Asia or any country in it. Our national interests do not require that we introduce military bases for our forces in southeast Asia. They don't require that the states of southeast Asia become members of Western military alliances. The ultimate goal of our country, therefore, in southeast Asia is to help maintain free and independent nations there in which the people can develop politically, economically, and socially, according to patterns of their own choosing, and with the objective of becoming responsible members of the world family of nations.

Further, we are parties to the Geneva accord of 1962 which is designed to achieve essentially these ends in Laos and we have expressed our willingness to join in a resumption of a Geneva conference for the purpose of considering international guarantees of the independence, integrity, and borders of the Kingdom of Cambodia.

To these three basic conditions of peace, I would add two corollaries which all of us must realize are obviously essential if peace in Vietnam is to be reached via the operations of negotiation rather than through the exhaustion of war.

I can say, on the basis of my conferences with the President on this matter, that the following two points have always reflected his viewpoint, and do so now:

First. There needs to be provision for a secure amnesty for those involved in the struggle on all sides in Vietnam as an essential block to an extension of the barbarism and atrocities of the struggle into the subsequent peace and, indeed, as an essential of that peace.

Second. There needs to be a willingness to accept, on all sides, a cease-fire and standfast throughout all Vietnam, which might well coincide with the initiation of negotiations.

President Johnson has made it clear, time and again, that we seek no larger war. He has made it clear, time and again, that we do not have any territorial, or military, or other claim whatsoever in Vietnam. He has said, time and again, that our only purpose is to help the South Vietnamese people to secure their own future, free from coercion. He has said, time and again, that we are prepared for unconditional discussions with

anyone, anywhere, to bring about peace. From that policy, as it has been enunciated and as it is quoted, it would seem to me entirely valid to distill American conditions for peace along the lines which have been enumerated.

To be sure, others may brush aside these conditions, even as we tend to do the same with respect to the conditions which they have set forth. Hanoi may reach, via an automatic reflex, the conclusion that these conditions, since they originate in the United States, can only mean domination of South Vietnam by ourselves and those whom we support. And, in all frankness, we are prone to a converse conclusion, via the same reflex, with respect to the conditions which are suggested from Hanoi. The reflex of mistrust and disbelief is understandable. But unless the military conflict is to expand and to continue into the indefinite future, whether it be 3, 5, 10, or 20 years of war, the degree of accuracy of these automatic reflexes must be tested in negotiations.

The high purpose of negotiations, if they can be initiated, should be to see to it that the conditions of peace wherever they may originate come to mean in fact and in detail the domination of the Vietnamese people themselves over their future. Beyond other considerations, this conflict involves primarily their country, their lives, their children. It is the Vietnamese people, north and south, who suffer most from its devastating and tragic consequences. And in the end it is they who should have the right to determine the shape of the Nation in which they live. That is where negotiations can lead. That is where the President wants them to lead. That is where they must lead, if there is ever to be a valid peace in Vietnam.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, the Senator has just made an historic and most vital pronouncement.

I wish that every one of the Senators entitled to sit in the Chamber had been here to hear it. We should constantly reiterate, in terms that cannot conceivably be misunderstood anywhere on earth, not only our willingness to negotiate, but also our willingness to negotiate on fair conditions and the fact that we are not opinionated.

The best thing that the Senator said, and I know that he speaks most authoritatively, is that we will look with an unprejudiced eye on suggestions and ideas, no matter where they come from, once we are at the table of peace—which is the negotiating table.

I welcome the statement of the Senator warmly. I think it should mean a great deal to the millions of people in our country who thoroughly back what is being done in that part of the world, but who, at the same time, are unhappy about the fact that we have to do it with the resulting casualties in a time of relative peace in the world. This situation is a tragic thing in the hearts of all Americans.

I am grateful to the majority leader. I hope that he will speak out again and again and make it crystal clear, in the highest forum of the land, in the hope that America will remain not only strong and unhampered by anything that has occurred, but that we will also intelligently and reasonably work toward and implement a solution of the problem in the way in which the majority leader has just suggested.

Mr. MANSFIELD. Mr. President, I thank the senior Senator from New York.

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

Mr. MANSFIELD. I yield.

Mr. PELL. Mr. President, I congratulate the majority leader on his speech, which so clearly defines the issues that exist between us and the Communists in southeast Asia.

I find myself nearly always in agreement with the views, wisdom, and estimates of the future expressed by our majority leader.

I call the attention of the Senate to the service which the Senator from Montana rendered in delivering his speech sometime back when the talk of negotiation was not quite as much in vogue as it is now, and in which he suggested that we ought to give thought to reconvening of the Geneva Conference under the leadership of the cochairmen, the British and the Soviets.

I believe that the speech which the Senator made then has had a real impact in determining our course. One may use the phrase that it was an effort to deescalate the conflict.

In this connection, I am among those who completely support President Johnson in the thrust of his present foreign policy in the Far East and, specifically, in South Vietnam. However, I am also among those who would oppose unilateral escalation into the north, and indeed have some concern and doubt as to the effect of our course there. In general, I find that President Johnson's policies reflect completely, to my mind, the requirements of the situation and the objectives of our foreign policy, which are peace and freedom. I find myself in full, 100-percent support of those objectives.

We must realize, in the sense of history, that the Chinese and Vietnamese under Communist leadership have used time as the fourth dimension in the practice of warfare. They used it very successfully in their struggle against the French in Vietnam in the past. It is only when we accept the reality of time as the fourth dimension of warfare and are willing to face the prospects of a long war and a long holding position that we find the ground suddenly becomes more fertile to talk of negotiations. Until we reach that stage of willingness to accept time as the fourth dimension in warfare, our efforts to reach the conference table may lack success as seen from the framework of history.

Our majority leader has knowledge of the Far East and a sense of history there, both beyond parallel in the Senate today.

Mr. MANSFIELD. Mr. President, I express my deepest thanks to the distinguished Senator from Rhode Island, with whom I had an opportunity to visit South Vietnam and other areas of southeast Asia a few years ago, as a result of which visit, we were able, along with the Senator from Delaware [Mr. BOGGS], to issue a report which I think would stand up even today.

May I say, speaking for the President, that no one is more interested concerning what is happening in Vietnam than is the man in the White House.

I do have conferences with him one way or the other almost every day. This is the main topic of conversation. I know how he feels about it. I know of the many avenues that he has traveled in his attempts to seek a way out of the impasse in which we find ourselves.

Not only does it take up every waking moment of his time, but a good bit of his sleeping time as well. I think we are extremely fortunate to have in the White House a man who has this forward view, a man who is interested in trying to bring about a just settlement, a man who has the welfare of the people at heart, a man who has this responsibility to shoulder and who is doing the best he can, with all the wisdom he has, to bring about a just and lasting conclusion to the struggle in which we are engaged.

Mr. JAVITS. Mr. President, I wish to add to the splendid colloquy which has just taken place with respect to Vietnam that I share that solicitude and concern, and I share what the Senator from Rhode Island has had to say about escalation and the concern of the American people with respect to that. I have urged speaking to the people through Congress by means of a resolution similar to the resolution adopted in August of last year, which is now obsolete. These are manifestations of a dynamic freedom and do not represent one with a lessening of American determination to proceed solidly.

It is very important that people in Asia, and everywhere in the world, should not misunderstand our country because of its many representations that it desires peace. The determination of this country stands unimpaired because of our soul searching to find a means for peace, in which the President has been leading us. It should be understood that nothing will stop us in our efforts to arrive at a fair and just conclusion, but that it is conditioned by the President's determination. I hope very much that these efforts are not misunderstood as indicating an irresolution on our part. It would be most unfortunate if those who do not understand us made that implication.

So I welcome this historic statement by the Senator from Montana [Mr. MANSFIELD]. It seems to me that what the Senator has said should be said often. Our willingness to negotiate should be known and we should welcome efforts and suggestions, no matter where they come from, as to how this grave struggle may be brought to an end.

THE IMPORTANCE OF BACKING AMERICA'S STAND IN VIETNAM

Mr. SPARKMAN. Mr. President, the national commander in chief of the Veterans of Foreign Wars of the United

States, Mr. John A. Jenkins, is a distinguished attorney in Birmingham, Ala. He is also a close friend of many Members of this Senate, including myself.

During his year as commander in chief of the VFW, "Buck" Jenkins has worked tirelessly in the interests of our Nation's security. One of the reasons his opinions are so eagerly sought on defense matters is that he has personally visited many of the trouble spots of the world.

"Buck" Jenkins was recently in South Vietnam, where he visited our troops in the forested highlands, the base at Da Nang, and the beachhead at Chu Lai.

Commander Jenkins reported to his fellow citizens in Birmingham a few days ago when he addressed the Birmingham Rotary Club.

Because he is so knowledgeable in the matter, his observations as to why our policy in Vietnam is correct are particularly noteworthy. His address before the Birmingham Rotary Club was the subject of a fine editorial in the Birmingham News on July 26, 1965.

In view of the importance of what VFW Commander in Chief Jenkins said, I ask unanimous consent to have the editorial printed in the RECORD.

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

[From the Birmingham (Ala.) News]

BATTLE'S FOUGHT AT HOME, TOO

The importance of firm backing by the American people of this country's stand in Vietnam has been stated many times by many people. Few have stated it more eloquently than John A. "Buck" Jenkins of Birmingham, who is the national commander in chief of the Veterans of Foreign Wars.

Addressing the Birmingham Rotary Club last week, Jenkins did not indulge in empty oratory for oratory's sake. He spoke directly to the point: As leaders of the free world, Americans cannot turn their backs on "the problems and worries of the world," can't "abrogate and forget these obligations and responsibilities."

The fact is that if the United States of America is not willing and able to stand in defense of freedom—however onerous the burden seems—then the precarious thread by which freedom hangs may be strained to the breaking point by those who seek to replace human liberty with state tyranny.

The U.S. Government recognizes this obligation and in Vietnam is acting upon it. For the United States to back out now, Jenkins said, would be like "a general walking off and leaving his troops in the field." For America to stay and do what is necessary is impossible without the full backing, in full understanding of what is involved, of the American people.

The organization Jenkins heads is composed of men who have a most direct stake in freedom's preservation: Those who have gone abroad to fight this country's battles in its behalf.

There is a war being fought in Vietnam by soldiers who are asked to bleed and die if necessary. The war also must be fought on the homefront through commitment of the American people and readiness on their part to make the kind of sacrifices which Buck Jenkins reminded Rotarians are a concomitant to preservation of freedom. The sacrifices we at home might be asked to make are small in comparison with those asked of our men in freedom's frontlines, but they are not insignificant. They are just as important to ultimate victory.

REPORT ON THE U.S. PARTICIPATION IN THE XXXII VENICE BIENNALE 1964

Mr. JAVITS. Mr. President, the Venice Biennale has for 60 years been an important international exhibition of modern art. The 32d Venice Biennale of 1964 was particularly significant. For, in the past, American artists had been only sparsely represented, but at this exhibition, the U.S. Government, acting through the U.S. Information Agency, sponsored and greatly enlarged the American selection. Permission was enthusiastically granted by the directors of the festival to have created an annex devoted exclusively to the works of American artists. This had never before been done; yet, the American collection was widely felt to be the highlight of the entire show. Perhaps the most significant occurrence was the awarding of the International Grand Prize in painting to an American, Robert Rauschenberg; no American had ever been so honored.

I have received a report from Alan F. Solomon, the U.S. Commissioner to the 32d Venice Biennale. Mr. Solomon chose the American selection and also directed its presentation. His report presents his views as U.S. Commissioner as to the significance of the festival as well as its implications for the future.

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

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

REPORT ON THE AMERICAN PARTICIPATION IN THE 32D VENICE BIENNALE 1964

It was without a doubt a happy historical accident that the American Government, through the USIA, took over the official sponsorship of the American representation for the Venice Biennale at precisely the moment when Europe was ready to turn with enthusiasm and sympathy to American art, and to accept it as a major international cultural force.

In the 60-year history of the Biennale no American painter had ever won the first International Prize; through most of this period art had been dominated by the School of Paris, and its ascendency was habitually acknowledged in Venice and elsewhere.

When I was given the chance to select this exhibition I accepted with great excitement because of the opportunity it clearly provided for introducing on a broad scale to an already anticipatory European audience the vitality and creative energy marking the American generation which has grown up since the Second World War.

Those of us who were familiar with the history of modern art and involved in contemporary developments already knew that the School of Paris had declined since 1945, after 150 years of predominance in world art, and we knew that the only new progressive impulse had come out of Americans, commencing at about the same time. For the first time in history, we had not one, but two consecutive generations of artists who were genuine innovators, and did not derive indirectly from European precedents.

Even in more recent years, when American art has been less provincial, our representation in Venice was limited by the small size of the American Pavilion, originally built under private auspices, and more recently the property of the Museum of Modern Art in New York.

In the light of the possibilities of an imposing American representation at the Biennale, I went to Venice in November 1963, with Lois Bingham of USIA and Michael Barjansky of USIS Rome. From the first, we were greeted with a spirit of great enthusiasm and cooperation by the officials of the Biennale, both because of the new fact of U.S. Government participation, and because of the prospect of an exciting and pathfinding American exhibition. (It should be pointed out that the recent decline of European art had been reflected in the Venice Biennale, which was losing its traditional reputation as a rallying point for modern art, and about which there had already been predictions of decline and actual demise. This also accounted to a certain degree for the official enthusiasm toward us.)

We asked the biennale for additional space for our exhibition, but there was none available on the grounds. They accepted in principle the idea of a precedent setting annex outside the grounds to make a larger American exhibition possible, and showed us a number of potential sites, including abandoned churches, the prison of the Doges, and the gambling casino, which is empty during the summer. For various reasons, none of these was appropriate, and we finally arranged to use the empty American Consulate.

The preview week made the effect of the American exhibition and its success abundantly clear. We gave two preview parties, partly under the auspices of the sponsoring Jewish Museum, the first for the press and the artists, and the second, under the auspices of the Ambassador and Mrs. Reinhardt, for local officials and other guests. In everyone's account, these occasions were the high point of the week, in terms of public enthusiasm and response.

Meanwhile the jury (two Italians, an American for the first time, a Brazilian, a Pole, a Swiss, and a Dutch representative) met, and as we were subsequently informed, from the first felt the clear superiority of the American contingent. They voted to give the International Grand Prize in painting to an American, Robert Rauschenberg.

The effect of the prize was extraordinary, not only because it had gone to an American for the first time, but also because it had gone to an artist in his late thirties, and not, as it usually did, to a much older man. Furthermore, Rauschenberg was in midcareer, and the prize implied an acknowledgement of youth and not achievement in the past, as it had previously. Young artists were profoundly moved by this acknowledgement of youth and fresh new directions. To others, the prize (this one and the others granted were, it seemed to me, closer to the consensus of the international art audience gathered in Venice at the time than any previous awards within recent memory) seemed to mark the revitalization of the Venice Biennale, and the restoration of its prestige as an accurate mirror of present conditions.

There were, of course, others who were displeased with the result. These included the critics from the popular press, and the members of the art community more committed to the old than to the new. Another intense reaction came from the French critics; it was triggered by a public statement I made to the effect that "it is acknowledged on every hand that New York has replaced Paris as the world art capital." Although this is a generally understood fact, the remark upset the French in the context of the critical and official indifference to their own pavilion. After the biennale, the Paris press was full of indignation, hysteria, and later, soul searching about the situation in French art. To me the high point of this hysteria was the allegation in the newspaper Arts that the Americans and the Communists had conspired together against the French. Quite without our intending it, the American

exhibition had the effect of making dramatically apparent the end (temporarily at least) of 150 years of French dominance of art.

In the Italian and other European press there was an extraordinary response to the American show, and it received about 90 percent of the biennale press coverage (the biennale officials good naturedly objected about this to me). There were extensive color spreads in five or six major magazines, and hundreds of columns of text and pictures in the papers.

For the most part, the exhibition, while it generated all this excitement, was misunderstood by the press, which described the biennale as a takeover of Europe by American pop art, despite the fact that neither I nor any of the artists participating consider their work to be pop art (I had made a point of this in the selection of the exhibition). This kind of reaction is understandable and predictable, since new developments in art have experienced similar problems for the past 150 years, because it takes time for the public to understand the unfamiliar new objectives of artists.

Since our exhibition was arranged to show the major new indigenous tendencies, the peculiarly American spirit of the art is wholly unfamiliar to the European audience, and it therefore requires exposure to completely new experiences and modes of understanding, toward which I feel we took an important step on this occasion. The intense press response and the public reaction of bewilderment bring to mind what happened in America just 50 years ago, when we were shocked out of our provincial isolation by the 1913 armory show in New York, which opened our eyes to the 20th century art of Europe and Paris in particular. I do not feel that it would be immodest to assert that we have done for Europe in the 32d biennale what the armory show did for us.

On the other hand, the response of the informed public, the professional critics and artists was touching and impressive. Many of them sought us out during the preview week and later during the summer to express their astonishment at the vitality and authority of the young Americans. For example, Werner Haftmann, a distinguished German scholar, told me it was the most impressive biennale exhibition he had ever seen. Antonioni, the prizewinning Italian filmmaker, became so enthusiastic that he asked about working with several of our artists, and subsequently invited Oldenburg to design sets for a projected film.

Santomaso, one of the best known of the older Italian painters, who lives in Venice, spent the summer proselytizing among visitors for the new American art, which he feels shows Europe the way out of its present cultural dilemma. Music, a mature painter from Yugoslavia, who was regarded as one of the most important world artists in the fifties, told me that his whole vision as an artist had been altered in 30 seconds when he first saw our exhibition. He had wintered in Paris for 15 years, but his life there no longer interested him; this year he is coming to New York.

The individuals I have mentioned all have some direct experience of the United States, which partly explains their rapport with our art. On the other hand, both in Venice and elsewhere in Europe where I visited during the summer, Paris, London, Holland, I was always approached by young artists who awesomely asked personal questions about our artists, and then intensely pursued their major preoccupation: How to get to New York.

A number of individuals in government played important parts in the project. One employee of USIS in Rome, an Italian named Giordano Falzoni, made invaluable contributions to our success, as sympatheic liaison with the Italians, and as someone with understanding and experience of the American situation. I would like to point out that the energy and resourcefulness of USIS London, which had nothing to do with the exhibition, was most impressive; Francis Mason took advantage of the presence of the exhibition in Europe to arrange an important show in London for one of the artists, Jasper Johns.

One other individual requires special mention, Geoffry Groff-Smith, of USIS Trieste, who was enormously helpful with local arrangements in Venice. Intelligent, dedicated to his job, efficient and reliable, he is a man whose value to us in Italy cannot be overestimated.

Apart from these Government people, I am deeply obliged to the staff of the Jewish Museum, New York, and to Mrs. Alice M. Denney, of Washington, D.C., for her important contributions as assistant director of the American exhibition.

If Government support of the biennale continues, and I earnestly believe it should, since there is no more effective and dramatic way of communicating to the Europeans the level of our artistic activity, the problem of an adequate pavilion must be confronted. I believe it would be a serious error to become involved in an annex again in Venice, as the details of our experience make quite clear.

We need a new pavilion, not simply because it would be desirable to have more space, but also in the interest of our national image, and our concern for cultural matters, since many smaller countries have far more imposing structures. Beyond this, the present space simply cannot serve to do the job properly, considering the trouble and expense involved.

On my own initiative I began exploring the problem of a new pavilion a year ago. I would be happy to communicate the information I have gathered, about local site problems, local regulations, building conditions, etc., to anyone interested in pursuing it. I would like to point out that Philip Johnson, one of America's most celebrated architects, and an ardent advocate of the new American art, has expressed to me his willingness to volunteer his services for the design of a new pavilion under appropriate circumstances.

By the measure of direct political expediency or the measure of popular antagonism toward new developments in the arts it would be easy to discount the importance and the impact of the American exhibition in the 32d Venice Biennale, apart from the important evidence of the Rauschenberg prize and the other less tangible effects I have attempted to define. However, I feel that the exhibition was one of the most important enterprises undertaken on the cultural level by our Government in Europe since the war.

I would like to say most emphatically that I attribute this success not to my own involvement, but to the courage and foresight of Robert Sivard and Lois Bingham of the Exhibits Division of USIA. Setting aside their own personal prejudices, and fully aware of the risks they might run, they understood, with a great deal of comprehension of the present cultural situation, the importance of taking a bold and decisive position. By giving me complete esthetic freedom in the exhibition, they have made possible an affirmation of America's new leadership in world art, the positive ramifications of which will be felt for a long time to come.

ALAN R. SOLOMON,
U.S. Commissioner.

EXECUTIVE SESSION

Mr. MONRONEY. Mr. President, as in executive session, I report, from the Committee on Post Office and Civil Service, the nomination of Lawrence Francis O'Brien to be Postmaster General.

I ask unanimous consent for the immediate consideration of the nomination.

The PRESIDING OFFICER (Mr. JORDAN of Idaho in the chair). Is there objection?

There being no objection, the Senate proceeded to consider executive business.

Mr. MONRONEY. Mr. President, the Committee on Post Office and Civil Service, by unanimous vote of those present and those voting by proxy, this morning voted to recommend the immediate confirmation of the nomination of Lawrence F. O'Brien, of Massachusetts, to be Postmaster General.

Mr. O'Brien is well known to many Members of the Senate. His nomination was approved without any opposition. No witness testified in opposition to it. The committee was unanimous in its decision that the confirmation of the nomination should go forward forthwith.

Mr. O'Brien's dedication and public service and knowledge of public affairs are known to many of us.

POSTMASTER GENERAL

The PRESIDING OFFICER. The nomination will be stated by the clerk.

The legislative clerk read the nomination of Lawrence Francis O'Brien, of Massachusetts, to be Postmaster General.

The PRESIDING OFFICER. Is there objection to the present consideration of the nomination?

Mr. CARLSON. Mr. President, reserving the right to object—and I shall not object—as has been stated by the distinguished chairman of the Committee on Post Office and Civil Service, Mr. O'Brien appeared before the committee, and after hearing and interrogation by members of the committee, his nomination unanimously approved.

As ranking minority member of the committee, I am not only pleased by the nomination, but I am most pleased that the President submitted his nomination.

I have one more thing to mention. I hope the nomination of Mr. Gronouski will be before the Senate for confirmation, in order that the nomination may be cleared without too much of a lapse between the time he was named and action on his nomination.

Mr. MANSFIELD. Mr. President, I wish to join the chairman of the committee and the ranking minority member of the committee. There is not much I can add, except to say that in my opinion Larry O'Brien, is a worthy successor to Benjamin Franklin.

Mr. DOMINICK. Mr. President, reserving the right to object, and I shall not object, I have known Mr. O'Brien since he has been serving in the White House. He is a very fine person.

I would commend to him that he do something about the postal service in the country. Just the other day I sent a small tape airmail special delivery from Washington to my State. It left on Thursday and finally arrived on Sunday afternoon. It could have gone faster by automobile.

I have been informed of letters taking as long as a week to go from Denver, Colo., to Englewood, Colo., which is 12 miles away. We have had a series of

problems of this kind. Not only have there been delays, but service is not rendered at all in new subdivisions.

I believe a good deal of administrative assistance and help can be given in this Department, which is the closest form of government to the people.

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

Mr. MORSE. Mr. President, I join the Senator from Oklahoma and others in expressing my enthusiasm for the appointment of Mr. O'Brien as Postmaster General of the United States.

I have worked with him, as have many other Senators, in many ways over the years.

Mr. O'Brien has performed his duties with dignity for the people of the country.

I believe it is an excellent nomination and I enthusiastically support it.

Mr. MONRONEY. I thank the Senator from Oregon.

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

Mr. MONRONEY. I yield to the Senator from Utah.

Mr. MOSS. I join the Senator from Oklahoma in expressing my support and my pleasure on the appointment of Lawrence O'Brien to be Postmaster General.

Not only has he shown himself to be a man of devotion and skill in the legislative field, but he has a rare quality for administration. I am sure he will be of great benefit in the Post Office Department, which is one of the keystone departments of the Government with its vast number of employees and responsibility placed on the postal service.

The appointment of Mr. O'Brien represents one of the finest appointments made by the President, and I give it my support.

Mr. MONRONEY. I thank the Senator.

Mr. President, I ask for an immediate vote on the nomination.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MONRONEY. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Without objection, the Senate will return to legislative session.

The Senator from Colorado [Mr. DOMINICK] is recognized.

DIMINISHING GOLD RESERVES

Mr. DOMINICK. Mr. President, in February of this year the Senate considered, in an extended debate, the problem of our diminishing gold reserves. It was my contention at that time, and is still my contention, that an adequate gold reserve behind the dollar is necessary in order to assure the stability of our dollar. I, along with several of my colleagues, argued that to diminish the gold reserve behind our currency is an obvious first step toward a managed monetary system which must ultimately lead to a crippling inflationary trend.

A related problem is our seemingly perennial inability to balance the Federal budget. We are in an era where the concept of a balanced budget is passe; an era where big government spending, which staggers the imagination, is in vogue. The value of our dollar has greatly suffered through our unwillingness to face fiscal responsibility by balancing our Federal budget.

The consequences of our continued deficit spending and related diminishing gold reserves are brought into focus in an excellent article by Felix Morley entitled "Nobody Can Pay Bills With Bottle Caps," which appeared in the July issue of Nation's Business. I ask unanimous consent that this article be printed in the RECORD.

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

[From Nation's Business, July 1965]

NOBODY CAN PAY BILLS WITH BOTTLE CAPS

(By Felix Morley)

With the close of the fiscal year on June 30, the Federal Government recorded its fifth straight year of deficit financing.

Much is made of the fact that we went in the hole less deeply than was anticipated when the budget for fiscal 1965 was drafted. But this pleasant circumstance is overshadowed by the general acceptance of ever-mounting debt as something normal and officially unperturbing even during a stretch of unprecedented prosperity.

Of the 20 years since the close of World War II only 6 have seen us in the black and that mostly by relatively small amounts. Another heavy deficit is anticipated for the fiscal year now opening. It will further inflate a national debt which is already over $316 billion. So Congress has been instructed by the Treasury to raise again the highly elastic debt ceiling. This is now only a reminder that the American people once really held the power of the purse.

No private business with a similar financial record could expect to survive, let alone pay dividends to its stockholders. But Washington poses as an exception to the rule of covering expenditures with receipts. For all its monstrous debt, which will take $11.5 billion in interest alone during fiscal 1966, wholly unearned dividends, in the form of countless subsidies, are constantly increased.

To the uninformed it must seem as though Uncle Sam had rediscovered the secret of fabulous King Midas, to whom the gods temporarily gave the gift of turning everything he touched to gold. Yet there is actually no mystery about the ability of modern governments, whether of Soviet Russia, the United States, or hybrid socialisms in between, to spend continuously more than they take in.

It is not done with mirrors but by a device essentially similar to the trick of the emperors in the time of Rome's decadence, when they clipped the coinage in order to provide the popular circuses which the Senate refused to sanction. The managed currencies which are the space-age form of coin clipping have all been more or less legalized. The result, however, in the form of consequent depreciation in the value of money, is much the same.

One might even surmise that the managed currency racket, for a racket it essentially is, traces back to the Midas myth. At a time when gold was the universal measure of value, some imaginative Greek dreamed of a ruler who could create purchasing power at will. Now we achieve the same end by putting the fable in reverse. Rulers dispense with gold by telling their subjects that pieces of paper nicely engraved and printed, are all that we need for money.

Thus the $10 Federal Reserve note states on its face that the United States of America "will pay to the bearer on demand ten dollars." Try to secure this redemption, and probably you will receive a duplicate note, perhaps a little cleaner but otherwise identical. Conceivably two $5 bills might be substituted.

Alongside this hocus-pocus the fable of King Midas seems quite contemporary, not less so for the snapper with which it ends. Because his food turned to inedible metal as it reached his lips, the monarch starved. In other words, there is no way in which real value can be created by governmental fiat. The moral is one on which the Keynesian economists might profitably brood.

Since the United States turned to irredeemable currency in 1933, the paper dollar has lost so much of its value that an annual income of $12,000 is now needed to equal the purchasing power of one of $4,000 then. This is coin clipping as extreme as anything practiced in ancient times. Nevertheless, those who have been able to up their incomes in proportion have not been injured. Some less appreciated results of managed currencies are more universally damaging. A loss affecting every citizen is that power of the purse which our forefathers strove so valiantly to achive. Subordination of the monarch to elected representatives of the people, in determining the amount and direction of governmental expenditure, was one of the great landmarks on the road to freedom. It is embodied in our Constitution by the provision that: "No money shall be drawn from the Treasury, but in consequence of appropriations made by law."

While technically observed, this prohibition actually became a dead letter when the dollar ceased to be redeemable. That now discarded safeguard provided an almost automatic check on governmental extravagance. The mere possibility of redemption meant that money would not be created, whether by printing press or in the more refined form of monetized debt, beyond the limitation of the gold reserve and the anticipated demands for redemption.

The clever but fundamentally immoral device of irredeemable currency has changed all this. It has again placed the power of the purse in the hands of nonelected officials, just as it was when the *Mayflower* sailed. There is certainly irony in the effort to guarantee votes for everybody, after the vote has become worthless as a control over any form of Federal extravagance.

It cannot be said that any Communist genius planned the substitution of irredeemable currency with the clear purpose of making centralized dictatorship easy. During the lifetime of Karl Marx, indeed, all the more important nations adhered scrupulously to the gold standard, the more so for the record of disaster that in the long run has always ruined countries that failed to protect the value of their money.

But Lenin publicly welcomed the change when the staggering costs of the first World War undermined the gold standard in all of Europe, Russia included. And there was further Communist approval in 1933 when President Roosevelt "made the manipulation of the value of the currency an open and admitted instrument of public policy." The quotation is attributed to Secretary of the Treasury Morgenthau, in his famous "Diaries."

There are, of course, many effective criticisms that can be made of the old gold standard, though it is noteworthy that most

of them have been thought up since redeemable currencies were abandoned. Undeniably, however, the age of modern dictatorships began when this great change was made.

This is no mere coincidence, even though the connection is concealed by the well advertised social purposes to which the usurped power of the purse is put. From Moscow to Washington, traveling either east or west, it is argued in almost every capital that the great virtue of unlimited government is its alleged ability to improve the lot of the people. Undoubtedly this official claim is often sincerely made. But it is disconcerting to see both "slave" and "free" worlds in such complete agreement on the importance of irredeemable managed currencies for the creation of great societies.

Indeed there is now only one outstanding chief of state who argues without equivocation that civilization would be in better shape if the great trading nations would restore the time-tested gold standard, which perhaps shoud be done in concert if it is done at all. President de Gaulle of France is often accused of having dictatorial leanings. But the charge is blunted by his demonstrated willingness to subject the spending of his government to wholly nonpolitical controls. That is the practice of democracy, as contrasted with mere lipservice.

The manipulated currency systems of the principal trading nations have now been coordinated and fairly well stabilized by a whole network of intricate intergovernmental arrangements. One serious difficulty, however, remains essentially unsolved and, for our own country, is perceptibly moving toward crisis proportions.

It is not difficult for a powerful government to declare anything legal tender in the territory which it controls. Instead of irredeemable paper it could decree the use of bottle caps, as was suggested in a science fiction story not long since. All that is needed is complete governmental control of what passes for money.

The hitch comes when traders under another sovereignty are asked to accept dubious payment for the goods they sell abroad. Compensation in international transactions must be acceptable to the seller, or he will simply decline to sell. The bottle cap currency worked, in a very readable story, only because it was used in a community having no contact with the outside world.

In the last analysis gold remains, as it has always been, the one enduringly acceptable form of settlement for international balances. Appreciation of this forced the United States to continue to redeem paper dollars in gold when demanded by foreign central banks, even though identical dollars became irredeemable when held by American citizens at home.

With our continuous deficit financing now seemingly settled policy, foreign doubts as to the future worth of the dollar have naturally increased. They are reflected in the persistent drain on what has now become a very emaciated gold reserve. It is a highly unwelcome situation, which half measures may not suffice to meet. And those who regret the passing of the old gold standard are entitled to draw the obvious moral:

Gold still stands up, when faith in irredeemable paper currency grows as thin as the paper on which government can so easily stamp arbitrary values for domestic purposes.

AUTHORIZATION OF APPROPRIATIONS FOR SUPPORT OF THE GORGAS MEMORIAL LABORATORY

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 511) to increase the authorization of appropriations for the support of the Gorgas Memorial Laboratory, which was, on page 1, line 9, strike out "$500,000" and insert "not to exceed $500,000".

Mr. HILL. Mr. President, the Senate provided an authorization of appropriation of $500,000. The amendment of the House of Representatives simply provides an authorization of appropriation not to exceed $500,000. There may be a distinction but there is no difference.

I move that the Senate concur in the House amendment.

The motion was agreed to.

ESTABLISHMENT OF A DEPARTMENT OF NATURAL RESOURCES

Mr. MOSS. Mr. President, the proposal I introduced last month to bring all of our natural resource activities into one department under one head has been the subject of a great deal of comment. I am pleased that it is stimulating debate and thought, because that was my principal purpose in introducing it. It will take time to reach a meeting of minds on this important undertaking.

One of the more interesting analyses of my bill I have seen appeared in the Deseret News, a distinguished afternoon newspaper published in Salt Lake City, Utah. I ask unanimous consent that the editorial entitled "Make Our Resources Count," be printed in the CONGRESSIONAL RECORD.

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

[From the Deseret News, Aug. 25, 1965]

MAKE OUR RESOURCES COUNT

Meeting the long-range needs of America, as population pressures push ever harder against available resources, is one of America's greatest challenges. So there is much to say for Senator FRANK MOSS' proposal to bring all Federal agencies dealing with natural resources under the same roof.

Senator Moss would create a national Department of Natural Resources. Basically, this would absorb the present Department of Interior—but would also include a number of resource-related agencies and exclude a number of present Interior functions that don't belong in that category.

For instance, it would transfer the Bureau of Indian Affairs to the Department of Health, Education, and Welfare; the Office of Territories to the same agency, and the Alaska Railroad to the Department of Commerce.

But it would bring under the Department of Natural Resources such agencies as the Tennessee Valley Authority, the Federal Power Commission, the civil function of the Corps of Engineers, and present functions of HEW in water pollution control.

Most significantly, it would transfer the U.S. Forest Service from the Department of Agriculture to the Department of Natural Resources.

There would, of course, be a Secretary and Deputy Secretary in charge of the department. There would also be an Under Secretary for Water and Power and one for Lands and Forests.

Below this level one assistant secretary would handle water, another power. One assistant secretary would handle affairs of the Forest Service and Bureau of Land Management; another would handle the National Park Service, Fish and Wildlife, and Bureau of Outdoor Recreation; a third the Bureau of Mines, Geological Survey, and other agencies dealing with minerals and fuels.

On paper, this seems to be a clean, clear division of responsibility. It could go far toward eliminating rivalry and confusion that have jeopardized efforts in reclamation and power development. It could eliminate much of the friction and rivalry between the Forest Service and Park Service.

On paper, all this would seem to be accomplished without further proliferating of Federal agencies or of Federal redtape.

But most careful study is needed to be sure that in seeking these goals other great values are not lost.

For example, the Forest Service has done a tremendous job of conservation, watershed protection, and recreation development in these Western States. Nothing should be allowed to make its work less effective.

Care should be taken that the stimulus of competition is not replaced by bureaucracy so monolithic that it is hard to move and unresponsive to needs of the public.

But what Senator Moss and others are proposing is certainly worth careful and critical study. The task of wise management of our natural resources for the long-range future is one of the most important we face as a nation. We must be certain it is being done in the most efficient possible manner.

Mr. MOSS. Mr. President, I was well aware that such a proposal was controversial in the extreme, and that although it had been considered and reconsidered many times, no one had ever had the temerity before to actually reduce it to legislative terms and introduce it.

Since I introduced this measure, many individuals and groups have approached me to tell me of extensive studies they have made in this field in the past, and of proposals they have drawn up.

One of the most comprehensive plans which has come to my attention was published in the Natural Resources Journal of the University of New Mexico School of Law in November 1961. Evidently, because of fear of stepping on bureaucratic toes, the author chose to remain anonymous, and identified himself only as "Mr. Z." There is nothing mysterious, however, about his proposal, or of the value of his recommendations in the field.

Two other position papers on the reorganization of the water resource development activities of the Federal Government have also come my way. The department or agency from which they came shall be nameless, but the papers both move in the same direction as the bill I have introduced.

Mr. President, I ask unanimous consent that these three proposals be placed in the CONGRESSIONAL RECORD as background and discussion material for the bill I have introduced.

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

THE CASE FOR A DEPARTMENT OF NATURAL RESOURCES

(NOTE.—The following article is offered to stimulate discussion of a controversial subject, and does not necessarily represent the views of the Journal or its councils. To guarantee that attention will be focused on the issues, and not on personalities, the author prefers to remain anonymous.)

MISTER Z

Our growing population, our industrial demands for raw materials and our commitments abroad all put pressure on our natural

resource base. Our ability to maintain the productive capacity of our soils, forests, water, mineral, and energy sources is in question. Yet U.S. public policy toward natural resources is developed and administered by a complex, confusing, and conflicting array of agencies, offices, and departments. Large amounts of money, talent, ideas, and ability are directed toward protecting the national interest in developing and conserving our resources. The concrete results of all this effort have been few. An important obstacle to forward planning is the lack of unifying coordination. A symphony orchestra composed of outstanding musicians each dedicated to producing beautiful music will produce only discordant noise in the absence of a conductor. This analogy applies perfectly to current natural resource policy in the United States.

I. THE PROBLEM

Present divisions and duplications of authority restrict true comprehensive development. They pit agency against agency in jurisdictional disputes and in contention for executive and legislative approval. Consider some random examples. There is a running battle between the Forest Service (Department of Agriculture) and the Park Service (Department of the Interior) over the role of recreation on public lands. The Forest Service advocates the multiple-use of forests with recreation just one of many commodities produced. The Park Service argues that such management destroys many of the values of recreation. The result is that much of the administrative energy needed to develop recreational facilities is dissipated in internecine strife. The classic example of the wastes of duplication is in the water resources development field. Four Departments are involved: Interior; Defense (Army Corps of Engineers); Health, Education, and Welfare; and Agriculture. Each Department uses different methods of computing expected costs and benefits from projects; each Department stresses different aspects of water development; each Department views the others' activities with a suspicion that borders on the paranoid.

This list of conflicts could be extended indefinitely. The Soil Conservation Service (Agriculture) is promoting the draining of wetlands in the northern midwest while the Fish and Wildlife Service (Interior) is trying to maintain wetlands for waterfowl. The Corps of Engineers is advocating the development of the Potomac River in conflict with the plans of the Park Service for a national park in the area. Undoubtedly the reader can add many more examples to this dreary account of intramural feuds.

The good will and devotion of the agencies concerned is not to be questioned. There are no heroes or villains in this story. The major troubles with present resource policies stem from the administrative organization of Federal activities.

The form in which resource conservation and development planning takes place affects the substance of the programs. Irrevocable decisions are made on major natural resource matters within the framework of laws which restrict the developing agency to certain purposes, on the basis of agency traditions, and on the basis of artificially generated political support. Rarely, if ever, are these decisions based on informed judgment about overall national needs and goals. The result is that present public policy toward resources is indefensible if evaluated by economic, political, or social criteria.

The present situation can be summarized in 10 propositions. They are:

1. In nature, the resources of soil, water, forests, wildlife, and minerals are all a closely interrelated whole. Conservation practices designed for their protection, management, and development are similarly related; e.g., water and watershed management, forestry, soil conservation and wildlife, recreational uses of national parks and national forests, mineral development as well as reclamation water developments, flood control, and pollution abatement.

As an illustration, consider a national forest. It will usually be the case that in addition to timber, the forest will provide protection for municipal water supplies. The forest will also be an important factor in any program of water pollution control. There may be extensive campsites, picnic areas, and perhaps wilderness trails. Wildlife management will be practiced. A program of soil conservation will likely be undertaken. This latter program will affect downstream navigation, power production, and flood control. Mineral exploration and production may take place on the forest. All of these uses of the forest are interrelated parts of the forest management. Many of these may take place simultaneously on the same land area. Each of them is related to the programs of some other agency in a different department. Despite administrative divisions, resource management cannot be separated.

2. Natural resource programs of the Federal Government are dispersed and scattered among separate departments and agencies, although primarily concentrated in Interior. Consider the following list:

Interior

Bureau of Land Management, National Park Service, Geological Survey, Bureau of Mines, Bureau of Reclamation, Bureau of Indian Affairs, Bureau of Sport Fisheries and Wildlife, Bureau of Commercial Fisheries, Bonneville Power Administration, Southwestern Power Administration, Southeastern Power Administration.

Agriculture

Forest Service, Soil Conservation Service, Agricultural conservation program, Rural Electrification Administration.

Defense (Army)

Corps of Engineers (water development and flood control).

Health, Education, and Welfare

Water supply and pollution control.

Federal Power Commission

Staff develops positions on pending applications, and also provides statistics and economics surveillance—concerning both gas and electric power.

In addition, a number of independent offices or commissions have, or have had, a role in policy formation and management. Examples are: Outdoor Recreation Resources Review Commission, President's Materials Policy Commission, the President's Water Resources Review Commission, and the Tennessee Valley Authority.

3. The scattering of program responsibility among departments has resulted in a welter of confusion and cross-purposes. This applies both to the development of consistent legislative policy and to program administration. This is especially important at the local level. This situation is spectacularly inefficient and actually dangerous to the public interest in our divided water programs. The present responsibilities of the Federal Government put great strains on the budget. Yet competition among agencies "to get business" contributes to inefficient water resource development and waste of public funds. Water resource development, instead of taking place within a framework of consideration of national objectives and resources, takes place as a result of "logrolling" and "pork-barrel" politics. This is tragic when one considers the expanding demands for water-derived products as well as for all other natural resources.

4. Many conflicts arise because of the special interests of the various agencies. A typical situation in water resource development would find the Corps of Engineers (Defense) concerned with river basin planning and flood control; Soil Conservation Service (Agriculture) concerned with watersheds; Bureau of Sport Fisheries and Wildlife (Interior) concerned with fish habitat and recreation.

Attempts to resolve these conflicts have been made. One popular device has been the establishment of interagency coordinating committees in Washington and on local levels. Nevertheless, lacking any central authority short of the President, the member Bureau and Department representatives on these permissive committees are unable to resolve basic conflicts of interest. Line-operating authority disputes cannot be reconciled by discussion.

This proposition holds even when the coordinating committee is composed of Cabinet-level officials. Even here, integration requires Presidential directives for each and every issue which arises.

5. For many years efforts have been made to reorganize Federal resource development and conservation responsibilities. Secretary Harold Ickes in 1938 desired to change Interior into a Department of Conservation. In 1949 some of the task forces of the first Hoover Commission suggested a Department of Natural Resources,[1] the establishment of which President Truman tried to obtain up until 1951. In his last budget message, President Eisenhower suggested that the Army Corps of Engineers' water functions be transferred to interior.[2]

President Kennedy's explanation of his decision to offer a special message of natural resources revealed his concern with the problem of coordination. He said: "This statement is designed to bring together in one message the widely scattered resource policies of the Federal Government. In the past, these policies have overlapped and often conflicted. Funds were wasted on competing efforts. Widely differing standards were applied to measure the Federal contribution to similar projects. Funds and attention devoted to annual appropriations or immediate pressures diverted energies away from long-range planning for national economic growth. Fees and user charges wholly inconsistent with each other, with value received and with public policy have been imposed at some Federal developments."[3]

The President pledged action in his special message to redefine resource responsibilities within the Executive Office, strengthen the Council of Economic Advisers for this purpose, and establish a Presidential Advisory Committee on Natural Resources under the Council of Economic Advisers.

6. Present divisions have no logical justification. With respect to the land resource agencies now in the Department of Agriculture, the Forest Service and the Soil Conservation Service, the supposed justification for the former agency is that "trees are crops," and for the latter that farmlands suffer the most from erosion. Neither claim has validity in fact.

Most Forest Service activity is centered on the management of 180 million acres of public lands, the national forests; that which is directed toward private forestry assistance is kept completely separate from all regular farm crop programs and is not even integrated with soil conservation plans on the same ownership. At least half of the private forest lands on which assistance is given are held by nonfarm landowners. Even the Forest Service research function is separate from the Agricultural Research Service.

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[1] Hoover Commission—Report on Organization of the Executive Branch of the Government, 267 (1949).

[2] H.R. Doc. No. 255, 86th Congress, 2d session (1960).

[3] Address on natural resources, New York Times, February 24, 1961, p. 12, col. 1.

The Soil Conservation Service program is also unrelated to other Agriculture Department efforts. It is concerned with practices for the protection of the basic soil resource, regardless of ownership. It is not integrated with other farm programs concerned primarily with production, marketing, price, and supply regulation. Some of the most serious erosion problems are connected with new highways and suburban developments and have no relationship to farmland.

The Soil Conservation Service program conflicts at many points with programs of the Interior Department, particularly those concerned with fish and wildlife and with reclamation. The conflict over draining of the northern Midwest wetlands has already been mentioned. Conciliation of competing soil and water programs is far away.

The division of water agencies among four Departments (Agriculture with SCS and small watershed programs; Interior with Reclamation, Saline Water, Geological Survey, etc.; Defense with Army Corps of Engineers; and HEW with pollution control and water supply programs) has reached the proportions of a national crisis. No real justification has ever been offered for a continuation of the present situation except that it is "politically impossible" to remedy. The rapidly developing water problem is forcing the issue to the point where continued inaction will result in embarrassment to the administration.

7. Lacking any central responsibility at the Cabinet level for resources policy and management, the Bureau of the Budget is forced into the role of coordinator and arbiter between the various agencies. Probably in no other area of Federal responsibility does the Budget Bureau exercise so strong an influence and leverage over programing.

The present role of the Budget Bureau exceeds its normal responsibilities. Given the present structure of Federal natural resource activities, it has been the only agency which has any interest in, or capability for, developing a truly national resource program. This is particularly important for the development of new programs. New needs require new activities. The evaluation of goals and means to meet these goals require specialized attention and expertise that cannot be provided by fiscal specialists in the Bureau of the Budget.

8. Natural resource agency appropriations are developed as a group by the Bureau of the Budget and (since 1954) the House and Senate Appropriations Subcommittees, regardless of the fact that functional agencies are scattered among many Departments. The legislative committees in the Congress continue to divide responsibilities along older but less consistent lines.

9. Federal organization of resource activities is in sharp contrast to the organization of those States with the most successful conservation programs. These States, e.g., Michigan, New York, Wisconsin and Minnesota, have single departments which embrace all phases of resource management under central direction.

10. Federal organization of resource activities is also in sharp contrast to the organization of other major Federal programs. Every other sector of Federal responsibility, e.g., labor, agriculture, health, foreign affairs, is assigned to a single governmental department, which is publicly understood to have central responsibility. Unified centers of authority give citizens a sense of involvement in public activity and a concern for the results.

II. WHAT IS NEEDED

Some order must be made out of the present chaos of resource policy. A centralized responsibility under a Department of Natural Resources is a necessity. This is not the only possible change in present organization, but other suggested solutions do not hold much promise.

The most popular alternative suggestion is to create coordinating and advisory committees. The Congress recognizes the need for developing policy and programs related to national needs rather than to the traditions and prejudices of competing agencies. A distinguished group of Democratic Senators in both the 86th and 87th Congresses have sponsored legislation to establish a Council of Resource and Conservation Advisers in the Executive Office of the President in order to coordinate resource conservation on the basis of national goals.[4]

This change would go only part of the way toward providing the necessary coordination. The past history of trying to obtain unity through committees and advisory groups illustrates the futility of expecting much from these proposals. At present, only if the President himself operates as his own Secretary of Natural Resources (to the near exclusion of many other important matters) can the problem of divided authority be resolved. Adding more councils and advisory agencies will merely provide more organizations to coordinate—regardless of the value of the specific contributions the new organizations could make. Present problems cannot be solved by grafting still more decisionmaking or policy-advising units onto the present structure. We need fewer and more responsible centers of authority. Measures such as interagency committees, Cabinet-level coordinating committees, and other forms of direction through consensus have resulted, and will continue to result, in divided responsibility and failure to face up to the need to center authority. The basic problem will remain unremedied and more time, effort, and money will be wasted on efforts to coordinate programs rather than being devoted to the development and execution of programs.

At this juncture of American history it is imperative that our resource management programs be accelerated to provide for the increased productivity needed by an expanding population. A broad resource program involving the application of specialized techniques and investments of billions of dollars can be carried out only by a well-designed and coordinated Federal organization. It is clear that the present clumsy operation of the Government in the natural resources field will not only result in wasteful duplication, but fail to meet the goals set forth. Public disillusion will be inevitable. Nor are the alternatives thus far discussed adequate. A Department of Natural Resources is vital if the Federal Government is to meet its responsibilities for the conservation and development of natural resources.

Because of the present concentration of resource activities in the Department of the Interior, the easiest way to obtain a Department of Natural Resources would be to transfer other resource agencies to Interior. The major obstacle in the past to such a transfer has been the organized special interest clientele of the agencies involved. These groups fear that their relationships to the Government would be affected.

The most adamant group blocking the way to reorganization of Federal water functions is the Rivers and Harbors Conference, backed by water development contractors who strongly support certain congressional relations of the Army Corps of Engineers. This, however, is only one example of a general condition. Many other agencies have special interest clientele groups which do not want their interests disturbed. Few agencies or clientele groups have a direct interest in the improved efficiency which could result from a reorganization.

[4] S. 2549, 86th Cong., 1st sess. (1959); S. 239, 87th Cong., 1st sess. (1960); S. 1415, 87th Cong., 1st sess. (1961).

On the other hand, public citizens' organizations such as the wildlife, park, forestry, and similar groups, the League of Women Voters, organized labor, and the several farm organizations are strong backers of an integrated resource program and would probably support unification through reorganization. Business groups sincerely interested in government efficiency would find resistance difficult. Efforts of these groups could be organized to offset the pressures resisting change. The support of these citizens' organizations will be essential.

The time to take this action is during the first year or so of the President's new term before resistances and pressure group policies harden. The President can evoke great public support for this move if he will go directly to the people for support. The present crisis in foreign affairs provides a further reason for taking civil water programs from the Department of Defense.

It is of central importance that a distinction be made between Federal programs for protection, management, and development of basic land, water, and mineral resources, including primary extraction (except agricultural crops) and those which deal with product processing, economics, etc. It is the first phase with which a Department of Natural Resources would be primarily concerned.

On the other hand, resource programs which affect privately owned resources and those which affect publicly owned resources should be combined in one department. For example, direct investment and management, as in the national forests, should be combined with programs designed to aid private owners, such as technical assistance, cost sharing, etc., for private forest owners. While there are distinct differences between programs for publicly owned resources and those applied to privately owned resources, the techniques and practices followed are so similar in application as to more easily lend themselves to central direction than to split authority. Further, the goals and objectives of the public and private programs are so intertwined that the programs should not be separated administratively.

III. HOW IT SHOULD BE DONE

How should reorganization of the Federal natural resource agencies take place? Three possible choices present themselves for centralizing natural resources responsibilities:

1. Minimum: Minimum transfer of principal resource agencies and programs now in other departments to the Department of the Interior with the exception of the construction functions of the Army Corps of Engineers. (The planning and water research functions would, however, be transferred to a water development bureau in the Interior.)

This approach would be simply a recognition of the political power of the Corps of Engineers and a means of avoiding their bare-knuckled pressures. It would leave unresolved the problem of coordination of water management and development programs. Although the planning function would be transferred, the corps would soon find a way to revive this power. In any case the division of responsibilities between the two departments would continue to result in waste and friction, and inhibit realistic programing in this vital field.

2. Coordinating committees: Another possibility is to have a Council of Resource Advisers and a River Basin Coordinating Council. These are attempts to obtain unification through compromise by establishing another "coordinating" layer between the President and his executive action agencies. Presumably, planning, research, and reconciliation of conflicts would be assigned to river basin groups. The resource advisers would be similar to the Council of Economic Advisers in makeup and duty and therefore largely advisory and without live authority.

Efforts to coordinate through committees have failed in the past because there has been no central Cabinet responsibility for program development and execution. The greatest good will is no substitute for authority and responsibility in one Cabinet officer. This is particularly important in the formulation of new programs.

3. Complete: A complete reorganization would require transfer by Executive order of all resource agencies from other departments to Interior, including the Army Corps of Engineers, and a request to the Congress to create a Department of Natural Resources.[5]

The cleanest and most effective procedure would be to transfer all resource functions to Interior and then to concentrate all efforts to gain congressional acceptance. Offsetting the pressure groups opposed to this transfer will be several hundreds of conservation and other organizations which will support complete reorganization. This will take generalship, strategy, and an effective information effort during the 60-day period of grace during which Congress may deny the President's action.[6]

The attached organization chart sets forth the "model" of organization of the new Department of Natural Resources.[7]

The Reorganization Act of 1949[8] gives the President power to transfer outside agencies to Interior by Executive order. Legislative authority would be needed to change the name of Interior to Department of Natural Resources.

The organization of resource activities resulting from these proposed changes would centralize all responsibility for development and management of natural resource programs (except for the TVA) in a Secretary of Natural Resources. The Secretary would have an Under Secretary and staff assistants for program coordination, public affairs, and so forth. There would also be an advisory board on natural resource policy with the Secretary as chairman. Regional or river basin planning committees in the field would report directly to the advisory board.

Resource activities would be divided into six groups, each supervised by an Assistant Secretary. This grouping would be basically along resource lines; minerals, electric power, water, parks and wildlife, land, and Indian affairs. Bureau responsibilities and organization also would be redefined with the objective of eliminating duplication of effort.

Primary responsibility for program development and management would remain, as at present, with the various bureaus. However, there would be two, and only two, coordinating levels below the President's level. These would be at the Assistant Secretaries' level and at the Secretary's level.

An organization such as this one would not automatically solve all natural resource policy problems. It would, nevertheless, simplify authority and focus responsibility. It would provide the possibility—now lacking—to develop consistent and coherent resource policies and programs. In the absence of such a change, we can expect nothing better than the present inconsistency, confusion, and deadlock. Change is never easy, but considering the challenge to public policy presented by our future needs for natural resources it is essential. The time is past due for acceptance by the Federal Government of its responsibility to provide clear and decisive leadership in the conservation and development of natural resources. The first and most vital step is to organize a Department of Natural Resources.

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[5] Reorganization Act of 1949, 1 U.S.C., sec. 133z (1949).

[6] Note 5 supra, sec. 133z-4.

[7] See chart appended.

[8] Note 5 supra.

A BASIC REORGANIZATION FOR BOTH EFFICIENCY AND IMPROVED RESOURCES CONSERVATION: CONSOLIDATION OF AGRICULTURAL, NATURAL RESOURCE AND RURAL PROGRAM AGENCIES

NEED

World War II showed up the great inefficiency of two defense agencies—War and Navy, and was followed by a practical consolidation into a Department of Defense. Today our mounting population with rapidly increasing requirements for natural resources—timber, water, power, minerals, open space and recreation—forces reconsideration of the very scattered and inefficient Federal organization of natural resource agencies. The initial thrust for greater inefficiency in Government under the Johnson administration provides the first opportunity for long overdue reorganization in this generation to accomplish in natural resources what has already been accomplished in Defense.

BACKGROUND OF THE PROBLEM

The first Hoover Commission 14 years ago called for a Department of Natural Resources (Acheson-Pollock-Rowe Task Force) which would combine into Interior (and reestablish it as a Department of Natural Resources) the fragmented resource agencies in other Departments—water, forests, soil conservation, etc. Lacking a single Cabinet Secretary responsible for conservation programs has resulted in fragmentation of effort, lack of central policy direction, bureaucratic competition when coordination is needed, and an inability to obtain clear public understanding and support for programs where the public interest is paramount. Much costly duplication exists which cannot be eliminated under existing organizations.

Under present conditions we have four separate Departments (Interior, Agriculture, Health, Education, and Welfare, and Army, plus Housing and Home Finance Agency)—one with central, and the rest with peripheral resource responsibilities. The public interest in resource decisions is often submerged to that of private interest commodity groups which tend to dominate individual bureaus scattered in a number of agencies.

The proposed consolidation never took place because the combined pressures of the Corps of Army Engineers and the Forest Service of USDA were too strong for President Truman. Neither Eisenhower nor Kennedy attempted reorganization in this area.

TWO RURAL DEPARTMENTS BUT NO DEPARTMENT OF URBAN AFFAIRS

The need for consolidation of natural resource conservation agencies is greater than ever, but a new approach is required. Realinement of existing agencies along Hoover task force lines may be as difficult as ever, but combining of Interior and Agriculture into a Department of Agriculture and Natural Resources is well within political reality. Substantial efficiencies can be accomplished and much greater coordination attained.

The political climate is as favorable to this move now as the consolidation of War and Navy into Defense was in 1946. Support from the conservation movement and the economy bloc would be anticipated. Resistance from the corps would not be expected since it will not be included. The Forest Service would be strengthened, and hence not resist. By consolidating the two rural affairs departments, room could be made for a new Urban Affairs Department. Substantial support should be derived from labor, urban, and other groups seeking a Department of Urban Affairs.

A DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

There are so many overlapping, intermingled, and conflicting relationships between the USDA and Interior that several years of persistent effort at untangling and reformulation will be required once the overall consolidation is accomplished. However, the initial procedure is basically simple. A Department of Agriculture and Natural Resources would have an overall Secretary and Secretaries for each of the two major categories. These would be as shown on the following chart:

Organization chart—Department of Agriculture and Natural Resources

Secretary.

Secretary for Natural Resources: Department of Interior agencies plus Forest Service, Soil Conservation Service, Rural Electrical, HEW—water and air pollution, HHFA—open space program

Secretary for Agriculture: Department of Agriculture agencies; marketing, credit, economics, crop reporting, extension, regulations, etc.

SUGGESTED ACTION

In his forthcoming message on natural resources the President could indicate that he is appointing a special Conservation Task Force to study organization of Federal resource agencies. Qualified members might be James Rowe, Abe Fortas, former Interior Under Secretary, Dean Acheson, Samuel T. Dana and Horace Albright, most of whom served on the original Hoover Commission Task Force on Natural Resources. Report of such a commission could be set for January 1965.

CAUTION

Immediate opposition will come from key personnel in the Bureau of the Budget whose power derives from division of agencies, timid "realists" afraid of old ghosts and some self-appointed political experts who don't feel it on important issues.

AREAS OF OVERLAP AND CONFLICT IN NEED OF COORDINATION

Reclamation versus agricultural policy.

USDA watershed projects: BLM, reclamation and Indians.

Forest Service versus Interior—BLM on land administration; fire protection; insect control; land exchange.

Soil Conservation Service/BLM: Intermingled private and public lands.

Forest Service: Park Service.

Forest Service Research: Fish and Wildlife Service.

Soil Conservation Service versus Bureau of Outdoor Recreation.

POSITION PAPER—SUBJECT: REORGANIZATION OF FEDERAL NATURAL RESOURCE AGENCIES

Background: The President's several directives to attain greater efficiency in the use of manpower is running into major roadblocks in the numerous, scattered, uncoordinated natural resource agencies. Duplication, conflicts in policy and procedure, and lack of central cabinet responsibility make further improvement impossible until structural changes are made. Past and current efforts to obtain coordination through recreation, water, pesticide, and other committees ad infinitum has and will continue to be ineffective in reconciling differences among agencies. Because of the scatteration, these agencies are more dominated by pressure groups and congressional committees than they are managed and controlled by the White House. If Presidential and Cabinet Office direction is to be effective, the public interest served, and public support obtained, a structural revision in organization of national resource agencies is essential to meet the mounting demands to be placed upon them in the decades ahead.

Previous proposals: The first Hoover Commission 14 years ago called for a Department of Natural Resources (Acheson-Pollock-Rows task force) which would combine into Interior (and reestablish it as a Department of Natural Resources) the scattered resource

agencies in other Departments—open space, power, water development, forests, soil conservation, etc. Lacking a single Cabinet Secretary responsible for conservation programs has resulted in fragmentation of effort, lack of central policy direction, bureaucratic competition when coordination is needed, and an inability to obtain clear public understanding and support for programs where the public interest is paramount.

Under present conditions we have four separate Departments (Interior, Agriculture, Health, Education, and Welfare, and Army, plus Housing and Home Finance Agency)—one with central, and the rest with peripheral resource responsibilities. The public interest in resource decisions is often submerged to that of private interest commodity groups which tend to dominate individual bureaus—lacking regular White House or single Cabinet direction.

The proposed consolidation never took place because the combined pressures of two agencies—Corps of Army Engineers and the Forest Service of USDA—were too strong for President Truman. Neither Presidents Eisenhower nor Kennedy attempted reorganization in this area. Today we still have two rural Departments—Agriculture and Interior—but no Department of Urban Affairs.

Suggested proposal: The need for coordination of natural resource conservation agencies is greater than ever, but a new approach is required. Realinement of existing agencies along Hoover task force lines may be as difficult as ever, but combining of Interior and Agriculture into a Department of Agriculture and Natural Resources is well within political reality. Substantial efficiencies can be accomplished and much greater coordination attained.

The political climate would be more favorable to this move now than the consolidation of War and Navy into Defense in 1946. Support from the conservation movement and the economy bloc would be anticipated. Resistance from the corps would not be expected, since it will not be included. The Forest Service would be strengthened, and hence resist less. By consolidating two rural affairs departments, room could be made for the Urban Affairs Department. Substantial support should be derived from labor, urban, and other groups seeking a Department of Urban Affairs.

Specific moves and strategy: There are so many overlapping, intermingled and conflicting relationships between the USDA and Interior that several years of persistent effort at untangling and reformulation will be required once the overall consolidation is accomplished. However, the initial procedure is basically simple. A Department of Agriculture and Natural Resources would have an overall Secretary and two Under Secretaries for each of the two major categories. These would be as shown on the following chart:

ORGANIZATION CHART: DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

Secretary.

Under Secretary (Natural Resources): Department of Interior agencies plus Forest Service Soil Conservation Service, rural electrical.

Under Secretary (Agriculture): Department of Agriculture agencies, marketing, credit, economics, crop reporting, extension, regulations, etc.

Mr. MOSS. The proposals differ in some degree with the recommendations in my bill, but that is all to the good. In introducing S. 2435, I made it clear that I did not consider it to be the last word in the field. It is intended only as a vehicle for study of the question—as a starting point for an undertaking on which I feel we must embark if we are to assure comprehensive and efficient development of our water resources. The three proposals are:

"The Case for a Department of Natural Resources," University of New Mexico School of Law, November 1961; position paper, "Reorganization of Federal Natural Resource Agencies"; and "A Basic Reorganization for Both Efficiency and Improved Resource Conservation: Consolidation of Agricultural, Natural Resource and Rural Program Agencies."

RESPECT FOR THE LAW

Mr. MORSE. Mr. President, this morning the Washington Post carried an editorial entitled "Respect for the Law," which I believe is the clearest, most concise, and best objective analysis of the omnibus crime bill which the Senate passed yesterday that I have read, in any editorial, on the subject.

I highly commend the editors of the Washington Post for this penetrating and, I believe, unanswerable editorial in opposition to the omnibus crime bill that the Senate unfortunately passed yesterday.

Out of consideration for those of us who formed the minority in opposition to the omnibus crime bill, I wish to say that there is not a single major argument set forth in the editorial that was not made over and over again during the course of the hearings, on the bill and in our minority report in opposition to the bill. In my major speeches against the bill which I gave the day before yesterday and yesterday in the Senate I covered the same objections as are set out in the editorial.

Mr. President, I am highly pleased that the editors of the Washington Post share the views of those of us in the Senate who voted against the bill. The omnibus crime bill yesterday jeopardizes basic civil rights, liberties, and freedoms of the American people. The Senate yesterday trampled on what I consider to be basic constitutional guarantees, the protection of which the American people are entitled to be assured of at all times.

I also take note of the fact that the Washington Post recognizes the sensitivity that exists in the District on the racial issue. I wish to say again on the floor of the Senate, as I said in my major speech against the omnibus crime bill, that in my judgment the Senate and the House will have to assume their fair share of responsibility for any racial problems that grow out of this bill. I fear that its administration will prove it to be a law that permits the Washington, D.C. Police Force to discriminate against Americans on the basis of the color of their skins. I fear that the administrative procedures available to the police as written into the law can be used to browbeat arrested persons who can be held for 3 hours or longer under the pretext of questioning them when in fact the arrest is for police investigation without having probable cause justifying the arrest. Many Negroes fear and I think with justification that it will be used against them all out of proportion to its use against white people.

I ask unanimous consent that the editorial be printed in the RECORD at this point.

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

RESPECT FOR THE LAW

In the name of combating crime, the Senate yesterday passed a bill that undermines the administration of justice. It is by no means so reckless and irrational as the omnibus crime bill for the District of Columbia passed by the House of Representatives. Nevertheless, it has its fair share of irrationality. It would strengthen the police by weakening those procedural safeguards that are the bulwarks of American freedom. In the name of law enforcement, it would authorize disregard of the Constitution that is the foundation for all law in the United States.

This bill would authorize the police in the District of Columbia to detain suspects in a police station and question them for as long as 3 hours (exclusive of interruption) without judicial approval and without assuring them the assistance of counsel. This shortcut would enable the police to get around the fourth amendment's ban on arbitrary arrests; it would enable the police to circumvent the fifth amendment's privilege against self-incrimination; it would enable the police to deprive defendants at the most crucial time of the sixth amendment's assurance of a lawyer's advice.

What is the essence of the argument for giving the police such power? The argument is that it will help the police to investigate crime. The same argument can be made in behalf of the rubber hose, the thumbscrew and the rack. They are all valuable aids to investigation. Yet it is one of the great glories of life in the United States that such techniques and instruments of investigation are forbidden here.

There are those who regard the renunciation of such investigative methods as sentimentality. They go about saying that restrictions on police and prosecutors imply more concern for the rights of criminals than for the rights of their innocent victims. Yet the whole of history teaches the grim lesson that restraints on the police are an indispensable condition of freedom. Even the best of policemen—and those in Washington are among them—need to be restrained in their zeal, despite the admittedly great dangers and difficulties of their job.

The men who wrote the restraints of the fourth, fifth and sixth amendments into the Bill of Rights were not sentimentalists. They were practical men who understood that the rights of the best of men can be secure only so long as the rights of the worst of men are respected.

It is beguiling to seek law enforcement by sacrificing freedom. It is easy—especially if one is educated and knows his rights and has ready access to a lawyer—to let the police push the poor and ignorant and the helpless around as they please. It is easy, and it has the additional virtue of being inexpensive—far less costly than providing extra policemen or giving the police better equipment and training or correcting the conditions of squalor and inadequate education and joblessness that breed crime.

There are just two things wrong with this cheap and easy approach to the crime problem. One is that it will not work; it will not only leave the causes of crime to fester but it will breed disrespect for the law because of the inequality of its application to the rich and to the poor and because of the disrespect for law it countenances on the part of law enforcement officers. The other thing wrong with it is that it will diminish the freedom which is the real source of American safety.

THE ROAD TO JUSTICE

Mr. DOUGLAS. Mr. President, 100 years ago, a great American President, Abraham Lincoln, signed the Emancipation Proclamation and freed the slaves. The bonds of physical servitude were swept away, but the shackles of ignorance, poverty, and political impotence remained. And the American Negro, hobbled by these dreadful chains, made little progress until almost a century later another outstanding leader took up the challenge.

In 1957, Lyndon Baines Johnson, then majority leader of the U.S. Senate, helped to lead the fight for equal rights for all our citizens. Under his leadership the 1957 and 1960 Civil Rights Acts were passed.

By the Civil Rights Act of 1964 and the Voting Rights Act of 1965 President Lyndon Johnson set in motion the machinery which generated the securing and insuring for the American Negro the full fruits of citizenship.

The President would not and does not claim for himself credit for the enactment of these historic measures—the only four bills of their kind since Lincoln's day. He is the first to admit that these measures were possible because of unprecedented bipartisan concert in the Congress.

But none has articulated the cause of equal rights for all our citizens with the eloquence of President Johnson. In a triad of addresses beginning on March 15, 1965, before a joint session of the Congress he expressed in unforgettable language the despair of the American Negro and the obligation of the Government to right an ancient wrong.

He pleaded for tools which would insure the Negro his right to vote. On June 4 at Howard University, he pleaded for equal opportunity in every aspect of American life. At the Capitol on August 6 he reasserted the importance of the legislation he signed that day—legislation establishing procedures to guarantee the franchise to all Americans.

These historic addresses deserve the widest possible distribution, and I therefore ask unanimous consent to insert them in the RECORD at this time. They are inspired demonstrations of the sincerity and devotion with which the President is striving to extend the equal rights of citizenship to all.

There being no objection, the addresses ordered to be printed in the RECORD, follow:

THE AMERICAN PROMISE

(Remarks of the President to a joint session of the Congress, March 15, 1965)

Mr. Speaker, Mr. President, Members of the Congress, I speak tonight for the dignity of man and the destiny of democracy.

I urge every Member of both parties, Americans of all religions, and all colors, from every section of this country, to join me in that cause.

At times history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was last week in Selma, Ala.

There, long-suffering men and women peacefully protested the denial of their rights as Americans. Many were brutally assaulted. One good man, a man of God, was killed.

There is no cause for pride in what has happened in Selma. There is no cause for self-satisfaction in the long denial of equal rights to millions of Americans. But there is cause for hope and for faith in our democracy in what is happening here tonight.

For the cries of pain and the hymns and protests of oppressed people have summoned into convocation all the majesty of this great Government of the greatest Nation on earth.

Our mission is at once the oldest and the most basic of this country: to right wrong, to do justice, to serve man.

In our time we have come to live with moments of great crisis. Our lives have been marked with debate about great issues; issues of war and peace, of prosperity and depression. But rarely in any time does an issue lay bare the secret heart of America itself. Rarely are we met with a challenge, not to our growth or abundance, our welfare, or our security, but rather to the values and the purposes and the meaning of our beloved Nation.

The issue of equal rights for American Negroes is such an issue. And should we defeat every enemy, should we double our wealth and conquer the stars, and still be unequal to this issue, then we will have failed as a people and as a nation.

For with a country as with a person, "What is a man profited, if he shall gain the whole world, and lose his own soul?"

There is no Negro problem. There is no southern problem. There is no northern problem. There is only an American problem. And we are met here tonight as Americans to solve that problem.

This was the first Nation in the history of the world to be founded with a purpose. The great phrases of that purpose still sound in every American heart, north and south: "All men are created equal"—"government by consent of the governed"—"give me liberty or give me death." Those are not just clever words. Those are not just empty theories. In their name Americans have fought and died for two centuries, and tonight around the world they stand there as guardians of our liberty, risking their lives.

Those words are a promise to every citizen that he shall share in the dignity of man. This dignity cannot be found in a man's possessions, his power, or his position. It rests on his right to be treated as a man equal in opportunity to all others. It says that he shall share in freedom, choose his leaders, educate his children, and provide for his family according to his ability and his merits as a human being.

To apply any other test—to deny a man his hopes because of his color or race, his religion or the place of his birth—is not only to do injustice, it is to deny America and to dishonor the dead who gave their lives for American freedom.

THE RIGHT TO VOTE

Our fathers believed that, if this noble view of the rights of man was to flourish, it must be rooted in democracy. The most basic right of all was the right to choose your own leaders. The history of this country, in large measure, is the history of the expansion of that right to all of our people.

Many of the issues of civil rights are very complex and most difficult. But about this there can and should be no argument. Every American citizen must have an equal right to vote. There is no reason which can excuse the denial of that right. There is no duty which weighs more heavily on us than the duty we have to insure that right.

Yet the harsh fact is that in many places in this country men and women are kept from voting simply because they are Negroes.

Every device of which human ingenuity is capable has been used to deny this right. The Negro citizen may go to register only to be told that the day is wrong, or the hour is late, or the official in charge is absent. And if he persists, and if he manages to present himself to the registrar, he may be disqualified because he did not spell out his middle name or because he abbreviated a word on the application.

And if he manages to fill out an application he is given a test. The registrar is the sole judge of whether he passes this test. He may be asked to recite the entire Constitution, or explain the most complex provisions of State laws. And even a college degree cannot be used to prove that he can read and write.

For the fact is that the only way to pass these barriers is to show a white skin.

Experience has clearly shown that the existing process of law cannot overcome systematic and ingenious discrimination. No law that we now have on the books—and I have helped to put three of them there—can insure the right to vote when local officials are determined to deny it.

In such a case our duty must be clear to all of us. The Constitution says that no person shall be kept from voting because of his race or his color. We have all sworn an oath before God to support and to defend that Constitution. We must now act in obedience to that oath.

GUARANTEEING THE RIGHT TO VOTE

Wednesday I will send to Congress a law designed to eliminate illegal barriers to the right to vote.

The broad principle of that bill will be in the hands of the Democratic and Republican leaders tomorrow. After they have reviewed it, it will come here formally as a bill. I am grateful for this opportunity to come here tonight at the invitation of the leadership to reason with my friends, to give them my views, and to visit with my former colleagues.

I have had prepared a more comprehensive analysis of the legislation which I intended to transmit tomorrow but which I will submit to the clerks tonight. But I want to discuss with you now briefly the main proposals of this legislation.

This bill will strike down restrictions to voting in all elections—Federal, State, and local—which have been used to deny Negroes the right to vote.

This bill will establish a simple, uniform standard which cannot be used, however ingenious the effort, to flout our Constitution.

It will provide for citizens to be registered by officials of the U.S. Government if the State officials refuse to register them.

It will eliminate tedious, unnecessary lawsuits which delay the right to vote.

Finally, this legislation will insure that properly registered individuals are not prohibited from voting.

I will welcome suggestions from all of the Members of Congress—and I have no doubt that I will get some—on ways and means to strengthen this law and to make it effective. But experience has plainly shown that this is the only path to carry out the command of the Constitution.

To those who seek to avoid action by their National Government in their own communities; who seek to maintain purely local control over elections, the answer is simple:

Open your polling places to all your people.

Allow men and women to register and vote whatever the color of their skin.

Extend the rights of citizenship to every citizen of this land.

THE NEED FOR ACTION

There is no constitutional issue here. The command of the Constitution is plain.

There is no moral issue. It is wrong to deny any of our fellow Americans the right to vote.

There is no issue of States rights or national rights. There is only the struggle for human rights.

I have not the slightest doubt what will be your answer.

The last time a President sent a civil rights bill to the Congress it contained a provision to protect voting rights in Federal elections. That civil rights bill was passed after 8 long months of debate. And when that bill came to my desk from the Congress, the heart of the voting provision has been eliminated.

This time, on this issue, there must be no delay, no hesitation, and no compromise with our purpose.

We cannot, we must not, refuse to protect the right of every American to vote in every election that he may desire to participate in. We ought not, we must not, wait another 8 months before we get a bill. We have already waited a hundred years and more, and the time for waiting is gone.

I ask you to join me in working long hours, nights, and weekends if necessary, to pass this bill. And I don't make that request lightly. For from the window where I sit with the problems of our country I am aware that outside this chamber is the outraged conscience of a nation, the grave concern of many nations, and the harsh judgment of history on our acts.

WE SHALL OVERCOME

But even if we pass this bill, the battle will not be over. What happened in Selma is part of a far larger movement which reaches into every section and State of America. It is the effort of American Negroes to secure for themselves the full blessings of American life.

Their cause must be our cause, too. It is not just Negroes, but it is all of us, who must overcome the crippling legacy of bigotry and injustice.

And we shall overcome.

As a man whose roots go deeply in southern soil I know how agonizing racial feelings are. I know how difficult it is to reshape the attitudes and the structure of our society.

But a century has passed, more than a hundred years, since the Negro was freed. And he is not fully free tonight.

It was more than a hundred years ago that Abraham Lincoln, a great President of the Republican party, signed the Emancipation Proclamation, but emancipation is a proclamation and not a fact.

A century has passed, more than a hundred years, since equality was promised. And yet the Negro is not equal.

A century has passed since the day of promise. And the promise is still unkept.

The time of justice has now come. I tell you I believe sincerely that no force can hold it back. It is right in the eyes of man and God that it should come. And when it does, I think that day will brighten the lives of every American.

For Negroes are not the only victims. How many white children have gone uneducated, how many white families have lived in stark poverty, how many white lives have been scarred by fear, because we wasted our energy and our substance to maintain the barriers of hatred and terror?

So I say to all of you here, and to all in the Nation tonight, that those who appeal to you to hold on to the past do so at the cost of denying you your future.

This great, rich, restless country can offer opportunity and education and hope to all: black and white, North and South, sharecropper and city dweller. These are the enemies: poverty, ignorance, disease. They are the enemies and not our fellow man, not our neighbor. And these enemies too, poverty, disease and ignorance, we shall overcome.

AN AMERICAN PROBLEM

Let none of us look with prideful righteousness on the troubles in another section, or on the problems of our neighbors. There is no part of America where the promise of equality has been fully kept. In Buffalo as well as in Birmingham, in Philadelphia as well as in Selma, Americans are struggling for the fruits of freedom.

This is one nation. What happens in Selma or in Cincinnati is a matter of legitimate concern to every American. But let each of us look within our own hearts and our own communities, and let each of us put our shoulder to the wheel to root out injustice wherever it exists.

As we meet here in this historic chamber tonight, men from the South, some of whom were at Iwo Jima—men from the North who have carried Old Glory to far corners of the world and brought it back without a stain on it—men from the East and West, are all fighting together in Vietnam without regard to religion, or color, or region. Men from every region fought for us across the world 20 years ago. And in these common dangers and these common sacrifices the South made its contribution of honor and gallantry no less than any other region of the great Republic.

And I have not the slightest doubt that good men from everywhere in this country, from the Great Lakes to the Gulf of Mexico, from the Golden Gate to the harbors along the Atlantic, will rally together now in this cause to vindicate the freedom of all Americans. For all of us owe this duty; and I believe all of us will respond to it.

Your President makes that request of every American.

PROGRESS THROUGH THE DEMOCRATIC PROCESS

The real hero of this struggle is the American Negro. His actions and protests, his courage to risk safety and even to risk his life, have awakened the conscience of this Nation. His demonstrations have been designed to call attention to injustice, to provoke change, and to stir reform. He has called upon us to make good the promise of America. And who among us can say that we would have made the same progress were it not for his persistent bravery, and his faith in American democracy.

For at the real heart of battle for equality is a deep-seated belief in the democratic process. Equality depends not on the force of arms or tear gas but upon the force of moral right; not on recourse to violence but on respect for law and order.

There have been many pressures upon your President and there will be others as the days come and go. But I pledge you tonight that we intend to fight this battle where it should be fought: in the courts, and in Congress, and in the hearts of men.

We must preserve the right of free speech and the right of free assembly. But the right of free speech does not carry with it, as has been said, the right to holler fire in a crowded theater. We must preserve the right to free assembly, but free assembly does not carry with it the right to block public thoroughfares to traffic.

We do have a right to protest, and a right to march under conditions that do not infringe the constitutional rights of our neighbors. And I intend to protect all those rights as long as I am permitted to serve in this office.

We will guard against violence, knowing it strikes from our hands the very weapons with which we seek progress—obedience to law and belief in American values.

In Selma as elsewhere we seek and pray for peace. We seek order. We seek unity. But we will not accept the peace of suppressed rights, or the order imposed by fear, or the unity that stifles protest. For peace cannot be purchased at the cost of liberty.

In Selma tonight, as in every city, we are working for just and peaceful settlement. We must all remember that after this speech I am making tonight, after the police and the FBI and the marshals have all gone, and after you have promptly passed this bill, the people of Selma and the other cities of the Nation must still live and work together. And when the attention of the Nation has gone elsewhere they must try to heal the wounds and to build a new community. This cannot be easily done on a battleground of violence, as the history of the South itself shows. It is in recognition of this that men of both races have shown such an outstandingly impressive responsibility in recent days.

RIGHTS MUST BE OPPORTUNITIES

The bill that I am presenting to you will be known as a civil rights bill. But, in a larger sense, most of the program I am recommending is a civil rights program. Its object is to open the city of hope to all people of all races.

All Americans must have the right to vote. And we are going to give them that right.

All Americans must have the privileges of citizenship regardless of race. And they are going to have those privileges of citizenship regardless of race.

But I would like to remind you that to exercise these privileges takes much more than just legal right. It requires a trained mind and a healthy body. It requires a decent home, and the chance to find a job, and the opportunity to escape from the clutches of poverty.

Of course, people cannot contribute to the Nation if they are never taught to read or write, if their bodies are stunted from hunger, if their sickness goes untended, if their life is spent in hopeless poverty just drawing a welfare check.

So we want to open the gates to opportunity. But we are also going to give all our people, black and white, the help they need to walk through those gates.

THE PURPOSE OF THIS GOVERNMENT

My first job after college was as a teacher in Cotulla, Tex., in a small Mexican-American school. Few of them could speak English, and I could not speak much Spanish. My students were poor and they often came to class without breakfast, hungry. They knew even in their youth the pain of prejudice. They never seemed to know why people disliked them. But they knew it was so, because I saw it in their eyes. I often walked home late in the afternoon, after the classes were finished, wishing there was more that I could do. But all I knew was to teach them the little that I knew, hoping that it might help them against the hardships that lay ahead.

Somehow you never forget what poverty and hatred can do when you see its scars on the hopeful face of a young child.

I never thought then, in 1928, that I would be standing here in 1965. It never occurred to me in my fondest dreams that I might have the chance to help the sons and daughters of those students and to help people like them all over this country.

But now I do have that chance and I will let you in on a secret—I mean to use. And I hope that you will use it with me.

This is the richest and most powerful country which ever occupied the globe. The might of past empires is little compared to ours. But I do not want to be the President who built empires, or sought grandeur, or extended dominion. I want to be the President who educated young children to the wonders of their world. I want to be the President who helped to feed the hungry and to prepare them to be taxpayers instead of tax-eaters. I want to be the President who helped the poor to find their own way and who protected the right of every citizen to vote in every election. I want to be the President who helped to end hatred among his fellow men and who promoted love among the peoples of all races and all regions and all parties. I want to be the President who helped to end war among the brothers of this earth.

And so at the request of your beloved Speaker and Senator from Montana, the Ma-

jority Leader; the Senator from Illinois, the Minority Leader; Mr. McCulloch, and other leaders of both parties, I came here tonight—not as President Roosevelt came down one time in person to veto a bonus bill; not as President Truman came down one time to urge the passage of a railroad bill—I came here to ask you to share this task with me and to share it with the people that we both work for. I want this to be the Congress, Republicans and Democrats alike, which did all these things for all these people.

Beyond this great chamber are the people we serve. Who can tell what deep and unspoken hopes are in their hearts tonight as they sit there and listen. We all can guess, from our own lives, how difficult they often find their own pursuit of happiness, how many problems each little family has. They look most of all to themselves for their futures. But I think that they also look to each of us.

Above the pyramid on the great seal of the United States it says—in Latin—"God has favored our undertaking."

God will not favor everything that we do. It is rather our duty to divine His will. But I cannot help believing that He truly understands and that He really favors the undertaking that we begin here tonight.

To Fulfill These Rights

(Remarks of the President, at Howard University, Washington, D.C., June 4, 1965)

Our earth is the home of revolution.

In every corner of every continent men charged with hope contend with ancient ways in the pursuit of justice. They reach for the newest of weapons to realize the oldest of dreams; that each may walk in freedom and pride, stretching his talents, enjoying the fruits of the earth.

Our enemies may occasionally seize the day of change. But it is the banner of our revolution they take. And our own future is linked to this process of swift and turbulent change in many lands in the world. But nothing in any country touches us more profoundly, nothing is more freighted with meaning for our own destiny, than the revolution of the Negro American.

In far too many ways American Negroes have been another nation: deprived of freedom, crippled by hatred, the doors of opportunity closed to hope.

In our time change has come to this Nation, too. The American Negro, acting with impressive restraint, has peacefully protested and marched, entered the courtrooms and the seats of government, demanding a justice that has long been denied. The voice of the Negro was the call to action. But it is a tribute to America that, once aroused, the courts and the Congress, the President and most of the people, have been the allies of progress.

LEGAL PROTECTION FOR HUMAN RIGHTS

Thus we have seen the High Court of the country declare that discrimination based on race was repugnant to the Constitution, and therefore void. We have seen in 1957, 1960, and again in 1964, the first civil rights legislation in this Nation in almost an entire century.

As majority leader of the U.S. Senate, I helped to guide two of these bills through the Senate. As your President, I was proud to sign the third. And now very soon we will have the fourth—a new law guaranteeing every American the right to vote.

No act of my entire administration will give me greater satisfaction than the day when my signature makes this bill, too, the law of this land.

The voting rights bill will be the latest, and among the most important, in a long series of victories. But this victory—as Winston Churchill said of another triumph for freedom—"is not the end. It is not even the beginning of the end. But it is, perhaps, the end of the beginning."

That beginning is freedom. And the barriers to that freedom are tumbling down. Freedom is the right to share fully and equally in American society—to vote, to hold a job, to enter a public place, to go to school. It is the right to be treated in every part of our national life as a person equal in dignity and promise to all others.

FREEDOM IS NOT ENOUGH

But freedom is not enough. You do not wipe away the scars of centuries by saying: "Now you are free to go where you want, do as you desire, and choose the leaders you please."

You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, "You are free to compete with all the others," and still justly believe that you have been completely fair.

Thus it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates.

This is the next and more profound stage of the battle for civil rights. We seek not just freedom but opportunity—not just legal equity but human ability—not just equality as a right and a theory, but equality as a fact and as a result.

For the task is to give 20 million Negroes the same chance as every other American to learn and grow, to work and share in society, to develop their abilities—physical, mental, and spiritual, and to pursue their individual happiness.

To this end equal opportunity is essential, but not enough. Men and women of all races are born with the same range of abilities. But ability is not just the product of birth. Ability is stretched or stunted by the family you live with, and the neighborhood you live in, by the school you go to, and the poverty or the richness of your surroundings. It is the product of a hundred unseen forces playing upon the infant, the child, and the man.

PROGRESS FOR SOME

This graduating class at Howard University is witness to the indomitable determination of the Negro American to win his way in American life.

The number of Negroes in schools of higher learning has almost doubled in 15 years. The number of nonwhite professional workers has more than doubled in 10 years. The median income of Negro college women exceeds that of white college women. And there are also the enormous accomplishments of distinguished individual Negroes, many of them graduates of this institution, and one of them the first lady Ambassador in the history of the United States.

These are proud and impressive achievements. But they tell only the story of a growing middle-class minority, steadily narrowing the gap between them and their white counterparts.

A WIDENING GULF

But for the great majority of Negro Americans—the poor, the unemployed, the uprooted * * * and the dispossessed—there is a much grimmer story. They still are another nation. Despite the court orders and the laws, despite the legislative victories and the speeches, for them the walls are rising and the gulf is widening.

Here are some of the facts of this American failure.

Thirty-five years ago the rate of unemployment for Negroes and whites was about the same. Today the Negro rate is twice as high.

In 1948 the 8-percent unemployment rate for Negro teenage boys was actually less than that of whites. By last year that rate had grown to 23 percent, as against 13 percent for whites.

Between 1949 and 1959, the income of Negro men relative to white men declined in every section of this country. From 1952 to 1963 the median income of Negro families compared to white actually dropped from 57 to 53 percent.

In the years 1955 through 1957, 22 percent of experienced Negro workers were out of work at some time during the year. In 1961 through 1963 that proportion had soared to 29 percent.

Since 1947 the number of white families living in poverty has decreased 27 percent, while the number of poor nonwhite families decreased only 3 percent.

The infant mortality of nonwhites in 1940 was 70 percent greater than whites. Twenty-two years later it was 90 percent greater.

Moreover, the isolation of Negro from white communities is increasing, rather than decreasing, as Negroes crowd into the central cities and become a city within a city.

Of course, Negro Americans as well as white Americans have shared in our rising national abundance. But the harsh fact of the matter is that in the battle for true equality too many are losing ground every day.

THE CAUSES OF INEQUALITY

We are not completely sure why this is. The causes are complex and subtle. But we do know the two broad basic reasons. And we do know that we have to act.

First, Negroes are trapped—as many whites are trapped—in inherited, gateless poverty. They lack training and skills. They are shut in slums, without decent medical care. Private and public poverty combine to cripple their capacities.

We are trying to attack these evils through our poverty program, through our education program, through our medical care and our other health programs and a dozen more of the Great Society programs that are aimed at the root causes of this poverty.

We will increase, and accelerate, and broaden this attack in years to come until this most enduring of foes finally yields to our unyielding will. But there is a second cause—much more difficult to explain, more deeply grounded, more desperate in its force. It is the devastating heritage of long years of slavery; and a century of oppression, hatred, and injustice.

SPECIAL NATURE OF NEGRO POVERTY

For Negro poverty is not white poverty. Many of its causes and many of its cures are the same. But there are differences—deep, corrosive, obstinate differences—radiating painfully roots into the community, the family, and the nature of the individual.

These differences are not racial differences. They are solely and simply the consequence of ancient brutality, past injustice, and present prejudice. They are anguishing to observe. For the Negro they are a constant reminder of oppression. For the white they are a constant reminder of guilt. But they must be faced and dealt with and overcome, if we are ever to reach the time when the only difference between Negroes and whites is the color of their skin.

Nor can we find a complete answer in the experience of other American minorities. They made a valiant and a largely successful effort to emerge from poverty and prejudice. The Negro, like these others, will have to rely mostly on his own efforts. But he just cannot do it alone. For they did not have the heritage of centuries to overcome. They did not have a cultural tradition which had been twisted and battered by endless years of hatred and hopelessness. Nor were they excluded because of race or color—a feeling whose dark intensity is matched by no other prejudice in our society.

Nor can these differences be understood as isolated infirmities. They are a seamless web. They cause each other. They result from each other. They reinforce each other. Much of the Negro community is buried

under a blanket of history and circumstance. It is not a lasting solution to lift just one corner of that blanket. We must stand on all sides and raise the entire cover if we are to liberate our fellow citizens.

THE ROOTS OF INJUSTICE

One of the differences is the increased concentration of Negroes in our cities. More than 73 percent of all Negroes live in urban areas compared with less than 70 percent of the whites. Most of these Negroes live in slums. Most of them live together—a separated people. Men are shaped by their world. When it is a world of decay, ringed by an invisible wall—when escape is arduous and uncertain, and the saving pressures of a more hopeful society are unknown—it can cripple the youth and desolate the man.

There is also the burden that a dark skin can add to the search for a productive place in society. Unemployment strikes most swiftly and broadly at the Negro. This burden erodes hope. Blighted hope breeds despair. Despair brings indifference to the learning which offers a way out. And despair, coupled with indifference, is often the source of destructive rebellion against the fabric of society.

There is also the lacerating hurt of early collision with white hatred or prejudice, distaste, or condescension. Other groups have felt similar intolerance. But success and achievement could wipe it away. They do not change the color of a man's skin. I have seen this uncomprehending pain in the eyes of the little Mexican-American schoolchildren that I taught many years ago. It can be overcome. But, for many, the wounds are always open.

FAMILY BREAKDOWN

Perhaps most important—its influence radiating to every part of life—is the breakdown of the Negro family structure. For this, most of all, white America must accept responsibility. It flows from centuries of oppression and persecution of the Negro man. It flows from long years of degradation and discrimination, which have attacked his dignity and assaulted his ability to provide for his family.

This, too, is not pleasant to look upon. But it must be faced by those whose serious intent is to improve the life of all Americans.

Only a minority—less than half—of all Negro children reach the age of 18 having lived all their lives with both of their parents. At this moment little less than two-thirds are living with both of their parents. Probably a majority of all Negro children receive federally aided public assistance sometime during their childhood.

The family is the cornerstone of our society. More than any other force it shapes the attitude, the hopes, the ambitions, and the values of the child. When the family collapses it is the children that are usually damaged. When it happens on a massive scale the community itself is crippled.

So, unless we work to strengthen the family, to create conditions under which most parents will stay together—all the rest: schools and playgrounds, public assistance and private concern, will never be enough to cut completely the circle of despair and deprivation.

TO FULFILL THESE RIGHTS

There is no single easy answer to all of these problems.

Jobs are part of the answer. They bring the income which permits a man to provide for his family.

Decent homes in decent surroundings, and a chance to learn—an equal chance to learn—are part of the answer.

Welfare and social programs better designed to hold families together are part of the answer.

Care of the sick is part of the answer.

An understanding heart by all Americans is also a large part of the answer.

To all these fronts—and a dozen more—I will dedicate the expanding efforts of the Johnson administration.

But there are other answers still to be found. Nor do we fully understand all of the problems. Therefore, I want to announce tonight that this fall I intend to call a White House conference of scholars, and experts, and outstanding Negro leaders—men of both races—and officials of Government at every level.

This White House conference's theme and title will be "To Fulfill These Rights."

Its object will be to help the American Negro fulfill the rights which, after the long time of injustice, he is finally about to secure.

To move beyond opportunity to achievement.

To shatter forever not only the barriers of law and public practice, but the walls which bound the condition of man by the color of his skin.

To dissolve, as best we can, the antique enmities of the heart which diminish the holder, divide the great democracy, and do wrong—great wrong—to the children of God.

I pledge you tonight this will be a chief goal of my administration, and of my program next year, and in years to come. And I hope, and I pray, and I believe, it will be a part of the program of all America.

WHAT IS JUSTICE?

For what is justice?

It is to fulfill the fair expectations of man.

Thus, American justice is a very special thing. For, from the first, this has been a land of towering expectations. It was to be a nation where each man could be ruled by the common consent of all—enshrined in law, given life by institutions, guided by men themselves subject to its rule. And all—all of every station and origin—would be touched equally in obligation and in liberty.

Beyond the law lay the land. It was a rich land, glowing with more abundant promise than man had ever seen. Here, unlike any place yet known, all were to share the harvest.

And beyond this was the dignity of man. Each could become whatever his qualities of mind and spirit would permit—to strive, to seek, and, if he could, to find his happiness.

This is American justice. We have pursued it faithfully to the edge of our imperfections. And we have failed to find it for the American Negro.

It is the glorious opportunity of this generation to end the one huge wrong of the American Nation and, in so doing, to find America for ourselves, with the same immense thrill of discovery which gripped those who first began to realize that here, at last, was a home for freedom.

All it will take is for all of us to understand what this country is and what this country must become.

The Scripture promises: "I shall light a candle of understanding in thine heart, which shall not be put out."

Together, and with millions more, we can light that candle of understanding in the heart of all America.

And, once lit, it will never again go out.

THE DOORS OPEN

(Remarks of the President at the signing ceremony at the Capitol, of the voting rights bill, Aug. 6, 1965)

The Vice President, Mr. Speaker, Members of Congress, members of the Cabinet, distinguished guests, my fellow Americans: Today is a triumph for freedom as huge as any victory that has ever been won on any battlefield. Yet, to seize the meaning of this day, we must recall darker times.

Three and a half centuries ago the first Negroes arrived at Jamestown. They did not arrive in brave ships in search of a home for freedom. They did not mingle fear and joy, in expectation that in this new world anything would be possible to a man strong enough to reach for it.

They came in darkness and in chains.

And today we strike away the last major shackle of those fierce and ancient bonds. Today the Negro story and the American story fuse and blend.

Let us remember that it was not always so. The stories of our Nation and the American Negro are like two great rivers. Welling up from that tiny Jamestown spring they flow through the centuries along divided channels. When pioneers subdued a continent to the need of man, they did not tame it for the Negro. When the liberty bell rang out in Philadelphia, it did not toll for the Negro. When Andrew Jackson threw open the doors of democracy, they did not open for the Negro. It was only at Appomattox, a century ago, that an American victory was also a Negro victory. And the two rivers—one shining with promise, the other dark-stained with oppression—began to move toward one another.

THE PROMISE KEPT

Yet, for almost a century the promise of that day was not fulfilled. Today is a towering and certain mark that, in this generation, that promise will be kept. In our time the two currents will finally mingle and rush as one great stream across the uncertain and marvelous years of the America that is yet to come.

This act flows from a clear and simple wrong. Its only purpose is to right that wrong. Millions of Americans are denied the right to vote because of their color. This law will insure them the right to vote. The wrong is one which no American, in his heart, can justify. The right is one which no American true to our principles can deny.

In 1957, as the leader of the majority in the U.S. Senate, speaking in supporting legislation to guarantee to the right of all men a right to vote, I said: "This right to vote is the basic right without which all others are meaningless. It gives people, people as individuals, control over their own destinies."

Last year I said: "Until every qualified person—regardless of * * * the color of his skin—has the right, unquestioned and unrestrained, to go in and cast his ballot in every precinct in this great land of ours, I am not going to be satisfied."

Immediately after the election I directed the Attorney General to explore, as rapidly as possible, the ways to insure the right to vote.

And then last March—with the outrage of Selma still fresh—I came down to this Capitol one evening and asked the Congress and the people for swift and for sweeping action to guarantee to every man and woman the right to vote. In less than 48 hours I sent the Voting Rights Act of 1965 to the Congress. In little more than 4 months the Congress, with overwhelming majorities, enacted one of the most monumental laws in the entire history of American freedom.

THE WAITING IS GONE

The Members of the Congress, and the many private citizens, who worked to shape and pass this bill will share a place of honor in our history for this one act alone.

There were those who said this is an old injustice, and there is no need to hurry. But 95 years have passed since the 15th amendment gave all Negroes the right to vote.

And the time for waiting is gone.

There were those who said smaller and more gradual measures should be tried. But they had been tried. For years and years they had been tried, and tried, and tried, and they had failed, and failed, and failed.

And the time for failure is gone.

There were those who said that this is a many-sided and very complex problem. But,

however viewed, the denial of the right to vote is still a deadly wrong.

And the time for injustice has gone.

This law covers many pages. But the heart of the act is plain. Wherever—by clear and objective standards—States and counties are using regulations, or laws, or tests to deny the right to vote, then they will be struck down. If it is clear that State officials still intend to discriminate, then Federal examiners will be sent in to register all eligible voters. When the prospect of discrimination is gone, the examiners will be immediately withdrawn.

And, under this act, if any county anywhere in this Nation does not want Federal intervention it need only open its polling places to all of its people.

THE GOVERNMENT ACTS

This good Congress—the 89th Congress—acted swiftly in passing this act. I intend to act with equal dispatch in enforcing this act.

And tomorrow, at 1 p.m., the Attorney General has been directed to file lawsuits challenging the constitutionality of the poll tax in the State of Mississippi. This will begin the legal process which, I confidently believe, will very soon prohibit any State from requiring the payment of money in order to exercise the right to vote.

And also by tomorrow the Justice Department—through publication in the Federal Register—will have officially certified the States where discrimination exists.

I have, in addition, requested the Department of Justice to work all through this weekend so that, on Monday morning next, they can designate many counties where past experience clearly shows that Federal action is necessary and required. And, by Tuesday morning, trained Federal examiners will be at work registering eligible men and women in 10 to 15 counties.

And on that same day, next Tuesday, additional poll tax suits will be filed in the States of Texas, Alabama, and Virginia.

And I pledge you that we will not delay, or we will not hesitate, or we will not turn aside, until Americans of every race and color and origin in this country have the same right as all others to share in the process of democracy.

So, through this act, and its enforcement, an important instrument of freedom passes into the hands of millions of our citizens. But that instrument must be used.

Presidents and Congresses, laws and lawsuits, can open the doors to the polling places, and open the doors to the wondrous rewards which await the wise use of the ballot.

THE VOTE BECOMES JUSTICE

But only the individual Negro, and all others who have been denied the right to vote, can really walk through those doors and can use that right and can transform the vote into an instrument of justice and fulfillment.

So, let me now say to every Negro in this country: You must register. You must vote. You must learn, so your choice advances your interest and the interest of our beloved Nation. Your future, and your children's future, depend upon it, and I don't believe that you are going to let them down.

This act is not only a victory for Negro leadership. This act is a great challenge to that leadership. It is a challenge which cannot be met simply by protests and demonstrations. It means that dedicated leaders must work around the clock to teach people their responsibilities and to lead them to exercise those rights and to fulfill those responsibilities and those duties to their country.

If you do this, then you will find, as others have found before you, that the vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.

LAST OF THE BARRIERS TUMBLE

Today what is perhaps the last of the legal barriers is tumbling. There will be many actions and many difficulties before the rights woven into law are also woven into the fabric of our Nation. But the struggle for equality must now move toward a different battlefield.

It is nothing less than granting every American Negro his freedom to enter the mainstream of American life: not the conformity that blurs enriching differences of culture and tradition, but rather the opportunity that gives each a chance to choose.

For centuries of oppression and hatred have already taken their painful toll. It can be seen throughout our land in men without skills, in children without fathers, in families that are imprisoned in slums and in poverty.

RIGHTS ARE NOT ENOUGH

For it is not enough just to give men rights. They must be able to use those rights in their personal pursuit of happiness. The wounds and the weaknesses, the outward walls and the inward scars—which diminish achievement—are the work of American society. We must all now help to end them—help to end them through expanding programs already devised and through new ones to search out and forever end the special handicaps of those who are black in a nation that happens to be mostly white.

So, it is for this purpose—to fulfill the rights that we now secure—that I have already called a White House conference in the Nation's Capital this fall.

So, we will move step by step—often painfully but, I think, with clear vision—along the path toward American freedom.

It is difficult to fight for freedom. But I also know how difficult it can be to bend long years of habit and custom to grant it. There is no room for injustice anywhere in the American mansion. But there is always room for understanding toward those who see the old ways crumbling. And to them I say simply this: It must come. It is right that it should come. And when it has, you will find a burden that has been lifted from your shoulders, too.

It is not just a question of guilt, although there is that. It is that men cannot live with a lie and not be stained by it.

DIGNITY IS NOT JUST A WORD

The central fact of American civilization—one so hard for others to understand—is that freedom and justice and the dignity of man are not just words to us. We believe in them. Under all the growth and the tumult and abundance, we believe. And so, as long as some among us are oppressed—and we are part of that oppression—it must blunt our faith and sap the strength of our high purpose.

Thus, this is a victory for the freedom of the American Negro. But it is also a victory for the freedom of the American nation. And every family—across this great, entire searching land—will live stronger in liberty, will live more splendid in expectation, and will be prouder to be American because of the act that you have passed that I will sign today.

Thank you.

PROPOSED REPEAL OF SECTION 14(b) OF THE TAFT-HARTLEY ACT

Mr. ROBERTSON. Mr. President, I ask unanimous consent to have printed in the RECORD an article in today's Evening Star by my friend and valued constituent James J. Kilpatrick, of Richmond, Va., concerning the bill to repeal section 14(b) of the Taft-Hartley Act.

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

SECTION 14(b)

(By James J. Kilpatrick)

A small bipartisan band of dedicated Senators will be laying plans this week for a fight that could be as historic in terms of American liberties as the fight of John Peter Zenger 230 years ago. Out of Andrew Hamilton's defense of Zenger emerged the concept, much later to be nailed in our Bill of Rights, that in a free society, man has a right to freedom of the press.

These Senators are equally concerned with the concept, in our free society, that man has a right to work.

They may not win. The administration's bill to repeal section 14(b) of the Taft-Hartley Act, which sanctions the State right-to-work laws, sailed through the House on July 28 with 18 votes to spare. Since then, spokesmen for organized labor have been turning on a powerful pressure. The President has been prodded into further statements in support of repeal. If a full Senate got to a rollcall, the prospect now is that right-to-work would die by a half dozen votes.

The freedom-loving Senators have available to them, however, the Senate's great parliamentary weapon. This is known to its friends as "extended debate," and to its foes as the unbreakable filibuster. This past Thursday and Friday, leaders of the group were making a careful canvass of their forces. If a team of 24 Senators can be welded together, pledged to accept the harsh demands of service on the floor in relays around the clock, the word will be sent to MIKE MANSFIELD: Bring in the cots. You have a war on your hands.

Senators ROBERTSON and HOLLAND, on the Democratic side, and Senators DIRKSEN and CURTIS, on the Republican side, are captains of the crew. They suffer from some tactical disadvantages at this late date in the session. Presumably, the majority will have no difficulty in stalling a floor fight on 14(b) until the Senate has cleared other legislation labeled as "must." This would include the appropriations bills, an air pollution bill, a national arts foundation, an expanded program for higher education, the immigration bill, the omnibus farm bill, and perhaps minimum wages and highway beautification. Not all of these measures are shoo-ins, even with the overwhelming Democratic majority, but the President's persuasive combination of sweet talk and half nelsons should produce the necessary compromises on most of them by the end of September.

Then what? There can be no compromise on 14(b). Either the permissive section stays in or it goes out. By taking care of the other legislation first, the majority leadership may be in a position to hold over the heads of rebellious Senators the threat of a siege—of staying in session till Thanksgiving, or even till Christmas, in order to deliver on the Democratic platform promise to organized labor. It would require great dedication, indeed, for the friends of right to work to keep their team together for so long an ordeal.

Yet the group headed by ROBERTSON, HOLLAND, DIRKSEN, and CURTIS have some tactical advantages on their side, too. Their debating squad, if it can be organized, will include a number of veteran Senators of surpassing parliamentary skill. "I use whatever weapons are in the rulebook," Mr. DIRKSEN remarked softly a few weeks ago, when he was fighting for his reapportionment amendment. "I have had that rulebook under my arm, and the House rulebook also, for the past 32 years." The wonderful usefulness of the well-timed quorum call, the inspiration to be drawn from Senate precedents, the armor of

a hundred parliamentary protections—all these can be mobilized.

More than anything, the team will have going for it a sense of flaming rightness. Theirs is the popular side of the issue, as public opinion polls repeatedly have shown. In standing for voluntary unionism, as opposed to compulsion, the bipartisan group will be fighting for freedom. It is an old concept, once dearly loved in this country, and perhaps it is not wholly forgotten. The opposition votes that would be required for cloture cannot possibly be obtained, and MIKE MANSFIELD knows it. With sufficient dedication, and with eternal vigilance on the floor, the friends of right to work can win this war. It will be a great day for liberty if they do.

THE INTERNATIONAL GIRL SCOUT SENIOR ROUNDUP IN IDAHO

Mr. JORDAN of Idaho. Mr. President, recently Idaho had the privilege of being host to the 1965 International Girl Scout senior roundup, at Farragut State Park in Idaho. This was a most rewarding experience for the people of my State. It was a happy two-way communication: A greeting between two friends or two groups of friends. In meeting the thousands of Girl Scouts and their leaders who just completed their big roundup at Farragut State Park on the shores of Lake Pend Oreille, I can say the visitors certainly looked happy and we folks of Idaho had the feeling that we were exchanging greetings with the whole United States.

People not familiar with Girl Scout roundups—there have been only four of these big events—can have a difficult time visualizing the size and impact. A gathering of teenage girls may not sound momentous. But here are 9,000 of them with 2,000 administrative personnel. That is enough to outnumber hundreds of famous towns and villages in the United States. And the event attracted nearly 65,000 visitors, too. We often think of the cavalcade that came through the Pacific Northwest on the Oregon Trail. We have heard full tales of the roaring mining camps of Idaho's great gold rush. Let us look at a picture of those days and at one of our own times.

Idaho's population at the time Abraham Lincoln's signature made it a territory was 32,342. The gold rush had made Idaho's biggest mining camp the biggest city in the Pacific Northwest. And despite the great overland rush on the Oregon Trail, the population of Oregon at that time was only 9,083. The State of Washington had only 3,695 people. The Girl Scouts plus their leaders just about equaled these two populations combined.

So the Girl Scout roundup brought in more people than the gold rush and the early Oregon Trail combined. The impact was felt in a circle of many miles extending far beyond Idaho's borders, requiring extra living quarters for people as far away as Spokane, Wash.—hotels, motels, camps, and private homes were pressed to capacity to play host to the throng that came in.

We enjoyed visitors from a fine cross section of the ideal of good American homes. They came to make their homes in Idaho for a couple of weeks. It gave us the feeling we were playing host to America. It gave us the chance to tell a splendid section of America about Idaho and let them see and know Idaho for themselves.

The Girl Scouts did great things for Idaho, and it was an especially timely year for it all, too. Idaho's birth year is 1965 as a State and our Governor Smylie said in welcoming the Scout roundup:

> You have given us the best and biggest of birthday presents.

Out of the preparations for the roundup, and its establishment as a physical reality on a peninsula extending into one of the world's loveliest lakes, Idaho has created a State park. The park can stand as a perpetual memorial to the occasion. And in the park now are growing hundreds and hundreds of trees planted by the Scout patrols to commemorate their visit.

These things will remain with us and we hope they serve to invite back, yes to urge back again as visitors all those who came to see us this summer.

Certainly, too, there will remain with us the warmth of many new friendships and the everlasting spiritual inspiration of seeing a great ideal of living made a part of everyday life by young womanhood as dedicated, so charming, and so American.

THE REVITALIZATION CORPS

Mr. DODD. Mr. President, on June 22, 1964, in Hartford, Conn., 7 months to the day after the death of President Kennedy, an organization was founded in his honor: The Revitalization Corps.

The corps, started by local citizens, considers itself America's first citizen-sponsored, domestic Peace Corps. Designed to encourage Americans of all ages, races, and creeds to help their fellow countrymen, the corps seeks to perpetuate the spirit of John Kennedy's New Frontier. The corps' strategy is to recruit the man on the street for service to his fellow man, without leaving his career or his community.

On that June day, this small group of citizens realized that they were embarking on a momentous project. They realized, too, that they were beginning with very little capital, without governmental support of any kind, and with no specific program in mind. But they knew that they had a greater force behind them—the belief in our democratic way of life, a belief which provides freemen with the opportunity to blend constructive ideas and ideals into a dynamic, unique, and challenging movement.

A year has now passed since the corps' inception, and I can report with pleasure that it has succeeded.

The corps asked Connecticut citizens to ask what they could do for their country, and the results have been extraordinary. A tremendous blow has been dealt to the menacing forces of apathy, lethargy, and negativism.

The corps has established educational projects, which include free tutoring centers, seminars, book drives, career guidance for youth, dropout prevention programs, lecture series, the teaching of English to the foreign born, and an extensive summer leadership training program entitled "Operation Hank," named in memory of a slain Hartford police officer, Henry Jennings.

Humane activities have ranged from painting homes for the needy and assisting disabled veterans to having corpsmen serve throughout Connecticut in the fields of mental retardation, prison rehabilitation, and youth counseling.

Physical fitness and recreational programs have involved thousands of youngsters and have included a football league, an adult basketball league, hikes, picnics, and over 100 hootenannies at veterans' hospitals, convalescent homes, mental health centers, jails, public gatherings, and alcoholic wards.

The 500 volunteers in the corps, ranging from doctors to high school dropouts, have also delved deeply into civic problems, assisting in voter registration drives, promoting a lecture series on Government, and establishing a speakers' bureau consisting of outstanding professional business and civic leaders.

In a time when great cries are levied against police enforcement agencies throughout the Nation, the corps publicly recognized the great challenges and demands that have been brought upon the police profession by holding a public picnic, with the support of numerous merchants, in honor of Hartford policemen and their families.

Yes, Mr. President, the Revitalization Corps has been successful, for the corps is not only spreading all over Connecticut, it is also establishing a chapter in New York City. Its programs, which have received national press coverage, have also been taped by Radio Free Europe and will be beamed as a living example of American democracy in action to the millions of enslaved men and women behind the Iron Curtain.

In a time of great materialism and even greater cynicism, the corps' programs are a symbol of hope and vitality. The corps serves to remind us that the Great Society must not only come from the Halls of Congress, but it must also come from the hearts of all of our people. It has shown that a maximum of dedication and imagination, and a minimum of funds, can produce spectacular results.

Mr. President, it is with the greatest of pleasure that I take this opportunity to salute the Revitalization Corps, both for what they have done for Connecticut, and for what they hope to be able to do for the whole country. As an editorial in the Hartford Courant of August 20 said:

> The Revitalization Corps is an endeavor of idealism and commonsense. And the combination is something any community can use.

SEPTEMBER 1, 1965—ANNIVERSARY OF THE INVASION OF POLAND

Mr. ALLOTT. Mr. President, I welcome the opportunity to pay tribute to an oppressed but courageous people, who, time and time again, have been in the

forefront of the fight for freedom. The Polish people's heroic defense of their homeland's freedom and dignity against the ferocious onslaught of Communist and Nazi totalitarianism must never be forgotten by the people of the free world. Particularly we Americans must never forget a tragedy that engulfed a nation, which by blood and common ideals, has always been close to America. While many more powerful nations sought to appease Hitler and Stalin, it was Poland who recognized the threat to peace and was first to stand up and be counted in the battleline for freedom.

On September 1, 1939, Nazi divebombers rained destruction on Polish cities famed for their beauty and culture. Yet, as tanks plowed through the quiet farms and villages, these heroic people, outmanned in everything but courage, fought with pitchforks against submachineguns; with horses against tanks; and with kitchen knives against cannon. They fought, they bled, and they died. Almost one-quarter of the whole population perished. Yet, after the planes and tanks had decimated their cities, ruined their farms, they continued to fight for the next 6 years in a powerful resistance movement.

However, the tragedy of Poland was compounded, rather than alleviated, with the end of the war. The freedom which should have come with victory was denied the people of Poland. Poland, like other betrayed captive nations, was not permitted to share the fruits of the Allied victory. Her lands were divided, her industry confiscated, and an alien regime rang down the Iron Curtain, thus guillotining her fervent hopes for freedom and independence and the preservation of human choice and dignity. Yet, despite the cruel treachery that denied these heroic and freedom-loving people the sweet air of freedom and the light of liberty, they are still inexorably dedicated to the cause of freedom and their unconquerable spirit, in the face of totalitarian adversity, is an inspiration for all the peoples of the free and captive world.

The citizens of the United States of Polish descent have good reason to be proud of their country and their countrymen. The great leadership of such great Polish military strategists as Casimir Pulaski and Thaddeus Kosciuskzo helped to insure the triumph of our own Revolution against tyranny. Our gratitude to these patriots is not only a result of courageous actions of such men as Pulaski in time of war, but also for the contributions of many lesser known "Pulaskis" who, in time of peace, came into our Nation at critical times and infused new strength and life with their abilities, resourcefulness, and daring.

But let us not become so engrossed in cataloging the contributions of our Polish-Americans that we lose sight of the fact that the motherland is still enslaved. Let us invigorate and accelerate our efforts until the freedom-loving people of Poland can share the fruits of freedom and self-determination to which all men aspire.

DECLINE OF OYSTER PRODUCTION IN THE CHESAPEAKE BAY

Mr. TYDINGS. Mr. President, 75 years ago the Chesapeake Bay produced more oysters than all the rest of the world. Today it ranks second in U.S. oyster production. Where once the bay produced between 10 and 15 million bushels of oysters a year, production has plummeted by nearly 90 percent, to about 1.5 million bushels today.

The story of the bay's decline and the efforts of the State of Maryland to restore its place in oyster production is told in an article by Leonard Downie, Jr., in the August 15 edition of the Washington Post entitled "Maryland Better Clam Up About Her Oysters." Mr. Downie's article tells of the natural and manmade problems—mud erosion, hurricanes, and premature harvesting—which have beset the bay for many years.

The sad story of the decline of oyster production in the bay holds lessons for Maryland and for the Nation. If we are to protect and preserve our natural resources, we must redouble our efforts with respect to conservation programs. We must, for example, clean up our rivers and bays, regulate overproduction, eliminate soil erosion, and take measures to restore some of the damage that ours and earlier generations have inflicted on our water resources. I am pleased to note that Maryland, through its department of Chesapeake Bay affairs, is now spending about $1.4 million annually to try to check this decline.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

[From the Washington (D.C.) Post, Aug. 15, 1965]

MARYLAND BETTER CLAM UP ABOUT HER OYSTERS

(By Leonard Downie, Jr.)

Ask almost anyone who lives between Washington and the Eastern Shore, Baltimore and Crisfield, which State in the Union produces more oysters than any other. Then tell them no, it is no longer Maryland.

The Free State's share of the harvest from the Chesapeake Bay and its tributaries, which produced more oysters 75 years ago than all the rest of the world, now ranks second, behind Louisiana, in U.S. oyster production.

Maryland entered its new rivalry with the Gulf State under a severe handicap. Oysters, which stop growing when the water temperature drops below 41 degrees, lie dormant for 3 months every year in the bay and take 3 to 4 years to mature. In the warmer Gulf of Mexico, Louisiana oysters thrive the year round and grow to marketable size in 2 to 3 years.

A 9-month growing season once was good enough for the bay, during the good years of the past, when Maryland's share of the oysters produced was 10 to 15 million bushels a season, but oyster fishermen picked Maryland's best bars clean, naively believing that "nature would always provide." Left with too few "breathing" oysters on them to circulate the silt-filled water, and thus prevent the silt from settling on them, the depleted bars soon were covered over, their few remaining oysters smothered, by mud eroded from land in the upper bay. Maryland's share of the crop has been down to less than 1.5 million bushels each of the last 4 years.

This steady erosion, another of the bay's problems, has raised some of the bay bottom by as much as 8 feet, and has also pushed fresh water farther toward the sea. Where oysters once flourished far north of the Patapsco River and Sparrow's Point, none grow now because the water is no longer salty enough. Oysters need a certain amount of salt to live.

Hurricane Hazel, which hit the bay head-on in 1954, and other storms, have been blamed for creating underwater currents that devastated other bars, particularly on the western shore, and covered their ruins with shifted sand and mud. Surveys of the bay show that nearly 100,000 acres of its bottom, which once produced oysters in great quantities, now are barren.

WATERMEN A HANDICAP

Maryland, through its department of Chesapeake Bay affairs, is spending about $1.4 million annually—about $1 for every bushel of oysters harvested from its waters—to try to turn back the clock.

Old oyster shells, dredged up from bay bottom graves, are dumped onto the State's bars so that the young oysters can cling to them as they grow. The best bars are carefully farmed as seed areas where good crops of young oysters are grown in ideal environments and then transplanted to State-owned commercial bars where licensed shellfishermen can harvest them at maturity. State biologists delve into the secrets of oyster reproduction to improve their growth and battle diseases that attack them.

But even in this far-reaching attempt to revise oystering on the bay, Maryland is handicapped by a lack of enthusiasm on the part of the program's intended beneficiaries, the long-independent watermen themselves. Many of them, who long ago got out of oystering and now fish for crabs or clams, either are indifferent to the oyster program or are unhappy because they believe the dredging for old shells disturbs crab and clam beds.

Many oyster fishermen, too, are dissatisfied with the State's efforts, although they are paid much of the $1.4 million in State aid each year to plant old shells and transplant seed oysters. They are disappointed with the small size of the oysters they caught this past season and with the year-after-year absence of a dramatic upsurge in production.

Frederick Seiling, chief of natural resources with the Department of Chesapeake Bay affairs, believes it is still too early to judge the real effectiveness of the oyster development he supervises. Pointing out that State aid "in its present form and amount" was not begun until 4 years ago, he said he expects better returns during the season that starts next month.

Overanxious watermen took up too many oysters that were just over the legal minimum of 3 inches long last year, Seiling said, and then found that they did not sell in competition with larger shellfish from the South.

"The watermen should have waited another year to take them up," he said. "Those that were left for a fourth year of growth should reach a real good size this season. The consumer will like them and that will help business."

Seiling added that seed oyster growth has been improving, but, again, progress cannot be measured in production until 3 or 4 years from now. "We are definitely on the road back," Seiling said, "but it takes time."

WHO WILL SHUCK?

Yet even if production should suddenly spurt upward, many watermen, and Seiling, fear that another problem—processing the catch—will arise. They doubt that there

are enough people left who can shuck the oysters from their shells before they are packed for market.

A veteran Chesapeake Bay boat captain from Crisfield, Major C. Todd, remembers that during the peak years of the past there were huge packinghouses in the bigger towns and cities along the bay. Now, most of them, especially those in Baltimore and Cambridge, are gone.

"Small shucking operations have grown up all over," Todd said, "but altogether they don't employ as many people or handle as much volume as just one or two of the big ones in years gone by.

"Shucking is an art handed down from generation to generation," Todd said. "All the shuckers are growing old now, and most of the young ones left the business to do something else during the decline. If we get more oysters, who will shuck them?"

AUTOMATION NEEDED

Seiling suggests automation of some kind, if shucking can ever be accomplished by machine. The various sizes and shapes of oyster shells and the difficulty involved in opening them quickly has thus far defied mechanization.

Automation on the catching end of the industry has stirred discussion of a different kind. By law, oysters may be caught on the bay only with manually operated long-handled tongs or underwater dredges dragged by sailboats. Some watermen would like to use readily available motor-powered boats and machine-operated dredges to scoop up the oysters. But others fear that not only would some watermen be unable to afford this equipment and be driven out of business, but that too-efficient dredging might again deplete the bars.

There is debate, too, about whether Maryland's commercial bars should remain State-owned or be sold or leased to private developers as they are in Louisiana. The only private bars in Maryland waters are those leased by the State after they have become too barren for steady commercial fishing.

Private ownership works well, Seiling said, when each bar owner can be content to wait to harvest his oysters until they have grown to the largest possible market size. He does not have to race anyone else to them. He can bring them up any way he pleases, and it probably would be conducive to conservation, because the bar he is dredging is his own.

Louisiana also benefits from a large natural seed area in the gulf which produces more than enough young oysters for the State's private developers, Seiling added. This seed project and other State aid are financed by oyster shell and oil royalties rather than taxes, as is the case in Maryland.

"They have a lot of painlessly accumulated money at their disposal," Seiling pointed out, "and that helps make their program quite attractive to the watermen and the taxpayers."

He did not say it in so many words, but it was apparent that Seiling would like to have it that way in Maryland. But then he must try harder, because Maryland is only No. 2.

BIG BROTHER: DESICCATED LIVER

Mr. LONG of Missouri: Mr. President, in connection with the investigation by the Subcommittee on Administrative Practice and Procedure into unwarranted invasions of privacy by Federal agencies, I have had much correspondence on the subject of the Federal Trade Commission's attack on the advertising for a book entitled "The Health Finder," published by Rodale Press.

In the Washington Star on Monday, August 23, 1965, there was an article by James J. Kilpatrick on this subject. The article sets forth very clearly the obtuse manner in which our great bureaucracy works.

I might say that in our investigation of invasions of privacy, the FTC has come out with one of the cleanest records of any of the Federal agencies. With the exception of the use of mail covers, the FTC apparently has not used any of the more objectionable investigative methods, electronic or otherwise. However, the case with respect to Rodale Press indicates that even the best of the agencies from time to time become involved in a needless invasion of privacy.

I ask unanimous consent that the article be printed at this point in the RECORD.

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

THE FTC AND DESICCATED LIVER

(By James L. Kilpatrick)

One of the most notable enterprises in the small town of Emmaus, Pa. (population 10,262), is a steady little business known as the Rodale Press, of which Jerome I. Rodale is the president and prime mover. He is fighting a lonesome and exhausting battle that merits the support of freemen everywhere.

Editors across the country know Rodale as the publisher of a brisk and informative little newsletter, the "Health Bulletin." The giants of the American Medical Association know him rather differently; they view him as some kind of nut.

It is the sin of Rodale that he believes that nature, left alone, will produce healthy fruits and vegetables.

In 1954, Rodale brought forth a thick book called "The Health Finder." Perhaps 95 percent of the material contained in this "encyclopedia of health information" was beyond reproach. But here and there, the publisher had put forward certain ideas and suggestions of his own, running contrary to conventional medical theory.

One of his ideas, for example, is that vitamin A supplements will help prevent colds. Another of his ideas is that certain fresh fruits and vegetables, plus certain vitamins and minerals, will prevent constipation.

He believes that desiccated liver will prevent fatigue. He advocates garlic and a salt-free diet for high blood pressure. He recommends vitamin E for something else.

To promote his book, Rodale got out an advertising brochure that accurately described the ideas and suggestions contained in the volume. After 5 or 6 years, he abandoned that brochure and brought out a slightly less aggressive flier in the book's behalf.

By mid-1963, he had sold 137,000 copies; he had stopped advertising it; and he had only a few copies left in stock. For all practical purposes, "The Health Finder" had gone out of print.

It was therefore bewildering when the Federal Trade Commission, on April 3, 1964, filed a thundering cease-and-desist proceeding against Jerome I. Rodale, the Rodale Press, et al., based primarily upon an advertising brochure he had not used for at least 5 years.

The FTC's complaint set forth, in censorious words and phrases, that the "ideas and suggestions" contained in "The Health Finder" were not ideas and suggestions that could be advocated through advertising in a free society, vintage 1964.

The case came on for a hearing before Examiner John Lewis, who delivered his verdict on April 16, 1965. Dozens of witnesses had been heard on each side. From their testimony, Lewis concluded that "the greater weight of credible medical evidence" holds that vitamin A will not prevent a cold.

In a significant number of cases, no dietary regimen will prevent constipation. The greater weight of credible medical evidence holds that fatigue is caused by many factors. Rodale was ordered to cease and desist advertising any book that expounded any heretical ideas to the contrary.

From this extraordinary and ominous order, Rodale has appealed to the full FTC. The case comes up for argument September 21. It is not too much to suggest that every person who is concerned with freedom of the press has a stake in its outcome, for the authority claimed by the FTC examiner is perilously close to an authority to suppress any ideas and suggestions that challenge the greater weight of credible evidence in many fields of consumer interest.

Seventeen months of litigation already cost this small apostle of nonconformity some $50,000. Further heavy expenses lie ahead. He also has suffered from the examiner's fantastic finding, apparently drawn from the examiner's own vivid imagination, that persons who relied upon Rodale's ideas and suggestions might die for want of competent medical attention. In point of fact, the FTC's own witnesses conceded that the book contained much sound and helpful information.

It is irrelevant that the FTC's prospective order is concerned not with the book, but with advertising for the book. If the publisher of unconventional ideas cannot advertise his unconventional ideas, his freedom assuredly is abridged. And if the first amendment fails to protect an advocate of desiccated liver, whatever that is, the first amendment is suffering a fatigue that demands better doctors.

A TEENAGER MEETS THE CHALLENGE TO YOUTH WITH THOUGHT AND ENTHUSIASM

Mr. JORDAN of Idaho. Mr. President, youth in America today is faced by problems of a complex society. The issues posed by our Nation's growth and change do incite concern in our young people. Sometimes the reaction of elements in this age group has been defiance toward fundamental, timeless American values. However, there are many young people who accept the civil responsibility demanded by these problems, and who answer the challenge of a progressing America with action.

Recently it was my pleasure to talk with a teenager who meets the challenge to youth today with thought and enthusiasm. Miss Linda Fleming of Bonners Ferry, Idaho, was visting the Nation's Capital as Idaho's representative to the Teen Forum. Mr. President, I ask unanimous consent to insert her essay on "My Responsibility to America" in the CONGRESSIONAL RECORD.

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

MY RESPONSIBILITY TO AMERICA

An American teenager's responsibility to her country is far from being small. By the time this age is reached, responsibility to parents only has been outgrown and the challenge for responsibility to America is being accepted. I, as an American teenager, am proud of being able to share this challenge.

It is my responsibility, along with all other teenagers, to seek the best from my high school education in order that I will be able to fulfill my respective position in American society and be able to uphold the hard-sought reputation which our country's fore-

fathers achieved and upheld from generation to generation until it is now in our hands to deal with. For me, this means going to college; for someone else it may mean entering a branch of the Armed Forces.

Now that I am a teenager, I feel that it is more important than ever to conduct myself in a manner which our Nation will be proud of and other nations will look to with respect. In this responsibility lies part of America's diplomatic relations with the rest of the free world.

These are two of the many ways in which I try to accept responsibility. Some of them are subconsciously fulfilled while I greet others with a definite purpose in mind. The challenge does not end here, but increases with the acquisition of greater knowledge. For me, the acceptance of responsibility comes not out of conformity, but out of love for this country.

THE STAMP ACT CONGRESS

Mr. ROBERTSON. Mr. President, next October will be the 200th anniversary of what was known as the Stamp Act Congress which, meeting in New York from October 7 to 25, 1765, served to consolidate the movement for resistance among the American Colonies to the infringements of their rights as English citizens by the German-born English King, George III.

That Congress adopted a Declaration of Rights in opposition to taxation without representation and trial by admiralty courts without a jury—two fundamental principles of British democracy subsequently incorporated in our Constitution of 1787. That New York Congress was a milestone in our fight for independence, but is not so well known as the events of some 10 years later which included the Boston Tea Party; the Battle of Concord Bridge; the Virginia Bill of Rights of June 1776; and the Declaration of Independence of July 4, 1776.

My distinguished successor in the House, the Honorable JOHN O. MARSH, Jr., has sponsored a resolution—House Joint Resolution 598—to authorize the President to issue a proclamation commemorating the 200th anniversary of the Stamp Act Congress of October 1765. That resolution was passed by the House on August 26 and I hope it will be promptly reported by the Senate committee to which it has been referred and passed by the Senate before adjournment.

Mr. President, to remind my colleagues of a significant event in the oldest colony which preceded the Stamp Act Congress, I ask unanimous consent to have printed at this point in the RECORD the Virginia Resolves of 1765.

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

[From the Journal of the House of Burgesses of Virginia, 1761–65, p. 360, May 30, 1765]

On May 29 the Virginia House of Burgesses resolved itself into a committee of the whole to consider the Stamp Act. Patrick Henry, a new member from Louisa County, introduced seven resolutions; these were bitterly opposed by many of the tidewater leaders, but, after "torrents of sublime eloquence" from Henry, were passed. The following day, however, the House adopted the first five only, and rejected the last two. After Henry's departure, the House expunged the fifth resolution from the record. The entire series of resolutions, however, was published in the newspapers. It is in connection with the debate on these resolutions that Henry made his "Caesar had his Brutus" speech, the actual context of which is apparently very different from that generally given. (See, S. E. Morison, "Sources and Documents Illustrating the American Revolution," p. 14 ff.; M. C. Tyler, "Patrick Henry," p. 61 ff.; G. E. Howard, "Preliminaries of the Revolution," ch. viii; R. Frothingham, "Rise of the Republic," ch. v.)

THE RESOLVES

Resolved, That the first adventurers and settlers of this His Majesty's Colony and Dominion of Virgina brought with them, and transmitted to their posterity, and all other His Majesty's subjects since inhabiting in this His Majesty's said Colony, all the liberties, privileges, franchises, and immunities, that have at any time been held, enjoyed, and possessed, by the people of Great Britain.

Resolved, That by two royal charters, granted by King James the First, the colonists aforesaid are declared entitled to all liberties, privileges, and immunities of denizens and natural subjects, to all intents and purposes, as if they had been abiding and born within the realm of England.

Resolved, That the taxation of the people by themselves, or by persons chosen by themselves to represent them, who can only know what taxes the people are able to bear, or the easiest method of raising them, and must themselves be affected by every tax laid on the people, is the only security against a burthensome taxation, and the distinguishing characteristick of British freedom, without which the ancient constitution cannot exist.

Resolved, That His Majesty's liege people of this his most ancient and loyal Colony have without interruption enjoyed the inestimable right of being governed by such laws, respecting their internal polity and taxation, as are derived from their own consent, with the approbation of their sovereign, or his substitute; and that the same hath never been forfeited or yielded up, but hath been constantly recognized by the kings and people of Great Britain.

Resolved therefore, That the General Assembly of this Colony have the only and sole exclusive right and power to lay taxes and impositions upon the inhabitants of this Colony, and that every attempt to vest such power in any person or persons whatsoever other than the General Assembly aforesaid has a manifest tendency to destroy British as well as American freedom.

Resolved, That His Majesty's liege people, the inhabitants of this Colony, are not bound to yield obedience to any law or ordinance whatever, designed to impose any taxation whatsoever upon them, other than the laws or ordinances of the General Assembly aforesaid.

Resolved, That any person who shall, by speaking or writing, assert or maintain that any person or persons other than the General Assembly of this Colony, have any right or power to impose or lay any taxation on the people here, shall be deemed an enemy to His Majesty's Colony.

WEST TEXAS PRESS ASSOCIATION ENDORSES GUADALUPE MOUNTAIN NATIONAL PARK BILL

Mr. YARBOROUGH. Mr. President, the West Texas Press Association held their annual convention in El Paso, Tex., on August 13 and 14, 1965. At this 35th annual convention they passed a resolution endorsing the creation of Guadalupe National Park, which I have urged for several years.

I ask unanimous consent that the text of this resolution be printed at this point in the RECORD.

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

RESOLUTION 3

(Resolution by West Texas Press Association in 35th annual convention in El Paso, Tex.)

Whereas the site for the proposed Guadalupe National Park is outstanding in the United States: Be it

Resolved, That the West Texas Press Association endorse the creation of a national park in this area; and be it further

Resolved, That copies of this resolution be sent to the Texas delegation in Congress.

MRS. R. F. MAHOOD,
Secretary-Treasurer.

TRIBUTE TO LT. FRANK REASONER, OF THE MARINE CORPS

Mr. JORDAN of Idaho. Mr. President, I should like to call the attention of the Congress to the courageous patriotism of Lt. Frank Reasoner who sacrificed his life to save a fellow marine near Anmy in the Danang sector of Vietnam on July 12. Yesterday—August 30, 1965—the 3d Reconnaissance Battalion of the 3d Marine Division dedicated Camp Reasoner at Kaneohe Marine Corps Air Station in his honor.

Frank Reasoner's loyalty to the Marine Corps has a long history. Upon his graduation from Kellogg High School in Kellogg, Idaho, in 1955, he enlisted in the Marine Corps. In 1958, at the time Reasoner was a sergeant in the Marine Corps, he was appointed to West Point by Senator Henry Dworshak. Reasoner insisted that in the event he would be graduated from West Point, he would be commissioned in the Marine Corps.

At West Point Frank Reasoner made an outstanding record in athletics. The first 2 years he was at the Academy he was the outstanding wrestler, but having received an injury to his knee, he took up boxing. Upon graduation in 1962 from the Military Academy, he was awarded the Colonel David Marcus Memorial Award, a silver tray, given annually to the outstanding boxer.

As a commissioned officer in the Marine Corps, Lieutenant Reasoner was commanding officer of Company A at Danang on July 12. He was leading a patrol through Vietcong territory when they were hit by automatic weapon fire. Fearlessly going to rescue a fellow marine, Lance Cpl. James Shockley, who was wounded, Reasoner was shot down.

Idahoans will remember his valor with pride. His compassion and leadership are unforgettable to the marines who dedicated Camp Reasoner.

Mr. President, I ask unanimous consent to reprint in the CONGRESSIONAL RECORD an article from the Washington Post, August 30, 1965, on the dedication of Camp Reasoner.

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

CAMP IN SOUTH VIETNAM HONORS DEAD MARINE

DANANG, SOUTH VIETNAM, August 29.—"Don't worry, I'll get you out," Lt. Frank Reasoner called to the wounded marine.

"Don't come, the fire is heavy," yelled back Lance Cpl. James Shockley of Scott Air Force Base, Ill.

That was July 12 and Reasoner, of Kellogg, Idaho, was leading a Marine patrol deep in Vietcong territory near the village of Anmy outside this coastal city.

Reasoner, 27, called to a couple of men on his right and told them to cover him.

"I'm going after Shockley," he said.

The lieutenant got up to move and was struck in the neck by Vietcong machinegun fire.

"Greater love hath no man," the Marines said in commemorating Reasoner. And they wanted everyone to remember that and to remember Reasoner.

So today the 3d Reconnaissance Battalion of the 3d Marine Division dedicated Camp Reasoner and hung up a high sign in front of the tent.

In a scarlet background with gold letters—the colors of the Marine Corps—the sign read: "Camp Reasoner."

And in smaller print below it says:

"This camp is dedicated in honor of First Lieutenant Frank S. Reasoner, U.S.M.C., whose courage, honor and devotion were displayed above and beyond the call of duty during his valiant action at Anmy in the Danang sector of Vietnam on July 12, 1965, while serving as commanding officer of Company A. First Lieutenant Reasoner sacrificed his life to save one of his wounded Marines. Greater love hath no man."

AN INTERVIEW WITH PRESIDENT CHIANG KAI-SHEK OF NATIONALIST CHINA

Mr. SIMPSON. Mr. President, recently a reporter on the international staff of U.S. News & World Report, Mr. Robert P. Martin, was granted an interview with President Chiang Kai-shek of Nationalist China. The interview was quite lengthy and covered a broad range of subjects.

As U.S. involvement in the war in Vietnam deepens and as talk that Red China may be admitted to the United Nations "within 2 years" increases, I feel that the comments of the President of Free China are particularly relevant and I request that the interview from the August 9 U.S. News & World Report be printed in the body of the RECORD.

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

INTERVIEW WITH CHIANG KAI-SHEK—TASK OF UNITED STATES: TO REGAIN VICTORY FROM A LOST PEACE

(Could the United States have nailed down its World War II victory in Asia 20 years ago? Yes, says President Chiang Kai-shek of Nationalist China—and at a fraction of the cost and effort now going into South Vietnam. To Chiang, victorious China was the real victim of the war in the Pacific. U.S. miscalculations, he feels, opened the door to the Reds, resulted in the loss of China, war in Korea and chaos in southeast Asia. President Chiang, on Formosa, breaks a long silence in this exclusive interview granted to Robert P. Martin of the international staff of U.S. News & World Report.)

Question. Mr. President, in your opinion, why has there been no real peace in Asia since Japan's surrender 20 years ago?

Answer. As is commony known, the Japanese attack on Mukden on September 18, 1931, marked the beginning of the Sino-Japanese War which later on led to World War II. Following the Mukden incident, the Chinese Communists became more militant and extended the scope of their armed insurrection in the Yangtze Valley in co-ordination with steady Japanese encroachments in the North.

Thus, the Government of the Republic of China was caught in a giant pincer movement and had to fight on two fronts.

Our war of resistance against Japanese aggression following the Marco Polo Bridge incident on July 7, 1937, lasted for 8 long years.

After Japan's unconditional surrender, Soviet troops quickly poured into our Northeast Provinces, and Stalin lost no time in arming the Chinese Communists with captured Japanese arms.

This enabled the Chinese Communists to start their all-out insurrection against the Chinese Goverment.

In fighting Japan following the Mukden incident, China's objective was to insure her sovereignty and territorial and administrative integrity. This, too, was the common objective of the Allied nations that fought the Axis Powers in World War II.

So long as this objective remains unattained, all the sacrifices which China made in lives and property during World War II were in vain.

Though the Axis powers surrendered unconditionally at the end of World War II, China was cheated out of her rights. Stalin's puppet, the Chinese Communists, replaced Japan as the predatory force against China's legal Government.

Since their seizure of the China mainland, the Chinese Communists have carried out infiltration, subversion, and aggression in many places on an ever-expanding scale, and these activities culminated in the Korean war and in the war now raging in Vietnam.

Today the Chinese Communists definitely constitute a threat to peace and security in Asia and in other parts of the world.

So long as this source of war and aggression is not eliminated, there will be no way to establish genuine peace in Asia and throughout the world. So long as the objectives of the declaration of Washington, signed by the United States, Great Britain, Soviet Russia, and the Republic of China at the beginning of World War II, remain unfulfilled, the obligations and responsibilities these four powers assumed under the World War II alliance are not terminated.

Therefore, World War II in fact has not yet ended.

This has made it impossible to maintain international law and order. This is the sole reason why there has been no real peace in Asia since Japan's surrender 20 years ago.

Question. Is it correct to say that the United States is now losing the war it once thought it had won out here in Asia?

Answer. Toward the end of World War II, statesmen in various Allied countries were afraid that the peace might be lost although the war was being won.

Unfortunately postwar developments have proved that their apprehension was well founded. Though the United States fought side by side with China to win the war in east Asia and the Pacific, China was betrayed at Yalta, and her sacrifices lasting over a period of 14 years came to naught.

The United States closed her eyes to the Chinese Government's efforts to suppress the Communist insurrection in order to preserve China's national unity and to maintain world peace.

The United States even withheld promised military supplies from the Chinese Government. When the Chinese Communists succeeded in seizing the China mainland, the free world lost the rampart for peace throughout east Asia.

Today the Chinese Communists are using the China mainland as a base for subversion and aggression against the whole free world. They regard the United States as their prime enemy and are defiantly moving against Asia, Africa, and America by encirclement from two directions, east and west.

Right now, the international Communists and their fellow travelers are working overtime among the American people, spreading insidious propaganda and creating political pressures, all for the purpose of inducing the United States to repeat her postwar mistake through abandoning the stand she has hitherto maintained in Asia by gradually withdrawing from the Orient.

The American people should be aware of this danger and be vigilant.

The firm stand of the United States in the Vietnam war provides a ray of hope for safeguarding Asian freedom and world peace. American prestige is rising proportionately to President Johnson's firmness. To regain victory from a lost peace, and to reestablish a genuine peace so as to make amends for the deficiencies left by World War II, is the unshirkable responsibility of the United States since she is the acknowledged leader of the free world both morally and politically.

Question. Looking back at the past two decades, do you feel the United States made important mistakes that contributed to the present instability in Asia?

Answer. One great mistake is that, at the end of World War II, the United States failed to realize the disasters that would follow should the Communists seize the China mainland.

Instead of helping the Government of the Republic of China in our campaign to eliminate the Communist menace, the United States hamstrung us and thereby, in effect, helped and bolstered the Chinese Communists.

Had those occupying key political and military positions in the United States at the time realized the strategic value of mainland China to the United States on the other side of the Pacific, Asian history for the past 20 years would not have been written on bloodstained pages, and the 600 million Chinese on the mainland would have remained friends instead of becoming, under duress, enemies of the United States.

All these have come to pass because of the shameful secret Treaty of Yalta. Had there been no Yalta, the China mainland today would not pose a military threat to the free world, and Stalin would not have had an opportunity to arm the Chinese Communists with military supplies surrendered by the Japanese.

Another grave mistake the United States committed was her insistence on broadening the base of Chinese Government by including the Chinese Communists in it.

Our peace talks with the Chinese Communists only served to weaken the morale of the Government forces which were then winning, and gave the enemy time to regroup their units.

At the conference table, a Communist never negotiates to seek solutions; he talks only to gain time or to wring recognition for his plunder.

Question. Can anything be done now to rectify these mistakes?

Answer. Recently some American friends said to me that, if 16 years ago the United States had supported the Republic of China's military campaign against the Communist insurgents with but one-tenth of what she is now pouring into the Republic of Vietnam, American casualties in Korea and Vietnam could have been spared.

I could not agree with them more, but I would like to add that one-tenth would have

been sufficient, and that chiefly moral and logistic, for even then there was no need of direct participation by American Armed Forces.

Late as it is, there is still time to salvage the situation. The following steps, in my opinion, must be taken by the United States with all seriousness and speed:

First, promote the formation of an effective alliance of the Asian nations that have been victimized or are endangered by Communist aggression, so that whenever any one of them should be attacked, the rest would be dutybound to aid it. The United States, being the arsenal of democracy, should contribute weapons and logistic support, but American ground forces need not take part in any fighting in East Asia.

Second, provide logistic support to the Government of the Republic of China in its action to recover the mainland and restore her territorial sovereignty.

Third, destroy the Chinese Communists' nuclear installations before they can amass a stockpile of atomic weapons and develop a system of delivery.

Fourth, pay serious attention to Mao Tse-tung's program for world revolution after World War II, a document read into the U.S. Senate records on April 29, 1954. The timetable has been delayed, but the program is otherwise being carried out.

UNITED STATES IN ASIA'S HOT SPOTS

Question. Do you see any possibility the United States will be driven out of Asia and the western Pacific?

Answer. No, I do not see such a possibility. The temptation for the United States to quit Asia is understandable, for, with the best of intentions and at tremendous self-sacrifice, American efforts to retrieve Asia from the clutches of Communist enslavement, Moscow or Peiping, have so far been mostly disappointments and frustrations.

But the world is now so closely knit that the United States is no more able to disengage herself from Asia than from Europe.

Forces that breached the ramparts of the Monroe Doctrine and propelled the United States into the hottest spots in two world wars remain as active as ever.

As it was then, so it is now—the continued existence of the United States as a free and sovereign nation is contingent upon the maintenance of world peace. For her to disengage herself from Europe and Asia would be to allow her enemies to prepare, in safety, ways and means for her eventual burial.

The United States may wish to leave the rest of the world alone, but the Communists will not leave her alone.

Unless she subscribes to the belief that a leopard can change its spots, she cannot disengaged herself from Asia as long as the Peiping regimes continues to exist.

The United States must not allow herself to be driven out of Asia. I remember Gen. Douglas MacArthur telling me during a visit in 1950 that "the pivot of the world for the next few centuries will be in the Pacific, not in the Atlantic." And the United States cannot quit the Pacific.

Question. Can any single country, even one with the enormous military powers of the United States, keep the peace in Asia?

Answer. My answer is "No." The day of Pax Romana is gone. And even Rome failed to keep real peace for long.

But no one is calling upon the United States to shoulder alone the responsibility of keeping the peace in Asia. There are at least a billion Asians ready and anxious to share this burden with her. One thing is certain, Asian nationalism cannot survive where Red imperialism flourishes.

In our struggle for survival, we are confident that Asian manpower coordinated with American technology and supplies will result in the greatest politicomilitary power in history for the maintenance of peace.

We should not be downhearted, much less feel isolated.

A NEW ALLIANCE NEEDED

Question. Is it possible for the countries confronted by Communist power—the Republic of China, for example, and South Korea and South Vietnam—to be close allies and fight side by side when one is attacked?

Answer. For years I have been advocating this kind of alliance. So far, the greatest single factor preventing its formation is the "no-win" policy of the United States as demonstrated in her not supporting such an alliance. For, in order to be really effective, the alliance needs American participation.

As of now, the United States has bilateral defense agreements with each of these nations and is actually providing them individually with political and military assistance.

This assistance has indeed enabled them to carry on resistance separately, but not enough to insure security and victory. Of course, some of these nations, by making use of the popular hatred for the Communist tyranny, by relying on their own wealth of experience in combating communism and by drawing upon the vast potential of their age-old national culture and traditional ethical concept, can successfully muster their own armed forces and civilian population against the Communists in their own countries without the participation of any foreign troops, provided they are given adequate weapons and logistic supplies.

But, in the absence of such an alliance, none of them can do much to immunize itself from the threat to its own security so long as Communist forces remain entrenched in adjacent countries, because it has no treaty obligations to help its neighbors to solve their Communist problems.

To date, America's most active anti-Communist Asian allies have met with nothing but partition—and at the whim of others.

The Republic of Korea is now broken into two, the Republic of Vietnam is likewise partitioned, and the Republic of China has been only maintaining the status quo here.

These nations eagerly hope that from America they can obtain encouragement and help to form an alliance so that their respective sovereignty and territorial integrity may be regained.

The role America needs to take in this alliance is principally that of providing moral and material support.

Thus, at most, her military participation would be limited to only a small portion of her naval and air forces. Her ground forces will not be involved. The Chinese Communists being weak both in the air and on the sea, are certainly in no position to challenge, the U.S. Naval and Air Force.

Question. Will there ever be peace in Asia as long as the Communists control China?

Answer. Communism, not nationalism, is the cause of turmoil in Asia today.

In the case of the newly independent Asian nations, most of them realize that they need economic development and political stability, but they lack experience and sophistication.

Neither do they have foundations for political and social organizations comparable to those that exist in better-developed nations.

Most of them are, therefore, highly vulnerable to Communist infiltration, seduction, and agitation, and their people can be easily incited to create disturbances.

If their governments should decide to proceed with plans for political and economic reconstruction, the Communists will sabotage them by all wicked means at their disposal.

These will include rumor-mongering, malicious fabrication, and distortion of facts, and so on, until the people can no longer distinguish truth from falsehood, right from wrong.

In the end, the governments will lose prestige in the people's eyes and find themselves unable to carry out the various reconstruction plans. The Communists will take advantage of the situation to move a step closer to attaining their goal, which will be nothing less than seizure of political power.

The Communists instituted strikes in factories and in schools, organized demonstrations, riots, revolts, and bloodshed on the China mainland some 16 years ago, and today they are resorting to the same tactics in other Asian nations.

Communism is, therefore, the source of trouble in all Asia.

In some of the newly independent nations in Asia, as in some of the newly emerging nations in Africa and other parts of the world, the Communists have skillfully camouflaged themselves as nationalists in carrying out infiltration and subversion, in fostering revolts and in supplanting real nationalism.

Their final aim is the complete domination and control of these nations. Once they succeed, they discard their mask of nationalism and reveal their true identity.

I am convinced that there can be neither peace nor security in Asia and in other parts of the world as long as the China mainland remains in the Communist grasp.

PRESSURES FOR WAR

Question. Is there any chance that China under the Communists could develop along the lines of the Soviet Union, so that "competition" with the West would be relatively peaceful?

Answer. This is a kind of wishful thinking completely contrary to facts.

Mao Tse-tung and his cohorts are all Stalinists. They have occupied the China mainland for 16 years. Though they have exploded two nuclear devices since last October, their economy is worsening, while the people are destitute, downtrodden, and have no freedom to speak of.

Therefore, unless the Communists continue their external aggression and expansion, and force the people into wars, they will find it difficult to control the people's anti-Communist movements.

Furthermore, indisputably, the Chinese Communists are much more aggressive-minded than the Bolsheviks in the initial period of the Soviet Revolution.

Even if one should concede that the Chinese Communists might in due course become more moderate along the lines of the Soviet Union, how long does the free world have to wait for this miracle?

We Asians believe that the Peiping regime is totally irresponsible, and that if it can produce in the next year or two a very small number of, say, 10 atomic bombs, however crude they may be, it will not hesitate to use them on its anti-Communist Asia neighbors.

There is even the possibility that within the coming 5 or, at most 10 years, Peiping may be able to develop a long-range delivery system.

What if the so-called miracle does not happen?

Is the free world to stand still and thus condone the fall of Asia into Communist hands?

Must we wait for Peiping's atomic weapons to upset the world's nuclear balance and plunge mankind into a global nuclear holocaust?

RACE HATRED: A RED WEAPON

Question. Is there any possibility of the world's dividing into two contending blocs: the heavily populated, underdeveloped countries against the less populated, more advanced countries—or, as some call it, the colored world against the white world?

Answer. In my opinion, this is a problem which deserves the serious study of people with foresight.

Following the rise of nationalism and the fall of old colonialism, the problem of population has assumed greater importance in world politics with particular reference to international wars in the future.

Owing to the general concept prevalent in the twentieth century, it is no longer possible to deny any people their human rights.

As Asia is the home of the majority of the world's population, its weight on the scale of world events is increasing daily.

But this has nothing to do with the question of races. It is due more to differences in cultural levels, stages of economic development, and standards of living, rather than the amount of melanin produced in the epidermis.

Had it not been for the exaggeration of the Communists, who for nefarious reasons of their own are deliberately exploiting racial differences into controversies, it would be obvious that whatever differences exist between nations and races stem from cultural levels, stages of economic development, and standards of living.

These will gradually vanish as the more advanced nations give the less fortunate emerging nations economic aid and technological assistance.

Thus, in due course, any animosities felt by peoples in underdeveloped countries toward those of the better developed countries will lend themselves to reasonable solutions.

Therefore, it is not inevitable that the world should be divided into two hostile blocs.

Moreover, in the context of current world developments, the question of freedom versus slavery is much more important than that of ethnic origins.

We should, therefore, recognize that multiple races exist as a fact of life, and live together in harmony.

The international Communists, especially those in Peiping, however, are utilizing every means to stir up racial hatred in some of the newly independent nations in Asia and Africa.

The Chinese Communists are wasting no time in using this as a powerful weapon in carrying out their studied schemes for aggression and agitation and as a means to wrest leadership of the Communist world from the Soviet Union.

Developments in Africa and in southeast Asia show that the Chinese Communists are trying to foment war among the races as a further step toward dominating the world and enslaving mankind. I wonder if the Western nations are aware of this Communist conspiracy and, if so, what precautionary measures are they taking?

How to prevent the Chinese Communists from further fostering and exploiting racial differences and how to remove racial hatred and avert catastrophe are problems demanding the collective wisdom of free nations.

Question. Do you see a possibility of future good relations and a strengthening of the alliance between the Soviet Union and Communist China?

Answer. I do not see any possibility of a rapproachment between Soviet Russia and the Chinese Communists in the foreseeable future. This is so because their conflicts, clashes, contradictions, and power interests are too deep to leave room for a fundamental readjustment.

A case in point, the war in Vietnam, has not served to mend the rift between Moscow and Peiping.

However, to suppose that the two are headed for a quick military conflict is incorrect.

As to the question about Soviet Russia's policy in the event of a war between the United States and Peiping, this will depend on developments within the Communist bloc as well as in the world situation at the time.

In the Vietnam war, Russia started to give Hanoi assistance only after the Chinese Communists had vociferously accused her of total lack of concern for the "life and death struggle" of a brother "socialist nation." In the face of this accusation, had Russia done nothing, it would have threatened her leadership of the Communist bloc, while bolstering Mao's prestige and strengthening his claim to leadership of the international Communist movement.

When our troops land on the mainland, it is highly improbable that the Chinese Communists would turn to the Soviet Union for assistance or ask for the participation of Soviet troops.

It is equally improbable that the Kremlin would send troops to China and become involved in a purely Chinese war. At any rate, Soviet Russia would scarcely help a regime that is already a formidable contender for the leadership of the Communist world.

JAPAN'S ROLE IN ASIA

Question. Could Japan play a greater role in solving Asia's problems?

Answer. By virtue of her industrial potential, Japan could play a greater role in finding solutions to some of Asia's problems.

But, first of all, she needs to realize once and for all that her basic interests can be effectively safeguarded only if she follows an overall policy of consistent opposition to communism.

This warning is offered because leftist propaganda in Japan is loudly voicing the view that sooner or later there will be a coming together of Japan and the China mainland in answer to economic pressure.

Moreover, there is in Japan a latent anti-Americanism that tempts Communist exploitation.

Fortunately, by weaving Japanese trade interests into some pattern of Asian-Pacific Common Market, it should be possible to detach Japan from Peiping. There is also latent anti-Russianism in Japan to offset the anti-Americanism.

The PRESIDING OFFICER (Mr. Moss in the chair). Is there further morning business? If not, morning business is closed.

AUTHORIZATION OF ADDITIONAL GS-16, GS-17, AND GS-18 POSITIONS IN CERTAIN AGENCIES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 634, S. 2393.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The bill (S. 2393) to authorize additional GS-16, GS-17, and GS-18 positions for use in agencies for functions created as substantially expanded after June 30, 1965.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 505 of the Classification Act of 1949, as amended (5 U.S.C. 1105 (b)), relating to the maximum number of positions authorized at any one time for grades 16, 17, and 18 of the General Schedule of such Act and the authority of the President to provide a limited number of such positions for new agencies and functions, is amended by striking out "twenty-four hundred" and inserting in lieu thereof "twenty-five hundred", and by adding after "subparagraph" in paragraph (2) a comma and the following: "and one hundred of such positions shall be available only for allocation, with the approval of the President, for agencies or functions created or substantially expanded after June 30, 1965".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 652), explaining the purposes of the bill.

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

STATEMENT

S. 2393 would amend section 505(b) of the Classification Act by increasing the Government-wide quota of positions which may be placed in grades 16, 17, and 18 of the General Schedule from 2,400 to 2,500.

The bill further provides that the additional 100 positions so created would be available for use only upon the approval of the President and only for agencies or functions created or substantially expanded after June 30, 1965.

Although the need for these additional supergrade positions emanated from congressional discussions of the necessity for highly qualified persons and high-level positions to man the greatly expanded operations of the Social Security Administration under the Social Security Amendments of 1965, it is felt that a number of other agencies or functions either created or substantially expanded by congressional action since June 30, 1965, will request allotment of additional GS-16, GS-17, and GS-18 positions.

Among recent legislation which either created or substantially expanded agencies or functions are the Water Resources Planning Act; the Voting Rights Act of 1965; the Drug Abuse Control Amendments of 1965; and the Older Americans Act of 1965. There is also a substantial amount of legislation presently receiving congressional consideration which, if enacted, will either create or substantially expand agencies or functions.

Congress made provision for a similar reserve of 50 such positions available only for allocation with approval of the President in 1961, but that allocation has now been exhausted.

The 2,400 supergrade positions allotted within the Classification Act presently are subject to percentage limitation, with no more than 12 percent of the total being allotted as GS-18 positions, a maximum of 25 percent to GS-17 positions, and with the remaining percentage of the total allotted as GS-16 positions. The 100 additional supergrade positions provided for under this bill will likewise be subjected to these percentage limitations.

AMENDMENT OF RAILROAD RETIREMENT ACT OF 1937 AND RAILROAD RETIREMENT TAX ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business, which is H.R. 3157.

The Senate resumed the consideration of the bill (H.R. 3157) amending the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act.

Mr. PELL. Mr. President——

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. MANSFIELD. Mr. President, if the Senator will yield without losing his right to the floor, I suggest the absence of a quorum.

Mr. PELL. I yield.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LONG of Louisiana. Mr. President, I feel it necessary to make the point of order that the pending Senate amendment is a tax amendment on a nonrevenue bill. Since the Constitution requires that all revenue measures must originate in the House of Representatives, and since Senators by their oaths are sworn to uphold the Constitution, the Senate is clearly forbidden to originate a tax measure.

As the ranking majority member of the Committee on Finance, I am well aware—and it has been the experience of the committee—that the House of Representatives has consistently refused even to consider a tax measure that originated in this body, so much so that I do not recall an instance, during the period of my membership, when the Senate has even made an effort to originate a tax bill.

The pending measure is a House bill, but is not a revenue bill.

Mr. PELL. The bill is not yet before the Senate.

Mr. LONG of Louisiana. I am sorry; I thought the bill was before the Senate.

Mr. President, I ask that the bill be laid before the Senate.

The PRESIDING OFFICER. The bill is before the Senate.

Mr. PELL. The bill is before the Senate? I misspoke.

Mr. LONG of Louisiana. Then, Mr. President, I wish to make the point of order that the bill came to the Senate as a bill which was not a tax bill. The pending Senate amendment to the bill is a major tax amendment, and it is clearly unconstitutional for the Senate to attach a tax provision to a bill which is not a tax bill. To do so would be in violation of our oaths.

Mr. President, this question has been considered before in both the House of Representatives and the Senate. From my study of the precedents, it is clear—and I have discussed the question with the Parliamentarians of both the House of Representatives and the Senate—that inasmuch as revenue bills must originate in the House of Representatives, a bill providing for a tax must be a revenue bill when it comes to the Senate, and the Senate cannot convert a nonrevenue bill to a revenue bill. For the Senate to attach a tax provision to simple legislation that has nothing to do with revenue when it comes from the House of Representatives is not condoned.

Therefore, I am constrained to make the point of order that this amendment is unconstitutional.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oregon will state it.

Mr. MORSE. Is the point of order subject to discussion?

The PRESIDING OFFICER. Under the uniform practices of the Senate for more than 100 years, the Chair has no authority to pass upon points of order as to the constitutionality of a proposal. Those are questions for the Senate to determine. Therefore, the Chair submits to the Senate the question whether or not, under the Constitution, the Senate has a right to consider this amendment, or whether the point of order is well taken. The question, of course, is debatable.

Mr. PELL. Mr. President, first I ask unanimous consent that during the consideration of H.R. 3157, Mr. David Schrieber and Mr. Charles McLaughlin, of the office of the General Counsel of the Railroad Retirement Board, be granted the privilege of the floor, as has been the custom in previous years.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PELL. Mr. President, I recognize, as the Senator from Louisiana [Mr. LONG] has pointed out, that article I, section 7, of the Constitution of the United States provides:

> All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

First, I submit that the amendment to H.R. 3157, which would raise the taxable wage base under the Railroad Retirement Act from $450 to $550 a month, is incidental to the main purpose of the bill, which is to grant benefits to the spouses of railroad retirees.

In fact, in the annotated copy of the Constitution, which all Senators have, and which was prepared by the legislative reference service, I note the statement that only bills to levy taxes in the strict sense of the word are comprehended by the phrase "all bills raising revenue." Bills for other purposes which incidentally create revenues are not included. As an example, a case is cited wherein a bill which provided that the District of Columbia should raise by taxation and pay to designated railroad companies a specific sum for the elimination of grade crossings and the construction of the union railroad station did not have to originate in the House of Representatives.

Other cases decided by the Supreme Court are in point: In Twin City Bank against Nebeker, a case dealing with a tax on bonds used to secure the national currency, the Court held that revenue bills are those that levy taxes in the strict sense of the word, and are not bills for other purposes which may incidentally create revenue.

The purpose of this amendment is corollary to the purpose of the bill, and my principle objective is to provide some method for maintaining the deficit in the Railroad Retirement Fund at a tolerable level. Without this amendment, the deficit will rise to approximately $62 million per year; with it, we can reduce the deficit to about $24 million.

Mr. President, at this point, I ask unanimous consent to have printed in the RECORD a brief concerning the case I have already cited, Twin City Bank against Nebeker. Another case, too, is cited; that of Millard against Roberts.

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

EXCERPT FROM THE DECISION OF THE U.S. SUPREME COURT IN THE CASE OF TWIN CITY BANK *v.* NEBEKER, 167 U.S. 196

The contention in this case is that the section of the act of June 3, 1864, providing a national currency secured by a pledge of U.S. bonds, and for the circulation and redemption thereof, so far as it imposed a tax upon the average amount of the notes of a national banking association in circulation, was a revenue bill within the clause of the Constitution declaring that "all bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills" (art. 1, sec. 7); that it appeared from the official Journals of the two Houses of Congress that while the act of 1864 originated in the House of Representatives, the provision imposing this tax was not in the bill as it passed that body, but originated in the Senate by amendment, and, being accepted by the House, became a part of the statute; that such tax was, therefore, unconstitutional and void, and that, consequently, the statute did not justify the action of the defendant.

The case is not one that requires either an extended examination of precedents, or a full discussion as to the meaning of the words in the Constitution, "bills for raising revenue." What bills belong to that class is a question of such magnitude and importance that it is the part of wisdom not to attempt, by any general statement, to cover every possible phase of the subject. It is sufficient in the present case to say that an act of Congress providing a national currency secured by a pledge of bonds of the United States, and which, in the furtherance of that object, and also to meet the expenses attending the execution of the act, imposed a tax on the notes in circulation of the banking associations organized under the statute, is clearly not a revenue bill which the Constitution declares must originate in the House of Representatives. Mr. Justice Story has well said that the practical construction of the Constitution and the history of the origin of the constitutional provision in question proves that revenue bills are those that levy taxes in the strict sense of the word and are not bills for other purposes which may incidentally create revenue. (P. 202.)

EXCERPT FROM THE DECISION OF THE U.S. SUPREME COURT IN THE CASE OF MILLARD *v.* ROBERTS, 202 U.S. 429

The first contention of appellant is that the acts of Congress are revenue measures, and therefore, should have originated in the House of Representatives and not in the Senate, and to sustain the contention appellant submits an elaborate argument. In answer to the contention the case of *Twin City Bank* v. *Nebeker*, 167 U.S. 196, need only be cited. It was observed there that it was a part of wisdom not to attempt to cover by a general statement what bill shall be said to be "bills for raising revenue" within the meaning of those words in the Constitution, but it was said, quoting Mr. Justice Story, "that the practical construction of the Constitution and the history of the origin of the constitutional provision in question proves that revenue bills are those that levy taxes in the strict sense of the word, and are not

bills for other purposes, which may incidentally create revenue." (1 Story on Constitution, sec. 880.) And the act of Congress which was there passed on illustrates the meaning of the language used. The act involved was one providing a national currency, and imposed a tax upon the average amount of notes of a national banking association in circulation. The provision was assailed for unconstitutionality because it originated in the Senate. The provision was sustained, this Court saying:

"The tax was a means of effectually accomplishing the great object of giving to the people a currency that would rest, primarily, upon the honor of the United States and be available in every part of the country. There was no purpose, by the act or by any of its provisions, to raise revenue to be applied in meeting the expenses or obligations of the Government."

This language is applicable to the acts of Congress in the case at bar. Whatever taxes are imposed are but means to the purposes provided by the act (pp. 436–437).

Mr. PELL. Mr. President, a further point I wish to raise is that any money raised by this amendment does not go into the General Treasury, but rather goes to a special railroad retirement fund. Revenue is defined in Webster's New International Dictionary as:

The annual or periodical yield of taxes, excise, customs, duties, rents, etc., which a nation, State, or municipality collects and receives into the treasury for public use; public income of whatever kind.

Insofar as the funds that would be raised by this amendment are for a private pension fund, I do not see any constitutional prohibition against its origination in the Senate.

Finally, I submit that from the viewpoint of precedent, we have already passed legislation similar to this; that in 1959 the Senate originated a raise in the base of the taxable income, passed it, and sent it to the House, which changed it to a House number but passed a bill in identical form, including a misplaced comma, and sent it back to the Senate.

At that point, various Senators rose to deplore the action of the House, and to defend the constitutionality of the original action of the Senate, including the then majority leader, Senator Johnson, of Texas, and including the present majority whip, the Senator from Louisiana [Mr. LONG], and other Senators.

For these reasons, Mr. President, I submit that we are within our rights in passing this amendment as a method to keep the system fiscally sound, which it certainly is not at this time.

Mr. President, I yield the floor.

Mr. MORSE. Mr. President——

The PRESIDING OFFICER (Mr. JORDAN of Idaho in the chair). The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, in view of the fact that the chairman of the Subcommittee on Railroad Retirement—on which I am privileged to be a member—has made reference to the action in this body of May 5, 1959, in regard to the railroad retirement bill of that year, S. 226, I wish to discuss that precedent briefly.

Enactment by the Senate on May 5, 1959, of S. 226, provided for increases in tax rates under the Railroad Retirement Tax Act to cover the additional benefits provided by the bill. A House companion bill had been reported to, but not enacted by the House. The House reported bill was approved by the House Committee on Interstate and Foreign Commerce, but was unacceptable to railroad labor because the House approved bill failed to provide sufficient revenue and contained other unacceptable provisions. When the satisfactory Senate bill S. 226 reached the House floor, it was adopted by the House in substitution for the House reported bill. No constitutional question was raised by the House, at that time.

It was known, however, that President Eisenhower would veto the bill; and it was also known that if the bill were vetoed on its merits, the veto would be overridden by both Houses of Congress—at least, that was the belief.

It was feared, however, that if the President were to veto the bill because it had a Senate number, some Members of the House might be inclined into following the position of accepting the veto. To avoid this, a Member of the House moved, a few days later, to vacate the previous House action, and then moved to strike from the House-reported bill all after the enacting clause and insert in lieu thereof the Senate provision. This was done, and the enacted bill with a House number was reenacted by the Senate on May 5, 1959.

At that time I was chairman of the subcommittee of the Senate on railroad retirement, occupying the same position which the Senator from Rhode Island [Mr. PELL] occupies today.

The majority leader was the Senator from Texas, Mr. Johnson. The majority leader and I thought that the whole procedure was unnecessary from the standpoint of parliamentary requirement. Nevertheless, we agreed to go along with it, because our objective was to get the bill passed.

I believe it is important that there be read into the record at this time—because I believe it is of controlling and precedential value—the discussion which took place at that time, because in my judgment, if S. 226 on May 5, 1959, was not unconstitutional, the bill before us today is not unconstitutional.

For all intents and purposes, the substantive objectives are the same.

I read from CONGRESSIONAL RECORD, volume 105, part 6, p. 7472:

AMENDMENT OF THE RAILROAD RETIREMENT ACT OF 1937

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of House bill 5610, to amend the Railroad Retirement Act.

The PRESIDING OFFICER. The bill will be stated by title, for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 5610) to amend the Railroad Retirement Act of 1937, the Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act, so as to provide increases in benefits, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 5610) to amend the Railroad Retirement Act of 1937, the Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act, so as to provide increases in benefits, and for other purposes, which was read the first time by title and the second time at length.

Mr. JOHNSON of Texas. Mr. President, if I may have the attention of the Senator from Oregon [Mr. MORSE], let me say that the House passed, on May 4, H.R. 5610, which amends the Railroad Retirement Act. H.R. 5610 is identical with Senate bill 226, which was passed by the Senate on April 29, and which had been reported by the Senator from Oregon [Mr. MORSE].

The House adopted every line, every word, every punctuation mark in the Senate bill—including a misplaced quotation mark.

I am informed that the House took that action because the bill contained a revenue feature, inasmuch as the bill increases the rate of tax on employers and employees under the railroad retirement system. However, the tax-increase provision is only one of many changes effected by the bill in the railroad retirement law.

Senate bill 226, as passed by the Senate, is not primarily a tax measure. The increase in tax is only part of a bill which is designed to provide much-needed increases in the benefits under the act. In my mind, there is no doubt about the constitutional power of the Senate to initiate such a measure. The Supreme Court has long held that the Senate can initiate and can pass general legislation which contains, as an incidental feature, a revenue provision. The case of *Millard* v. *Roberts*, decided in 1906, is specific on this point. The annotated constitution, compiled by Professor Corwin, contains numerous citations in support of this view.

I have conferred with the distinguished chairman of the subcommittee who handled the bill, the Senator from Oregon [Mr. MORSE]. It is our conclusion that we do not wish to quibble over the matter; we are primarily concerned with sending this proposed legislation to the President at an early date. In our judgment, the power of the Senate to initiate and to dispose of proposed legislation such as Senate bill 226 is clear and beyond any doubt; and we do not intend to delay the taking of final action on this matter by arguing the procedural question. It is far more important to the railroad workers that such a bill be passed and go to the President and be signed by him into law, rather than that there be long argument over the question of whether the bill bear a House bill number or a Senate bill number.

So, Mr. President, after conferring with the Senator from Oregon and other members of the committee, I urge immediate Senate consideration of House bill 5610, which is identical in every respect with Senate bill 226, which was passed by the Senate on April 29, I believe, by unanimous vote.

Mr. President, I yield now to the Senator from Oregon, so that he may make whatever comments he desires to make, and that then the Senate may perhaps take action on the bill.

Mr. MORSE. Mr. President, the majority leader has explained the reason why there has been some confusion in regard to railroad retirement legislation. In my judgment, he has stated the law accurately. There is no question about the fact that it was within the province of the Senate to initiate such proposed legislation and to pass it. I quite agree with the Senator from Texas that we should proceed to repass the bill, this time in the form of House bill 5610.

In making legislative history on the bill, our obligation is to make sure that no question at all in regard to the legislative process can be raised successfully by anyone in any future litigation.

Mr. President, until yesterday we had thought a conference would be necessary in

order to resolve a difference between the bill which was passed by the Senate—Senate bill 226, the Morse bill—and the bill which was passed last Wednesday by the House—House bill 5610.

Yesterday, however, the House passed a new bill, numbered H.R. 5610, with language identical to that of the Morse bill, Senate bill 226, as passed by the Senate.

It is much to be desired that the Senate now pass House bill 5610, and thus permit a railroad retirement bill to reach the White House as soon as possible. In urging that the Senate take this action, I assure this body that such action by it will merely reaffirm the action the Senate took last week in passing Senate bill 226.

Mr. JOHNSON of Texas. Mr. President, I yield to the minority leader first. Then I shall yield to the Senator from Louisiana [Mr. LONG].

Mr. DIRKSEN. Mr. President, I think we had some discussion of this matter when the bill first came up in the Committee on Labor and Public Welfare. I did not feel there was any doubt whatsoever that the Senate had authority to consider this bill originally and send it to the House. I do indeed concur in the opinion expressed by the majority leader; but, in the interest of felicity as between the two Houses, if this is what it takes in order to expedite action, certainly I have no objection.

Mr. LONG. Mr. President——

Mr. JOHNSON of Texas. I yield now to my friend from Louisiana.

Mr. LONG. Mr. President, as one of those who greatly admire the majority leader, I hope he is not going to permit the House, in matters of this sort, continually to downgrade the Senate. This type of procedure can hardly be more than an excuse for the House to claim to be the author of legislation by acting first. If the House had proceeded expeditiously, it could have acted first on this measure, rather than second, as it has. Then the Senate might properly be denied credit for being the body of Congress to act first on this bill. The Senate is already bound in a number of ways when the House insists, unreasonably in some instances, on having its way. For example, the Senator from Louisiana has several times sponsored legislation involving veterans insurance, which the House has failed to consider because of objection on the part of a single Member of the House.

I urge the majority leader to see that the responsibilities, duties, and powers of the Senate are maintained. I hope he will try to do something about it, as time goes on, so that the House will act reasonably in such matters.

Mr. JOHNSON of Texas. I appreciate the remarks of the Senator from Louisiana. I shall do all I can, in a constructive manner, to see that the responsibilities of the Senate are recognized. In this instance I do not agree with the way the House has acted, but I do not see that there is any good purpose to be served by further quibbling and delay, and I certainly do not want to emulate the action of the House in this instance.

Mr. President, if we can get action on this bill——

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be offered the question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was passed.

Mr. MORSE. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

That is chapter No. 1 in my argument, Mr. President. I now turn to chapter No. 2.

We now deal directly with the constitutional question raised in 1959 and raised today, in 1965. The chairman of the subcommittee has already referred to the short legal brief that has been prepared in support of the position that the bill before the Senate is constitutional, and that it does not violate the Constitution in the sense that it violates the provision that requires that revenue-raising measures must originate in the House.

The chairman of the subcommittee, in citing this brief, calls attention to the U.S. Supreme Court case of *Twin City Bank* v. *Nebeker*, 167 U.S. 196. I read these excerpts from the decision of the Supreme Court. The Court said:

The contention in this case is that the section of the act of June 3, 1864, providing a national currency secured by a pledge of U.S. bonds, and for the circulation and redemption thereof, so far as it imposed a tax upon the average amount of the notes of a national banking association in circulation, was a revenue bill within the clause of the Constitution declaring that "all bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills," (art. 1, sec. 7); that it appeared from the official Journals of the two Houses of Congress that while the act of 1864 originated in the House of Representatives, the provision imposing this tax was not in the bill as it passed that body, but originated in the Senate by amendment, and, being accepted by the House, became a part of the statute; that such tax was, therefore, unconstitutional and void, and that, consequently, the statute did not justify the action of the defendant.

The case is not one that requires either an extended examination of precedents, or a full discussion as to the meaning of the words in the Constitution, "bills for raising revenue." What bills belong to that class is a question of such magnitude and importance that it is the part of wisdom not to attempt, by any general statement, to cover every possible phase of the subject. It is sufficient in the present case to say that an act of Congress providing a national currency secured by a pledge of bonds of the United States, and which, in the furtherance of that object, and also to meet the expenses attending the execution of the act, imposed a tax on the notes in circulation of the banking associations organized under the statute, is clearly not a revenue bill which the Constitution declares must originate in the House of Representatives. Mr. Justice Story has well said that the practical construction of the Constitution and the history of the origin of the constitutional provision in question proves that revenue bills are those that levy taxes in the strict sense of the word, and are not bills for other purposes which may incidentally create revenue.

Continuing, Mr. President, I call the attention of the Senate to an excerpt from the decision of the U.S. Supreme Court in the case of *Millard* v. *Roberts*, 202 U.S. 429. It is a case that the majority leader of the Senate in 1959, Mr. Johnson, alluded to. The Court said:

The first contention of appellant is that the acts of Congress are revenue measures, and therefore, should have originated in the House of Representatives and not in the Senate, and to sustain the contention appellant submits an elaborate argument. In answer to the contention, the case of *Twin City Bank* v. *Nebeker*, 167 U.S. 196, need only be cited. It was observed there that it was a part of wisdom not to attempt to cover by a general statement what bills shall be said to "bills for raising revenue" within the meaning of those words in the Constitution, but it was said, quoting Mr. Justice Story, "that the practical construction of the Constitution and the history of the origin of the constitutional provision in question proves that revenue bills are those that levy taxes in the strict sense of the word, and are not bills for other purposes, which may incidentally create revenue" (1 Story on Constitution, sec. 880). And the act of Congress which was there passed on illustrates the meaning of the language used. The act involved was one providing a national currency, and imposed a tax upon the average amount of the notes of a national banking association in circulation. The provision was assailed for unconstitutionality because it originated in the Senate. The provision was sustained, this Court saying:

"The tax was a means for effectually accomplishing the great object of giving to the people a currency that would rest, primarily, upon the honor of the United States and be available in every part of the country. There was no purpose, by the act or by any of its provisions, to raise revenue to be applied in meeting the expenses or obligations of the Government."

This language is applicable to the acts of Congress in the case at bar. Whatever taxes are imposed are but means to the purposes provided by the act.

Without taking the time to read the memorandum, I ask unanimous consent that another memorandum be inserted in the RECORD which discusses this constitutional question, citing additional cases, not only the Nebeker case and the Roberts case, but citing also the House of Representatives in regard to this matter.

There is a series of precedents, even from the House, which recognize that in a situation such as this, it is not a revenue bill, because the so-called tax or revenue features are not controlling, but incidental thereto.

I have no doubt that the Senator from Rhode Island is right when, as chairman of the subcommittee, he asks the Senate to sustain the bill on constitutional grounds.

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

MEMORANDUM: THE SENATE COMMITTEE'S AMENDMENT TO H.R. 3157 DOES NOT INFRINGE ON THE PREROGATIVE OF THE HOUSE TO ORIGINATE REVENUE MEASURES

It is well established by both judicial and legislative precedents that measures originating in the Senate whose general purpose is within the jurisdiction of the Senate do not violate the prerogative of the House if they incidentally raise revenue, especially if the revenue raised is not for the general support of the Government but for a specific purpose related to the general purpose of the measure.

Article I, section 7 of the Constitution provides: "All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills."

Justice Story, in his "Commentaries on the Constitution," traced the origin of article I, section 7 to the British parliamentary system where tax revenue measures, there known as "money bills," could originate only in the House of Commons. The House of Lords could only oppose or concur with tax legislation initiated in the House of Commons.

In defining the term "bills for raising revenue," Justice Story states: "* * * the practical construction of the Constitution * * * [a]nd, indeed the history of the origin of the power already suggested abundantly proves that it has been confined to bills to levy taxes in the strict sense of the words, and has not been understood to extend to bills for other purposes, which may incidentally create revenue" (1 Story on the Constitution, sec. 880).

PRECEDENTS OF THE SUPREME COURT

Justice Story's definition of a "bill for raising revenue" under article I, section 7 of the Constitution has been adopted by the Supreme Court and has been used by it as the measuring stick in each of the cases coming before the Court involving an interpretation of that constitutional provision.

For example, in *United States* v. *Norton*, 91 U.S. 569, 23 L. ed. 454 (1876), the issue arose as to whether the act creating the postal money order system was a bill to raise revenue, under article I, section 7. The contention was made that it was a bill to raise revenue since it provided that the Postmaster General was authorized to use a part of the moneys collected to pay post office employees.

The Supreme Court, however, applying Justice Story's definition of what constituted a bill for raising revenue, rejected the contention. The Court reasoned that since the primary purpose of the act was not to raise revenue, indeed Congress showed "a willingness to sink money, if necessary, to accomplish that purpose," the act was not "made for the direct and avowed purpose of creating revenue or public funds for the service of the Government," and was, therefore, not a bill to raise revenue within the meaning of article I, section 7.

In *Twin City National Bank* v. *Nebeker*, 167 U.S. 196, 42 L. ed. 134 (1897), a contention was made that the act providing for a national currency was unconstitutional since that part of the act which imposed a tax upon the amount of notes held by a national banking association was originated in the Senate and the tax amounted to a bill to raise revenue under article I, section 7.

The Court, however, after setting forth Justice Story's definition of a revenue bill, found that the act in question was not a bill to raise revenue despite the provision for the levying of a tax. The Court stated (167 U.S. at 202):

"The main purpose that Congress had in view was to provide a national currency based upon U.S. bonds, and to that end it was deemed wise to impose the tax in question. The tax was a means of effectually accomplishing the great object of giving the people a currency that would rest, primarily, upon the honor of the United States, and be available to every part of the country. There was no purpose by the act or by any part of its provisions to raise revenue to be applied in meeting expenses or obligations of the Government."

In *Millard* v. *Roberts*, 202 U.S. 429, 50 L. ed. 1090 (1906), the Senate initiated an act which required certain railroads to eliminate grade crossings and to construct a railroad depot. A sum of money was to be paid to the railroads to be raised by the levy of a tax on the property of area residents. The Court, relying on its decision in *Twin City National Bank* v. *Nebeker, supra*, held that the tax did not convert the act into a bill to raise revenue. The Court concluded, "Whatever taxes are imposed are but means to the purposes provided by the act" (202 U.S. at 437).

PRECEDENTS OF THE HOUSE OF REPRESENTATIVES

1. On March 29, 1922, a motion was made on the floor of the House that a bill authorizing the extension of time for payment of a debt incurred by Austria be sent to the Ways and Means Committee on the ground that it was a bill to raise revenue.

The Speaker decided that the bill was not one to raise revenue as defined in article I, section 7, and stated:

"The best definition the Chair has seen is in the 13th of Blatchford, where the court says:

" 'Certain legislative measures are unmistakably bills for raising revenue. These impose taxes upon the people either directly or indirecity, or lay duties, imports, or excise for the use of the Government, and to give to the persons from whom the money is exacted no equivalent in return, unless in the enjoyment in common with the rest of the citizens of the benefit of good government' " (8 Cannon's Precedents of the House of Representatives, sec. 2278 (1936)).

2. On May 4, 1922, the Speaker was called upon to decide whether a bill banning the importation of narcotics was a revenue bill since it also had provision for the raising of revenue. The Speaker decided that the bill was not a revenue bill stating:

"The Chair concludes that it is not privileged; that while [the bill] relates to revenues, yet that that is incidental; that the main purpose of the bill is not to raise revenue; and that therefore it is not privileged" (8 Cannon's Precedents of the House of Representatives, sec. 2279 (1936)).

3. On December 18, 1920, the Speaker was called upon to decide whether a Senate resolution reviving the activities of the War Finance Corporation constituted a revenue bill. During the ensuing debate a member of the House stated:

"[Article I, section 7 of the Constitution] provides that bills for the purpose of raising revenue shall originate in the House of Representatives. It does not provide that laws which take the effect and which will have the effect either of raising revenue or producing a deficit shall originate in the House * * * No one can tell whether the passage of this resolution, if it shall be carried out in the spirit of the resolution, will produce revenue or produce a deficit. But everyone knows that the purpose of the law is not to produce revenue" (6 Cannon's Precedents of the House of Representatives, sec. 315 (1936)).

The Speaker decided that such questions were for the House rather than the Speaker, and the House voted that the bill was one which the Senate could originate.

Applying these precedents specifically to the Senate committee's amendment to H.R. 3157, it would appear that no serious question arises concerning the infringement of the House prerogative to originate revenue measures.

Although the Railroad Retirement Tax Act is a part of the Internal Revenue Code, the proceeds derived from it are devoted exclusively to the payment of benefits under and the expenses of administering the Railroad Retirement Act; no part of the proceeds is devoted to general revenue purposes.

In the early years of the railroad retirement system it was the practice to appropriate annually to the railroad retirement account the estimated proceeds of the Railroad Retirement Tax Act, and to make adjustments in subsequent appropriations to correct any inaccuracy in the estimates.

However, by title V of Public Law 452, 82d Congress, 2d session, 1952, it was provided that there is appropriated:

"For annual premiums after June 30, 1952, to provide for the payment of all annuities, pensions, and death benefits, in accordance with the provisions of the Railroad Retirement Acts of 1935 and 1937, as amended (45 U.S.C. 228–228s), and for expenses necessary for the Railroad Retirement Board in the administration of said acts as may be specifically authorized annually in appropriation acts, for crediting to the railroad retirement account, an amount equal to amounts covered into the Treasury (minus refunds) during each fiscal year under the Railroad Retirement Tax Act (28 U.S.C. 1500–1538)."

This is a standing appropriation to the railroad retirement account that operates in each subsequent fiscal year; annual appropriations are then made from the account (not from general funds) for administrative expenses.

Thus it has been established by law that the Railroad Retirement Act and the Railroad Retirement Tax Act are integral parts of a single insurance system. They are as closely related as the premium clauses and the benefit clauses of an insurance policy. When the House passes a bill that enlarges the insurance protection it necessarily opens up for consideration the question of the adequacy of the premium to cover the insurance benefits as so enlarged. In this instance the House chose to enlarge the deficit by enlarging the benefits without enlarging the premium. It would be indefensibly restrictive of the jurisdiction of the Senate to say that it is foreclosed from giving consideration to and possibly making amendments of the premium provisions to deal with the deficit in a different way.

The indefensibility of such a restriction upon the Senate is well illustrated by the facts before the Senate Committee on Labor and Public Welfare in its consideration of H.R. 3157. That these facts motivated the amendment adopted by the committee appears clearly from the committee report (S. Rept. 645, 89th Cong., 1st sess.). These facts are:

1. The enlargement of benefits provided by the bill introduced an additional cost estimated at $14 million per year without any premium to cover these costs;

2. The railroad retirement system was already currently incurring an actuarial deficit equivalent to a level of about $20 million per year;

3. After the passage of H.R. 3157 by the House and before its consideration by the Senate committee, Congress had enacted the social security amendments of 1965 (Public Law 89–97). The social security amendments had a far-reaching effect on the financing of the railroad retirement system:

a. By reason of certain minimum and maximum provisions in the Railroad Retirement Act that are contingent upon the provisions of the Social Security Act, many railroad retirement benefits were automatically increased;

b. By reason of the railroad retirement tax rates being contingent upon the social security tax rates the scheduled railroad retirement tax rates prior to 1973 were reduced with a consequent reduction in income;

c. By reason of the increase in the social security maximum taxable wage base to $6,600 per year the railroad retirement account would be adversely affected in the interchange of funds between the two systems so long as the railroad retirement maximum taxable wage base remained at $450 per month ($5,400 per year);

d. Congress made provision for the administration of the medicare program so far as railroad employees are concerned by the Railroad Retirement Board, but to become effective only if and when the railroad retirement monthly tax base should be the equivalent of one-twelfth of the social security annual tax base.

Financially, the effect of the social security amendments was to enlarge the pre-existing deficit and the additional deficit to be created by H.R. 3157 by an additional $28 million per year.

To deny to the Senate the jurisdiction to consider and legislate in light of these events, largely supervening House passage of the bill, is to deny to the Senate jurisdiction to legislate intelligently.

Under any such restrictive jurisdiction the only courses open to the Senate in its con-

sideration of H.R. 3157 would be to accept the enlargement of the deficit, even though it might consider the enlargement of the deficit unwise, or to reject the enlargement of benefits because it was unwilling to enlarge the deficit.

Furthermore, it is inherent in the structure of the railroad retirement system that the maximum limit of taxable compensation is also the maximum limit of creditable compensation for benefit purposes. Certainly no one can deny that the Senate has jurisdiction to originate increases in the maximum compensation creditable for benefit purposes. But that jurisdiction would as a practical matter be also effectively negated if it lacked jurisdiction to increase the corresponding base in the Railroad Retirement Tax Act.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD another memorandum dealing with the facts of the bill itself.

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

MEMORANDUM: COMPARISON OF CARRIERS' INCREASED RAILROAD RETIREMENT TAX LIABILITIES UNDER H.R. 3157, AS AMENDED BY THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE, WITH SCHEDULED INCREASES IN TAX LIABILITY PRIOR TO 1965 LEGISLATION

Under the present maximum taxable and creditable compensation base of $450 per month ($5,400 per year) in the railroad retirement system the level projected taxable payroll is $4.3 billion per year. If the monthly maximum base is increased to $550 ($6,600 per year), as proposed in H.R. 3157 as amended by the Senate committee, the level projected taxable payroll becomes $4.775 billion per year, an increase of $475 million.

Under present provisions of the Railroad Retirement Taxing Act scheduled increases in the tax rate are contingent upon increases in the social security tax rate. By reason of scheduled increases in the social security tax rate in effect prior to the 1965 amendments of the Social Security Act (Public Law 89-97) the railroad retirement tax rate was scheduled to increase by one-half of 1 percent each on carriers and employees on January 1, 1966, and by another one-half of 1 percent on each beginning January 1, 1968. These scheduled increases in tax rates would have increased the carrier tax obligations, based on a $4.3 billion taxable payroll, by $21.5 million per year in 1966 and another $21.5 million in 1968, or a total of $43 million.

However, the Social Security Amendments of 1965 have reduced the 1966 and 1968 scheduled increases in the social security tax rate, and thereby automatically reduced the increases in the scheduled railroad retirement tax rate, with the consequence that the railroad retirement tax rate in 1966 will be 8.35 percent each on carriers and employees as compared with the previously scheduled 8.625 percent, and in 1967 and 1968 will be 8.4 percent as compared with the previously scheduled 9.125 percent in 1968.

If the tax rate increases scheduled under the law as it stood at the beginning of this year had not been changed by the social security amendments, and the present $450 monthly base were also retained the carrier tax liability for 1968 would be $392.375 million. The carriers, by seeking to retain the present base despite the reduction in scheduled rates are trying to reduce that liability to $361.2 million, and thus pay $31.175 million less than they had been scheduled to pay.

By contrast, if the new reduced rate is applied to the increased taxable payroll that would result from increasing the base to $550 per month their liability in 1968 would be $401.1 million, i.e., only $8.725 million over the $392.375 million they were already scheduled to pay.

The decrease in scheduled social security tax rates, and the consequent decrease in scheduled railroad retirement tax rates, was made possible only by the fact that the social security tax base was increased to $6,600 per year. In objecting to an increase in the railroad retirement tax base to the same level as the social security base, the carriers are seeking to avail themselves of the lower rate made possible by an increased base without paying on the increased base.

The foregoing figures are exclusive of the cost of medicare. In this connection it should be observed that during the last preceding Congress, and without change of position during the present Congress, the railroad managements agreed with the railway labor organizations that railroad employees should participate equally with other employees in the benefits of whatever medicare program might be enacted. At the time of this agreement it was generally believed that the medicare program would cost employers and employees each one-half to three-quarters of 1 percent of taxable payroll. The actual scheduled cost under Public Law 89-97 is 0.35 percent of payroll in 1966 and will not exceed three-quarters of 1 percent until 1987. This reduction below anticipated rates is likewise made possible by increasing the taxable wage base to $6,600 per year.

Mr. MORSE. Mr. President, one who has those memoranda has all that is needed to support my argument that we are dealing with a matter which, under the precedents of the Supreme Court and the precedents of the House itself, raises no constitutional question.

Mr. LONG of Louisiana. Mr. President, the Senator from Oregon made reference to arguments I made myself involving this general problem. I made that argument after hearing the statement by the then majority leader, Mr. Johnson, in the very case the Senator from Oregon is citing as a precedent, but said that where the Senate originated a bill inserting a tax, the House declined to send the bill back to the Senate, but, instead, passed its own bill, sent that bill to the Senate, and the Senate passed that bill. The very case the Senator from Oregon cites, including my statement, shows that the House should act first.

If the Senator from Oregon is right in what he says, the Finance Committee would have had a right to originate the social security bill and the medicare bill. The Senate Finance Committee agreed so strongly to the contrary that our chairman and the committee declined to hold hearings on that bill until the House acted and sent the Senate a bill.

This year, in this session, the Senate sent to the House a bill, S. 1734, to conserve and protect domestic fisheries. In connection with that bill the Senate imposed a 50 percent tax to protect fisheries.

The House sent the Senate back a blue sheet, which in polite language stated that the bill "in the opinion of this House contravenes the first clause of the seventh section of the first article of the Constitution of the United States, and is an infringement of the privileges of this House, and that the said bill be respectfully returned to the Senate." That is what happened.

The Senate sent back a polite message to the effect that this was not correct procedure and "here is your bill back." The House returned the bill, which it had a perfect right to do.

This particular measure imposes a tax of about $90 million. In my opinion, that involves much more than incidental revenue.

I am not arguing about the necessity of the tax. It may well be necessary to have it, and that we will do it in due course.

When revenues are to be raised, those measures should originate in the House. The Senate Committee on Finance sometimes has to wait 3 months for the House to send to the Senate revenue bills so the Senate may act on them. Religiously and respectfully, the Finance Committee respects the House of Representatives in respect to the Constitution; and circumspect as we are, we feel we should show the same consideration and insist on the same consideration for others who have the same responsibility we have.

Mr. President, this matter was discussed with the policy committee. After we discussed it, it was agreed that a point of order would be made by the policy committee on this side of the aisle.

This Senator, as a ranking member of the Finance Committee, as well as being a member of the policy committee, believes it to be his responsibility and duty to do so, but I do not stand alone.

I hope the Senate will stand with those of us who take this view on revenue bills, in connection with a bill which is not a revenue bill, both in connection with the precedents laid down, which have already been mentioned—and even the Senator's case which he cites as a precedent sustains that position—and will consider the House's point of view that this is a tax on a nonrevenue bill.

Mr. MORSE. Mr. President, I wish to reply briefly to the point made by my friend the Senator from Louisiana. I am completely lost in his maze of comments concerning the action taken on May 5, 1959, as being a precedent for his present position. I read every word spoken on the floor of the Senate on May 5, 1959. It was perfectly obvious that the Senate did not take the position that the House had a constitutional right to originate this particular measure. The language of the Senator from Louisiana makes it crystal clear that that was not the position he took on May 5, 1959. On the contrary, the Senator was for leaving the Senate bill. He suggested to the majority leader that we should not go along with the objections because, in the view of the Senator from Louisiana, that would be downgrading the Senate.

On May 5, 1959, the Senator from Louisiana thought the railroad retirement bill was set out in the proper framework of a Senate bill and he was for passing the Senate bill, not the House bill.

The point was raised in that debate very clearly that the Senate did not recognize any constitutional right of the House to originate all those bills in the first instance. It was perfectly clear from the statements of the then majority leader, Mr. Johnson, the chairman of the subcommittee which handled the railroad retirement bill, the senior Senator from Oregon, and the minority leader, that we were not going to take the

House bill on any constitutional right of the House, but because we recognized the parliamentary realities that confronted the Senate, and that we had a better chance of getting the bill on the books. But there is no precedent, by the slightest stretch of the imagination, in the May 5, 1959, case, that there was any admission on the part of the Senate that the House had the constitutional right to originate the bill. This was what we call accommodation between the two Houses. There was no waiver of the right of the Senate to originate the legislation. That is perfectly clear.

Let me say if that action is a precedent—it does not have the slightest relevancy, but if the Senate did agree in May 1959, to do that—it does not rewrite the Constitution of the United States.

We cannot amend the Constitution of the United States by decreeing on the floor of the Senate that a bill is a revenue bill. That is a question of law.

All the Senate did was to parliamentarily accommodate the House of Representatives on May 5, 1959, in order to have a railroad retirement bill passed. The Chairman of the Railroad Retirement Committee and Mr. Johnson, the then-majority leader of the Senate, and Mr. DIRKSEN, as the minority leader of the Senate, agreed among themselves that that would be an appropriate parliamentary procedure to follow.

Let the senior Senator from Oregon state again for the RECORD, because it will be read 10, 15, 20 years from now, that not a word can be found in the May 5, 1959, RECORD of any admission on the part of the Senate that it had encroached upon the power of the House of Representatives in that it had initiated a revenue bill.

To the contrary, it was our position that it was not a revenue bill within the meaning of article I, section 7 of the Constitution of the United States, referred to by Justice Story in the Nebeker case, from which I have already quoted at length.

There is before the Senate the clear issue of whether or not the Senate is going to send the bill back to committee, or to some other committee, or refuse to take action on it because of a point of order, because we have said once again, acting as "Justices of the U.S. Supreme Court" that article I, section 7 of the Constitution of the United States would be violated thereby.

Let us face up to the issue. If there is any real question about the constitutionality of the bill, let us pass it and let the Supreme Court decide it. I tell Senators, in my judgment, the decision that will be rendered. There will be an even briefer decision than Justice Story rendered in the Nebeker case. The Court will dismiss it in a paragraph or two, unless it recites the Nebeker case and also the Roberts case, at the time the leader of the Senate referred to when the position was taken on May 5, 1959, that a constitutional question was not involved.

It is my opinion—and every Senator is entitled to his opinion—that this adds up to a parliamentary maneuver to avoid a decision on the substantive merits of the amendment. I am ready to vote on the substantive merits of the amendment. I am perfectly willing to vote on the substantive merits because I am satisfied the bill is constitutional.

I have great respect for my colleagues in the Senate, but I prefer to walk a few steps from the Senate of the United States to that great cathedral of justice, the U.S. Supreme Court Building, for constitutional rulings.

I am satisfied what that ruling would be if the bill were passed, and whether or not the Senate, in passing it, acted constitutionally.

The Supreme Court will render a decision that the so-called tax features of the bill are incidental thereto and do not constitute a revenue measure in the sense that a revenue measure must originate in the House.

Mr. LONG of Louisiana. I do not quarrel with the Senator on this matter.

If he has a different interpretation of the Constitution than I hold, when it says revenue bills shall originate in the House, so far as I am concerned, that applies to the $90 million tax. He is entitled to his opinion, and I am entitled to my opinion. A Senator should vote to uphold the Constitution of the United States. I do not have to vote for something I think is unconstitutional and rely upon the Supreme Court to tell me I did an unconstitutional act and save me from my own mischief.

If I believe it is wrong I should abide by my oath. That is my judgment.

The Senator said that it did not create a precedent for what we are doing here. I heard the majority leader say that we had not done an unconstitutional act. The House took the attitude that we had. Having proceeded to say that we had not done anything unconstitutional, we then proceeded to act as though we had. We passed the House bill. The House bill was enacted into law and signed by the President. We went along with the argument of the House on the House contention that we had done something unconstitutional. We said, in effect, that we had not done something unconstitutional, but said to the House, in effect, "Even so, we will do it your way."

So far as the merits of the amendment are concerned, what we are talking about here is a matter of increasing the tax base and increasing the tax on the working people and on the railroads. It means that the average workingman would have to pay $10 a month more to get the benefits of the medicare proposal that we added to the Social Security bill, which was passed recently. Am I stating the situation correctly?

Mr. PELL. That is not completely correct. The tax would be paid half and half by the railroad industry and by those workers who earn more than $450 a month. It would not cover hospital care through railroad retirement or social security. There would be, however, other benefits.

Mr. LONG of Louisiana. Would it cover medical benefits?

Mr. PELL. It would not.

Mr. LONG of Louisiana. In any event, this is a major tax increase. It is something that we can take care of later in the session or next year. It ought to be considered in connection with a revenue bill. The bill before us is not a revenue bill. I hold in my hand another bill, which the House in all propriety, in my judgment, based on the precedents that have been in effect in the time that I have been a Senator, declined to consider. The bill concerns fisheries. We imposed a tax, and the House politely sent the bill back to us.

I am sure the Senator would not say that the House took the wrong attitude. The House of Representatives has consistently acted in this fashion, at least while I have been a Member of the Senate. There is that precedent even in the 1959 debate, to which reference has been made. The House sent S. 1734 back to us with a polite note, rejecting it.

Mr. PELL. In this connection there should be printed in the RECORD a letter from the Executive Office of the President, Bureau of the Budget, addressed to the committee which says:

> We are opposed to this measure, as is the Railroad Retirement Board. However, we understand that you have introduced an amendment to this bill which would equate the wage base of the railroad retirement system to that of the social security system. We believe this provision is desirable not only because it will assist in keeping the railroad retirement and social security systems in step but because it will assist in maintaining the financial soundness of the railroad retirement system. We hope that this provision will receive favorable consideration by your committee.

I ask unanimous consent to have printed in the RECORD at this point the entire letter from the Bureau of the Budget.

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

EXECUTIVE OFFICE OF
THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., August 31, 1965.

HON. CLAIBORNE PELL,
Chairman, Subcommittee on Railroad Retirement, Committee on Labor and Public Welfare, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Your committee has under consideration H.R. 3157, a bill "To amend the Railroad Retirement Act of 1937, to eliminate the provisions which reduce the annuities of the spouses of retired employees by the amount of certain monthly benefits."

We are opposed to this measure, as is the Railroad Retirement Board. However, we understand that you have introduced an amendment to this bill which would equate the wage base of the railroad retirement system to that of the social security system. We believe this provision is desirable not only because it will assist in keeping the railroad retirement and social security systems in step but because it will assist in maintaining the financial soundness of the railroad retirement system. We hope that this provision will receive favorable consideration by your committee.

Sincerely yours,
PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

Mr. PELL. That is the administration's views on the merits. Why would it not be appropriate to let the bill be passed, without our being the judge of its constitutionality, and let the House politely decide the question?

Mr. LONG of Louisiana. We ought to pass on the question ourselves. We ought to exercise our own best judgment. We have a responsibility, just as the House has its responsibility. We should discharge our own responsibility.

The PRESIDING OFFICER. The Chair submits the question to the Senate as to whether the Senate, under the Constitution, has the right to consider this amendment, or whether the point of order is well taken on H.R. 3157, an act to amend the Railroad Retirement Act.

Mr. MORSE. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LONG of Louisiana. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. The pending question, as I understand, is the point of order raised by the Senator from Louisiana [Mr. LONG], that the pending legislation is unconstitutional because of the allegation that it violates article I, section 7 of the Constitution, which prescribes that revenue measures shall originate in the House.

The PRESIDING OFFICER. The Senator is correct.

Mr. MORSE. Therefore, a vote of "nay" against the point of order will be a vote to sustain the constitutionality of the pending proposal offered by the Senator from Rhode Island [Mr. PELL]. Is that correct?

The PRESIDING OFFICER. A vote of "nay" would dispose of the point of order, and the amendment would continue to be before the Senate for action. A vote of "yea" would sustain the point of order, and the proposal would be removed from the Senate.

Mr. MORSE. I respect the Chair's language, but I respectfully say it means the same thing that I said.

Mr. MILLER. I point out that in the committee report on page 2, the committee states:

> There is now an actuarial deficit in the financing of the railroad retirement system of about $20 million a year, and Public Law 89-97 (approved July 30, 1965) will add about $28 million to the deficit, bringing it to a total of about $48 million a year on a level basis. The enactment of the bill H.R. 3157 would add to this deficit about $14 million a year, bringing the total deficit to about $62 million a year on a level basis.

On page 3 of the committee report this statement appears:

> By reason of such increase in the taxable compensation base, the railroad retirement taxable payroll would be about $4.8 billion a year, and the additional tax income to the system would be about $87 million a year. About $39 million of this amount would be applied to reducing the $62 million deficit to about $23 million.

Mr. President, in view of that language, it seems to me that to say the financing features or the tax features of the bill are incidental is not being realistic at all. They are very substantial. I shall support the point of order made by the distinguished Senator from Louisiana [Mr. LONG].

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Idaho [Mr. CHURCH], the Senator from Ohio [Mr. LAUSCHE], the Senator from Wyoming [Mr. MCGEE], the Senator from Virginia [Mr. ROBERTSON], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from Minnesota [Mr. MCCARTHY], the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], and the Senator from New York [Mr. KENNEDY] are necessarily absent.

On this vote, the Senator from Maryland [Mr. BREWSTER] is paired with the Senator from Nebraska [Mr. HRUSKA]. If present and voting, the Senator from Maryland would vote "nay," and the Senator from Nebraska would vote "yea."

On this vote, the Senator from Virginia [Mr. BYRD] is paired with the Senator from Ohio [Mr. YOUNG]. If present and voting, the Senator from Virginia would vote "yea," and the Senator from Ohio would vote "nay."

On this vote, the Senator from Ohio [Mr. LAUSCHE] is paired with the Senator from New York [Mr. KENNEDY]. If present and voting, the Senator from Ohio would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Virginia [Mr. ROBERTSON] is paired with the Senator from Wyoming [Mr. MCGEE]. If present and voting, the Senator from Virginia would vote "yea," and the Senator from Wyoming would vote "nay."

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. MORTON] and the Senator from Massachusetts [Mr. SALTONSTALL] are necessarily absent.

The Senator from Utah [Mr. BENNETT] and the Senator from Nebraska [Mr. HRUSKA] are detained on official business.

On this vote, the Senator from Nebraska [Mr. HRUSKA] is paired with the Senator from Maryland [Mr. BREWSTER]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from Maryland would vote "nay."

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from Kentucky [Mr. MORTON]. If present and voting, the Senator from Utah would vote "yea," and the Senator from Kentucky would vote "nay."

The yeas and nays resulted—yeas 41, nays 44, as follows:

[No. 246 Leg.]

YEAS—41

Allott	Hickenlooper	Randolph
Bartlett	Hill	Russell, S.C.
Bass	Holland	Russell, Ga.
Byrd, W. Va.	Inouye	Scott
Carlson	Jordan, N.C.	Simpson
Cotton	Jordan, Idaho	Smathers
Curtis	Long, La.	Smith
Dirksen	Mansfield	Sparkman
Dominick	McClellan	Stennis
Eastland	Miller	Symington
Ellender	Mundt	Talmadge
Ervin	Murphy	Tower
Fannin	Pearson	Williams, Del.
Fong	Prouty	

NAYS—44

Aiken	Hartke	Morse
Anderson	Hayden	Moss
Bayh	Jackson	Muskie
Bible	Javits	Nelson
Boggs	Kennedy, Mass.	Neuberger
Burdick	Kuchel	Pastore
Cannon	Long, Mo.	Pell
Case	Magnuson	Proxmire
Clark	McGovern	Ribicoff
Cooper	McIntyre	Thurmond
Dodd	McNamara	Tydings
Douglas	Metcalf	Williams, N.J.
Gruening	Mondale	Yarborough
Harris	Monroney	Young, N. Dak.
Hart	Montoya	

NOT VOTING—15

Bennett	Gore	McGee
Brewster	Hruska	Morton
Byrd, Va.	Kennedy, N.Y.	Robertson
Church	Lausche	Saltonstall
Fulbright	McCarthy	Young, Ohio

The PRESIDING OFFICER (Mr. MOSS in the chair). The point of order is not well taken and is dismissed.

Mr. PELL. Mr. President, I move that the vote by which the point of order was not well taken and was dismissed be reconsidered.

Mr. PASTORE and Mr. MANSFIELD moved that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. PROUTY, and by unanimous consent, the Committee on Labor and Public Welfare was authorized to meet during the session of the Senate today.

AMENDMENT OF RAILROAD RETIREMENT ACT OF 1937 AND RAILROAD TAX ACT

The Senate resumed consideration of the bill (H.R. 3157) to amend the Railroad Retirement Act of 1937 to eliminate the provisions which reduce the annuities of the spouses of retired employees by the amount of certain monthly benefits, to amend the railroad retirement tax, and for other purposes.

Mr. PELL. Mr. President——

The PRESIDING OFFICER (Mr. TYDINGS in the chair). The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, the bill H.R. 3157, now under consideration by this body, would change the Railroad Retirement Act so that payment of an annuity to a spouse of a retired railroad employee could be made in the full amount even though she is at the same time entitled to monthly benefits under the Railroad

Retirement Act or Social Security Act derived from her own employment. The present law requires a reduction in the spouse's annuity by the amount of benefits derived from her own employment, as well as by the amount of certain other benefits to which she may be entitled. The spouses' annuity is the only benefit under the Railroad Retirement Act which cannot now be paid in full concurrently with other benefits under the Social Security and Railroad Retirement Acts, although in the past there were others. The discriminatory provisions against spouses should be removed.

The change in the law as to spouse's annuities would, of course, increase the costs of the railroad retirement system. It is estimated that the added costs of this change would be about $14 million a year on a level basis. When H.R. 3157 passed the House in June of this year, there was a deficit on a long-range actuarial basis in the financing of the system of about $20 million a year. A deficit in this amount is considered to be within the range of actuarial tolerance, and the system was regarded as being in a satisfactory financial condition. Since that time, Public Law 89-97, the Social Security Amendments of 1965, has been enacted. The changes in the Social Security Act will have the effect of increasing certain direct financial benefits under the Railroad Retirement Act and will add an estimated $28 million a year to the costs of the system, increasing the deficit to about $48 million a year.

With a deficit of this amount, the railroad retirement system is now in an unsatisfactory financial condition and the additional costs of the effect of this bill on spouses' annuities would cause the financial conditions to be considerably worse. The deficit would then be approximately $62 million a year. The system cannot, of course, endure in an unsatisfactory financial condition.

The committee is cognizant of the fact the situation cannot be corrected unless additional revenue is obtained. It, therefore, amended the bill to change the limit on creditable and taxable compensation for the railroad retirement system from the present flat $450 a month to an amount equal to one-twelfth of the limit on annual taxable wages for the social security system. As we know, the annual taxable wage base for social security has been raised to $6,600 from $4,800, an increase of $1,800 a year. The effect of the amendment would be to raise the base for the railroad retirement system to $550 a month from the present $450, an increase of the equivalent of only $1,200 a year.

The increase in the base will provide additional benefits for those railroad employees whose earnings exceed $450 a month and who will have to pay additional tax amounts. Those employees who do not earn over $450 a month will pay no additional taxes and will gain no credits toward higher benefits.

The increase in the compensation base will reduce the deficit from the projected $62 million a year to approximately $24 million a year. The railroad retirement system would then be in a satisfactory financial condition. It is estimated that the change in base would produce an additional $87 million a year in the tax income. Over one-half of this amount, $48 million, would be required to pay the additional benefit amounts and the remainder, $39 million, would apply to the reduction of the deficit.

As I have indicated, the problem cannot be solved without legislative action. Tax revenue to the system can be increased only by increasing the taxable wage base, or by raising tax rates. A rate increase would have a harsh impact, particularly on employees with low earnings. Their tax amounts would be increased and they would get no additional benefits; Congress, to my knowledge, has never increased social insurance taxes without an accompanying increase in benefit amounts.

In the financing of the recent improvement of social security benefits, the Congress has relied principally on an increase in the wage base for the increase in tax rates was relatively slight.

Tax rates for the railroad retirement system are, under existing law, automatically geared to the tax rates for the social security system, although the railroad rates are approximately twice as large. Therefore, the increases in the social security tax rates will be reflected in the railroad retirement rates. There is not now a coordination as to the earnings base. Historically, the railroad retirement base has always, except for a few months in the late 1950's, equaled or exceeded the social security base. It is also significant that even with the change, a substantially lower percentage of gross railroad earnings would be taxable than was the case when the system was first established, and the monthly base was only $300.

The increase in the railroad retirement tax base will, of course, add to the taxes of railroad companies, but the larger increase in the social security tax base will also add to the taxes for companies in industry covered by the social security system.

Finally, it is to be noted that if there is a difference in the taxable wage law, those under railroad retirement or compared with those under social security, then the hospital insurance program would be administered by the Social Security Administration rather than by the Railroad Retirement Board as would be the case if this amendment were adopted.

In reporting this bill, it is recognized that benefits will accrue to those workers who pay the additional tax. Under the heading of "Conclusion," on page 5 of the report, it is stated:

> It is further recognized, because of the matching contribution of industry and labor, that those workers earning more than $450 per month and living more than 5 years after retirement will receive more than they have paid into the railroad retirement fund. This will naturally be a factor bearing on any future decisions in labor-management negotiations.

Mr. DOMINICK. Mr. President, will the Senator from Rhode Island yield?

Mr. PELL. I am happy to yield to the Senator from Colorado.

Mr. DOMINICK. I appreciate the courtesy of the Senator from Rhode Island in yielding to me. As he well knows, the original bill on this proposal was introduced by me, so far as the Senate is concerned. It was a companion bill to one introduced by Representative HARRIS, of Arkansas, in the House of Representatives, which passed without this amendment.

My interest, at the time I introduced the bill, was to try to do something about the existing inequities so far as a specific class of railroad employees' spouses are concerned, in that they have their railroad retirement reduced by social security while their spouse is still alive, and yet they get both amounts when one of them has died.

It seems to me that this is wrong. This is the reason we included it in the bill. The bill passed the House, as I recall, almost unanimously, in a form without any taxation being added to it at all.

Mr. President, I suggest that the action which has just been taken by the Senate may easily result in the defeat of the entire bill, because I am positive that the House will not absorb this degree of autonomy by the Senate over what the House considers to be its private reserve.

Therefore, I believe that serious trouble lies ahead, so far as the future of the bill is concerned.

I intend to vote for it, because this was my original bill. I voted against the Pell amendment in subcommittee. I voted against it again on the floor. I am still going to vote for the bill, in the hope that we can get something out of conference. Perhaps, if the House remains adamant, we can show the Senate that if it is going to do anything for the spouses, it had better take the bill in the original draft as it was first introduced.

Mr. President, we are dealing with economic benefits which will accrue to 41,000 persons. Many of them will disappear as time goes on, which is inevitable to all of life, so that the drain on the retirement fund, which has been mentioned over and over again, will progressively decrease as time goes on.

It has already been stated that it would be 4 years before we really had to worry about retirement funds in any way whatsoever. Therefore, it seems to me, for us to take the position that we must move now, so far as railroad retirement funds are concerned, is quite premature.

This assumes that Congress would not do anything after full hearings before the proper committee, in order to take care of the problem, if we presented it to them.

Thus, we are taking an action with the wrong committee, insofar as revenues are concerned, even within the Senate, not speaking of the fact that it comes from the wrong House.

I appreciate the Senator from Rhode Island yielding to me so that I may make these points, which I believe are important. They should be included in the RECORD. All Senators should know that the action taken in the Senate today may easily result in the inevitable defeat of the bill, if the Senate is refusing to move, and if the House will refuse to move—as I am sure it will.

AMENDMENT NO. 388

Mr. HARTKE. Mr. President, I call up my amendment No. 388, and ask unanimous consent that the reading of the amendment be dispensed with, but that it be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment is as follows:

On page 1, line 8, strike out "SEC. 2. This Act" and insert "(b) This section".

At the end of the bill, add the following:

"TITLE III COVERAGE OF TIPS

"SEC. 301. (a)(1) Subsection (a) of section 3202 of the Internal Revenue Code of 1954 (relating to deduction of tax from compensation) is amended by adding at the end thereof the following new sentence: 'An employer who is furnished by an employee a written statement of tips (received in a calendar month) pursuant to section 6053(a) to which paragraph (3)(B) of section 3231 (e) is applicable may deduct an amount equivalent to such tax with respect to such tips from any compensation of the employee (exclusive of tips) under his control, even though at the time such statement is furnished the total amount of the tips included in statements furnished to the employer as having been received by the employee in such calendar month in the course of his employment by such employer is less than $20.'

"(2) Such section 3202 is amended by adding at the end thereof the following new subsection:

"'SPECIAL RULE FOR TIPS.—

"'(1) In the case of tips which constitute compensation, subsection (a) shall be applicable only to such tips as are included in a written statement furnished to the employer pursuant to section 6053(a), and only to the extent that collection can be made by the employer, at or after the time such statement is so furnished and before the close of the 10th day following the calendar month (or, if paragraph (3) applies, the 30th day following the quarter) in which the tips were deemed paid, by deducting the amount of the tax from such compensation of the employee (excluding tips, but including funds turned over by the employee to the employer pursuant to paragraph (2) as are under control of the employer.

"'(2) If the tax imposed by section 3201, with respect to tips which are included in written statements furnished in any month to the employer pursuant to section 6053(a), exceeds the compensation of the employee (excluding tips) from which the employer is required to collect the tax under paragraph (1), the employee may furnish to the employer on or before the 10th day of the following month (or, if paragraph (3) applies, on or before the 30th day of the following quarter) an amount of money equal to the amount of the excess.

"'(3) The Secretary or his delegate may, under regulations prescribed by him, authorize employers—

"'(A) to estimate the amount of tips that will be reported by the employee pursuant to section 6053(a) in any quarter of the calendar year,

"'(B) to determine the amount to be deducted upon each payment of compensation (exclusive of tips) during such quarter as if the tips so estimated constituted actual tips so reported, and

"'(C) to deduct upon any payment of compensation (other than tips, but including funds turned over by the employee to the employer pursuant to paragraph (2) to such employee during such quarter (and within 30 days thereafter) such amount as may be necessary to adjust the amount actually deducted upon such compensation of the employee during the quarter to the amount required to be deducted in respect of tips included in written statements furnished to the employer during the quarter.

"'(4) If the tax imposed by section 3201 with respect to tips which constitute compensation exceeds the portion of such tax which can be collected by the employer from the compensation of the employee pursuant to paragraph (1) or paragraph (3), such excess shall be paid by the employee.'

"(b)(1) The second sentence of subsection (e)(1) of section 3231 of the Internal Revenue Code of 1954 (relating to definition of compensation for purposes of the Railroad Retirement Tax Act) is amended by inserting '(except as is provided under paragraph (3))' after 'tips'.

"(2) Subsection (e) of such section 3231 is further amended by adding at the end thereof the following new paragraph:

"'(3) Solely for purposes of the tax imposed by section 3201 and other provisions of this chapter insofar as they relate to such tax, the term "compensation" also includes cash tips received by an employee in any calendar month in the course of his employment by an employer unless the amount of such cash tips is less than $20.'

"(3) Such section 3231 is further amended by adding at the end thereof the following new subsection:

"'(h) TIPS CONSTITUTING COMPENSATION, TIME DEEMED PAID.—For purposes of this chapter, tips which constitute compensation for purposes of the tax imposed under section 3201 shall be deemed to be paid at the time a written statement including such tips is furnished to the employer pursuant to section 6053(a) or (if no statement including such tips is so furnished) at the time received.'

"(c) Section 3402(k) of such Code is amended (A) by inserting 'or section 3202(c)(2)' after 'section 3102(c)(2)' wherever it appears therein and (B) by inserting 'or section 3202(a)' after 'section 3102(a)' wherever it appears therein.

"(d) Section 6053(b) of such Code (relating to reporting of tips) is amended (1) by inserting 'or section 3201 (as the case may be)' after 'section 3101', and (2) by inserting 'or section 3202 (as the case may be)' after 'section 3102'.

"(e) Section 6652(c) of such Code (relating to failure to report tips) is amended (1) by inserting 'or which are compensation (as defined in section 3231(e))' after 'which are wages (as defined in section 3121(a))', and (2) by inserting 'or section 3201 (as the case may be)' after 'section 3101'.

"(f) (1) Subsection (h) of section 1 of the Railroad Retirement Act of 1937 is amended (A) by inserting '(1)' after '(h)', (B) by inserting in the second sentence thereof '(except as is provided under paragraph (2))' after 'tips', and (C) by adding at the end thereof the following new paragraphs:

"'(2) Solely for purposes of determining amounts to be included in the compensation of an individual who is an employee (as defined in subsection (b)) the term "compensation" shall (subject to section 3(c)) also include cash tips received by an employee in any calendar month in the course of his employment by an employer unless the amount of such cash tips is less than $20.

"'(3) Tips included as compensation by reason of the provisions of paragraph (2) shall be deemed to be paid at the time a written statement including such tips is furnished to the employer pursuant to section 6053(a) of the Internal Revenue Code of 1954 or (if no statement including such tips is so furnished) at the time received.'

"302. The amendments made by this title shall apply only with respect to tips received by employees after 1965."

Mr. HARTKE. Mr. President, this amendment is one which came to my attention as a need in order to maintain the parallels between social security and railroad retirement. It came to my attention too late for consideration by the committee in connection with H.R. 3157, but I believe it is a worthy change and one which is needed in the light of action taken in the Social Security Amendments Act. It does just one thing, namely, secures for tip employees of the railroads the same treatment of their tips for retirement purposes as that which is now accorded tip employees in the social security law. That is, it allows dining car employees, porters, and those relatively few employees of the railroads who receive tips to furnish the employer with a statement of those sums thus received in a calendar month. The employer then deducts the tax required, and the employee receives credit in his payments for the additional earnings represented by the tips. As in the case of the social security law, there is no payment made by the employer.

The numbers of persons thus affected is small in relation to total railroad employment, but for each of them the opportunity to count tips as wages for retirement purposes should be extended just as we have done to hotel and restaurant workers and others under social security.

I have talked with the Associate General Counsel of the Railroad Retirement Board, and he informs me that the Board has no objections. Neither do the railroad unions as represented by the Railway Labor Executives Association, and since the employers do not under this bill acquire additional financial obligations, I do not believe they have objections.

Consequently, Mr. President, I would like to ask that the committee accept this amendment, so that equity may be maintained in this small area of employment where tips are received.

Mr. PELL. Mr. President, I congratulate the Senator from Indiana on his amendment. It is excellent. I accept the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the committee amendment as amended.

Mr. MORSE. Mr. President, I ask for the yeas and nays on passage of the bill.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the committee amendment as amended.

The committee amendment, as amended, was agreed to.

The VICE PRESIDENT. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The bill having been read the third time the question is, Shall it pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Ohio [Mr. LAUSCHE], the Senator from Wyoming [Mr. MCGEE], the Senator from Virginia [Mr. ROBERTSON], the Senator from Mississippi [Mr. STENNIS], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from New York [Mr. KENNEDY], and the Senator from Minnesota [Mr. MCCARTHY] are necessarily absent.

I further announce that, if present and voting, the Senator from Idaho [Mr. CHURCH], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Wyoming [Mr. MCGEE], the Senator from Virginia [Mr. ROBERTSON], the Senator from Mississippi [Mr. STENNIS], and the Senator from Ohio [Mr. YOUNG] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. MORTON] and the Senator from Massachusetts [Mr. SALTONSTALL] are necessarily absent.

If present and voting, the Senator from Kentucky [Mr. MORTON] and the Senator from Massachusetts [Mr. SALTONSTALL] would each vote "yea."

The result was announced—yeas 88, nays 0, as follows:

[No. 247 Leg.]

YEAS—88

Aiken	Harris	Mundt
Allott	Hart	Murphy
Anderson	Hartke	Muskie
Bartlett	Hayden	Nelson
Bass	Hickenlooper	Neuberger
Bayh	Hill	Pastore
Bennett	Holland	Pearson
Bible	Hruska	Pell
Boggs	Inouye	Prouty
Brewster	Jackson	Proxmire
Burdick	Javits	Randolph
Byrd, Va.	Jordan, N.C.	Ribicoff
Byrd, W. Va.	Jordan, Idaho	Russell, S.C.
Cannon	Kennedy, Mass.	Russell, Ga.
Carlson	Kuchel	Scott
Case	Long, Mo.	Simpson
Clark	Long, La.	Smathers
Cooper	Magnuson	Smith
Cotton	Mansfield	Sparkman
Curtis	McClellan	Symington
Dirksen	McGovern	Talmadge
Dodd	McIntyre	Thurmond
Dominick	McNamara	Tower
Douglas	Metcalf	Tydings
Eastland	Miller	Williams, N.J.
Ellender	Mondale	Williams, Del.
Ervin	Monroney	Yarborough
Fannin	Montoya	Young, N. Dak.
Fong	Morse	
Gruening	Moss	

NAYS—0

NOT VOTING—12

Church	Lausche	Robertson
Fulbright	McCarthy	Saltonstall
Gore	McGee	Stennis
Kennedy, N.Y.	Morton	Young, Ohio

So the bill (H.R. 3157) was passed.

The title was amended, so as to read: "An act to amend the Railroad Retirement Act of 1937 to eliminate the provisions which reduce the annuities of the spouses of retired employees by the amount of certain monthly benefits, to amend the Railroad Retirement Tax Act and for other purposes."

Mr. PELL. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLAND. Mr. President, I voted for the bill which was just passed because, in common with all Senators, I believe it should have been passed, and I am in sympathy with the humanitarian objectives of the bill; but I want to make it very clear that if the amendment which was attached to this bill that would tend to make the Railroad Retirement Fund solvent is eliminated from the bill by the House and it comes back in that form without the revenue provisions which would allow the Railroad Retirement Fund to remain solvent, I shall vote against it.

Mr. PELL. I quite understand. I sympathize with the view of the Senator.

Mr. MANSFIELD. Mr. President, we have just completed action on H.R. 3157, a bill to amend the Railroad Retirement Act of 1937. The main and most spirited issue involved was the constitutional question raised by the junior Senator from Louisiana [Mr. LONG] by his point of order. I want to commend him and the junior Senator from Rhode Island [Mr. PELL] and the senior Senator from Oregon [Mr. MORSE] for the articulate presentations of their respective points of view. The junior Senator from Rhode Island [Mr. PELL] demonstrated not only his persuasiveness, but also his mastery of the constitutional questions involved and the parliamentary precedents as was evidenced by the vote sustaining his position.

Again the Senate has demonstrated that a thorough presentation of legislation can be accomplished in a relatively short period of time when a genuine spirit of cooperation exists.

For this I thank every Member of the Senate.

HIGHER EDUCATION ACT OF 1965

Mr. MOSS obtained the floor.

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

Mr. MOSS. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of H.R. 9567, the higher education bill.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 9567) to strengthen the educational resources of our colleges and universities and to provide financial assistance for students in postsecondary and higher education.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported by the Committee on Labor and Public Welfare with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Higher Education Act of 1965".

TITLE I—COLLEGE AND UNIVERSITY EXTENSION AND CONTINUING EDUCATION

Appropriations Authorized

SEC. 101. For the purpose of assisting the people of the United States in the solution of community problems such as housing, poverty, government, recreation, employment, youth opportunities, transportation, health, and land use by enabling the Commissioner to make grants and contracts under this title to strengthen continuing education and extension methods and teaching, and the public service resources, of colleges and universities, there are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1966, and $50,000,000 for the fiscal year ending June 30, 1967, and for each of the three succeeding fiscal years.

Allotments to States

SEC. 102. (a)(1) From 80 per centum of the sums appropriated pursuant to section 101 for each fiscal year, the Commissioner shall allot $25,000 each to Guam, American Samoa, and the Virgin Islands and $100,000 to each of the other States, and he shall allot to each State an amount which bears the same ratio to the remainder of such 80 per centum of such sums as the population of the State bears to the population of all States.

(2) Twenty per centum of the sums appropriated pursuant to section 101 shall be reserved by the Commissioner for grants and contracts for experimental projects and for supplemental grants pursuant to section 106.

(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the State plan (if any) approved under this title shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under such subsection for such year, but with such proportionate amount for any of such States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year for carrying out the State plan; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year from funds appropriated pursuant to section 101 shall be deemed part of its allotment under subsection (a) for such year.

(c) In accordance with regulations of the Commissioner, any State may file with him a request that a specified portion of its allotment under this title be added to the allotment of another State under this title for the purpose of meeting a portion of the Federal share of the cost of providing extension or continuing education services or activities under this title. If it is found by the Commissioner that the services or activities with respect to which the request is made would meet needs of the State making the request and that use of the specified portion of such State's allotment, as requested by it, would assist in carrying out the purposes of this title, such portion of such State's allotment shall be added to the allotment of the other State under this title to be used for the purpose referred to above.

(d) The population of a State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available from the Department of Commerce.

Uses of Allotted Funds

SEC. 103. A State's allotment under section 102 may be used, in accordance with its State plan approved under section 104(b), to provide new, expanded, or improved extension and continuing education activities and services designed to assist particularly

through new and advanced approaches, in the solution of rural and urban community problems.

State Plans

SEC. 104. (a) Any State desiring to receive its allotment of Federal funds under this title shall designate or create a State agency or institution which has special qualifications with respect to solving community problems and which is broadly representative of institutions of higher education in the State which are competent to offer extension or continuing education activities and services, and shall submit to the Commissioner through the agency or institution so designated a State plan. If a State desires to designate for the purposes of this section an existing State agency or institution which does not meet these requirements, it may do so if the agency or institution takes such action as may be necessary to acquire such qualifications and assure participation of such institutions, or if it designates or creates a State advisory council which meets the requirements not met by the designated agency or institution to consult with the dseignated agency or institution in the preparation of the State plan. A State plan submitted under this title shall be in such detail as the Commissioner deems necessary and shall—

(1) provide that the agency or institution so designated or created shall be the sole agency for administration of the plan or for supervision of the administration of the plan; and provide that such agency or institution shall consult with any State advisory council required to be created by this section with respect to policy matters arising in the administration of such plan;

(2) set forth a comprehensive, coordinated, and statewide program of extension and continuing education activities and services under which funds paid to the State (including funds paid to an institution pursuant to section 105(c)) under its allotments under section 102 will be expended solely for activities and services which meet the requirements of section 103 and which have been approved by the agency or institution administering the plan;

(3) set forth the policies and procedures to be followed in allocating Federal funds to institutions of higher education in the State, which policies and procedures shall insure that due consideration will be given—

(A) to the relative capacity and willingness of particular institutions of higher education (whether public or private) to provide effective extension or continuing education activities and services designed to assist communities in solving community problems;

(B) to the availability of and need for extension and continuing education activities and services among the population within the State; and

(C) to the results of periodic evaluations of the activities and services carried out under this title in the light of information regarding current and anticipated community problems in the State;

(4) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, or funds of institutions of higher education, but supplement them, and, to the extent practicable, increase the amounts of such funds that would in the absence of such Federal funds be made available for activities and services which meet the requirements of section 103;

(5) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State (including such funds paid by the State or by the Commissioner to institutions of higher education) under this title; and

(6) provide for making such reports in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this title, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) The Commissioner shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

Payments

SEC. 105. (a) Except as provided in subsection (b), payment under this title shall be made to those State agencies and institutions which administer plans approved under section 104(b). Payments under this title from a State's allotment with respect to the cost of developing and carrying out its State plan shall equal 75 per centum of such costs for the fiscal year ending June 30, 1966, 75 per centum of such costs for the fiscal year ending June 30, 1967, and 50 per centum of such costs for each of the three succeeding fiscal years, except that no payments for any fiscal year shall be made to any State with respect to expenditures for developing and administering the State plan which exceed 5 per centum of the costs for that year for which payment under this subsection may be made to that State, or $25,000, whichever is the greater.

(b) No payments shall be made to any State from its allotments for any fiscal year unless and until the Commissioner finds that the institutions of higher education which will participate in carrying out the State plan for that year will together have available during that year for expenditure from non-Federal sources for college and university extension and continuing education programs not less than the total amount actually expended by those institutions for university extension and continuing education programs from such sources during the fiscal year ending June 30, 1965, plus an amount equal to not less than the non-Federal share of the costs with respect to which payment pursuant to subsection (a) is sought. In determining the cost for any fiscal year of carrying out a university extension and continuing education program set forth in a State plan approved under section 104(b), and the amounts available for expenditure, or expended, therefor from State or other non-Federal sources, there shall be excluded any amounts the Commissioner determines have been or will be realized during that year by participating institutions from fees or other charges to persons benefiting from that program.

(c) Payments to a State under this title may be made in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments, and they may be paid directly to the State or to one or more participating institutions of higher education designated for this purpose by the State, or to both.

Experimental Approaches and Supplemental Grants

SEC. 106. Twenty per centum of the sums appropriated pursuant to section 101 for each fiscal year shall be used by the Commissioner to make grants to or contracts with institutions of higher education to pay part of the cost of experimental approaches to extension and continuing education related to the solution of community problems as set forth in section 103, or, as may be determined by the Commissioner, for such augmentation of grants awarded under this title from allotted funds as may be desirable to advance the purposes of this title.

Administration of State Plans

SEC. 107. (a) The Commissioner shall not finally disapprove any State plan submitted under this title, or any modification thereof, without first affording the State agency or institution submitting the plan reasonable notice and opportunity for a hearing.

(b) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency or institution administering a State plan approved under section 104(b), finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of section 104(a), or

(2) in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner shall notify the State agency or institution that the State will not be regarded as eligible to participate in the program under this title until he is satisfied that there is no longer any such failure to comply.

Judicial Review

SEC. 108. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under section 104(a) or with his final action under section 107(b), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

National Advisory Council on Extension and Continuing Education

SEC. 109. (a) The President shall, within ninety days of enactment of this title, appoint a National Advisory Council on Extension and Continuing Education (hereafter referred to as the "Advisory Council"), consisting of the Commissioner, who shall be Chairman, one representative each of the Departments of Agriculture, Commerce, Defense, Labor, Interior, and State, of the Housing and Home Finance Agency, and the Office of Economic Opportunity, and of such other Federal agencies having extension education responsibilities as the President may designate, and twelve members appointed, for staggered terms and without regard to the civil service laws, by the President. Such twelve members shall, to the extent possible, include persons knowledgeable in the fields of extension and continuing education, State and local officials, and other persons having special knowledge, experience, or qualification with respect to community problems, and persons representative of the general public. The Advisory Council shall meet at the call of the Chairman but not less often than twice a year.

(b) The Advisory Council shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this

title, including policies and procedures governing the approval of State plans under section 104(b), the approval of projects and activities under section 106, and policies to eliminate duplication and to effectuate the coordination of programs under this title and other programs offering extension or continuing education activities and services.

(c) The Advisory Council shall review the administration and effectiveness of all federally supported extension and continuing education programs, make recommendations with respect thereto, and make annual reports commencing on March 31, 1967, of its findings and recommendations (including recommendations for changes in the provisions of Federal laws relating to extension and continuing education activities) to the Secretary and to the President. The President shall transmit each such report to the Congress, together with his comments and recommendations.

(d) Members of the Advisory Council who are not regular full-time employees of the United States shall, while serving on the business of the Council, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including travel time; and, while so serving away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(e) The Secretary shall engage such technical assistance as may be required to carry out the functions of the Advisory Council, and the Secretary shall, in addition, make available to the Advisory Council such secretarial, clerical, and other assistance and such pertinent data prepared by the Department of Health, Education, and Welfare as it may require to carry out its functions.

(f) In carrying out its functions pursuant to this section, the Advisory Council may utilize the services and facilities of any agency of the Federal Government, in accordance with agreements between the Secretary and the head of such agency.

SEC. 110. Nothing in this title shall modify authorities under the Act of the February 23, 1917 (Smith-Hughes Vocational Education Act), as amended (20 U.S.C. 11–15, 16–28); the Vocational Education Act of 1946, as amended (20 U.S.C. 15i–15m, 15o–15q, 15aa–15jj, and 15aaa–15ggg); the Vocational Education Act of 1963 (20 U.S.C. 35–35n); title VIII of the Housing Act of 1964 (Public Law 88–560); of the Act of May 8, 1914 (Smith-Lever Act), as amended (7 U.S.C. 341–348).

Limitation

SEC. 111. No grant may be made under this title for any education activities or services related to sectarian instruction or religious worship, or provided by a school or department of divinity. For purposes of this section, the term "school or department of divinity" means an institution or a department or branch of an institution whose program is specificially for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects.

TITLE II—COLLEGE LIBRARY ASSISTANCE AND LIBRARY TRAINING AND RESEARCH

Part A—College library resources

Appropriations Authorized

SEC. 201. There are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1966, and for each of the four succeeding fiscal years, to enable the Commissioner to make grants under this part to institutions of higher education to assist and encourage such institutions in the acquisition for library purposes of books, periodicals, documents, magnetic tapes, phonograph records, audiovisual materials, and other related library materials (including necessary binding).

Basic Grants

SEC. 202. From 75 per centum of the sums appropriated pursuant to section 201 for any fiscal year, the Commissioner is authorized to make basic grants for the purposes set forth in that section to institutions of higher education and combinations of such institutions. The amount of a basic grant shall not exceed $5,000 for each such institution of higher education and each branch of such institution which is located in a community different from that in which its parent institution is located, and a basic grant under this subsection may be made only if the application therefor is approved by the Commissioner upon his determination that the application (whether by an individual institution or a combination of institutions)—

(a) provides satisfactory assurance that the applicant will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for all library purposes (exclusive of construction) (1) an amount not less than the average annual amount it expended for such purposes during the two-year period ending June 30, 1965, and (2) an amount (from such other sources) equal to not less than the amount of such grant;

(b) provides satisfactory assurance that the applicant will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for books, periodicals, documents, magnetic tapes, phonograph records, audiovisual materials, and other related materials (including necessary binding) for library purposes an amount not less than the average annual amount it expended for such materials during the two-year period ending June 30, 1965;

(c) provides for joint use of library facilities with other institutions where feasible;

(d) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

(e) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

Supplemental Grants

SEC. 203. (a) From the remainder of such 75 per centum of the sums appropriated pursuant to section 201 for any fiscal year, plus any part of such sums as the Commissioner determines will not be needed for making grants under section 204, the Commissioner is authorized to make supplemental grants for the purposes set forth in section 201 to institutions of higher education and combinations of such institutions. The amount of a supplemental grant shall not exceed $10 for each full-time student (including the full-time equivalent of the number of part-time students) enrolled in each such institution, as determined pursuant to regulations of the Commissioner. A supplemental grant may be made only upon application therefor, in such form and containing such information as the Commissioner may require, which application shall—

(1) meet the application requirements set forth in section 202 except for the matching requirement set forth in paragraph (a)(2) of that section;

(2) describe the size and quality of the library resources of the applicant in relation to its present enrollment and any expected increase in its enrollment;

(3) set forth any special circumstances which are impeding or will impede the proper development of its library resources; and

(4) provide a general description of how a supplemental grant would be used to improve the size or quality of its library resources.

(b) The Commissioner shall approve applications for supplemental grants on the basis of basic criteria prescribed in regulations and developed after consultation with the Council created under section 205. Such basic criteria shall be such as will best tend to achieve the objectives of this part and they (1) may take into consideration factors such as the size and age of the library collection and student enrollment, and (2) shall give priority to institutions in need of financial assistance for library purposes.

Special Purpose Grants

SEC. 204. (a) Twenty-five per centum of the sums appropriated pursuant to section 201 for each fiscal year shall be used by the Commissioner to make special grants (1) to institutions of higher education which demonstrate a special need for additional library resources and which demonstrate that such additional library resources will make a substantial contribution to the quality of their educational resources, (2) to institutions of higher education to meet special national or regional needs in the library and information sciences, including those in the physical and social science fields, and (3) to combinations of institutions of higher education which need special assistance in establishing and strengthening joint-use facilities. Grants under this section may be used only for books, periodicals, documents, magnetic tapes, phonograph records, audiovisual materials, and other related library materials (including necessary binding).

(b) Grants pursuant to this section shall be made upon application providing satisfactory assurance that (1) the applicant (or applicants jointly in the case of a combination of institutions) will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for the same purposes as such grant an amount from such other sources equal to 33⅓ per centum of such grant, and (2) each such applicant will expend (from such other sources) for all library purposes (exclusive of construction) an amount not less than the average annual amount it expended for such purposes during the two-year period ending June 30, 1965.

Advisory Council on College Library Resources

SEC. 205. (a) The Commissioner shall establish in the Office of Education an Advisory Council on College Library Resources consisting of the Commissioner, who shall be Chairman, and eight members appointed, without regard to the civil service laws, by the Commissioner with the approval of the Secretary.

(b) The Advisory Council shall advise the Commissioner with respect to establishing criteria for the making of supplemental grants under section 203 and the making of special purpose grants under section 204. The Commissioner may appoint such special advisory and technical experts and consultants as may be useful in carrying out the functions of the Advisory Council.

(c) Members of the Advisory Council, while serving on business of the Advisory Council, shall receive compensation at a rate to be fixed by the Secretary, but not exceeding $100 per day, including travel time; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

Accreditation Requirement for Purposes of This Part

SEC. 206. For the purposes of this part, an educational institution shall be deemed to

have been accredited by a nationally recognized accrediting agency or association if the Commissioner determines that there is satisfactory assurance that upon acquisition of the library resources with respect to which assistance under this part is sought, or upon acquisition of those resources and other library resources planned to be acquired within a reasonable time, the institution will meet the accreditation standards of such agency or association.

Limitation

SEC. 207. No grant may be made under this part for books, periodicals, documents, or other related materials to be used for sectarian instruction or religious worship, or primarily in connection with any part of the program of a school or department of divinity. For purposes of this section, the term "school or department of divinity" means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects.

Part B—Library training and research

Appropriations Authorized

SEC. 221. There are authorized to be appropriated $7,500,000 for the fiscal year ending June 30, 1966, and $15,000,000 for the fiscal year ending June 30, 1967, and for each of the three succeeding fiscal years, for the purpose of carrying out this part.

Definition of "Librarianship"

SEC. 222. For the purposes of this part the term "librarianship" means the principles and practices of the library and information sciences, including the acquisition, organization, storage, retrieval, and dissemination of information, and reference and research use of library and other information resources.

Grants for Training in Librarianship

SEC. 223. (a) The Commissioner is authorized to make grants to institutions of higher education to assist them in training persons in librarianship, including the training of specalists in the communication of information in the physical and social sciences. Such grants may be used by such institutions to assist in covering the cost of courses of training or study for such persons, and for establishing and maintaining fellowships or traineeships with stipends (including allowances for traveling, subsistence, and other expenses) for fellows and others undergoing training and their dependents not in excess of such maximum amounts as may be prescribed by the Commissioner.

(b) The Commissioner may make a grant to an institution of higher education only upon application by the institution and only upon his finding that such program will substantially further the objective of increasing the opportunities throughout the Nation for training in librarianship.

Research and Demonstrations Relating to Libraries and the Training of Library Personnel

SEC. 224. (a) The Commissioner is authorized to make grants to institutions of higher education and other public or private agencies, institutions, and organizations and to individuals, for research and demonstration projects relating to the improvement of libraries or the improvement of training in librarianship, including the development of new techniques, systems, and equipment for processing, storing, and distributing information, and for the dissemination of information derived from such research and demonstrations, and, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), to provide by contracts with them for the conduct of such activities; except that no such grant may be made to a private agency, organization, or institution other than a nonprofit one.

(b) The Commissioner is authorized to appoint such special or technical advisory committees as he may deem necessary to advise him on matters of general policy concerning research and demonstration projects relating to the improvement of libraries and the improvement of training in librarianship, or concerning special services necessary thereto or special problems involved therein.

(c) The Commissioner shall also from time to time appoint panels of experts competent to evaluate various types of research and demonstration projects under this section, and shall obtain the advice and recommendations of such a panel before making each grant under this section.

(d) Members of any committee or panel appointed under this section who are not regular full-time emloyees of the United States shall, while serving on the business of such a committee or panel, be entitled to receive compensation at rates fixed by the Commissioner, but not in excess of $100 per diem, including travel time; and they may, while so serving away from their homes or regular places of business, be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

Part C—Cataloging of Library Materials

Authorization

SEC. 241. There are hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1966, $6,315,000 for the fiscal year ending June 30, 1967, and $7,770,000 for the fiscal year ending June 30, 1968, and for each of the two succeeding fiscal years to enable the Commissioner to transfer funds to the Librarian of Congress for the purpose of—

(1) insuring, so far as possible, the acquisition by the Library of Congress of all library materials currently published throughout the world of value to scholarship; and

(2) providing catalog information for these materials promptly after receipt, and distributing bibliographic information by printing catalog cards and by other means, and authorizing the Library of Congress to use for exchange and other purposes such of these materials not needed for its own collections.

TITLE III—STRENGTHENING DEVELOPING INSTITUTIONS

Statement of Purpose and Appropriations Authorized

SEC. 301. (a) The purpose of this title is to assist in raising the academic quality of colleges which have the desire and potential to make a substantial contribution to the higher education resources of our Nation but which for financial and other reasons are struggling for survival and are isolated from the main currents of academic life, and to do so by enabling the Commissioner to establish a national teaching fellow program and to encourage and assist in the establishment of cooperative arrangements under which these colleges may draw on the talent and experience of our finest colleges and universities, and on the educational resources of business and industry, in their effort to improve their academic quality.

(b) There are authorized to be appropriated—

(1) $25,000,000 for the fiscal year ending June 30, 1966, and for each of the four succeeding fiscal years, for carrying out the provisions of this title with respect to developing institutions which plan to award one or more bachelors degrees during such year;

(2) $25,000,000 for the fiscal year ending June 30, 1966, and for each of the four succeeding fiscal years, for carrying out the provisions of this title with respect to developing institutions which do not plan to award such a degree during such year; and

(3) $5,000,000 for the fiscal year ending June 30, 1966, and $10,000,000 for the fiscal year ending June 30, 1967, and for each of the three succeeding fiscal years, to be used for the same purpose as amounts appropriated pursuant to clause (1) or (2), or both, as determined by the Commissioner.

Definition of "Developing Institution"

SEC. 302. As used in this title the term "developing institution" means a public or nonprofit educational institution which—

(a) admits as regular students only persons having a certificate of graduation from a high school, or the recognized equivalent of such certificate;

(b) is legally authorized to provide, and provides within the State, an educational program for which it awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles of knowledge;

(c) is accredited by a nationally recognized accrediting agency or association determined by the Commissioner to be reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation;

(d) has met the requirements of clauses (a), (b), and (c) during the two academic years preceding the academic year for which it seeks assistance under this title;

(e) is making a reasonable effort to improve the quality of its teaching and administrative staffs and of its student services;

(f) is seriously handicapped in its efforts to improve such staffs and services by lack of financial resources and a shortage of qualified professional personnel;

(g) meets such other requirements as the Commissioner may prescribe by regulation; and

(h) is not an institution, or department, or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

Advisory Council on Developing Institutions

SEC. 303. (a) The Commissioner shall establish in the Office of Education an Advisory Council on Developing Institutions (hereinafter in this title referred to as the "Council"), consisting of the Commissioner who shall be Chairman, one representative each of such Federal agencies having responsibilities with respect to developing institutions as the Commissioner may designate, and eight members appointed, without regard to the civil service laws, by the Commissioner with the approval of the Secretary.

(b) The Council shall advise the Commissioner with respect to policy matters arising in the administration of this title and in particular shall assist the Commissioner in identifying those developing institutions through which the purposes of this title can best be achieved and in establishing priorities for use in approving applications under this title. The Commissioner may appoint such special advisory and technical experts and consultants as may be useful in carrying out the functions of the Council.

(c) Members of the Council who are not otherwise full-time employees of the United States shall, while serving on business of the Council, receive compensation at a rate to be fixed by the Secretary, but not exceeding

$100 per day, including travel time; and, while so serving away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

Grants for Cooperative Agreements To Strengthen Developing Institutions

SEC. 304. (a) The Commissioner is authorized to make grants to developing institutions and other colleges and universities to pay part of the cost of planning, developing, and carrying out cooperative arrangements which show promise as effective measures for strengthening the academic programs and the administration of developing institutions. Such cooperative arrangements may be between developing institutions, between developing institutions and other colleges and universities, and between developing institutions and organizations, agencies, and business entites. Grants under this section may be used for projects and activities such as—

(1) exchange of faculty or students, including arrangements for bringing visiting scholars to developing institutions;

(2) faculty and administration improvement programs utilizing training, education (including fellowships leading to advanced degrees), internships, research participation, and other means;

(3) introduction of new curriculums and curricular materials;

(4) development and operation of cooperative education programs involving alternate periods of academic study and business or public employment;

(5) joint use of facilities such as libraries or laboratories, including necessary books, materials, and equipment; and

(6) other arrangements which offer promise of strengthening the academic programs and the administration of developing institutions.

(b) A grant may be made under this section only upon application to the Commissioner at such time or times and containing such information as he deems necessary. The Commissioner shall not approve an application unless it—

(1) sets forth a program for carrying out one or more projects or activities which meet the requirements of subsection (a) and provides for such methods of administration as are necessary for the proper and efficient operation of the program;

(2) sets forth policies and procedures which assure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes which meet the requirements of subsection (a), and in no case supplant such funds;

(3) provides for such fiscal control and fund accounting procedures as my be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

(4) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this title, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(c) The Commissioner shall, after consultation with the Council, establish criteria as to eligible expenditures for which grants made under this section may be used, which criteria shall be so designed as to prevent the use of such grants for expenditures not necessary to the achievement of the purposes of this title.

National Teaching Fellowships

SEC. 305. (a) The Commissioner is authorized to award fellowships under this section to highly qualified graduate students and junior members of the faculty of colleges and universities, to encourage such individuals to teach at developing institutions. The Commissioner shall award fellowships to individuals for teaching at developing institutions only upon application by an institution approved for this purpose by the Commissioner and only upon a finding by the Commissioner that the program of teaching set forth in the application is reasonable in the light of the qualifications of the teaching fellow and of the educational needs of the applicant.

(b) Fellowships may be awarded under this section for such period of teaching as the Commissioner may determine, but such period shall not exceed two academic years or extend beyond June 30, 1970. Each person awarded a fellowship under the provisions of this section shall receive a stipend for each academic year of teaching of not more than $6,500 as determined by the Commissioner upon the advice of the Council, plus an additional amount of $400 for each such year on account of each of his dependents.

TITLE IV—STUDENT ASSISTANCE

Part A—Undergraduate scholarships

Statement of Purpose and Appropriations Authorized

SEC. 401. (a) It is the purpose of this part to provide, through institutions of higher education and State programs, scholarships to assist in making available the benefits of higher education to qualified high school graduates from low-income families, who for lack of financial means of their own or of their families would be unable to obtain such benefits without such aid. It is further the purpose of the Congress to encourage such institutions to use work-study and loan programs and any other means of student aid available to them to combine with or supplement scholarship aid under this part, as may be appropriate in any case.

(b) There are hereby authorized to be appropriated $70,000,000 for the fiscal year ending June 30, 1966, and for each of the four succeeding fiscal years, to enable the Commissioner to make payments to (1) institutions of higher education that have agreements with him entered into under section 407, for use by such institutions (A) for payments to undergraduate students for the initial academic year of scholarships awarded to them under this part and (B) for defraying (within the limits specified in section 407(b)) eligible costs of administration, by such institutions, of the cooperative motivational program for high school students described in section 407(a)(5), and (2) States to be used in their scholarship programs pursuant to section 406(b). There are further authorized to be appropriated, for the fiscal year ending June 30, 1967, and each of the six succeeding fiscal years, such sums as may be necessary for payment to such institutions for use by them for making scholarship payments under this part to undergraduate students for academic years other than the initial year of their scholarship. Sums appropriated pursuant to this subsection for any fiscal year shall be available for payment to institutions until the close of the fiscal year succeeding the fiscal year for which they were appropriated. For the purposes of this subsection, payment for the first year of a scholarship shall not be considered as an initial-year payment if the scholarship was awarded for the continuing education of a student who had been previously awarded a scholarship under this part (whether by another institution or otherwise) and had received payment for any year of that scholarship.

Amount of Scholarship—Annual Determination

SEC. 402. From the funds received by it for such purpose under this part, an institution of higher education which awards a scholarship to a student under this part shall, for the duration of the scholarship, pay to that student for each academic year during which he is in need of scholarship aid to pursue a course of study at the institution, an amount determined by the institution for such student with respect to that year, which amount shall not exceed $800, or $1,000 in the case of a student who during the preceding academic year of college work received grades in the upper half of his class, or, if less, the amount deemed by the institution to be required by such student to pursue the educational program involved at the institution; except that if the amount of the payment so determined for that year is less than $200 no payment shall be made under this part to that student for that year. The Commissioner shall, subject to the foregoing limitations, prescribe for the guidance of participating institutions basic criteria or schedules (or both) for the determination of the amount of any such scholarship, taking into account the objective of limiting scholarship aid under this part to students from low-income families and such other factors, including the number of dependents in the family, as the Commissioner may deem relevant.

Duration of Scholarship

SEC. 403. The duration of a scholarship awarded under this part shall be the period required for completion by the recipient of his undergraduate course of study at the institution of higher education from which he received the scholarship award, except that such period shall not exceed four academic years less any such period with respect to which the recipient has previously received payments under this part pursuant to a prior scholarship award (whether made by the same or another institution). A scholarship awarded under this part shall entitle the recipient to payments only if he (1) is maintaining satisfactory progress in the course of study which he is pursuing, according to the regularly prescribed standards and practices of the institution from which he received the award, and (2) is devoting essentially full time to that course of study, during the academic year, in attendance at that institution. Failure to be in attendance at the institution during vacation periods or periods of military service, or during other periods during which the Commissioner determines in accordance with regulations that there is good cause for his nonattendance (during which periods he shall receive no payments), shall not be deemed contrary to clause (2).

Selection of Recipients of Scholarships

SEC. 404. (a) An individual shall be eligible for a scholarship award under this part at any institution of higher education which has made an agreement with the Commissioner pursuant to section 407 (which institution is hereinafter in this part referred to as an "eligible institution"), if the individual (1) is from a low-income family (as determined in accordance with the criteria or schedules prescribed pursuant to section 402), and (2) makes application at the time and in the manner prescribed by that institution.

(b) From among those eligible for scholarship awards from an institution of higher education for each fiscal year, the institution shall, in accordance with the provisions of its agreement with the Commissioner under section 407 and within the amount allocated to the institution for that purpose for that year under section 406, select individuals who are to be awarded such scholarships and determine, pursuant to section 402, the

amounts to be paid to them. An institution shall not award a scholarship to an individual unless it determines that—

(1) he is in need of the scholarship to pursue a course of study at such institution;

(2) he is capable, in the opinion of the institution, of maintaining good standing in such course of study; and

(3) he has been accepted for enrollment as a full-time student at such institution or, in the case of a student already attending such institution, is in good standing and in full-time attendance there as an under-graduate student.

Apportionment of Scholarship Funds Among States

SEC. 405. (a)(1) From the sums appropriated pursuant to the first sentence of section 401(b) for any fiscal year, the Commissioner shall apportion an amount equal to not more than 2 per centum of such sums among Puerto Rico, Guam, American Samoa, and the Virgin Islands according to their respective needs for assistance under this part. The remainder of the sums so appropriated shall be apportioned among the States as provided in paragraph (2).

(2) Of the sums being apportioned under this subsection—

(A) one-third shall be apportioned by the Commissioner among the States so that the apportionment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of persons enrolled on a full-time basis in institutions of higher education in such State bears to the total number of persons enrolled on a full-time basis in institutions of higher education in all the States,

(B) one-third shall be apportioned by the Commissioner among the States so that the apportionment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of secondary school graduates of such State bears to the total number of such secondary school graduates of all the States, and

(C) one-third shall be allotted by him among the States so that the appointment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of related children under eighteen years of age living in families with annual incomes of less than $3,000 in such State bears to the number of related children under eighteen years of age living in families with annual incomes of less than $3,000 in all the States.

(3) For purposes of paragraphs (1) and (2) of this subsection—

(A) the term "State" does not include Puerto Rico, Guam, American Samoa, and the Virgin Islands,

(B) the term "secondary school graduate" means a person who has received formal recognition (by diploma, certificate, or similar means) from an approved school for successful completion of four years of education beyond the first eight years of schoolwork, and

(C) the number of persons enrolled on a full-time basis in institutions of higher education and the number of secondary school graduates shall each be determined by the Commissioner on the basis of the most recent satisfactory data available from the Department of Health, Education, and Welfare, and the number of related children under eighteen years of age living in families with annual incomes of less than $3,000 shall be determined by the Commissioner on the basis of the most recent satisfactory data available from the Department of Commerce.

(4) If the total of the sums determined by the Commissioner to be required under section 406 for any fiscal year for eligible institutions in a State is less than the amount of the apportionment to that State under paragraph (1) or (2) for that year, the Commissioner may reapportion the remaining amount from time to time, on such date or dates as he may fix, to other States in such manner as he determines will best assist in achieving the purposes of this part.

(b) Sums appropriated pursuant to the second sentence of section 401(b) for any fiscal year shall be apportioned or reapportioned among the States in such manner as the Commissioner determines to be necessary to carry out the purposes for which such sums are appropriated.

Allocation of Apportioned Funds to Institutions and for State Scholarship Plans

SEC. 406. (a)(1) The Commissioner shall from time to time set dates by which eligible institutions in any State must file applications for allocation, to such institutions, of student scholarship funds from the apportionment to that State (and of any reapportionment thereto) for any fiscal year pursuant to section 405(a), to be used for the purposes specified in the first sentence of section 401(b). Such allocations shall be made in accordance with equitable criteria which the Commissioner shall establish and which shall be designed to achieve such distribution of such funds among eligible institutions within a State as will most effectively carry out the purposes of this part.

(2) The Commissioner shall further, in accordance with regulations, allot to eligible institutions, in any State, from funds apportioned or reapportioned pursuant to section 405 (b), funds to be used for the scholarship payments specified in the second sentence of section 401(b).

(3) Payment shall be made from allotments under this section to institutions as needed.

(b) Upon request from the Governor of any State, not to exceed 15 per centum of such State's apportionment (not including any reapportionments) for any fiscal year shall be paid to such State for use during such year in granting scholarships to students in higher education if—

(1) such State provides an equal amount to be used for the same purpose;

(2) such amount provided by such State represents an increase in expenditures for such purpose by such State over the amount expended by such State for the previous fiscal year; and

(3) such scholarships are granted on the same basis of need, and are substantially the same in other respects, as scholarships granted by institutions of higher education pursuant to this part.

Requests for the purpose of this subsection shall be filed prior to such times as are established by the Commissioner, and shall be accompanied by such information with respect to the State's scholarship program under which the Federal payment is to be used as may be required by the Commissioner for the purposes of the part.

Agreements With Institutions—Conditions

SEC. 407. (a) An institution of higher education which desires to obtain funds for scholarships under this part, shall enter into an agreement with the Commissioner. Such agreement shall—

(1) provide that funds received by the institution under this part will be used by it only for the purposes specified in, and in accordance with, the provisions of this part;

(2) provide that in determining whether an individual is an eligible student from a low-income family the institution will (A) consider the source of such individual's income and that of any individual or individuals upon whom the student relies primarily for support, and (B) make an appropriate review of the assets of the student and of such individuals;

(3) provide that in the selection of students to receive scholarships under this part preference shall be given to (A) students who are beginning their first year of undergraduate study and (B) students who are transferring from an institution of higher education which customarily offers only a two-year program of study to an institution which offers four or more years of higher education;

(4) provide that the institution will, where appropriate, combine financial assistance in the form of loans under title II of the National Defense Education Act of 1958 or under a State or private plan, work-study opportunities under part C of title I of the Economic Opportunity Act of 1964 (as amended by part C of this title) or as may be offered otherwise, and scholarships under this part, in an effort to meet the financial needs of students from low-income families;

(5) provide that the institution, in cooperation with other institutions of higher education where appropriate, will make vigorous efforts to identify qualified youths from low-income families and to encourage them to continue their education beyond secondary school through programs and activities such as—

(A) establishing or strengthening close working relationships with secondary-school principals and guidance and counseling personnel with a view toward motivating students to complete secondary school and pursue post-secondary-school educational opportunities, and

(B) making, to the extent feasible, tentative commitments for scholarships to qualified students enrolled in grade 11 and lower grades or to secondary-school dropouts who have a demonstrated aptitude for college study;

(6) provide assurance that the institution will continue to spend in its own scholarship and student-aid program, from sources other than funds received under this part, not less than the average expenditure per year made for that purpose during the most recent period of three fiscal years preceding the effective date of the agreement;

(7) include provisions designed to make scholarships under this part reasonably available (to the extent of available funds) to all eligible students in the institution in need thereof; and

(8) include such other provisions as may be necessary to protect the financial interest of the United States and promote the purposes of this part.

(b) An institution may spend up to 5 per centum of the funds paid to it for any fiscal year ending prior to July 1, 1970, for the administration of the program described in paragraph (5) of subsection (a).

Contracts To Encourage Full Utilization of Educational Talent

SEC. 408. (a) To assist in achieving the purposes of this title the Commissioner is authorized (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)), to enter into contracts, not to exceed $100,000 per year, with State and local educational agencies and other public or nonprofit organizations and institutions for the purpose of—

(1) identifying qualified youths from low-income families and encouraging them to complete secondary school and undertake postsecondary educational training,

(2) publicizing existing forms of student financial aid, including aid furnished under this part, and

(3) encouraging secondary-school dropouts of demonstrated aptitude to reenter educational programs, including post-secondary-school programs.

(b) There are hereby authorized to be appropriated such sums as may be necessary to carry out this section.

Definition of "Academic Year"

SEC. 409. As used in this part, the term "academic year" means an academic year or

its equivalent as defined in regulations of the Commissioner.

Part B—Federal, State, and private programs of low-interest insured loans to students in institutions of higher education

Statement of Purpose and Appropriations Authorized

SEC. 421. (a) The purpose of this part is to enable the Commissioner (1) to encourage States and nonprofit private institutions and organizations to establish adequate loan insurance programs for students in eligible institutions (as defined in section 435), (2) to provide a Federal program of student loan insurance for students who do not have reasonable access to a State or private nonprofit program of student loan insurance covered by an agreement under section 428(b), and (3) to pay a portion of the interest on loans to qualified students which are insured under this part or under a program of a State or of a nonprofit private institution or organization which meets the requirements of section 428(a)(1)(A).

(b) For the purpose of carrying out this part—

(1) there are authorized to be appropriated to the student loan insurance fund (established by section 431) (A) the sum of $1,000,000, and (B) such further sums, if any, as may become necessary for the adequacy of the student loan insurance fund,

(2) there are authorized to be appropriated, for payments under section 428 with respect to interest on insured loans, such sums for the fiscal year ending June 30, 1966, and succeeding fiscal years, as may be required therefor, and

(3) there are authorized to be appropriated the sum of $17,500,000 for making advances pursuant to section 422 for the reserve funds of State and nonprofit private student loan insurance programs.

Sums appropriated under clauses (1) and (2) of this subsection shall remain available until expended, and sums appropriated under clause (3) of this subsection shall remain available for advances under section 422 until the close of the fiscal year ending June 30, 1968.

Advances for Reserve Funds of State and Nonprofit Private Loan Insurance Programs

SEC. 422. (a)(1) From the sums appropriated pursuant to clause (3) of section 421 (b), the Commissioner is authorized to make advances to any State with which he has made an agreement pursuant to section 428 (b) for the purpose of helping to establish or strengthen the reserve fund of the student loan insurance program covered by that agreement. If for any of the fiscal years ending June 30, 1966, June 30, 1967, or June 30, 1968, a State does not have a student loan insurance program covered by an agreement pursuant to section 428(b), and the Commissioner determines after consultation with the chief executive officer of that State that there is no reasonable likelihood that the State will have such student loan insurance program for such year, the Commissioner may make advances for such year for the same purpose to one or more nonprofit private institutions or organizations with which he has made an agreement pursuant to section 428(b) in order to enable students in that State to participate in a program of student loan insurance covered by such an agreement. The Commissioner may make advances under this subsection both to a State program with which he has such an agreement and to one or more nonprofit private institutions or organizations with which he has such an agreement in that State if he determines that such advances are necessary in order that students in each eligible institution have access through such institution to a student loan insurance program which meets the requirements of section 428(b)(1).

(2) Advances pursuant to this subsection shall be upon such terms and conditions (including conditions relating to the time or times of payment) consistent with the requirements of section 428(b) as the Commissioner determines will best carry out the purposes of this section. Advances made by the Commissioner under this subsection shall be repaid within such period as the Commissioner may deem to be appropriate in each case in the light of the maturity and solvency of the reserve fund for which the advance was made.

(b) The total of the advances to any State pursuant to subsection (a) may not exceed an amount which bears the same ratio to 2½ per centum of $700,000,000 as the population of that State aged eighteen to twenty-two, inclusive, bears to the total population of all the States aged eighteen to twenty-two, inclusive. If the amount so determined for any State, however, is less than $25,000, it shall be increased to $25,000 and the total of the increases thereby required shall be derived by proportionately reducing (but not below $25,000) the amount so determined for each of the remaining States. Advances to nonprofit private institutions and organizations pursuant to subsection (a) may be in such amounts as the Commissioner determines will best achieve the purposes for which they are made, except that the sum of (1) advances to such institutions and organizations for the benefit of students in any State plus (2) the amounts advanced to such State, may not exceed the maximum amount which may be advanced to that State pursuant to the first two sentences of this subsection. For the purposes of this subsection, the population aged eighteen to twenty-two, inclusive, of each State and of all the States shall be determined by the Commissioner on the basis of the most satisfactory data available to him.

Effect of Adequate Non-Federal Programs

SEC. 423. The Commissioner shall not issue certificates of insurance under section 429 to lenders in a State if he determines that every eligible institution has reasonable access in that State to a State or private nonprofit student loan insurance program which is covered by an agreement under section 428(b).

Scope and Duration of Loan Insurance Program

SEC. 424. (a) The total principal amount of new loans made and installments paid pursuant to lines of credit (as defined in section 435) to students covered by insurance under this part shall not exceed $700,000,000 in the fiscal year ending June 30, 1966, $1,000,000,000 in the fiscal year ending June 30, 1967, and $1,400,000,000 in the fiscal year ending June 30, 1968. Thereafter, insurance pursuant to this part may be granted only for loans made (or for loan installments paid pursuant to lines of credit) to enable students, who have obtained prior loans insured under this part, to continue or complete their educational programs; but no insurance may be granted for any loan made or installment paid after June 30, 1972.

(b) The Commissioner may, if he finds it necessary to do so in order to assure an equitable distribution of the benefits of this part, assign, within the maximum amounts specified in subsection (a), insurance quotas applicable to eligible lenders, or to States or areas, and may from time to time reassign unused portions of these quotas.

Limitations on Individual Loans and on Insurance

SEC. 425. (a) The total of the loans made to a student in any academic year or its equivalent (as determined under regulations of the Commissioner) which may be covered by insurance under this part may not exceed $1,500 in the case of a graduate or professional student (as defined in regulations of the Commissioner), or $1,000 in the case of any other student. The aggregate insured unpaid principal amount of all such insured loans made to any student shall not at any time exceed $7,500 in the case of any graduate or professional student (as defined in regulations of the Commissioner, and including any such insured loans made to such person before he became a graduate or professional student), or $5,000 in the case of any other student. The annual insurable limit per student shall not be deemed to be exceeded by a line of credit under which actual payments by the lender to the borrower will not be made in any year in excess of the annual limit.

(b) The insurance liability on any loan insured under this part shall be 100 per centum of the unpaid balance of the principal amount of the loan. Such insurance liability shall not include liability for interest whether or not that interest has been added to the principal amount of the loan.

Sources of Funds

SEC. 426. Loans made by eligible lenders in accordance with this part shall be insurable whether made from funds fully owned by the lender or from funds held by the lender in a trust or similar capacity and available for such loans.

Eligibility of Student Borrowers and Terms of Student Loans

SEC. 427. (a) A loan by an eligible lender shall be insurable under the provisions of this part only if—

(1) made to a student who (A) has been accepted for enrollment at an eligible institution or, in the case of a student already attending such institution, is in good standing there as determined by the institution, and (B) is carrying at least one-half of the normal full-time workload as determined by the institution, and (C) has provided the lender with a statement of the institution which sets forth a schedule of the tuition and fees applicable to that student and its estimate of the cost of board and room for such a student; and

(2) evidenced by a note or other written agreement which—

(A) is made without security and without endorsement, except that if the borrower is a minor and such note or other written agreement executed by him would not, under the applicable law, create a binding obligation, endorsement may be required,

(B) provides for repayment (except as provided in subsection (c)) of the principal amount of the loan in installments over a period of not less than five years (unless sooner repaid) nor more than ten years beginning not earlier than nine months nor later than one year after the date on which the student ceases to carry at an eligible institution at least one-half the normal full-time academic workload as determined by the institution, except that (i) the period of the loan may not exceed fifteen years from the execution of the note or written agreement evidencing it and (ii) the note or other written instrument may contain such provisions relating to repayment in the event of default in the payment of interest or in the payment of the cost of insurance premiums, or other default by the borrower, as may be authorized by regulations of the Commissioner in effect at the time the loan is made,

(C) provides for interest on the unpaid principal balance of the loan at a yearly rate, not exceeding the applicable maximum rate prescribed and defined by the Secretary (within the limits set forth in subsection (b)) on a national, regional, or other appropriate basis, which interest shall be payable in installments over the period of the loan except that, if provided in the note or other written agreement, any interest payable by the student may be deferred until

not later than the date upon which repayment of the first installment of principal falls due, in which case interest that has so accrued during that period may be added on that date to the principal (but without thereby increasing the insurance liability under this part),

(D) provides that the lender will not collect or attempt to collect from the borrower any portion of the interest on the note which is payable by the Commissioner under this part,

(E) entitles the student borrower to accelerate without penalty repayment of the whole or any part of the loan, and

(F) contains such other terms and conditions, consistent with the provisions of this part and with the regulations issued by the Commissioner pursuant to this part, as may be agreed upon by the parties to such loan, including, if agreed upon, a provision requiring the borrower to pay to the lender, in addition to principal and interest, amounts equal to the insurance premiums payable by the lender to the Commissioner with respect to such loan.

(b) No maximum rate of interest prescribed and defined by the Secretary for the purposes of clause 2(C) of subsection (a) may exceed 6 per centum per annum on the unpaid principal balance of the loan, except that under circumstances which threaten to impede the carrying out of the purposes of this part, one or more of such maximum rates of interest may be as high as 7 per centum per annum on the unpaid principal balance of the loan.

(c) The total of the payments by a borrower during any year of any repayment period with respect to the aggregate amount of all loans to that borrower which are insured under this part shall not be less than $360 or the balance of all of such loans (together with interest thereon), whichever amount is less.

Federal Payments To Reduce Student Interest Costs

SEC. 428. (a)(1) Each student who has received a loan which is insured under this part or a loan, for study at an eligible institution, which—

(A) is insured under a State program, or under a program of a nonprofit private institution or organization, (i) which, in the case of loans insured prior to July 1, 1967, meets the requirements of subparagraph (E) of subsection (b)(1) and provides that repayment of such loans shall be installments beginning not earlier than 60 days after the student ceases to pursue a course of study (as described in subparagraph (D) of subsection (b)(1)) at an eligible institution, or (ii) which, in the case of loans insured after June 30, 1967, is covered by an agreement made pursuant to subsection (b), and

(B) was contracted for after the date of enactment of this Act and was paid to the student either (i) prior to July 1, 1968, or (ii) prior to July 1, 1972, in the case of a loan made (or a loan installment paid pursuant to a line of credit) to enable a student who has obtained a prior loan insured under such program to continue or complete his educational program,

and whose adjusted family income is less than $15,000 at the time of execution of the note or written agreement evidencing such loan, shall be entitled to have paid on his behalf and for his account to the holder of the loan, over the period of the loan, a portion of the interest on the loan. For the purposes of this paragraph, the adjusted family income of a student shall be determined pursuant to regulations of the Commissioner in effect at the time of the execution of the note or written agreement evidencing the loan. Such regulations shall provide for taking into account such factors, including family size, as the Commissioner deems appropriate. In the absence of fraud by the lender, such determination of the adjusted family income of a student shall be final so far as the obligation of the Commissioner to pay a portion of the interest on a loan is concerned.

(2) The portion of the interest on a loan which a student is entitled to have paid on his behalf and for his account to the holder of the loan pursuant to paragraph (1) shall be equal to the total amount of the interest on the unpaid principal amount of the loan which accrues prior to the beginning of the repayment period of the loan, and 3 per centum per annum of the unpaid principal amount of the loan (excluding interest which has been added to principal) thereafter; but such portion of the interest on a loan shall not exceed, for any period, the amount of the interest on that loan which is payable by the student after taking into consideration the amount of any interest on that loan which the student is entitled to have paid on his behalf for that period under any State or private loan insurance program. The holder of an insured loan shall be deemed to have a contractual right, as against the United States, to receive from the Commissioner the portion of interest which has been so determined. The Commissioner shall pay this portion of the interest to the holder of the insured loan on behalf of and for the account of the borrower at such times as may be specified in regulations in force when the applicable agreement entered into pursuant to subsection (b) was made, or if the loan is insured under a program which is not covered by such an agreement, at such times as may be specified in regulations in force at the time the loan was paid to the student.

(3) Each holder of a loan with respect to which payments of interest are required to be made by the Commissioner shall submit to the Commissioner, at such time or times and in such manner as he may prescribe, statements containing such information as may be required by or pursuant to regulation for the purpose of enabling the Commissioner to determine the amount of the payment which he must make with respect to that loan.

(b)(1) Any State or any nonprofit private institution or organization may enter into an agreement with the Commissioner for the purpose of entitling students who receive loans which are insured under a student loan insurance program of that State, institution, or organization to have made on their behalf payments equal to those provided for in subsection (a) if the Commissioner determines that the student loan insurance program—

(A) authorizes the insurance of not less than $1,000 nor more than $1,500 in loans to any individual student in any academic year or its equivalent (as determined under regulations of the Commissioner);

(B) authorizes the insurance of loans to any individual student for at least six academic years of study or their equivalent (as determined under regulations of the Commissioner);

(C) provides that (i) the student borrower shall be entitled to accelerate without penalty the whole or any part of an insured loan, (ii) the period of any insured loan may not exceed fifteen years from the date of execution of the note or other written evidence of the loan, and (iii) the note or other written evidence of any loan may contain such provisions relating to repayment in the event of default by the borrower as may be authorized by regulations of the Commissioner in effect at the time such note or written evidence was executed;

(D) subject to subparagraph (C), provides that, where the total of the insured loans to any student which are held by any one person exceeds $2,000, repayment of such loans shall be in installments over a period of not less than five years nor more than ten years beginning not earlier than nine months nor later than one year after the student ceases to pursue a full-time course of study at an eligible institution, except that if the program provides for the insurance of loans for part-time study at eligible institutions the program shall provide that such repayment period shall begin not earlier than nine months nor later than one year after the student ceases to carry at an eligible institution at least one-half the normal full-time academic workload as determined by the institution;

(E) authorizes interest on the unpaid balance of the loan at a yearly rate not in excess of 6 per centum per annum on the unpaid principal balance of the loan (exclusive of any premium for insurance which may be passed on to the borrower);

(F) insures not less than 90 per centum of the unpaid principal of loans insured under the program;

(G) does not provide for collection of an excessive insurance premium;

(H) provides that the benefits of the loan insurance program will not be denied any student because of his family income or lack of need if his adjusted family income at the time the note or written agreement is executed is less than $15,000 (as determined pursuant to the regulations of the Commissioner prescribed under section 428(a)(1));

(I) provides that a student may obtain insurance under the program for a loan for any year of study at an eligible institution; and

(J) in the case of a State program, provides that such State program is administered by a single State agency, or by one or more nonprofit private institutions or organizations under the supervision of a single State agency.

(2) Such an agreement shall—

(A) provide that the holder of any such loan will be required to submit to the Commissioner, at such time or times and in such manner as he may prescribe, statements containing such information as may be required by or pursuant to regulation for the purpose of enabling the Commissioner to determine the amount of the payment which he must make with respect to that loan;

(B) include such other provisions as may be necessary to protect the financial interest of the United States and promote the purposes of this part and as are agreed to by the Commissioner and the State or the nonprofit private institution or organization, as the case may be; and

(C) provide for making such reports in such form and containing such information as the Commissioner may reasonably require to carry out his function under this part and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

Certificates of Insurance—Effective Date of Insurance

SEC. 429. (a)(1) If, upon application by an eligible lender, made upon such form, containing such information, and supported by such evidence as the Commissioner may require, and otherwise in conformity with this section, the Commissioner finds that the applicant has made a loan to an eligible student which is insurable under the provisions of this part, he may issue to the applicant a certificate of insurance covering the loan and setting forth the amount and terms of the insurance.

(2) Insurance evidenced by a certificate of insurance pursuant to subsection (a)(1) shall become effective upon the date of issuance of the certificate, except that the Commissioner is authorized, in accordance with regulations, to issue commitments with respect to proposed loans, or with respect to lines (or proposed lines) of credit, submitted by eligible lenders, and in that event, upon compliance with subsection (a)(1) by the lender, the certificate of insurance may be

issued effective as of the date when any loan, or any payment by the lender pursuant to a line of credit, to be covered by such insurance was made. Such insurance shall cease to be effective upon sixty days' default by the lender in the payment of any installment of the premiums payable pursuant to subsection (c).

(3) An application submitted pursuant to subsection (a)(1) shall contain (A) an agreement by the applicant to pay, in accordance with regulations, the premiums fixed by the Commissioner pursuant to subsection (c), and (B) an agreement by the applicant that if the loan is covered by insurance the applicant will submit such supplementary reports and statements during the effective period of the loan agreement, upon such forms, at such times, and containing such information as the Commissioner may prescribe by or pursuant to regulation.

(b)(1) In lieu of requiring a separate insurance application and issuing a separate certificate of insurance for each student loan made by an eligible lender as provided in subsection (a), the Commissioner may, in accordance with regulations consistent with section 424, issue to any eligible lender applying therefor a certificate of comprehensive insurance coverage which shall, without further action by the Commissioner, insure all insurable loans made by that lender, on or after the date of the certificate and before a specified cutoff date, within the limits of an aggregate maximum amount stated in the certificate. Such regulations may provide for conditioning such insurance, with respect to any loan, upon compliance by the lender with such requirements (to be stated or incorporated by reference in the certificate) as in the Commissioner's judgment will best achieve the purpose of this subsection while protecting the financial interest of the United States and promoting the objectives of this part, including (but not limited to) provisions as to the reporting of such loans and information relevant thereto to the Commissioner and as to the payment of initial and other premiums and the effect of default therein, and including provision for confirmation by the Commissioner from time to time (through endorsement of the certificate) of the coverage of specific new loans by such certificate, which confirmation shall be incontestable by the Commissioner in the absence of fraud or misrepresentation of fact or patent error.

(2) If the holder of a certificate of comprehensive insurance issued under this subsection grants to a student a line of credit extending beyond the cutoff date specified in that certificate, loans or payments thereon made by the holder after that date pursuant to the line of credit shall not be deemed to be included in the coverage of that certificate except as may be specifically provided therein; but, subject to the limitations of section 424, the Commissioner may, in accordance with regulations, make commitments to insure such future loans or payments, and such commitments may be honored either as provided in subsection (a) or by inclusion of such insurance in comprehensive coverage under this subsection for the period or periods in which such future loans or payments are made.

(c) The Commissioner shall, pursuant to regulations, charge for insurance on each loan under this part a premium in an amount not to exceed one-fourth of 1 per centum per year of the unpaid principal amount of such loan (excluding interest added to principal), payable in advance, at such time and in such manner as may be prescribed by the Commissioner. Such regulations may provide that such premium shall not be payable, or if paid shall be refundable, with respect to any period after default in the payment of principal or interest or after the borrower has died or become totally and permanently disabled, if (1) notice of such default or other event has been duly given, and (2) request for payment of the loss insured against has been made or the Commissioner has made such payment on his own motion pursuant to section 430(a).

(d) The rights of an eligible lender arising under insurance evidenced by a certificate of insurance issued to it under this section may be assigned as security by such lender only to another eligible lender, and subject to regulation by the Commissioner.

(e) The consolidation of the obligations of two or more insured loans obtained by a student borrower in any fiscal year into a single obligation evidenced by a single instrument of indebtedness shall not affect the insurance by the United States. If the loans thus consolidated are covered by separate certificates of insurance issued under subsection (a), the Commissioner may upon surrender of the original certificates issue a new certificate of insurance in accordance with that subsection upon the consolidated obligation; if they are covered by a single comprehensive certificate issued under subsection (b), the Commissioner may amend that certificate accordingly.

Procedure on Default, Death, or Disability of Student

SEC. 430. (a) Upon default by the student borrower on any loan covered by insurance pursuant to this part, or upon the death of the student borrower or a finding by the insurance beneficiary that the borrower has become totally and permanently disabled (as determined in accordance with regulations established by the Commissioner) before the loan has been repaid in full, and prior to the commencement of suit or other enforcement proceeding upon security for that loan, the insurance beneficiary shall promptly notify the Commissioner, and the Commissioner shall if requested (at that time or after further collection efforts) by the beneficiary, or may on his own motion, if the insurance is still in effect, pay to the beneficiary the amount of the loss sustained by the insured upon that loan as soon as that amount has been determined. The "amount of the loss" on any loan shall, for the purposes of this subsection and subsection (b), be deemed to be an amount equal to the unpaid balance of the principal amount of the loan.

(b) Upon payment by the Commissioner of the insured portion of the loss pursuant to subsection (a), the United States shall be subrogated to all of the rights of the holder of the obligation upon the insured loan and shall be entitled to an assignment of the note or other evidence of the insured loan by the insurance beneficiary. If the net recovery made by the Commissioner on a loan after deduction of the cost of that recovery (including reasonable administrative costs) exceeds the amount of the loss, the excess shall be paid over to the insured.

(c) Nothing in this section or in this part shall be construed to preclude any forbearance for the benefit of the student borrower which may be agreed upon by the parties to the insured loan and approved by the Commissioner, or to preclude forbearance by the Commissioner in the enforcement of the insured obligation after payment on that insurance, or to require collection of the amount of any loan by the insurance beneficiary or by the Commissioner from the estate of a deceased borrower or from a borrower found by the insurance beneficiary to have become permanently and totally disabled.

(d) Nothing in this section or in this part shall be construed to excuse the holder of a loan from exercising reasonable care and diligence in the making and collection of loans under the provisions of this part. If the Commissioner, after reasonable notice and opportunity for hearing to an eligible lender, finds that it has substantially failed to exercise such care and diligence or to make the reports and statements required under section 428(a)(3) and section 429(a)(3), or to pay the required insurance premiums, he shall disqualify that lender for further insurance on loans granted pursuant to this part until he is satisfied that its failure has ceased and finds that there is reasonable assurance that the lender will in the future exercise necessary care and diligence or comply with such requirements, as the case may be.

(e) As used in this section—

(1) the term "insurance beneficiary" means the insured or its authorized assignee in accordance with section 429(d); and

(2) the term "default" includes only such defaults as have existed for (A) one hundred and twenty days in the case of a loan which is repayable in monthly installments, or (B) one hundred and eighty days in the case of a loan which is repayable in less frequent installments.

Insurance Fund

SEC. 431. (a) There is hereby established a student loan insurance fund (hereinafter in this section called the "fund") which shall be available without fiscal year limitation to the Commissioner for making payments in connection with the default of loans insured under this part. All amounts received by the Commissioner as premium charges for insurance and as receipts, earnings, or proceeds derived from any claim or other assets acquired by the Commissioner in connection with his operations under this part, and any other moneys, property, or assets derived by the Commissioner from his operations in connection with this section, shall be deposited in the fund. All payments in connection with the default of loans insured under this part shall be paid from the fund. Moneys in the fund not needed for current operations under this section may be invested in bonds or other obligations guaranteed as to principal and interest by the United States.

(b) If at any time the moneys in the fund are insufficient to make payments in connection with the default of any loan insured under this part, the Commissioner is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Commissioner with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Commissioner from such fund.

Legal Powers and Responsibilities

SEC. 432. (a) In the performance of, and with respect to, the functions, powers, and duties vested in him by this part, the Commissioner may—

(1) prescribe such regulations as may be necessary to carry out the purposes of this part;

(2) sue and be sued in any court of record of a State having general jurisdiction or in any district court of the United States, and such district courts shall have jurisdiction of civil actions arising under this part without regard to the amount in controversy, and any action instituted under this subsection by or against the Commissioner shall survive nothwithstanding any change in the person occupying the office of Commissioner or any vacancy in that office; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Commissioner or property under his control, and nothing herein shall be construed to except litigation arising out of activities under this part from the application of sections 507(b) and 2679 of title 28 of the United States Code and of section 367 of the Revised Statutes (5 U.S.C. 316);

(3) include in any contract for insurance such terms, conditions, and covenants relating to repayment of principal and payment of interest, relating to his obligations and rights and to those of eligible lenders, and borrowers in case of default, and relating to such other matters as the Commissioner determines to be necessary to assure that the purposes of this part will be achieved; and any term, condition, and covenant made pursuant to this clause or any other provisions of this part may be modified by the Commissioner if he determines that modification is necessary to protect the financial interest of the United States;

(4) subject to the specific limitations in this part, consent to the modification, with respect to rate of interest, time of payment of any installment of principal and interest or any portion thereof, or any other provision of any note or other instrument evidencing a loan which has been insured under this part;

(5) enforce, pay, or compromise, any claim on, or arising because of, any such insurance; and

(6) enforce, pay compromise, waive, or release any right, title, claim, lien, or demand, however acquired, including any equity or any right or redemption.

(b) The Commissioner shall, with respect to the financial operations arising by reason of this part—

(1) prepare annually and submit a budget program as provided for wholly owned Government corporations by the Government Corporation Control Act; and

(2) maintain with respect to insurance under this part an integral set of accounts, which shall be audited annually by the General Accounting Office in accordance with principles and procedures applicable to commercial corporate transactions, as provided by section 105 of the Government Corporation Control Act, except that the transactions of the Commissioner, including the settlement of insurance claims and of claims for payments pursuant to section 428, and transactions related thereto and vouchers approved by the Commissioner in connection with such transactions, shall be final and conclusive upon all accounting and other officers of the Government.

Advisory Council on Insured Loans to Students

SEC. 433. (a) The Secretary shall establish in the Office of Education an Advisory Council on Insured Loans to Students, consisting of the Commissioner, who shall be Chairman, and eight members appointed, without regard to the civil service laws, by the Secretary. The membership of the Council shall include persons representing State loan insurance programs, private nonprofit loan insurance programs, financial and credit institutions, and institutions of higher education.

(b) The Advisory Council shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this part, including policies and procedures governing the making of advances under section 422 and the Federal payments to reduce student interest costs under section 428.

(c) Members of the Advisory Council, while serving on the business of the Advisory Council away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2), for persons in the Government service employed intermittently.

Participation by Federal Credit Unions in Federal, State, and Private Student Loan Insurance Programs.

SEC. 434. Notwithstanding any other provision of law, Federal credit unions shall, pursuant to regulations of the Director of the Bureau of Federal Credit Unions, have power to make insured loans up to 10 per centum of their assets, to student members in accordance with the provisions of this part or in accordance with the provisions of any State or nonprofit private student loan insurance program which meets the requirements of section 428(a)(1)(A).

Definitions for Reduced-Interest Student Loan Insurance Program

SEC. 435. As used in this part:

(a) The term "eligible institution" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose or, if not so accredited, (A) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (B) is an institution whose credits are accepted on transfer by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term also includes any public or other nonprofit collegiate or associate degree school of nursing and any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of clauses (1), (2), and (5). If the Commissioner determines that a particular category of such schools does not meet the requirements of clause (5) because there is no nationally recognized accrediting agency or association qualified to accredit schools in such category, he shall, pending the establishment of such an accrediting agency or association, appoint an advisory committee, composed of persons specially qualified to evaluate training provided by schools in such category, which shall (i) prescribe the standards of content, scope, and quality which must be met in order to qualify schools in such category to participate in the program pursuant to this part, and (ii) determine whether particular schools not meeting the requirements of clause (5) meet those standards. For purposes of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies which he determines to be reliable authority as to the quality of training offered.

(b) The term "collegiate school of nursing" means a department, division, or other administrative unit in a college or university which provides primarily or exclusively an accredited program of education in professional nursing and allied subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing.

(c) The term "associate degree school of nursing" means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively an accredited two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree.

(d) The term "accredited" when applied to any program of nurse education means a program accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education.

(e) The term "eligible lender" means an eligible institution, or a financial or credit institution (including an insurance company) which is subject to examination and supervision by an agency of the United States or of any State.

(f) The term "line of credit" means an arrangement or agreement between the lender and the borrower whereby a loan is paid out by the lender to the borrower in annual installments, or whereby the lender agrees to make, in addition to the initial loan, additional loans in subsequent years.

Part C—College work-study program extension and amendments

Transfer of Authority and Other Amendments

SEC. 441. Parts C and D of title I of the Economic Opportunity Act of 1964 (Public Law 88-452) are amended as follows:

(1) By striking out "Director" in the first sentence of section 122(a) and inserting in lieu thereof "Commissioner of Education (hereinafter in this part referred to as the 'Commissioner')", and by striking out "Director" wherever that word appears in the other provisions of such part C and inserting in lieu thereof "Commissioner";

(2) By amending that part of section 121 that follows the section designation to read as follows: "The purpose of this part is to stimulate and promote the part-time employment of students, particularly students from low-income families, in institutions of higher education who are in need of the earnings from such employment to pursue courses of study at such institution.";

(3) By striking out section 123 and inserting in lieu thereof the following:

"Grants for Work-Study Programs

"SEC. 123. (a) The Commissioner is authorized to enter into agreements with institutions of higher education under which the Commissioner will make grants to such institutions to assist in the operation of work-study programs as hereinafter provided.

"(b) For the purposes of this part—

"(1) The term 'institution of higher education' means an educational institution in any State which (A) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate, (B) is legally authorized within such State to provide a program of education beyond secondary education, (C) provides an educational program for which it awards a bachelor's degree or provides not

less than a two-year program which is acceptable for full credit toward such a degree, (D) is a public or other nonprofit institution, and (E) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted on transfer by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term also includes any public or other nonprofit collegiate or associate degree school of nursing and any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of clauses (A), (B), (D), and (E). If the Commissioner determines that a particular category of such schools does not meet the requirements of clause (E) because there is no nationally recognized accrediting agency or association qualified to accredit schools in such category, he shall, pending the establishment of such an accrediting agency or association, appoint an advisory committee, composed of persons specially qualified to evaluate training provided by schools in such category, which shall (I) prescribe the standards of content, scope, and quality which must be met in order to qualify schools in such category to participate in the program pursuant to this part, and (II) determine whether particular schools not meeting the requirements of clause (E) meet those standards. For purposes of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies which he determines to be reliable authority as to the quality of training offered.

"(2) The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively an accredited program of education in professional nursing and allied subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing.

"(3) The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively an accredited two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree.

"(4) The term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies approved for such purpose by the Commissioner.";

(4) By striking out section 124(a) and inserting in lieu thereof the following:

"(a) provide for the operation by the institution of a program for the part-time employment of its students in work for the institution itself or work in the public interest for a public or private nonprofit organization under an arrangement between the institution and such organization, and such work—

"(1) would not otherwise be performed by nonstudents,

"(2) will not result in the displacement of employed workers or impair existing contracts and services, and

"(3) will be governed by such conditions of employment as will be appropriate and reasonable in light of such factors as type of work performed, geographical region, and proficiency of the employee: *Provided*, That no such work shall involve the construction, operation, or maintenance of so much of any facility used or to be used for sectarian instruction or as a place for religious worship;";

(5) By redesignating clauses (2), (3), and (4), of paragraph (c) of section 124 as clauses (1), (2), and (3), and by striking out so much of such paragraph as precedes such redesignated clauses and inserting in lieu thereof the following: "(c) provide that in the selection of students for employment under such work-study program preference shall be given to students from low-income families and that employment under such work-study program shall be furnished only to a student who";

(6) By inserting before the period at the end of section 125 a comma and the following: "and such share may be paid to such student in the form of services and equipment (including tuition, room, board, and books) furnished by such institution"; and

(7) By striking out "provided for in" in section 131 and inserting in lieu thereof "for which he is responsible under".

Appropriations Authorized

SEC. 442. There are authorized to be appropriated $129,000,000 for the fiscal year ending June 30, 1966, $165,000,000 for the fiscal year ending June 30, 1967, $200,000,000 for the fiscal year ending June 30, 1968, and $235,000,000 for the fiscal year ending June 30, 1969, and for the succeeding fiscal year, to carry out the purposes of part C of title I of the Economic Opportunity Act of 1964 (Public Law 88-452). Any sums which are appropriated for the fiscal year ending June 30, 1966, for the purpose of such part C pursuant to an authorization in the Economic Opportunity Act of 1964, or are allocated for such purpose from any appropriation for such year, shall be made available, to the extent unexpended on the date of enactment of this Act, to the Commissioner for carrying out such part C, and the total of such sums (including amounts expended prior to such date) shall be deducted from the authorization in this section for such year. Sixty million dollars of the authorization for title I of the Economic Opportunity Act of 1964 for the fiscal year ending June 30, 1966, as contained in section 131 of such Act, shall be only for the purpose of part C of such title. No provision in the Economic Opportunity Act of 1964 which authorizes the appropriation of funds to carry out that Act shall apply to such part C after June 30, 1966.

Part D—Amendments to National Defense Education Act of 1958

Definition of Institution of Higher Education

SEC. 461. Section 103(b) of the National Defense Education Act of 1958 is amended to read as follows:

"(b) The term 'institution of higher education' means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose or, if not so accredited, (A) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (B) is an institution whose credits are accepted on transfer by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. For purposes of title II, such term includes any school of nursing as defined in subsection (1) of this section, and also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of clauses, (1), (2), (4), and (5). If the Commissioner determines that a particular category of such schools does not meet the requirements of clause (5) because there is no nationally recognized accrediting agency or association qualified to accredit schools in such category, he shall, pending the establishment of such an accrediting agency or association, appoint an advisory committee, composed of persons specially qualified to evaluate training provided by schools in such category, which shall (i) prescribe the standards of content, scope, and quality which must be met in order to qualify schools in such category to participate in the student loan program under title II, and (ii) determine whether particular schools not meeting the requirements of clause (5) meet those standards. For purposes of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered."

Conditions of Agreements; Administrative Costs

SEC. 462. Clause (3) of section 204 of the National Defense Education Act of 1958 is amended to read as follows:

"(3) provide that such student loan fund shall be used only for (A) loans to students in accordance with such agreement, (B) capital distributions as provided in this title, (C) routine expenses incurred by the institution in administering the student loan fund, except that the amount used for these expenses by an institution in any fiscal year may not exceed either (i) one-half of such expenses as estimated for that year by the Commissioner with the advice of an advisory committee which the Commissioner is hereby authorized to appoint on an annual or such other basis as he may deem appropriate, or (ii) 1 per centum of the aggregate of the outstanding loans made from that fund as of the close of that year, whichever is the lesser, and (D) costs of litigation, and other collection costs agreed to by the Commissioner, arising in connection with the collection of any loan from the fund, interest on such loan, or charge assessed with respect to that loan pursuant to section 205(c);".

Technical Amendment for Part-time Students

SEC. 463. (a) The portion of section 205(b)(2) of the National Defense Education Act of 1958 which precedes clause (A)(ii) thereof is amended to read as follows:

"(2) such a loan shall be evidenced by a note or other written agreement which provides for repayment of the principal amount, together with interest thereon, in equal (or, if the borrower so requests, in graduated periodic installments determined in accordance with such schedules as may be approved

by the Commissioner) quarterly, bimonthly, or monthly installments (at the option of the institution) over a period beginning nine months after the date on which the borrower ceases to carry, at an institution of higher education or at a comparable institution outside the States approved for this purpose by the Commissioner, at least one-half the normal full-time academic workload as determined by that institution, and ending ten years and nine months after such date, except that (A) interest shall not accrue on any such loan, and installments need not be paid during any period (i) during which the borrower is carrying, at an institution of higher education or at a comparable institution outside the States approved for this purpose by the Commissioner, at least one-half the normal full-time academic workload as determined by the institution,".

(b) Clause (D) of such section 205(b)(2) is amended by striking out "periodic", and by striking out "part-time" and inserting in lieu thereof "less than half-time".

(c) The amendments made by this section shall apply to a loan outstanding on the date of enactment of this Act only with the consent of the borrower and the institution which made the loan.

Minimum Rate of Repayment

SEC. 464. (a) Section 205(b)(2) of the National Defense Education Act of 1958 is further amended by striking out "and" before "(E)" and by inserting at the end thereof before the semicolon ", and (F) the institution may provide, in accordance with regulations of the Commissioner, that during the repayment period of the loan payments of principal and interest by the borrower with respect to all the outstanding loans made to him from loan funds established pursuant to this title shall be at a rate equal to not less than $15 per month".

(b) The amendment made by this section shall be applicable only with respect to loans made after the date of enactment of this Act.

Cancellation of Loans for Teachers

SEC. 465. (a) Section 205(b)(3) of the National Defense Education Act of 1958 is amended—

(1) by inserting "total" before "amount" and by striking out ", which was unpaid on the first day of such service";

(2) by inserting "or its equivalent (as determined under regulations of the Commissioner)" after "academic year"; and

(3) by inserting before the semicolon at the end thereof a comma and the following: "except that (A) such rate shall be 15 per centum for each complete academic year or its equivalent (as determined under regulations of the Commissioner) of service as a full-time teacher in a public or other nonprofit elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title II of Public Law 874, Eighty-first Congress, as amended, and which for purposes of this clause and for that year has been determined by the Commissioner, pursuant to regulations and after consultation with the State educational agency of the State in which the school is located, to be a school in which there is a high concentration of students from low-income families, except that the Commissioner shall not make such determination with respect to more than 25 per centum of the total of the public and other nonprofit elementary and secondary schools in any one State for any one year, and (B) for the purposes of any cancellation pursuant to clause (A), an additional 50 per centum of any such loan (plus interest) may be cancelled".

(b) The amendments made by clauses (1) and (3) of subsection (a) shall apply with respect to service performed during academic years beginning after the date of enactment of this Act, whether the loan was made before or after such enactment. The amendment made by clause (2) of subsection (a) shall apply with respect to service performed during academic years beginning after the enactment of the National Defense Education Act Amendments, 1964, Public Law 88-665, whether or not the loan was made before or after such enactment.

Charges

SEC. 466. (a) Section 205 of the National Defense Education Act of 1958 is further amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) Pursuant to regulations of the Commissioner, an institution may assess a charge with respect to a loan from the loan fund established by the institution pursuant to this title for failure of the borrower to pay all or any part of an installment when it is due and, in the case of a borrower who is entitled to deferment benefits under section 205(b)(2) or cancellation benefits under section 205(b)(3), for any failure to file timely and satisfactory evidence of such entitlement. The amount of any such charge may not exceed—

"(1) in the case of a loan which is repayable in monthly installments, $1 for the first month or part of a month by which such installment or evidence is late and $2 for each such month or part of a month thereafter; and

"(2) in the case of a loan which has a bimonthly or quarterly repayment interval, $3 and $6, respectively, for each such interval or part thereof by which such installment or evidence is late.

The institution may elect to add the amount of any such charge to the principal amount of the loan as of the first day after the day on which such installment or evidence was due, or to make the amount of the charge payable to the institution not later than the due date of the next installment after receipt by the borrower of notice of the assessment of the charge."

(b) Clause (2) of section 204 of such Act is amended by striking out "and (D)" and inserting in lieu thereof "(D) charges collected pursuant to section 205(c), and (E)".

(c) The amendment made by subsection (a) shall be applicable only with respect to loans made after the date of enactment of this Act.

Economics, Civics, and Industrial Arts

SEC. 467. (a)(1) Clauses (1) and (5) of section 303(a) of the National Defense Education Act of 1958 are each amended by inserting "economics," after "geography,".

(2) Section 301 of such Act is amended by striking out "and $90,000,000 for the fiscal year ending June 30, 1965, and for each of the three succeeding fiscal years" and inserting in lieu thereof "$90,000,000" for the fiscal year ending June 30, 1965, and $100,000,000 for the fiscal year ending June 30, 1966, and for each of the two succeeding fiscal years".

(b) Section 1101 of such Act is amended—

(1) by striking out "each of the three succeeding fiscal years" and inserting in lieu thereof "$50,000,000 for the fiscal year ending June 30, 1966, and for each of the two succeeding fiscal years"; and

(2) by inserting "economics, civics, industrial arts," after "geography,".

TITLE V—TEACHER PROGRAMS

Part A—General provisions

Advisory Council on Teacher Preparation

SEC. 501. (a) The Commissioner shall establish in the Office of Education an Advisory Council on Teacher Preparation for the purpose of reviewing the administration and operation of the programs carried out under this title and of all other Federal programs for complementary purposes. This review shall pay particular attention to the effectiveness of these programs in attracting, preparing, and retaining highly qualified elementary and secondary school teachers, and it shall include recommendations for the improvement of these programs. The Council shall consist of the Commissioner, who shall be Chairman, and twelve members appointed for staggering terms and without regard to the civil service laws, by the Commissioner with the approval of the Secretary. Such twelve members shall include persons knowledgeable with respect to teacher preparation and the needs of urban and rural schools, and representatives of the general public.

(b) Members of such Advisory Council who are not regular full-time employees of the United States shall, while attending meetings or conferences of such Council or otherwise engaged on business of such Council, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including traveltime, and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

(c) The Council may appoint an Executive Secretary and such other employees as the Council deems necessary to carry out its functions under this part.

Limitation

SEC. 502. Nothing contained in this title shall be construed to authorize the making of any payment under this title for religious worship or instruction.

Statement of Purpose and Authorization of Appropriations

Part B—National Teacher Corps

SEC. 511. (a) The purpose of this part is to strengthen the educational opportunities available to children in areas having concentrations of low-income families and to encourage colleges and universities to broaden their programs of teacher preparation by—

(1) attracting and training qualified teachers who will be made available to local educational agencies for teaching in such areas; and

(2) attracting and training inexperienced teacher-interns who will be made available for teaching and inservice training to local educational agencies in such areas in teams led by an experienced teacher.

(b) For the purpose of carrying out this part, there are authorized to be appropriated $36,100,000 for the fiscal year ending June 30, 1966, and $64,715,000 for the fiscal year ending June 30, 1967, and for each of the four succeeding fiscal years.

Establishment of National Teacher Corps

SEC. 512. In order to carry out the purposes of this part, there is hereby established in the Office of Education a National Teacher Corps (hereinafter referred to as the "Teacher Corps"). The Teacher Corps shall be headed by a Director who shall be compensated at the rate prescribed for grade 17 of the General Schedule of the Classification Act of 1949, and a Deputy Director who shall be compensated at the rate prescribed for grade 16 of such General Schedule. The Director and the Deputy Director shall perform such duties as are delegated to them by the Commissioner.

Teacher Corps Program

Sec. 513. (a) For the purpose of carrying out this part, the Commissioner is authorized to—

(1) recruit, select, and enroll experienced teachers, and inexperienced teacher-interns who have a bachelor's degree or its equivalent, in the Teacher Corps for periods of up to two years;

(2) enter into arrangements, through grants or contracts, with institutions of

higher education or State or local educational agencies to provide members of the Teacher Corps with such training as the Commissioner may deem appropriate to carry out the purposes of this part, including not more than three months of training for members before they undertake their teaching duties under this part;

(3) enter into arrangements (including the payment of the cost of such arrangements) with local educational agencies, after consultation in appropriate cases with State educational agencies and institutions of higher education, to furnish to local educational agencies, for service during regular or summer sessions, or both, in the schools of such agencies in areas having concentrations of children from low-income families, (A) experienced teachers, and (B) teaching teams, each of which shall consist of an experienced teacher and a number of teacher-interns who, in addition to teaching duties, shall be afforded time by the local educational agency for a teacher-intern training program developed according to criteria established by the Commissioner and carried out under the guidance of the experienced teacher in cooperation with an institution of higher education;

(4) pay to local educational agencies the amount of the compensation which such agencies pay to or on behalf of members of the Teacher Corps assigned to them pursuant to arrangements made pursuant to the preceding clause; and

(5) employ experts and consultants or organizations thereof to assist the Commissioner in carrying out his functions under this part, as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), and to compensate such individuals while so employed at rates not in excess of $100 per diem, including travel-time, and to allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5 of such Act (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(b) Arrangements with institutions of higher education to provide training for teacher-interns while teaching in schools for local educational agencies under the provisions of this part shall provide, wherever possible, for training leading to a graduate degree.

(c) Whenever the Commissioner determines that the demand for the services of experienced teachers or of teaching teams furnished pursuant to clause (3) of subsection (a) exceeds the number of experienced teachers or teaching teams available from the Teacher Corps, the Commissioner shall, to the extent practicable, allocate experienced teachers or teaching teams, as the case may be from the Teacher Corps among the States in proportion to the number of children in each State counted for making basic grants under title II of Public Law 874, Eighty-first Congress, as amended, for the fiscal year for which the allocation is made.

(d) A local educational agency may utilize members of the Teacher Corps assigned to it in providing, in the manner described in section 205(a)(2) of Public Law 874, Eighty-first Congress, as amended, educational services in which children enrolled in private elementary and secondary schools can participate.

Compensation

SEC. 514. (a) An arrangement made with a local educational agency pursuant to paragraph (3) of section 513(a) shall provide for compensation by such agency of Teacher Corps members during the period of their assignment to it at the following rates:

(1) an experienced teacher who is not leading a teaching team shall be compensated at a rate which is equal to the rate paid by such agency for a teacher with similar training and experience who has been assigned similar teaching duties;

(2) an experienced teacher who is leading a teaching team shall be compensated at a rate agreed to by such agency and the Commissioner; and

(3) a teacher-intern shall be compensated at a rate which is equal to the lowest rate paid by such agency for teaching full time in the school system and grade to which the intern is assigned.

(b) For any period of training under this part the Commissioner shall pay to members of the Teacher Corps such stipends (including allowances for subsistence and other expenses for such members and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported training programs.

(c) The Commissioner shall pay the necessary travel expenses of members of the Teacher Corps and their dependents and necessary expenses for the transportation of the household goods and personal effects of such members and their dependents, and such other necessary expenses of members as are directly related to their service in the Corps, including readjustment allowances proportionate to service.

(d) The Commissioner is authorized to make such arrangements as may be possible, including the payment of any costs incident thereto, to protect the tenure, retirement rights, participation in a medical insurance program, and such other similar employee benefits as the Commissioner deems appropriate, of a member of the Teacher Corps who participates in any program under this part and who indicates his intention to return to the local educational agency or institution of higher education by which he was employed immediately prior to his service under this part.

Application of Provisions of Federal Law

SEC. 515. (a) Except as otherwise specifically provided in this section, a member of the Teacher Corps shall be deemed not to be a Federal employee and shall not be subject to the provisions of laws relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(b)(1) Such members shall, for the purposes of the administration of the Federal Employees' Compensation Act (5 U.S.C. 751 et seq.), be deemed to be civil employees of the United States within the meaning of the term "employee" as defined in section 40 of such Act (5 U.S.C. 790) and the provisions thereof shall apply except as hereinafter provided.

(2) For purposes of this subsection:

(A) the term "performance of duty" in the Federal Employees' Compensation Act shall not include any act of a member of the Teacher Corps—

(i) while on authorized leave; or

(ii) while absent from his assigned post of duty, except while participating in an activity authorized by or under the direction or supervision of the Commissioner; and

(B) in computing compensation benefits for disability or death under the Federal Employees' Compensation Act, the monthly pay of a member of the Teacher Corps shall be deemed to be his actual pay or that received under the entrance salary for grade 6 of the General Schedule of the Classification Act of 1949, whichever is greater.

(c) Such members shall be deemed to be employees of the Government for the purposes of the Federal tort claims provisions of title 28, United States Code.

Local Control Preserved

SEC. 516. Members of the Teacher Corps shall be under the direct supervision of the appropriate officials of the local educational agencies to which they are assigned. Except as otherwise provided in clause (3) of section 513(a), such agencies shall retain the authority to—

(1) assign such members within their systems;

(2) make transfers within their systems;

(3) determine the subject matter to be taught;

(4) determine the terms and continuance of the assignment of such members within their systems.

Maintenance of Effort

SEC. 517. No member of the Teacher Corps shall be furnished to any local educational agency under the provisions of this part if such agency will use such member to replace any teacher who is or would otherwise be employed by such agency.

Part C—Fellowships for teachers

Statement of Purpose

SEC. 521. It is the purpose of this part to provide opportunities for advanced training, giving major emphasis to preparation in high quality substantive courses, to teachers in elementary, secondary, and post-secondary vocational schools and personnel serving in fields ancillary to teaching in such schools.

Fellowships Authorized

SEC. 522. (a) The Commissioner is authorized to award under the provisions of this part not to exceed four thousand five hundred fellowships for the fiscal year ending June 30, 1966, ten thousand fellowships for the fiscal year ending June 30, 1967, and fifteen thousand fellowships for the fiscal year ending June 30, 1968, and for each of the two succeeding fiscal years. Fellowships awarded under the provisions of this part shall be for graduate study (leading to a masters or equivalent degree in the field of education) for the purpose of teaching in elementary, secondary, or postsecondary vocational schools, or for graduate study (leading to a similar degree) in the subject matter which the person awarded such fellowship is or will be teaching in such schools. Such fellowships may also be awarded in fields ancillary to elementary, secondary, and postsecondary vocational education such as library science, educational media, school social work, guidance and counseling, special education for handicapped children, vocational education, and other fields having the purpose of assisting or improving elementary or secondary, or postsecondary vocational education. Such fellowships shall be awarded for such periods as the Commissioner may determine but not to exceed two academic years.

(b) In addition to the number of fellowships authorized to be awarded by subsection (a) of this section, the Commissioner is authorized to award fellowships equal to the number previously awarded during any fiscal year under this part but vacated prior to the end of the period for which they were awarded; except that each fellowship awarded under this subsection shall be for such period of study, not in excess of the remainder of the period for which the fellowship which it replaces was awarded, as the Commissioner may determine.

Fellowships for Recent Graduates

SEC. 523. Forty per centum of the number of fellowships under the provisions of this part for any fiscal year shall be awarded by the Commissioner to persons recommended to the Commissioner for such fellowships by institutions of higher education. An institution of higher education may for the purposes of this section recommend any individual who has received a bachelor's degree with high standing from such institution, except that such recommendation shall be made not later than six months after the awarding of such degree.

Fellowships for Experienced Teachers

SEC. 524. The remaining 60 per centum of the number of fellowships awarded under the provisions of this part for any fiscal year shall be awarded by the Commissioner to persons with at least five academic years of professional experience serving in an elementary, secondary, or postsecondary vocational school, who are recommended to the Commissioner for such a fellowship by a local educational agency or a private school authority. Such an agency or authority may, for the purposes of this section, recommend any such person who is serving in its elementary, secondary, or postsecondary vocational school or schools upon condition that it agree to rehire such individual upon his completing the course of study under such fellowship.

Fellowships in Ancillary Fields

SEC. 525. Not less than 20 per centum nor more than 25 per centum of the fellowships awarded under sections 523 and 524 shall be awarded to persons for graduate work in fields ancillary to elementary, secondary, or postsecondary vocational education, as defined in section 522.

Fellowships for Displaced Experienced Teachers

SEC. 526. Not to exceed 20 per centum of the fellowships awarded under section 524 may be awarded to persons who have been displaced in their employment as professional employees of local educational agencies as a result of changes of school populations brought about by the enforcement of the Civil Rights Act of 1964, or the carrying out of the purpose of such Act. Fellowships pursuant to this section shall be awarded by the Commissioner without regard to the requirements of section 524 with respect to recommendations and agreements to rehire.

Distribution of Fellowships

SEC. 527. In awarding fellowships under the provisions of this part the Commissioner shall endeavor to provide an equitable distribution of such fellowships throughout the Nation, except that to the extent he deems proper in the national interest, the Commissioner shall give preference in such awards to persons already serving, or who intend to serve, in elementary or secondary schools in low-income rural or metropolitan areas.

Stipends

SEC. 528. (a) Each person awarded a fellowship under the provisions of section 523 shall receive a stipend of $2,000 for the first academic year of study and $2,200 for the second such year. Each person awarded a fellowship under the provisions of section 524 shall receive a stipend of $4,800 for each academic year of study. In both cases an additional amount of $400 for each such academic year of study shall be paid to each such person on account of each of his dependents.

(b) In addition to the amount paid to persons pursuant to subsection (a) there shall be paid to the institution of higher education at which each such person is pursuing his course of study, $3,000 per academic year. Amounts paid pursuant to this subsection shall be less any amount charged any such person for tuition.

(c) The Commissioner shall reimburse any person awarded a fellowship pursuant to this part for actual and necessary traveling expenses of such person and his dependents from his ordinary place of residence to the institution of higher education where he will pursue his studies under such fellowship, and to return to such residence.

Limitation

SEC. 529. No fellowship shall be awarded under this part for study at a school or department of divinity. For the purposes of this section, the term "school or department of divinity" means an institution or department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

Fellowship Conditions

SEC. 530. A person awarded a fellowship under the provisions of this part shall continue to receive the payments provided in section 528(a) only during such periods as the Commissioner finds that he is maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded, in an institution of higher education, and is not engaging in gainful employment other than part-time employment by such institution in teaching, research, or similar activities, approved by the Commissioner.

Appropriations

SEC. 531. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this part.

Part D—Grants to institutions of higher education for improved teacher education

Appropriations Authorized

SEC. 541. There are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1966, and for each of the four succeeding fiscal years, for the purpose of carrying out this part.

Grants for Improved Teacher Education

SEC. 542. (a) For the purpose of obtaining an appropriate geographical distribution of high-quality programs for the training of personnel for elementary, secondary, and postsecondary vocational education, the Commissioner is authorized, on such terms and conditions as he may deem appropriate, to make grants to and contracts with institutions of higher education to pay part of the cost of developing or strengthening graduate programs which meet the requirements of subsection (b) and of developing or strengthening high-quality undergraduate programs for the training of such personnel. The Commissioner shall set forth in regulations the standards and priorities which will be utilized in approving such grants and contracts. The Commissioner may employ experts and consultants, as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), to advise him with respect to the making of grants and contracts under this part and in carrying out the provisions of part C. Experts and consultants employed pursuant to this subsection may be compensated while so employed at rates not in excess of $100 per diem, including traveltime, and may be allowed, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5 of such Act (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

(b) The Commissioner shall approve a graduate program of an institution of higher education for assistance under this part only upon application by the institution and only upon his finding—

(1) that such program will substantially further the objective of improving the quality of education of persons who are pursuing or intend to pursue a career in elementary, secondary, or postsecondary vocational education,

(2) that such program gives major emphasis to high-quality substantive courses,

(3) that such program is of high quality and either is in effect or will be attainable as a result of assistance received under this part, and

(4) that only persons who demonstrate a serious intent to pursue or to continue to pursue a career in elementary, secondary, or postsecondary vocational education will be accepted for study in the program.

TITLE VI—FINANCIAL ASSISTANCE FOR THE IMPROVEMENT OF UNDERGRADUATE INSTRUCTION

Part A—Equipment

Statement of Purpose and Authorization of Appropriations

SEC. 601. (a) The purpose of this part is to improve the quality of classroom instruction in selected subject areas in institutions of higher education.

(b) There are hereby authorized to be appropriated $35,000,000 for the fiscal year ending June 30, 1966, $50,000,000 for the fiscal year ending June 30, 1967, and $60,000,000 for the fiscal year ending June 30, 1968, and for each of the two succeeding fiscal years, to enable the Commissioner to make grants to institutions of higher education pursuant to this part for the acquisition of equipment and for minor remodeling described in section 603(2)(A).

(c) There are also authorized to be appropriated $2,500,000 for the fiscal year ending June 30, 1966, and $10,000,000 for the fiscal year ending June 30, 1967, and for each of the three succeeding fiscal years, to enable the Commissioner to make grants to institutions of higher education pursuant to this part for the acquisition of television equipment and for minor remodeling described in section 603(2)(B)

(d) There is also authorized to be appropriated a sum not exceeding $1,000,000 for the fiscal year ending June 30, 1966, and for each of the four succeeding fiscal years, to enable the Commissioner to make grants in such amounts as he may consider necessary for the proper and efficient administration of the State plans approved under this part including expenses which he determines are necessary for the preparation of such plans.

Allotments to States

SEC. 602. (a)(1) Of the funds appropriated pursuant to subsections (b) and (c) of section 601 for any fiscal year one-half shall be allotted by the Commissioner among the States so that the allotment to each State will be an amount which bears the same ratio to such one-half as the number of students enrolled in institutions of higher education in such State bears to the total number of students enrolled in such institutions in all the States; and the remaining one-half shall be allotted by him among the States in accordance with paragraph (2) of this subsection. For the purposes of this subsection, (A) the number of students enrolled in institutions of higher education shall be deemed to be equal to the sum of (i) the number of full-time students and (ii) the full-time equivalent of the number of part-time students as determined by the Commissioner in accordance with regulations; and (B) determinations as to enrollment shall be made by the Commissioner on the basis of data for the most recent year for which satisfactory data with respect to such enrollment are available to him.

(2) For the purposes of this paragraph the Commissioner shall allot to each State for each fiscal year an amount which bears the same ratio to the funds being allotted pursuant to this paragraph as the product of—

(A) the number of students enrolled in institutions of higher education in such State, and

(B) the State's allotment ratio

bears to the sum of the corresponding products for all the States. For the purposes of this paragraph the allotment ratio for any State shall be 1.00 less the product of (i) 0.50 and (ii) the quotient obtained by dividing the income per person for the State by the income per person for all the States (not including Puerto Rico, the Virgin Islands, American Samoa, and Guam), except that the allotment ratio shall in no case

be less than 0.33⅓ or more than 0.66⅔, and the allotment ratio for Puerto Rico, the Virgin Islands, American Samoa, and Guam shall be 0.66⅔. The allotment ratios shall be promulgated by the Commissioner as soon as possible after enactment of this Act, and annually thereafter, on the basis of the average of the incomes per person of the States and of all the States for the three most recent consecutive calendar years for which satisfactory data are available from the Department of Commerce.

(b)(1) A State's allotment under subsection (a) from funds appropriated pursuant to section 601(b) shall be available in accordance with the provisions of this part for payment of the Federal share (as determined under section 604) of the cost of equipment and minor remodeling described in section 603(2)(A).

(2) A State's allotment under subsection (a) from funds appropriated pursuant to section 601(c) shall be available in accordance with the provisions of this part for payment of the Federal share (as determined under section 604) of the cost of television equipment and minor remodeling described in section 603(2)(B).

(c) Sums allotted to a State for the fiscal year ending June 30, 1966, shall remain available for reservation as provided in section 606 until the close of the next fiscal year, in addition to the sums allotted to such State for such next fiscal year. Sums allotted to a State for the fiscal year ending June 30, 1967, or for any succeeding fiscal year, which are not reserved as provided in section 606 by the close of the fiscal year for which they are allotted, shall be reallotted by the Commissioner, on the basis of such factors as he determines to be equitable and reasonable, among the States which, as determined by the Commissioner, are able to use without delay any amounts so reallotted. Amounts reallotted under this subsection shall be available for reservation until the close of the fiscal year next succeeding the fiscal year for which they were originally allotted.

State Commissions and Plans

SEC. 603. Any State desiring to participate in the program under this part shall designate for that purpose an existing State agency which is broadly representative of the public and of institutions of higher education in the State, or, if no such State agency exists, shall establish such a State agency, and submit to the Commissioner through the agency so designated or established (hereafter in this part referred to as the "State commission"), a State plan for such participation. The Commissioner shall approve any such plan which—

(1) provides that it shall be administered by the State commission;

(2) sets forth, consistently with basic criteria prescribed by regulation pursuant to section 604, objective standards and methods (A) for determining the relative priorities of eligible projects for the acquisition of laboratory and other special equipment (other than supplies consumed in use), including audiovisual materials and equipment for classrooms or audiovisual centers, and printed and published materials (other than textbooks) for classrooms or libraries, suitable for use in providing education in science, mathematics, foreign languages, history, geography, government, English, other humanities, the arts, or education at the undergraduate level in institutions of higher education, and minor remodeling of classroom or other space used for such materials or equipment; (B) for determining relative priorities of eligible projects for (i) the acquisition of television equipment for closed-circuit direct instruction in such fields in such institutions (including equipment for fixed-service instructional television, as defined by the Federal Communications Commission, but not including broadcast transmission equipment), (ii) the acquisition of necessary instructional materials for use in such television instruction, and (iii) minor remodeling necessary for such television equipment; and (C) for determining the Federal share of the cost of each such project;

(3) provides (A) for assigning priorities solely on the basis of such criteria, standards, and methods to eligible projects submitted to the State commission and deemed by it to be otherwise approvable under the provisions of this part; and (B) for approving and recommending to the Commissioner, in the order of such priority, applications covering such eligible projects, and for certifying to the Commissioner the Federal share, determined by the State commission under the State plan, of the cost of the project involved;

(4) provides for affording to every applicant, which has submitted to the State commission a project, an opportunity for a fair hearing before the commission as to the priority assigned to such project or as to any other determination of the commission adversely affecting such applicant; and

(5) provides (A) for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State commission under this part, and (B) for the making of such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this part.

Basic Criteria for Determining Priorities, Federal Share, and Maintenance of Effort

SEC. 604. (a) As soon as practicable after the enactment of this Act the Commissioner shall by regulation prescribe basic criteria to which the provisions of State plans setting forth standards and methods for determining relative priorities of eligible projects, and the application of such standards and methods to such projects under such plans, shall be subject. Such basic criteria (1) shall be such as will best tend to achieve the objectives of this part while leaving opportunity and flexibility for the development of State plan standards and methods that will best accommodate the varied needs of institutions in the several States, and (2) shall give special consideration to the financial need of the institution. Subject to the foregoing requirements, such regulations may establish additional and appropriate basic criteria, including provision for considering the degree to which applicant institutions are effectively utilizing existing facilities and equipment, provision for allowing State plans to group or provide for grouping in a reasonable manner, facilities or institutions according to functional or educational type for priority purposes, and, in view of the national objectives of this Act, provision for considering the degree to which the institution serves students from two or more States or from outside the United States; and in no event shall an institution's readiness to admit such out-of-State students be considered as a priority factor adverse to such institution.

(b) The Federal share for the purposes of this part shall be 50 per centum of the cost of the project, except that a State commission may increase such share to not to exceed 80 per centum of such cost in the case of any institution proving insufficient resources to participate in the program under this part and inability to acquire such resources. An institution of higher education shall be eligible for a grant for a project pursuant to this part in any fiscal year only if such institution will expend during such year for the same purposes as, but not pursuant to, this part an amount at least equal to the amount expended by such institution for such purposes during the previous fiscal year. The Commissioner shall establish basic criteria for making determinations under this subsection.

Applications for Grants and Conditions for Approval

SEC. 605. (a) Institutional of higher education which desire to obtain grants under this part shall submit applications therefor at such time or times and in such manner as may be prescribed by the Commissioner, and such applications shall contain such information as may be required by or pursuant to regulation for the purpose of enabling the Commissioner to make the determinations required to be made by him under this part.

(b) The Commissioner shall approve an application covering a project under this part and meeting the requirements prescribed pursuant to subsection (a) if—

(1) the project has been approved and recommended by the appropriate State commission;

(2) the State commission has certified to the Commissioner, in accordance with the State plan, the Federal share of the cost of the project, and sufficient funds to pay such Federal share are available from the applicable allotment of the State (including any applicable reallotment to the State);

(3) the project has, pursuant to the State plan, been assigned a priority that is higher than that of all other projects within such State (chargeable to the same allotment) which meet all the requirements of this section (other than this clause) and for which Federal funds have not yet been reserved;

(4) the Commissioner determines that the project will be undertaken in an economical manner and will not be overly elaborate or extravagant; and

(5) the Commissioner determines that the application contains or is supported by satisfactory assurances—

(A) that Federal funds received by the applicant will be used solely for defraying the cost of the project covered by such application,

(B) that sufficient funds will be available to meet the non-Federal portion of such cost and to provide for the effective use of the equipment upon completion, and

(C) that the institution will meet the maintenance of effort requirement in section 604(b).

(b) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

Amount of Grant—Payment

SEC. 606. Upon his approval of any application for a grant under this part, the Commissioner shall reserve from the applicable allotment (including any applicable reallotment) available therefor, the amount of such grant, which (subject to the limits of such allotment or reallotment) shall be equal to the Federal share of the cost of the project covered by such application. The Commissioner shall pay such reserve amount, in advance or by way of reimbursement, and in such installments as he may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application covering such project or upon revision of the estimated cost of a project with respect to which such reservation was made, and in the event of an upward revision of such estimated cost approved by him he may reserve the Federal share of the added cost only from the applicable allotment (or reallotment) available at the time of such approval.

Administration of State Plans

SEC. 607. (a) The Commissioner shall not finally disapprove any State plan submitted under this part, or any modification thereof,

without first affording the State commission submitting the plan reasonable notice and opportunity for a hearing.

(b) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State commission administering a State plan approved under this part, finds—

(1) that the State plan has been so changed that it no longer complies with the provisions of section 603, or

(2) that in the administration of the plan there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State commission that the State will not be regarded as eligible to participate in the program under this part until he is satisfied that there is no longer any such failure to comply.

Judicial Review

SEC. 608. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under this part or with his final action under section 607, such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Commissioner shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

Limitation on Payments

SEC. 609. Nothing contained in this part shall be construed to authorize the making of any payment under this part for any equipment or materials for religious worship or instruction.

Part B—Faculty development programs

Institutes Authorized

SEC. 621. There are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1966, and for each of the four succeeding fiscal years, to enable the Commissioner to arrange, through grants or contracts, with institutions of higher education for the operation by them of short-term workshops or short-term or regular-session institutes for individuals (1) who are engaged in, or preparing to engage in, the use of educational media equipment in teaching in institutions of higher education, or (2) who are, or are preparing to be, in institutions of higher education, specialists in educational media or librarians or other specialists using such media.

Stipends

SEC. 622. Each individual who attends an institute operated under the provisions of this part shall be eligible (after application therefor) to receive a stipend at the rate of $75 per week for the period of his attendance at such institute and each such individual with one or more dependents shall receive an additional stipend at the rate of $15 per week for each dependent. No stipends shall be paid for attendance at workshops.

TITLE VII—AMENDMENTS TO HIGHER EDUCATION FACILITIES ACT OF 1963

Expansion of Grant Purposes

SEC. 701. (a) Section 106 of the Higher Education Facilities Act of 1963 is amended to read as follows:

"Eligibility for Grants

"SEC. 106. An institution of higher education shall be eligible for a grant for construction of an academic facility under this title only if such construction will, either alone or together with other construction to be undertaken within a reasonable time, (1) result in an urgently needed substantial expansion of the institution's student enrollment capacity or capacity to carry out extension and continuing education programs, or (2) in the case of a new institution of higher education, result in creating urgently needed enrollment capacity or capacity to carry out extension and continuing education programs."

(b) The first sentence of section 101(b) of the Higher Education Facilities Act of 1963 is amended by striking out "and each of the two succeeding fiscal years" and inserting in lieu thereof "and for the succeeding fiscal year, and the sum of $330,000,000 for the fiscal year ending June 30, 1966".

(c) The second sentence of section 201 of such Act is amended by striking out "and the sum of $60,000,000 each for the fiscal year ending June 30, 1965, and the succeeding fiscal year" and inserting in lieu thereof "the sum of $60,000,000 for the fiscal year ending June 30, 1965, and the sum of $120,000,000 for the fiscal year ending June 30, 1966".

Technical amendments

Making Section 103 Allotments Available for Section 104 Institutions Under Certain Circumstances

SEC. 702. (a)(1) Section 103(b) of the Higher Education Facilities Act of 1963 is amended by inserting "(1)" immediately after "(b)" in such section and by adding at the end thereof:

"(2) Notwithstanding other provisions of this title to the contrary, a State's allotment for any fiscal year pursuant to this section shall, at the request of the Governor of such State, be available, in accordance with the provisions of this title, for payment of the Federal share (as determined under sections 108(b)(3) and 401(d)) of the development cost of approved projects for the construction of academic facilities within such State for public institutions of higher education other than public community colleges and public technical institutes."

(2) The first sentence of section 103(c) is amended by striking out "for providing academic facilities for public community colleges or public technical institutes" and inserting in lieu thereof "for the purposes set forth in subsection (b) of this section".

(3) Clause (3) of section 105(a) is amended by inserting "(except as provided in section 103(b)(2))" after "section 103 will be available".

Making Section 104 Allotments Available for Section 103 Institutions Under Certain Circumstances

(b)(1) Section 104(b) of the Higher Education Facilities Act of 1963 is amended by inserting "(1)" immediately after "(b)" in such section and by adding at the end thereof:

"(2) Notwithstanding other provisions of this title to the contrary, a State's allotment for any fiscal year pursuant to this section shall, at the request of the Governor of such State, be available, in accordance with the provisions of this title, for payment of the Federal share (as determined under sections 108(b)(3) and 401(d)) of the development cost of approved projects for the construction of academic facilities within such State for public community colleges and public technical institutes."

(2) The first sentence of section 104(c) is amended by striking out "for providing academic facilities for institutions of higher education other than public community colleges and public technical institutes" and inserting in lieu thereof "for the purposes set forth in subsection (b) of this section"

(3) Clause (3) of section 105(a) is amended by inserting "(except as provided in section 104(b)(2))" after "section 104 will be available".

Revising Federal Share for Public Community Colleges and Public Technical Institutes

(c)(1) Section 105(a)(2) of the Higher Education Facilities Act of 1963 is amended by striking out "other than a project for a public community college or public technical institute".

(2) Section 107(b) of such Act is amended (1) by striking out "other than a project for a public community college or public technical institute", and (2) by striking out "shall be 40 per centum" and inserting in lieu thereof "shall in no event exceed 40 per centum".

(3) Section 401(d) of such Act is amended by inserting immediately before "40 per centum" the following: "a percentage (as determined under the applicable State plan) not in excess of".

Indefinite Availability of Sums Appropriated Under Section 201

(d) The last sentence of section 201 of the Higher Education Facilities Act of 1963 is amended to read as follows: "Sums so appropriated shall remain available until expended for grants under this title."

Two-Year Availability of Title III Funds

(e) Section 303(c) of the Higher Education Facilities Act of 1963 is amended by adding at the end the following new sentence: "Sums appropriated pursuant to this subsection for any fiscal year shall remain available for loans under this title until the end of the next succeeding fiscal year."

Coordination With Part A (Grants for Expansion and Improvement of Nurse Training) of Title VIII of the Public Health Service Act

(f) Effective with respect to applications for grants and loans submitted after the date of enactment of this Act, clause (E) of section 401(a)(2) of the Higher Education Facilities Act of 1963 is amended to read as follows: "(E) any facility used or to be used by a school of medicine, school of dentistry, school of osteopathy, school of pharmacy, school of optometry, school of podiatry, or school of public health as these terms are defined in section 724 of the Public Health Service Act, or a school of nursing as defined in section 843 of that Act."

TITLE VIII—GENERAL PROVISIONS

Definitions

SEC. 801. As used in this Act—

(a) The term "institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

Such term also includes any business school or technical institution which meets the provisions of clauses (1), (2), (4), and (5). For purposes of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

(b) The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands.

(c) The term "nonprofit" as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(d) The term "secondary school" means a school which provides secondary education as determined under State law except that it does not include any education provided beyond grade 12.

(e) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(f) The term "Commissioner" means the Commissioner of Education.

(g) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary, secondary, or postsecondary vocational schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary, secondary, or postsecondary vocational schools. Such terms also includes any other public institution or agency having administrative control and direction of a public elementary, secondary, or postsecondary vocational school.

(h) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(i) The term "elementary school" means a school which provides elementary education including education below grade 1, as determined under State law.

Method of Payment

SEC. 802. Payments under this Act to any individual or to any State or Federal agency, institution of higher education, or any other organization, pursuant to a grant, loan, or contract, may be made in installments, and in advance or by way of reimbursement, and, in the case of grants or loans, with necessary adjustments on account of overpayments or underpayments.

Federal Administration

SEC. 803. (a) The Commissioner is authorized to delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Office of Education.

(b) In administering the titles of this Act for which he is responsible, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or institution, in accordance with agreements between the Secretary and the head thereof.

(c) In carrying out his functions under this or any other Act, the Commissioner is authorized to contract for the publication of educational and related information so as to further the full dissemination of information of eduactional value consistent with the national interest, without regard to the provisions of section 87 of the Act of January 12, 1895 (28 Stat. 622), and section 11 of the Act of March 1, 1919 (40 Stat. 1270; 44 U.S.C. 111).

Federal Control of Education Prohibited

SEC. 804. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise and direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, or over the selection of library resources by any educational institution.

Mr. MANSFIELD. Mr. President, if the Senator from Utah will yield further, there will be no further legislation, to my knowledge, considered in the Senate this afternoon. Therefore, there will be no votes.

Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in recess until 12 o'clock tomorrow.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. And that at the conclusion of the prayer, rather than having a morning hour, the Senate resume consideration of the higher education bill.

The VICE PRESIDENT. That request is not necessary. Since the Senate will recess when it concludes its business today, there will be no morning hour tomorrow.

NORTH AMERICAN WATER AND POWER ALLIANCE—RESOLUTION

Mr. MOSS. Mr. President, 1965 might be called the year of the great water paradox. Almost the entire Nation has had unusual weather.

In the Northeast, where people serenely assumed water would always be bountiful, there is a record-shattering drought from New Hampshire to West Virginia. Some of our densest areas of population and heaviest concentrations of industry face the fearful possibility that they will be out of water by midwinter.

Near-record snows and heavy spring rains in the upper Mississippi Valley spread devastating floods all the way from Minnesota to Missouri. Midwestern plains which are often tinder dry were inundated, and city streets awash. It seemed for a time there in April that the rains would never stop.

In the Rocky Mountain area, and other parts of the arid and semiarid West, we have had one of the best water seasons in years. There has been persistent, above-normal rainfall on a broad front extending from Arizona and southern California northeastward to the northern Rockies. Cool, clear water for our farms and our homes has filled our reservoirs to their highest levels in years. Even the Great Salt Lake, which has been steadily receding for a number of years, has done an about-face, and its salty waters are lapping at lands which have not been submerged for more than a decade.

The Pacific Northwest, an area normally blessed with heavy rainfall, had an unusually dry and sunny spring season, and rain was on the low side on the gulf coast and in Florida, where precipitation is usually plentiful.

How can a Nation deal with such paradoxes—with such audacious whims of nature? There is only one way—by careful, long-range planning which takes into consideration total resources and total needs.

This year's water paradoxes have moved America swiftly toward its day of water reckoning. When the Senate Subcommittee on National Water Resources warned in 1961 that some sections of the United States would be out of water in 20 years if heroic measures were not taken, people in water bountiful areas had a tendency to shrug and say, "never here, thank goodness," and go on about their business. Now they are aroused. With taps running dry in big metropolitan areas where water has not even been metered, with little or no water for suburban lawns and swimming pools, with air conditioning endangered and with industrial plants hard put to keep their wheels turning, even the most indifferent citizen is ready to take another look at our water needs and uses. Our "unusual" weather has been good for more than conversation to pass the time of day.

It would be frustrating enough in this summer of 1965 if America's water problems were all due to the vagaries of nature alone, but the truth is that they have been vastly complicated by the vagaries of man. Perhaps now it will be possible to make more of our citizens in more of our communities along our rivers and lakes rise up in their wrath about the human vagary which has filled our rivers and streams with pollution. Not enough people in America are angry about pollution. More people must put on battle array if we are to conquer this massive problem.

Cities and industries, all too often centered on their own problems, have in too many instances been lethargic about the long-range interest of their own or adjacent areas. For years it mattered little to city councilmen or plant managers that by filling our lakes and streams with human and industrial waste they were turning them into open sewers.

As a result, many of our greatest rivers and lakes now suffer chronic pollution. The water of the Great Lakes—one-quarter of the world's fresh liquid water—are badly polluted.

Lake Erie is critically ill, its once-white beaches covered with smelly greenish slime, and its priceless walleyes, blue pike, and yellow perch, all but lost, along with its prosperous fishing industry.

Here in Washington, the Capital City of the most powerful and progressive nation in the world, we view not the model Potomac, but the polluted Potomac. The waters of the Ohio are no longer beautiful, but are turgid with waste, and even in the mighty Mississippi there is not enough water to flush out the waste and sewage poured into it.

We have used, and misused, our water for years as though there were no tomorrow. Now tomorrow is here and we must face it.

Let it be written that this summer of 1965 was the summer when the people of America finally fully understood the magnitude of the Nation's water problems, and took the bold and courageous steps necessary to meet them. Let us profit by the discussion and concern about water; by the newspaper headlines snatched away from crime and murder and war to announce drought and more drought, pollution and more pollution, floods and more floods. Let us take the momentum which these disasters have given us and profit by it. Let us take our leadtime and make the most of it.

We must begin now to put our imagination and skills together and do what has to be done to assure that the entire Nation—the usually water bountiful Northeast, South and Northwest, the uncertain Midwest, the arid and semiarid West and Southwest, will always have enough water, no matter what pranks nature pulls, to allow each State and each section to achieve its share of our national growth now and in the years to come.

We must use every tool at our command. We must expand water storage facilities, purify brackish and salt water, increase streamflow by eradication of worthless vegetation, control snowmelt, and expand all phases of water research.

We must achieve optimum development of what water we have underground and above ground. We must improve coordination between Federal, State, and local activities. We must work hard—and work together.

Congress took a giant step this session in improving cooperation between areas and States in water development when we passed a measure to provide for water resource development and planning in the United States on river basin bases.

It is manifest that State and regional lines must be disregarded if water resource planning is to be fully efficient. Water flows downward by gravity, sweeping over man-designated boundaries at will. The fact that we have drawn arbitrary lines to set one State apart from another, or one county apart from another, is of no concern to a river or stream rushing to the sea, or a lake which spreads out in nature's valley. Nor is it of any concern to our great continental waterways that more than a hundred years ago the United States and Canada established the 49th parallel, and the middle of the Great Lakes and the St. Lawrence, as the boundary between our two nations. These are man-set confines which nature ignores.

With water resource development now launched on a basinwide basis in the United States, the next logical step is importation of water from water surplus areas to water short areas. This is a bold concept, and one which will require more imagination and will and cooperation than has been displayed so far.

There has been stiff resistance to exporting water in water surplus areas. This is natural and understandable. No one wants to give up something which he holds valuable. On the other hand it is hard to justify wasting away a valuable resource which belongs to all the people when others desperately need it.

Therefore, water importation is now becoming a topic of discussion at water parleys all through the West. We are beginning to feel our way on it. A close examination of all the signs and portents indicate that some of the objections to water importation are dissolving.

For example, western governors meeting in Portland, Oreg., earlier this year unanimously adopted a resolution establishing a Western States water council to effect cooperation in water resource development. This resolution recognized the fact that water problems in one water basin of the West are water problems of all Western States and basins, and that full integration may require the removal of water from areas of water surplus to areas of water deficiency.

At recent resource development discussion meetings held in Lake Tahoe, Calif., and Corvallis, Oreg., it was the apparent consensus of the broad representation of experts and citizens there that Western States must reach agreement among themselves on large-scale interstate transbasin water development programs.

In keynoting the Oregon conference, Gov. Mark Hatfield, much of whose State lies in an abundant rainfall belt, stressed the growing seriousness of the water problems of the cities. He stated:

> It is one of the ironies of our age, there are cities where we cannot water the lawns, wash the automobiles, or fill the swimming pools our productive economy have permitted. Even the enjoyment of our new leisure is threatened by the pollution of our lakes and rivers.

I was most interested to read an interview with my good friend and colleague, Senator JORDAN of Idaho, in the Salt Lake Tribune, in which the Senator recognized the rights of people in water-parched areas to water which was wasting away in water surplus areas. Senator JORDAN dealt specifically with the situation in southern California, and concluded that when all potential California water supplies had been fully developed, and other possibilities such as desalinization exhausted, the people of that area had the right to look to the large surplus supplies which exist in the Lower Columbia Basin.

"We in the Northwest cannot defend our right to waste water in the Columbia into the ocean," the Senator stated. How could anyone disagree?

The concept of "waste not, want not" on water was carried a step farther in a meeting of representatives of the lower and upper Colorado River Basin held this month here in Washington. At this meeting representatives from my own State of Utah expressed a willingness to share temporarily a portion of our precious share of Colorado River waters with lower basin States until completion of our own water development projects allows us to make full use of our share. We asked, of course, for strong guarantees that the water will be returned to us when we are ready to use it, but there was general recognition of the fact that if the lower basin does not find more water for its rapidly expanding population soon, the problem will become insoluble. So you can see, dividing up water is not always an activity where all of the giving is all on one side.

But dividing up available water—importing it from where it is to where it is not—is much wider than just a western problem, or even a nationwide problem. It is a continentwide problem. The most imaginative approach to the water shortages in the United States, and our greatest hope of solving our water problems from the Great Lakes to the Pacific Ocean, and from Canada to Mexico, lies, in a bold new concept which has been called the North American Water and Power Alliance. This concept is being actively advanced by the Ralph M. Parsons Co., of Los Angeles, one of the outstanding engineering and construction firms in the Nation.

I was so deeply impressed with the Parsons concept that I asked the distinguished chairman of the Senate Public Works Committee [Mr. MCNAMARA] to establish a special subcommittee to study it and decide how it could be implemented. This he did—the Special Subcommittee on Western Water Development—and I was honored with the appointment as chairman.

Since that time the subcommittee has compiled and published an inventory of all water resource projects authorized or contemplated by the Federal Government and compared them with the projects in the Parsons concept.

NAWAPA, as the program has become known, would trap the wasted water of Alaska, the Yukon Territory, and British Columbia, and channel it to the Canadian Plains, the Great Lakes, and Western United States and Mexico.

It would be history's biggest public works program. It would cost $100 billion and it would take 30 years to build. It would provide a vast complex of canals, trenches, reservoirs, aqueducts, lift-pump stations, and other water works. There would be a 500-mile-long Rocky Mountain trench in the upper reaches of Columbia, Fraser and Kootenay Rivers which would bring water to Idaho, Oregon, Utah, Nevada, California, Arizona, New Mexico and several places in old Mexico. A Rocky Mountain eastern slope project would put more water into New Mexico, and into Texas, Colorado, Kansas, Nebraska, and Oklahoma. Water would be transported to the Great Lakes, now at drastically low levels because of water diversion, channel improvement and low precipitation through a giant Canadian-Great Lakes canal system.

In all, 33 States in the United States would directly benefit from NAWAPA, with the entire country sharing in the economic impact. In Canada, direct benefits would accrue to seven Provinces and one territory.

During the months after the concept was advanced, I made an effort to have it considered by the Canadian Government, and the Premiers of the Canadian Provinces which would be most intensely involved. I informed Secretary Rusk of the formation of the special subcommittee to consider the NAWAPA concept and requested that the Government of Canada be asked to join with the United States in conducting a detailed engineering survey of the projects. The Canadians indicated they did not wish to

enter into such a study. The Premier of British Columbia, a key Province in the program, was outspoken in his opposition to it.

Since that time, however, there have been some signs of a softening of attitude on the general question of transporting water from water-surplus areas in Canada to the United States.

As an example, the Governments of Canada and Ontario have now agreed to a northern river water survey to find out whether waters now flowing wastefully into the Hudson Bay might be diverted southward.

Both Prime Minister Lester B. Pearson and Premier John Robards have stressed that water should not be exported to relieve acute U.S. shortages until after Canada's needs are met—a most reasonable attitude, of course. The implication is that it should be exported when Canada's present and future needs have been guaranteed, in order to sustain life in water-short areas.

This is one more step in the recognition of the mutuality of interest in water between the United States and Canada, which began in 1909 when the boundary water treaty between the two countries was signed to establish a procedure for settling questions on our boundary waters. This was followed in 1912 by the establishment of the International Joint Commission. Since that time there have been a series of agreements dealing with matters ranging from tolls in boundary waters, to Great Lakes pilotage, to Lake of the Woods boundary levels to the Niagara diversion.

Some time ago we concluded the basic agreements which make possible the development of the mighty St. Lawrence Seaway. More recently we have seen our common interest served in the Canadian-United States Columbia River Treaty, signed last year by President Johnson and Prime Minister Pearson at the Peace Arch on the border between Washington State and British Columbia. Even though there are still some problems to be ironed out, the signing of the treaty assures us that the water and energy resources of western Canada and western United States will be utilized for all time to come for the common good of both countries.

Now the drastic decline in the water level of the Great Lakes has brought our two countries together again in negotiations to consider our rights, obligations, and interests. The lake level problem has been referred to the International Joint Commission to find a solution—if one is within man's reach.

It was my privilege recently to speak at the third International Conference on Water Conservation in Montreal, Canada, in June of this year. It is significant, I believe, that representatives of the Parsons Co. were also invited to the conference and given time to explain in detail the Nawapa plan, with special emphasis on the facets of it which would bring more water into the Great Lakes.

Most of the conference was devoted to the deterioration of water levels in the Great Lakes-St. Lawrence system, and to the steps it will be necessary to take to head off disaster.

By resolution, the conference recommended the establishment of a single continuing national authority to achieve a real and efficient coordination of all competent Government and private agencies to work out a comprehensive water management policy.

By resolution, the conference also urged the International Joint Commission to proceed with all dispatch into the already authorized studies on the Great Lakes.

And finally, by resolution, the conference urged that studies be undertaken on the feasibility of utilizing additional northern Canadian waters to augment the receding waters of the Great Lakes.

Mr. President, I am greatly heartened by the fact that both here in the United States, and in Canada, we are beginning to consider the feasibility of importing water from areas where it is wasting away, to areas which are water short. Discussion is the father of action.

I am encouraged, also, by the fact that this willingness to discuss mass transportation of water from one area to another comes in the country of our neighbor to the north with whom we have a well established mutuality of interest, and a long history of the fair and just recognition of the valid rights of each.

I am likewise pleased that these developments have matured in a year when the United States as a whole has suffered from a reversal of its weather cycle, and citizens throughout the country are aware, as never before, of the importance of managing our water resources on a continent wide and long-range basis.

I feel, therefore, that this is an auspicious time to submit a concurrent resolution which provides it to be the sense of Congress that the Government of the United States refer to the International Joint Commission the subject of the North American Water and Power Alliance with instructions that it be fully studied and that a detailed engineering survey be conducted on it. I am submitting such a concurrent resolution today. It is my hope that the Parliament of Canada pass a like resolution directed toward the Government of the Dominion of Canada. I shall call this hope to the attention of my friends in the Canadian Parliament.

I also hope that some of my Senate colleagues will join with me in sponsoring this NAWAPA resolution and I ask unanimous consent that it lie on the desk for 1 week for cosponsors. I feel that this is the first step on what may be a long quest to provide the most realistic and complete solution yet offered to the water crisis on the North American Continent.

The PRESIDING OFFICER (Mr. TYDINGS in the chair). The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will lie on the desk, as requested.

The concurrent resolution (S. Con. Res. 55) was referred to the Committee on Foreign Relations, as follows:

S. CON. RES. 55

Whereas there is a drought which has created a water shortage of unprecedented proportions for the City of New York, and has created serious water problems for the States of New York and Pennsylvania and the entire northeastern regions of the United States;

Whereas most of the Nation's rivers are contaminated with human sewage and industrial wastes;

Whereas the water supply for large areas of western Canada and Western United States is inadequate to provide for present and future needs;

Whereas the Congress has enacted the Water Resources Planning Act, under which river basin planning authorities will be established, and through which maximum development of existing resources within basins will be achieved;

Whereas more water is necessary to solve the Nation's problems of water supply and pollution abatement;

Whereas large quantities of Arctic water flow unused into the sea;

Whereas it has been proposed that the nations of Canada and the United States consider diversion of the surplus portions of this water to meet the needs of water-short areas in Canada and the United States;

Whereas water problems of mutual interest to Canada and the United States have previously been referred to the International Joint Commission;

Whereas the International Joint Commission is now considering the crisis arising from lowered water levels of the Great Lakes; and

Whereas the diversion of surplus Arctic water could make a major contribution to the solution of the water problems of the Great Lakes as well as those of other areas of Canada and the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the President of the United States should refer the matter of the diversion of surplus Arctic water to the International Joint Commission with the request that an economic and engineering feasibility study be made and that the respective governments be informed of the results of such study by December 31, 1966; and

(2) the President of the United States should invite the government of Canada to join in such referral.

REDUCTION OF DUTY-FREE ALLOWANCE ON FOREIGN GOODS

Mr. SMATHERS. Mr. President, on June 29 the Senate took what I have called a "shotgun approach" to our balance-of-payments problem by voting to reduce the duty-free allowance on foreign goods which may be brought home by American tourists.

As I said in the Senate debate, that portion of the bill which reduced 1 gallon to 1 quart the amount of alcoholic beverages allowed to a returning tourist would prove unduly damaging to some of our stanchest allies in the Caribbean and areas immediately adjacent to the United States.

In particular, the Bahamas—which rely entirely on a tourist economy—reported that the reduced quota on liquor purchases would reduce their gross national product by 12 percent. All this would take place in a country with which the United States has long had a favorable trade position.

Mr. President, I could not understand then and I certainly cannot understand now why, in our efforts to achieve a better balance-of-payments position, we would take a line of action which actu-

ally worsens our balance-of-payments position, because it cuts off trade with several countries with which we have a favorable balance of trade. In other words, it increases the deficit.

If we make money in our trade relations with the Bahama Islands, with Bermuda, and with other countries, certainly to prohibit them from getting dollars which they, in turn, spend with us—not only do they spend, but for every $1 our tourists leave there, they, in turn, spend $2 with us—to stop that kind of business does not make sense arithmetically or logically, because it hurts our balance-of-payments position instead of helping it.

I am hopeful that the Secretary of the Treasury, the distinguished Henry H. Fowler, from Virginia, will take another look at this approach to improving our balance-of-payments position, and will see fit to make a recommendation to Congress at the beginning of the next session which will permit the removal of such limitations upon those countries which now yield us a favorable balance of trade, because to do so will have the net effect of improving our net balance-of-payments position.

Mr. President, William Tucker of the Miami News, a reporter who does a thorough job, went to the Bahamas recently to do an on-the-spot survey of the effect this ruling will have on one of our friendly neighbors.

His reports confirm the position I took in the Senate some weeks ago and which I shall continue to take until this body acts to redress the economic injury which this "shotgun measure" will cause.

I ask unanimous consent to have printed in the RECORD at this point articles by William Tucker published in the August 26, 27, and 29 editions of the Miami News.

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

TOURIST IMPORT BAN BACKFIRES ON UNITED STATES

(In a move calculated to help restore the U.S. balance of payments with foreign countries, Congress enacted a law limiting the amount of goods a citizen can bring home duty free. The merchants of Bay Street, Nassau, immediately screamed "foul" and fired off indignant protests to the White House. Miami News Reporter William Tucker visited the Bahamas and discovered the new law will have far-reaching effects here in Florida and in all of the islands of the Caribbean. They're described in this first of a two-part series.)

(By William Tucker)

NASSAU.—The U.S. customs inspector at Nassau Airport surveyed the mountain of colorful hats, beach bags and purses and joked, "starting your own straw market, eh?"

He waived the family group through the gate because the bulky collection of straw goods easily fell within the $10 a person limit of purchases they could take home from the Bahamas after only a day's visit.

The next traveler also carried a straw bag—but with a difference. This citizen had been away from the United States for at least 48 hours and his bag contained five bottles of liquor—equivalent to a gallon.

Bahamas officials contend that for every visitor who buys a straw hat or beach bag in Nassau on a day's outing, two others will stay long enough to lug away a gallon of booze.

This $5 million annual traffic will come to a crashing end Oct. 1 under a new U.S. law limiting the amount of liquor a citizen can bring home duty free from abroad to a quart, no matter how long he stays. And Nassau, while visitors throng its picturesque shops and native straw markets at a rates that will topple all its tourist records this year, is undergoing quiet agony on Bay Street.

The liquor shops are as numerous as gift shops and banks, and 90 percent of their business, they estimate, is in "five-pack" gallons for stateside consumption. The liquor merchants hop from one shop to another wringing their hands and muttering imprecations against the United States and Lyndon B. Johnson.

They feel betrayed. They claim and government figures back them up that the Bahamas spent in the last 6 years $135 million more in the United States than was spent there by American tourists.

The Bahamas import liquor from Europe and other islands, and such favorite foreign bargains as Swiss watches and German cameras. But in other ways they are as dependent upon the United States for their basic needs as Miami Beach.

Lying so close to Florida, it would be foolish economics to go to any other market for building materials, furnishings, and even food stores. But their proximity and stateside buying practices won no exception for the Bahamas in the law enacted at President Johnson's suggestion to help restore the U.S. balance of payments.

The law also cuts the amount of nonliquor goods a U.S. citizen can take home duty free after 48 hours to $100 retail. The old figure, still in effect until October 1, was $100 wholesale, which would allow about $160 worth retail through Customs.

This cutback is expected to hurt the perfume, camera, china, watch, and cashmere sweater shops, all thronged by Americans, and the merchants are making a last big sales pitch.

"U.S. Customs will discount your purchases by 40 percent," says a sign in some of the shops, giving away the markup then and there. All purchases must be carried home—they can't be mailed—under the new law. This will hit dealers in bulky items like sets of china.

But the liquor shops are the ones really hurting. Each has a red-lettered sign noting that 1 gallon may be taken home duty free until October 1, so "buy now." One shop had a calendar pad with a page ripped off daily noting "only 36 more days" in which to buy a gallon, and the next day it would read only 35 days. After that, said the sign, "you can only take out 1 quart (if you are 21.)"

The merchants don't want to go on record as cussing the U.S. President and have agreed to present a solid front of protest behind David Lightbourn, a perfumer and former president of the Nassau Chamber of Commerce. Lightbourn said the merchants are stunned by the U.S. action. He predicted a sharp drop in the colony's revenue, which comes mainly from the booze and other goodies sold to American tourists.

Three years ago the calypso bands struck up ballads in tribute to President Kennedy when he visited here. They sang another tune about his fellow conferee at the big-two meeting, Prime Minister Harold Macmillan.

They called that one "Mac the Knife," and the colony went on to win semiautonomy from London, happy to fall within the U.S. economic sphere. Now the native balladiers are stringing up Mr. Johnson in song the way they did the Prime Minister.

The native Progressive Liberal Party may argue that the calypso singers in the hotels are under control of the "Bay Street boys," the big merchants in the majority party, but even the Progressive Liberal Party admits that the entire Bahamas economy is wrapped up in tourism.

What are the liquor merchants doing in the face of the oncoming cutback? They are reducing imports and rapidly clearing inventories because swarms of tourists are having a last fling with the duty-free gallon.

They are adjusting prices—going up on some types and brands in a bid to get a solid profit per bottle, whether or not it is for taking back to Florida. There is also discussion of cutting prices on some liquors such as rum, which are imported cheaply from other islands.

For a gallon package, the merchants will argue, it will still be cheaper to buy it in the islands than at home, with the duty (including the Internal Revenue levy) tacked on. A five-pack that costs $15 will run to $25 with the duty, but a tourist might pay $30 to $40 for the same brands at home.

Arrangements also are being made for the duty to be paid in the liquor store and have the whisky packets stamped for clearance so the buyer won't have the customs worry.

A big headache is the limitation of one U.S. quart. The Bay Street dealers import their stock in fifths for the five-packs and in imperial quarts, which contain 40 ounces. The U.S. quart is 32 ounces. And while they are sweating out the bottle size, the merchants find themselves suddenly disinclined to import any more American bourbon.

SPIRIT OF '76 NOT ENOUGH FOR BAHAMAS

(The islands of the Bahamas, like others in the Caribbean, face very real economic consequences as a result of the new law limiting the amount of goods a citizen can bring home duty-free. Miami News Reporter William Tucker, who visited the islands, points up the claims of Bay Street merchants and others, who have steadily increased United States-Caribbean trade to a point favoring the mainland.)

(By William Tucker)

NASSAU.—With repeal of prohibition in the United States, the rum-running Bahamians decided, since they could no longer profit by taking liquor to the Americans, their best bet was to bring the Americans to where the liquor was cheaper.

Thus simply did the Bahamas begin the American tourist trade that has since become the lifeblood of the farflung islands, stretching almost from Cuba to Palm Beach.

World War II interrupted the tourist traffic, but when it resumed it leaped from 32,000 in 1949 to 605,000 last year. This season may bring 800,000 and the goal of a million by 1970 should easily be reached before then.

But, Bahamian leaders point out, what's good for the Bahamas has been a great deal better for the United States.

Sir Stafford Sands, who as chairman of the Bahamas Development Board has done more than any one man to make the islands a tourist paradise, spells it out in figures.

"In 1964 we took in $53 million from tourist expenditures, but during that year we spent $93.5 million in the United States for the purchase of good and services," Sands said.

"In other words, we spent 76 percent more in the United States than we received from U.S. tourist expenditures in the colony.

"Over the 6-year period ending last year, we as a colony spent $358 million in the United States but we only took in $221 million from the tourist trade. Therefore, every tourist dollar spent in the Bahamas over the last 6 years by American tourists earned 62 percent interest for the United States."

Other sources estimated Bahamas expenditures last year reached $25 million in the Miami area.

Bay Street merchants and the Government feel doubly hurt by the new U.S. law limiting the amount of liquor a citizen can take home, tax-free, to one quart, compared with a gallon (usually five fifths) under the law expiring October 1.

First, they are wounded because they feel, as Sands stated, the Bahamas have helped, instead of hurt, the U.S. efforts to achieve a balance of payments with foreign nations.

Second, they feel the United States, which has poured billions into backward or impoverished nations, is only giving a stab in the back to a neighbor who has built up a thriving economy on its own efforts.

The Bahamas' business-like Government is called something else by its opponents—business in government. Leaders of the Progressive Liberal Party, who have even gone to the United Nations seeking insular reapportionment, claim the "Bay Street Boys" not only run the Government, but barter with it.

The Bahamas handbook for 1963 lists Symonette as president of two real estate firms and of Robertson Ltd., one of the biggest Bay Street liquor firms.

And the chairman of Burns House Ltd. liquor firm is listed as none other than Stafford L. Sands, the Government's No. 1 tourist-hunter.

Such interest would seem to put the Government very much into the Bay Street merchants' concern over the new U.S. import restrictions.

But Sir Stafford emphasizes two points in stating his case for a fair shake from the United States:

The new Bahamas Constitution, written when the colony gained semi-autonomy from the British Crown, is devoted entirely to basic human rights for all citizens, whatever color or creed, in its first section.

The standard of living of every man, woman, and child in the entire Bahamas has been substantially raised in the tourist boom of the last 15 years.

SENATOR SMATHERS PLEDGES BAHAMAS DUTY-FREE HELP

(By William Tucker)

Senator GEORGE SMATHERS pledged a continuing fight yesterday to lift the new restriction against bringing liquor back from Nassau despite a fresh setback over the issue in Congress.

"We'll get a new bill concerning the balance-of-payments situation next year and I'll try to tack on an amendment then to exclude the Bahamas and Bermuda," SMATHERS said.

SMATHERS asked that a series in the Miami News showing how the Bahamas would suffer under the new law be sent to him so he could insert it in the CONGRESSIONAL RECORD with appropriate remarks.

Since the balance-of-payments crisis developed in Congress early this year SMATHERS has fought to exclude the nearby islands from emergency measures restricting tourist purchases.

He did manage to delay the effective date for 3 months. But starting October 1, American adults will be allowed to bring back only one U.S. quart of spirits from the Bahamas or any other foreign territory without payment of duty, which includes Internal Revenue taxes.

The expiring law allows any citizen to bring back 1 gallon—usually in "five-packs" of fifths—if he has been abroad 48 hours. This is the staple market of Bay Street liquor merchants in Nassau.

The merchants, backed by SMATHERS, argue that the Bahamas spend considerably more money in the United States for the basic needs of the islands' population than tourists spend for gifts, services and accommodations in the islands.

SMATHERS had argued all along that countries or territories that had such a balance favorable to the United States should be excluded from the new laws.

He thought he saw a chance last week to get through an amendment on a new bill dealing with the balance-of-payments program. This one would impose a tax on investments and loans made abroad.

Senator JACOB JAVITS, of New York, opposed the investment tax and prepared an amendment to give the authority to exclude individual countries when the President decided their payment balance was favorable to the United States.

SMATHERS' amendment would lift restrictions to what tourists could bring back home when the same favorable balance was reached, at the President's discretion.

But JAVITS' amendment was routed at a finance committee hearing by opponents who protested that it would grant taxing powers to the President without congressional approval.

When he saw that, SMATHERS said, he didn't offer his own amendment because it was certain to bring the same reaction.

"But I did mention in the discussion that I had prepared an amendment," SMATHERS said. "I am all for restoring the balance of payments, which would correct a very bad situation, but I don't like the shotgun approach."

SMATHERS said he and other opponents of the first balance-of-payments legislation did manage to get the limit on nonalcoholic goods that could be brought back raised from $50 to $100 retail.

"We lost the head and shoulders and the belly but we saved the rear part of the cow," he said.

He blamed the failure to exclude the Bahamas from the liquor limitation on a bloc led by Senator THRUSTON MORTON, Republican, of Kentucky who comes from a big bourbon-producing State.

"Senators from the dry States like Kansas and Nebraska thought I was defending the liquor lobby when Senator MORTON spoke about 6-month-old infants bringing whisky back from Nassau," SMATHERS said.

"It was a case of whose whisky you were trying to sell."

THE SITUATION IN THE DOMINICAN REPUBLIC

Mr. SMATHERS. Mr. President, in the last 2 days, events in the battered Dominican Republic have taken a hopeful turn. The resignation on August 30 of the military-civilian junta headed by Gen. Antonio Imbert Barreras at last paved the way to the announcement yesterday that a provisional government, to be led by Hector Garcia Godoy, will be installed Friday in Santo Domingo.

To paraphrase the late President Kennedy, this development is but a single step in a journey of a thousand miles—a journey toward freedom and justice in a nation that has known little of either in its tragic history. Nevertheless, it is a significant and welcome step. It is the first tread on a long staircase to peace and democracy and has been brought about by the untiring efforts of President Johnson and such skilled and distinguished negotiators as Ellsworth Bunker and W. Tapley Bennett.

But, even as we applaud what has just taken place in the Dominican Republic, we and Dominicans must remain alert to the dangers that still abound. These are dangers that can be quickly identified by a close study of some of the roots of the uprising that began a little over 4 months ago.

Mr. President, on April 24 of this year, the city of Santo Domingo erupted in chaotic and uncontrolled bloodletting. With the war cry that "constitutional forces are on the move against usurpers," rebel military forces and frenzied mobs raced through the streets, toppling the government of Donald Reid Cabral. For at least the 26th time in the 121 years of its independence, the Dominican Republic was plunged into a full-scale revolt.

On April 28, 4 days after the outbreak of violence, President Johnson, having calmly and carefully assessed the situation, ordered a contingent of several hundred U.S. Marines into Santo Domingo to protect the lives of Americans and aid in their evacuation. Subsequently, as events continued to whirl hopelessly out of control, the American troop commitment was increased manyfold to a total of more than 23,000 by mid-May.

During the 4 months since April 24, often unreasoning debate has raged in the pages of the daily press, in academic circles, even in the Halls of Congress over the propriety of American involvement in the Dominican crisis.

Many normally strong supporters of the present administration have deplored the President's decisions in this instance, and, relying on reports from a certain segment of the press, they have accused the United States of misusing its might to thwart a legitimate democratic revolution.

It is unfortunate that the tone of this debate has tended to obscure the actual substantive issues at stake. Liberal spokesmen who, in the past, have counseled—and wisely, I believe—against viewing domestic events in simple, absolute terms of black and white have themselves been guilty of this same folly when speaking of Latin America. Able to discern existing evils in the nations of the hemisphere, they have fallen prey to a fatal attraction for any movement, regardless of its roots, which promises an end to old injustices and the establishment of a better society.

With careless ease, these individuals divide Latins into two groups, the reactionary military and rich on one hand, and the masses of poor and their allies, the intellectuals, on the other. Whenever a revolutionary figure rises from this latter group bearing the banner of liberation and calling on his followers to throw off their shackles, his cause is embraced without question by many Americans who proclaim him a new Bolivar. His opposition, automatically wrong, is branded worthy of destruction.

There can be no doubt that grave wrongs are today perpetuated in many of the lands south of our borders; that hunger is a fact of everyday life for far too large a number of our neighbors; that for some Latin Americans, democracy is only a vague, seemingly unattainable dream; and that the rule of law is sometimes replaced by the rule of decree. But, nevertheless, if we are to effect improvements, we must learn to distinguish between the widely varying factions that compete for political power in every part of the hemisphere. We

must recognize, bad as existing evils may be, their proposed remedies can be even worse.

Mr. President, it is a tragic fact that the failure of an unquestioning majority of Americans to make these distinctions in 1959 aided Fidel Castro in the consolidation of his power in Cuba. By cunningly covering his basic motives with a cloud of rhetoric designed to appeal to the democratic sensibilities of liberal North Americans, Castro was able to hasten the replacement of the tyranny of Batista with the tyranny of communism.

Therefore, although overt Communist influences were carefully submerged at first, when revolt spilled into the streets of Santo Domingo on April 24, responsible Americans were especially wary and were concerned that a second Cuba could be in the making.

The prevention of a Communist coup, however, was not the motive behind President Johnson's initial decision to land U.S. marines. Rather, after the short-lived provisional government of Raphael Molina Ureña collapsed on April 27, the situation in Santo Domingo quickly degenerated into a state of anarchy. Leaderless mobs roamed everywhere sacking, burning, and killing without reason. After repeated attempts by our distinguished Ambassador W. Tapley Bennett to bring key Dominican leaders of both sides together to restore order failed, the Ambassador put through an urgent request for American troops.

President Johnson, acting upon this request, and appeals from individual American citizens and foreign nationals stranded in the midst of a frighteningly violent civil war, responded in precisely the correct manner.

On April 28, he announced:

> I have ordered the Secretary of Defense to put the necessary American troops ashore in order to give protection to hundreds of Americans who are still in the Dominican Republic and to escort them safely back to this country. The same assistance will be available to the nationals of other countries, some of whom have already asked for our help.

Shepherded by U.S. marines and paratroopers, over 5,000 people, Americans and citizens of 45 other countries, left the violence of Santo Domingo for safety during the early days of the Dominican revolt.

We can all be proud of this accomplishment. In the face of a complete breakdown of law and order, rifle fire from snipers, acts of terrorism, growing violence on the part of undisciplined gangs of marauders, and indiscriminate killings taking place throughout the city, the evacuation mission was successfully carried out. Not one of the thousands of Americans, nor any of the other foreign citizens who turned to us for safety and evacuation, was physically harmed. A few heroic marines, however, gave their lives to carry out their mission of mercy.

The fact that the President ordered the marines to land solely in order to protect innocent lives does not, of course, mean that our Government was unaware of the growing Communist strength and influence on the rebel side. We were well acquainted with the personnel and tactics of the Dominican Communist Parties long before the revolt began. We knew that many leading Communists had secretly returned to Santo Domingo from exile late in 1964 and in the early months of 1965, after training in subversion and guerrilla tactics in Cuba and other Communist countries.

Mr. President, there are today three Communist parties active in the Dominican Republic. One of these, the Dominican Popular Movement—the MPD—was an underground party prior to the April 24 revolt, consisting of about 500 hard-core members, and following the Chinese Communist line of violent change through open insurrection.

The second of these parties was known as the Popular Socialist Party—PSP—and was also an underground organization before April, with between 700 and 1,000 dedicated members. This party has followed the Moscow line, preferring to attain its ends by subversion and penetration rather than by the more violent methods advocated by the MPD. Just 2 weeks ago, emboldened enough to openly proclaim its true identity, this party discarded its popular-Socialist name and declared itself as the Dominican Communist Party—PCD.

The third party, called the 14th of June Popular Movement, is an especially illuminating example of Communist tactics. It takes its name from the landing in the Dominican Republic on June 14, 1959, of a group of young Dominicans who were opposed to the then dictator, Trujillo. It is because of its anti-Trujillo activities that this movement was long regarded, and still is by some people, as a democratic, patriotic Dominican organization. The group that landed in the Dominican Republic in 1959, however, came from Cuba and was thoroughly trained by Cuban Communists. Castro's government supported and equipped this band of guerrillas, and the movement has always openly identified itself as pro-Castro.

In late 1963, the 14th of June movement resumed its guerrilla tactics, this time against the triumvirate which succeeded Juan Bosch. Again, the guerrilla fighters were led by Dominicans indoctrinated and specially trained in Communist Cuba. Despite the fact that many of the members of the 14th of June movement were—and a large number still are—non-Communist, the fact is that Communists hold its key leadership positions and that it has consistently served Communist ends.

It was the 14th of June movement that took the leadership in rallying popular support for the rebel side from the very beginning of the current upheaval.

Joining with their other comrades, these Castrolike fighters sought to even the sides by aiding in the large-scale distribution of arms, including automatic weapons and grenades, to civilians. Soon the Communists completely took over control of this activity in order to make sure that their own followers and sympathizers had guns.

From their point of view, this was a necessary measure, because at the height of rebel strength, there were no more than 1,000 trained Dominican soldiers who had defected to their cause. By arming more than 1,500 hard-core Communists and as many as 4,000 other civilians, the rebels greatly increased their prospects for success.

In addition, they moved quickly to organize street demonstrations, seize newspaper plants, take control of rebel propaganda over radio and television, organize paramilitary units, and establish commando units and command posts.

Skillfully adapting the tried and proven model of Cuba, Dominican Communists hid behind and manipulated scores of non-Communist rebels.

For instance, there were several thousand armed civilians who were not Communists, ranging from patriotic Dominicans who sincerely believed in what they were doing to youngsters—some only 12 years old—who were in the fight for the thrill, and hoodlums who were out to kill policemen and to loot. Although many of these civilians probably never came under direct Communist control and discipline, they were dependent in varying degree on the Communists for leadership and for arms and ammunition.

Borrowing yet another page from the Castro manual, the Dominican Communists attempted to create that aura of legitimacy so necessary to gaining sympathy from certain liberal quarters in the United States. On the 25th of April, they propelled a well-known supporter of ex-President Juan Bosch, Raphael Molina Urena, into a provisional presidency. Molina Urena declared that the Constitution of 1963, suspended with the fall of Bosch, was again in effect, and that he was only holding the reins of power until Bosch could return from Puerto Rico. But, within 2 days, the Molina Urena government toppled and its key political and military leaders fled to asylum in foreign embassies, leaving behind them a leadership vacuum into which well-trained, well-prepared Communists moved swiftly.

All signs of moderation disappeared and the violent extremists took charge.

Mr. President, this then was the scene on April 30, when President Johnson ordered additional American troops into Santo Domingo.

It was not an ambition for territorial or material gain, or the desire to impose our will on other peoples that prompted the President to send more young American men to a small and troubled island. Rather, after careful, prudent calculation, President Johnson decided to seek several specific and altogether proper goals. Uppermost was the continued protection of large numbers of American citizens still remaining in Santo Domingo.

Second, the activities of such well-known Communists as Luis Gomez Perez; Jose Cuello Hernandez, who was trained in Cuba in 1964; Moises Blanco Gerano, a leader of the 14th of June movement: Daniel Ozuna Hernandez, a leader of the Cuban-inspired 14th of June invasion in 1963; Antonio Isa Conde, who received instruction in Cuba in 1963; his brother,

Narciso, a member of the Central Committee of the Dominican Communist Party; and many, many others caused increased concern here in Washington over the ultimate direction the growing anarchy in Santo Domingo—given impetus by the lack of unity among antirebels—might take.

There were well-founded fears that the lawlessness and bloodshed, hitherto confined to the capital city, was about to spread to the countryside.

Most important for the long-range prospects for peace, the President was convinced that the U.S. military presence in the Dominican Republic, by impartially enforcing a cease-fire, would give the Organization of American States the necessary time to take collective peacekeeping action.

Mr. President, we saw the President's judgment on this last point vindicated with the formal creation of the inter-American force in Santo Domingo on May 23. The presence of this hemispheric army, composed of units from the United States, Brazil, Costa Rica, Honduras, Nicaragua, and Paraguay, has allowed us to cut our own troop commitment by over 50 percent. Under the command of the distinguished Brazilian, Gen. Hugo Penasco Alvim, the inter-American force undertook the difficult task of halting violence while OAS negotiators effected a political settlement.

But, Mr. President, the dangers of the Dominican crisis, though sharply reduced by the latest developments, are still apparent.

The Communists continue to play an important role in the rebel movement. Their paramilitary strength still comprises the major elements of the rebels under arms. Some Dominican officers who are not Communists have defected in recent weeks from the rebel movement, telling officials of our Government that the growing intransigence of the Communists has led to Communist threats against the lives of non-Communist rebel leaders. Others have declared that the influence of the Communists is increasing, and that at least 75 percent of the military command posts in the rebel area are under the direct control of the Communists.

There is evidence that the Communists are actively making preparations for longer term subversion. Some of their leaders, furnished with false identities, are ready to go underground to direct future violence. The Communists have acquired large numbers of rifles and automatic weapons during the course of the revolt; and many of these are already hidden away for future use—not only in Santo Domingo itself but also in secret caches in many parts of the country.

The Dominican Communist Party continues to adhere to the Moscow line, and is attempting to sponsor a so-called Popular Front in which all the Communist parties can join with reputable and much larger political factions and thus attain their objectives through subversion and deceit.

One of the leaders of this party, Juan Ducoudray, who worked for Radio Havana in 1962, and who has traveled widely in the Soviet Union, Poland, and Communist China, declared on August 17 that his group will actively oppose a negotiated settlement on the lines proposed by the OAS. Instead, the Dominican Communist Party will attempt to continue its course of armed insurrection.

The 14th of June movement has also come out openly in favor of violent action against any provisional government. Its Cuban-trained Communist leaders and its hard-core extremist faction of Castro sympathizers are guiding the 14th of June movement ever closer to an alliance with the other two Communist parties. The movement has been very active in the past 2 months in enlisting new members, conducting Communist indoctrination course, and giving guerrilla warfare training to hundreds of young people. Many of these are brought in from other parts of the country and returned to their home towns after training so that they may become the guerrilla fighters of future Communist moves in the Dominican Republic.

The MPD—Dominican Popular Movement—the Communist Party which follows the Peiping line of violence to attain its objectives, also began 2 months ago to conduct guerrilla warfare training courses in the rebel zone of Santo Domingo. It, too, has publicly called for terrorism throughout the country in order to oppose any provisional government. This party, a hard-core underground movement before the April 24 revolt, is now operating openly and has just held a widely publicized meeting in Santo Domingo. It has declared that present conditions provide a good opportunity in the near future for a nationwide Communist uprising. It is laboring actively to create a common front with workers' and farmers' groups and organizations and has called for a "united front" among the reputable political parties and the Communists for open, concerted action in the political field. But it is also working to establish a "liberation front," a clandestine alliance among all the Communists and their sympathizers for direct, violent action against the proposed provisional government.

The very term "liberation front" extends a cruel and false promise to the Dominican people. For, like the Vietcong in South Vietnam, its means would be terror and repression, its aims the very antithesis of liberty.

The Dominican Communist Party's central committee has admitted, in the August 16 edition of the party's official publication, El Popular, that it attempted to capitalize on a popular uprising at the outset of the April 24 revolt. The party claims credit for the slogan "Arms for the People," and for giving a popular keynote to what it alleges would otherwise have been a cut-and-dried military coup by rebellious army officers. The party has engaged in the Communist version of self-criticism, analyzing the reasons for failure in April, and calling on all its members to prepare, in its own words, "for victory in the next popular insurrection."

Mr. President, this solid evidence of the determination of some rebels to undo the patient, painstaking efforts of the administration, and the OAS, gives added weight to the impression that the new provisional government could become a sand castle at the edge of the sea that could be kicked over by the Communists.

I am confident, however, that the Garcia Godoy government will be aware of the threats to peace, and that it will strive to be responsive to the needs of the Dominican people by constructing a framework of freedom in which Dominicans can achieve their goals without fear of domination by an alien ideology.

Even when that framework is established, Dominicans and the nations of the hemisphere will still have to remain vigilant, for the Communists have served notice of their true intentions. Though they have been foiled for the present, they will not bow to that great force they pretend to honor, the popular will.

Mr. President, I yield the floor.

HIGHER EDUCATION ACT OF 1965

The Senate resumed the consideration of the bill (H.R. 9567) to strengthen the educational resources of our colleges and universities and to provide financial assistance for students in postsecondary and higher education.

STUDENT ASSISTANCE IN THE HIGHER EDUCATION BILL

Mr. HARTKE. Mr. President, I express my appreciation to the members of the Labor and Public Welfare Committee, and particularly to the members of the Education Subcommittee, for their long and tireless efforts in preparing the Higher Education Act of 1965. They have dealt with a complex of problems, they have considered the needs and the ways in which we can meet them, and they have reported a most excellent bill. I congratulate them for their efforts and their success, under the leadership of our distinguished colleague, Senator MORSE, as chairman of the subcommittee and Senator HILL as chairman of the full committee.

Title IV is the section dealing with student assistance. It is this area which has for a long time particularly concerned me, and I am particularly gratified by the "package" of proposals embodied in this title. They follow the outlines of my own bill, S. 5, very closely, a bill which I introduced at the start of this Congress as a successor to S. 2490 of last year. The combination of, first, Federal scholarships or student grants with, second, a federally guaranteed loan program, and, third, work-study funds comprises a comprehensive package in three parts, by the use of which we should be able to aid a great number of those who cannot now attend college for financial reasons.

As I noted in testimony before the subcommittee last year on S. 2490, we are deprived of services to the Nation at their full potential which we might have from at least 100,000 youth who would like to attend college and who are well qualified to benefit from college, if only they had the financial aid they need. This loss is the Nation's loss. Investment in educa-

tion by the Federal Government will be far more repaid, even if the cost is viewed in strictly economic terms. The college graduate's lifetime earning power is at least $100,000 in excess of that of the high school graduate. The additional revenue from taxes on these higher incomes far exceeds the Federal assistance costs we have ever given, or those which this bill would provide.

A measure of the support which may be expected for title IV lies in the fact that S. 5, whose provisions are in essential the same, received the support and cosponsorship of 26 Members of this body. S. 5 called for $75 million in student grants, and S. 600 authorizes $70 million in the first year, a sum which will make the vital difference to about 140,000 students. Like S. 5, the guaranteed student loan program will make possible the borrowing by students, with partial Government payment of interest, some $700 million from lending institutions. The rapidly growing need for student loans is shown in figures of the Office of Education, recently released, which show that in the past 10 years borrowing for college education has shot up from $14 million a year to $350 million. But there are still roadblocks for many students in the path of borrowing, obstacles which this bill will help to relieve.

The activities of the States which have set up loan programs have been a great benefit to students. I am glad that the arrangements being presented to us in this bill allow for the strengthening and encouragement of these additional sources of loan funds. The need is so great that we can use the continuing and expanding resources of such plans, gearing them in as the bill now reported does, to meet the need far more fully than has been possible in the past.

While the work-study funds proposed in title IV are not as extensive as those which my bill would have authorized, the $129 million provided in the first year of operation is estimated by the committee to be sufficient to aid at least 225,000 students. I believe it is wise to make the work-study funds which are already available through the Office of Economic Opportunity a part of the responsibility of the Office of Education. S. 600 makes that transfer, and thus puts the entire program in the place where it belongs, related to education rather than to poverty.

The problem we are facing in the education explosion confronting our colleges is at least in part one of affording opportunities for the student from the middle level of family income. The resources of the upper income groups pose no financial obstacle, and frequently the student from a poor family with demonstrated ability can locate the help he needs for college. But now, in this bill, we are moving toward assistance for the average student from the average family background. Many of these will need some of the work-study assistance the bill will make available. But their need may not be such as to warrant the grant of the direct assistance part A will give. Now they will be more easily able to turn to loans as a source of funds for their college work.

The guaranteed college loan idea is one which I have pursued over the past several years, even preceding the package approach of S. 2490 last year. I consider it one of the most important tools we will have available for great numbers of students. They will be able to borrow on their own signatures, even though they may not be of legal age. They will be eligible so long as they are in good standing in their schools, so this source will not be confined only to A students, but can meet the needs of the average—who have often turned out in later life to be much more exceptional than college records would imply. They will borrow from regular lending institutions, not from the Government, but the Government will back the loan as if it were a cosigner, as we now do with housing loans. The interest rate of 3 percent to the student and the privilege of repayment beginning after leaving school makes the terms a genuine encouragement for many who would otherwise become college dropouts.

I believe fully in the principle espoused by our late President Kennedy and reaffirmed by President Johnson, that no boy or girl who can benefit from a college education should be denied the opportunity because of financial disability. When we pass this bill we will be helping them, it is true, but we shall be helping ourselves as a nation fully as much. Our young people are our future, and the Nation a generation hence will be dependent upon them. This is seed money, and the fruit it bears will become apparent only later, when the student generation now in our colleges has become the adult leadership generation of the future.

I shall not comment on the other portions of the bill which I also support, except to say that this will be another great landmark of achievement by the 89th Congress. As a cosponsor of S. 600, I am hopeful that it will receive the full support and prompt passage which it deserves.

Mr. INOUYE. Mr. President, great Congresses of the past have often been the offspring of domestic or international crises: war, depression, and foreign instability have often fostered qualities of fortitude, tolerance, and farsightedness. Only in a few instances of our Nation's history, however, has there been a Congress like the present. The 89th Congress has forged a progressive record that is breathtaking in its scope and encouraging in its wisdom without the usual situations which have accompanied great Congresses of the past. This Congress has addressed itself to the future, and I believe that history will be kind to us.

One of the keys to this outstanding record of legislative accomplishments has been our profound and unshakable commitment to education. Prior to this session, the 88th Congress had been called the Education Congress because of its record in this field. Today, there are few who will contest the 89th receiving this title, for it has far overshadowed the achievements of its predecessor and added luster to American history.

When we seek to analyze the mainsprings of the Great Society, we find education to be the generating force. The war on poverty, with Operation Head Start as one of its features, essentially is an educational program. Its success has spawned a number of local plans with great promises of success. The battle against dropouts has taken a number of forms, and despite the opposition of many, it has enlisted the services of many private citizens who have been stirred by the call to service.

Aid to colleges for housing has been made available through the Housing and Urban Development Act. Funds have been made available to upgrade our health research facilities. Bills to improve our medical schools and libraries through grants and scholarships have been introduced. Nor can anyone fail to mention the Elementary and Secondary Education Act, one of the most significant pieces of legislation in the history of education and a pioneer measure in the struggle to improve our schools.

Yesterday, S. 600 was reported out of committee. Commonly called the higher education bill, it is complementary to the legislation providing Federal assistance to elementary and secondary schools. It is a vital bill if we are sincere in our professions of commitment to excellence in our universities and colleges. It strikes out new and imaginative paths in the support of higher education and will provide the framework on which those who follow us can build.

S. 600 is a broad bill, but it does address itself to specific needs and demands of modern America. We are all informed about the great "education boom." Some of us have even been affected personally by deficiencies in our educational system caused by unprecedented enrollments and requirements. "War baby," "college crisis," "classroom shortage," and similar terms have all worked their way into our vocabulary and reflect areas of increasing concern. Translated into specific terms, it means that there will be 1.4 million in our freshmen classes alone on our college campuses next autumn. In 1954 there were 2.4 million college students overall. Ten years later there were 4.8 million. Five years from now there will be 6.9 million, and by 1973 the number will reach 8 million. A less publicized, though in some ways equally dramatic, figure shows a rise in the number of institutions since the war from 866 to 2,300. To those of us who have left our college years behind us, these figures may mean little, but to parents of college students and to the student himself, these figures mean fiercely competitive entrance examinations cramped dormitory facilities, crowded classrooms, and inadequate library facilities.

S. 600 takes an important step in trying to remedy these ills. Title I encourages extension programs administered by institutions of higher education and with the cooperation of the State. These programs will be specifically designed to attack crucial urban and metropolitan problems such as the lack of city planning, public health, and so forth.

The bill would also try to assist our college libraries through grants for the purchase of equipment. It would also encourage the training of more and better librarians. The problem of the struggling, small college is a perplexing one, and yet I believe that we are making a significant step in helping to solve some of the difficulties facing them. Grants for personnel and services would be made available for schools struggling for survival.

It is my personal opinion that the most important title of the entire measure is that which provides for student assistance. Financial difficulties have proved an insurmountable obstacle for tens of thousands of able students who have had to forego a college education. Today, a college education is not a luxury but a vital necessity. In these trying times when we must cope with not only the Communists but also urban decay and international instability, we cannot afford to misuse our human resources. Moreover, through the insured loan and subsidized interest program, the needs of many middle-income families will finally be met.

Furthermore, provision for a National Teachers Corps has been made. I believe the teacher's desire to serve his fellow man is just as strong as the idealism which motivates thousands of our youth in the Peace Corps. The establishment of the Teachers Corps will, I know, prove of inestimable value to our poverty stricken areas. Likewise S. 600 would amend the Higher Education Facilities Act of 1963 to provide additional funds for construction of classrooms and labs and for the purchase of equipment.

A modern, industrialized democracy cannot fulfill its potential when its universities and colleges are only half used and understaffed. Beyond the need to match the Russians is our need to mobilize our resources in the war against social and economic injustice. Human beings are too valuable to be cast aside and their talents wasted. This is a great Nation but it can be even greater; it is affluent but it could be wealthier. We must realize that we can no longer neglect our colleges or our students. S. 600 is a vitally significant measure which will help to alleviate the burdens which now plague our educational system. I urge that the Senate give its full support to this bill.

BALANCE OF PAYMENTS

Mr. HARTKE. Mr. President, a few days ago one of the correspondents for a Washington newspaper purported to report on a conversation between the President and the Vice President of the United States. He made some comments about the Senator from Minnesota [Mr. McCARTHY] and the senior Senator from Indiana [Mr. HARTKE].

The conversation is supposed to have concerned comment about the constant advocacy by the Senator from Minnesota and the Senator from Indiana of a deficit.

In that conversation something was mentioned about having a little deficit was like being a little bit pregnant.

The article then went on to say that the senior Senator from Indiana was following in the footsteps of the Vice President of the United States in becoming somewhat of a difficulty for the business community. I am really pleased that this article was published in the paper.

The article points out a very significant fact. That fact is that there seems to be a common misunderstanding today of exactly what the real problem is in relation to the international payments deficit as compared to the budgetary deficit.

I am one who believes that we should have a balanced budget. I have been a constant advocate of that proposal. I made such a recommendation to Under Secretary of the Treasury, Mr. Fowler, when he was in that position under Secretary Dillon, and before he retired from the Treasury, before assuming his position as Secretary of the Treasury. I told Mr. Fowler at that time that I thought it would be appropriate for the budget of the United States not to exceed $100 billion.

However, I now want to point out that it seems that some of these bureaucratic experts in the executive branch still have not understood that there can be a deficit in our international balance-of-payments situation as well as a deficit in the Federal budgetary situation. They still believe that we are talking about a budgetary deficit when we, in fact, have been talking about a balance-of-payments deficit that has existed in the United States.

The truth is that we have been discussing this matter since about 1958. We have had a balance-of-payments deficit. Starting early this year, the President instituted a voluntary program of restraint on investment and also on extension of credit overseas. The result of this program has been fantastically successful; so successful, in fact, that perhaps it will cause us some difficulty.

In connection with that matter, I call to the attention of the Senate something which we have not seen in America for a long time. I have in my hand the Economist, under date of August 28 to September 3, 1965. Ordinarily, the Economist, which is a well-regarded publication in England, has some kind of drawing or illustration on the front page. However, in this issue, the front of the cover, in bold red type, states "The Purpose of Recession." Then they report the notice of the Ford Motor Co., Ltd., under date of August 19, 1965, which is a cutback in employment, as follows:

> The company regrets to advise employees that despite exceptional efforts that are being made it will be necessary to introduce 4-day working in certain departments as from next week.

The article points out that they are in the throes of beginning to cut back employment. We do not see such a situation in America today. We are in the midst of prosperity. This administration is continuing to bring us higher profits, increased employment, and decreased unemployment.

The truth is that, in England, however, they are suffering at this moment, from whatever cause, from the throes of a beginning recession. They are cutting back on employment. This threat is serving notice on the United States and the world and should not be taken lightly.

This threat demonstrates quite conclusively what I said earlier this week. So far as we are concerned, consideration must be given to relaxing or exempting from the interest equalization tax the provisions which apply to England. We are not called upon to solve England's problems, but we must recognize them. If there is a cutback in employment in the Ford Motor Co. in England, it means a cutback in the amount of steel that will be used there. We are now in the midst of trying to have a steel strike settled, but there is a backup in inventory of steel.

We know, further, that if steel-producing countries cannot sell steel to England, that steel will be dumped in the United States. Dumping is one of the subjects involved in the dispute.

Mr. President, if this matter is not of concern to us, there is something wrong in our thinking. We do not live on an economic island. We have had prosperity for a long time, but let us not be so foolish as to say that foreign countries did not have prosperity for that long a time.

I do not want to see this type of headline, or the other types of headlines which we saw in the 1930's. I do not even say that is probable, but there is general concern in Europe. There is a slowing down of the British economy. So I think it is incumbent upon the administration to be concerned. That is why I think we should have the administration and the President give consideration to this matter before something happens and someone says, "What happened? How could it happen?" That is the concern I am talking about.

I want to thank the columnist for pointing out in this article that the bureaucrats who are advising the administration do not understand the difference between a deficit in the international balance of payments and a deficit in the Federal budget. I strongly suggest that they should go back and do their homework, and they should not give misleading advice to the President.

RECESS

Mr. HARTKE. Mr. President, in accordance with the previous order, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 3 o'clock and 31 minutes p.m.), in accordance with the previous order, the Senate took a recess until tomorrow, Thursday, September 2, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate September 1, 1965:

U.S. ATTORNEY

Donald M. Statton, of Iowa, to be U.S. attorney for the southern district of Iowa for

the term of 4 years vice Donald A. Wine, resigned.

Theodore L. Richling, of Nebraska, to be U.S. attorney for the district of Nebraska for the term of 4 years. (Reappointment.)

Bernard J. Brown, of Pennsylvania, to be U.S. attorney for the middle district of Pennsylvania for the term of 4 years. (Reappointment.)

Vernol R. Jansen, Jr., of Alabama, to be U.S. attorney for the southern district of Alabama for the term of 4 years. (Reappointment.)

Macon L. Weaver, of Alabama, to be U.S. attorney for the northern district of Alabama for the term of 4 years. (Reappointment.)

U.S. MARSHAL

James E. Luckie, of Georgia, to be U.S. marshal for the southern district of Georgia for the term of 4 years. (Reappointment.)

Casimir J. Pajakowski, of Indiana, to be U.S. marshal for the northern district of Indiana for the term of 4 years. (Reappointment.)

Beverly W. Perkins, of Nevada, to be U.S. marshal for the district of Nevada for the term of 4 years. (Reappointment.)

John G. Chernenko, of West Virginia, to be U.S. marshal for the northern district of West Virginia for the term of 4 years. (Reappointment.)

CONFIRMATIONS

Executive nominations confirmed by the Senate, September 1, 1965:

POST OFFICE DEPARTMENT

Lawrence Francis O'Brien, of Massachusetts, to be Postmaster General.

DEPARTMENT OF STATE

Joseph John Sisco, of Maryland, a Foreign Service officer of class 1, to be an Assistant Secretary of State.

Harlan Cleveland, of New York, to be the U.S. permanent representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Wilson T. M. Beale, Jr., of Connecticut, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Jamaica.

Raymond L. Thurston, of Missouri, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Somali Republic.

John Gordon Mein, of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Guatemala.

Phillips Talbot, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Greece.

DEPARTMENT OF JUSTICE

Orville H. Trotter, of Michigan, to be U.S. marshal for the eastern district of Michigan for the term of 4 years.

Richard P. Stein, of Indiana, to be U.S. attorney for the southern district of Indiana for the term of 4 years.

EXTENSIONS OF REMARKS

National Lotteries of Africa and the Middle East

EXTENSION OF REMARKS

OF

HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 1, 1965

Mr. FINO. Mr. Speaker, today I would like to bring to the attention of the Members of this House the lotteries of Africa and the Middle East. Most of these are thriving institutions which bring in considerable revenues to serve varied purposes, often school and hospital construction. Africa's lotteries brought in gross receipts of about $14 million last year, while net profits came to about $4 million. The Middle Eastern lotteries brought in gross receipts of nearly $62 million in 1964, with net profits coming to more than $21 million.

In North Africa, the Moroccan and Libyan lotteries brought in $3.6 million in gross receipts. Profits came to almost $1 million. Ghana's lottery grossed $3 million in 1964, with net profits coming to $1.5 million, these profits being applied to the treasury. Southern Rhodesia's lottery took in better than $4.5 million, of which a $745,000 profit supported social services. The lotteries of Ethiopia, Nigeria, Cameroon, Sierra Leone, Tanzania and Congo—Brazzaville—took in gross receipts of some $2.8 million, with net profits coming to about $675,000. Most of these profits went for welfare, medical, and school expenditures. Gabon and Tanzania have also recently established lotteries, and Uganda is now using the lottery device in the form of a premium bond lottery, whereby prizes are awarded in lieu of part of the interest in government bonds.

In the Middle East, lotteries are a popular fundraiser for hospitals and schools. The biggest lottery is that of Israel, which grossed $26.7 million last year, retaining a net profit of $8 million, which profit went for school and hospital construction. Iran's lottery took in $19.1 million in 1964. The net profit, spent for the same objectives as Israeli profits, was almost $7 million. Turkey's lottery reaped $9.4 million last year, of which $4.3 was net income to the Government, being allocated to the general treasury fund. Syria, Iraq, and Lebanon operated lotteries bringing in a total of $6.5 million in 1964. The three lotteries achieved a profit of $2 million, most of which was spent on health services, schools, and social development, except for Syria's profit, which was spent on trade promotion.

The lotteries of Africa and the Middle East are not fat with revenue like the rich lotteries of Europe, yet even these poor nations have the sense to realize that so long as gambling is ineradicable, it is wise to make sure that its profits work for the people, not for those criminals who would prey on their fellow man. If we were wise enough to establish a national lottery in America, that lottery would attract receipts which would dwarf the revenues of the European lotteries, just as those receipts dwarf the African and Middle Eastern lottery revenues. We in America need a lottery—and need it now.

An American Success Story

EXTENSION OF REMARKS

OF

HON. ABRAHAM J. MULTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 1, 1965

Mr. MULTER. Mr. Speaker, 25 years ago a man named Henry Federman sold his watch to help obtain passage from England to the United States. This was the first of over a million watch and clock sales that Mr. Federman has made in the last 25 years.

Henry Federman was born in Germany. In 1938, with the solidifying of nazism in his native country, Federman moved to England. After 2 years there working in a bank he came to New York and founded the Pan-American Barter Co.—the parent of the now world-renowned Sheffield Watch Co., of which he is chairman of the board.

America has produced many Horatio Alger success stories and Henry Federman's is merely another in the great tradition of American enterprise. His initiative and business acumen have built that first watch sale into a multi-million-dollar organization.

I am pleased to join with his many friends in wishing him continued success.

Near East Speech

EXTENSION OF REMARKS

OF

HON. JAMES ROOSEVELT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 1, 1965

Mr. ROOSEVELT. Mr. Speaker, my attention has been drawn to a statement by my distinguished colleague, the gentleman from New York [Mr. HALPERN], in which he states that I linked German reparation to the Jews with my call for greater response by Israel to Arab refugee claims. I made no such link whatsoever, which the gentleman seems to appreciate when he says:

> I realize that by no stretch of the imagination did the gentleman infer there could possibly be a connection.

In the next sentence, he makes such a connection. I regret, of course, that he should have done so and I only repeat, as I said in my own remarks, that because Israel has collected substantial