case, I certainly do not desire that the District of Columbia family court bill should be held up. If the Senator from Tennessee thinks that the family court bill should proceed to consideration—and the bill addresses itself entirely to the District of Columbia and the affairs of the District of Columbia—I certainly shall not ask that it be delayed any longer.

However, I think it is a subject which undoubtedly should be looked into with great care as, I am certain, the Senator from Tennessee already has examined into the matter with care. As I understand, the bill was reported from the Committee on the District of Columbia. It establishes another new, distinct court within the District of Columbia. Certainly the bill should have had, as I hope it has had, study, care, and thought in its formation.

Mr. BUTLER. Mr. President, I know of no objection on this side of the aisle to the bill or to the withdrawal of the motion; but in the absence of the majority leader, I should prefer that the matter go over until tomorrow.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, its reading clerk, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 268. An act for the relief of Harold Trevor Colbourn;

S. 381. An act for the relief of Donald Grant;

S. 455. An act for the relief of Johan Gerhard Faber, Dagmar Anna Faber, Hilke Faber, and Franke Faber;

S. 490. An act for the relief of Josephine Reigl;

S. 520. An act for the relief of Mr. and Mrs. Ivan S. Aylesworth;

S. 579. An act for the relief of Wong You Henn;

S. 676. An act for the relief of Eftychios Mourginakis;

S. 747. An act for the relief of Jacek Von Henneberg;

S. 1050. An act for the relief of Josephine Maria Riss Fang;

S. 1382. An act for the relief of Elie Joseph Hakim and family;

S. 1508. An act for the relief of Borivoje Vulich;

S. 1517. An act for the relief of Helen Knight Waters and Arnold Elzey Waters, Jr.;

S. 1689. An act for the relief of Mrs. Cacila Gotthardt Gange;

S. 1796. An act to incorporate the Board of Fundamental Education;

S. 1991. An act for the relief of Esperanza Jimenez Trejo;

S. 2198. An act for the relief of (Sister) Jane Stanislaus Riederer;

S. 2369. An act for the relief of Karl Ullstein;

S. 2465. An act for the relief of Lydia Wickenfeld Butz;

S. 2488. An act to provide that each grant of exchange assignment on tribal lands on the Cheyenne River Sioux Reservation and the Standing Rock Sioux Reservation shall have the same force and effect as a trust patent, and for other purposes;

S. 3196. An act for the relief of Dr. Helen Maria Roberts (Helen Maria Rebalska);

S. 3291. An act authorizing the President to present a gold medal to Irving Berlin;

S. 3336. An act to promote the apportionment of the waters of the Columbia River and tributaries for irrigation and other purposes by including the States of Nevada and Utah among the States authorized to negotiate a compact providing for such apportionment; and

S. J. Res. 165. Joint resolution to provide for construction by the Secretary of the Interior of the Glendo unit, Wyoming, Missouri River Basin project.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 222) to suspend for 2 years the duty on crude bauxite.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 303) to transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. D'EWART, Mr. BERRY, Mr. WESTLAND, Mr. ASPINALL, and Mr. HALEY were appointed managers on the part of the House at the conference.

RECESS

Mr. BUTLER. Mr. President, I move that the Senate stand in recess until tomorrow at noon.

The motion was agreed to; and (at 4 o'clock and 58 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, July 7, 1954, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, JULY 6, 1954

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Almighty God, we thank Thee for that great day in our national history, called Independence Day, which we were again privileged to commemorate and celebrate.

We rejoice that the God, who guided and sustained our forefathers in the long ago, is also our God and that He will be the God of our children and all succeeding generations.

May we daily pledge allegiance and fidelity to the principles and convictions of the Founding Fathers and never allow the light of freedom to become extinguished.

Grant that we may covet and cultivate the spirit of unity, for our beloved country cannot maintain its liberty and occupy a sacred place of influence and power in wisely shaping the life and destiny of mankind so long as there is discord and absence of harmony.

Hear us in the name of the Prince of Peace. Amen.

The Journal of the proceedings of Friday, July 2, 1954, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 249. Concurrent resolution expressing the sympathy of Congress to the people of Texas and Mexico who have been stricken by the Rio Grande flood.

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

S. 3605. An act to abolish the offices of Assistant Treasurer and Assistant Register of the Treasury and to provide for an Under Secretary for Monetary Affairs and an additional Assistant Secretary in the Treasury Department.

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

H. R. 8300. An act to amend the internal revenue laws of the United States.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MILLIKIN, Mr. MARTIN, Mr. WILLIAMS, Mr. GEORGE, and Mr. BYRD to be the conferees on the part of the Senate.

SPECIAL ORDERS GRANTED

Mr. GATHINGS asked and was given permission to address the House for 15 minutes today, following the legislative program and any special orders heretofore entered.

Mr. EBERHARTER asked and was given permission to address the House for 20 minutes today, following any special orders heretofore entered.

LEAVE OF ABSENCE

Mr. BROWN of Georgia. Mr. Speaker, I ask unanimous consent that a week's leave of absence be granted the gentleman from Georgia [Mr. PRESTON] on account of official business.

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

There was no objection.

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that leave of absence for 3 weeks be granted the gentlemen from Louisiana [Mr. WILLIS and Mr. THOMPSON].

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

There was no objection.

RALSTON EDWARD HARRY—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 462)

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 3, 1954.

The honorable the SPEAKER,
House of Representatives.

SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's office on July 3, 1954,

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and said to contain veto message on the following:

"H. R. 3350. An act for the relief of Ralston Edward Harry."

Respectfully yours,

LYLE O. SNADER,
Clerk of the House of Representatives.

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H. R. 3350, 83d Congress, "An act for the relief of Ralston Edward Harry."

This bill proposes to extend to Ralston Edward Harry, a United States citizen, who served in the Canadian Air Force during World War II, the same medical, hospital, and domiciliary care as that to which honorably discharged persons who served in the Armed Forces of the United States from September 1941 to July 1945 are entitled.

Mr. Harry did not serve in the Armed Forces of the United States. On May 14, 1949, 4 years after his discharge from the Canadian Air Force, Mr. Harry sustained severe injuries in an automobile accident which have and will continue to necessitate extensive medical care and hospitalization.

Under existing law, the Veterans' Administration is authorized to enter into reciprocal agreements with our World War II allies to provide medical treatment and hospital care for their veterans upon a reimbursable basis and at the request of the government concerned. Although such an agreement has been entered into with the Government of Canada, the Canadian authorities have advised that he has been afforded all the benefits of their laws and is not eligible for further treatment.

The committees of Congress which considered H. R. 3350 agree that Mr. Harry is not eligible for United States veterans' benefits. A majority of both committees recommended favorable consideration of the bill, however, upon the ground that Mr. Harry served honorably with the Royal Canadian Air Force and attempted to transfer to the Armed Forces of the United States upon its entry in the war.

I am advised that many thousands of United States citizens served in the armed forces of governments associated or allied with the United States in World War II. As the minority views of the congressional committees indicate, approval of this bill would obviously be discriminatory against such veterans who have also returned to the United States and would constitute a far-reaching precedent.

Although I deeply sympathize with Mr. Harry's need, sympathy should not be permitted to abrogate the principles and rules of administration prescribed in the general law. As I have stated in the past, uniformity and equality of treatment to all who are similarly situated must be the steadfast rule if the Federal programs for veterans and their beneficiaries are to be operated successfully.

Heeding the special plea or the emotional appeal of hardship cases would eventually destroy the effectiveness of these programs. Approval of H. R. 3350 would not be in keeping with these principles.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *July 3, 1954.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

The bill and message were referred to the Committee on the Judiciary and ordered to be printed.

SUSPENSION OF DUTY ON CRUDE BAUXITE

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 222) to suspend for 2 years the duty on crude bauxite, with Senate amendments thereto and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Lines 8 and 9, strike out "classifiable under paragraph 207 of the Tariff Act of 1930, as amended" and insert "or upon calcined bauxite when imported for use in the manufacture of firebrick or other refractories under such regulations as the Secretary of the Treasury shall prescribe."

After line 9, insert:

"SEC. 2. The Secretary of the Treasury is authorized and directed to admit free of duty 24 bells imported for addition to the carillon possessed by the Citadel, an educational institution situated in Charleston, S. C."

Amend the title so as to read: "An act to suspend for 2 years the duty on crude bauxite and on certain calcined bauxite and to remit the duty on certain bells to be imported for addition to the carillon of the Citadel, Charleston, S. C."

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

There was no objection.

The Senate amendments were concurred in, and a motion to reconsider was laid on the table.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

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

There was no objection.

Mr. REED of New York. Mr. Speaker, the first Senate amendment would include under the suspension calcined bauxite imported for use in the manufacture of firebrick or other refractory. As this legislation passed the House the suspension applied only to crude bauxite. I am informed that calcined bauxite is the principal ingredient used in making brick for lining high temperature furnaces used in metallurgy.

The second amendment directs the Secretary of the Treasury to admit free of duty 24 bells imported for addition to the carillon possessed by the Citadel.

The third amendment, which is of a technical nature, would amend the title of the bill so it will conform with the amendments which I have just described.

Mr. COOPER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

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

There was no objection.

Mr. COOPER. Mr. Speaker, as H. R. 222 passed the House on July 20, 1953, it would have suspended the duties on crude bauxite for 2 years, effective on the day following the date of enactment. The Senate amendment would also suspend the duties on calcined bauxite used in the manufacture of fire brick or other refractories.

The duty on crude bauxite which would be suspended is 50 cents per ton. The duty on calcined bauxite used in the manufacture of fire brick and other refractories in $1 per ton.

Most of the crude bauxite used in this country is converted into aluminum, which is quite essential particularly in the manufacture or airplanes.

Another Senate amendment would admit free of duty 24 bells imported for addition to the carillon at the Citadel, Charleston, S. C.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

TO AUTHORIZE TAX REFUNDS ON CIGARETTES

The Clerk called the bill (H. R. 4319) to authorize tax refunds on cigarettes lost in the floods of 1951.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

AMENDING THE VETERANS REGULATIONS

The Clerk called the bill (H. R. 7712) to amend the veterans' regulations to provide an increased statutory rate of compensation for veterans suffering the loss or loss of use of an eye in combination with the loss or loss of use of a limb.

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

PROVIDING ADDITIONAL COMPENSATION FOR VETERANS HAVING SERVICE-INCURRED DISABILITY

The Clerk called the bill (H. R. 7851) to amend the veterans regulations to provide additional compensation for veterans having the service-incurred disability of loss or loss of use of both buttocks.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

INCREASED PENSIONS FOR MEDAL OF HONOR HOLDERS

The Clerk called the bill (H. R. 8900) to increase the rate of special pension payable to certain persons awarded the Medal of Honor.

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

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

INCREASING RETIRED PAY OF CERTAIN MEMBERS OF FORMER LIGHTHOUSE SERVICE

The Clerk called the bill (H. R. 1843) to increase the retired pay of certain members of the former Lighthouse Service.

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

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF TIME FOR INITIATING TRAINING UNDER PUBLIC LAW 550, KOREAN GI BILL OF RIGHTS

The Clerk called the bill (H. R. 9395) to amend the laws granting education and training benefits to certain veterans to extend the period during which such benefits may be offered.

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

Mr. TRIMBLE. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. SPRINGER. Mr. Speaker, reserving the right to object, this is the third consecutive time this bill has been called on the Consent Calendar. This bill passed as a World War II measure without a single objection. There was not a single vote against it. The same bill passed 2 years ago without a single vote in opposition. I think this is the kind of bill that should come up on the Consent Calendar. It is only an extension of the Korean GI bill on which there was not a vote cast against it 2 years ago.

Mrs. ROGERS of Massachusetts. Mr. Speaker, reserving the right to object, I hope so much the gentleman will not ask to have this bill passed over without prejudice. I hope so much that he will allow this bill to pass. The gentleman from Illinois is the author of the bill and chairman of the subcommittee on education. If the gentleman has been reading the editorials in some of the great newspapers of the country, he will learn what those editorials said about the GI bill of rights. One editorial said that in 15 years the entire amount of money expended would be paid back. As a result of the higher education and training under the GI bill of rights, the men have higher salaries. They are paying more taxes. It is only an extension of the Korean GI bill and for World War II men who were hospitalized. It is only just to let the veterans have what other veterans have but could not avail themselves of the training. I do not believe there would be a vote in the House against it.

Mr. WIER. Mr. Speaker, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield.

Mr. WIER. I am astounded to see all of the bills that your committee has recommended, practically all of them tied up either one place or another.

Mrs. ROGERS of Massachusetts. Unfortunately, that seems to be true. It is so cruel that it is beyond my belief that it should be so.

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

Mr. TRIMBLE. Mr. Speaker, I was asked by a member of the Veterans Affairs Committee to make this request until he could get here. Personally, I would approve the legislation, but I am simply following his request which has just this moment been delivered to me by a page. He is a member of the Veterans Affairs Committee.

Mrs. ROGERS of Massachusetts. The chairman of the Veterans Affairs Committee is asking you to let the bill pass. We have been very helpful to the gentleman from Arkansas with his veterans' hospital and other measures. The Congress may not be in session much longer. Time is of the essence in the passage of veterans legislation.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield.

Mr. HOFFMAN of Michigan. I do not understand. You say you have been very helpful to the gentleman. He did not get anything he was not entitled to, did he?

Mrs. ROGERS of Massachusetts. We helped him all we could in securing the hospital. We thought it was necessary, but the gentleman did not have too much help otherwise.

Mr. HOFFMAN of Michigan. It was a worthy project, was it not?

Mrs. ROGERS of Massachusetts. It was.

Mr. SPRINGER. Mr. Speaker, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield.

Mr. SPRINGER. I think I know what the gentleman from Arkansas has in mind. I have talked with the majority leader on this matter. I think I know what the gentleman from Arkansas refers to, but I will not bring out the gentleman's name.

Mr. TRIMBLE. Frankly, it was Mr. TEAGUE, of Texas. He is a member of the Veterans' Affairs Committee, and I must respect his request until he can get here to speak for himself.

Mr. SPRINGER. I know. And I know what the gentleman had in mind. I can satisfy him in a few minutes. I am not going to say anything about it here, however.

Mr. McCORMACK. Is this the bill the gentleman and I have discussed on a number of occasions?

Mr. SPRINGER. That is correct.

Mr. McCORMACK. Yes; and it is a very meritorious bill. It is simply a question of how and where the tuition shall be paid.

Mr. SPRINGER. No; I take that back; I beg the gentleman's pardon. This is an extension of the GI educational bill. This is not the bill which the gentleman was just inquiring about; this is an extension of the Korean GI bill.

Mr. McCORMACK. We have also had discussions on this bill.

Mr. SPRINGER. Yes. May I say that this bill did come out of the committee unanimously. The gentleman from Texas [Mr. TEAGUE] voted for it at that time. I feel sure that he can be satisfied.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas that the bill be passed over without prejudice?

Mrs. ROGERS of Massachusetts. Mr. Speaker, I object.

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

Mr. FORD. Mr. Speaker, I object to the present consideration of the bill.

AMENDING THE ORGANIC ACT OF GUAM

The Clerk called the bill (H. R. 8634) to amend section 22 of the Organic Act of Guam.

Mr. ASPINALL. Mr. Speaker, reserving the right to object—and I do not intend to press the objection—I believe that this bill is important enough to deserve a short explanation at least at this point in the RECORD, and if my colleague the gentleman from Pennsylvania [Mr. SAYLOR] will make that explanation I shall appreciate it.

Mr. SAYLOR. Mr. Speaker, this bill is to amend section 22 of the Organic Act of Guam.

This House passed the Organic Act of Guam in 1950 and section 22 of that act provided for the establishement of a district court of Guam. This district court is to have jurisdiction over Federal laws and laws applicable to Guam as passed by the Guam legislature. It provides that Federal rules of civil procedure and Federal rules of criminal procedure shall apply to the district court of Guam, and there can be no appeals therefrom.

Pursuant to that act there has been an appeal taken to the ninth circuit court following a conviction for a crime, the appeal being taken on the basis that there was no jury trial and no indictment by a grand jury. This bill is to correct that error.

Mr. ASPINALL. This bill in no way denies the people of Guam a jury trial?

Mr. SAYLOR. It does not. The people of Guam have never known the jury system. They came under the Spanish

law which did not know of a jury system. This bill provides that if the territorial legislature enacts laws providing for a jury system then the people of Guam may have it. This bill does not prevent a jury trial on the island of Guam.

Mr. ASPINALL. Mr. Speaker, I withdraw my reservation of objection.

Mr. McCORMACK. Mr. Speaker, reserving the right to object, as I understand the purpose of this bill it is to enable the people to retain their customs and their practices tied up with the Code Napoleon, or Spanish law, I understand. If, however, the legislative branch desires to provide trial by jury the bill provides that it may be established in Guam if they desire to do so.

Mr. SAYLOR. That is correct, if the territorial legislature decides to establish the jury system they are entitled to.

Mr. McCORMACK. It is to provide that if the legislative branch of Guam wishes to afford the people the right of trial by jury, they may have it, and provides for a transitional period.

Mr. SAYLOR. That is correct.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That subsection (b) of section 22 of the Organic Act of Guam (64 Stat. 389), is amended by striking out the period at the end of such subsection and inserting in lieu thereof the following: "; except that no provisions of any such rules which authorize or require trial by jury or the prosecution of offenses by indictment by a grand jury instead of by information shall be applicable to the District Court of Guam unless and until made so applicable by laws enacted by the Legislature of Guam.

SEC. 2. The amendment made by section 1 shall be deemed to be in effect as of August 1, 1950.

SEC. 3. No conviction of a defendant in a criminal proceeding in the District Court of Guam heretofore had shall be reversed or set aside on the ground that the defendant was not indicted by a grand jury or tried by a petit jury.

With the following committee amendments:

Page 1, line 11, after "Guam" insert the following: ", and except further that the terms 'attorney for the government' and 'United States attorney', as used in the Federal Rules of Criminal Procedure, shall, when applicable to cases arising under the laws of Guam, mean the Attorney General of Guam or such other person or persons as may be authorized by the laws of Guam to act therein."

Page 2, following line 6, add the following new section:

"SEC. 4. If any particular provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby."

The committee amendments were agreed to.

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

AMENDMENT TO FEDERAL FOOD, DRUG, AND COSMETIC ACT

The Clerk called the bill (S. 2033) relating to the labeling of packages containing foreign-produced trout sold in the United States, and requiring certain information to appear on the menus of public eating places serving such trout.

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

Mr. NICHOLSON. Mr. Speaker, I object.

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

Messrs. SMITH of Virginia, PILLION, and DORN of New York, objected.

PROMOTING CERTAIN LIEUTENANT GENERALS ON THE RETIRED LIST

The Clerk called the bill (S. 2468) to authorize the President to appoint to the grade of general in the Army of the United States those officers who, in grade of lieutenant general, during World War II commanded the Army Ground Forces, commanded an Army or commanded Army forces which included a field army and supporting units, and for other purposes.

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

Mr. JUDD. Mr. Speaker, reserving the right to object, I have an amendment to offer to this bill. It has been cleared with the chairman of the Committee on the Armed Services [Mr. SHORT], and with the ranking minority member of that committee [Mr. VINSON]. The gentleman from Illinois [Mr. ARENDS] who sponsored the bill could not be here today but he has written a letter which I have here approving the amendment.

Mr. VINSON. Mr. Speaker, reserving the right to object, as far as I am concerned there is no objection to accepting the amendment.

Mr. BROWN of Ohio. Mr. Speaker, reserving the right to object, may the Members know what the amendment is?

Mr. JUDD. Mr. Speaker, the amendment adds one classification so that the bill will include one more retired lieutenant general who will be granted the rank of full general. I refer to Lieutenant General Albert C. Wedemeyer. He is not covered by the present language because while he was in actual command of all our forces in China, he was not nominally in command. The commander in chief of the China theater was Generalissimo Chiang, to whom General Wedemeyer was chief of staff. He followed a four star general, Joseph Stillwell, which shows the importance of the post. He had direct command of approximately 120,000 American forces including two United States Air Forces and a corps of Marines. Furthermore the post of chief of staff to General Chiang required planning for and coordination of all military operations for 3 million Chinese troops. The theater included all of China, Manchuria, Indochina, and Formosa. Obviously the post was one of far greater responsibility than that of commanding general of an army. Moreover, General Marshall assigned a four star general, George Patton and two of the lieutenant generals, covered by this bill, William Simpson and Lucian Truscott, Jr., to serve under General Wedemeyer after the end of hostitilities in Europe. Most important of all, General Wedemeyer discharged his duties in one of the most difficult jobs of the war with truly remarkable success. No general is more deserving of this recognition.

Mr. BROWN of Ohio. I am happy that the gentleman has offered the amendment.

Mr. VINSON. The sole purpose of the bill is to give four stars to the three-star generals on the retired list who had Army commands.

Mr. JUDD. That is right. It does not increase in any way their pay or emoluments. It gives them the rank because of the posts they held and the work they did.

Mr. FORD. Mr. Speaker, reserving the right to object, I want to bring a point out. Later on the consent calendar there is a bill from the Committee on Armed Services which I believe puts the Navy in the same category. At the present time the Navy is not in that situation. I want to bring the point out now that we seem to have a flood of new inclusions of retired people in this special category. Let me point out the situation so the House will know precisely what it is doing.

As I understand it, at the present time all individuals who are on the retired list in this special Army category get full pay; at the same time they are in a position that they can, if they desire and are so employed, work for a company which sells products to the Department of Defense. Only those people who are in this special category of a very limited number are not prevented from working for companies that sell to the Department of Defense, at the same time, do not lose their retirement benefits. Now, I think, we have four, and there is an effort being made to add two more. A bill later on the Consent Calendar puts the Navy in the same situation, and as I recall the committee report from the Committee on Armed Services, there will be four Navy admirals in the identical category. In other words, they can work for companies that sell to the Department of Defense, and they do not lose their retirement benefits.

Mr. SHORT. Mr. Speaker, if the gentleman will yield, that has no connection whatever with the present bill.

Mr. VINSON. None at all.

Mr. SHORT. There is not 1 cent of increase in pay. It is simply to put these lieutenant generals together. It will put them on an equal footing with generals like General Stilwell, for example. It puts them on the same footing.

Mr. FORD. If I am correct—and if I am not correct, I would like to be corrected—all the people who are on this list can work for a company that sells to the Department of Defense, and these gentlemen, because of their special situation, will not lose any of their retirement pay.

Mr. BATES. Mr. Speaker, if the gentleman will yield, I would like to say to the gentleman that the situation which

the gentleman explained has nothing whatsoever to do with this bill.

Mr. FORD. I agree that the Navy bill has nothing directly to do with this bill, except the reason the Navy gives for the justification of the bill that they have sponsored is that they want to be put in the same position with the Army, and I presume the Air Force. I did not realize this situation existed, that people in this special category were outside of the general rules. It is only this special group, 4 now of the Army, and you want to add 2 more, apparently, and the Navy wants to put the 4 they have under that special category.

Mr. SHORT. I am sorry the gentleman from Michigan is very much confused. He is discussing a bill that we have not yet reached. All this bill under consideration does is to place these lieutenant generals on an equal footing, simply an honorary promotion; some of them are deceased. But, it is to put them in the same category with generals like Stilwell, Devers, Hodges, Patton, Krueger, and the like. They are either deceased or retired, and all this does is to give them special recognition for their outstanding and distinguished service.

Mr. JUDD. And they had the same sort of command as those who are already full generals.

Mr. VINSON. Mr. Speaker, if the gentleman will yield, the two bills are not similar at all. The bill in reference to Navy admirals has application only to those who, by specific act of Congress—some 5 in the Navy and 5 in the Army—were given the 5 stars, and it merely permits an admiral in the Navy to have the same right as the law today permits General MacArthur and General Bradley and has no relation to adding to this list four stars which the committee has brought out here regarding a certain number of generals. It has no comparison at all. You may be justified in objecting, if you want to, to the other bill, but that bill has no relation whatsoever to Senate 2468; entirely two separate matters.

Mr. FORD. Do I have the assurance of the members of the Committee on Armed Services that none of the people who are to be made four-star generals here are in the same category as General MacArthur and the others in reference to working for companies that have contracts with the Department of Defense?

Mr. VINSON. The gentleman has, as far as I am concerned.

Mr. FORD. I withdraw my reservation of objection, Mr. Speaker.

Mr. McCORMACK. Reserving the right to object, I have some interest in this bill. This bill is confined to those generals who served in World War II; is that right?

Mr. VINSON. That is right.

Mr. McCORMACK. We have some generals who served in World War I with great distinction who have not as yet received this honor. For example, there is General Liggett, and there is General Bullard. Then there is General Drum, and there was no finer commanding officer in the entire history of our country. Certainly Gen. Hugh Drum is not receiving the consideration that is provided in this bill to these other distinguished generals. I am not going to object, because I think they are entitled to this honor, but I think the committee ought to consider doing justice to some of these other generals.

If the committee would assure me—I realize it is late in the session now, but if, by any chance, the gentleman from Missouri [Mr. SHORT] is again chairman next year, if he will assure me that the generals whom I have mentioned who served during World War I and any others who might be in the same category will be given consideration by the committee, I shall feel satisfied. And I should like that assurance from my friend, the gentleman from Georgia [Mr. VINSON] whom I expect to be chairman, that they will be considered and that justice will be extended to these men in the early part of next year.

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

Mr. McCORMACK. I yield.

Mr. VINSON. I cannot assure my distinguished colleague from Massachusetts unless he first can assure me that I will be the chairman.

Mr. McCORMACK. I said "if." I think we ought to have some reasonable assurance.

There is another observation I want to make. This means a lot to me, although I do not know how much it means to others. I wonder how many Members know that Gen. George Washington is not the No. 1 general in our country's history; that in rank he is about 58th. Of course, he is first in the hearts of all our fellow men, all our fellow Americans, but so far as being a general of the Army is concerned, the record shows that he is not No. 1. He is way down on the list. And these generals who have been mentioned will, of course, precede him, which will mean that George Washington will go further down on the list. I have introduced a bill to correct that, and it should be reported out. The Department of the Army admits this situation, and there is some legal technicality that controls it; that is all.

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

Mr. McCORMACK. I am glad to yield.

Mr. VINSON. I suggest to the minority whip that we act upon the bill that is before us now and then later on the gentleman will be able to use this bill as a good precedent for consideration of the bill that he has himself offered.

Mr. McCORMACK. I will say to my sweet friend from Georgia that I have seen him operate before. Strange as it may seem, I am going to accede to his suggestion, his diplomatic suggestion.

Mr. VINSON. May I suggest that it was a wise suggestion and is in the interest of advancing the cause of the gentleman by establishing a precedent today.

Mr. McCORMACK. I am sure it is wise from the gentleman's point of view and perhaps unwise from mine. But the persuasiveness and the personality of my friend from Georgia are such that I shall follow his suggestion.

Mr. VINSON. I thank the gentleman.

Mr. McCORMACK. But I want the RECORD to show that there are distinguished men who served and led our armies in World War I; for example, Generals Liggett and Bullard, who commanded the First and Second Armies, respectively, in World War I; Hugh Drum, who was Chief of Staff of the First Army in France in World War I, and we know of the distinguished service that he rendered in World War II. Those who are living and the loved ones of those who are dead are just as much interested in their recognition as are the loved ones of those who are to be the beneficiaries of this bill which is being presented now. Furthermore, it seems to me indefensible, the position we find ourselves in, where the immortal Washington is way down on the list of generals when just by a snap of the fingers the Committee on Armed Services could report out a bill correcting that situation.

Mr. Speaker, I withdraw my reservation of objection.

Mr. GROSS. Further reserving the right to object, Mr. Speaker, may I ask someone in charge of the bill what happens to these three places that are opened up by virtue of these promotions?

Mr. JUDD. These men are all retired. There will be no new places.

Mr. GROSS. No places are opened up at all?

Mr. VINSON. No vacancies are created at all.

Mr. SHORT. They are either retired or dead.

Mr. JOHNSON of California. May I say that the reason we got ourselves into this situation is that one general was added to the list that was presented to the committee and I voted "No" on including that man. That is what got us in all this trouble. I am going to offer an amendment on behalf of General DeWitt, who was in command of the Western Defense Command from December 5, 1939, to June 15, 1943. One of his subordinate commands was the Alaskan Command. He and another general planned the battle that occurred in Attu and other islands that drove the Japs out of Alaska. I believe if the general in command of Hawaii, General Richardson, is included in the list, then General DeWitt should be in the list also.

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

Mr. D'EWART. Reserving the right to object, Mr. Speaker, a session or two ago I offered a similar bill on behalf of Col. William Morse. I asked the Committee on Armed Services to consider his advancement as a retired colonel to brigadier general. He served on Corregidor under General Wainwright. During that time General Wainwright advanced him to the position of brigadier general. However, he was captured and served as a prisoner along with General Wainwright during the war, and has never been granted recognition. He is now retired.

When this bill came up I went to the author and asked him to include Colonel Morse. He said this was applicable to lieutenant generals and asked me to in-

troduce a separate bill. It seems to me we have in Col. William Morse, an officer retired, one who is just as much entitled to this advancement as any of the officers we are considering today. I am going to ask that the Committee on Armed Services give serious consideration when a similar bill comes up to the advancement of Colonel Morse to the position of brigadier general, which, as a colonel, he was given by General Wainwright prior to the capture of Corregidor.

Mr. RAYBURN. Reserving the right to object, Mr. Speaker, I do not know much about this bill and what it does, but I do know one thing: That there is one general in the United States now retired who is the only general who commanded a corps in World War II who does not have four stars, and that is Gen. William H. Simpson, from down in the little town of Weatherford, Tex., now retired at San Antonio. When are we going to do something for a man who was as active as Bill Simpson?

Mr. VINSON. He is in this list.

Mr. JUDD. He is in this bill.

Mr. RAYBURN. Nobody has explained that to me so far.

Mr. VINSON. We have not got by the objection stage yet in considering this bill.

Mr. RAYBURN. I withdraw my reservation of objection, Mr. Speaker.

Mr. BROWN of Ohio. Reserving the right to object, Mr. Speaker, I want to inquire about another very great general of the United States Army who commanded in the Pacific, Gen. Bob Eichelberger.

Mr. JUDD. He is also in this bill.

Mr. BROWN of Ohio. I am very happy to withdraw my objection, Mr. Speaker.

Mr. JUDD. There are six living lieutenant generals who are covered by the bill, and they are all retired. There are also three deceased lieutenant generals in the list.

Mr. WIER. Mr. Speaker, reserving the right to object, is there any place here where you can get a private in someplace?

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to appoint to the grade of general in the Army of the United States any officer who, while serving in the grade of lieutenant general, by virtue of assignment was—

(1) the commanding general of the Army Ground Forces at any time between March 8, 1942, and August 16, 1945,

(2) in command, as Army commander, of an Army of the United States in either the European-African-Middle Eastern Theater of Operations at any time between December 11, 1941, and May 8, 1945, or the Asiatic-Pacific Theater of Operations at any time between December 8, 1941, and August 16, 1945, or

(3) in command of Army forces which included one or more field armies and supporting units in the above-designated theaters of operations at any time between March 8, 1942, and August 16, 1945,

and, if retired, to advance any such officer to such grade of general on the retired list. Any such officer who died prior to the date of enactment of this act, or prior to appointment hereunder, may be so appointed posthumously. No increase of basic or retired pay or allowances shall result from the enactment of this act or any appointment hereunder.

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

The Clerk read as follows:

Amendment offered by Mr. JUDD: On page 2, following line 10, add the following new subsection:

"(4) the commanding general of the United States forces in China and chief of staff to Generalissimo Chiang Kai-shek in the China Theater of Operations at any time between December 8, 1941 and August 16, 1945."

The amendment was agreed to.

Mr. JOHNSON of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of California: On page 2, following line 10, add a new paragraph (5) as follows:

"(5) In command of Western Defense Command between December 5, 1939, and June 15, 1943."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. JUDD, the title was amended so as to read:

To authorize the President to appoint to the grade of general in the Army of the United States those officers who, in grade of lieutenant general, during World War II commanded the Army ground forces, commanded an Army, commanded Army forces which included a field army and supporting units, or commanded United States forces in China and served as chief of staff to Generalissimo Chiang Kai-shek in the China Theater of Operations, and for other purposes.

A motion to reconsider was laid on the table.

UNITED STATES PUBLIC HEALTH SERVICE, FOREIGN QUARANTINE DIVISION

The Clerk called the bill (H. R. 6253) to amend Public Law 410, 78th Congress, with regard to compensation for overtime, Sunday, and holiday work of employees of the United States Public Health Service, Foreign Quarantine Division.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That part G, section 364, of the Public Health Service Act of 1946 is amended by adding thereto the following subsections:

"(c) Employees of the United States Public Health Service, Foreign Quarantine Division, performing duties including the operation of vessels, in connection with the inspection and/or quarantine treatment of persons (passengers and crews), conveyances, or goods arriving by land, water, or air in the United States or any place subject to the jurisdiction thereof, hereinafter referred to as 'employees of the Public Health Service,' when required to be on duty to perform such duties between the hours of 5 o'clock postmeridian and 8 o'clock antemeridian or on Sundays or holidays, shall be paid, in lieu of compensation under any other provision of law, at the rate of one-half day's basic pay for each 2 hours or fraction thereof of at least 1 hour that the overtime extends beyond 5 o'clock postmeridian (but not to exceed 2½ days' pay for the full period from 5 o'clock postmeridian to 8 o'clock antemeridian) and 2 additional days' pay for Sunday and holiday duty. The Secretary of Health, Education, and Welfare shall in all cases regulate the hours of the employees of the Public Health Service so as to agree with the established hours of duty of the collateral Government inspectional services engaged in similar duties and receiving overtime compensation similar to that provided in this bill but nothing in this subsection shall be construed in any manner to affect or alter the length of a working day for said employees for the overtime pay herein fixed. As used in this subsection, the term 'basic pay' shall mean the regular basic rate of pay which is applicable to such employees for work performed within their regularly scheduled tour of duty.

"(d) (1) The said extra compensation shall be paid to the United States by the owner, agent, consignee, operator, or master or other person in charge of any conveyance, for whom, at his request, services as prescribed in this subsection (hereinafter referred to as overtime service) are performed. If such employees have been ordered to report for duty and have so reported, and the requested services are not performed by reason of circumstances beyond the control of the employees concerned, such extra compensation shall be paid on the same basis as though the overtime services had actually been performed during the period between the time the employees were ordered to report for duty and did so report, and the time they were notified that their services would not be required, and in any case as though their services had continued for not less than 1 hour. The Surgeon General, with the approval of the Secretary of Health, Education, and Welfare may prescribe regulations requiring the owner, agent, consignee, operator, or master or other person for whom the overtime services are performed to file a bond in such amounts and containing such conditions and with such sureties, or in lieu of a bond, to deposit money or obligations of the United States in such amount, as will assure the payment of charges under this subsection, which bond or deposit may cover one or more transaction or all transactions during a specified period: *Provided*, That no charges shall be made for services performed in connection with the inspection at designated ports of entry, of passengers arriving by international ferries, bridges, or tunnels, or by aircraft, railroad trains, or vessels on the Great Lakes and connecting waterways, when operated on regular schedules.

"(2) Moneys collected under this subsection shall be deposited in the Treasury of the United States to the credit of the appropriation charged with the expense of the services, and the appropriations so credited shall be available for the payment of such compensation to the said employees for services so rendered."

With the following committee amendments:

Page 1, line 4, strike out "of 1946."

Page 2, line 19, strike out "bill" and insert "subsection."

Page 2, line 21, strike out "for" and insert "or."

Page 3, line 4, strike out "prescribed" and insert "described."

Page 4, line 2, strike out beginning with the word "at" down through the word "schedules" in line 6, and insert the following: "of (1) persons arriving by international highways, ferries, bridges, or tunnels, or the conveyances in which they arrive, or (2) persons arriving by aircraft or railroad trains, the operations of which are covered by published schedules, or the aircraft or trains in which they arrive, or (3) persons arriving by vessels operated between Canadian ports and ports on Puget Sound or operated on

the Great Lakes and connecting waterways, the operations of which are covered by published schedules, or the vessels in which they arrive."

The committee amendments were agreed to.

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

DISPOSING OF CERTAIN UNCOMPLETED NAVAL VESSELS

The Clerk called the bill (H. R. 8570) to authorize the Secretary of the Navy to dispose of certain uncompleted naval vessels, and for other purposes.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I inquire whether this bill provides that any of these vessels can be given to foreigners?

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

Mr. GROSS. I am glad to yield to the gentleman.

Mr. VINSON. No Navy vessels can be transferred to any foreign country without an act of Congress.

Mr. GROSS. So none of these are to be given to foreigners under this legislation?

Mr. VINSON. Not at all.

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

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized to scrap the uncompleted naval vessels *Castle* (DD–720) and *Woodrow R. Thompson* (DD–721) and in his discretion to dispose of the materials therefrom by sale or to retain any such materials for further naval use.

SEC. 2. The action of the Department of the Navy in scrapping the uncompleted naval vessels *Hoel* (DD–768) and *Abner Read* (DD–769), prior to the enactment of the act of June 19, 1948 (62 Stat. 492, ch. 521), which authorized the suspension of construction of these vessels, is hereby ratified.

SEC. 3. The proviso of title III of the Second Supplemental Surplus Appropriation Rescission Act, 1946, under the heading "Increase and Replacement of Naval Vessels" (60 Stat. 227), in the discretion of the President shall not apply to the *"Langetfish"* (SS–296) and *"Turbot"* (SS–427).

With the following committee amendment:

On page 2, line 7, strike *"Langetfish"* and insert *"Lancetfish."*

The amendment was agreed to.

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

COLUMBIA RIVER WATER COMPACT TO INCLUDE NEVADA AND UTAH

The Clerk called the bill (S. 3336) to promote the apportionment of the waters of the Columbia River and tributaries for irrigation and other purposes by including the States of Nevada and Utah among the States authorized to negotiate a compact providing for such apportionment.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act granting the consent of Congress to the States of Idaho, Montana, Oregon, Washington, and Wyoming to negotiate and enter into a compact for the disposition, allocation, diversion, and apportionment of the waters of the Columbia River and its tributaries, and for other purposes," approved July 16, 1952 (66 Stat. 737), is amended by inserting after "Montana," the following: "Nevada,"; and after "Oregon," the following: "Utah,".

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

VERMEJO RECLAMATION PROJECT

The Clerk called the bill (H. R. 6882) to amend the act of September 27, 1950, relating to construction of the Vermejo reclamation project.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act of September 27, 1950 (64 Stat. 1072), as amended, is further amended by adding thereto a new section reading as follows:

"SEC. 6. Upon the execution of a contract with the Vermejo Conservancy District supplementary to or amendatory of the contract dated August 7, 1952, between the district and the United States, pursuant to which supplementary or amendatory contract the district agrees to an increase in the total obligation repayable by it under the contract of August 7, 1952, in an amount equal to the face value of the outstanding bonds of the Maxwell Irrigation Co., held by the Reconstruction Finance Corporation with unpaid interest, if any, accrued after July 1, 1953, and to a commensurate increase in the annual base charge provided in article 10 of said contract the entire obligation of said company to the Reconstruction Finance Corporation shall be fully discharged and said bonds shall be returned to the debtor for cancellation. Thereupon the Secretary of the Interior shall request, and the Secretary of the Treasury shall cause to be transferred on the books of the Treasury to the account of the Reconstruction Finance Corporation from moneys appropriated for carrying on the functions of the Bureau of Reclamation and available for constructing the Vermejo reclamation project, a sum equal to the face value of the outstanding bonds, with accrued interest, as aforesaid, of the Maxwell Irrigation Co. held by the Reconstruction Finance Corporation."

SEC. 2. The limit upon the amount repayable by the contracting organization which is set forth in the proviso to section 2 of the act of September 27, 1950, shall be exclusive of any additional amount which the district undertakes to repay pursuant to section 1 of this act.

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

PINE RIVER IRRIGATION DISTRICT, COLORADO

The Clerk called the bill (H. R. 7466) to authorize the Secretary of the Interior to execute an amendatory repayment contract with the Pine River Irrigation District, Colorado, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the reimbursable construction cost of the Pine River reclamation project, Colorado, is hereby fixed at $1,500,000, and the Secretary of the Interior is authorized to execute, on behalf of the United States, the amendatory repayment contract negotiated pursuant to section 7 of the Reclamation Project Act of 1939 (53 Stat. 1187, 1192) and approved at an election of the district held November 30, 1953, under which contract the unpaid balance of five-sixths of the reimbursable construction cost of the Pine River project (the remaining one-sixth being properly chargeable to the lands of the Pine River Indian (Southern Ute) project as set out in a memorandum of understanding between the Bureau of Reclamation and the Bureau of Indian Affairs dated January 3, 1940, is repayable by the district in 30 fixed annual installments or, if the district elects to use a variable payment formula as set forth in said contract, in as many installments as may be required to return the portion of the aforesaid balance then remaining unpaid.

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

TERMINATING FEDERAL SUPERVISION OVER PROPERTY OF INDIANS IN UTAH

The Clerk called the bill (S. 2670) to provide for the termination of Federal supervision over the property of certain tribes, bands, and colonies of Indians in the State of Utah and the individual members thereof, and for other purposes.

Mr. McCORMACK. Mr. Speaker, at the request of another Member, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

CHEYENNE RIVER SIOUX RESERVATION AND STANDING ROCK SIOUX RESERVATION TRUST PATENTS

The Clerk called the bill (H. R. 2232) to authorize the issuance of trust patents in lieu of land-use exchange assignments issued on the Cheyenne River Sioux Reservation and the Standing Rock Sioux Reservation prior to January 1, 1951.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That holders of land-use exchange assignments on the Cheyenne River Sioux Reservation and the Standing Rock Sioux Reservation who received such assignments by exchange, prior to January 1, 1951, of lands held under trust patents or patents in fee, may, upon application therefor and consent of the respective tribal council, be issued a trust patent in lieu of exchange assignments.

The Secretary of the Interior is authorized and directed to carry out the provisions of this act.

With the following committee amendment:

Page 1, strike out all of lines 10 and 11 and insert in lieu thereof:

"SEC. 2. The Cheyenne River Sioux Tribe and the Standing Rock Sioux Tribe are authorized to pay to each holder of an exchange

assignment of tribal lands all moneys collected by the tribe for the lease or use of subsurface rights in such lands.

"SEC. 3. The Secretary of the Interior is authorized to prescribe such regulations as may be necessary to carry out the provisions of this act."

The committee amendment was agreed to.

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

Mr. D'EWART. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 2488) to provide that each grant of exchange assignment on tribal lands on the Cheyenne River Sioux Reservation and the Standing Rock Sioux Reservation shall have the same force and effect as a trust patent, and for other purposes.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That, from and after the date of the approval of this act, each grant of exchange assignment of tribal lands on the Cheyenne River Sioux Reservation and the Standing Rock Sioux Reservation shall have the same force and effect, and shall confer the same rights, including all timber, mineral, and water rights now vested in or held by the Cheyenne River Sioux Tribe or the Standing Rock Sioux Tribe, upon the holder or holders thereof, that are conveyed by a trust patent issued pursuant to section 5 of the act of February 8, 1887 (24 Stat. 388), as amended and supplemented, except that the period of trust and tax exemption shall continue until otherwise directed by Congress.

SEC. 2. The Cheyenne River Sioux Tribe and the Standing Rock Sioux Tribe are authorized to pay to each holder of an exchange assignment of tribal lands all moneys collected by the tribe for the lease or use of subsurface rights in such lands.

SEC. 3. The Secretary of the Interior is authorized to prescribe such regulations as may be necessary to carry out the provisions of this act.

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

The proceedings whereby the House bill H. R. 2232 was passed were vacated and the bill was laid on the table.

FORT SMITH, ARK.

The Clerk called the bill (H. R. 8252) for the relief of the city of Fort Smith, Ark.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the city of Fort Smith, Ark., the sum of $2,381.75. The payment of such sum shall be in full settlement of all claims of the city of Fort Smith, Ark., against the United States for expenses for engineering fees incurred in connection with the project for the improvement of the Fort Smith Municipal Airport approved under the Federal Airport Act: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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

FIFTY DOLLARS PER CAPITA PAYMENT TO MEMBERS OF THE RED LAKE BAND OF CHIPPEWA INDIANS

The Clerk called the bill (H. R. 3419) to authorize a $50 per capita payment to members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation.

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

Mr. CUNNINGHAM. Mr. Speaker, reserving the right to object, I would like to inquire of the author of the bill or some member of the committee, is this not an identical bill to one that passed the House in the previous Congress, either the 81st or 82d Congress.

Mr. HAGEN of Minnesota. That is correct. This bill or one like it has been passed many times during the past 25 years.

Mr. CUNNINGHAM. But it has never passed the Senate?

Mr. HAGEN of Minnesota. It always has passed the Senate and become law. It is one of a series of bills which would give the Red Lake Band of Chippewa Indians money from their own funds as a per capita payment to the tribal members.

Mr. CUNNINGHAM. Why is this bill necessary?

Mr. HAGEN of Minnesota. This is another payment of money from their own tribal funds. Each payment has to have a new law and the approval of Congress. The House itself just a few years ago approved a bill of a similar nature and the Senate approved it, and it was signed by the President. In fact, in the last 5 years we have had 2 bills enacted into law and 2 payments made. This is one of a series of payments to be made to the Indians from their own funds.

Mr. CUNNINGHAM. In order to get the record straight, I understood the gentleman some time ago in conversation to say that the bill before us was passed in a previous session of the Congress. What the gentleman means is that a similar bill, taking from this fund a certain amount of money and distributing it to the Indian tribes was passed. Is that correct?

Mr. HAGEN of Minnesota. That is correct.

Mr. CUNNINGHAM. At the present time how much money is there in that fund?

Mr. HAGEN of Minnesota. About $700,000.

Mr. CUNNINGHAM. And how much will this take out of the fund?

Mr. HAGEN of Minnesota. About $150,000.

Mr. CUNNINGHAM. How long has it been since previous money was distributed?

Mr. HAGEN of Minnesota. In June 1952 a $100 payment was made. Two years prior to that time a $75 payment was made.

Mr. CUNNINGHAM. Will this cost the Federal Government any money?

Mr. HAGEN of Minnesota. Not any money whatever.

Mr. CUNNINGHAM. Can the gentleman tell me whether or not the position of the Bureau of Indian Affairs is serious, or is it something that they have done each time a similar bill has been considered?

Mr. HAGEN of Minnesota. The Indian Affairs Subcommittee and the House Committee on Interior and Insular Affairs reported the bill out unanimously. The opposition was not serious or vigorous, in my opinion.

Mr. CUNNINGHAM. I was inquiring about the Bureau of Indian Affairs.

Mr. HAGEN of Minnesota. The Bureau of Indian Affairs traditionally opposes these payments. They have done so for the last 30 or 40 years, but on every occasion the Congress has seen fit to recommend and approve the payment. The Indian Department is not violently opposed to this. As a matter of fact, it will save the Government money, because they will not have to pay so much interest on the fund.

Mr. CUNNINGHAM. It is the Indians' own money?

Mr. HAGEN of Minnesota. It is the Indian's own money.

Mr. CUNNINGHAM. Mr. Speaker, I withdraw my reservation of objection.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized to withdraw as much as may be necessary from the fund on deposit in the Treasury of the United States arising from the proceeds of the sale of timber and lumber within the Red Lake Reservation in Minnesota, according to the provisions of the act of May 18, 1916 (39 Stat. 137), to the credit of the Red Lake Indians in Minnesota, and to pay therefrom $50 to each member of the Red Lake Band of Chippewa Indians of Minnesota who is living at the date of enactment of this act. Such payment shall be made under such rules and regulations as the Secretary of the Interior may prescribe.

SEC. 2. No money paid to Indians under this act shall be subject to any lien or claim of attorneys or other persons. Before any payment is made under this act, the Red Lake Band of Chippewa Indians of Minnesota shall, in such manner as may be prescribed by the Secretary of the Interior, ratify and accept the provisions of this act.

SEC. 3. Payments made under this act shall not be held to be "other income and resources" as that term is used in sections 2 (a) (7), 402 (a) (7), and 1002 (a) (8) of the Social Security Act, as amended (U. S. C., 1946 edition, title 42, secs. 302 (a) (7), (602 (a) (7), and 1202 (a) (8)).

With the following committee amendment:

Page 2, line 2, strike out the words "under such" and insert "in two installments of $25 each, the first to be made within 30 days of ratification by the Red Lake Band of Chippewa Indians of Minnesota as provided for

in section 2 of this act, the second installment 90 days thereafter, and under such other."

The committee amendment was agreed to.

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

FURTHER AMEND MILITARY PERSONNEL CLAIMS ACT OF 1945

The Clerk called the bill (H. R. 7068) to further amend the Military Personnel Claims Act of 1945.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 1 (a) of the Military Personnel Claims Act of 1945 (59 Stat. 225), as amended, is further amended by deleting the words "not in excess of $2,500."

SEC. 2. Section 1 of this amendatory act is effective as of July 2, 1952, and, notwithstanding section 1 (e) of the Military Personnel Claims Act of 1945, as amended, any claim heretofore settled in the amount of $2,500 solely by reason of the maximum limitation established by the act of July 3, 1952 (ch. 548, 66 Stat. 321), may, upon the written request of the claimant made within 1 year from the date of enactment of section 1 of this amendatory act, be reconsidered and settled in accordance with the amendment contained in that section.

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

AMEND ARMY-NAVY MEDICAL SERVICES CORPS ACT OF 1947

The Clerk called the bill (H. R. 2224) to amend the Army-Navy Medical Services Corps Act of 1947 (61 Stat. 734), as amended, so as to authorize the appointment of a Chief of the Medical Service Corps of the Navy, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Army-Navy Medical Services Corps Act of 1947, as amended, is further amended by adding to title II the following new section:

"SEC. 208. There shall be a Chief of the Medical Service Corps, appointed by the Secretary of the Navy upon recommendation of the Surgeon General of the Navy, for a term of not more than 4 years, from among officers of the active list of that corps of the permanent rank of lieutenant commander or above, to serve at the pleasure of the Secretary. While so serving the officer shall have the rank of captain in the Navy and shall receive the pay and allowances now or hereafter prescribed by law for that rank and his permanent status as a commissioned officer of the Medical Service Corps shall not be disturbed by reason of such appointment.

"(b) An officer of the Medical Service Corps who is retired for any reason while serving as Chief of the Medical Service Corps, or who having so served for 2½ years or more is subsequently retired while serving in a lower grade, may, in the discretion of the President, be retired with the rank held by him while serving as Chief of the Medical Service Corps and with retired pay based on the active-duty pay of that rank."

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

PROVIDE A NATIONAL DEFENSE RESERVE OF TANKERS

The Clerk called the bill (H. R. 9252) to amend the Merchant Marine Act, 1936, to provide a national defense reserve of tankers and to promote the construction of new tankers and for other purposes.

Mr. CUNNINGHAM. Mr. Speaker, I am advised that a rule has been granted on this bill. I therefore ask unanimous consent that this bill may be passed over without prejudice.

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

There was no objection.

CONSENT OF CONGRESS TO THE BREAKS INTERSTATE PARK COMPACT

The Clerk called the bill (H. R. 8549) granting the consent of Congress to the Breaks Interstate Park compact.

Mr. WAMPLER. Mr. Speaker, reserving the right to object, and I shall not, inasmuch as I am the author of this bill, but for the purposes of the RECORD I would like to state that my friend and colleague, the gentleman from Kentucky [Mr. PERKINS] has introduced a bill similar to mine. Since he is necessarily absent from the Chamber today I would like to say for the RECORD that he has been very much interested in the progress of this legislation.

Mr. Speaker, I withdraw my reservation of objection.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of the Congress is hereby given to the Breaks Interstate Park Compact between the Commonwealth of Kentucky and the Commonwealth of Virginia. Such compact reads as follows:

"BREAKS INTERSTATE PARK COMPACT

"Pursuant to authority granted by an act of the 83d Congress of the United States, being Public Law 275, approved August 14, 1953, the Commonwealth of Kentucky and the Commonwealth of Virginia do hereby covenant and agree as follows:

"Article I

"The Commonwealth of Kentucky and the Commonwealth of Virginia agree to create, develop, and operate an interstate park to be known as the Breaks Interstate Park, which shall be located along the Russell Fork of the Levisa Fork of the Big Sandy River and on adajacent areas in Pike County, Ky., and Dickenson and Buchanan Counties, Va. Said park shall be of such area and of such character as may be determined by the commission created by this compact.

"Article II

"There is hereby created the Breaks Interstate Park Commission, which shall be a body corporate with the powers and duties set forth herein and such additional powers as may be conferred upon it by subsequent action of the appropriate authorities of Kentucky and Virginia. The commission shall consist of 3 commissioners from each of the 2 States, each of whom shall be a citizen of the State he shall represent. Members of the commission shall be appointed by the Governor. Vacancies shall be filled by the Governor for the unexpired term. The term of one of the first commissioners appointed shall be for 2 years, the term of another for 3 years, and the term of the third for 4 years. Their successors shall be appointed for terms of 4 years each. Each commissioner shall hold office until his successor is appointed and qualified. An officer or employee of the State, a political subdivision or the United States Government may be appointed a commissioner under this act.

"Article III

"The commission created herein shall be a joint corporate instrumentality of both the Commonwealth of Kentucky and the Commonwealth of Virginia for the purpose of effecting the objects of this compact, and shall be deemed to be performing governmental functions of the 2 States in the performance of its duties hereunder. The commission shall have power to sue and be sued, to contract and be contracted with, to use a common seal and to make and adopt suitable bylaws, rules, and regulations. The commission shall have the authority to acquire by gift, purchase, or otherwise real estate and other property, and to dispose of such real estate and other property. Each Commonwealth agrees that it will exercise the right of eminent domain to acquire property located within each Commonwealth required by the commission to effectuate the purposes of this compact.

"Article IV

"The commission shall select from among its members a chairman and a vice chairman, and may select from among its members a secretary and treasurer or may designate other persons to fill these positions. It may appoint, and at its pleasure remove or discharge, such officers and legal, clerical, expert and other assistants and employees as may be required to carry the provisions of this compact into effect, and shall fix and determine their duties, qualifications, and compensation. It may establish and maintain one or more offices for the transaction of its business, and may meet at any time or place. A majority of the commissioners present shall constitute a quorum for the transaction of business. The commissioners shall serve without compensation, but shall be paid their expenses incurred in and incident to the performance of their duties. They shall take the oath of office required of officers of their respective States.

"Article V

"Each Commonwealth agrees that the officers and departments of each will be authorized to do all things falling within their respective jurisdictions necessary or incidental to the carrying out of the compact in every particular. The commission shall be entitled to the services of any State officer or agency in the same manner as any other department or agency of this State. The commission shall keep accurate records, showing in full its receipts and disbursements, and said records shall be open at any reasonable time to the inspection of such representatives of the two Commonwealths as may be duly constituted for that purpose. The commission shall submit annually and at other times as required such reports as may be required by the laws of each Commonwealth or by the Governor thereof.

"Article VI

"The cost of acquiring land and other property required in the development and operation of the Breaks Interstate Park and constructing, maintaining, and operating improvements and facilities therein and equipping same may be defrayed by funds received from appropriations, gifts, the use of money received as fees or charges for the use of said park and facilities, or by the issuance of revenue bonds, or by a combination of

such sources of funds. The commission may charge for admission to said park, or make other charges deemed appropriate by it and shall have the use of funds so received for park purposes. The commission is authorized to issue revenue bonds, which shall not be obligations of either State, pursuant to procedures which shall be in substantial compliance with the provisions of laws of either or both States governing the issuance of revenue bonds by governmental agencies.

"Article VII

"All money, securities, and other property, real and personal, received by way of gift or otherwise or revenue received from its operations may be retained by the commission and used for the development, maintenance, and operation of the park or for other park purposes.

"The commission shall not pledge the credit of either Commonwealth except by and with the authority of the general assembly thereof.

"Article VIII

"This compact may be amended from time to time by the concurrent action of the two Commonwealths parties hereto."

SEC. 2. The right to alter, amend, or repeal this act is expressly reserved.

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

GLENDO UNIT, WYOMING, MISSOURI RIVER BASIN PROJECT

The Clerk called the resolution (S. J. Res. 165) to provide for construction by the Secretary of the Interior of the Glendo unit, Wyoming, Missouri River Basin project.

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, we have no departmental report on this particular authorization; that is, I understand it is a construction authorization to construct a dam and reservoir. I wonder if the gentleman can advise what the Department's position is on this particular resolution.

Mr. D'EWART. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield.

Mr. D'EWART. In a letter which is printed in the report the Secretary of the Interior under date of April 2 states that the report concurrently is being transmitted to the Bureau of the Budget for its information and that upon receipt of any comments which that agency may make, it will be forwarded immediately to the Congress.

The Bureau is in favor of this bill. The report is now before the Bureau of the Budget.

Mr. BYRNES of Wisconsin. Does the gentleman have any estimate of the cost of this to the Government? I ask that in view of the fact that we have a rule that a bill calling for more than a million dollars in cost expenditure cannot be considered on the Consent Calendar. I imagine this would be over that. We have no information in the report with respect to it.

Mr. D'EWART. This does not actually authorize the project. It makes it an addition to the Missouri Basin project in which there are a lot of subsidiary projects. This simply includes it in the original Missouri Basin authorization of 1944.

Mr. BYRNES of Wisconsin. So that it will always be considered in the Missouri Basin overall project as far as appropriations, and so forth, are concerned.

Mr. D'EWART. That is correct.

Mr. BYRNES of Wisconsin. And it is made subject to the basic law for authorization of work within the overall project.

Mr. D'EWART. The gentleman is correct.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the Clerk read the resolution, as follows:

Whereas construction by the Secretary of the Interior of a dam and reservoir at the Glendo site on the North Platte River in Wyoming was authorized by section 9, subsection (c) of the act of December 22, 1944 (58 Stat. 641, 653); and

Whereas the Interior Department Appropriation Acts for 1954 and several previous years have provided that "in order to promote agreement among the States of Nebraska, Wyoming, and Colorado, and to avoid any possible alteration of existing vested water rights, no part of this or of any prior appropriation shall be used for construction or for further commitment for construction of the Glendo unit or any feature thereof, until a definite plan report thereon has been completed, reviewed by the States of Nebraska, Wyoming, and Colorado, and approved by Congress"; and

Whereas a definite plan report was completed by the Bureau of Reclamation in December 1952, reviewed by the States aforesaid, and approved by Wyoming on March 5, 1953, by Colorado on March 31, 1953, and by Nebraska on May 19, 1953; thus substantially complying with the provision of section 1 of the Flood Control Act of 1944; and

Whereas the said definite plan report was approved by the Secretary of the Interior on February 19, 1954, and transmitted to the Congress by him on April 2, 1954; and

Whereas the Secretary of the Interior has found the Glendo unit to be economically and financially feasible and has recommended its early construction; and

Whereas, as appears in the stipulation signed on behalf of the States of Nebraska, Wyoming, and Colorado and of the United States on January 14, 1953, the prospect of construction of the Glendo unit as now proposed played an important part in the negotiations of said parties looking toward an amicable modification of the decree of the United States Supreme Court entered in the case of *Nebraska* v. *Wyoming* (325 U. S. 665); and

Whereas the United States Supreme Court has approved said stipulation and modified its decree in accordance therewith (345 U. S. 981): Now, therefore, be it

Resolved, etc., That the definite plan report on the Glendo unit, Missouri River Basin project, approved by the Secretary of the Interior on February 19, 1954, is hereby approved by the Congress, and the Secretary is authorized to construct and operate said unit in accordance with said report and with the modified decree of the United States Supreme Court in the case of *Nebraska* v. *Wyoming* (345 U. S. 981) and, through its physical and financial coordination and integration with the other Federal works constructed or authorized to be constructed under the comprehensive plans approved by section 9 of the act of December 22, 1944 (58 Stat. 641, 653), as amended and supplemented, with the financial objective of returning its reimbursable costs during a 50-year payment period.

SEC. 2. With respect to the Glendo unit, the provisions of section 1 (c) of the Flood Control Act of 1944 are hereby waived.

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

NATURALIZATION OF FORMER CITIZENS OF THE UNITED STATES

The Clerk called the bill (S. 1303) to provide for the expeditious naturalization of former citizens of the United States who have lost United States citizenship by voting in a political election or plebiscite held in occupied Japan.

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask for an explanation of this bill.

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

Mr. GROSS. I yield.

Mr. GRAHAM. This bill provides for the naturalization of some 2,000 Japanese who voted in an election.

Mr. GROSS. Did the gentleman say 2,000?

Mr. GRAHAM. Two thousand; that is correct. It is similar in nature to a bill we passed heretofore giving relief to Italians under like circumstances where they were persuaded to vote in an election in Italy.

Mr. GROSS. It is my understanding that in the case of the Italian elections a bill was brought in here to restore citizenship to Americans who voted in that country.

Mr. GRAHAM. This is a similar bill with reference to certain Japanese.

Mr. GROSS. These Americans voted in a Japanese election?

Mr. GRAHAM. That is right.

Mr. GROSS. For what reason?

Mr. GRAHAM. Under pressure, thinking they were aiding America and outwitting the Communists.

Mr. GROSS. Does not the gentleman think it is about time American citizens stopped voting in foreign elections knowing the penalty for such voting to be forfeiture of citizenship?

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

Mr. GROSS. I yield to the gentleman.

Mr. WALTER. I trust the gentleman from Iowa will bear in mind the fact that immediately after the cessation of hostilities there was considerable pressure brought to bear on everybody in Japan, especially those coming from the United States, to assist in and endeavor to set up a truly democratic system of government. Many of these people who voted and who lost their citizenship thereby were personnel connected with the Military Establishment. Many of them had been born on the mainland, many of them came from Hawaii, but everyone who lost their citizenship did so under the impression that they were making their own contribution in this fight against the establishment of a government to the left. These people believed they were aiding in the efforts that were being made then to stamp out communism in Japan.

Mr. GROSS. They may have helped in Japan, but not in Italy because there the rich are getting richer and the poor are still going Communist.

Mr. WALTER. These people who are our enemies are now perhaps our strongest allies in that section of the world.

Mr. GROSS. I am not going to object to this bill, but it is high time that this business of restoring citizenship to people who voted in foreign elections be stopped and I am going to object when another of these bills comes in.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That a person who has lost United States citizenship solely by reason of having voted in any political election or plebescite held in Japan between September 2, 1945, and April 27, 1952, inclusive, and who has not, subsequent to such voting, committed any act which, had he remained a citizen, would have operated to expatriate him, and is not otherwise disqualified from becoming a citizen by reason of section 313 or 314, or the third sentence of section 318 of the Immigration and Nationality Act, may be naturalized by taking, prior to 2 years after the date of the enactment of this act, before any naturalization court specified in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the applicable oath prescribed by section 337 of such act. Certified copies of such oath shall be sent by such court or such diplomatic or consular officer to the Department of State and to the Department of Justice. Such oath of allegiance shall be entered in the records of the appropriate naturalization court, embassy, legation, or consulate, and upon demand, a certified copy of the proceedings, including a copy of the oath administered, under the seal of the naturalization court, embassy, legation, or consulate, shall be delivered to such person at a cost not exceeding $5, which certified copy shall be evidence of the facts stated therein before any court of record or judicial tribunal and in any department or agency of the Government of the United States. Any such person shall have, from and after naturalization under this act, the same citizenship status as that which existed immediately prior to its loss: *Provided*, That no such person shall be eligible to take the oath prescribed by section 337 of the Immigration and Nationality Act, unless he shall first take an oath before any naturalization court specified in subsection (a) of section 310 of the Immigration and Nationality Act, or before any diplomatic or consular officer of the United States abroad, that he has done nothing to promote the cause of communism. Naturalization procured under this act shall be subject to revocation as provided in section 340 of the Immigration and Nationality Act, and subsection (f) of that section shall apply to any person claiming United States citizenship through the naturalization of an individual under this act.

With the following committee amendment:

Page 1, line 4, strike out "plebescite" and insert "plebiscite."

The committee amendment was agreed to.

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

AUTHORIZING HONOLULU (HAWAII) TO ISSUE PUBLIC IMPROVEMENT BONDS

The Clerk called the bill (H. R. 7517) to enable the Legislature of the Territory of Hawaii to authorize the city and county of Honolulu, a municipal corporation, to issue public improvement bonds.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Legislature of the Territory of Hawaii, notwithstanding any provisions of the Hawaiian Organic Act, any laws of the Territory of Hawaii or of any acts of this Congress to the contrary, may authorize the city and county of Honolulu, a municipal corporation of the Territory of Hawaii, to issue bonds in the sum of $2,000,000 for the purpose of enabling it to construct sewerage systems in the city and county of Honolulu.

SEC. 2. The bonds issued under authority of this act shall be serial bonds, payable in substantially equal annual installments, the first installment to mature not later than 5 years and the last installment to mature not later than 30 years from the date of such issue. Such bonds may be issued without the approval of the President of the United States.

SEC. 3. Act 254 of the Session Laws of Hawaii, 1953, pertaining to the issuance of public improvement bonds, as authorized by this act, is hereby ratified and confirmed subject to the provisions of this act.

With the following committee amendments:

Page 2, line 8, after "SEC. 3.", insert the words "Sections 1 and 2 of."

Page 2, line 11, strike the word "is" and insert "are."

The committee amendments were agreed to.

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

AUTHORIZING HONOLULU (HAWAII) TO ISSUE PUBLIC IMPROVEMENT BONDS

The Clerk called the bill (H. R. 7518) to enable the Legislature of the Territory of Hawaii to authorize the city and county of Honolulu, a municipal corporation, to issue public improvement bonds.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Legislature of the Territory of Hawaii, notwithstanding any provisions of the Hawaiian Organic Act, any laws of the Territory of Hawaii or of any act of this Congress to the contrary, may authorize the city and county of Honolulu, a municipal corporation of the Territory of Hawaii, to issue bonds in the sum of $1 million, for the purpose of enabling it to construct flood-control and drainage systems in the city and county of Honolulu.

SEC. 2. The bonds issued under authority of this act shall be serial bonds, payable in substantially equal annual installments, the first installment to mature not later than 5 years and the last installment to mature not later than 30 years from the date of such issue. Such bonds may be issued without the approval of the President of the United States.

SEC. 3. Act 254 of the Session Laws of Hawaii 1953, pertaining to the issuance of public improvement bonds, as authorized by this act, is hereby ratified and confirmed subject to the provisions of this act.

With the following committee amendments:

Page 2, line 3, after "SEC. 3." insert the words "Sections 3 and 4 of."

Page 2, line 10, strike the word "is" and insert in lieu thereof the word "are."

The committee amendments were agreed to.

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

REVISION AND CODIFICATION OF TITLE 21, UNITED STATES CODE, ENTITLED "FOOD, DRUGS, AND COSMETICS"

The Clerk called the bill (H. R. 9728) to revise, codify, and enact into law, title 21 of the United States Code, entitled "Food, Drugs, and Cosmetics."

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

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, this is a revision of title 21, United States Code, entitled "Food, Drugs, and Cosmetics," and consists of about 90 pages. We have no departmental report as far as the committee is concerned. I wonder if someone on the committee can advise whether this has departmental approval and whether it comes out of the committee by unanimous vote.

Mr. McCULLOCH. Mr. Speaker, I am pleased to attempt to answer the question of the gentleman from Wisconsin. In the first place, this bill has been introduced in the Congress for at least two previous sessions; therefore, has been available for study during all of that time. There have been complete consultations with the various departments which would be affected by this bill. There is no objection from such departments and communications are or should be on the way to the Committee on the Judiciary, to that effect. The bill did come from the Committee on the Judiciary by unanimous vote.

Mr. BYRNES of Wisconsin. Do I understand that as far as the gentleman knows there is no opposition from any quarter to the substantive changes that are made in this revision?

Mr. McCULLOCH. So far as I know, there is no objection to the bill. I may further say it is not the intention of this bill and it is not the intention of the Committee on the Judiciary that there be any changes made in existing law whatsoever.

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

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

Mr. ROGERS of Colorado. I am also a member of the subcommittee of which the gentleman is a member and to which he has just referred. As I understand it, the complete cooperation of the department was had at all times in the consideration of this recodification that the Committee on the Judiciary is going through. We were led to believe through the cooperation of the department that this recodification met with their approval in every respect.

Mr. McCULLOCH. I thank the gentleman.

Mr. BYRNES of Wisconsin. Mr. Speaker, I withdraw my reservation.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That title 21 of the United States Code, entitled "Food, Drugs, and Cosmetics", is hereby revised, codified, and enacted into law, and may be cited as "Title 21, United States Code, § —", as follows:

TITLE 21—FOOD, DRUGS, AND COSMETICS

Part	Sec.
I. Food and drugs generally	1
II. Animals, poultry, and meats	451
III. Narcotics	711

PART I—FOOD, DRUGS, AND COSMETICS GENERALLY

Chapter	Sec.
1. Food and Drug Administration	1
3. Food, Drugs, and Cosmetics	41
5. Milk and Cream	201
7. Tea Importation	261
9. Caustic Poisons	311

Chapter 1—Food and Drug Administration

Sec.
1. Establishment.
2. Functions of Secretary of Health, Education, and Welfare.
3. Board of Tea Experts.
4. Board of Tea Appeals.

§ 1. Establishment

The Food and Drug Administration shall continue as a constituent organization of the Department of Health, Education, and Welfare.

§ 2. Functions of Secretary of Health, Education, and Welfare

The Secretary of Health, Education, and Welfare shall perform the functions prescribed for him under part I of this title, and may from time to time make such provisions as he deems appropriate authorizing the performance of any of the functions of the Secretary by any other officer, or by any agency or employee, of the Department.

§ 3. Board of Tea Experts

Before February 16 of each year, the Secretary of Health, Education, and Welfare shall appoint a Board of Tea Experts of seven members who are experts in teas, for a term of 1 year subject to removal by the Secretary. The Secretary shall fill vacancies by appointment for an unexpired term.

The Board shall appoint a presiding officer, who shall be the medium of all communications to or from the Board. Each member of the Board shall receive as compensation the sum of $50 per annum, and necessary expenses in connection with his duties under this title to be paid by the Secretary of Health, Education, and Welfare.

§ 4. Board of Tea Appeals

The United States Board of Tea Appeals shall consist of three employees of the Department of Health, Education, and Welfare designated by the Secretary of Health, Education, and Welfare.

Chapter 3—Food, drugs, and cosmetics

Subchapter I—Definitions, determinations, and representations

Sec.
41. Definitions.
42. Determination of misbranding.
43. Representations as antiseptic.
44. Short title.

Subchapter II—Food

51. Definitions and standards for food; procedure governing establishment; objections; hearings; applicability of other provisions.
52. Adulterated food.
53. Misbranded food.
54. Exemptions.
55. Tolerances for poisonous ingredients; certification of coal-tar colors for foods.
56. Emergency permit control.
57. Sea food; examination on request of packer; fees.
58. Colored oleomargarine; Congressional finding as to sale or serving.
59. Colored oleomargarine; sale in State where produced; packaging and labeling; service in restaurants.
60. Oleomargarine, butterine, imitation butter or cheese; application of State laws.
61. Exemption of meats and meat food products.

Subchapter III—Drugs and Devices

71. Adulterated drugs and devices.
72. Misbranded drugs and devices.
73. Exemptions.
74. Certification of coal-tar colors for drugs.
75. New drugs.
76. Certification of drugs containing insulin.
77. Certification of drugs containing certain antibiotics.

Subchapter IV—Cosmetics

91. Adulterated cosmetics.
92. Misbranded cosmetics.
93. Exemptions.
94. Certification of coal-tar colors for cosmetics.

Subchapter V—Imports and Exports

111. Examination and refusal of imports.
112. Exports adulterated or misbranded.
113. Suspension of adulterated imports.

Subchapter VI—Administrative Provisions

131. Regulations; hearings; judicial review.
132. Examinations and investigations.
133. Records of interstate shipment.
134. Factory inspection; notice; reports; receipts for samples; copies of analyses.
135. Publicity.
136. Cost of certification of coal-tar colors.
137. Revision of Pharmacopeia; development of analyses and tests.

Subchapter VII—Enforcement and penalties

151. Prohibited acts.
152. Penalties; exemptions.
153. Injunctions.
154. Libel for condemnation.
155. Hearing before violation reported.
156. Report of minor violations.
157. Proceedings in name of United States; subpenas.

SUBCHAPTER I—DEFINITIONS, DETERMINATIONS, REPRESENTATIONS, AND SHORT TITLE

§ 41. Definitions

As used in this chapter—

(a) "Secretary" means the Secretary of Health, Education, and Welfare.

(b) "Department" means the Department of Health, Education, and Welfare.

(c) "Butter" means the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter, and containing not less than 80 percent by weight of milk fat, all tolerances having been allowed for.

(d) "Cosmetic" means articles other than soap, (1) intended to be applied to or introduced into the human body for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) intended for use as a component of any such articles.

(e) "Device," except when used in sections 42, 53 (f) 72 (c), 92 (c), and 151 (i) of this title, means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (2) to affect the structure of any function of the body of man or other animals.

(f) "Drug" means (1) articles recognized in an official compendium; and (2) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clauses (1), (2), or (3) of this paragraph; but does not include devices or their components, parts, or accessories.

(g) "Food" means (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article.

(h) "Interstate commerce" means (1) commerce between any State or Territory and any place outside thereof, and (2) commerce within the District of Columbia or within any other Territory not organized with a legislative body.

(i) "Label" means a display of written, printed, or graphic matter upon the immediate container other than a package liner, of any article; and a requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless it also appears on or is easily legible through the outside container or wrapper, if any there be, of the retail package of such article.

(j) "Labeling" means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

(k) "New drug" means—

(1) Any drug the composition of which is such that the drug is not generally recognized among experts qualified by scientific training and experience to evaluate the safety of drugs, as safe for use under the conditions prescribed, recommended, or suggested in the labeling thereof, unless at any time prior to June 25, 1938, it was subject to the Food and Drug Act of June 30, 1906, as amended, and at such time its labeling contained the same representations concerning the conditions of its use; or

(2) Any drug the composition of which is such that, as a result of investigations to determine its safety for use under such conditions, it has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

(l) "Nonfat dry milk solids" or "defatted milk solids" is the product resulting from the removal of fat and water from the sweet milk of cows, and containing (a) the lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which made, (b) not over 5 percent by weight of moisture, and (c) not over 1½ percent by weight of fat content unless otherwise indicated.

(m) "Official compendium" means the official United States Pharmacopoeia. Official Homoeopathic Pharmacopoeia of the United States, official National Formulary, or any supplement to any of them.

(n) "Package" includes wrapped meats enclosed in papers or other materials as prepared by the manufacturers thereof for sale.

(o) "Person" means an individual, partnership, corporation, or association.

(p) "Territory" includes the District of Columbia and any Territory or possession of the United States, but not the Canal Zone.

§ 42. Determination of misbranding

If an article is alleged to be misbranded because the labeling is misleading, there shall be taken into account, among other things, in determining whether the labeling is misleading not only representations made or suggested by statement, word, design, device, or any combination thereof, but also the extent to which the labeling fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling relates under the conditions of use prescribed in the

labeling thereof or under such conditions of use as are customary or usual.

§ 43. Representation as antiseptic

The representation of a drug in its labeling, as an antiseptic shall constitute a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or for such other use as involves prolonged contact with the body.

§ 44. Short title

This chapter may be cited as the "Federal Food, Drug, and Cosmetic Act."

SUBCHAPTER II—FOOD

§ 51. Definitions and standards for food; procedure governing establishment; objections; hearings; applicability of other provisions.

(a) Whenever in the judgment of the Secretary such action will promote honesty and fair dealing in the interest of consumers, the Secretary shall promulgate regulations fixing and establishing for any food, under its common or usual name insofar as practicable, a reasonable definition and standard of identity, a reasonable standard of quality, and/or reasonable standards of fill of container.

The Secretary may not establish a definition and standard of identity or standard of quality for fresh or dried fruits, fresh or dried vegetables, or butter, but may establish definitions and standards of identity, relating only to maturity and to the effects of freezing, for avocadoes, cantaloups, citrus fruits, and melons.

In prescribing any standard of fill of container, the Secretary shall give consideration to the natural shrinkage in storage and in transit of fresh natural food and to need for the necessary packing and protective material.

In prescribing any standard of quality for any canned fruit or canned vegetable, the Secretary shall give consideration to and make due allowance for the differing characteristics of the several varieties of such fruit or vegetable.

In prescribing a definition and standard of identity for any food or class of food in which optional ingredients are permitted, the Secretary shall, for the purpose of promoting honesty and fair dealing in the interest of consumers, designate the optional ingredients which shall be named on the label.

(b) (1) Any action under subsection (a) of this section for the issuance, amendment, or repeal of any regulation shall be begun by a proposal made (A) by the Secretary of his own initiative, or (B) by petition of any interested person, showing reasonable grounds therefor, filed with the Secretary. The Secretary shall publish the proposal and shall afford all interested persons an opportunity to present their views thereon, orally or in writing. As soon as practicable thereafter, the Secretary shall by order act upon such proposal and shall make such order public. Except as provided in paragraph (2) of this subsection the order shall become effective at such time as may be specified therein, but not prior to the day following the last day on which objections may be filed under such paragraph.

(2) At any time prior to the 30th day after the date on which an order entered under paragraph (1) of this subsection is made public, any person who will be adversely affected by such order if placed in effect may file objections thereto with the Secretary, specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections. Until final action upon such objections is taken by the Secretary under paragraph (3) of this subsection, the filing of such objections shall operate to stay the effectiveness of those provisions of the order to which the objections are made. As soon as practicable after the time for filing objections has expired the Secretary shall publish a notice in the Federal Register specifying those parts of the order which have been stayed by the filing of objections and, if no objections have been filed, stating that fact.

(3) As soon as practicable after such request for a public hearing, the Secretary, after due notice, shall hold such a public hearing for the purpose of receiving evidence relevant and material to the issues raised by such objections. At the hearing, any interested person may be heard in person or by representative. As soon as practicable after completion of the hearing, the Secretary shall by order act upon such objections and make such order public. Such order shall be based only on substantial evidence of record at such hearing and shall set forth, as part of the order, detailed findings of fact on which the order is based. The Secretary shall specify in the order the date on which it shall take effect, except that it shall not be made to take effect prior to the 90th day after its publication unless the Secretary finds that emergency conditions exist necessitating an earlier effective date, in which event the Secretary shall specify in the order his findings as to such conditions. Such order shall be subject to the provisions of section 131 (f) and (g) of this title.

§ 52. Adulterated food

A food is deemed to be adulterated—

(a) Poisonous, insanitary, etc., ingredients: (1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health unless the substance is not an added substance and its quantity in such food does not ordinarily render it injurious to health; or (2) if it bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of section 55 of this title; or (3) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; or (4) if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health; or (5) if it is, in whole or in part, the product of a diseased animal or of an animal which has died otherwise than by slaughter; or (6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(b) Absence, substitution, or addition of constituents: (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or (2) if any substance has been substituted wholly or in part therefor; or (3) if damage or inferiority has been concealed in any manner; or (4) if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(c) Uncertified coal-tar coloring: If it bears or contains a coal-tar color other than one from a batch that has been certified in accordance with regulations as provided by section 55 of this title. This paragraph does not apply to citrus fruit bearing or containing a coal-tar color where application for listing of such color has been made under this chapter but not acted on by the Secretary, if such color was commonly used prior to June 25, 1938, for the purpose of coloring citrus fruit.

(d) Confectionery containing alcohol or nonnutritive substance: If it is confectionery, and it bears or contains any alcohol or nonnutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of 1 percent, natural gum, and pectin. This paragraph does not apply to any confectionery by reason of its containing less than one-half of 1 percent by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances.

(e) Insanitary ingredients in oleomargarine or butter: If it is oleomargarine or margarine or butter and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance, or such oleomargarine or margarine or butter is otherwise unfit for food.

§ 53. Misbranded food

A food is deemed to be misbranded—

(a) False or misleading labeling: If its labeling is false or misleading in any particular.

(b) Offer for sale under another name: If it is offered for sale under the name of another food.

(c) Imitation: If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

(d) Misleading container: If its container is so made, formed, or filled as to be misleading.

(e) Package form: If in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count. Under clause (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary.

(f) Prominence of information on label: If any word, statement, or other information required by or under authority of this chapter to appear on the label or labels is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(g) Representation as to identity: If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by section 51 of this title, unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard, and, insofar as required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food.

(h) Representation as to quality and fill of container: If it purports to be or is represented as—

(1) a food for which a standard of quality has been prescribed by regulations as provided by section 51 of this title, and its quality falls below such standard, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard; or

(2) a food for which a standard or standards of fill of container has been prescribed by regulations as provided by section 51 of this title, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard.

(i) Label where no representation as to standard of identity: If it is not subject to the provisions of paragraph (g) of this section unless its label bears (1) the common or usual name of the food, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings, other than

those sold as such, may be designated as spices, flavoring, and colorings without naming each. The Secretary shall promulgate regulations establishing exemptions to the extent that compliance with the requirements of clause (2) of this paragraph is impracticable, or results in deception or unfair competition.

(j) Representation for special dietary use: If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Secretary by regulations prescribes as necessary in order fully to inform purchasers as to its value for such uses.

(k) Artificial flavoring, etc.; exception of articles from (g), (i), and (k): If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact. The Secretary shall promulgate regulations establishing exemptions to the extent that compliance with the requirements of this paragraph is impracticable. The provisions of this paragraph and paragraphs (g) and (i) of this section with respect to artificial coloring shall not apply in the case of butter, cheese, or ice cream.

§ 54. Exemptions

The Secretary shall promulgate regulations exempting from any labeling requirement of this chapter (1) small open containers of fresh fruits and fresh vegetables and (2) food which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such food is not adulterated or misbranded under the provisions of this chapter upon removal from such processing, labeling, or repacking establishment.

§ 55. Tolerances for poisonous ingredients; certification of coal-tar colors for foods

(a) Any poisonous or deleterious substance added to any food, except where such substance is required in the production thereof or cannot be avoided by good manufacturing practice, shall be deemed to be unsafe for purposes of the application of clause (2) of section 52 (a) of this title. When such substance is so required or cannot be so avoided, the Secretary shall promulgate regulations limiting the quantity therein or thereon to the extent the Secretary finds necessary for the protection of public health, and any quantity exceeding the limits so fixed shall also be deemed to be unsafe for purposes of the application of clause (2) of section 52 (a) of this title. While such a regulation is in effect limiting the quantity of any such substance in the case of any food, such food shall not, by reason of bearing or containing any added amount of such substance, be considered to be adulterated within the meaning of clause (1) of section 52 (a) of this title. In determining the quantity of such added substance to be tolerated in or on different articles of food, the Secretary shall take into account the extent to which the use of such substance is required or cannot be avoided in the production of each such article and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances.

(b) The Secretary shall promulgate regulations providing for the listing of coal-tar colors which are harmless and suitable for use in food and for the certification of batches of such colors, with or without harmless diluents.

§ 56. Emergency permit control

(a) Whenever the Secretary finds after investigation that the distribution in interstate commerce of any class of food may, by reason of contamination with micro-organisms during the manufacture, processing, or packing thereof in any locality, be injurious to health, and that the injurious nature cannot be adequately determined after the articles have entered interstate commerce, the Secretary then, and in such case only, shall promulgate regulations providing for the issuance, to manufacturers, processors, or packers of such class of food in such locality, of permits to which shall be attached such conditions governing the manufacture, processing, or packing of such class of food, for the period of time necessary to protect the public health. After the effective date of such regulations, and during such period, no person shall introduce or deliver for introduction into interstate commerce any such food unless such manufacturer, processor, or packer holds a permit issued by the Secretary as provided by such regulations.

(b) The Secretary may suspend immediately upon notice any permit issued under authority of this section if it is found that any of the conditions of the permit have been violated. The holder of a permit so suspended may at any time apply for the reinstatement thereof and the Secretary shall, immediately after prompt hearing and an inspection of the establishment, reinstate such permit if it is found that adequate measures have been taken to comply with and maintain the conditions of the permit as originally issued or as amended.

(c) Any officer or employee designated by the Secretary shall have access to any factory or establishment, the operator of which holds a permit from the Secretary, for the purpose of ascertaining whether the conditions of the permit are being complied with. If access for such inspection is denied, the Secretary may suspend the permit until such access is freely given by the operator.

§ 57. Seafood; examination on request of packer; fees

(a) Upon application of any packer of seafood for shipment or sale within the jurisdiction of this chapter, the Secretary may designate inspectors to examine and inspect such food and the production, packing, and labeling thereof. If on such examination and inspection compliance is found with the provisions of this chapter and regulations promulgated thereunder, the applicant shall be authorized or required to mark the food as provided by regulation to show such compliance. The Secretary may promulgate regulations governing the sanitary and other conditions under which the service herein provided shall be granted and maintained, and for otherwise carrying out the purposes of this section.

(b) Services under this section shall be rendered only upon payment by the applicant of fees fixed by regulation in amounts necessary to provide, equip, and maintain an adequate and efficient inspection service. Receipts from such fees shall be covered into the Treasury and shall be available to the Secretary for expenditures incurred in carrying out the purposes of this section, including salaries of additional inspectors when necessary to supplement the number for whose salaries Congress has appropriated.

§ 58. Colored oleomargarine; congressional finding as to sale or serving

The Congress finds and declares that the sale, or the serving in public eating places, of colored oleomargarine or colored margarine without clear identification as such or which is otherwise adulterated or misbranded within the meaning of this chapter depresses the market in interstate commerce for butter and for oleomargarine or margarine clearly identified and neither adulterated nor misbranded, and constitutes a burden on interstate commerce in such articles. Such burden exists, irrespective of whether such oleomargarine or margarine originates from an interstate source or from the State in which it is sold.

§ 59. Colored oleomargarine; sale in State where produced; packaging and labeling; service in restaurants

(a) Colored oleomargarine or colored margarine which is sold in the same State or Territory in which it is produced shall be subject in the same manner and to the same extent to the provisions of this chapter as if it had been introduced in interstate commerce.

(b) No person shall sell, or offer for sale, colored oleomargarine or colored margarine unless—

(1) such oleomargarine or margarine is packaged;

(2) the net weight of the contents of any package sold in a retail establishment is one pound or less;

(3) there appears on the label of the package (A) the word "oleomargarine" or "margarine" in type or lettering at least as large as any other type or lettering on such label and (B) a full and accurate statement of all the ingredients contained in such oleomargarine or margarine; and

(4) each part of the contents of the package is contained in a wrapper which bears the word "oleomargarine" or "margarine" in type or lettering not smaller than 20-point type.

The requirements of this subsection shall be in addition to and not in lieu of any of the other requirements of this chapter.

(c) No person shall possess in a form ready for serving colored oleomargarine or colored margarine at a public eating place unless a notice that oleomargarine or margarine is served is displayed prominently and conspicuously in such place and in such manner as to render it likely to be read and understood by the ordinary individual being served in such eating place or is printed or is otherwise set forth on the menu in type or lettering not smaller than that normally used to designate the serving of other food items. No person shall serve colored oleomargarine or colored margarine at a public eating place, whether or not any charge is made therefor, unless (1) each separate serving bears or is accompanied by labeling identifying it as oleomargarine or margarine, or (2) each separate serving thereof is triangular in shape.

(d) If colored oleomargarine or colored margarine complies with the requirements of subsection (b) of this section when served with meals at a public eating place, it shall, at the time of such service, be exempt from the requirements of section 53 of this title, except subsections (a) and (f) of such section.

(e) For the purposes of this section, colored oleomargarine or margarine is oleomargarine or margarine having a tint or shade containing more than one and six-tenths degrees of yellow, or of yellow and red collectively, but with an excess of yellow over red, measured in terms of the Lovibond tintometer scale or its equivalent, and the term "oleomargarine" or "margarine" includes—

(1) all substances, mixtures, and compounds known as oleomargarine or margarine;

(2) all substances, mixtures, and compounds which have a consistence similar to that of butter and which contains any edible oils or fats other than milk fat if made in imitation or semblance of butter.

§ 60. Oleomargarine, butterine, imitation butter or cheese; application of State laws

(a) Nothing in this chapter or sections 45 and 55 of title 15 shall be construed as authorizing the possession, sale, or serving of colored oleomargarine, or colored margarine in any State or Territory in contravention of the laws of such State or Territory.

(b) All articles known as oleomargarine, butterine, imitation, process, renovated, or adulterated butter, or imitation cheese, or

any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory or the District of Columbia, and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits therein be subject to the operation and effect of the laws thereof enacted in the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced therein, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

§ 61. Exemption of meats and meat food products

Meats and meat food products are exempt from the provisions of this chapter to the extent of the application or the extension thereto of sections 491–510 of this title.

SUBCHAPTER III—DRUGS AND DEVICES

§ 71. Adulterated drugs and devices

(a) Poisonous, insanitary, etc., ingredients:

A drug or device is deemed to be adulterated—

(1) if it consists in whole or in part of any filthy, putrid, or decomposed substance; or

(2) if it has been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health; or

(3) if it is a drug and its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or

(4) if it is a drug and bears or contains, for purposes of coloring only, a coal-tar color other than one from a batch that has been certified in accordance with regulations as provided by section 74 of this title.

(b) Strength, quality, or purity differing from official compendium: If it purports to be or is represented as a drug the name of which is recognized in an official compendium, and its strength differs from, or its quality or purity falls below, the standard set forth in such compendium, determined in accordance with the tests or methods of assay set forth in such compendium. Whenever tests or methods of assay have not been prescribed in such compendium, or, if prescribed, are, in the judgment of the Secretary, insufficient for the making of such determination, the Secretary shall notify the appropriate body charged with the revision of such compendium, and if such body fails within a reasonable time to prescribe tests or methods of assay which, in the judgment of the Secretary, are sufficient for purposes of this paragraph, he shall promulgate regulations prescribing appropriate tests or methods of assay in accordance with which such determination as to strength, quality, or purity shall be made. No drug defined in an official compendium shall be deemed to be adulterated under this paragraph because it differs from the standard of strength, quality, or purity therefor set forth in such compendium, if its difference in strength, quality, or purity from such standard is plainly stated on its label. A drug recognized in both the United States Pharmacopoeia and the Homeopathic Pharmacopoeia of the United States shall be subject to the requirements of the United States Pharmacopoeia unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the Homeopathic Pharmacopoeia of the United States.

(c) Misrepresentation of strength, etc., where drug is unrecognized in compendium: If it is not subject to the provisions of paragraph (b) of this section and its strength differs from, or its purity or quality falls below, that which it purports or is represented to possess.

(d) Mixture with or substitution of another substance: If it is a drug and any substance has been (1) mixed or packed therewith so as to reduce its quality or strength or (2) substituted wholly or in part therefor.

§ 72. Misbranded drugs and devices

A drug or device is deemed to be misbranded—

(a) False or misleading labeling: If its labeling is false or misleading in any particular.

(b) Package form; contents of label: If in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count. Under clause (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary.

(c) Prominence of information on label: If any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(d) Habit-forming substance: If it is for use by man and contains any quantity of the narcotic or hypnotic substance alpha eucaine, barbituric acid, betaeucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, peyote, or sulphonmethane; or any chemical derivative of such substance, which derivatives the Secretary, after investigation, finds to be, and by regulations designates as, habit forming; unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

(e) Designation of drug by name not in compendium: If it is a drug not designated solely by a name recognized in an official compendium unless its label bears (1) the common or usual name of the drug, if such there be; and (2), in case it is fabricated from two or more ingredients, the common or usual name of each active ingredient, including the quantity, kind, and proportion of any alcohol, and also including, whether active or not, the name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetphenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein. The Secretary shall promulgate regulations establishing exemptions to the extent that compliance with the requirements of clause (2) of this paragraph is impracticable.

(f) Directions for use and warnings on label: Unless its labeling bears (1) adequate directions for use; and (2) adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form as are necessary for the protection of users. Where any requirement of clause (1) of this paragraph, as applied to any drug or device, is not necessary for the protection of the public health, the Secretary shall promulgate regulations exempting such drug or device from such requirement.

(g) Representation as recognized drug; packing and labeling: If it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed therein. The Secretary may consent to a modification of the method of packing. A drug recognized in both the United States Pharmacopoeia and the Homoeopathic Pharmacopoeia of the United States shall be subject to the requirements of the United States Pharmacopoeia with respect to packaging and labeling unless it is labeled and offered for sale as a homoeopathic drug, in which case it shall be subject to the provisions of the Homoeopathic Pharmacopoeia of the United States.

(h) Deteriorative drugs; packing and labeling: If it has been found by the Secretary to be a drug liable to deterioration, unless it is packaged in such form and manner, and its label bears a statement of such precautions, as the Secretary by regulations requires as necessary for the protection of the public health. The Secretary shall not establish such a regulation for any drug recognized in an official compendium until the Secretary has informed the body charged with the revision of such compendium of the need for such a packaging or labeling requirements and such body has failed within a reasonable time to prescribe such requirements.

(i) Drug; misleading container; imitation; offer for sale under another name: (1) If it is a drug and its container is so made, formed, or filled as to be misleading; or (2) if it is an imitation of another drug; or (3) if it is offered for sale under the name of another drug.

(j) Health-endangering when used as prescribed: If it is dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended, or suggested in the labeling thereof.

(k) Insulin not properly certified: If it is, or purports to be, or is represented as a drug composed wholly or partly of insulin, unless (1) it is from a batch with respect to which a certificate or release has been issued pursuant to section 76 of this title, and (2) such certificate or release is in effect with respect to such drug.

(l) Other drugs not properly certified: If it is, or purports to be, or is represented as a drug composed wholly or partly of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, or bacitracin, or any derivative thereof, unless (1) it is from a batch with respect to which a certificate or release has been issued pursuant to section 77 of this title, and (2) such certificate or release is in effect with respect to such drug. This subsection does not apply to any drug or class of drugs exempted by regulations promulgated under section 77 (c) or (d) of this title.

§ 73. Exemptions

(a) The Secretary shall promulgate regulations exempting from any labeling or packing requirement of this chapter drugs and devices which are, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such drugs and devices are not adulterated or misbranded under the provisions of this chapter upon removal from such processing, labeling, or repacking establishment.

(b) (1) A drug intended for use by man which—

(A) is a habit-forming drug to which section 72 (d) of this title applies; or

(B) because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law to administer such drug; or

(C) is limited by an effective application under section 75 of this title to use under the

professional supervision of a practitioner licensed by law to administer such drug,

shall be dispensed only (i) upon a written prescription of a practitioner licensed by law to administer such drug, or (ii) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by the pharmacist, or (iii) by refilling any such written or oral prescription if such refilling is authorized by the prescribed either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist. The act of dispensing a drug contrary to the provisions of this paragraph is deemed to be an act which results in the drug being misbranded while held for sale.

(2) A drug dispensed by filling or refilling a written or oral prescription of a practioner licensed by law to administer such drug is exempt from the requirements of section 72 of this title, except paragraphs (a), (i) (2) and (3), (k) and (l) of such section, and the packaging requirements of paragraphs (g) and (h) of such section, if the drug bears a label containing the name and address of the dispenser, the serial number and date of the prescription or of its filling, the name of the prescriber, and, if stated in the prescription, the name of the patient, and the directions for use and cautionary statements, if any, contained in such prescription. This exemption does not apply to any drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail, or to a drug dispensed in violation of paragraph (1) of this subsection.

(3) The Secretary may by regulation remove drugs subject to sections 72 (d) and 75 of this title from the requirements of paragraph (1) of this subsection when such requirements are not necessary for the protection of the public health.

(4) A drug which is subject to paragraph (1) of this subsection is deemed to be misbranded if at any time prior to dispensing its label fails to bear the statement "Caution: Federal law prohibits dispensing without prescription." A drug to which paragraph (1) of this subsection does not apply is deemed to be misbranded if at any time prior to dispensing its label bears the caution statement quoted in the first sentence of this paragraph.

(5) Nothing in this subsection shall be construed to relieve any person from any requirement prescribed by or under authority of law with respect to drugs now included or which may hereafter be included within the classifications stated in section 3220 of the Internal Revenue Code, or to marihuana as defined in section 3238 (b) of the Internal Revenue Code.

§ 74. Certification of coal-tar colors for drugs

The Secretary shall promulgate regulations providing for the listing of coal-tar colors which are harmless and suitable for use in drugs for purposes of coloring only and for the certification of batches of such colors, with or without harmless diluents.

§ 75. New drugs

(a) Necessity of effective application: No person shall introduce or deliver for introduction into interstate commerce any new drug, unless an application filed pursuant to subsection (b) of this section is effective with respect to such drug.

(b) Filing application: Any person may file with the Secretary an application with respect to any drug subject to subsection (a) of this section, which application shall include (1) full reports of investigations which have been made to show whether such drug is safe for use; (2) a full list of the articles used as components of such drug; (3) a full statement of the composition of such drug; (4) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug; (5) samples of such drug and of the articles used as components thereof as the Secretary may require; and (6) specimens of the labeling proposed to be used for such drug.

(c) Effective date of application: An application provided for in subsection (b) of this section shall become effective on the sixtieth day after the filing thereof unless prior to such day the Secretary by written notice to the applicant postpones the effective date of the application to such time, not more than 180 days after the filing thereof, as he deems necessary to enable him to study and investigate the application.

(d) Grounds for refusing application to become effective: Prior to the effective date of the application, the Secretary shall issue an order refusing to permit the application to become effective if he finds, after due notice to the applicant and giving him an opportunity for a hearing, that (1) the investigations reported pursuant to subsection (b) of this section do not include adequate tests by all methods reasonably applicable to show whether such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof; (2) the results of such tests show that such drug is unsafe for use under such conditions or do not show that such drug is safe for use under such conditions; (3) the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to preserve its identity, strength, quality, and purity; or (4) upon the basis of the information submitted to him as part of the application, or other information before him with respect to such drug, he has insufficient information to determine whether such drug is safe for use under such conditions.

(e) Suspension of effectiveness of application: The Secretary shall order the suspension of the effectiveness of an application with respect to any drug after due notice and opportunity for hearing to the applicant, if he finds (1) that clinical experience, tests by new methods, or tests by methods not deemed reasonably applicable when such application became effective show that such drug is unsafe for use under the conditions of use upon the basis of which the application became effective, or (2) that the application contains any untrue statement of a material fact. The order shall state the findings upon which it is based.

(f) Revocation of order refusing effectiveness: When the Secretary finds that the facts so require he shall revoke an order refusing to permit an application with respect to a drug to become effective.

(g) Service of orders: Orders of the Secretary issued under this section shall be served (1) in person by any officer or employee of the Department designated by the Secretary or (2) by registered mail addressed to the applicant or respondent at his last-known address in the records of the Secretary.

(h) Appeal from order: The applicant may appeal from an order of the Secretary refusing to permit the application to become effective, or suspending the effectiveness of the application by filing in the United States district court within any district wherein such applicant resides or has his principal place of business, or in the United States District Court for the District of Columbia, within 60 days after the entry of the order, a written petition praying that the order of the Secretary be set aside. The applicant shall serve a copy of the petition forthwith upon the Secretary, or upon any officer designated by him for that purpose, and thereupon the Secretary shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript the court shall have exclusive jurisdiction to affirm or set aside such order. The court shall not consider an objection to the order of the Secretary unless such objection was urged before the Secretary or unless there were reasonable grounds for failure so to do. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive. If any person applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence to be taken before the Secretary and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court seems proper. The Secretary may modify his findings as to the facts by reason of the additional evidence so taken, and he shall file with the court such modified findings which, if supported by substantial evidence, shall be conclusive, and his recommendations, if any, for the setting aside of the original order. The judgment and decree of the court affirming or setting aside any such order of the Secretary shall be final, subject to review as provided in sections 1254 and 1291–1292 of title 28. The commencement of proceedings under this subsection shall not, unless specifically ordered by the court to the contrary, operate as a stay of the Secretary's order.

(i) Exemption of drugs for research: The Secretary shall promulgate regulations for exempting from the operation of this section drugs intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety of drugs.

§ 76. Certification of drugs containing insulin

(a) The Secretary, pursuant to regulations promulgated by the Secretary, shall provide for the certification of batches of drugs composed wholly or partly of insulin. A batch of any such drug shall be certified only if such drug has such characteristics of identity and such batch has such characteristics of strength, quality, and purity, as the Secretary prescribes in such regulations as necessary adequately to insure safety and efficacy of use. Prior to the effective date of such regulations the Secretary, in lieu of certification, shall issue a release for any batch, which, in his judgment, may be released without risk as to the safety and efficacy of its use. Such release shall prescribe the date of its expiration and other conditions under which it shall cease to be effective as to such batch and as to portions thereof.

(b) Regulations providing for such certifications shall contain such provisions as are necessary to carry out the purposes of this section, including provisions prescribing (1) standards of identity and of strength, quality, and purity; (2) tests and methods of assay to determine compliance with such standards; (3) effective periods for certificates, and other conditions under which they shall cease to be effective as to certified batches and as to portions thereof; (4) administration and procedure; and (5) such fees, specified in such regulations, as are necessary to provide, equip, and maintain an adequate certification service. Such regulations shall prescribe no standard of identity or of strength, quality, or purity for any drug different from the standard of identity, strength, quality, or purity set forth for such drug in an official compendium.

(c) Such regulations, insofar as they prescribe tests or methods of assay to determine strength, quality, or purity of any drug, different from the tests or methods of assay set forth for such drug in an official compendium, shall be prescribed, after notice and opportunity for revision of such compendium, in the manner provided in the second sentence of section 71 (b) of this title. The provisions of subsections (e), (f), and (g) of section 131 of this title shall be applicable to such portion of any regulation as prescribes any such different test or method,

but shall not be applicable to any other portion of any such regulation.

§ 77. Certification of drugs containing certain antibiotics

(a) Regulations for certification: The Secretary, pursuant to regulations promulgated by the Secretary, shall provide for the certification of batches of drugs composed wholly or partly of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, or bacitracin, or any derivative of any of them. A batch of any such drug shall be certified only if such drug has such characteristics of identity and such batch has such characteristics of strength, quality, and purity, as the Secretary prescribes in such regulations as necessary adequately to insure safety and efficacy of use. Prior to the effective date of such regulations the Secretary, in lieu of certification, shall issue a release for any batch which, in the Secretary's judgment, may be released without risk as to the safety and efficacy of its use. Such release shall prescribe the date of its expiration and other conditions under which it shall cease to be effective as to such batch and as to portions thereof.

(b) Provisions of regulations: Regulations providing for such certifications shall contain such provisions as are necessary to carry out the purposes of this section, including provisions prescribing (1) standards of identity and of strength, quality, and purity; (2) tests and methods of assay to determine compliance with such standards; (3) effective periods for certificates, and other conditons under which they shall cease to be effective as to certified batches and as to portions thereof; (4) administration and procedure; and (5) such fees, specified in such regulations, as are necessary to provide, equip, and maintain an adequate certification service. Such regulations shall prescribe only such tests and methods of assay as will provide for certification or rejection within the shortest time consistent with the purposes of this section.

(c) Exemption of drugs not involving safety and efficacy of use: Whenever in the judgment of the Secretary, the requirements of this section and of section 72 (1) of this title with respect to any drug or class of drugs are not necessary to insure safety and efficacy of use, the Secretary shall promulgate regulations exempting such drug or class of drugs from such requirements.

(d) Other exemptions: The Secretary shall promulgate regulations exempting from any requirement of this section and of section 72 (1) of this title, (1) drugs which are to be stored, processed, labeled, or repacked at establishments other than those where manufactured, on condition that such drugs comply with all such requirements upon removal from such establishments; (2) drugs which conform to applicable standards of identity, strength, quality, and purity prescribed by these regulations and are intended for use in manufacturing other drugs; and (3) drugs which are intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety and efficacy of drugs.

(e) Application of other sections; determination of compliance: No drug which is subject to this section shall be subject to section 75 of this title. Compliance of any drug subject to this section or to section 72 (1) of this title with sections 71 (b) and 72 (g) of this title shall be determined by the application of the standards of strength, quality, and purity, the tests and methods of assay, and the requirements of packaging and labeling, respectively, prescribed by regulations promulgated under this section.

(f) Procedure for issuance, amendment, or repeal of regulations: Any interested person may file with the Secretary a petition proposing the issuance, amendment, or repeal of any regulation contemplated by this section. The petition shall set forth the proposal in general terms and shall state reasonable grounds therefor. The Secretary shall give public notice of the proposal and an opportunity for all interested persons to present their views thereon, orally or in writing, and as soon as practicable thereafter shall make public the Secretary's action upon such proposal. At any time prior to the thirtieth day after such action is made public any interested person may file objections to such action, specifying with particularity the changes desired, stating reasonable grounds therefor, and requesting a public hearing upon such objections. The Secretary shall thereupon, after due notice, hold such public hearing. As soon as practicable, after completion of the hearing, the Secretary shall by order make public the Secretary's action on such objections. The order shall be based only on substantial evidence of record at the hearing and shall include detailed findings of fact on which it is based. The order shall be subject to the provisions of section 131 (f) and (g) of this title.

SUBCHAPTER IV—COSMETICS

§ 91. Adulterated cosmetics

A cosmetic is deemed to be adulterated—

(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual. This provision does not apply to coal-tar hair dye, the label of which bears the following legend conspicuously displayed thereon: "Caution—This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness.", and the labeling of which bears adequate directions for such preliminary testing. For the purposes of this paragraph and paragraph (e) of this section the term "hair dye" does not include eyelash dyes or eyebrow dyes.

(b) If it consists in whole or in part of any filthy, putrid, or decomposed substance.

(c) If it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health.

(d) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(e) If it is not a hair dye and it bears or contains a coal-tar color other than one from a batch that has been certified in accordance with regulations as provided by section 94 of this title.

§ 92. Misbranded cosmetics

A cosmetic is deemed to be misbranded—

(a) If its labeling is false or misleading in any particular.

(b) If in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count. Under clause (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary.

(c) If any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(d) If its container is so made, formed, or filled as to be misleading.

§ 93. Exemptions

The Secretary shall promulgate regulations exempting from any labeling requirement of this chapter cosmetics which are, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such cosmetics are not adulterated or misbranded under the provisions of this chapter upon removal from such processing, labeling, or repacking establishment.

§ 94. Certification of coal-tar colors for cosmetics

The Secretary shall promulgate regulations providing for the listing of coal-tar colors which are harmless and suitable for use in cosmetics and for the certification of batches of such colors, with or without harmless diluents.

SUBCHAPTER V—IMPORTS AND EXPORTS

§ 111. Examination and refusal of imports

(a) The Secretary of the Treasury shall deliver to the Secretary of Health, Education, and Welfare, upon the latter Secretary's request, samples of food, drugs, devices, and cosmetics which are being imported or offered for import into the United States, giving notice thereof to the owner or consignee, who may appear before the Secretary of Health, Education, and Welfare and have the right to introduce testimony. If it appears from the examination of such samples or otherwise that the article (1) has been manufactured, processed, or packed under insanitary conditions, or (2) is forbidden or restricted in sale in the country in which it was produced or from which it was exported, or (3) is adulterated, misbranded, or in violation of section 75 of this title, the Secretary of the Treasury shall refuse to admit the article, except as provided in subsection (b) of this section. He shall cause the destruction of any such article refused admission unless it is exported, under regulations prescribed by him, within 90 days of the date of notice of such refusal or within such additional time permitted pursuant to such regulations. This subsection does not prohibit the admission of narcotic drugs the importation of which is permitted under section 763 of this title.

(b) Pending decision as to the admission of an article being imported or offered for import, the Secretary of the Treasury may authorize delivery of such article to the owner or consignee upon the execution by him of a good and sufficient bond providing for the payment of such liquidated damages in the event of default as may be required pursuant to regulations of the Secretary of the Treasury. If it appears to the Secretary of Health, Education, and Welfare that an article included within the provisions of clause (3) of subsection (a) of this section can, by relabeling or other action, be brought into compliance with this chapter or rendered other than a food, drug, device, or cosmetic, the Secretary of the Treasury may defer final determination as to admission of such article and, upon filing of timely written application by the owner or consignee and the execution by him of a bond as provided in the preceding provisions of this subsection, the Secretary of Health, Education, and Welfare may, in accordance with regulations, authorize the applicant to perform such relabeling or other action specified in such authorization (including destruction or export of rejected articles or portions thereof, as may be specified in the latter Secretary's authorization). All such relabeling or other action pursuant to such authorization shall in accordance with regulations be under the supervision of an officer or employee of the Department of Health, Education, and Welfare designated by the Secretary of that Department, or an officer or

employee of the Department of the Treasury designated by the Secretary of the Treasury.

(c) The owner or consignee shall pay all expenses, including travel, per diem or subsistence, and salaries of officers or employees of the United States, determined in accordance with regulations, in connection with the destruction provided for in subsection (a) of this section and the supervision of the relabeling or other action authorized under subsection (b) of this section, and all expenses in connection with the storage, cartage, or labor with respect to any article refused admission under subsection (a) of this section. In default of payment, expenses specified in this subsection shall constitute a lien against any future importations made by such owner or consignee.

§ 112. Exports adulterated or misbranded

A food, drug, device, or cosmetic intended for export is not deemed to be adulterated or misbranded under this chapter if it (1) accords to the specifications of the foreign purchaser, (2) is not in conflict with the laws of the country to which it is intended for export, and (3) is labeled on the outside of the shipping package to show that it is intended for export. Such article sold or offered for sale in domestic commerce is not exempt from any of the provisions of this chapter.

§ 113. Suspension of adulterated imports

Whenever the President is satisfied that there is good reason to believe that any importation is being made, or is about to be made, into the United States, from any foreign country, of any article used for human food or drink that is adulterated to an extent dangerous to the health or welfare of the people of the United States, or any of them, he may issue his proclamation suspending the importation of such articles from such country for such period of time as he believes necessary to prevent such importation. During such period no person shall import any of such articles into the United States from the countries designated in the proclamation of the President.

SUBCHAPTER VI—ADMINISTRATIVE PROVISIONS

§ 131. Regulations; hearings; judicial review

(a) Regulations authorized: The Secretary may promulgate regulations for the efficient enforcement of this chapter, except as otherwise provided in this section.

(b) Imports and exports: The Secretary of the Treasury and the Secretary of Health, Education, and Welfare shall jointly prescribe regulations for the efficient enforcement of the provisions of sections 111 and 112 of this title, except as otherwise provided therein, in such manner and to take effect at such time, after due notice, as the Secretary of Health, Education, and Welfare determines.

(c) Conduct of hearings: The Secretary or such officer or employe as he designates shall conduct the hearings authorized or required by this chapter.

(d) Standards of identity in other laws: The definitions and standards of identify promulgated in accordance with the provisions of this chapter shall be effective for the purposes of the enforcement of this chapter, notwithstanding such definitions and standards as may be contained in other laws of the United States and regulations promulgated thereunder.

(e) Hearings on regulations: The Secretary, on his own initiative or upon an application of any interested industry or substantial portion thereof stating reasonable grounds therefor, shall hold a public hearing upon a proposal to issue, amend, or repeal any regulation contemplated by sections 53 (j), 55 (a), 55 (b), 56 (a), 71 (b), 72 (d), 72 (h), 74, and 94 of this title.

The Secretary shall give appropriate notice of the hearing, setting forth the proposal in general terms and specifying the time and place for the hearing not less than 30 days after the date of the notice, except that the public hearing on regulations under section 56 (a) of this title may be held within a reasonable time, to be fixed by the Secretary, after notice thereof. At the hearing any interested person may be heard in person or by his representative. As soon as practicable after completion of the hearing, the Secretary shall by order make public his action in issuing, amending, or repealing the regulation or determining not to take such action. Such order shall be based only on substantial evidence of record at the hearing and shall include detailed findings of fact on which it is based. No such order shall take effect prior to the 90th day after it is issued, except that if the Secretary finds that emergency conditions exist necessitating an earlier effective date, then the Secretary shall specify in the order the Secretary's findings as to such conditions and the order shall take effect at such earlier date as the Secretary specifies.

(f) Judicial review: (1) In a case of actual controversy as to the validity of any order under subsection (e) of this section, any person who will be adversely affected by such order if placed in effect may at any time prior to the 90th day after such order is issued file a petition with the United States Court of Appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review of such order. The summons and petition may be served at any place in the United States. The Secretary, promptly upon service of the summons and petition, shall certify and file in the court the transcript of the proceedings and the record on which the Secretary based the order.

(2) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence, and evidence in rebuttal thereof, to be taken before the Secretary, and to be adduced upon the hearing, in such manner and upon such terms and conditions as the court deems proper. The Secretary may modify the Secretary's findings as to the facts, or make new findings, by reason of the additional evidence so taken, and file such modified or new findings, and the Secretary's recommendation, if any, for the modification or setting aside of the Secretary's original order, with the return of such additional evidence.

(3) The court may affirm the order, or set it aside in whole or in part, temporarily or permanently. If the order of the Secretary refuses to issue, amend, or repeal a regulation and such order is not in accordance with law the court shall by its judgment order the Secretary to take action, with respect to such regulation, in accordance with law. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive.

(4) The judgment of the court affirming or setting aside, in whole or in part, any such order of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.

(5) Any action instituted under this subsection shall survive notwithstanding any change in the person occupying the office of Secretary or any vacancy in such office.

(6) The remedies provided for in this subsection shall be in addition to, and not in substitution for, any other remedies provided by law.

(g) Copies of records of hearings: The Secretary shall furnish a certified copy of the transcript of the record and proceedings under subsection (e) of this section to any interested party at his request, on payment of the costs thereof. Such copy shall be admissible in any criminal, libel for condemnation, exclusion of imports, or other proceeding arising under or in respect to this chapter, irrespective of whether proceedings with respect to the order have previously been instituted or become final under subsection (f) of this section.

§ 132. Examinations and investigations

(a) The Secretary may conduct examinations and investigations for the purposes of this chapter through officers and employees of the Department or through any health, food, or drug officer or employee of any State, Territory, or political subdivision thereof, duly commissioned by the Secretary as an officer of the Department. In the case of food packed in a Territory the Secretary shall attempt to make inspection of such food at the first point of entry within the United States when, in his opinion and with due regard to the enforcement of all the provisions of this chapter, the facilities at his disposal will permit of such inspection. For the purposes of this subsection the term "United States" means the States and the District of Columbia.

(b) Where a sample of a food, drug, or cosmetic is collected for analysis under this chapter, the Secretary shall, upon request provide a part of such official sample for examination or analysis by any person named on the label of the article, or the owner thereof, or his attorney or agent; except that the Secretary may, by regulations, make such reasonable exceptions from, and impose such reasonable terms and conditions relating to, the operation of this subsection as he finds necessary for the proper administration of the provisions of this chapter.

(c) For purposes of enforcement of this chapter, records of any department or independent establishment in the executive branch of the Government shall be open to inspection by any official of the Department of Health, Education, and Welfare authorized by the Secretary to make such inspection.

§ 133. Records of interstate shipment

For the purpose of enforcing the provisions of this chapter, carriers engaged in interstate commerce, and persons receiving food, drugs, devices, or cosmetics in interstate commerce or holding such articles so received, shall, upon the request of an officer or employee duly designated by the Secretary, permit him, at reasonable times, to have access to and to copy all records showing the movement in interstate commerce of any food, drug, device, or cosmetic, or the holding thereof during or after such movement, and the quantity, shipper, and consignee thereof. It shall be unlawful for any such carrier or person to fail to permit such access to and copying of any such record so requested when such request is accompanied by a statement in writing specifying the nature or kind of food, drug, device, or cosmetic to which such request relates. Evidence obtained under this section shall not be used in a criminal prosecution of the person from whom it is obtained.

Carriers shall not be subject to the other provisions of this chapter by reason of their receipt, carriage, holding, or delivery of food, drugs, devices, or cosmetics in the usual course of business as carriers.

§ 134. Factory inspection; notice; reports; receipts for samples; copies of analyses

(a) For purposes of enforcement of this chapter, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, may (1) enter, at reasonable times, any factory, warehouse, or establishment in which food, drugs, devices, or cosmetics are manufactured, processed, packed, or held, for introduction into interstate commerce or are held after

such introduction, or enter any vehicle being used to transport or hold such food, drugs, devices, or cosmetics in interstate commerce; and (2) inspect, at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling therein. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness.

(b) Upon completion of any such inspection of a factory, warehouse, or other establishment, and prior to leaving the premises, the officer or employee making the inspection shall give to the owner, operator, or agent in charge a report in writing setting forth any conditions or practices observed by him which, in his judgment, indicate that any food, drug, device, or cosmetic in such establishment (1) consists in whole or in part of any filthy, putrid, or decomposed substance, or (2) has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health. A copy of such report shall be sent promptly to the Secretary.

(c) If the officer or employee making any such inspection of a factory, warehouse, or other establishment has obtained any sample in the course of the inspection, upon completion of the inspection and prior to leaving the premises he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained.

(d) Whenever in the course of any such inspection of a factory or other establishment where food is manufactured, processed, or packed, the officer or employee making the inspection obtains a sample of any such food, and an analysis is made of such sample for the purpose of ascertaining whether such food consists in whole or in part of any filthy, putrid, or decomposed substance, or is otherwise unfit for food, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge.

§ 135. Publicity

(a) The Secretary shall cause to be published from time to time reports summarizing all judgments, decrees, and court orders rendered under this chapter, including the nature of the charge and the disposition thereof.

(b) The Secretary may also cause to be disseminated information regarding food, drugs, devices, or cosmetics in situations involving, in the Secretary's opinion, imminent danger to health or gross deception of the consumer. Nothing in this section shall be construed to prohibit the Secretary from collecting, reporting, and illustrating the results of the investigations of the Department.

§ 136. Cost of certification of coal-tar colors

The admitting to listing and certification of coal-tar colors, in accordance with regulations prescribed under this chapter, shall be performed only upon payment of fees specified in such regulations, as may be necessary to provide, maintain, and equip an adequate service for such purposes.

§ 137. Revision of Pharmacopeia; development of analyses and tests

The Secretary, in carrying into effect the provisions of this chapter, may cooperate with associations and scientific societies in the revision of the United States Pharmacopeia and in the development of methods of analysis and mechanical and physical tests necessary to carry out the work of the Food and Drug Administration.

SUBCHAPTER VII—ENFORCEMENT AND PENALTIES

§ 151. Prohibited acts

The following acts and the causing thereof are prohibited:

(a) The introduction or delivery for introduction into interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded.

(b) The adulteration or misbranding of any food, drug, device, or cosmetic in interstate commerce.

(c) The receipt in interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise.

(d) The introduction or delivery for introduction into interstate commerce of any article in violation of section 56 or 75 of this title.

(e) The refusal to permit access to or copying of any record as required by section 133 of this title.

(f) The refusal to permit entry or inspection as authorized by section 134 of this title.

(g) The manufacture within any Territory of any food, drug, device, or cosmetic that is adulterated or misbranded.

(h) The giving of a guaranty or undertaking referred to in section 152 (c) (2) of this title which is false, except by a person who relied upon a guaranty or undertaking to the same effect signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the food, drug, device, or cosmetic; or the giving of a guaranty or undertaking referred to in section 152 (c) (3) of this title which guaranty or undertaking is false.

(i) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification device authorized or required by regulations promulgated under the provisions of sections 55 (b), 56, 57, 74, 76, 77, or 94 of this title.

(j) The using by any person to his own advantage, or revealing, other than to the Secretary or officers or employees of the Department, or to the courts when relevant in any judicial proceeding under this chapter, any information acquired under authority of sections 56, 75, 76, 77, or 134 of this title concerning any method or process which as a trade secret is entitled to protection.

(k) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to, a food, drug, device, or cosmetic, if such act is done while such article is held for sale (whether or not the first sale) after shipment in interstate commerce and results in such article being adulterated or misbranded.

(l) The using, on the labeling of any drug or in any advertising relating to such drug, of any representation or suggestion that an application with respect to such drug is effective under section 75 of this title, or that such drug complies with the provisions of such section.

(m) The sale or offering for sale of colored oleomargarine or colored margarine, or the possession or serving of colored oleomargarine or colored margarine in violation of subsection (b) or (c) of section 59 of this title.

(n) The using, in labeling, advertising, or other sales promotion, of any reference to any report or analysis furnished in compliance with section 134 of this title.

§ 152. Penalties; exemptions

(a) Any person who violates any of the provisions of section 151 of this title shall be imprisoned not more than 1 year or fined not more than $1,000, or both. Any person who commits such a violation after one conviction under this section has become final shall be imprisoned not more than 3 years or fined not more than $10,000, or both.

(b) Notwithstanding the provisions of subsection (a) of this section, any person who violates any of the provisions of section 151 of this title, with intent to defraud or mislead, shall be imprisoned not more than 3 years or fined not more than $10,000, or both.

(c) No person shall be subject to the penalties of subsection (a) of this section—

(1) for having received in interstate commerce any article and delivered it or proffered delivery of it, if such delivery or proffer was made in good faith, unless he refuses to furnish on request of an officer or employee duly designated by the Secretary the name and address of the person from whom he purchased or received such article and copies of all documents, if any, pertaining to the delivery of the article to him; or

(2) for having violated section 151 (a) or 151 (d) of this title, if he establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom he received the article in good faith, to the effect, in case of an alleged violation of section 151 (a) of this title, that such article is not adulterated or misbranded, within the meaning of this chapter, designating this chapter, or to the effect, in case of an alleged violation of section 151 (d) of this title, that such article is not an article which may not, under the provisions of section 56 or 75 of this title, be introduced into interstate commerce; or

(3) for having violated section 151 (a) of this title, where the violation exists because the article is adulterated by reason of containing a coal-tar color not from a batch certified in accordance with the Secretary's regulations, if such person establishes a guaranty or undertaking signed by, and containing the name and address of, the manufacturer of the coal-tar color, to the effect that such color was from a batch certified in accordance with the applicable regulations promulgated by the Secretary under this chapter; or

(4) for having violated section 151 (b), 151 (c), or 151 (k) of this title by failure to comply with section 72 (f) of this title in respect to an article received in interstate commerce to which neither section 73 (a) nor section 73 (b) (1) is applicable, if the delivery or proffered delivery was made in good faith and the labeling at the time thereof contained the same directions for use and warning statements as were contained in the labeling at the time of such receipt of such article.

§ 153. Injunctions

(a) The United States district courts and the United States courts of the Territories shall have jurisdiction, for cause shown, and subject to the provisions of rule 65 (a) (b) of the Federal Rules of Civil Procedure, to restrain violations of section 151 of this title, except paragraphs (5), (6), (8), (9), and (10) thereof.

(b) Any violation of an injunction or restraining order issued under this section, which also constitutes a violation of this chapter, shall be tried by the court, or, upon demand of the accused, by a jury, in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of section 402 of title 18.

§ 154. Libel for condemnation

(a) Grounds and jurisdiction: Any article of food, drug, device, or cosmetic that is adulterated or misbranded when introduced into or while in interstate commerce or while held for sale (whether or not the first sale) after shipment in interstate commerce, or which may not, under the provisions of section 56 or 75 of this title, be introduced into interstate commerce, shall be liable to be proceeded against while in interstate com-

merce, or at any time thereafter, on libel of information and condemned in any district court of the United States within the jurisdiction of which the article is found.

(b) Procedure: The article shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this section shall conform, as nearly as may be, to the procedure in admiralty; except that on demand of either party any issue of fact joined in any such case shall be tried by jury.

(c) Libels for misbranding limited; change of venue: No libel for condemnation for any alleged misbranding shall be instituted under this chapter, if there is pending in any court a libel for condemnation proceeding under this chapter based upon the same alleged misbranding, and not more than one such proceeding shal be instituted if no such proceeding is so pending, except that such limitations shall not apply—

(1) when such misbranding has been the basis of a prior judgment in favor of the United States, in a criminal, injunction, or libel for condemnation proceeding under this chapter, or

(2) when the Secretary has probable cause to believe from facts found, without hearing, by him or any officer or employee of the Department that the misbranded article is dangerous to health, or that the labeling of the misbranded article is fraudulent, or would be in a material respect misleading to the injury or damage of the purchaser or consumer.

In any case where the number of libel for condemnation proceedings is limited as above provided the proceeding pending or instituted shall, on application of the claimant, seasonably made, be removed for trial to any district agreed upon by stipulation between the parties, or, in case of failure to so stipulate within a reasonable time, the claimant may apply to the court of the district in which the seizure has been made, and such court, after giving the United States attorney for such district reasonable notice and opportunity to be heard, shall by order, unless good cause to the contrary is shown, specify a district of reasonable proximity to the claimant's principal place of business, to which the case shall be removed for trial.

(d) Consolidation of multiple proceedings.—When libel for condemnation proceedings under this section, involving the same claimant and the same issues of adulteration or misbranding, are pending in two or more jurisdictions, such pending proceedings, upon application of the claimant seasonably made to the court of one such jurisdiction, shall be consolidated for trial by order of such court, and tried in (1) any district selected by the claimant where one of such proceedings is pending; or (2) a district agreed upon by stipulation between the parties. If no order for consolidation is so made within a reasonable time, the claimant may apply to the court of one such jurisdiction, and such court, after giving the United States attorney for such district reasonable notice and opportunity to be heard, shall by order, unless good cause to the contrary is shown, specify a district of reasonable proximity to the claimant's principal place of business, in which all such pending proceedings shall be consolidated for trial and tried. Such order of consolidation shall not apply so as to require the removal of any case the date for trial of which has been fixed. The court granting such order shall give prompt notification thereof to the other courts having jurisdiction of the cases covered thereby.

(e) Removal for trial: In the case of removal for trial of any case as provided by subsection (c) or (d) of this section—

(1) The clerk of the court from which removal is made shall promptly transmit to the court in which the case is to be tried all records in the case necessary in order that such court may exercise jurisdiction.

(2) The court to which such case is removed shall have the powers and be subject to the duties, for purposes of the case, which the court from which removal is made would have, or to which such court would be subject, if such case is not removed.

(f) Samples of seized goods: The court at any time after seizure up to a reasonable time before trial shall by order allow any party to a condemnation proceeding, his attorney or agent, to obtain a representative sample of the article seized and a true copy of the analysis, if any, on which the proceeding is based and the identifying marks or numbers, if any, of the packages from which the samples analyzed were obtained.

(g) Disposition after condemnation: Any food, drug, device, or cosmetic condemned under this section shall, after entry of the decree, be disposed of by destruction or sale as the court may direct in accordance with the provisions of this section. If sold, the proceeds thereof, less the legal costs and charges, shall be paid into the Treasury of the United States. Such article shall not be sold under such decree contrary to the provisions of this chapter or the laws of the jurisdiction in which sold. After entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such article shall not be sold or disposed of contrary to the provisions of this chapter or the laws of any State or Territory in which sold, the court may by order direct that such article be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this chapter under the supervision of an officer or employee duly designated by the Secretary, and the expenses of such supervision shall be paid by the person obtaining release of the article under bond. Any article condemned by reason of its being an article which may not, under section 56 or 75 of this title, be introduced into interstate commerce, shall be disposed of by destruction.

(h) Costs: When a decree of condemnation is entered against the article, court costs and fees, and storage and other proper expenses, shall be awarded against the person, if any, intervening as claimant of the article.

§ 155. Hearing before violation reported

Before any violation of this chapter is reported by the Secretary to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding.

§ 156. Report of minor violations

Nothing in this chapter shall be construed as requiring the Secretary to report for prosecution, or for the institution of libel or injunction proceedings, minor violations of this chapter whenever the Secretary believes that the public interest will be adequately served by a suitable written notice or warning.

§ 157. Proceedings in name of United States; subpenas

All proceedings for the enforcement, or to restrain violations, of this chapter shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding.

Chapter 5—Milk and cream

Subchapter I—Importation of Milk and Cream

Sec.
201. Definitions.
202. Permits for importation.
203. Unfitness for importation.
204. Inspection, issue of permits; regulations.
205. Penalties.
206. State powers concerning milk and cream.
207. Short title.

Subchapter II—Filled Milk

Sec.
221. Definitions.
222. Filled milk; congressional finding concerning.
223. Regulations.
224. Penalties.
225. Short title.

SUBCHAPTER I—IMPORTATION OF MILK AND CREAM

§ 201. Definitions

As used in this subchapter—

(a) "Person" means an individual, partnership, corporation, or association.

(b) "United States" means the continental United States.

§ 202. Permits for importation

No person shall import milk and cream into the United States unless the person by whom it is shipped or transported holds a valid permit from the Secretary of Health, Education, and Welfare.

§ 203. Unfitness for importation

Milk or cream shall be considered unfit for importation—

(a) when all cows producing such milk or cream are not healthy and a physical examination of all such cows has not been made within 1 year previous to such milk being offered for importation;

(b) when such milk or cream, if raw, is not produced from cows which have passed a tuberculin test applied by a duly authorized official veterinarian of the United States, or of the country in which such milk or cream is produced, within 1 year previous to the time of the importation, showing that such cows are free from tuberculosis;

(c) when the sanitary conditions of the dairy farm or plant in which it is produced or handled do not score at least 50 points out of 100 points according to the current methods for scoring as provided by the score cards used by the United States Department of Agriculture;

(d) if the number of bacteria per cubic centimeter exceeds in the case of raw milk 300,000, in the case of raw cream 750,000, and in the case of pasteurized milk 100,000, and in the case of pasteurized cream 500,000;

(e) when the temperature of milk or cream at the time of importation exceeds 50 degrees Fahrenheit.

§ 204. Inspection; issue of permits; regulations

(a) The Secretary of Health, Education, and Welfare shall cause such inspections to be made as are necessary to insure that milk and cream are produced and handled in compliance with section 203 of this title. When the Secretary finds that milk or cream is produced and handled so as not to be unfit for importation under clauses (1), (2), and (3) of section 203 of this title, the Secretary shall issue to persons making application therefor permits to ship milk or cream into the United States. In lieu of the inspections to be made by or under the direction of the Secretary, the Secretary may, in the Secretary's discretion, accept a duly certified statement signed by a duly accredited official of an authorized department of any foreign government or of any State of the United States or any municipality thereof that the provisions in clauses (1), (2), and (3) of section 203 of this title have been complied with. Such certificate shall be in the form prescribed by the Secretary.

(b) The Secretary may, in the Secretary's discretion, waive the requirements of paragraph (4) of section 203 of this title when issuing permits to operators of condenseries in which milk or cream is used when sterilization of the milk or cream is a necessary

process, except that no milk or cream shall be imported the bacterial count of which per cubic centimeter in any event exceeds 1,200,000. Such requirements shall not be waived unless the farm producing such milk to be imported is within a radius of 15 miles of the condensery in which it is to be processed. If milk or cream imported when the requirements of section 203, paragraph (4), of this title, have been so waived, is sold, used, or disposed of in its raw state or otherwise than as condensed milk by any person, the permit shall be revoked and the importer shall be subject to fine, imprisonment, or other penalty prescribed by this subchapter.

(c) The Secretary shall waive the requirements of paragraphs (2) and (5) of section 203 of this title insofar as the same relate to milk when issuing permits to operators of, or to producers for delivery to, creameries and condensing plants in the United States within 20 miles of the point of production of the milk, and who import no raw milk except for pasteurization or condensing. If milk imported when the requirements of paragraphs (2) and (5) of section 203 of this title have been so waived is sold, used, or disposed of in its raw state, or otherwise than as pasteurized, condensed, or evaporated milk by any person, the permit shall be revoked and the importer shall be subjected to fine, imprisonment, or other penalty prescribed by this subchapter.

(d) The Secretary shall make and enforce such regulations as the Secretary deems necessary to carry out the purpose of this subchapter for the issuance of permits to import milk and cream, for the handling of milk and cream, for the inspection of milk, cream, cows, barns, and other facilities used in the production and handling of milk and cream, and for the handling, keeping, transporting, and importing of milk and cream. Unless and until the Secretary provides for inspections to ascertain that paragraphs (1), (2), and (3) of section 203 of this title have been complied with, the Secretary shall issue temporary permits to any applicants therefor to ship or transport milk or cream into the United States.

(e) The Secretary may suspend or revoke any permit for the shipment of milk or cream into the United States when the Secretary finds that the holder thereof has failed to comply with the provisions of, or has violated, this subchapter, or any of the regulations made under this subchapter, or that the milk or cream brought or shipped by the holder of such permit into the United States is not produced and handled in conformity with, or that the quality thereof does not conform to, all of the provisions of section 203 of this title.

§ 205. Penalties

(a) No person in the United States shall receive milk or cream imported into the United States unless the importation is in accordance with the provisions of this subchapter.

(b) Any person who knowingly violates any provision of this subchapter shall, in addition to all other penalties prescribed by law, be fined not more than $2,000 or imprisoned not more than 1 year, or both.

§ 206. State powers concerning milk and cream

Nothing in this subchapter shall be construed to affect the powers of any State, or any political subdivision thereof, to regulate the shipment of milk or cream into, or the handling, sale, or other disposition of milk or cream in, such State or political subdivision after the milk or cream has been lawfully imported under this subchapter.

§ 207. Short title

This subchapter may be cited as the "Federal Import Milk Act."

SUBCHAPTER II—FILLED MILK

§ 221. Definitions

As used in this subchapter—

(a) "Filled milk" means any milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat, so that the resulting product is in imitation or semblance of milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated. This definition does not include any distinctive proprietary food compound not readily mistaken in taste for milk or cream or for evaporated, condensed, or powdered milk, or cream where such compound (1) is prepared and designed for feeding infants and young children and customarily used on the order of a physician; (2) is packed in individual cans containing not more than 16½ ounces and bearing a label in bold type that the content is to be used only for such purpose; and (3) is shipped in interstate or foreign commerce exclusively to physicians, wholesale and retail druggists, orphan asylums, child-welfare associations, hospitals, and similar institutions and generally disposed of by them.

(b) "Interstate or foreign commerce" means commerce (1) between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; (2) between points within the same State, Territory, or possession, or within the District of Columbia, but through any place outside thereof; or (3) within any Territory or possession, or within the District of Columbia.

(c) "Person" means an individual, partnership, corporation, or association.

§ 222. Filled milk; Congressional finding concerning

Filled milk is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public.

§ 223. Regulations

The Secretary of Health, Education, and Welfare shall make and enforce such regulations as the Secretary deems necessary to carry out the purposes of this subchapter.

§ 224. Penalties

Any person who manufactures within any Territory or possession, or within the District of Columbia, or ships or delivers for shipment in interstate or foreign commerce, any filled milk, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both. When construing and enforcing the provisions of this subchapter, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association, within the scope of his employment or office, shall in every case be deemed the act, omission, or failure, of each individual, partnership, corporation, or association, as well as of such person.

§ 225. Short title

This subchapter may be cited as the "Federal Filled Milk Act."

Chapter 7—Tea importation

Sec.
261. Substandard tea importation; materials for manufacturing.
262. Standards; duplicate samples.
263. Importer's bonds and fees; sampling and examination.
264. Permit for delivery; inferior grades; partial delivery.
265. Examiners.
266. Examination according to usages of trade.
267. Reexamination by Appeals Board; disposition of tea.
268. Procedure for reexamination; assistance of experts.
269. Reimporting rejected tea; forfeitures.
270. Regulations.
271. Short title.

§ 261. Substandard tea importation; materials for manufacturing

(a) No person shall import or bring into the United States any merchandise as tea which is inferior in purity, quality, and fitness for consumption to the standards provided in section 262 of this title.

(b) Nothing in this chapter shall affect or prevent the importation into the United States, under such regulations as the Secretary of Health, Education, and Welfare prescribes, of any merchandise as tea which may be inferior in purity, quality, and fitness for consumption to the standards established by the Secretary, or of any tea waste, tea siftings, or tea sweepings, for the sole purpose of manufacturing theine, caffeine, or other chemical products whereby the identity and character of the original material is entirely destroyed or changed. Importers and manufacturers who import such tea, tea waste, tea siftings, or tea sweepings into the United States shall give suitable bond, to be subject to the approval only of the collector of customs at the port of entry, conditioned that said imported material shall be used only for the purposes provided in this subsection, under such regulations as may be prescribed by the Secretary.

§ 262. Standards; duplicate samples

The Board of Tea Experts shall prepare and submit standard samples of tea to the Secretary of Health, Education, and Welfare who, upon the Board's recommendation, shall fix and establish uniform standards of purity, quality, and fitness for consumption of all kinds of teas imported into the United States. The Secretary shall procure and deposit in the customhouses of the ports of New York, Chicago, San Francisco, and such other ports as the Secretary may determine, duplicate samples of such standards, and the Secretary shall procure a sufficient number of other duplicate samples to supply the importers and dealers in tea at all ports desiring the same at cost. All teas, or merchandise described as tea, of inferior purity, quality, and fitness for consumption to such standards shall be deemed within the prohibition of section 261 of this title.

§ 263. Importer's bonds and fees; sampling and examination

(a) On making entry at the customhouse of all teas, or merchandise described as tea, imported into the United States, the importer or consignee shall give a bond to the collector of the port that such merchandise shall not be removed from the warehouse until released by the collector, after it shall have been duly examined with reference to its purity, quality, and fitness for consumption. For the purpose of such examination samples of each line in every invoice of tea shall be submitted by the importer or consignee to the examiner, together with the sworn statement of such importer or consignee that such samples represent the true quality of each part of the invoice and accord with the specifications therein contained, or in the discretion of the Secretary, such samples shall be obtained by the examiner and compared by him with the standards established by this chapter. Where entry is made at ports where there is no qualified examiner as provided in section 265 of this title, the consignee or importer shall furnish such samples and sworn statement to the collector or other revenue officer to whom is committed the collection of duties, who shall also draw or cause to be drawn samples of each line in every invoice and shall forward the same to a duly qualified examiner as provided in that section. The bond required by this section shall also be conditioned for the payment of all customhouse charges which may attach to such merchandise prior to its being released or destroyed, as the case may be, under the provisions of this chapter.

(b) The collector shall not examine for importation, or release, any tea, or merchan-

dise described as tea, under this chapter unless the importer or consignee thereof, prior to such examination, has paid for deposit into the Treasury of the United States as miscellaneous receipts, a fee of 3.5 cents for each hundredweight or fraction thereof of such tea and merchandise.

§ 264. Permit for delivery; inferior grades; partial delivery

If, after an examination as provided in section 263 of this title, the tea is found by the examiner to be equal in purity, quality, and fitness for consumption to the standards provided in this chapter, and no reexamination is demanded by the collector as provided in section 267 of this title, a permit shall at once be granted to the importer or consignee declaring the tea free from the control of the customs authorities. If tea, or merchandise described as tea, is found, in the opinion of the examiner, to be inferior in purity, quality, and fitness for consumption to such standards, the importer or consignee shall be immediately notified, and the tea, or merchandise described as tea, shall not be released by the customhouse, unless on a reexamination called for by the importer or consignee the finding of the examiner is found to be erroneous. If a portion of the invoice is passed by the examiner, a permit shall be granted for that portion and the remainder held for further examination, as provided in said section 267.

§ 265. Examiners

The examination provided for by this chapter shall be made by a duly qualified examiner at a port where standard samples are established. Where the merchandise is entered at ports where there is no qualified examiner, the examination shall be made at that one of said ports which is nearest the port of entry, and for this purpose samples obtained in the manner prescribed by section 263 of this title shall be forwarded to the proper port by the collector or chief officer at the port of entry.

§ 266. Examination according to usages of trade

In all cases of examination or reexamination of teas, or merchandise described as tea, by examiners or the United States Board of Tea Appeals under the provisions of this chapter, the purity, quality, and fitness for consumption of the same shall be tested according to the usages and customs of the tea trade, including the testing of an infusion of the same in boiling water, and, if necessary, chemical analysis.

§ 267. Reexamination by Appeals Board; disposition of tea

(a) If the collector, importer, or consignee protests against the finding of the examiner, the matter in dispute shall be referred for decision to the United States Board of Tea Appeals.

(b) If the Board, after examination, finds the tea in question to be equal in purity, quality, and fitness for consumption to the proper standards, the collector shall issue a permit for its release and delivery to the importer.

(c) If upon final reexamination by the Board the tea is found to be inferior in purity, quality, and fitness for consumption to the said standards, the importer or consignee shall give a bond, with security satisfactory to the collector, to export said tea, or merchandise described as tea, out of the limits of the United States within a period of 6 months after such final reexamination, and if the same has not been exported within the time specified, the collector, at the expiration of that time, shall cause the same to be destroyed.

§ 268. Procedure for reexamination; assistance of experts

In cases of reexamination of teas, or merchandise described as teas, by the United States Board of Tea Appeals in pursuance of the provisions of this chapter, the examiner shall put up and seal samples of the tea, or merchandise described as tea, in dispute, in the presence of the importer or consignee if he so desires, and transmit them to the Board, together with a copy of his findings, setting forth the cause of condemnation and the claim or ground of the protest of the importer relating to the same. Such samples and papers shall be distinguished by an identifying mark.

The decision of the Board shall be in writing, signed by its members, and transmitted with the record and samples to the collector within 3 days after its rendition. The collector shall forthwith furnish the examiner and the importer or consignee with a copy of such decision.

The United States Board of Tea Appeals may obtain the advice, when necessary, of persons skilled in the examination of teas, who shall each receive for his services in any particular case a compensation not exceeding $5.

§ 269. Reimporting rejected teas; forfeiture

No imported teas which have been rejected by an examiner or by the United States Board of Tea Appeals, and exported under the provisions of this chapter, shall be reimported into the United States. Any such teas so reimported shall be forfeited.

§ 270. Regulations

The Secretary of Health, Education, and Welfare may enforce this chapter by appropriate regulations.

§ 271. Short title

This chapter and sections 3 and 4 of this title may be cited as the "Federal Import Tea Act."

Chapter 9—caustic poisons

Sec.
311. Definitions.
312. Misbranded shipments.
313. Misbranded imports.
314. Removal of labels.
315. Enforcement.
316. Libel for condemnation.
317. Penalties.
318. Institution of condemnation and criminal proceedings.
319. Construction; application of other provisions.
320. Short title.

§ 311. Definitions

As used in this chapter, unless the context otherwise requires—

(a) "Dangerous caustic or corrosive substance" means:

(1) hydrochloric acid and any preparation containing free or chemically unneutralized hydrochloric acid (HCl) in a concentration of 10 percent or more;

(2) Sulfuric acid and any preparation containing free or chemically unneutralized sulfuric acid (H_2SO_4) in a concentration of 10 percent or more;

(3) nitric acid or any preparation containing free or chemically unneutralized nitric acid (HNO_3) in a concentration of 5 percent or more;

(4) carbolic acid (C_6H_5OH), otherwise known as phenol, and any preparation containing carbolic acid in a concentration of 5 percent or more;

(5) oxalic acid and any preparation containing free or chemically unneutralized oxalic acid ($H_2C_2O_4$) in a concentration of 10 percent or more;

(6) any salt of oxalic acid and any preparation containing any such salt in a concentration of 10 percent or more;

(7) acetic acid or any preparation containing free or chemically unneutralized acetic acid ($HC_2H_3O_2$) in a concentration of 20 percent or more;

(8) hypochlorous acid, either free or combined, and any preparation containing the same in a concentration so as to yield 10 percent or more by weight of available chlorine, excluding calx chlorinata, bleaching power, and chloride of lime;

(9) potassium hydroxide and any preparation containing free or chemically unneutralized potassium hydroxide (KOH), including caustic potash and vienna paste, in a concentration of 10 percent or more;

(10) sodium hydroxide and any preparation containing free or chemically unneutralized sodium hydroxide (NaOH), including caustic soda and lye, in a concentration of 10 percent or more;

(11) silver nitrate, sometimes known as lunar caustic, and any preparation containing silver nitrate ($AgNO_3$) in a concentration of 5 percent or more; and

(12) ammonia water and any preparation containing free or chemically uncombined ammonia (NH_3), including ammonium hydroxide and "hartshorn," in a concentration of 5 percent or more.

(b) "Misbranded parcel, package, or container" means a retail parcel, package, or container of any dangerous caustic or corrosive substance not bearing a conspicuous, easily legible label or sticker, containing—

(1) the common name of the substance;

(2) the name and place of business of the manufacturer, packer, seller, or distributor;

(3) the word "poison," running parallel with the main body of reading matter on the label or sticker, on a clear, plain background of a distinctly contrasting color, in uncondensed gothic capital letters, the letters to be not less than 24-point size unless there is on the label or sticker no other type so large, in which event the type shall be not smaller than the largest type on the label or sticker; and

(4) directions for treatment in case of accidental personal injury by any dangerous caustic or corrosive substance, except that such directions need not appear on labels or stickers, on parcels, packages, or containers at the time of shipment or of delivery for shipment by manufacturers and wholesalers for other than household use.

(c) "Interstate or foreign commerce" means commerce (1) between any State, Territory, or possession, or the District of Columbia, and any place outside thereof, or (2) between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof, or (3) within any Territory or possession, or the District of Columbia.

(d) "Person" means an individual, partnership, corporation, or association.

§ 312. Misbranded shipments

(a) No person shall ship or deliver for shipment in interstate or foreign commerce or receive from shipment in such commerce any dangerous caustic or corrosive substance for sale or exchange, or sell or offer for sale any such substance in any Territory or possession or in the District of Columbia, in a misbranded parcel, package, or container suitable for household use.

(b) The provisions of subsection (a) of this section do not apply—

(1) to any regularly established common carrier shipping or delivering for shipment, or receiving from shipment, any such substance in the ordinary course of its business as a common carrier; nor

(2) to any person in respect of any such substance shipped or delivered for shipment, or received from shipment, for export to any foreign country, in a parcel, package, or container branded in accordance with the specifications of a foreign purchaser and in accordance with the laws of the foreign country; nor

(3) to any dealer who establishes a guaranty signed by, and containing the name and address of, the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchased such articles, to the effect that the articles are not misbranded within the meaning of this chapter. In such case the person giving

such guaranty shall be amenable to the prosecutions, fines, and other penalties which would otherwise attach, in due course, to the dealer under the provisions of this chapter.

§ 313. Misbranded imports

(a) Whenever any dangerous caustic or corrosive substance is offered for importation and the Secretary of Health, Education, and Welfare has reason to believe that such substance is being shipped in interstate or foreign commerce in violation of section 312 of this title, the Secretary shall give due notice and opportunity for hearing thereon to the owner or consignee and certify such fact to the Secretary of the Treasury, who shall thereupon either (1) refuse admission and delivery to the consignee of such substance, or (2) deliver such substance to the consignee pending examination, hearing, and decision in the matter, on the execution of a penal bond to the amount of the full invoice value of such substance, together with the duty thereon, if any, and to the effect that on refusal to return such substance for any cause to the Secretary of the Treasury when demanded, for the purpose of excluding it from the country or for any other purpose, the consignee shall forfeit the full amount of the bond.

(b) If, after proceding in accordance with subsection (a) of this section, the Secretary is satisfied that such substance offered for importation was shipped in interstate or foreign commerce in violation of any provision of this chapter, the Secretary shall certify the fact to the Secretary of the Treasury, who shall thereupon notify the owner or consignee and cause the sale or other disposition of such substance refused admission and delivery or entered under bond, unless it is exported by the owner or consignee or labeled by him so as to conform to the law within 3 months from the date of such notice, under such regulations as the Secretary of the Treasury may prescribe. All charges for storage, cartage, or labor on any such substance refused admission or delivery or entered upon bond shall be paid by the owner or consignee. In default of such payment such charges shall constitute a lien against any future importations made by such owner or consignee.

§ 314. Removal of labels

No person shall alter, mutilate, destroy, obliterate, or remove any label or sticker required by this chapter to be placed on any dangerous caustic or corrosive substance, if such substance is being—

(1) shipped in interstate or foreign commerce; or

(2) held for sale or exchange after having been so shipped; or

(3) held for sale or exchange in any Territory or possession or in the District of Columbia.

§ 315. Enforcement

(a) Except as otherwise specifically provided in this chapter, the Secretary of Health, Education, and Welfare shall enforce its provisions.

(b) For enforcing the provisions of sections 313, 316, and 317 of this title, the Secretary may cause investigations, inspections, analyses, and tests to be made and samples to be collected, of any dangerous caustic or corrosive substance. The Department of Health, Education, and Welfare shall pay to the person entitled, upon his request, the reasonable market value of any such sample taken. If it appears from the inspection, analysis, or test of any dangerous caustic or corrosive substance that such substance is in a misbranded package, parcel, or container suitable for household use, the Secretary shall cause notice thereof to be given to any person who may be liable for any violation of section 312 or 314 of this title in respect of such substance. Any person so notified shall be given an opportunity to be heard under the Secretary's regulations. If it appears that such person has violated the provisions of section 312 or 314 of this title, the Secretary shall at once certify the facts to the proper United States attorney, with a copy of the results of the inspection, analysis, or test duly authenticated under oath by the person making it.

(c) For the enforcement of his functions under this chapter the Secretary may—

(1) prescribe and promulgate necessary regulations;

(2) cooperate with any department or agency of the Government, with any State, Territory, or possession, or with the District of Columbia, or with any department, agency, or political subdivision thereof, or with any person;

(3) appoint officers and employees necessary for the execution of this chapter and fix their salaries in accordance with the Classification Act of 1949:

(4) make such expenditures, including expenditures for personal services and rent at the seat of government and elsewhere, and for law books, books of reference, and periodicals, required for the execution of the Secretary's functions under this chapter and as provided for by the Congress from time to time; and

(5) give notice, by publication in such manner as the Secretary prescribes by regulation, of the judgment of the court in any case under the provisions of this chapter.

§ 316. Libel for condemnation

(a) Any dangerous caustic or corrosive substance in a misbranded parcel, package, or container suitable for household use shall be liable to be proceeded against in the United States district court for any judicial district in which the substance is found and to be seized for confiscation by a process of libel for condemnation, if such substance is being—

(1) shipped in interstate or foreign commerce, or

(2) held for sale or exchange after having been so shipped, or

(3) held for sale or exchange in any Territory or possession or in the District of Columbia.

(b) If such substance is condemned as misbranded by the court it shall be disposed of in the discretion of the court—

(1) by destruction;

(2) by delivery to the owner thereof upon the payment of legal costs and charges and execution and delivery of a good and sufficient bond to the effect that such substance will not be sold or otherwise disposed of in any jurisdiction contrary to the provisions of this chapter or the laws of such jurisdiction.

(3) by sale. The proceeds of the sale, less legal costs and charges, shall be paid into the Treasury as miscellaneous receipts. Such substance shall not be sold in any jurisdiction contrary to the provisions of this chapter or the laws of such jurisdiction, and the court may require the purchaser at any such sale to label such substance in compliance with law before the delivery thereof; or

(c) Proceedings in such libel cases shall conform, as nearly as may be, to suits in rem in admiralty, except that either party may demand trial by jury on any issue of fact if the value in controversy exceeds $20. In case of a jury trial the verdict of the jury shall have the same effect as a finding of the court upon the facts. All such proceedings shall be at the suit and in the name of the United States.

§ 317. Penalties

(a) Any person who violates any provision of section 312 or 314 of this title shall be fined not more than $1,000 or imprisoned not more than 1 year, or both. Any person who commits such a violation after one conviction under this section has become final shall be fined not more than $10,000 or imprisoned not more than 3 years, or both.

(b) Notwithstanding the provisions of subsection (a) of this section, any person who violates any provision of section 312 or 314 of this title, with intent to defraud or mislead, shall be fined not more than $10,000 or imprisoned not more than 3 years, or both.

§ 318. Institution of condemnation and criminal proceedings

Each United States attorney to whom the Secretary shall report any violation of section 312 or 314 of this title or to whom any health, medical, or drug officer or agent of any State, Territory, or possession, or of the District of Columbia presents satisfactory evidence of any such violation, shall cause libel for condemnation and criminal proceedings under sections 316 and 317 of this title to be commenced and prosecuted in the proper court of the United States, without delay, for the enforcement of the condemnation and penalties provided in such sections.

§ 319. Construction; application of other provisions

(a) This chapter is not to be construed as modifying or limiting in any way the right of any person to manufacture, pack, ship, sell, barter, and distribute dangerous caustic or corrosive substances in parcels, packages, or containers, labeled as required by this chapter.

(b) The provisions of this chapter shall be held to be in addition to and not in substitution for the provisions of the following:

(1) chapter 3 of this title;

(2) chapter 6 of title 7;

(3) the act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes", approved May 7, 1906, as amended.

§ 320. Short title

This chapter may be cited as the "Federal Caustic Poison Act."

PART II.—ANIMALS, POULTRY, AND MEATS

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Chapter 51—Department of Agriculture

Sec.
451. Administration of part II; delegation of functions.

§ 451. Administration of part II; delegation of functions

The provisions of this part shall be administered by the Secretary of Agriculture, except as otherwise provided herein. Such Secretary's functions under this part shall be performed by him or, subject to his direction and control, by such officers and agencies of the Department of Agriculture as he designates.

Chapter 53—Meat inspection

Sec.
491. Definitions.
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496. Inspection of establishments.
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509. Penalty for sale or transportation of unfit products by exempted persons.
510. Bribery; acceptance of gifts.
511. Horse meat.
512. Dairy products for export.
513. Reindeer.

§ 491. Definitions

As used in this chapter—

(a) "establishment" means a slaughtering, canning, salting, packing, rendering, or similar establishment;

(b) "farmer" means any natural person or partnership chiefly engaged in producing agricultural products on whose farm the number of cattle, calves, sheep, lambs, swine, or goats is in keeping with the size of the farm or with the volume or character of the agricultural products produced thereon, but does not mean any person or partnership engaged in producing agricultural products who—

(1) actively engages in buying or trading in cattle, calves, sheep, lambs, swine, or goats; or

(2) actively engages, directly or indirectly, in conducting a business which includes the slaughter of cattle, calves, sheep, lambs, swine, or goats for food purposes; or

(3) actively engages, directly or indirectly, in buying or selling meat or meat food products other than those prepared by any farmer on the farm; or

(4) actively engages, directly or indirectly, in salting, curing, or canning meat, or in preparing sausage, lard, or other meat food products; or

(5) slaughters, or permits any person to slaughter, on his or their farm cattle, calves, sheep, lambs, swine, or goats which are not actually owned by him or them;

(c) "inspector" means an inspector appointed by the Secretary of Agriculture under the provisions of this chapter;

(d) "retail butcher" or "retail dealer" means any person chiefly engaged in selling meat or meat food products to consumers only, except that the Secretary, at his discretion, may permit any retail butcher or retail dealer to transport in interstate or foreign commerce to consumers and meat retailers in any 1 week not more than 5 carcasses of cattle, 25 carcasses of calves, 20 carcasses of sheep, 25 carcasses of lamb, 10 carcasses of swine, 20 carcasses of goats, or 25 carcasses of goat kids, or the equivalent of fresh meat therefrom, and to transport in interstate or foreign commerce to consumers only meat and meat food products which have been salted, cured, canned, or prepared as sausage, lard, or other meat food products, and which have not been inspected, examined, and marked as "Inspected and passed" in accordance with this chapter and with the Secretary's rules and regulations;

5. "Secretary" means the Secretary of Agriculture.

§ 492. Ante-mortem inspections

For the purpose of preventing the use in interstate or foreign commerce of meat and meat food products which are unsound, unhealthful, unwholesome, or otherwise unfit for human food, the Secretary may cause to be made an examination and inspection of all cattle, sheep, swine, and goats, the meat and meat food products of which are to be used in interstate or foreign commerce, before they are allowed to enter into any establishment in which they are to be slaughtered. All such animals found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other such animals. When so slaughtered the carcasses of such animals shall be subject to a careful examination and inspection, under the Secretary's rules and regulations, as provided for in this chapter.

§ 493. Post-mortem inspections

For the purpose set forth in section 492 of this title the Secretary shall cause to be made a post-mortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats, which are to be prepared for human consumption at any establishment in any State or Territory or the District of Columbia for transportation or sale as articles of interstate or foreign commerce.

The carcasses and parts thereof of all such animals found to be sound, healthful, wholesome, and fit for human food shall be marked, stamped, tagged, or labeled as "Inspected and Passed."

All carcasses and parts thereof found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food shall be marked, stamped, tagged, or labeled as "Inspected and Condemned," and all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the establishment in the presence of an inspector.

After the first inspection, the inspectors shall, when they deem it necessary, reinspect the carcasses or parts thereof and if upon such reinspection any carcass or any part thereof is found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, it shall be destroyed for food purposes by the establishment in the presence of an inspector.

The Secretary may remove inspectors from any establishment which fails so to destroy any carcass or part thereof required to be destroyed by this section.

The provisions of this section apply to all carcasses or parts of carcasses of cattle, sheep, swine, and goats, or the meat or meat food products thereof which may be brought into any establishment, and such examination and inspection shall be had before the said carcasses or parts thereof are allowed to enter into any department wherein they are to be treated and prepared for meat food products. The provisions of this section also apply to all such products, which, after having been issued from any establishment, are returned to the same or to any similar establishment where such inspection is maintained.

§ 494. Meat food products

For the purpose set forth in section 492 of this title the Secretary shall cause to be made an examination and inspection of all meat food products prepared for interstate or foreign commerce in any establishment.

The inspectors shall mark, stamp, tag, or label as "Inspected and passed" all such products found to be sound, healthful, and wholesome, and which contain no dyes, chemicals, preservatives, or ingredients which render such meat, or meat food products unsound, unhealthful, unwholesome, or unfit for human food.

The inspectors shall label, mark, stamp, or tag as "Inspected and condemned" all such products found unsound, unhealthful, and unwholesome, or which contain dyes, chemicals, preservatives, or ingredients which render such meat or meat food products unsound, unhealthful, unwholesome, or unfit for human food, and all such condemned meat food products shall be destroyed for food purposes by the establishment in the presence of an inspector. The Secretary may remove inspectors from any establishment which fails to so destroy such condemned meat food products.

Subject to the Secretary's rules and regulations the provisions of this section in regard to preservatives shall not apply to meat food products for export to any foreign country and which are prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is to be exported. If said article is in fact sold or offered for sale for domestic use or consumption, this paragraph shall not exempt said article from the operation of all the other provisions of this chapter.

§ 495. Canning or packing meats and products; labels

When any meat or meat food product prepared for interstate or foreign commerce which has been inspected under this chapter and marked "Inspected and passed" is placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection is maintained under this chapter, the person preparing said product shall cause a label to be attached to said receptacle or covering, under the supervision of an inspector. Such label shall state that the contents thereof have been "Inspected and passed" under the provisions of this chapter. No inspection and examination of meat or meat food products deposited or inclosed in cans, tins, pots, canvas, or other receptacle or covering in any such establishment shall be deemed to be complete until such meat or meat food products have been sealed or inclosed in said receptacle or covering under the supervision of an inspector.

No such meat or meat food products shall be sold or offered for sale by any person in interstate or foreign commerce under any false or deceptive name. Established trade name or names which are usual to such products and which are not false and deceptive and which are approved by the Secretary are permitted.

§ 496. Inspection of establishments

The Secretary shall cause inspections to be made, by experts in sanitation or by other competent inspectors, of all establishments defined in section 491 of this title in which cattle, sheep, swine, and goats are slaughtered and the meat and meat food products thereof are prepared for interstate or foreign commerce. The inspections shall be such as are necessary to inform the Secretary concerning the sanitary conditions of the establishments, and to enable him to prescribe the rules and regulations of sanitation under which such establishments are maintained. Where the sanitary conditions of any such establishment are such that the meat or meat food products are rendered unclean, unsound, unhealthful, unwholesome, or otherwise unfit for human food, the Secretary shall refuse to allow said meat or meat food products to be labeled, marked, stamped, or tagged as "Inspected and passed."

§ 497. Time of inspections

(a) The examinations and inspections required by sections 492, 493, 494, and 495 of this title shall be made during the nighttime as well as during the daytime when the slaughtering of the animals or preparation of the meat or meat food products is conducted during the nighttime.

(b) For the purposes of any examination and inspection under this chapter, the inspectors shall have access at all times, by day or night, whether the establishment is being operated or not, to every part of the establishment.

§ 498. Meat for export; inspection; clearance

(a) The Secretary shall cause to be made a careful inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats, when the fresh, salted, canned, corned, packed, cured, or otherwise prepared meat or meat food products of such animals is intended and offered for export to any foreign country, at such times and places and in such manner as he deems proper.

(b) No clearance shall be given to any vessel having on board any fresh, salted, canned, corned, or packed beef, mutton, pork, or goat meat, for export to and sale in a foreign country from any port in the United States, until the owner or shipper thereof shall obtain a certificate from an inspector that the cattle, sheep, swine, and goats from which such meat or meat food product was obtained, were sound and healthy at the time of inspection, and that their meat or meat food product is sound and wholesome, unless the Secretary has waived the requirement of such certificate for the country to which such meat or meat food product is to be exported.

§ 499. Inspectors' certificates

The inspectors may give official certificates of the sound and wholesome condition of cattle, sheep, swine, and goats, their carcasses and products as described in this chapter.

One copy of each such certificate shall be filed in the Department of Agriculture, another copy shall be delivered to the owner or shipper, and when the carcasses of cattle, sheep, swine, and goats, and the meat and meat food products thereof are sent abroad, a third copy shall be delivered to the chief officer of the vessel on which the shipment is made.

§ 500. Inspection, stamps or marks

The inspectors shall refuse to stamp, mark, tag, or label as "Inspected and Passed" any carcass or any part thereof, or meat food product therefrom, prepared in any establishment subject to this chapter until the same has actually been inspected and found to be sound, healthful, wholesome, and fit for human food, and to contain no dyes, chemicals, preservatives, or ingredients which render such meat food product unsound, unhealthful, unwholesome, or unfit for human food, and to have been prepared under proper sanitary conditions.

§ 501. Farmers and retail butchers and dealers, exemptions

(a) The provisions of this chapter requiring inspection to be made by the Secretary do not apply to animals slaughtered by any farmer on the farm and sold and transported in interstate or foreign commerce, nor to retail butchers and retail dealers in meat and meat food products, supplying their customers.

No meat and meat food products derived from animals slaughtered by any farmer on the farm which are salted, cured, canned, or prepared into sausage, lard, or other meat food products at any place other than by the farmer on the farm upon which the animals were slaughtered shall be transported in interstate or foreign commerce under the farmers exemption provided in this section. All fresh meat and all farm-cured or prepared meat and meat food products derived from animals slaughtered by any farmer on the farm which are to be used in interstate or foreign commerce shall be clearly marked with the name and address of the farmer on whose farm the animals were slaughtered.

(b) The Secretary may maintain the inspection provided for in this chapter at any establishment notwithstanding the exemptions contained in this section, and notwithstanding that the persons operating the same may be retail butchers and retail dealers or farmers. Where the Secretary establishes such inspection, the provisions of this chapter shall apply notwithstanding such exemptions.

§ 502. Inspectors; appointment, powers, and duties

The Secretary shall from time to time appoint inspectors to make the examinations and inspections provided for under this chapter and to perform such other duties as are required by this chapter and the Secretary's rules and regulations.

§ 503. Regulations

The Secretary shall make such rules and regulations as are necessary for the efficient execution of the provisions of this chapter. All inspections and examinations under this chapter shall be made in the manner provided in the Secretary's rules and regulations which are not inconsistent with this chapter.

§ 504. Cost of inspections

The United States shall bear the cost of inspections rendered under the requirements of this chapter except the cost of overtime pursuant to section 394 of title 7.

§ 505. Transportation of uninspected and unmarked articles

No person shall transport or offer for transportation, and no carrier of interstate or foreign commerce shall transport or receive for transportation from one State or Territory or the District of Columbia or to any other State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to any foreign country, any carcasses or parts thereof, meat, or meat food products thereof which have not been inspected, examined, and marked as "Inspected and Passed," in accordance with the terms of this chapter and with the Secretary's rules and regulations.

§ 506. Transportation or sale in violation of chapter

No person engaged in the interstate commerce of meat or meat food products shall transport or offer for transportation, sell or offer to sell, any such meat or meat food products in any State or Territory or in the District of Columbia or any place under the jurisdiction of the United States, other than in the State or Territory or in the District of Columbia or any place under the jurisdiction of the United States in which the slaughtering, packing, canning, rendering, or other similar establishment owned, leased, or operated by such person is located unless and until such person shall have complied with all of the provisions of this chapter.

§ 507. Forgery or misuse of marks or certificates

No person shall forge, counterfeit, simulate, or falsely represent, or shall without proper authority use, fail to use, or detach, or shall knowingly or wrongfully alter, deface, or destroy, or fail to deface or destroy, any of the marks, stamps, tags, labels, or other identification devices provided for in this chapter, or in and as directed by the rules and regulations prescribed under this chapter by the Secretary of Agriculture, on any carcasses, parts of carcasses, or the food product, or containers thereof, subject to the provisions of this chapter or any certificate in relation thereto, authorized or required by this chapter or by the said rules and regulations of the Secretary of Agriculture.

§ 508. Penalties generally

Except as provided in sections 509 and 510 of this title, whoever violates any of the provisions of this chapter shall be fined not more than $10,000 or imprisoned not more than 1 year, or both.

§ 509. Penalty for sale or transportation of unfit products by exempted persons

Whoever, being a farmer, retail butcher, or retail dealer acting under the exemptions provided in section 502 of this title, sells or offers for sale or transportation for interstate or foreign commerce any meat or meat food products which are diseased, unsound, unhealthful, unwholesome, or otherwise unfit for human food, knowing that such meat food products are intended for human consumption, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

§ 510. Bribery; acceptance of gifts

(a) Whoever gives, pays, or offers, directly or indirectly, to any inspector, deputy inspector, chief inspector, or any other officer or employee of the United States authorized to perform any of the duties prescribed by this chapter or by the Secretary's rules and regulations, any money or other thing of value, with intent to influence such inspector, deputy inspector, chief inspector, or other officer or employee of the United States in the discharge of any duty provided for in this chapter, shall be fined not more than $10,000 or imprisoned not more than 3 years, or both.

(b) Whoever, being an inspector, deputy inspector, chief inspector, or other officer or employee of the United States authorized to perform any of the duties prescribed by this chapter, accepts any money, gift, or other thing of value from any person, given with intent to influence his official action, or who receives or accepts from any person engaged in interstate or foreign commerce any gift, money, or other thing of value, given with any purpose or intent whatsoever, shall be summarily discharged from office and shall be fined not more than $10,000 or imprisoned not more than 3 years, or both.

§ 511. Horse meat

(a) No person shall transport or offer for transportation, and no carrier of interstate or foreign commerce shall transport or receive for transportation from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia or to any place under the jurisdiction of the United States or to any foreign country, any equine meat or food products thereof unless plainly and conspicuously labeled, marked, branded, or tagged "Horse meat" or "Horse-meat Product," as the case may be, under rules and regulations prescribed by the Secretary.

(b) All the penalties, terms, and provisions in this chapter, except the exemption in section 501 of this title applying to animals slaughtered by any farmer on a farm and to retail butchers and retail dealers in meat food products supplying their customers, shall be applicable to (1) horses, their carcasses, parts of carcasses, and meat food products thereof, (2) the establishments and other places where such animals are slaughtered or the meat or meat food products thereof are prepared or packed for interstate or foreign commerce, and (3) all persons who slaughter such animals or prepare or handle such meat or meat food products for interstate or foreign commerce.

§ 512. Dairy products for export

This chapter shall be deemed to include dairy products intended for exportation to any foreign country. The Secretary may apply, under rules and regulations prescribed by him, the provisions of this chapter for inspection and certification appropriate for ascertaining the purity and quality of such products, and may cause them to be so marked, stamped, or labeled as to secure their identity and make known in the markets of foreign countries to which they may be sent from the United States their purity, quality, and grade. All the provisions of this chapter relating to live cattle and products thereof for export shall apply to dairy products so inspected and certified.

§ 513. Reindeer

The provisions of this chapter may be extended to the inspection of reindeer.

Chapter 55—Animal and poultry disease prevention; transportation, import, and export

Sec.

551. Measures and regulations to prevent introduction or spread of disease.
552. Control of diseases; cooperation with States.

553. Research laboratories for foot-and-mouth and other diseases.
554. Appointment of agents to make recommendations.
555. Cooperation with Mexico; foot-and-mouth disease and rinderpest; reports to Congress.
556. Cattle grubs, research and eradication.
557. International boundary fences.
558. Regulation of transportation and exportation generally.
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571. Disease control in District of Columbia.
572. Inspection by Department as precluding other inspections and fees.
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574. Prosecution of violations; venue.

§ 551. Measures and regulations to prevent introduction or spread of disease

The Secretary of Agriculture may—

(1) make regulations and take measures to prevent the introduction or dissemination of the contagion of any communicable disease of animals or poultry from a foreign country into the United States or from one State or Territory of the United States or the District of Columbia to another, and

(2) seize, quarantine, and dispose of any hay, straw, forage, or similar material, or any meats, hides, or other animal or poultry products coming from an infected foreign country to the United States, or from one State or Territory or the District of Columbia in transit to another State or Territory or the District of Columbia whenever in his judgment such action is advisable to guard against the introduction or spread of such contagion.

§ 552. Control of diseases; cooperation with States

(a) The Secretary of Agriculture shall prepare rules and regulations for the speedy and effectual control and eradication of dangerous communicable diseases of domestic animals and poultry. He shall certify such rules and regulations to the executive authority of each State and Territory, and invite said authorities to cooperate in the execution and enforcement of the provisions of this chapter. Whenever the plans and methods of the Secretary are accepted by any State or Territory in which any such disease is declared to exist, or whenever such State or Territory adopts plans and methods for the control and eradication of the disease and such plans and methods are accepted by the Secretary of Agriculture, and whenever the governor of a State or other properly constituted authorities signify their readiness to cooperate for the extinction of the disease in conformity with the provisions of this chapter, the Secretary may expend so much of the money appropriated for carrying out the provisions of this chapter as may be necessary in such investigations, and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease from one State or Territory into another.

(b) The Secretary of Agriculture, either independently or in cooperation with States or political subdivisions thereof, farmers' associations, and similar organizations, and individuals, may control and eradicate tuberculosis and paratuberculosis of animals, avian tuberculosis, brucellosis of domestic animals, southern cattle ticks, hog cholera and related swine diseases, scabies in sheep and cattle, dourine in horses, scrapie and blue tongue in sheep, incipient or potentially serious minor outbreaks of diseases in animals and poultry, and communicable diseases of animals and poultry which in the opinion of the Secretary constitute an emergency and threaten the livestock industry of the country, including the purchase and destruction of diseased or exposed animals and poultry, or the destruction of such animals and poultry and the payment of indemnities therefor, in accordance with such regulations as the Secretary prescribes. As used in this subsection, the term "State" includes the District of Columbia and the Territories and possessions of the United States.

§ 553. Research laboratories for foot-and-mouth and other diseases

The Secretary of Agriculture may establish research laboratories, including the acquisition of necessary land, buildings, or facilities, and also the making of research contracts under the authority contained in section 4271 (a) of title 7, for research and study, in the United States or elsewhere, of foot-and-mouth disease and other animal and poultry diseases which in his opinion constitute a threat to the livestock or poultry industry of the United States.

No live virus of foot-and-mouth disease may be introduced for any purpose into any part of the mainland of the United States except coastal islands separated therefrom by waters navigable for deep-water navigation and which are not connected with the mainland by any tunnel, and except further, that in the event of outbreak of foot-and-mouth disease in this country, the Secretary of Agriculture may, at his discretion, permit said virus to be brought into the United States under adequate safeguards.

To carry out the provisions of this section, the Secretary may employ technical experts or scientists without regard to the Classification Act of 1949, but the number so employed shall not exceed five and the maximum compensation for each shall not exceed $15,000 per annum. There is authorized to be appropriated such sums as Congress may deem necessary, and, in addition, the Secretary may utilize, in carrying out this section, funds otherwise available for the control or eradication of such diseases.

§ 554. Appointment of agents to make recommendations

The Secretary of Agriculture may appoint two competent agents, who are practical stock raisers or experienced businessmen familiar with questions pertaining to commercial transactions in livestock or poultry, who shall, under the instructions of the Secretary, examine and report upon the best methods of treating, transporting, and caring for animals and poultry, and the means to be adopted for the control and eradication of contagious pleuropneumonia, and provide against the spread of other dangerous communicable diseases. The compensation of such agents shall be at the rate of $10 per diem, with all necessary expenses, while engaged in the actual performance of their duties under this section, when absent from their usual place of business or residence.

§ 555. Cooperation with Mexico; foot-and-mouth disease and rinderpest; reports to Congress

(a) The Secretary of Agriculture may cooperate with the Government of Mexico in carrying out operations or measures to eradicate, suppress, or control, or to prevent or retard, foot-and-mouth disease or rinderpest in Mexico where he deems such action necessary to protect the livestock and related industries of the United States. In performing such operations or measures, the Government of Mexico shall be responsible for the authority necessary to carry them out on all lands and properties in Mexico and for such other facilities and means as are necessary in the discretion of the Secretary of Agriculture. The measure and character of cooperation carried out under this section on the part of the United States and on the part of the Government of Mexico, including the expenditure or use of funds appropriated pursuant to this section, shall be such as may be prescribed by the Secretary of Agriculture. Arrangements for such cooperation shall be made through and in consultation with the Secretary of State. The authority contained in this section is in addition to and not in substitution for the authority of existing law.

(b) For purposes of this section, funds appropriated pursuant thereto may also be used for (1) the purchase or hire of passenger motor vehicles and aircraft, (2) printing and binding without regard to section 111 of title 44, (3) the employment of civilian nationals of Mexico, and (4) the construction and operation of research laboratories, quarantine stations, and other buildings and facilities.

(c) The Secretary of Agriculture shall make a report to the Congress on the last day of each month with respect to the activities carried on under this section.

§ 556. Cattle grubs, research and eradication

In order to protect, promote, and conserve livestock and livestock products and to minimize losses, the Secretary of Agriculture, either independently or in cooperation with States or subdivisions thereof, farmers' associations, and other organizations and individuals, may increase and intensify research and investigations into problems and methods relating to the eradication of cattle grubs and undertake measures to eradicate these parasites. As used in this section, the term "State" includes the District of Columbia and the Territories and possessions of the United States. Funds appropriated to carry out this section shall be expended in accordance with procedures prescribed by the Secretary.

§ 557. International boundary fences

The Secretary of Agriculture may permit the erection of fences along international boundary lines, but entirely within the territory of the United States, for the purpose of keeping out diseased animals and poultry.

§ 558. Regulation of transportation and exportation generally

In order to enable the Secretary of Agriculture effectually to control and eradicate dangerous communicable diseases in cattle and other livestock and poultry, and to prevent the spread of such diseases he shall establish such rules and regulations concerning the exportation and transportation of livestock and poultry from any place within the United States where he may have reason to believe such diseases may exist into and through any State or Territory, and into and through the District of Columbia and to foreign countries as he deems necessary. All such rules and regulations shall have the force of law.

§ 559. Quarantine of infected areas

The Secretary of Agriculture shall quarantine any State or Territory or the District of Columbia, or any portion of any State or Territory or the District of Columbia, when he determines the fact that cattle or other livestock or poultry in such State or Territory or District of Columbia are affected with any communicable disease. He shall give written or printed notice of the establishment of quarantine to the proper officers of railroad, steamboat, or other transportation

companies doing business in or through any quarantined State or Territory or the District of Columbia, and publish such notice in such newspapers in the quarantined State or Territory or the District of Columbia as he may select.

§ 560. Regulations for transportation from quarantined areas

The Secretary of Agriculture shall, when the public safety will permit, make and promulgate rules and regulations which shall permit and govern the inspection, disinfection, certification, treatment, handling, and method and manner of delivery and shipment of cattle or other livestock or poultry from a quarantined State or Territory or the District of Columbia, and from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia. The Secretary shall give notice of such rules and regulations in the manner provided in section 559 of this title for notice of establishment of quarantine.

§ 561. Transportation from quarantined areas prohibited; exceptions

(a) No railroad company and no owners or masters of any vessel or boat shall receive for transportation or transport, no person shall deliver for transportation to any railroad company or to the master or owner of any vessel or boat, and no person shall drive or cause to be driven on foot or transport or cause to be transported by private conveyance, any cattle or other livestock or poultry from any quarantined State or Territory or the District of Columbia, or from any quarantined portion thereof, into any other State or Territory or the District of Columbia, except in compliance with rules and regulations promulgated by the Secretary of Agriculture under section 560 of this title.

(b) The provisions of subsection (a) of this section and sections 559, 560, and 573 (b) of this title shall apply to any railroad company or other common carrier whose road or line forms any part of a route over which cattle or other livestock or poultry are transported in the course of shipment from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia.

§ 562. Transportation of diseased livestock or poultry prohibited

No railroad company within the United States, and no owners or masters of any vessel or boat, shall receive for transportation or transport from one State or Territory to another, or from any State into the District of Columbia, or from the District into any State, any livestock or poultry affected with any communicable disease; nor shall any person deliver for such transportation to any railroad company, or master or owner of any boat or vessel, any livestock or poultry, knowing them to be affected with any communicable disease. No person shall drive on foot, or transport in private conveyance, from one State or Territory to another, or from any State into the District of Columbia, or from the District into any State, any livestock or poultry, knowing them to be affected with any communicable disease.

§ 563. Cattle reacting to tuberculin test, transportation of

Cattle which have reacted to the tuberculin test may be shipped, transported, or moved from one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, for immediate slaughter, in accordance with such rules and regulations as shall be prescribed by the Secretary of Agriculture. The Secretary may, in his discretion, and under such rules and regulations as he may prescribe, permit cattle which have been shipped for breeding or feeding purposes from one State, Territory, or the District of Columbia to another State, Territory, or the District of Columbia, and which have reacted to the tuberculin test subsequent to such shipment, to be reshipped in interstate commerce to the original owner.

§ 564. Domestic animals reacting to test for paratuberculosis or brucellosis

Domestic animals which have reacted to a test recognized by the Secretary of Agriculture for paratuberculosis or which, never having been vaccinated for brucellosis, have reacted to a test recognized by the Secretary of Agriculture for brucellosis, may be shipped, transported, or otherwise moved from one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia for immediate slaughter in accordance with such rules and regulations as the Secretary of Agriculture may prescribe to prevent the dissemination of said diseases from one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia. The Secretary of Agriculture may, in his discretion and under such rules and regulations as he may prescibe, permit domestic animals which have been moved from one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, for breeding purposes, and which, subsequent to such movement, have reacted to a test for brucellosis or paratuberculosis recognized by the Secretary of Agriculture, to be reshipped in interstate commerce to the original owner at the point of origin.

§ 565. Regulation and promotion of exports

(a) The Secretary of Agriculture may take such steps and adopt such measures, not inconsistent with the provisions of this chapter, as he deems necessary to prevent the exportation from any port of the United States to any port in a foreign country of livestock or poultry affected with any communicable disease.

(b) In order to promote the exportation of livestock and poultry from the United States the Secretary of Agriculture shall make special investigation as to the existence of any communicable disease, along the borders between the United States and foreign countries, and along the lines of transportation from all parts of the United States to ports from which livestock or poultry are exported, and shall, from time to time, establish such regulations concerning the exportation and transportation of livestock or poultry as the results of such investigations may require.

(c) The Secretary of Agriculture, by such orders and regulations as he prescribes, may cause inspection to be made of all cattle, sheep, other ruminants, swine, and poultry intended for exportation, and provide for the disinfection of all vessels engaged in the transportation thereof, and of all barges or other vessels used in the conveyance of such animals and poultry to the ocean steamer or other vessels, and of all attendants and their clothing, and of all headropes and other appliances used in such exportation. If, upon such inspection, any such animals or poultry are adjudged, under the Secretary's regulations, to be infected or to have been exposed to infection so as to be dangerous to other animals or poultry, they shall not be allowed to be placed upon any vessel for exportation. The expense of all the inspection and disinfection provided for in this subsection shall be borne by the owners of the vessels on which such animals or poultry are exported.

(d) The Secretary shall cause to be made a careful inspection of all cattle, sheep, swine, and goats intended and offered for export to foreign countries at such times and places, and in such manner, as he deems proper to ascertain whether such animals are free from disease.

(e) No clearance shall be given to any vessel having on board cattle, sheep, swine, or goats for export to a foreign country until the owner or shipper of such animals has a certificate from an inspector stating that the animals are sound and healthy, or unless the Secretary has waived the requirement of such certificate for export to the particular country to which they are to be exported.

§ 566. Suspension of importation

Whenever, in the opinion of the President, it is necessary for the protection of animals, including poultry, in the United States against communicable diseases, he may, by proclamation, suspend the importation of all or any class of animals or poultry for a limited time, and may change, modify, revoke, or renew such proclamation, as the public good may require. During the time of such suspension the importation of any such animals or poultry shall be unlawful.

§ 567. Importation of diseased or exposed animals and poultry prohibited

No person shall import cattle, sheep, other ruminants, swine, and poultry, which are diseased or infected with any disease, or which have been exposed to such infection within 60 days next before their exportation. However, the Secretary of Agriculture may by regulations permit the admission from Mexico into the State of Texas of cattle which have been infested with or exposed to ticks upon being freed therefrom.

§ 568. Importation prohibited except at quarantine stations

No person shall import cattle, sheep, other huminants, swine, and poultry except at ports designated as quarantine stations by the Secretary of Agriculture with the approval of the Secretary of the Treasury.

If any animals and poultry subject to quarantine are brought into any port of the United States where no quarantine station is established, the collector of such port shall require such animals and poultry to be conveyed to the nearest quarantine station by the vessel on which they are imported or are found, at the expense of the owner.

§ 569. Quarantine of imported animals and poultry

The Secretary of Agriculture may, at the expense of the owner, place and retain in quarantine all cattle, sheep, other ruminants, swine, and poultry imported into the United States, at ports designated by him for such purpose, and under such conditions as he by regulation prescribes, respectively, for the several classes of animals and poultry above described.

For the purpose of such quarantine, the Secretary may purchase, construct, or rent such lands, buildings, animals, tools, fixtures, and appurtenances as may be necessary, and he may appoint such veterinary surgeons, inspectors, officers, and employees as he deems necessary to maintain such quarantine and provide for the execution of the other provisions of sections 565 (c), 566–570, and 573 (e) of this title.

§ 570. Inspection and disposition of imported animals and poultry

(a) The Secretary of Agriculture shall cause careful inspection to be made of all imported cattle, sheep, other ruminants, swine, and poultry, to ascertain whether such animals and poultry are infected with communicable diseases or have been exposed to infection so as to be dangerous to other animals and poultry. Such animals and poultry shall then be either placed in quarantine or dealt with according to the Secretary's regulations.

All food, litter, manure, clothing, utensils, and other appliances that have been so related to such animals and poultry on board ship as to be judged liable to convey infec-

tion shall be dealt with according to the Secretary's regulations.

(b) The Secretary of Agriculture may cause to be slaughtered such of the animals and poultry named in subsection (a) of this section as may be, under his regulations, adjudged to be infected with any communicable disease, or to have been exposed to infection so as to be dangerous to other animals and poultry. The value of animals and poultry slaughtered as being exposed to infection but not infected may be ascertained by agreement of the Secretary and the owners thereof if practicable; otherwise, by the appraisal by two persons familiar with the character and value of such property, appointed by the Secretary, whose decision, if they agree, shall be final; otherwise, the Secretary of Agriculture shall decide between them, and his decision shall be final. The amount of the value thus ascertained shall be paid to the owner thereof out of money in the Treasury appropriated for the use of the Bureau of Animal Industry or for the use of such other bureau or agency, or of any officer, of the Department of Agriculture, to which or to whom the Secretary may delegate the functions heretofore or hereafter exercised by him through the Bureau of Animal Industry; but no payment shall be made for any animals or poultry imported in violation of the provisions of sections 566–570 or 573 (e) of this title.

§ 571. Disease control in District of Columbia

Whenever any communicable disease affecting domestic animals or poultry is brought into or breaks out in the District of Columbia, the Commissioners of the District of Columbia shall take measures to suppress the disease promptly and to prevent it from spreading. For this purpose the Commissioners may (1) require that any premises or farms where such disease exists, or has existed, be put in quarantine; (2) order that all or any animals and poultry coming into the District be detained at any place for the purpose of inspection and examination; (3) prescribe regulations for and require the destruction of animals or poultry affected with communicable disease, and for the proper disposition of their hides and carcasses; and (4) prescribe regulations for disinfection, and such other regulations as they may deem necessary to prevent infection or contagion being communicated. The Commissioners shall report to the Secretary of Agriculture any actions taken under this section.

§ 572. Inspection by Department as precluding other inspections and fees

Whenever the Secretary of Agriculture, or any inspector or assistant inspector of the Department of Agriculture designated by the Secretary for such purpose, issues a certificate showing that such officer has inspected any cattle or other livestock or poultry which are about to be shipped, driven, or transported from one locality to another as stated in section 558 of this title, and has found them free from any communicable disease, such animals or poultry, so inspected and certified, may he shipped, driven, or transported from such place into and through any State or Territory or the District of Columbia, or they may be exported from the United States, without further inspection or the exaction of fees of any kind, except such as may at any time be ordered or exacted by the Secretary of Agriculture. For the purposes of such inspection, all such animals and poultry shall at all times be under the control and supervision of the Secretary of Agriculture.

§ 573. Penalties

(a) Whoever knowingly violates section 551, 558 or 572 of this title or the orders or regulations made in pursuance thereof shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

(b) Whoever violates section 561 of this title shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

(c) The Secretary of Agriculture shall give notice of the existence of contagion in any infected locality by notice, in writing, to the proper officials or agents of any railroad, steamboat, or other transportation company doing business in or through such locality, and by publication in such newspapers as he may select. Whoever, being a person operating any such railroad, or master or owner of any boat or vessel, or owner or custodian of or person having control over such cattle or other livestock or poultry within such infected district, knowingly violates section 562 of this title shall be fined not more than $5,000 or imprisoned not more than 1 year, or both.

(d) Whoever violates section 565 (d) (e) of this title shall be fined not more than $10,000 or imprisoned not more than 1 year, or both.

(e) Whoever knowingly violates section 567 of this title shall be fined not more than $5,000 or imprisoned not more than 3 years. Any vessel or vehicle used in such unlawful importation within the knowledge of the master or owner of such vessel or vehicle that such importation is diseased or has been exposed to infection as described in section 567 of this title, shall be forfeited to the United States.

§ 574. Prosecution of violations; venue

The several United States attorneys shall prosecute all violations of this chapter which are brought to their notice by any person making complaint under oath, in the United States district court or Territorial court held within the district in which the violation has been committed.

Chapter 57—Serums and analogous products

Sec.
611. Preparation and sale of serum, etc.
612. Licensing and inspection of establishments.
613. Regulations for preparation and sale.
614. Importation regulated and prohibited.
615. Permits for and inspection of imports.
616. Revocation or suspension of licenses or permits.
617. Penalties.

§ 611. Preparation and sale of serum, etc.

No person shall prepare, sell, barter, or exchange in the District of Columbia, in the Territories, or in any place under the jurisdiction of the United States, or ship or deliver for shipment from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia—

(1) any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product intended for use in the treatment of domestic animals; or

(2) any virus, serum, toxin, or analogous product manufactured within the United States and intended for use in the treatment of domestic animals, unless and until such product has been prepared, under and in compliance with regulations prescribed by the Secretary of Agriculture, at an establishment holding an unsuspended and unrevoked license issued by the Secretary under this chapter.

§ 612. Licensing and inspection of establishments

(a) The Secretary of Agriculture may issue, suspend, and revoke licenses for the maintenance of establishments for the preparation of viruses, serums, toxins, and analogous products, for use in the treatment of domestic animals, intended for sale, barter, exchange, or shipment as specified in section 611 of this title.

(b) All licenses issued to establishments under this chapter shall be issued on condition that the licensee shall permit the inspection of such establishments and of such products and their preparation. Any officer, agent, or employee of the Department of Agriculture duly authorized by the Secretary for the purpose may enter and inspect any establishment licensed under this chapter at any hour of the day or night.

§ 613. Regulations for preparation and sale

The Secretary of Agriculture may make and promulgate from time to time such rules and regulations as may be necessary to prevent the preparation, sale, barter, exchange, or shipment as specified in section 611 of this title of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals.

§ 614. Importation regulated and prohibited

No person shall import into the United States, without a permit from the Secretary of Agriculture, any virus, serum, toxin, or analogous product for use in the treatment of domestic animals, and no person shall import into the United States any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals.

§ 615. Permits for and inspection of imports

(a) The Secretary of Agriculture may issue permits for the importation into the United States of viruses, serums, toxins, and analogous products, for use in the treatment of domestic animals, which are not worthless, contaminated, dangerous, or harmful.

(b) The Secretary may cause to be examined and inspected all viruses, serums, toxins, and analogous products, for use in the treatment of domestic animals, which are being imported or offered for importation into the United States, to determine whether such products are worthless, contaminated, dangerous, or harmful. If it appears that any such product is worthless, contaminated, dangerous, or harmful, such product shall be denied entry and shall be destroyed or returned at the expense of the owner or importer.

§ 616. Revocation or suspension of licenses or permits

The Secretary of Agriculture may suspend or revoke any license or permit issued under this chapter, after opportunity for hearing has been granted the licensee or importer, when the Secretary is satisfied that such license or permit is being used to facilitate or effect the preparation, sale, barter, exchange, or shipment as specified in section 611 of this title, or the importation into the United States, of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals.

§ 617. Penalties

Whoever violates any of the provisions of this chapter shall be fined not more than $1,000 or imprisoned not more than one year, or both.

PART III.—NARCOTICS

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Chapter 91—Administration

Sec.
711. Administration of Part III; delegation of functions.
712. Departmental cooperation in discharge of international obligations.
713. Cooperation with States in suppression of abuse.
714. Payments for information.

§ 711. Administration of Part III; delegation of functions

Except as otherwise provided by law, the administration and enforcement of this part are vested in the Secretary of the Treasury. Such Secretary's functions under this part

shall be performed by him or, subject to his direction and control, by such officers, agencies and bureaus of the Department of the Treasury as he designates.

§ 712. Departmental cooperation in discharge of international obligations

The Secretary of the Treasury shall cooperate with the Secretary of State in the discharge of the international obligations of the United States concerning the traffic in narcotic drugs.

§ 713. Cooperation with States in suppression of abuse

(a) The Secretary of the Treasury shall cooperate with the several States in the suppression of the abuse of narcotic drugs in their respective jurisdictions, and to that end he may:

(1) Cooperate in the drafting of such legislation as may be needed to effect the end named; and

(2) Arrange for the exchange of information concerning the use and abuse of narcotic drugs in said States and for cooperation in the institution and prosecution of cases in the courts of the United States and before the licensing boards and courts of the several States.

(b) The Secretary of the Treasury may prescribe such regulations as may be necessary to carry out the purposes of this section.

§ 714. Payments for information concerning violations of laws

The Secretary of the Treasury may pay to any person, from funds now or hereafter appropriated for the enforcement of the narcotic laws of the United States, for information concerning a violation of any narcotic law of the United States, resulting in a seizure of contraband narcotics, such sum or sums of money as he may deem appropriate, without reference to any moieties or rewards to which such person may otherwise be entitled by law. All payments under authority of this section to any informer in any foreign country shall be made only through an accredited consul or vice consul of the United States stationed in such country, and every such payment shall be supported by a voucher with an accompanying certificate of such consul or vice consul that the payment of the amount stated on the voucher has been made to the informer named, and at the place and time specified on such voucher.

Chapter 93—Narcotics import and export

Sec.
761. Definitions.
762. Rules and regulations.
763. Importation; exceptions and restrictions; forfeitures.
764. Import for purpose of transportation to another country; transfer between vessels.
765. Penalty for unlawful import, receipt, transportation or sale; subsequent offenses; procedure; evidence; liability of masters and persons in charge.
766. Presumption and burden of proof as to importation of smoking opium.
767. Exportation; exception; laws of foreign governments.
768. Penalty for unlawful export.
769. Penalty for having in possession or control on board United States vessel.
770. Penalty for possession, receipt, or concealment of smoking opium; evidence; liability of masters and persons in charge.
771. Share of fine to informer.
772. Short title.

§ 761. Definitions

As used in this chapter, unless the context requires a different meaning—

(a) "narcotic drug", "issonipecaine," and "opiate" shall have the same meaning ascribed to these terms as used in the Internal Revenue Code;

(b) "United States," when used in a geographical sense, includes the several States and Territories, and the District of Columbia;

(c) "Secretary" means the Secretary of the Treasury;

(d) "person" means an individual, partnership, corporation, or association.

§ 762. Rules and regulations

The Secretary shall prescribe and publish all proper rules and regulations to carry into effect the authority vested in him by this chapter.

§ 763. Importation; exceptions and restrictions; forfeitures

(a) No narcotic drug may be imported or brought into the United States or any Territory under its control or jurisdiction, except that, under such regulations as the Secretary shall prescribe—

(1) Such amounts of crude opium and coca leaves as the Secretary finds to be necessary to provide for medical and scientific uses may be so imported or brought in; but no crude opium may be imported or brought in for the purpose of manufacturing heroin, and the Secretary may limit further or prohibit entirely the importation or bringing in of crude opium, to the extent that he finds that the medical and scientific needs of the United States for opium or opium products are being, or can be, supplied by opium poppies produced in accordance with chapter 95 of this title; and

(2) Amounts of coca leaves in addition to the amount permitted under paragraph (1) of this subsection may be imported or brought in; but after the entry of such additional amounts into the United States or any Territory under its control or jurisdiction, all cocaine, ecgonine, and all salts, derivatives, and preparations from which cocaine or ecgonine may be synthesized or made, contained therein, shall be destroyed under the supervision of the Secretary or his authorized representative.

(b) All narcotic drugs imported under subsection (a) of this section shall be subject to the duties which are now or may hereafter be imposed upon such drugs when imported.

(c) Any narcotic drug imported or brought into the United States or any territory under its control or jurisdiction, contrary to law, shall—

(1) If smoking opium, or opium prepared for smoking, be seized and summarily forfeited to the United States Government without the necessity of instituting forfeiture proceedings of any character; or

(2) If any other narcotic drug be seized and forfeited to the United States Government, without regard to its value, in the manner provided by sections 1607 and 1608 of title 19, or the provisions of law hereafter enacted which are amendatory of, or in substitution for, such sections.

(d) Any narcotic drug which is forfeited in a proceeding for condemnation or not claimed under sections 1607 and 1608 of title 19, or which is summarily forfeited as provided in subsection (c) of this section, shall be placed in the custody of the Secretary and in his discretion be destroyed or delivered to some agency of the United States Government for use for medical or scientific purposes.

§ 764. Import for purpose of transportation to another country; transfer between vessels

No smoking opium, or opium prepared for smoking, shall be admitted into the United States or into any territory under its control or jurisdiction for transportation to another country, or be transferred or transshipped from one vessel to another vessel within any waters of the United States for immediate exportation or for any other purpose; and except with the approval of the Secretary, no other narcotic drug may be so admitted, transferred, or transshipped.

§ 765. Penalty for unlawful import, receipt, transportation or sale; subsequent offenses; procedure; evidence; liability of masters and persons in charge

(a) Whoever fraudulently or knowingly imports or brings any narcotic drug into the United States or any territory under its control, or jurisdiction, contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of any such narcotic drug after being imported or brought in, knowing the same to have been imported contrary to law, or conspires to commit any of such acts in violation of the laws of the United States, shall be fined not more than $2,000 and imprisoned not less than 2 or more than 5 years. For a second offense, the offender shall be fined not more than $2,000 and imprisoned not less than 5 or more than 10 years. For a third or subsequent offense, the offender shall be fined not more than $2,000 and imprisoned not less than 10 or more than 20 years. Upon conviction for a second or subsequent offense, the imposition or execution of sentence shall not be suspended and probation shall not be granted. For the purpose of this subsection, an offender shall be considered a second or subsequent offender, as the case may be, if he previously has been convicted of any offense the penalty for which is provided in this subsection or in section 2557 (b) (1) of the Internal Revenue Code, or if he previously has been convicted of any offense the penalty for which was provided in section 9, chapter 1, of the act of December 17, 1914 (38 Stat. 789), as amended; section 1, chapter 202 of the act of May 26, 1922 (42 Stat. 596), as amended; section 12, chapter 553, of the act of August 2, 1937 (50 Stat. 556), as amended; or section 2557 (b) (1) or 2596 of the Internal Revenue Code, as amended. After conviction, but prior to pronouncement of sentence, the court shall be advised by the United States attorney whether the conviction is the offender's first or a subsequent offense. If it is not a first offense, the United States attorney shall file an information setting forth the prior convictions. The offender shall have the opportunity in open court to affirm or deny that he is identical with the person previously convicted. If he denies the identity, sentence shall be postponed for such time as to permit a trial before a jury on the sole issue of the offender's identity with the person previously convicted. If the offender is found by the jury to be the person previously convicted, or if he acknowledges that he is such person, he shall be sentenced as prescribed in this subsection.

Whenever on trial for a violation of this subsection the defendant is shown to have or to have had possession of the narcotic drug, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant explains the possession to the satisfaction of the jury.

(b) No master of any vessel or other watercraft, or person in charge of a railroad car or other vehicle, shall be liable under subsection (a) of this section if he satisfies the jury that he had no knowledge of and used due diligence to prevent the presence of the narcotic drug in or on such vessel, watercraft, railroad car, or other vehicle; but the narcotic drug shall be seized, forfeited, and disposed of as provided in subsections (c) and (d) of section 763 of this title.

§ 766. Presumption and burden of proof as to importation of smoking opium

All smoking opium or opium prepared for smoking found within the United States shall be presumed to have been imported contrary to law, and the burden of proof shall be on the claimant or the accused to rebut such presumption.

§ 767. Exportation; exceptions; laws of foreign governments

(a) No person subject to the jurisdiction of the United States Government shall export or cause to be exported from the United States, or from territory under its control or jurisdiction, any narcotic drug to any other country except to a country which has ratified and become a party to the convention and final protocol between the United States Government and other powers for the suppression of the abuses of opium and other drugs, commonly known as the International Opium Convention of 1912, and then only if—

(1) such country has instituted and maintains in conformity with that convention, a system, which the Secretary deems adequate, of permits or licenses for the control of imports of such narcotic drugs;

(2) the narcotic drug is consigned to an authorized permittee; and

(3) there is furnished to the Secretary proof deemed adequate by him that the narcotic drug is to be applied exclusively to medical and scientific uses within the country to which exported, that it will not be reexported from such country, and that there is an actual shortage of and a demand for the narcotic drug for medical and scientific uses within such country.

(b) The exceptions contained in subsection (a) of this section shall not apply to smoking opium or opium prepared for smoking, the exportation of which is absolutely prohibited.

(c) The Secretary of State shall request all foreign governments to communicate through the diplomatic channels copies of the laws and regulations promulgated in their respective countries which prohibit or regulate the importation and shipment in transit of any narcotic drug and, when received, shall advise the Secretary thereof.

§ 768. Penalty for unlawful export

Any person who exports, or conspires to export, any narcotic drugs in violation of section 767 of this title shall be fined not more than $5,000 or imprisoned not more than 2 years, or both.

§ 769. Penalty for having in possession or control on board United States vessel

(a) Any person who brings on board, or has in his possession or control on board, any vessel of the United States, while engaged on a foreign voyage, any narcotic drug not constituting a part of the cargo entered in the manifest or part of the ship stores, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

(b) As used in subsection (a) of this section, "narcotic drug" means any narcotic drug defined by section 761 of this title, or "marihuana" as defined in the Internal Revenue Code.

§ 770. Penalty for possession, receipt, or concealment of smoking opium; evidence; liability of masters and persons in charge

(a) Any person, subject to the jurisdiction of the United States, who, either as principal or as accessory, receives or has in his possession, or conceals on board of or transports on any foreign or domestic vessel or other water craft or railroad car or other vehicle destined to or bound from the United States or any possession thereof, any smoking opium or opium prepared for smoking, or who, having knowledge of the presence in or on any such vessel, water craft, or vehicle of such article, does not report the same to the principal officer thereof, shall be punished as provided in section 765 of this title. Whenever on trial for violation of this section the defendant is shown to have or to have had possession of such opium, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury.

(b) No master of a vessel or other water craft or person in charge of a railroad car or other vehicle shall be liable under this section if he satisfies the jury that he had no knowledge and used due diligence to prevent the presence of such article in or on such vessel, water craft, car, or other vehicle; but any such article shall be forfeited and destroyed.

§ 771. Share of fine to informer

One-half of any fine recovered from any person or persons convicted of an offense under this chapter may be paid to the person or persons giving information leading to such recovery, and one-half of any bail forfeited and collected in any proceedings brought under this chapter may be paid to the person or persons giving the information which led to the institution of such proceedings, if so directed by the court exercising jurisdiction in the case. No payment for giving information shall be made to any officer or employee of the United States.

§ 772. Short title

This chapter may be cited as the "Narcotic Drugs Import and Export Act."

Chapter 95—Domestic Opium Poppy Production Control

Sec.
811. Declaration of policy; assistance from Federal agencies.
812. Definitions.
813. Rules and regulations.
814. Licenses; qualifications; limitations; revocation and renewal.
815. Distribution by Federal Government; personnel of Treasury Department excepted from prohibitions.
816. Production, purchase, manufacture, sale, or transportation by unlicensed persons.
817. Seizure and forfeiture of opium poppies illegally possessed; disposition.
818. Penalties.
819. Pleading, presumptions, and burden of proof.
820. Application to, and of, other laws.
821. Territorial application.
822. Short title.

§ 811. Declaration of policy; assistance from Federal agencies

(a) It is the purpose of this chapter to—

(1) discharge more effectively the obligations of the United States under the International Opium Convention of 1912, and the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs of 1931, as amended by the Protocol signed at Lake Success, N. Y., on December 11, 1946;

(2) promote the public health and the general welfare;

(3) regulate interstate and foreign commerce in opium poppies; and

(4) safeguard the revenue derived from taxation of opium and opium products.

(b) Other departments, bureaus, and independent establishments of the Government, when requested by the Secretary of the Treasury, shall furnish such assistance, including technical advice, as will aid in carrying out the purposes of this chapter.

§ 812. Definitions

As used in this chapter—

1. "produce" or "production" includes the planting, cultivation, growth, harvesting, and any other activity which facilitates the growth of the opium poppy;

2. "opium poppy" includes the plant Papaver somniferum, any other plant which is the source of opium or opium products, and any part of any such plant;

3. "opium" includes the inspissated juice of the opium poppy, in crude or refined form;

4. "opium products" includes opium and all substances obtainable from opium or the opium poppy, except the seed thereof;

5. "Secretary" means the Secretary of the Treasury;

6. "person" means an individual, company, partnership, corporation, or association.

§ 813. Rules and regulations

The Secretary may prescribe and publish all necessary rules and regulations for carrying out the provisions of this chapter.

§ 814. Licenses; qualifications; limitations; revocation and renewal

(a) Any person who desires to procure a license to produce the opium poppy, or to manufacture opium or opium products, shall make application therefor in such manner and form as the Secretary shall by rules and regulations prescribe.

(b) A license to produce the opium poppy shall be issued only to a person who, in the opinion of the Secretary, is determined to be a person—

(1) of good moral character;

(2) of suitable financial standing and farming experience;

(3) who owns or controls suitable farm land to be used as a production area, in such locality, as will, in the judgment of the Secretary, render reasonably probable the efficient and diligent performance of the operations of producing the opium poppy in appropriate number and quality; and

(4) who complies with such additional requirements as the Secretary shall deem and prescribe as reasonably necessary for the controlled production and distribution of the opium poppy.

Each such license shall be nontransferable and shall be valid only to the extent of the production area and maximum weight of opium poppy yield specified in the license, shall state the locality of the production area, and shall be effective for a period of 1 year from the date of issue and may be renewed, in the discretion of the Secretary, for a like period.

(c) A license to manufacture opium or opium products shall be issued only to a person who, in the opinion of the Secretary, is determined to be a person—

(1) of good moral character;

(2) who possesses a method and facilities, deemed satisfactory to the Secretary, for the efficient and economical extraction of opium or opium products;

(3) who has such experience in manufacturing and marketing other medicinal drugs as to render reasonably probable the orderly and lawful distribution of opium or opium products of suitable quality to supply medical and scientific needs; and

(4) who complies with such additional requirements as the Secretary shall deem and prescribe as reasonably necessary for the controlled production, manufacture, and distribution of the opium poppy, opium, or opium products.

Such license shall be nontransferable, shall state the maximum quantity of opium poppies purchasable or obtainable thereunder, and shall be effective for a period of 1 year from the date of issue and may be renewed, in the discretion of the Secretary, for a like period.

(d) All licenses issued under this section shall be limited to such number, localities, and areas as the Secretary shall determine to be appropriate to supply the medical and scientific needs of the United States for opium or opium products, with due regard to provision for reasonable reserves. Nothing contained in this section shall be construed as requiring the Secretary to issue or renew any license or licenses under the provisions hereof.

(e) The Secretary may revoke or refuse to renew any license issued under this section, if, after due notice and opportunity for hearing, he finds such action to be in the public interest, or finds that the licensee has failed to maintain the requisite qualifications.

§ 815. Distribution by Federal Government; personnel of Treasury Department excepted from prohibitions

(a) The Secretary, whenever in his opinion the medical and scientific needs of the Nation will not be met by importation or licensed production, shall provide for the acquisition of opium poppy seed, for the production of the opium poppy, for the manufacture of opium or opium products, and for the use, sale, giving away, or other proper distribution of opium poppy seed, opium poppies, opium, or opium products by the United States Government either directly or through and with the approval of the head of any agency of the Government, including any Government-owned or controlled corporation.

(b) None of the prohibitions contained in this chapter shall apply to any officer or employee of the United States Treasury Department, who in the performance of his official duties and within the scope of his authority engages in any of the businesses or activities herein described, nor to any other officer or employee of the United States Government, who in the performance of his official duties, within the scope of his authority and with the approval of the Secretary, engages in any of the businesses or activities herein described.

§ 816. Production, purchase, manufacture, sale or transportation by unlicensed persons

(a) No person who is not the holder of a proper license authorizing him to produce the opium poppy, duly issued to him by the Secretary, shall produce or attempt to produce the opium poppy, or permit the production of the opium poppy in or upon any place owned, occupied, used, or controlled by him.

(b) Except as otherwise provided in subsection (e) of this section, no person shall—

(1) purchase or in any other manner obtain the opium poppy, unless he is the holder of a proper license to produce the opium poppy or to manufacture opium or opium products, duly issued to him by the Secretary; or

(2) sell, transfer, convey any interest in, or give away the opium poppy to any person not so licensed.

(c) No person who is not the holder of a proper license authorizing him to manufacture opium or opium products, duly issued to him by the Secretary, shall manufacture, compound, or extract opium or opium products from the opium poppy.

(d) No person who is not the holder of a proper license authorizing him to produce the opium poppy or to manufacture opium or opium products, duly issued to him by the Secretary, shall send, ship, carry, transport, or deliver any opium poppies within any State, Territory, the District of Columbia, the Canal Zone, or insular possession of the United States, or from any State, Territory, the District of Columbia, the Canal Zone, or insular possession of the United States, into any other State, Territory, the District of Columbia, the Canal Zone, or insular possession of the United States. Nothing contained in this subsection shall apply to any common carrier engaged in transporting opium poppies pursuant to an agreement with a person duly licensed under section 814 of this title as a producer of the opium poppy, or as a manufacturer of opium or opium products, or to any employee of any person so licensed while acting within the scope of his employment.

(e) No person shall sell, transfer, convey any interest in, or give away, except to a person duly licensed under section 814 of this title, opium poppy seed for the purpose of opium poppy production, nor shall any unlicensed person purchase or otherwise obtain such seed for such purpose; but the seed obtained from opium poppies produced by licensed producers may be sold or transferred by such producers to unlicensed persons, and may thereafter be resold or transferred, for ultimate consumption as a spice seed or for the manufacture of oil.

§ 817. Seizure and forfeiture of opium poppies illegally possessed; disposition

(a) Any opium poppies produced or otherwise obtained in violation of any of the provisions of this chapter shall be seized by, and forfeited to, the United States.

(b) The failure, upon demand by the Secretary, or his duly authorized agent, of the person in occupancy or control of land or premises upon which opium poppies are being produced or stored to produce an appropriate license, or proof that he is the holder thereof, shall constitute authority for the seizure and forfeiture of such opium poppies.

(c) The Secretary, or his duly authorized agent, shall have authority to enter upon any land (but not a dwelling house, unless pursuant to a search warrant issued according to law) where opium poppies are being produced or stored, for the purposes of enforcing the provisions of this chapter.

(d) Any opium poppies, the owner or owners of which are unknown, seized by or coming into the possession of the United States in the enforcement of this chapter shall be forfeited to the United States.

(e) The Secretary shall destroy any opium poppies seized by, and forfeited to, the United States under this section, or deliver them for medical or scientific purposes to any department, bureau, or other agency of the United States Government, upon proper application therefor under such regulations as he may prescribe.

§ 818. Penalties

(a) Any person who violates any provision of this chapter shall be fined not more than $2,000 or imprisoned not more than 5 years, or both.

(b) Any person who willfully makes, aids, or assists in the making of, or procures, counsels, or advises in the preparation or presentation of, a false or fraudulent statement in any application for a license under the provisions of section 814 of this title shall (whether or not such false or fraudulent statement is made by or with the knowledge or consent of the person authorized to present the application) be fined not more than $2,000 or imprisoned not more than 1 year, or both.

§ 819. Pleading, presumptions, and burden of proof

It shall not be necessary to negative any exemptions set forth in this chapter in any complaint, information, indictment, or other writ or proceeding laid or brought under this chapter and the burden of proof of any such exemption shall be upon the defendant. In the absence of the production of an appropriate license by the defendant, he shall be presumed not to have been duly licensed in accordance with section 814 of this title and the burden of proof shall be on the defendant to rebut such presumption.

§ 820. Application to, and of, other laws

Nothing in this chapter shall be construed to repeal any provisions of the Internal Revenue Code, but nothing in that code shall apply to the production, sale, or transfer of opium poppies, when such opium poppies are lawfully produced, sold, or transferred by persons duly and properly licensed under section 814 of this title in conformity with the regulations issued pursuant to such section.

§ 821. Territorial application

The provisions of this chapter shall apply to the several States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, the Canal Zone, Puerto Rico, and the other insular possessions of the United States.

§ 822. Short title

This chapter may be cited as the Opium Poppy Control Act.

SEC. 2. Section 1 of the act approved May 29, 1884 (ch. 60, 23 Stat. 31; 7 U. S. C., sec 391), as amended, is amended to read as follows:

"SEC. 1. There shall be in the Department of Agriculture a Bureau of Animal Industry. The Secretary of Agriculture is authorized to appoint a chief thereof, who shall be a competent veterinary surgeon. The functions of the Bureau of Animal Industry shall be vested in the Secretary of Agriculture or, subject to his direction and control, in such officers and agencies of the Department of Agriculture as he may designate. Such functions shall include the duty to investigate and report upon the condition of the domestic animals and poultry of the United States, their protection and use, and also to inquire into and report the causes of communicable diseases among them, and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country."

SEC. 3. The first paragraph of section 1 of the act approved March 28, 1928 (ch. 266, 45 Stat. 374; 41 U. S. C., sec. 529a), as amended, is amended (1) by striking out "Division of Disbursement", as now appearing in such paragraph, and, in lieu thereof, inserting "Fiscal Service"; and (2) by striking out, after the first semicolon, "the act entitled 'An act to amend an act entitled "an act to prohibit the importation and use of opium for other than medicinal purposes", approved February 9, 1909', as amended, known as the "Narcotic Drugs Import and Export Act", and inserting in lieu thereof "chapter 93 of title 21, United States Code."

SEC. 4. (a) Subsection (a) of section 302 of the act approved July 1, 1944 (ch. 373, title III, 58 Stat. 692; 42 U. S. C., sec. 242) is amended by striking out the reference "the Narcotic Drugs Import and Export Act, as amended," appearing at the end of such subsection and inserting in lieu thereof "chapter 93 of title 21, United States Code."

(b) Subsection (d) of section 7 of the act approved August 9, 1939 (ch. 618, 53 Stat. 1293; 49 U. S. C., sec. 787 (d)), as amended, is amended by striking out the reference "the Narcotic Drugs Import and Export Act," appearing in such subsection.

SEC. 5. The opening clause of subsection (f) of section 15 of the Federal Trade Commission Act (15 U. S. C., sec. 55 (f)), as amended, which subsection was added to such section 15 by section 4 (b) of the act approved March 16, 1950 (ch. 61, 64 Stat. 21), is amended by striking out "and section 407 of the Federal Food, Drug, and Cosmetic Act, as amended."

SEC. 6. If any part of title 21, United States Code, as set out in section 1 of this act, shall be held invalid, the remainder of such title shall not be affected thereby.

SEC. 7. No inference of a legislative construction is to be drawn by reason of the chapter in title 21, United States Code, as set out in section 1 of this act, in which any section is placed, nor by reason of the catchlines used in such title.

SEC. 8. All orders, rules, and regulations in effect on the effective date of this act, which were adopted under the authority of the acts of Congress from which title 21, United States Code, as set out in section 1 of this act, is derived, shall continue in effect until modified, amended, superseded, or repealed under the authority of such title.

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of title 21, United States Code, as set out in section 1 of this act.

SEC. 10. The provisions of this act shall take effect on January 1, 1955.

SEC. 11. The sections or parts thereof of the Statutes at Large enumerated in the following schedule are hereby repealed. Any rights or liabilities now existing under such sections or parts thereof shall not be affected by this repeal.

Statutes at Large						U. S. Code	
Date	Chapter	Title	Section	Volume	Page	Title	Section
1884—May 29	60		2, 3, 4, 5, 6, 7, 8, 9	23	31-33	21	112, 113, 114, 117-120, 130.
Do	60		10	23	33	7 21	391 note. 112 note.
1887—Feb. 23	210		1, 2, 3	24	409	21	191-193.
1890—Aug. 30	839		1, 2, 3	26	414, 415	21	1 note, 71 note.
Do	839		4, 6, 7, 8, 9, 10	26	415-417	21	18 ,101-105.
1897—Mar. 2	358		1, 2, 3, 4, 5, 6, 7, 8, 9, 10	29	604-607	21	41-46, 47-50.
1902—May 9	784		1	32	193	21	25.
July 1	1357		1, 2	32	632	21	16, 17.
1903—Feb. 2	349		1, 2, 3	32	791, 792	21	111, 112, 113, 120-122.
1905—Mar. 3	1496		1, 2, 3, 4, 6	33	1264, 1265	21	123-127.
1906—June 30	3913 (part)			34	[1] 679	21	95.
1907—Mar. 4	2907 (part)			34	[2] 1260-1265	21	71-92.
1908—May 16	170			35	163	21	41.
May 23	192 (part)			35	[3] 254	21	94a.
1909—Feb. 9	[4] 100		1, 2, 3, 4, 5, 6, 7, 8, 9	35	614	21	171-173, 174, 176-184, 185.
1910—May 26	256 (part)			36	[5] 440	21	131.
1913—Mar. 4	145 (part)			37	[6] 832, 833	21	151-158.
1914—June 30	131 (part)			38	[7] 419	21	128.
Do	131 (part)			38	[8] 420	21	94.
1915—Mar. 3	74		1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13	38	817-822	21	201-215.
Mar. 4	144 (part)			38	[9] 1102	21	24.
1917—Aug. 10	52		9	40	275	21	106, 107.
1918—Nov. 21	212		3	40	1048, 1049	21	106, 107.
1919—July 24	26 (part)			41	[10] 241	21	96.
Do	26 (part)			41	[11] 271	21	321b.
1920—May 31	217 (part)			41	[12] 699	21	116.
Do	217 (part)			41	[13] 712, 713	21	41-44, 46-50.
1923—Mar. 4	262		1, 2, 3	42	1486, 1487	21	61-63.
Do	262		4 [14]			21	64.
Do	268			42	1500	21	321a.
1926—June 28	700		1, 2	44	774, 775	21	104, 115, 115 note.
1927—Jan. 18	39 (part)			44	[15] 984	21	26.
Feb. 15	155		1, 2, 3 4, 5, 6, 7, 8, 9	44	1101-1103	21	141-149.
Mar. 4	489		1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12	44	1406-1410	15	401-409, 409 note, 410, 411.
1928—Feb. 7	30			45	59	7 21	391.[16] 111-115, 117-126, 128, 130.
May 16	572 (part)			45	[17] 548	21	26.
1929—Feb. 16	22 (part)			45	[18] 1198	21	26.
1930—June 14	488		6, 7, 8	46	587	21	173a, 197, 198.
July 3	829			46	850	21	199.
1931—Feb. 28	348			46	1460	21	104.
1934—June 22	712			48	1204	21	372a.
June 26	756		2 [19]	48	1225	21	95.
1935—Aug. 27	739			49	871	21	372a.
1938—June 25	675		All	52	1040-1059	21	301, 321, 321a, 321b, 331-337, 341-346, 351-357, 361-364, 371, 372, 372a, 373-376, 381, 391, 392, and notes thereunder, and notes preceding 61, 141.
June 29	810			52	1235	21	91.
1939—May 2	107	I	1 (part)	53	[20] 631	21	376 note.
June 23	242		1, 2, 3	53	853, 854	21	342 note, 343 note, 351 note, 352, 352 note, 361 note, 362 note.
1940—June 27	437	I	101 (part)	54	[21] 632	21	46a.
1941—July 1	269	II (part)		55	[22] 478	21	46a.
July 11	289		1, 2	55	584	21	184a, 184a note.
Dec. 22	613		1, 2, 3, 4	55	851, 852	21	331, 352, 356, 356 note.
1942—Dec. 11	720		1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17.	56	1045-1049	21	188, 188 note, 188a-188n.
1943—July 12	221	II	1 (part)	57	[23] 500	21	372a.
1944—Mar. 2	77			58	108	21	321c.
Sept. 21	412	I	101(a)	58	734	21	114a.
1945—July 6	281		1, 2, 3	59	463, 464	21	331, 352, 357.
1947—Feb. 28	8		1, 2, 3, 4	61	7, 8	21	114b, 114b note, 114c, 114d.
Mar. 10	16		1, 2, 3	61	11, 12	21	331, 352, 357.
July 30	356	I	1 (part)	61	[24] 531, 532	21	97, 97a, 97b, 97c, 97d.
1948—Apr. 24	229			62	198	21	113a.
June 5	423			62	344	21	98.
June 16	477		1, 2	62	458	21	114e, 114f.
June 24	613		1, 2	62	582	21	331, 334.
June 25	646		5	62	986	21	193.
1949—June 29	280	I	101 (part)	63	[25] 331		
July 13	305		1, 2	63	409, 410	21	352, 357.
Oct. 18	696		1, 2, 3	63	882, 883	21	381.
1950—Mar. 16	61		3, 6	64	20, 22	21	331, 342, 347, 347a, 347b.
1951—Oct. 26	578		1, 2, 3	65	648, 649	21	333, 333 note, 353, 353 note.
Oct. 30	637		1, 2	65	693, 694	21	114a, 114a-1.
Nov. 2	666		1	65	767, 768	21	174.
1953—Aug. 5	334		1, 2	67	389	21	352, 357.
Aug. 7	350		1, 2, 3	67	476, 477	21	331, 334, 374.
Aug. 8	381			67	493, 494	21	114a.
Do	394		8	67	506	21	171.
1954—Apr. 15	143		1, 2	68	54, 55	21	341, 371.

[1] Only the second full paragraph on this page, of which the first sentence was classified to the UnitedStates Code, 1946 ed., as sec. 95 of title 21 thereof, and the remainder was not classified to such code.

[2] Commencing with the paragraph headed "For meat inspection," on p. 1260, and continuing on to the bottom of such page, inclusive; all that appears on pp. 1261, 1262, 1263, and 1264, including the paragraph which commences on p. 1264 and ends on p. 1265; and the first full paragraph on p. 1265.

[3] Only the proviso which commences near the bottom of this page, and ends on p. 255 with the word "certified."

[4] As amended by acts Jan. 17, 1914, ch. 9, 38 Stat. 275-277; May 26, 1922, ch. 202, §§ 1-4, 42 Stat. 596-598; June 7, 1924, ch. 352, 43 Stat. 657; July 1, 1944, ch. 377, § 8, 58 Stat. 721; Mar. 8, 1946, ch. 81, § 7, 60 Stat. 39; Nov. 2, 1951, ch. 666, §§ 1, 5 (1), 65 Stat. 767, 769; June 27, 1952, ch. 477, § 403 (a) (10), 66 Stat. 279.

[5] Only the third paragraph under the heading "Miscellaneous" appearing on this page.

[6] All of the paragraph commencing on p. 832, "That from and after July first", and ending on page 833, except the final sentence of such paragraph, commencing, "That there is hereby appropriated."

[7] Only the first proviso appearing on this page.

[8] Only the proviso in the paragraph commencing, "Meat inspection, Bureau of Animal Industry", and appearing on this page.

[9] Only the proviso appearing on this page.

[10] All of the paragraph beginning "Meat inspection, Bureau of Animal Industry", appearing on this page except the first sentence thereof.

[11] All of the fourth full paragraph appearing on this page.

[12] Only the last 2 provisos in the paragraph which begins on p. 698 and ends on p. 699, said 2 provisos appearing on p. 699.

[13] All of the paragraph which begins on p. 712 and ends on p. 713, except the final sentence of such paragraph.

[14] As added by act Aug. 27, 1935, ch. 743, 49 Stat. 885.

[15] Only the proviso in the paragraph headed "Meat inspection", appearing on this page.

[16] The amendments made by the act of Feb. 7, 1928, ch. 30, to section 1 of act May 29, 1884, ch. 60 (23 Stat. 31; 7 U. S. C., sec. 391), are also repealed, but such repeal shall not be construed as repealing such sec. 1 of the act of 1884 (7 U. S. C., sec. 391) which, as amended by another section of this act, shall remain in full force and effect.

[17] The first proviso appearing on this page.

[18] The proviso in the paragraph headed "Meat inspection," appearing on this page.

[19] Only that part of this section which amends that part of act June 30, 1906, ch. 3913, 34 Stat. 679, relating to a permanent appropriation for the inspection of cattle, sheep, swine, and goats and the meat and meat food products thereof, and expenses incidental to such inspection, including the proviso in subsec. (a), and item (3) of subsec. (b), of such sec. 2.

[20] In the paragraph beginning on page 631 and ending on page 632, only the words reading, "which section is hereby made immediately effective" appearing on page 631.

[21] Only the proviso in the paragraph headed "Food and Drug Administration", appearing on this page.

[22] Only the proviso in the paragraph beginning "Enforcement of Tea Importation Act," appearing on this page.

[23] Only the following words in the second paragraph appearing on this page: "which may hereafter be cited as section 702A of the Federal Food, Drug, and Cosmetic Act."

[24] All of the paragraph beginning "Meat inspection:", which commences on page 531 and ends on page 532.

[25] The two provisos in the last paragraph on this page.

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

REVISION OF TITLE 13, UNITED STATES CODE

The Clerk called the bill (H. R. 9729) to revise, codify, and enact into law title 13, of the United States Code, entitled "Census."

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

Mr. REES of Kansas. Mr. Speaker, reserving the right to object, I would like to inquire of the author of this bill with respect to section 10 of the bill which requires the Postmaster General to transmit free of postage matters relating to the census. The law now requires the departments and agencies to reimburse the Post Office Department for the transmission of official Government mail matter. Is that provision changed in anyway?

Mr. McCULLOCH. Mr. Speaker, if the gentleman will yield, I am glad to answer the question with an unequivocal "No." There was no intention on the part of the author of this bill or on the part of any member of the Committee on the Judiciary to make any change in the existing law of the land.

Mr. REES of Kansas. I withdraw my reservation of objection, Mr. Speaker.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That title 13 of the United States Code, entitled "Census," is revised, codified, and enacted into law, and may be cited as "Title 13, United States Code, section—", as follows:

TITLE 13—CENSUS

Chapter	Sec.
1. Administration	1
3. Collection and publication of statistics	41
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CHAPTER 1—ADMINISTRATION

Subchapter I—General provisions

Sec.
1. Definitions.
2. Bureau of the Census.
3. Seal.
4. Functions of Secretary; delegation.
5. Schedules; number, form, and scope of inquiries.
6. Requests to other departments and offices for information.
7. Printing; requisitions upon Public Printer; publication of bulletins and reports.
8. Certified copies of certain returns; other data; restriction on use; disposition of fees received.
9. Information as confidential; exception.
10. Mail matter.
11. Authorization of appropriations.

Subchapter II—Officers and employees

21. Director of the Census; duties.
22. Qualifications of permanent personnel.
23. Additional officers and employees.
24. Special agents, supervisors, supervisors' clerks, enumerators, and interpreters; compensation; details.
25. Duties of supervisors, enumerators, and other employees.

SUBCHAPTER I—GENERAL PROVISIONS

§ 1. Definitions

As used in this title, unless the context requires another meaning, or unless it is otherwise provided—

"Bureau" means the Bureau of the Census;

"Secretary" means the Secretary of Commerce.

§ 2. Bureau of the Census

The Bureau is continued as an agency within, and under the jurisdiction of, the Department of Commerce.

§ 3. Seal

The Bureau shall have a seal containing such device as has been selected heretofore, or as the Secretary may select hereafter. A description of such seal with an impression thereof shall be filed in the office of the Secretary of State. The seal shall remain in the custody of the Secretary or such officer or employee of the Bureau as he designates, and shall be affixed to all certificates and attestations that may be required from the Bureau.

§ 4. Functions of Secretary; delegation

The Secretary shall perform the functions and duties imposed upon him by this title or he may delegate any of them to such officers, employees, bureaus or agencies of the Department of Commerce as he designates.

§ 5. Schedules; number, form, and scope of inquiries

The Secretary shall prepare schedules, and shall determine the inquiries, and the number, form, and subdivisions thereof; for the statistics, surveys, and censuses provided for in this title.

§ 6. Requests to other departments and offices for information

The Secretary, whenever he deems it advisable, may call upon any other department or office of the Government for information pertinent to the work provided for in this title.

§ 7. Printing; requisitions upon Public Printer; publication of bulletins and reports

The Secretary may make requisition upon the Public Printer for miscellaneous printing necessary to carry out the provisions of this title. He may further have printed by the Public Printer, in such editions as he deems necessary, preliminary and other census bulletins, and final reports of the results of the several investigations authorized by this title, and may publish and distribute such bulletins and reports.

§ 8. Certified copies of certain returns; other data; restriction on use; disposition of fees received

(a) The Secretary may, at his discretion, upon the written request of the governor of any State or Territory or of a court of record, furnish such governor or court of record with certified copies of so much of the population, agriculture, and housing schedules prepared under the authority of subchapter II of chapter 5 of this title as may be requested, upon the payment of the actual or estimated cost of searching the records and $1 for certification.

(b) The Secretary may furnish to individuals such data from the population and housing schedules as may be desired for genealogical or other proper purposes, upon payment of the actual cost of searching the records and $1 for supplying a certificate.

(c) In no case shall information furnished under the authority of this section be used to the detriment of the persons to whom such information relates.

(d) All moneys received by the Department of Commerce or any bureau or agency thereof in payment for the work covered by this section shall be deposited to the credit of an appropriation for collecting statistics.

§ 9. Information as confidential; exception

(a) Neither the Secretary, nor any other officer or employee of the Department of Commerce or bureau or agency thereof, may, except as provided in section 8 of this title—

(1) use the information furnished under the provisions of this title for any purpose other than the statistical purposes for which it is supplied; or

(2) make any publication whereby the data furnished by any particular establishment or individual under this title can be identified; or

(3) permit anyone other than the sworn officers and employees of the Department or bureau or agency thereof to examine the individual reports.

(b) The provisions of subsection (a) of this section relating to the confidential treatment of data for particular individuals and establishments, shall not apply to the censuses of governments provided for by subchapter III of chapter 5 of this title, nor to interim current data provided for by subchapter IV of chapter 5 of this title as to the subjects covered by censuses of governments, with respect to any information obtained therefor that is compiled from, or customarily provided in, public records.

§ 10. Mail matter

The Post Office Department shall transmit free of postage, and by registered mail if necessary, and so marked, all mail matter, of whatever class or weight, relating to any collection of statistics, survey, or census provided for by this title and addressed to the Department of Commerce or to any bureau or agency thereof authorized by the Secretary to make such collection or survey or to take such census, or addressed to any official thereof, and endorsed "Official business," followed by the name of such Department, bureau, or agency, as the case may be.

§ 11. Authorization of appropriations

There is authorized to be appropriated, out of the Treasury of the United States, such sums as may be necessary to carry out all provisions of this title.

SUBCHAPTER II—OFFICERS AND EMPLOYEES

§ 21. Director of the census; duties

The Bureau shall be headed by a Director of the Census, appointed by the President, by and with the advice and consent of the Senate. The Director shall perform such duties as may be imposed upon him by law, regulations, or orders of the Secretary.

§ 22. Qualifications of permanent personnel

All permanent officers and employees of the Bureau shall be citizens of the United States, and shall be appointed and compensated under the civil service laws and the Classification Act of 1949, as amended or supplemented.

§ 23. Additional officers and employees

(a) The Secretary may appoint, without regard to the Classification Act of 1949, at rates of compensation to be fixed by him, as many temporary employees in the Departmental Service as may be necessary to meet the requirements of the work provided for in this title. Census employees who are transferred to any such temporary positions shall not lose their permanent civil service status by reason of the transfer. The Secretary shall make all such temporary appointments in conformity with the civil service laws and rules.

(b) In addition to employees of the Department of Commerce, employees of other departments and independent offices of the Government may, with the consent of the head of the respective department or office, be employed and compensated for field work in connection with the work provided for in this title.

§ 24. Special agents, supervisors, supervisors' clerks, enumerators, and interpreters; details

(a) The Secretary may appoint special agents, supervisors, supervisors' clerks, enumerators, and interpreters on a temporary basis to carry out the provisions of this title. Such appointments shall be made without regard to the civil-service laws or the Classification Act of 1949. The enlisted men and officers of the armed services may be appointed and compensated for the enumeration of personnel of the Armed Forces.

(b) The special agents, supervisors, supervisors' clerks, enumerators, and interpreters appointed under this section shall receive compensation at rates fixed by the Secretary; and the compensation on a piece-price basis may be fixed without limitation as to the amount earned per diem.

(c) The Secretary may authorize the expenditure of necessary sums for travel expenses for attendance at training courses held by the Department of Commerce with respect to any of the work provided for in this title.

§ 25. Duties of supervisors, enumerators, and other employees

(a) Each supervisor shall perform the duties imposed upon him by the Secretary in the enforcement of chapter 5 of this title in accordance with the Secretary's orders and instructions.

(b) Each enumerator or other employee detailed to serve as enumerator shall be charged with the collection in his subdivision of the facts and statistics called for on such schedules as the Secretary determines shall be used by him in connection with any census or survey provided for by chapter 5 of this title.

(c) Each enumerator shall visit personally each dwelling house in his subdivision, and each family therein, and each individual living out of a family in any place of abode, and by inquiry made of the head of each family, or of the member thereof deemed most competent and trustworthy, or of such individual living out of a family, shall obtain every item of information and all particulars required for any census or survey provided for in chapter 5 of this title. In case no person is found at the usual place of abode of such family, or individual living out of a family, competent to answer the inquiries, the census employee may obtain the required information as nearly as may be practicable from the families or persons living nearest to such place of abode who may be competent to answer such inquiries.

CHAPTER 3—COLLECTION AND PUBLICATION OF STATISTICS

Subchapter I—Cotton

Sec.
41. Collection and publication.
42. Contents of reports; number of bales of linters; distribution; publication by Department of Agriculture.
43. Records and reports of cotton ginners.
44. Foreign cotton statistics.
45. Simultaneous publication of cotton reports.

Subchapter II—Oilseeds, nuts, and kernels; fats, oils, and greases

61. Collection and publication.
62. Additional statistics.
63. Duplicate collection of statistics prohibited; access to available statistics.

Subchapter III—Miscellaneous

101. Defective, dependent, and delinquent classes; crime.
102. Religion.
103. Designation of reports.

Subchapter I—Cotton

§ 41. Collection and publication

The Secretary shall collect and publish statistics concerning the—

(1) amount of cotton ginned;

(2) quality of raw cotton consumed in manufacturing establishments of every character;

(3) quantity of baled cotton on hand;

(4) number of active consuming cotton spindles;

(5) number of active spindle hours; and

(6) quantity of cotton imported and exported, with the country of origin and destination.

§ 42. Contents of reports; number of bales of linters; distribution; publication by Department of Agriculture

(a) The statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to August 1, August 16, September 1, September 16, October 1, October 18, November 1, November 14, December 1, December 13, January 16, and March 1; but the Secretary may limit the canvasses of August 1 and August 16 to those sections of the cotton-growing States in which cotton has been ginned.

(b) The quantity of cotton consumed in manufacturing establishments, the quantity of baled cotton on hand, the number of active consuming cotton spindles, the number of active spindle-hours, and the statistics of cotton imported and exported shall relate to each month, and shall be published as soon as possible after the close of the month.

(c) In collecting and publishing statistics of cotton on hand in warehouses and other storage establishments, and of cotton known as the "carry-over" in the United States, the Secretary shall ascertain and publish as a separate item in the report of cotton statistics the number of bales of linters as distinguished from the number of bales of cotton.

(d) The Secretary shall furnish to the Department of Agriculture, immediately prior to the publication of each report of that Department regarding the cotton crop, the latest available statistics hereinbefore mentioned, and the Department of Agriculture shall publish the same in connection with each of its reports concerning cotton.

§ 43. Records and reports of cotton ginners

Every cotton ginner shall keep a record of the county or parish in which each bale of cotton ginned by him is grown and report at the March canvass of each year a segregation of the total number of bales ginned by counties or parishes in which grown.

§ 44. Foreign cotton statistics

In addition to the information regarding cotton in the United States provided for in this subchapter, the Secretary shall compile, by correspondence or the use of published reports and documents, any available information concerning the production, consumption, and stocks of cotton in foreign countries, and the number of cotton-consuming spindles in such countries. Each report published by the Department of Commerce or agency or bureau thereof regarding cotton shall contain an abstract of the latest available information obtained under the provisions of this section, and the Secretary shall furnish the same to the Department of Agriculture for publication in connection with the reports of that department concerning cotton in the same manner as in the case of statistics relating to the United States.

§ 45. Simultaneous publication of cotton reports

The reports of cotton ginned to the dates of which the Department of Agriculture is also required to issue cotton crop reports shall be issued simultaneously with the cotton crop reports of that Department, the two reports to be issued from the same place at 11 o'clock antemeridian on the 8th day following that on which the respective reports relate. When such date of release falls on Sunday, a legal holiday, or other day which pursuant to statute or Executive order is a nonworkday in the Department of Commerce at Washington generally, the reports shall be issued at 11 o'clock antemeridian of the next succeeding workday.

SUBCHAPTER II—OILSEEDS, NUTS, AND KERNELS; FATS, OILS, AND GREASES

§ 61. Collection and publication

(a) The Secretary shall collect, collate, and publish monthly statistics concerning—

(1) the quantities of—

(A) cottonseed, soybeans, peanuts, flaxseed, corn germs, copra, sesame seed, babassu nuts and kernels, and other oilseeds, nuts, and kernels received, crushed, and on hand at oil mills;

(B) crude and refined oils, cakes, and meals, and other primary products, by type or kind, of the seeds, nuts, and kernels referred to in clause (A) of this paragraph, manufactured, shipped out, and on hand at oil mills and processing establishments;

(C) crude and refined vegetable oils, by type or kind, used by class of product and held by manufacturers of vegetable shortening, margarine, soap, and other principal products using large quantities of vegetable oils;

(D) crude and refined vegetable oils, by type or kind, held in warehouses and in transit to consuming establishments; and

(2) the quantities, by types or kinds, of—

(A) animal fats and oils and greases produced;

(B) animal fats and oils and greases shipped and held by producers;

(C) animal fats and oils and greases, fish and marine mammal oils used by class of product and held by manufacturers of shortening, margarine, soap, and other principal products which require the use of large quantities of animal fats and oils and greases, fish and marine mammal oils;

(D) animal fats and oils and greases, fish and marine mammal oils held in warehouses, cold storage, and in transit to consuming establishments.

(b) The Secretary shall not be required to collect, more frequently than he deems necessary to provide reliable statistical reports, information from any person who produces, holds, or consumes fats and oils in inconsequential quantities.

§ 62. Additional statistics

This subchapter does not restrict or limit the Secretary in the collection and publication, under the general authority of the Secretary, of such statistics on fats and oils or products thereof not specifically required in this subchapter, as he deems to be in the public interest.

§ 63. Duplicate collection of statistics prohibited; access to available statistics

Statistics required under Federal law, as of the effective date of this title, to be collected by any other Federal department or agency in a manner comparable both as to form and period of time to the collection of statistics provided for by this subchapter shall not be collected by the Secretary under the authority of this subchapter. Immediately upon his request, the Secretary shall have access to any such statistics and shall include them in the publication required by this subchapter.

SUBCHAPTER III—MISCELLANEOUS

§ 101. Defective, dependent, and delinquent classes; crime

(a) The Secretary may collect decennially statistics relating—

(1) to the defective, dependent, and delinquent classes; and

(2) to crime, including judicial statistics pertaining thereto.

(b) The statistics authorized by subsection (a) of this section shall include information upon the following questions, namely: age, sex, color, nativity, parentage, literacy by race, color, nativity, and parentage,

and such other questions relating to such subjects as the Secretary deems proper.

(c) In addition to the decennial collections authorized by subsections (a) and (b) of this section, the Secretary may compile and publish annually statistics relating to crime and to the defective, dependent, and delinquent classes.

§ 102. Religion

The Secretary may collect decennially statistics relating to religious bodies.

§ 103. Designation of reports

All reports covering any of the statistics collected under the provisions of this subchapter shall be designated as "Special Reports" followed by the name of whatever bureau or agency of the Department of Commerce is designated by the Secretary to collect and compile such statistics.

CHAPTER 5—CENSUSES

Subchapter I—Manufactures, mineral industries, and other businesses

Sec.
131. Collection and publication; 5-year periods.
132. Controlling law; effect on other agencies.

Subchapter II—Population, housing, agriculture, irrigation, drainage, and unemployment

Sec.
141. Population, agriculture, irrigation, drainage, and unemployment; territory included.
142. Housing; scope of inquiries; territory included; supplementary statistics.
143. Decennial census period; completion of reports upon inquiries.
144. Restriction on inquiries.
145. Commencement of inquiries as to population, agriculture, and housing; time for completion.
146. Mid-decade censuses of agriculture; exclusion of certain areas; preliminary statistics.

Subchapter III—Governments

Sec.
161. Quinquennial censuses; inclusion of certain data.
162. Acquisition of reports and material from governmental units, private persons, and agencies.
163. Authority of other agencies.

Subchapter IV—Interim current data

Sec.
181. Surveys.

SUBCHAPTER I—MANUFACTURES, MINERAL INDUSTRIES, AND OTHER BUSINESSES

§ 131. Collection and publication; 5-year periods

The Secretary shall take, compile, and publish censuses of manufactures, of mineral industries, and of other businesses, including the distributive trades, service establishments, and transportation (exclusive of means of transportation for which statistics are required by law to be filed with a designated regulatory body), in the year 1954 and every fifth year thereafter, and each such census shall relate to the year immediately preceding the taking thereof: *Provided,* That the censuses of manufactures, of mineral industries, and of other businesses, including the distributive trades and service establishments, directed to be taken in the year 1954 relating to the year 1953, shall be taken instead in the year 1955 relating to year 1954. The censuses provided for in this section shall include the United States and its Territories and such possessions as the Secretary may determine.

§ 132. Controlling law; effect on other agencies

To the extent that the provisions of this subchapter or subchapter IV of this chapter conflict with any other provision of this title or other law, pertaining to the Secretary or the Department of Commerce, the provisions of this title shall control; but nothing in this title shall be deemed to revoke or impair the authority of any other Federal agency with respect to the collection or release of information.

SUBCHAPTER II—POPULATION, HOUSING, AGRICULTURE, IRRIGATION, DRAINAGE, AND UNEMPLOYMENT

§ 141. Population, agriculture, irrigation, drainage, and unemployment; territory included

The Secretary shall, in the year 1960 and every 10 years thereafter, take a census of population, agriculture, irrigation, drainage, and unemployment in each State, the District of Columbia, Alaska, Hawaii, and Puerto Rico. The respective governors of Guam, Samoa, the Virgin Islands, and the Canal Zone shall, in the same year, take censuses of such islands and reservation in accordance with plans prescribed or approved by the Secretary.

§ 142. Housing; scope of inquiries; territory included; supplementary statistics

The Secretary shall take a census of housing in each State, the District of Columbia, Hawaii, Puerto Rico, the Virgin Islands, and Alaska, in the year 1960 and every 10 years thereafter in conjunction with, at the same time, and as a part of the population inquiry of the decennial census provided for in section 141 of this title in order to provide information concerning the number, characteristics (including utilities and equipment), and geographical distribution of dwelling units in the United States. The Secretary may collect such supplementary statistics (either in advance of or after the taking of such census) as are necessary to the completion of such census.

§ 143. Decennial census period: completion of reports upon inquiries

(a) The period of 3 years beginning the 1st day of January in the year 1960 and every 10th year thereafter shall be known as the decennial census period, and, except as provided in subsection (b) of this section, the reports upon the inquiries provided for in sections 141 and 142 of this title shall be completed within such period.

(b) The tabulation of total population by States as required for the apportionment of Representatives shall be completed within 8 months from the beginning of the enumeration and reported by the Secretary to the President of the United States.

§ 144. Restriction on inquiries

The censuses provided for by sections 141 and 142 of this title shall be restricted to inquiries relating to population, to agriculture, to irrigation, to drainage, to unemployment, and to housing.

§ 145. Commencement of inquiries as to population, agriculture, and housing; time for completion

(a) The census of the population and of agriculture and of housing required by sections 141 and 142 of this title shall be taken as of the 1st day of April, and each enumerator shall commence the enumeration of his district on the day following thereafter unless the Secretary changes the date of commencement of the enumeration in such district by reason of climatic or other conditions which would materially interfere with the proper conduct of the work; but in any event, except as provided in subsection (b) of this section, each enumerator shall prepare the returns hereinbefore required to be made and forward the same to the supervisor of his district within 30 days from the commencement of the enumeration of his district.

(b) In any city having 2,500 inhabitants or more under the preceding census the enumeration of the population shall be completed within 2 weeks from the commencement thereof.

§ 146. Mid-decade censuses of agriculture; exclusion of certain areas; preliminary statistics

(a) The Secretary shall take, beginning in the month of October 1954, and in the same month of every 10th year therafter, a census of agriculture. The census provided for by this section shall include each State, but, except as provided in subsection (b) of this section, shall not include the District of Columbia, Alaska, Hawaii, Puerto Rico, or such other areas or territory over which the United States exercises sovereignty or jurisdiction.

(b) As to the areas excluded from the census provided for in subsection (a) of this section, the data available from various Government sources shall be included as an appendix to the report of such census.

(c) The Secretary may collect such preliminary or supplementary statistics, either in advance of or after taking of each census provided for in subsection (a) of this section, as are necessary to the initiation, taking, or completion thereof.

SUBCHAPTER III—GOVERNMENTS

§ 161. Quinquennial censuses; inclusion of certain data

The Secretary shall take, compile, and publish for the year 1957 and for every fifth year thereafter a census of governments. Each such census shall include, but shall not be limited to, data on taxes and tax valuations, governmental receipts, expenditures, indebtedness, and employees of States, counties, cities, and other governmental units in the United States and in such of its Territories and possession as may be determined by the Secretary.

§ 162. Acquisition of reports and material from governmental units, private persons, and agencies

The Secretary may acquire by purchase or otherwise from States, counties, cities, or other units of government, or their instrumentalities, or from private persons and agencies such copies of records, reports and other material as may be required for the efficient and economical conduct of the census of governments provided for in this subchapter.

§ 163. Authority of other agencies

This subchapter does not revoke or impair the authority of any other Federal agency with respect to the collection or release of information.

SUBCHAPTER IV—INTERIM CURRENT DATA

§ 181. Surveys

The Secretary may make surveys deemed necessary to furnish annual and other interim current data on the subjects covered by the censuses provided for in this title.

CHAPTER 7—OFFENSES AND PENALTIES

Subchapter I—Officers and employees

Sec.
211. Receiving or securing compensation for appointment of employees.
212. Refusal or neglect of employees to perform duties.
213. False statements, certificates, and information.
214. Wrongful disclosure of information.

Subchapter II—Other persons

221. Refusal or neglect to answer questions; false answers.
222. Giving suggestions or information with intent to cause inaccurate enumeration of population.

223. Refusal, by owners, proprietors, etc., to assist census employees.
224. Failure to answer questions affecting companies, businesses, religious bodies, and other organizations; false answers.
225. Applicability of penal provisions in certain cases.

Subchapter III—Procedure

241. Evidence.

SUBCHAPTER I—OFFICERS AND EMPLOYEES

§ 211. Receiving or securing compensation for appointment of employees

Whoever—

(1) receives or secures to himself any fee, reward, or compensation as a consideration for the appointment of any person as supervisor, enumerator, clerk, or other officer or employee of the Departments of Commerce or bureau or agency thereof, referred to in subchapter II of chapter 1 of this title; or

(2) in any way receives or secures to himself any part of the compensation paid to any person so appointed—

shall be fined not more than $3,000 or imprisoned not more than 5 years, or both.

§ 212. Refusal or neglect of employees to perform duties

Whoever, being an employee referred to in subchapter II of chapter 1 of this title, and having taken and subscribed the oath of office, neglects or refuses, without justifiable cause, to perform the duties enjoined on such employee by this title, shall be fined not more than $500.

§ 213. False statements, certificates, and information

(a) Whoever, being an officer or employee referred to in subchapter II of chapter 1 of this title, willfully and knowingly swears or affirms falsely as to the truth of any statement required to be made or subscribed by him under oath by or under authority of this title, shall be guilty of perjury, and shall be fined not more than $2,000 or imprisoned not more than 5 years, or both.

(b) Whoever, being an officer or employee referred to in subchapter II of chapter 1 of this title—

(1) willfully and knowingly makes a false certificate or fictitious return; or

(2) knowingly or willfully furnishes or causes to be furnished, or, having been such an officer or employee, knowingly or willfully furnished or caused to be furnished, directly or indirectly, to the Secretary or to any other officer or employee of the Department of Commerce or bureau or agency thereof, any false statement or false information with reference to any inquiry for which he was authorized and required to collect information provided for in this title—

shall be fined not more than $2,000 or imprisoned not more than 5 years, or both.

§ 214. Wrongful disclosure of information

Whoever, being an employee referred to in subchapter II of chapter 1 of this title, having taken and subscribed the oath of office, publishes or communicates, without the written authority of the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof, any information coming into his possession by reason of his employment under the provisions of this title, shall be fined not more than $1,000 or imprisonment not more than 2 years, or both.

SUBCHAPTER II—OTHER PERSONS

§ 221. Refusal or neglect to answer questions; false answers

(a) Whoever, being over 18 years of age, refuses or willfully neglects, when requested by the Secretary, or by any other authorized officer or employee of the Department of Commerce or bureau or agency thereof, acting under the instructions of the Secretary or authorized officer, to answer, to the best of his knowledge, any of the questions on any schedule submitted to him in connection with any census or survey provided for by subchapters I, II, and IV of chapter 5 of this title, applying to himself or to the family to which he belongs or is related, or to the farm or farms of which he or his family is the occupant, shall be fined not more than $100 or imprisoned not more than 60 days, or both.

(b) Whoever, when answering questions described in subsection (a) of this section, and under the conditions or circumstances described in such subsection, willfully gives any answer that is false, shall be fined not more than $500 or imprisoned not more than 1 year, or both.

§ 222. Giving suggestions or information with intent to cause inaccurate enumeration of population

Whoever, either directly or indirectly, offers or renders to any officer or employee of the Department of Commerce or bureau or agency thereof engaged in making an enumeration of population under subchapter II or IV of chapter 5 of this title, any suggestion, advice, information, or assistance of any kind, with the intent or purpose of causing an inaccurate enumeration of population to be made, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

§ 223. Refusal, by owners, proprietors, etc., to assist census employees

Whoever, being the owner, proprietor, manager, superintendent, or agent of any hotel, apartment house, boarding or lodging house, tenement, or other building, refuses or willfully neglects, when requested by the Secretary or by any other officer or employee of the Department of Commerce or bureau or agency thereof, acting under the instructions of the Secretary, to furnish the names of the occupants of such premises, or to give free ingress thereto and egress therefrom to any duly accredited representative of such Department or bureau or agency thereof, so as to permit the collection of statistics with respect to any census provided for in subchapters I and II of chapter 5 of this title, or any survey authorized by subchapter IV of such chapter insofar as such survey relates to any of the subjects for which censuses are provided by such subchapters I and II, including, when relevant to the census or survey being taken or made, the proper and correct enumeration of all persons having their usual place of abode in such premises, shall be fined not more than $500.

§ 224. Failure to answer questions affecting companies, businesses, religious bodies, and other organizations; false answers

Whoever, being the owner, official, agent, person in charge, or assistant to the person in charge, of any company, business institution, establishment, religious body, or organization of any nature whatsoever, neglects or refuses, when requested by the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof, whether such request be made by registered mail, by telegraph, by visiting representative, or by one or more of these methods, to answer completely and correctly to the best of his knowledge all questions relating to his company, business, institution, establishment, religious body, or other organization, or to records or statistics in his official custody, contained on any census or other schedule prepared and submitted to him under the authority of this title, shall be fined not more than $500 or imprisoned not more than 60 days, or both; and if he willfully gives a false answer to any such question, he shall be fined not more than $10,000 or imprisoned not more than 1 year, or both.

§ 255. Applicability of penal provisions in certain cases

(a) In connection with any survey conducted by the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof pursuant to subchapter IV of chapter 5 of this title, the provisions of sections 221, 222, 223, and 224 of this title shall apply—

(1) with respect to the answering of questions and furnishing of information, only to such inquiries as are within the scope of the schedules and of the type and character heretofore used in connection with the taking of complete censuses under subchapters I and II of chapter 5 of this title, or in connection with any censuses hereafter taken pursuant to such subchapters;

(2) only after publication of a determination with reasons therefor certified by the Secretary, or by some other authorized officer or employee of the Department of Commerce or bureau or agency thereof with the approval of the Secretary, that the information called for is needed to aid or permit the efficient performance of essential governmental functions or services, or has significant application to the needs of the public, business, or industry and is not publicly available from nongovernmental or other governmental sources;

(3) in the case of any new survey, only after public notice, given by the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof at least 30 days in advance of requesting a return, that such survey is under consideration.

(b) The provisions for imprisonment provided by sections 221, 222, and 224 of this title shall not apply in connection with any survey conducted pursuant to subchapter II of chapter 3 of this title, or to subchapter IV of chapter 5 of this title.

(c) The provisions of sections 221, 222, 223, and 224 of this title shall not apply to any censuses or surveys of Government provided for by subchapters III and IV of chapter 5 of this title, nor to other surveys provided for by subchapter IV of such chapter which are taken more frequently than annually.

(d) Where the doctrine, teaching, or discipline of any religious denomination or church prohibits the disclosure of information relative to membership, a refusal, in such circumstances, to furnish such information shall not be an offense under this chapter.

SUBCHAPTER III—PROCEDURE

§ 241. Evidence

When any request for information, made by the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof, is made by registered mail or telegram as authorized by section 224 of this title, the return receipt therefor or other written receipt thereof shall be prima facie evidence of an official request in any prosecution under such section.

SEC. 2. Title III of the Public Health Service Act (58 Stat. 682), as amended, is amended by inserting, immediately following section 312 thereof (42 U. S. C., sec. 244), and preceding section 313 thereof (42 U. S. C., sec. 245), the following new section:

"SEC. 312a. There shall be a collection of the statistics of the births and deaths in registration areas annually, the data for which shall be obtained only from and restricted to such registration records of such States and municipalities as in the discretion of the Secretary of Health, Education, and Welfare possess records affording satisfactory data in necessary detail, the compensation for the transcription of which

shall not exceed 4 cents for each birth or death reported; or a minimum compensation of $25 may be allowed in the discretion of the Secretary of Health, Education, and Welfare, in States or cities registering less than 500 deaths or 500 births during the preceding year."

SEC. 3. Whenever reference is made in any other law or in any regulation or order to the Census Office, such reference shall be held and considered to mean the Bureau of the Census referred to in section 2 of title 13, United States Code, as set out in section 1 of this act. This section shall not be construed as affecting historical references to the Census Office which could have no present or future application to the Bureau of the Census.

SEC. 4. If any part of title 13, United States Code, as set in section 1 of this act, is held invalid, the remainder of such title shall not be affected thereby.

SEC. 5. No inference of a legislative construction is to be drawn by reason of the chapter in title 13, United States Code, as set out in section 1 of this act, in which any section is placed, nor by reason of the captions or catchlines used in such title.

SEC. 6. The provisions of this act shall take effect on January 1, 1955.

SEC. 7. The sections of the acts, and the acts or parts of acts, enumerated in the following schedule are hereby repealed. Any rights or liabilities now existing under such statutes or parts thereof, and any proceedings instituted under, or growing out of, any of such statutes or parts thereof, shall not be affected by this repeal.

Statutes at Large						U. S. Code	
Date	Chapter	Title	Section	Volume	Page	Title	Section
1899—Mar. 3	419		31	30	1021		
1902—Mar. 6	139		1	32	51	13	1.
Do	139		2	32	51		
Do	139		3	32	51	13	2.
Do	139		4	32	51		
Do	139		5	32	51, 52	13	5.
Do	139		6	32	52		
Do	139		7 [1]	32	52	13	3,111.
Do	139		8 [2]	32	52	13	101.
Do	139		9	32	52, 53	13	77, 112.
Do	139		10 [3]	32	53	13	6.
Do	139		11 (part) [4]	32	53	13	4.
Apr. 28	594		1 (part)	32	[5] 138	44	281.
1903—Jan. 12	90 (part)			32	[6] 767 (768)	13	8.
1916—May 10	117		1 (part)	39	[7] 110	13	7, 69.
Aug. 7	274		1, 2, 3, 4 [8]	39	436, 437	13	81–84.
Do	274		5 [9]			13	85.
Do	274		6 [10]			13	86.
1924—Apr. 2	80		1, 2, 3, 4, 5, 6 [11]	43	31, 32	13	71–76.
1927—Feb. 24	189	III (part)		44	[12] 1205	13	41a.
1929—Jan. 25	102	III (part)		45	[13] 1119	13	9.
June 18	28		1, 2	46	21	13	201, 202.
Do	28		3 (part) [14]	46	21, 22	13	111, 203.
Do	28		4, 5, 6, 7, 8, 9, 10, 11, 12, 13	46	22–25	13	204–213.
Do	28		14 [15]	46	25	13, 39	214, 337.
Do	28		15	46	25	13	215.
Do	28		16 [16]	46	25	13	216.
Do	28		15, 16, 17, 18, 19	46	25, 26	13	215–219.
Do	28		21 [17]	46	26	13	1–8, 71, 72, 73–77, 101, 112.
1930—June 27	639			46	821	13	72a.
1931—Mar. 4	490			46	1517	13	113.
1939—Aug. 11	688		1, 2, 3	53	1406	13	106, 106 note, 107.
1945—May 21	129	III	301 (part)	59	[18] 188	13	220.
1946—July 5	541	III	do	60	[19] 466	13	220.
Do	541	III	do	60	[20] 466	13	114.
1948—June 19	502		1, 2, 3	62	478, 479	13	121–123.
1949—July 15	338	VI	607	63	441	42	1442.
1950—Sept. 7	910		1, 2, 3	64	784, 785	13	251–253.
1954—June 18	315			68	258	13	131.

[1] As amended by acts June 7, 1906, ch. 3048, 34 Stat. 218, 219; June 25, 1947, ch. 124, 61 Stat. 163; Sept. 7, 1950, ch. 910, § 4, 64 Stat. 785.
[2] As amended by act Apr. 27, 1904, ch. 1626, 33 Stat. 362.
[3] All provisions not heretofore repealed by act July 2, 1909, ch. 2, § 33, 36 Stat. 10.
[4] All following the words "Public Printer" in such section, and preceding the period at the end thereof.
[5] The first proviso in the fourth full paragraph on this page.
[6] On page 768, all following "Representatives" in such act, and preceding the period at the end thereof.
[7] The first two provisos in the fourth paragraph on this page.
[8] As amended by act July 25, 1947, ch. 331, 61 Stat. 457, 458.
[9] As added by act July 25, 1947, ch. 331, 61 Stat. 457 (458).
[10] As added by act of July 25, 1947, ch. 331, 61 Stat. 457 (458).
[11] As amended (secs. 2, 4, 6) by acts June 14, 1938, ch. 358, 52 Stat. 678; June 28, 1949, ch. 256, §§ 1, 2, 63 Stat. 278.
[12] The second proviso appearing on this page.
[13] The last proviso appearing on this page.
[14] All provisions of this section, as amended by act July 6, 1949, ch. 298. §§ 1, 2, 63 Stat. 406, except the second proviso in the second paragraph thereof, appearing on page 21 of vol. 46, Statutes at Large.
[15] As amended by act June 25, 1948, ch. 645, § 7, 62 Stat. 860.
[16] As amended by act July 16, 1952, ch. 912, 66 Stat. 736, 737.
[17] First sentence only.
[18] In the fifth full paragraph on this page, the words commencing with "reimbursement for" and ending with "or surveys;".
[19] In the first full paragraph on this page, the words commencing with "reimbursement for" and ending with "or surveys;".
[20] The first proviso in the first full paragraph on this page.

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

AMEND THE UNITED STATES CODE

The Clerk called the bill (H. R. 9730) to amend various statutes and certain titles of the United States Code, for the purpose of correcting obsolete references, and for other purposes.

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

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, here again we have no departmental reports. The bill, at least as far as size is concerned, is no small undertaking. I wonder if the gentleman could advise as to whether or not this has cleared the various departments and meets with their approval.

Mr. McCULLOCH. Mr. Speaker, if the gentleman will yield, I am pleased to advise the gentleman from Wisconsin that the provisions of this bill have cleared the various departments involved. Again, we are pleased to say that there is no intention to change any existing law, with one exception, if it really be an exception, and when the gentleman from Wisconsin has finished, I will make that exception known.

Mr. BYRNES of Wisconsin. I withdraw my reservation of objection, Mr. Speaker.

Mr. McCULLOCH. Mr. Speaker, further reserving the right to object, and I shall not object, but to clarify a condition that exists, there is an amendment at the Clerk's desk which I intend to offer.

Mr. McCORMACK. Mr. Speaker, further reserving the right to object, the Clerk should read the amendment first, because oftentimes when an amendment is proposed, passage of the bill might depend on the amendment offered.

The SPEAKER. Without objection, the Clerk will report the amendment for the information of the House.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. McCULLOCH: Page 8, section 10, is amended by striking all of the language in section 10 after the section number and inserting in lieu thereof "Section 3 (a) of the act aproved March 3, 1927 (ch. 348, sec. 3 (a), 44 Stat. 1382) is hereby repealed."

Mr. McCORMACK. Will the gentleman give an explanation of the bill?

Mr. McCULLOCH. We would be pleased to give an explanation of what appears might be complicated amendment. In 1950 the Committee on Organization of the Government, of which the gentleman from Massachusetts is a dis-

tinguished member, recommended Reorganization Plan No. 26, which is now the law of the land. This proposed amendment repeals a section of the law which is in conflict with the law, pursuant to Reorganization Plan No. 26. It does not change the law in any other respect.

Mr. McCORMACK. The gentleman still has not given me an explanation. But, let me ask the gentleman: Is he satisfied that it is all right?

Mr. McCULLOCH. I am satisfied that it is all right. The Treasury Department furnished the information upon which we acted, that is that the law pursuant to Reorganization Plan No. 26 is now the effective law.

Mr. McCORMACK. I am sure it must be all right, or the gentleman would not say so, and having such confidence in him, I withdraw my reservation of objection, Mr. Speaker.

Mr. McCULLOCH. I thank the gentleman from Massachusetts.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That paragraph (a) of section 201 of title 1, United States Code, entitled "General Provisions," is amended by striking out "Secretary of State," appearing at the end of such paragraph, and in lieu thereof inserting "Administrator of General Services," so that such paragraph will be read as follows:

"(a) Publishing in Slip or Pamphlet Form or in Statutes at Large

Publication in slip or pamphlet form or in the Statutes at Large of any of the volumes or publications enumerated in sections 202 and 203 of this title, shall, in event of enactment, be dispensed with whenever the Committee on the Judiciary of the House of Representatives so directs the Administrator of General Services;".

SEC. 2. Section 209 of title 1, United States Code, is amended by striking out, at the end thereof, "Secretary of State," and in lieu thereof inserting "Administrator of General Services," so that such section will read as follows:

"§ 209. Copies of Supplements to Code of Laws of United States and of District of Columbia Code and Supplements; Conclusive Evidence of Original

"Copies of the Code of Laws relating to the District of Columbia and copies of the supplements provided for by sections 202 and 203 of this title printed at the Government Printing Office and bearing its imprint, shall be conclusive evidence of the original of such code and supplements in the custody of the Administrator of General Services.".

SEC. 3. Section 18 of Title 3, United States Code, entitled "The President," is amended by striking out "subchapter" in the one place where it appears therein, and in lieu thereof inserting "chapter," so that such section will read as follows:

"§ 18. Same; Parliamentary Procedure at Joint Meeting

"While the two Houses shall be in meeting as provided in this chapter, the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw.".

SEC. 4. Subsection (b) of section 107 of Title 4, United States Code, entitled "Flag and Seal, Seat of Government, and the States", is amended by striking out, at the end thereof, the words "Army or Navy personnel, under regulations promulgated by the Secretary of War or the Secretary of the Navy", and in lieu thereof inserting "personnel of any branch of the Armed Forces of the United States, under regulations promulgated by the departmental Secretary having jurisdiction over such branch", so that such subsection will read as follows:

"(b) A person shall be deemed to be an authorized purchaser under this section only with respect to purchases which he is permitted to make from commissaries, ship's stores, or voluntary unincorporated organizations of personnel of any branch of the Armed Forces of the United States, under regulations promulgated by the departmental Secretary having jurisdiction over such branch.".

SEC. 5. The paragraph in the Department of Agriculture Appropriation Act for the fiscal year ending June 30, 1920 (July 24, 1919, ch. 26, 41 Stat. 234), which commences near the bottom of page 270 or volume 41 of the Statutes at Large, and ends on page 271 thereof (5 U. S. C., secs. 67, 564), is amended (1) by striking out, after "shall not be subject to", the reference "the proviso contained in the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, approved March 3, 1917, in 39th Statutes at Large, at page 1106", and in lieu thereof inserting "the provisions of section 1914 of Title 18, United States Code"; and (2) by striking out, at the end of such paragraph, the words "the said proviso", and in lieu thereof inserting "such section", so that such paragraph will read as follows:

"The officials and the employees of the Department of Agriculture engaged in the activities described in the preceding paragraph and paid in whole or in part out of funds contributed as provided therein, and the persons, corporations, or associations making contributions as therein provided, shall not be subject to the provisions of section 1914 of Title 18, United States Code; nor shall any official or employee engaged in the cooperative activities of the Forest Service, or the persons, corporations, or associations contributing to such activities be subject to such section.".

SEC. 6. The paragraph in section 1 of the Sundry Civil Expenses Appropriation Act for the fiscal year ending June 30, 1922 (March 4, 1921, ch. 161, 41 Stat. 1367), which constitutes the second paragraph on page 1424 of volume 41 of the Statutes at Large (5 U. S. C., sec. 68), is amended (1) by striking out, after "Nothing in" at the beginning of such paragraph, the reference "the proviso contained in the Legislative, Executive, and Judicial Appropriation Act of March 3, 1917", and in lieu thereof inserting "section 1914 of Title 18, United States Code"; and (2) by striking out, at the end of such paragraph, the quoted appropriation item "'Expenses of regulating immigration'", and in lieu thereof inserting "'Immigration and Naturalization Service—Salaries and Expenses'", so that such paragraph will read as follows:

"Nothing in section 1914 of Title 18, United States Code, relative to augmenting salaries of Government officials from outside sources shall prevent receiving reimbursements for services of immigration officials incident to the inspection of aliens in foreign contiguous territory, and such reimbursement shall be credited to the appropriation, 'Immigration and Naturalization Service—Salaries and Expenses'.".

SEC. 7. Section 3 of the act approved June 20, 1874 (ch. 328, 18 Stat. 109; 5 U. S. C., sec. 71) is amended by striking out ": *Provided*, That this shall not be construed to prevent the employment and payment by the Department of Justice of district attorneys as now allowed by law for the performance of services not covered by their salaries or fees", so that such section will read as follows:

"SEC. 3. That no civil officer of the Government shall hereafter receive any compensation or perquisites, directly or indirectly, from the Treasury or property of the United States beyond his salary or compensation allowed by law.".

SEC. 8. Section 303 of the act approved July 26, 1947, chapter 343, Title III, 61 Stat. 507, as amended by section 10 (c) of the act approved August 10, 1949, chapter 412, 63 Stat. 585 (5 U. S. C., sec. 171j; 50 U. S. C., sec. 405), is further amended (1) by striking out, in subsection (a) thereof, the words "the Chairman of the National Security Resources Board", and in lieu thereof inserting "the Director of the Office of Defense Mobilization"; and (2) by striking out, in subsection (b) thereof, the reference "109 or 113 of the Criminal Code (U. S. C., 1940 edition, Title 18, secs. 198 and 203), or section 19 (e) of the Contract Settlement Act of 1944", and in lieu thereof inserting "281, 283, or 284 of Title 18, United States Code", so that such section will read as follows:

"SEC. 303. (a) The Secretary of Defense, the Director of the Office of Defense Mobilization, the Director of Central Intelligence, and the National Security Council, acting through its Executive Secretary, are authorized to appoint such advisory committees and to employ, consistent with other provisions of this act, such part-time advisory personnel as they may deem necessary in carrying out their respective functions and the functions of agencies under their control. Persons holding other offices or positions under the United States for which they receive compensation, while serving as members of such committees, shall receive no additional compensation for such service. Other members of such committees and other part-time advisory personnel so employed may serve without compensation or may receive compensation at a rate not to exceed $50 for each day of service, as determined by the appointing authority.

"(b) Service of an individual as a member of any such advisory committee, or in any other part-time capacity for a department or agency hereunder, shall not be considered as service bringing such individual within the provisions of section 281, 283, or 284 of title 18, United States Code, unless the act of such individual, which by such section is made unlawful when performed by an individual referred to in such section, is with respect to any particular matter which directly involves a department or agency which such person is advising or in which such department or agency is directly interested.".

SEC. 9. Subsection (c) of section 2 of the act approved March 3, 1927 (ch. 348, 44 Stat. 1381, at p. 1382; 5 U. S. C., sec. 281a (c)), is amended (1) by striking out, preceding "Bureau of Customs", the words "Bureau of Prohibition shall perform such duties as the Secretary of the Treasury or the Commissioner of Prohibition may prescribe, and the personnel of the"; (2) by striking out, after "such duties", the following: "(other than duties in connection with the administration of the National Prohibition Act, as amended, or any other law relating to the enforcement of the 18th amendment),"; and (3) by striking out, preceding "may prescribe" at the end of such subsection, the words "or the Commissioner of Customs", so that such subsection will read as follows:

"(c) The personnel of the Bureau of Customs shall perform such duties as the Secretary of the Treasury may prescribe.".

SEC. 10. Subsection (a) of section 3 of the act approved March 3, 1927 (ch. 348, 44 Stat. 1382; 5 U. S. C., sec. 281b (a)), is amended by striking out, after "by the", the reference "Tariff Act of 1922", and in lieu thereof inserting "Tariff Act of 1930, as amended or

supplemented," so that such subsection will read as follows:

"(a) The Secretary of the Treasury is authorized to confer or impose upon the Commissioner of Customs or any of the officers of the Bureau of Customs any of the rights, privileges, powers, or duties, in respect of the importation or entry of merchandise into, or exportation of merchandise from, the United States, vested in or imposed upon the Secretary of the Treasury by the Tariff Act of 1930, as amended or supplemented, or any other law."

SEC. 11. Section 361 of the Revised Statutes (5 U. S. C., sec. 306) is amended by striking out, at the end of such section, the words "in the cases provided by section 363", and in lieu thereof inserting "in cases of services performed by attorneys appointed under section 503 of Title 28, United States Code, for whom compensation is provided under section 508 of that title," so that such section will read as follows:

"SEC. 361. The officers of the Department of Justice, under the direction of the Attorney-General, shall give all opinions and render all services requiring the skill of persons learned in the law necessary to enable the President and heads of departments, and the heads of bureaus and other officers in the departments, to discharge their respective duties; and shall, on behalf of the United States, procure the proper evidence for, and conduct, prosecute, or defend all suits and proceedings in the Supreme Court and in the Court of Claims, in which the United States, or any officer thereof, as such officer, is a party or may be interested; and no fees shall be allowed or paid to any other attorney or counselor at law for any service herein required of the officers of the Department of Justice, except in cases of services performed by attorneys appointed under section 503 of Title 28, United States Code, for whom compensation is provided under section 508 of that title."

SEC. 12. Section 4 of the act approved August 1, 1946 (ch. 727, 60 Stat. 779, 780; 5 U. S. C., sec. 475c) is amended by striking out, in the proviso of such section, "sections 41, 109, and 113 of the Criminal Code (U. S. C. title 18, secs. 93, 198, and 203); Revised Statutes, section 190 (U. S. C., title 5, sec. 99); in section 19 (e) of the Contract Settlement Act of 1944 (Public Law 395, 78th Cong.);", and in lieu thereof inserting "section 281, 283, 284, or 434 of Title 18, United States Code, or section 190 of the Revised Statutes (5 U. S. C., sec. 99),", so that such section will read as follows:

"SEC. 4. The Secretary of the Navy is hereby authorized to establish a Naval Research Advisory Committee which shall consist of not exceeding 15 persons to be appointed by the Secretary from those persons in civilian life who are preeminent in the fields of science, research, and development work. One member of such committee will be from the field of medicine. The members of such committee shall serve for such term or terms as the Secretary may specify, and shall meet at such times as may be specified by the Secretary to consult with and advise the Chief of Naval Operations and the Chief of the Office of Naval Research. Each member of the committee shall be entitled to compensation in the amount of $50 for each day or part of a day he shall be in attendance at any regularly called meeting of the committee, together with reimbursement for all travel expenses incident to such attendance: *Provided*, That nothing in section 281, 283, 284, or 434 of Title 18, United States Code, or section 190 of the Revised Statutes (5 U. S. C., sec. 99), or in any other provision of Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with any claim proceeding, or matter involving the United States, shall apply to such persons solely by reason of their appointment to and membership on such committee."

SEC. 13. (a) Section 1 of the act approved July 31, 1946, chapter 714, 60 Stat. 749, as amended by the act approved June 28, 1948, ch. 694, 62 Stat. 1068, and the act approved April 29, 1950, ch. 136, section 1, 64 Stat. 93 (5 U. S. C., sec. 645a), is amended by striking out, after "determined by the" in paragraph (1) of subsection (a) of such section, the reference "Classification Act of 1923, as amended, an act entitled 'An act to adjust the compensation of certain employees in the Customs Service', approved May 29, 1928, as amended, or the second paragraph of section 24 of the Immigration Act of 1917, as amended", and in lieu thereof inserting "Classification Act of 1949, as amended," so that such section will read as follows:

"That (a) any person—

"(1) whose name appeared on any list of eligibles either (A) at any time between May 1, 1940, and March 16, 1942, with respect to a position the rate of compensation of which is determined by the Classification Act of 1949, as amended, or (B) at any time between May 1, 1940, and October 23, 1943, with repect to a position in the field service of the Post Office Department, or (C) at any time between May 1, 1940, and the effective date of this act, with respect to positions of officers and members of the Metropolitan Police or of the Fire Department of the District of Columbia, and officers and members of the United States Park Police and the White House Police; and

"(2) who, pursuant to Executive Order Numbered 9538, dated April 13, 1945, or regulations of the Civil Service Commission covering similar situations in which an eligible lost opportunity for probational appointment because of military service during World War II, was certified for probational appointment to such position, and subsequently, was given such appointment, "shall, for the purpose of (A) determining his rate of compensation and (B) his seniority rights in the postal field service, be held to have been appointed to such position as of the earliest date on which an eligible standing lower on the same list of eligibles received a probational appointment therefrom: *Provided*, That the grade, time in grade, and rate of compensation of any person so appointed to a position in the postal field service shall, at the time this act first applies to such person, be not less than the grade, time in grade, and rate of compensation of the lower eligible (whether a substitute or regular employee) receiving the highest automatic rate of compensation at such time, but such adjustment in grade, time in grade, and rate of compensation shall not affect the status of such person as a substitute or regular employee: *Provided, however*, That no regular employee in the postal field service shall be reduced to substitute status by reason of the enactment of this act.

"(b) No person shall be entitled to the benefits of this section who has reenlisted after June 1, 1945, in the Regular Military Establishment or after February 1, 1945, in the Regular Naval Establishment.

"(c) Any person within the terms of this section, who, due to a disability incurred because of military service in World War II, is unable to perform the duties of the position designated by him at the time of taking the examination for appointment thereto, may upon written request at any time have his name entered upon any list of eligibles for any position for which a like examination is required and such entry shall be made without any loss of seniority or other rights of eligibility conferred by this section: *Provided however*, That this act shall not be construed to extend the period of eligibility which such person would have otherwise had.".

(b) Sections 1, 2, 3, and 4 of the act approved May 29, 1928 (ch. 865, 45 Stat. 955), as amended by the act approved December 12, 1930 (ch. 10, 46 Stat. 1026, 1027) (19 U. S. C., former secs. 6a–6d), are hereby repealed.

SEC. 14. Subsection (d) of section 705 of the act approved July 1, 1944 (ch. 373, title VII, 58 Stat. 713), as so renumbered by section 5 of the act approved August 13, 1946 (ch. 958, 60 Stat. 1049) (5 U. S. C., sec. 800), is amended (1) by striking out the second sentence thereof reading: "Such beneficiaries, in addition to the right to receive 6 months' pay, shall have the same right of election and of revising elections as is provided by subsection (c) of this section, except that in case of a revised election no deduction shall be made on account of such 6 months' pay.", and (2) by inserting, immediately preceding "Service" in the first sentence thereof, the words "Public Health", so that such subsection will read as follows:

"(d) In the case of death of a commissioned officer of the Public Health Service which occurred after December 7, 1941, and prior to November 11, 1943, the rights provided to surviving beneficiaries by section 10 of the Public Health Service Act of 1943 shall continue notwithstanding the repeal of that act.".

SEC. 15. Section 3 of Title 6, United States Code, entitled "Official and Penal Bonds", is amended (1) by striking out, preceding "19" in the third sentence, the word "title", and in lieu thereof inserting "Title"; (2) by striking out, preceding "shall be construed" in the fifth sentence, the words "said sections", and in lieu thereof inserting "sections 1 to 3 of this title"; (3) by striking out, preceding "39" in the fifth sentence, the word "title", and in lieu thereof inserting "Title"; and (4) by inserting, after "Marine Corps," in the proviso in the fifth sentence, the reference "Air Force,", so that such section will read as follows:

"§ 3. Renewal; Continuance of Liability

Every officer whose duty it is to take and approve official bonds shall cause all such bonds to be renewed every 4 years after their dates, but he may require such bonds to be renewed or strengthened oftener if he deem such action necessary. In the discretion of such officer the requirement of a new bond may be waived for the period of service of a bonded officer after the expiration of a 4-year term of service pending the appointment and qualification of his successor. The nonperformance of any requirement of the provisions of sections 1 to 3 of this title, or of that part of section 27 of title 19 relating to transmitting copies of oaths to the Secretary of the Treasury, on the part of any official of the Government shall not be held to affect in any respect the liability of principal or sureties on any bond made or to be made to the United States. The liability of the principal and sureties on all official bonds shall continue and cover the period of service ensuing until the appointment and qualification of the successor of the principal. Nothing in sections 1 to 3 of this title shall be construed to repeal or modify section 38 of title 39: *Provided*, That the payment and acceptance of the annual premium on corporate surety bonds furnished by postal officers and employees, officers and employees of other civilian agencies of the United States and bonded officers and enlisted men of the Army, Navy, Marine Corps, Air Force, and Coast Guard shall be a compliance with the requirement for the renewal of such bonds within the meaning of sections 1 to 3 of this title.".

SEC. 16. Section 4 of the act approved March 3, 1905 (ch. 1501, 33 Stat. 1270; 7 U. S. C., sec. 144) is amended to read as follows:

"SEC. 4. Whoever violates the provisions of section 1 of this act shall, for each offense,

be fined not more than $5,000 or imprisoned not more than 5 years, or both.".

SEC. 17. Subsection (d) of section 211 of the act of June 27, 1952 (ch. 477, title II, chapter 2, 66 Stat. 181, 182; 8 U. S. C., sec. 1181 (d)) is amended by striking out "clause (2) or (3) subsection (a)" in the two places where such reference appears in such subsection, and in lieu thereof inserting "clause (2) or (4) of subsection (a)", so that such subsection will read as follows:

"(d) No quota immigrant within clause (2) or (4) of subsection (a) shall be admitted under subsection (c) if the entire number of immigrant visas which may be issued to quota immigrants under the same quota for the fiscal year, or the next fiscal year, has already been issued. If such entire number of immigrant visas has not been issued, the Secretary of State, upon notification by the Attorney General of the admission under subsection (c) of a quota immigrant within clause (2) or (4) of subsection (a), shall reduce by one the number of immigrant visas which may be issued to quota immigrants under the same quota during the fiscal year in which such immigrant is admitted, or, if the entire number of immigrant visas which may be issued to quota immigrants under the same quota for the fiscal year has been issued, then during the next following fiscal year.".

SEC. 18. Subsection (d) of section 242 of the act of June 27, 1952 (ch. 477, title II, chapter 5, 66 Stat. 208 (211); 8 U. S. C., sec. 1252 (d)) is amended by striking out, after "activity," in the third sentence thereof, the words "shall upon conviction be guilty of a felony, and shall be fined not more than $1,000 or shall be", and in lieu thereof inserting "shall be fined not more than $1,000 or", so that such subsection will read as follows:

"(d) Any alien, against whom a final order of deportation as defined in subsection (c) heretofore or hereafter issued has been outstanding for more than 6 months, shall, pending eventual deportation, be subject to supervision under regulations prescribed by the Attorney General. Such regulations shall include provisions which will require any alien subject to supervision (1) to appear from time to time before an immigration officer for identification; (2) to submit, if necessary, to medical and psychiatric examination at the expense of the United States; (3) to give information under oath as to his nationality, circumstances, habits, associations, and activities, and such other information, whether or not related to the foregoing, as the Attorney General may deem fit and proper; and (4) to conform to such reasonable written restrictions on his conduct or activities as are prescribed by the Attorney General in his case. Any alien who shall willfully fail to comply with such regulations, or willfully fail to appear or to give information or submit to medical or psychiatric examination if required, or knowingly give false information in relation to the requirements of such regulations, or knowingly violate a reasonable restriction imposed upon his conduct or activity, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.".

SEC. 19. Subsection (a) of section 340 of the act of June 27, 1952 (ch. 477, title III, chapter 2, 66 Stat. 260; 8 U. S. C., sec. 1451 (a)) is amended by striking out, in the first phrase of the first sentence thereof, the term "United States district attorneys", and in lieu thereof inserting "United States attorneys", so that such subsection will read as follows:

"(a) It shall be the duty of the United States attorneys for the respective districts, upon affidavit showing good cause therefor, to institute proceedings in any court specified in subsection (a) of section 310 of this title in the judicial district in which the naturalized citizen may reside at the time of bringing suit, for the purpose of revoking and setting aside the order admitting such person to citizenship and canceling the certificate of naturalization on the ground that such order and certificate of naturalization were procured by concealment of a material fact or by willful misrepresentation, and such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization shall be effective as of the original date of the order and certificate, respectively: *Provided,* That refusal on the part of a naturalized citizen within a period of 10 years following his naturalization to testify as a witness in any proceeding before a congressional committee concerning his subversive activities, in a case where such person has been convicted of contempt for such refusal, shall be held to constitute a ground for revocation of such person's naturalization under this subsection as having been procured by concealment of a material fact or by willful misrepresentation. If the naturalized citizen does not reside in any judicial district in the United States at the time of bringing such suit, the proceedings may be instituted in the United States District Court for the District of Columbia or in the United States district court in the judicial district in which such person last had his residence.".

SEC. 20. Section 4 of title 9, United States Code, entitled "Arbitration", is amended (1) by striking out, in the first sentence, "court of the United States" and in lieu thereof inserting "United States district court"; (2) by striking out, in the first sentence, "the judicial code at law, in equity,", and in lieu thereof inserting "Title 28, in a civil action"; (3) by striking out, in the third sentence, "law for the service of summons in the jurisdiction in which the proceeding is brought", and in lieu thereof inserting "the Federal Rules of Civil Procedure"; and (4) by striking out, in the eighth sentence, "law for referring to a jury issues in an equity action", and in lieu thereof inserting "the Federal Rules of Civil Procedure", so that such section, exclusive of the section heading thereto, will read as follows:

"A party aggrieved by the alleged failure, neglect, or refusal of another to arbitrate under a written agreement for arbitration may petition any United States district court which, save for such agreement, would have jurisdiction under title 28, in a civil action or in admiralty of the subject matter of a suit arising out of the controversy between the parties, for an order directing that such arbitration proceed in the manner provided for in such agreement. Five days' notice in writing of such application shall be served upon the party in default. Service thereof shall be made in the manner provided by the Federal Rules of Civil Procedure. The court shall hear the parties, and upon being satisfied that the making of the agreement for arbitration or the failure to comply therewith is not in issue, the court shall make an order directing the parties to proceed to arbitration in accordance with the terms of the agreement. The hearing and proceedings, under such agreement, shall be within the district in which the petition for an order directing such arbitration is filed. If the making of the arbitration agreement or the failure, neglect, or refusal to perform the same be in issue, the court shall proceed summarily to the trial thereof. If no jury trial be demanded by the party alleged to be in default, or if the matter in dispute is within admiralty jurisdiction, the court shall hear and determine such issue. Where such an issue is raised, the party alleged to be in default may, except in cases of admiralty, on or before the return day of the notice of application, demand a jury trial of such issue, and upon such demand the court shall make an order referring the issue or issues to a jury in the manner provided by the Federal Rules of Civil Procedure, or may specially call a jury for that purpose. If the jury find that no agreement in writing for arbitration was made or that there is no default in proceeding thereunder, the proceeding shall be dismissed. If the jury find that an agreement for arbitration was made in writing and that there is a default in proceeding thereunder, the court shall make an order summarily directing the parties to proceed with the arbitration in accordance with the terms thereof."

SEC. 21. The last paragraph, under the heading "miscellaneous", in the act approved July 16, 1892 (ch. 195, 27 Stat. 174), appearing at page 177 of volume 27 of the Statutes at Large, and as amended by the act approved July 10, 1952 (ch. 654, 66 Stat. 575; 10 U. S. C., sec. 877; 14 U. S. C., sec. 461 note; 34 U. S. C., sec. 890), is amended by striking out, after "Air Force,", the following: "Marine Corps, and Coast Guard", and in lieu thereof inserting "and Marine Corps", so that such paragraph will read as follows:

"The pay of officers of the Army, Navy, Air Force, and Marine Corps may be withheld under section 1766, Revised Statutes, on account of an indebtedness to the United States admitted or shown by the judgment of a court, but not otherwise unless upon a special order issued according to the discretion of the Secretary of the Department concerned.".

SEC. 22. Paragraph (d) of section 5144 of the Revised Statutes, as amended (12 U. S. C., sec. 61 (d)), is amended by striking out the reference "5209 of the Revised Statutes, as amended (U. S. C., title 12, sec. 592)", and in lieu thereof inserting "1005 of title 18, United States Code", so that such paragraph will read as follows:

"(d) Every officer, director, agent, and employee of every such holding company affiliate shall be subject to the same penalties for false entries in any book, report, or statement of such holding company affiliate as are applicable to officers, directors, agents, and employees of member banks under section 1005 of title 18, United States Code; and".

SEC. 23. Section 2 of the act approved June 30, 1876 (ch. 156, 19 Stat. 63; 12 U. S. C., sec. 65) is amended (1) by striking out, after "such association", the words ", by bill in equity, in the nature of a creditor's bill,", and in lieu thereof inserting "by a civil action"; and (2) by striking out, after "shareholders thereof,", the words "in any court of the United States having original jurisdiction in equity", and in lieu thereof inserting "in the United States district court", so that such section will read as follows:

"SEC. 2. That when any national banking association shall have gone into liquidation under the provisions of section 5220 of said statutes, the individual liability of the shareholders provided for by section 5151 of said statutes may be enforced by any creditor of such association by a civil action brought by such creditor on behalf of himself and of all other creditors of the association, against the shareholders thereof, in the United States district court for the district in which such association may have been located or established.".

SEC. 24. Section 209 of the act approved March 9, 1933 (ch. 1, title II, 48 Stat. 5; 12 U. S. C., sec. 209) is amended (1) by striking out the reference "section 5209 of the Revised Statutes (U. S. C., title 12, sec. 592)", and in lieu thereof inserting "sections 334, 656, and 1005 of title 18, United States Code"; and (2) by striking out the reference "112, 113, 114, 115, 116 and 117 of the Criminal Code of the United States (U. S. C., title 18, secs. 202, 203, 204, 205, 206 and 207)", and in lieu thereof inserting "202, 216, 281, 431, 432, and 433 of such title 18" so that such section will read as follows:

"SEC. 209. Conservators appointed pursuant to the provisions of this title shall be

subject to the provisions of and to the penalties prescribed by sections 334, 656, and 1005 of title 18, United States Code; and sections 202, 216, 281, 431, 432, and 433 of such title 18, insofar as applicable, are extended to apply to contracts, agreements, proceedings, dealings, claims, and controversies by or with any such conservator or the Comptroller of the Currency under the provisions of this title.".

SEC. 25. Section 1 of the act approved August 17, 1950 (ch. 729, 64 Stat. 455; 12 U. S. C., sec. 214) is amended (1) by striking out, in subsection (a) of such section, the words "this act," and in lieu thereof inserting "sections 1–4 and 8 of this act (12 U. S. C., secs. 214–214c, 321)"; and (2) by striking out, in subsection (b) of such section, the words "this act," and in lieu thereof inserting "sections 1–4 and 8 of this act (12 U. S. C., secs. 214–214c, 321)," so that such section will read as follows:

"SECTION 1. (a) As used in sections 1–4 and 8 of this act (12 U. S. C., secs. 214–214c, 321) the term 'State bank' means any bank, banking association, trust company, savings bank (other than a mutual savings bank), or other banking institution which is engaged in the business of receiving deposits and which is incorporated under the laws of any State, any Territory of the United States, Puerto Rico, or the Virgin Islands, or which is operating under the Code of Law for the District of Columbia (except a national banking association).

"(b) For purposes of merger or consolidation under sections 1–4 and 8 of this act (12 U. S. C., secs. 214–214c, 321) the term 'national banking association' means one or more national banking associations, and the term 'State bank' means one or more State banks.".

SEC. 26. Section 4 of the act approved August 17, 1950 (ch. 729, 64 Stat. 456, 457; 12 U. S. C., sec. 214c), as amended by act July 12, 1952, ch. 696, 66 Stat. 590, is amended by striking out, in the two places where they appear in such section, the words "this act," and in lieu thereof inserting "sections 1–4 and 8 of this act (12 U. S. C., secs. 214–214c, 321)," so that such section will read as follows:

"SEC. 4. No conversion of a national banking association into a State bank or its merger or consolidation with a State bank shall take place under sections 1–4 and 8 of this act (12 U. S. C., sec. 214–214c, 321) in contravention of the law of the State in which the national banking association is located; and no such conversion, merger, or consolidation shall take place under sections 1–4 and 8 of this act unless under the law of the State in which such national banking association is located State banks may without approval by any State authority convert into and merge or consolidate with national banking associations under limitations or conditions no more restrictive than those contained in section 2 hereof with respect to the conversion of a national bank into, or merger or consolidation of a national bank with, a State bank under State charter.".

SEC. 27. Section 10 of the act approved June 11, 1942 (ch. 404, 56 Stat. 356; 12 U. S. C., sec. 265) is amended by striking out, at the end thereof, the reference "the act of August 23, 1935 (49 Stat. 684), as amended (U. S. C., sec. 264)," and in lieu thereof inserting "section 3 of the Federal Deposit Insurance Act, as amended (12 U. S. C., sec. 1813)," so that such section will read as follows:

"SEC. 10. All insured banks designated for that purpose by the Secretary of the Treasury shall be depositaries of public money of the United States (including, without being limited to, revenues and funds of the United States, and any funds the deposit of which is subject to the control or regulation of the United States or any of its officers, agents, or employees, and postal savings funds), and the Secretary is hereby authorized to deposit public money in such depositaries, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public money and financial agents of the Government as may be required of them. The Secretary of the Treasury shall require of the insured banks thus designated satisfactory security by the deposit of United States bonds or otherwise, for the safekeeping and prompt payment of public money deposited with them and for the faithful performance of their duties as financial agents of the Government: *Provided*, That no such security shall be required for the safekeeping and prompt payment of such parts of the deposits of the public money in such banks as are insured deposits and each officer, employee, or agent of the United States having official custody of public funds and lawfully depositing the same in an insured bank shall, for the purpose of determining the amount of the insured deposits, be deemed a depositor in such custodial capacity separate and distinct from any other officer, employee, or agent of the United States having official custody of public funds and lawfully depositing the same in the same insured bank in custodial capacity. Notwithstanding any other provision of law, no department, board, agency, instrumentality, officer, employee, or agent of the United States shall issue or permit to continue in effect any regulations, rulings, or instructions or enter into or approve any contracts or perform any other acts having to do with the deposit, disbursement, or expenditure of public funds, or the deposit, custody, or advance of funds subject to the control of the United States as trustee or otherwise which shall discriminate against or prefer national banking associations, State banks members of the Federal Reserve System, or insured banks not members of the Federal Reserve System, by class, or which shall require those enjoying the benefits, directly or indirectly, of disbursed public funds so to discriminate. All acts or parts thereof in conflict herewith are hereby repealed. The terms 'insured bank' and 'insured deposit' as used in this act shall be construed according to the definitions of such terms in section 3 of the Federal Deposit Insurance Act, as amended (12 U. S. C., sec. 1813).".

SEC. 28. The sixth paragraph of section 9 of the Federal Reserve Act as amended (12 U. S. C., 324), is amended by striking out, in the second sentence of such paragraph, the reference "section fifty-two hundred and nine of the Revised Statutes", and in lieu thereof inserting "sections 334, 656, and 1005 of title 18, United States Cade", so that such paragraph will read as follows:

"All banks admitted to membership under authority of this section shall be required to comply with the reserve and capital requirements of this act and to conform to those provisions of law imposed on national banks which prohibit such banks from lending on or purchasing their own stock, which relate to the withdrawal or impairment of their capital stock, and which relate to the payment of unearned dividends. Such banks and the officers, agents, and employees thereof shall also be subject to the provisions of and to the penalties prescribed by sections 334, 656, and 1005 of title 18, United States Code, and shall be required to make reports of condition and of the payment of dividends to the Federal Reserve bank of which they become a member. Not less than three of such reports shall be made annually on call of the Federal Reserve bank on dates to be fixed by the Board of Governors of the Federal Reserve System. Failure to make such reports within 10 days after the date they are called for shall subject the offending bank to a penalty of $100 a day for each day that it fails to transmit such report; such penalty to be collected by the Federal Reserve bank by suit or otherwise. Such reports of condition shall be in such form and shall contain such information as the Board of Governors of the Federal Reserve System may require and shall be published by the reporting banks in such manner and in accordance with such regulations as the said Board may prescribe."

SEC. 29. Subsection (f) of section 22 of the Federal Reserve Act, as amended (12 U. S. C., 503), is amended by inserting, after "thereof,", where it appears in such subsection, the words "or any of the provisions of section 217, 218, 219, 220, 655, 1005, 1014, 1906, or 1909 of title 18, United States Code,", so that such subsection will read as follows:

"(f) If the directors or officers of any member bank shall knowingly violate or permit any of the agents, officers, or directors of any member bank to violate any of the provisions of this section or regulations of the board made under authority thereof, or any of the provisions of sections 217, 218, 219, 220, 655, 1005, 1014, 1906, or 1909 of title 18, United States Code, every director and officer participating in or assenting to such violation shall be held liable in his personal and individual capacity for all damages which the member bank, its shareholders, or any other persons shall have sustained in consequence of such violation."

SEC. 30. Section 11 of the act approved July 31, 1945 (ch. 341, 59 Stat. 529; 12 U. S. C., sec. 635h) is amended by striking out, after "provisions of", the reference "the act of April 13, 1934 (48 Stat., ch. 112, p. 574)", and in lieu thereof inserting "section 955 of title 18, United States Code", so that such section will read as follows:

"SEC. 11. Notwithstanding the provisions of section 955 of title 18, United States Code, any person, including any individual, partnership, corporation, or association, may act for or participate with the Export-Import Bank of Washington in any operation or transaction, or may acquire any obligation issued in connection with any operation or transaction, engaged in by the Bank."

SEC. 31. Section 81 of title 14, United States Code, entitled "Coast Guard", as amended by the act approved June 22, 1951 (ch. 150, 65 Stat. 89), is amended by striking out after "within the" in paragraph (2) of such section, the designation "National Military Establishment", and in lieu thereof inserting "Department of Defense", so that such section will read as follows:

"§ 81. Aids to Navigation Authorized

"In order to aid navigation and to prevent disasters, collisions, and wrecks of vessels and aircraft, the Coast Guard may establish, maintain, and operate:

"(1) aids to maritime navigation required to serve the needs of the Armed Forces or of the commerce of the United States;

"(2) aids to air navigation required to serve the needs of the Armed Forces of the United States as requested by the Secretary of the appropriate department within the Department of Defense; and

"(3) Loran stations (a) required to serve the needs of the Armed Forces of the United States; or (b) required to serve the needs of the maritime commerce of the United States; or (c) required to serve the needs of the air commerce of the United States as determined by the Administrator of Civil Aeronautics.

"Such aids to navigation other than loran stations shall be established and operated only within the United States, its Territories and possessions, the Trust Territory of the Pacific Islands, and beyond the territorial jurisdiction of the United States at places where naval or military bases of the United States are or may be located, and at other places where such aids to navigation have been established prior to June 26, 1948.".

SEC. 32. Section 82 of Title 14, United States Code, is amended by striking out, in the

fourth sentence thereof, the reference "sections 175 (f) or 451–458 of Title 49," and in lieu thereof inserting "section 175 (e) of Title 49 or subchapter III of chapter 9 of that title," so that such section will read as follows:

"§ 82. Cooperation With Administrator of Civil Aeronautics

"The Coast Guard in establishing, maintaining, or operating any aids to air navigation herein provided shall solicit the cooperation of the Administrator of Civil Aeronautics to the end that the personnel and facilities of the Civil Aeronautics Administration will be utilized to the fullest possible advantage. Before locating and operating any such aid on military or naval bases or regions, the consent of the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, as the case may be, shall first be obtained. No such aid shall be located within the territorial jurisdiction of any foreign country without the consent of the government thereof. Nothing in this title shall be deemed to limit the authority granted by the provisions of section 458 of Title 5, or by section 475 (e) of Title 49 or subchapter III of chapter 9 of that title.".

SEC. 33. Section 186 of Title 14, United States Code, is amended (1) by striking out, in the first sentence of such section, the reference "Classification Act of 1923," and in lieu thereof inserting "Classification Act of 1949"; and (2) by striking out, in the second sentence thereof, the reference "sections 29a, 30b–30m, 84, 663, 667, 672a–673, and Chapter 18," and in lieu thereof inserting "section 84, chapter 18, subchapter IV of chapter 21, sections 1112, 1113, and 1121–1125, and chapter 23," so that such section will read as follows:

"§ 186. Civilian Instructors

"The Secretary may appoint in the Coast Guard, subject to the competitive provisions of the civil-service laws and regulations, such number of civilian instructors as the needs of the service require, not to exceed eight, whose compensation shall be fixed in accordance with the Classification Act of 1949, as amended. Leaves of absence and hours of work for such civilian instructors shall be governed by regulations issued by the Secretary of the Treasury, without regard to section 84, chapter 18, subchapter IV of chapter 21, sections 1112, 1113, and 1121–1125, and chapter 23, of Title 5."

SEC. 34. (a) The analysis of chapter 13 of Title 14, United States Code, preceding section 461 of such title, is amended by adding, immediately preceding the period at the end of item 461 in such analysis, the following: "; pay of officers indebted to the United States", so that such item will read as follows: "461. Pay and allowances; pay of officers indebted to the United States.".

(b) Section 461 of Title 14, United States Code, is amended (1) by adding, at the end of the catchline of such section, the following: "; pay of officers indebted to United States"; (2) by inserting the subsection symbol "(a)" at the beginning of the present paragraph in such section; and (3) by adding to such section the following new subsection: "(b) The pay of officers of the Coast Guard may be withheld under section 82 of Title 5 on account of an indebtedness to the United States admitted or shown by the judgment of a court, but not otherwise unless upon a special order issued according to the discretion of the Secretary.", so that such section will read as follows:

"§ 461. Pay and Allowances; Pay of Officers Indebted to United States

"(a) Commissioned officers, commissioned warrant officers, cadets, warrant officers, and enlisted persons shall, except as otherwise provided by law, receive the same pay, allowances, increases, additions, and gratuities as prescribed by corresponding ranks, grades, or ratings for personnel of the Navy, including any extra pay and allowances for special duty.

"(b) The pay of officers of the Coast Guard may be withheld under section 82 of Title 5 on account of indebtedness to the United States admitted or shown by the judgment of a court, but not otherwise unless upon a special order issued according to the discretion of the Secretary.".

SEC. 35. Subsection (a) of section 645 of Title 14, United States Code, is amended by striking out "Chapter 20" in the first sentence of such subsection, and in lieu thereof inserting "sections 1346 (b) and 2401 (b), and chapter 171,", so that such subsection will read as follows:

"(a) The Secretary and, subject to appeal to the Secretary, such other officer as he may designate for such purposes and under regulations prescribed by him, may consider, ascertain, adjust, determine, settle, and pay in an amount not in excess of $1,000, where accepted by a claimant in full satisfaction and final settlement, any claim against the United States arising on or after May 27, 1951, when such claim is substantiated in such a manner as the Secretary may by regulations, prescribe, for damage to or loss or destruction of property, real or personal, or for personal injury or death, caused by military personnel or civilian employees of the Coast Guard while acting within the scope of their employment (excluding claims cognizable under sections 1346 (b) and 2401 (b), and chapter 171, of title 28), or otherwise incident to noncombat activities of the Coast Guard, including claims for damage to or loss or destruction by criminal act of registered or insured mail while in the possession of Coast Guard authorities, claims for damage to or loss or destruction of personal property bailed to the Government, and claims for damages to real property incident to the use and occupancy thereof, whether under a lease, express or implied, or otherwise. The provisions of this section shall not apply to claims for personal injury or death of military personnel or civilian employees of the Coast Guard if such injury or death occurs incident to their services. The provisions of this section shall not apply where the damage to or loss or destruction of property, or the personal injury or death, has been caused in whole or in part by any negligence or wrongful act on the part of the claimant, his agent, or employee. The amount allowed on account of personal injury or death shall be limited to reasonable medical, hospital, and burial expenses actually incurred, except that no payment shall be made to any claimant in reimbursement for medical or hospital services furnished at the expense of the United States nor, in the case of burial, of such portion of the expense thereof as may be otherwise paid by the United States."

SEC. 36. The analysis of chapter 229 of title 18, United States Code, as amended by the act approved October 24, 1951 (ch. 546, sec. 1, 65 Stat. 609), is amended by inserting, following and underneath item 3619 in such analysis, and preceding section 3611 of such title, the following item: "3620. Vessels carrying explosives and steerage passengers."

SEC. 37. Title 18, United States Code, is amended by inserting, immediately following section 3619 of such title, and preceding chapter 231 thereof, the following new section:

"§ 3620. Vessels Carrying Explosives and Steerage Passengers

"The amount of any fine imposed upon the master of a steamship or other vessel under the provisions of section 2278 of this title shall be a lien upon such vessel, and such vessel may be libeled therefor in the district court of the United States for any district in which such vessel shall arrive or from which it shall depart."

SEC. 38. Section 307 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1046; 21 U. S. C., sec. 337) is amended by striking out the words "Notwithstanding the provisions of section 876 of the Revised Statutes, subpenas," in the second sentence of such section, and in lieu thereof inserting "Subpenas," so that such section will read as follows:

"SEC. 307. All such proceedings for the enforcement, or to restrain violations, of this act shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding."

SEC. 39. The cross reference set out as section 3633 (b) of the Internal Revenue Code (53 Stat., pt. 1, p. 441; 26 U. S. C., sec. 3633 (b)) is amended by striking out the reference "3799," appearing therein, and in lieu thereof inserting "3800," so that such cross reference, exclusive of the catchline thereof, will read as follows:

"For authority of district courts to issue orders, processes, and judgments for enforcement of internal revenue laws, see section 3800."

SEC. 40. The analysis of chapter 7 of title 28, United States Code, immediately preceding section 171 of such title, is amended, by adding, immediately preceding the period at the end of item 171 in such analysis, the following: "; character of court," so that item will read as follows: "171. Appointment and number of judges; character of court."

SEC. 41. (a) The catchline to section 171 of title 28, United States Code, is amended by adding at the end thereof the following: "; character of court," so that such catchline will read as follows: "§ 171. Appointment and number of judges; character of court."

(b) Subsection (c) of section 291 of title 28, United States Code, is amended by striking all of the subsections following "may," and in lieu thereof inserting "upon presentation to him by the chief judge of the Court of Claims of a certificate of necessity, designate and assign temporarily any circuit judge to serve as a judge of the Court of Claims," so that the subsection will read as follows:

"(c) The Chief Justice of the United States may, upon presentation to him by the chief judge of the Court of Claims of a certificate of necessity, designate and assign temporarily any circuit judge to serve as a judge of the Court of Claims."

(c) Subsection (d) of section 292 of title 28, United States Code, is amended by striking all of the subsection following the word "may" and in lieu thereof inserting "upon presentation to him by the chief judge of the Court of Claims of a certificate of necessity, designate and assign temporarily any district judge to serve as a judge of the Court of Claims", so that the subsection will read as follows:

"(d) The Chief Justice of the United States may upon presentation to him by the chief judge of the Court of Claims of a certificate of necessity designate and assign temporarily any district judge to serve as a judge of the Court of Claims."

(d) Section 295 of title 28, United States Code, is amended by inserting "of a circuit or district judge in active service" immediately after "assignment" and by striking out "a" and inserting "the" so that such section will read:

"§ 295. Conditions Upon Designation and Assignment

"No designation and assignment of a circuit or district judge in active service shall be made without the consent of the chief judge or judicial council of the circuit from which the judge is to be designated and assigned.

"All designations and assignments of justices and judges shall be filed with the clerks

and entered on the minutes of the courts from and to which made.

"The Chief Justice of the United States, a circuit justice or a chief judge of a circuit may make new designation and assignments in accordance with the provisions of this chapter and may revoke those previously made by him."

SEC. 42. The analysis of chapter 51 of title 28, United States Code, immediately preceding section 791 of such title, is amended by striking out the item "793. Reporter-commissioners; stenographers", now appearing in such analysis.

SEC. 43. (a) Subsection (a) of section 792 of title 28, United States Code, is amended (1) by striking out where it appears in such subsection "United States"; and (2) by striking out the period at the end of such subsection and in lieu thereof inserting "and shall devote all of their time to the duties of the office.", so that such subsection will read as follows:

"(a) The Court of Claims may appoint 15 commissioners who shall be subject to removal by the court and shall devote all of their time to the duties of the office."

(b) Subsection (b) of section 792 of title 28, United States Code, is amended (1) by striking out where it appears in such subsection "a salary of $7,500 a year", and in lieu thereof inserting "basic compensation at the rate of $14,800 a year"; (2) by striking out where it appears in such subsection "all necessary traveling expenses, and also his reasonable maintenance expenses actually incurred, not exceeding $7 per day, while taking testimony or transacting other official business at a place other than Washington." and in lieu thereof inserting "also all necessary traveling expenses and a per diem allowance as provided in sections 835–842 of title 5, while traveling on official business and away from Washington, District of Columbia", so that such subsection will read as follows:

"(b) Each commissioner shall receive basic compensation at the rate of $14,800 a year, and also all necessary traveling expenses and a per diem allowance as provided in sections 835–842 of title 5 while traveling on official business and away from Washington, District of Columbia."

(c) Subsection (c) of section 792 of title 28, United States Code, is repealed.

(d) The concluding paragraph of section 792 of title 28, United States Code, providing "Each commissioner shall devote all of his time to the duties of his office." is repealed.

SEC. 44. Section 1343 of title 28, United States Code, is amended by striking out, in the two places where it appears in such section, the reference "47 of title 8", and in lieu thereof inserting "1985 of title 42".

SEC. 45. The analysis of chapter 91 of title 28, United States Code, immediately preceding section 1491 of such title, is amended (1) by adding, immediately preceding the period at the end of item 1491 in such analysis, the following: "; actions involving Tennessee Valley Authority", so that such item will read as follows: "1491. Claims against United States generally; actions involving Tennessee Valley Authority."; and (2) by striking out the item "1493. Departmental reference cases.", now appearing in such analysis.

SEC. 46. (a) The catchline to section 1491 of title 28, United States Code, is amended by adding at the end thereof the following: "; actions involving Tennessee Valley Authority", so that such catchline will read as follows: "§ 1491. Claims against United States generally; actions involving Tennessee Valley Authority."

(b) Section 1491 of title 28, United States Code, is amended by striking out where it appears in such section the following: "The United States Court of Claims shall have jurisdiction to render judgment upon any claim against the United States:

"(1) founded upon the Constitution; or

"(2) founded upon any act of Congress; or

"(3) founded upon any regulation of an executive department; or

"(4) founded upon any express or implied contract with the United States; or

"(5) for liquidated or unliquidated damages in cases not sounding in tort.",

and in lieu thereof inserting "The Court of Claims shall have jurisdiction to render judgment upon any claim against the United States founded either upon the Constitution, or any act of Congress, or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort.", so that such section will read as follows:

"The Court of Claims shall have jurisdiction to render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress, or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort.

"Nothing herein shall be construed to give the Court of Claims jurisdiction in suits against, or founded on actions of, the Tennessee Valley Authority, nor to amend or modify the provisions of the Tennessee Valley Authority Act of 1933, as amended, with respect to suits by or against the Authority."

(c) Section 1494 of title 28, United States Code, is amended by striking out "United States Court of Claims" and inserting in lieu thereof "Court of Claims" so that such section will read:

"§ 1494. Accounts of Officers, Agents, or Contractors

"The Court of Claims shall have jurisdiction to determine the amount, if any, due to or from the United States by reason of any unsettled account of any officer or agent of, or contractor with, the United States, or a guarantor, surety or personal representative of any such officer, agent, or contractor, and to render judgment thereof where—

"(1) claimant or the person he represents has applied to the proper department of the Government for settlement of the account;

"(2) three years have elapsed from the date of such application without settlement; and

"(3) no suit upon the same has been brought by the United States."

SEC. 47. Section 1821 of title 28, United States Code, as amended by the act approved May 10, 1949 (ch. 96, 63 Stat. 65), the act approved May 24, 1949 (ch. 139, sec. 94, 63 Stat. 103), and the act approved October 31, 1951 (ch. 655, sec. 51 (a), 65 Stat. 727), is amended by striking out, in the first sentence thereof, the words "or before a United States commissioner or person taking his deposition pursuant to any order of a court of the United States,", and in lieu thereof inserting, "or before a United States commissioner, or before any person authorized to take his deposition pursuant to any rule or order of a court of the United States,", so that such section will read as follows:

"§ 1821. Per Diem and Mileage Generally; Subsistence

"A witness attending in any court of the United States, or before a United States commissioner, or before any person authorized to take his deposition pursuant to any rule or order of a court of the United States, shall receive $4 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 7 cents per mile for going from and returning to his place of residence. Witnesses who are not salaried employees of the Government and who are not in custody and who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of $5 per day for expenses of subsistence including the time necessarily occupied in going to and returning from the place of attendance: *Provided*, That in lieu of the mileage allowance provided for herein, witnesses who are required to travel between the Territories, possessions, or to and from the continental United States, shall be entitled to the actual expenses of travel at the lowest first-class rate available at the time of reservation for passage, by means of transportation employed: *Provided further*, That this section shall not apply to Alaska.

"When a witness is detained in prison for want of security for his appearance, he shall be entitled, in addition to his subsistence, to a compensation of $1 per day.".

SEC. 48. The analysis of chapter 165 of title 28, United States Code, immediate preceding section 2501 of such title, is amended by striking out of item 2510 in such analysis, the words "Departmental reference cases", and in lieu thereof inserting "Referral of cases by Comptroller General", so that such item will read as follows: "2510. Referral of cases by Comptroller General.".

SEC. 49. (a) The first paragraph of section 2508 of title 28, United States Code, is amended by striking out "United States Court of Claims" and inserting in lieu thereof "Court of Claims" so that such paragraph will read:

"Upon the trial of any suit in the Court of Claims in which any setoff, counterclaim, claim for damages, or other demand is set up on the part of the United States against any plaintiff making claim against the United States in said court, the court shall hear and determine such claim or demand both for and against the United States and plaintiff."

(b) The catchline to section 2510 of title 28, United States Code, is amended by striking out the words "Departmental reference cases", appearing in such catchline, and in lieu thereof inserting "Referral of cases by Comptroller General", so that such catchline will read as follows: "§ 2510. Referral of cases by Comptroller General."

SEC. 50. Section 2 of the act approved August 7, 1888 (ch. 772, 25 Stat. 383; 47 U. S. C., sec. 10) is amended by striking out, after "provision of" near the beginning of such section, the reference "title 65 of the Revised Statutes," and in lieu thereof inserting "sections 5263 to 5269, inclusive of the Revised Statutes, prior to the effective date of the repeal of such sections,", so that such section will read as follows:

"SEC. 2. That whenever any telegraph company which shall have accepted the provisions of sections 5263 to 5269, inclusive of the Revised Statutes, prior to the effective date of the repeal of such sections, shall extend its line to any station or office of a telegraph line belonging to any one of said railroad or telegraph companies referred to in the first section of this act, said telegraph company so extending its line shall have the right and said railroad or telegraph company shall allow the line of said telegraph company so extending its line to connect with the telegraph line of said railroad or telegraph company to which it is extended at the place where their lines may meet, for the prompt and convenient interchange of telegraph business between said companies; and such railroad and telegraph companies, referred to in the first section of this act, shall so operate their respective telegraph lines as to afford equal facilities to all, without discrimination in favor of or against any person, company, or corporation whatever, and shall receive, deliver, and exchange business with connecting telegraph lines on equal terms, and affording equal facilities, and without discrimination for or against any one of such

connecting lines; and such exchange of business shall be on terms just and equitable.".

SEC. 51. Section 7 of the act approved August 7, 1888 (ch. 772, 25 Stat. 385; 47 U. S. C., sec. 15) is amended by striking out, after "premises," the words "now existing in the United States, or any authority that the Postmaster General now has under title 65 of the Revised Statutes to fix rates, or, of the Government, to purchase lines as provided under said title, or to have its messages given precedence in transmission," and in lieu thereof inserting "now or hereafter existing in the United States, or the authority of the Federal Communications Commission under the provisions of the Communications Act of 1934, as amended, to prescribe charges, classifications, regulations, and practices, including priorities, applicable to Government communications," so that such section will read as follows:

"SEC. 7. That nothing in this act shall be construed to affect or impair the right of Congress, at any time hereafter, to alter, amend, or repeal the said acts hereinbefore mentioned; and this act shall be subject to alteration, amendment, or repeal as, in the opinion of Congress, justice or the public welfare may require; and nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises now or hereafter existing in the United States, or the authority of the Federal Communications Commission under the provisions of the Communications Act of 1934, as amended, to prescribe charges, classifications, regulations, and practices, including priorities, applicable to Government communications.".

SEC. 52. Section 103 of the act approved July 26, 1947 (ch. 343, title I, 61 Stat. 499; 50 U. S. C., sec. 404) is amended (1) by striking out subsection (a) thereof; (2) by redesignating present subsections (b), (c), and (d) as "(a)," "(b)," and "(c)," respectively; (3) by striking out, in subsection (a), as so redesignated by clause (2) of this section, "Chairman of the Board," and in lieu thereof inserting "Director of the Office of Defense Mobilization"; (4) by striking out, in subsection (a), as so redesignated by clause (2) of this section, "Classification Act of 1923, as amended," and in lieu thereof inserting "Classification Act of 1949"; (5) by striking out, in subsection (a), as so redesignated, "Board in carrying out its," and in lieu thereof inserting "Director in carrying out his"; (6) by striking out, in subsection (b), as so redesignated by clause (2) of this section, the term "Board," and in lieu thereof inserting "Director of the Office of Defense Mobilization"; and (7) by striking out, in subsection (c), as so redesignated by clause (2) of this section, "its functions, the Board," and in lieu thereof inserting "his functions, the Director of the Office of Defense Mobilization," so that such section will read as follows:

"SEC. 103. (a) The Director of the Office of Defense Mobilization, subject to the direction of the President, is authorized, subject to the civil-service laws and the Classification Act of 1949, to appoint and fix the compensation of such personnel as may be necessary to assist the Director in carrying out his functions.

"(b) It shall be the function of the Director of the Office of Defense Mobilization to advise the President concerning the coordination of military, industrial, and civilian mobilization, including—

"(1) policies concerning industrial and civilian mobilization in order to assure the most effective mobilization and maximum utilization of the Nation's manpower in the event of war;

"(2) programs for the effective use in time of war of the Nation's natural and industrial resources for military and civilian needs, for the maintenance and stabilization of the civilian economy in time of war, and for the adjustment of such economy to war needs and conditions;

"(3) policies for unifying, in time of war, the activities of Federal agencies and departments engaged in or concerned with production, procurement, distribution, or transportation of military or civilian supplies, materials, and products;

"(4) the relationship between potential supplies of, and potential requirements for, manpower, resources, and productive facilities in time of war;

"(5) policies for establishing adequate reserves of strategic and critical material, and for the conservation of these reserves;

"(6) the strategic relocation of industries, services, government, and economic activities, the continuous operation of which is essential to the Nation's security;

"(c) In performing his functions, the Director of the Office of Defense Mobilization shall utilize to the maximum extent the facilities and resources of the departments and agencies of the Government.".

SEC. 53. (a) Subsection (a) of section 2 of the act approved June 25, 1948 (ch. 646, 62 Stat. 985) is amended by inserting at the end thereof the following: "The Chief Justice of the United States Court of Appeals for the District of Columbia and the Associate Justices thereof, the Chief Justice of the District Court of the United States for the District of Columbia (formerly named the Supreme Court of the District of Columbia) and the Associate Justices thereof, the Chief Justice of the Court of Claims, and the presiding judge of the Court of Customs and Patent Appeals, in office on the effective date of this act, shall be judges of the United States within the meaning of section 451 of Title 28, Judiciary and Judicial Procedure, of the United States Code, set out in section 1 of this act. The Chief Justice of the United States Court of Appeals for the District of Columbia and the Associate Justices thereof in office on the effective date of this act, shall be circuit judges of the District of Columbia Circuit and vested with all the rights, powers, and duties thereof, and the said Chief Justice of the United States Court of Appeals for the District of Columbia shall be the Chief Judge of said Circuit. The Chief Justice of the District Court of the United States for the District of Columbia (formerly named the Supreme Court of the District of Columbia) and the Associate Justices thereof, in office on the effective date of this act, shall be district judges for the District of Columbia and vested with all the rights, powers, and duties thereof.",

so that such subsection will read as follows:

"(a) The chief justices of the United States Court of Appeals for the District of Columbia, the District Court of the United States for the District of Columbia, and the Court of Claims, and the presiding judge of the Court of Customs and Patent Appeals, in office on the effective date of this act shall be chief judges of their respective courts. The chief justice of the United States Court of Appeals for the District of Columbia and the associate justices thereof, the chief justice of the District Court of the United States for the District of Columbia (formerly named the Supreme Court of the District of Columbia) and the associate justices thereof, the chief justice of the Court of Claims, and the presiding judge of the Court of Customs and Patent Appeals, in office on the effective date of this act, shall be judges of the United States within the meaning of section 451 of title 28, Judiciary and Judicial Procedure, of the United States Code, set out in section 1 of this act. The chief justice of the United States Court of Appeals for the District of Columbia and the Associate Justices thereof, in office on the effective date of this act, shall be circuit judges of the District of Columbia Circuit and vested with all the rights, powers, and duties thereof, and the said chief justice of the United States Court of Appeals for the District of Columbia shall be chief judge of said circuit. The chief justice of the District Court of the United States for the District of Columbia (formerly named the Supreme Court of the District of Columbia) and the associate justices thereof, in office on the effective date of this act, shall be district judges for the District of Columbia and vested with all the rights, powers, and duties thereof."

(b) The amendment made by subsection (a) of this section shall be deemed to be in effect as of September 1, 1948.

SEC. 54. The first paragraph of section 2501 of Title 28, United States Code, is amended by striking out where they appear in such paragraph the words ", or the claim is referred by the Senate or House of Representatives, or by the head of an executive department", so that such paragraph will read as follows:

"Every claim of which the Court of Claims has jurisdiction shall be barred unless the petition thereon is filed within 6 years after such claim first accrues.".

SEC. 55. (a) The first paragraph of section 2503 of title 28 of United States Code, is amended (1) by lettering the paragraph as subsection (a); (2) by striking out the second sentence of such paragraph and inserting in lieu thereof "In accordance with rules and orders of the court, commissioners shall fix times for trials, administer oaths or affirmations to, and examine witnesses, receive evidence and report findings of fact and, when directed by the court, their recommendations for conclusions of law in cases assigned to them. Hearings shall, if convenient, be held in the counties where the witnesses reside."; and (3) by striking out the last two sentences of such paragraph, so that such paragraph will read as follows:

"(a) Parties to any suit in the Court of Claims may appear before a commissioner in person or by attorney, produce evidence and examine witnesses. In accordance with rules and orders of the court, commissioners shall fix times for trials, administer oaths or affirmations to and examine witnesses, receive evidence and report findings of fact and, when directed by the court, their recommendations for conclusions of law in cases assigned to them. Hearings shall, if convenient, be held in the counties where the witnesses reside.".

(b) The second paragraph of section 2503 of Title 28, United States Code, is amended by (1) by lettering the paragraph as subsection (b); and (2) by striking out the first sentence of such paragraph and inserting in lieu thereof "The rules of the court shall provide for the filing in court of the commissioner's report of facts and recommendations for conclusions of law, and for opportunity for the parties to file exceptions thereto, and a hearing thereon before the court within a reasonable time.", so that the paragraph will read as follows:

"(b) The rules of the court shall provide for the filing in court of the commissioner's report of facts and recommendations for conclusions of law, and for opportunity for the parties to file exceptions thereto, and a hearing thereon before the court within a reasonable time. This section shall not prevent the court from passing upon all questions and findings regardless of whether exceptions were taken before a commissioner.".

SEC. 56. (a) The second paragraph of section 2505 of Title 28, United States Code, is repealed.

(b) The catchline to section 2505 of Title 28, United States Code, is amended by striking out the words "Place of taking evidence" and in lieu thereof inserting "Trial before judges", so that such catchline will read as follows:

"§ 2505. Trial before judges."

(c) The analysis of chapter 165 of Title 28 of United States Code, immediately preceding section 2501 of such title, is amended

by striking out the item "2505. Place of taking evidence." and in lieu thereof inserting

"2505. Trial before judges."

SEC. 57. (a) Section 2507 of Title 28, United States Code, is amended (1) by striking out from the catchline to such section the words "Calls on departments for information" and in lieu thereof inserting "Calls and discovery"; (2) by inserting the subsection designation "(a)" immediately preceding the first word of the first paragraph of such section; (3) by inserting after the words "United States" where they appear in the first paragraph of such section the words "or upon any party"; and (4) by striking out where they appear in the first paragraph of such section the words "it deems necessary, and may use all recorded and printed reports made by the committees of the Senate and House of Representatives." and in lieu thereof inserting "not privileged, for purposes of discovery or for use as evidence. The head of any department or agency may refuse to comply with a call issued pursuant to this subsection when, in his opinion, compliance will be injurious to the public interest.", so that such paragraph redesignated as subsection (a) will read as follows:

"(a) The Court of Claims may call upon any department or agency of the United States or upon any party for any information or papers, not privileged, for purposes of discovery or for use as evidence. The head of any department or agency may refuse to comply with a call issued pursuant to this subsection when, in his opinion, compliance will be injurious to the public interest.".

(b) Section 2507 of Title 28, United States Code is amended by striking out the second paragraph of such section which reads "The head of any department or agency may refuse to comply when, in his opinion, compliance will be injurious to the public interest.", and in lieu thereof inserting a new subsection to be numbered subsection "(b)" and to read as follows:

"(b) Without limitation on account of anything contained in subsection (a) of this section, the court may, in accordance with its rules, provide additional means for the discovery of any relevant facts, books, papers, documents or tangible things, not privileged.".

(c) Section 2507 of Title 28, United States Code, is amended by adding at the end thereof a new subsection to be numbered subsection "(c)" and to read as follows:

"(c) The Court of Claims may use all recorded and printed reports made by the committees of the Senate or House of Representatives."

(d) The analysis to chapter 165 of Title 28, United States Code, immediately preceding section 2501 of such title is amended by striking out therefrom the catchline to item 2507 reading "Calls on departments for information." and in lieu thereof inserting "Calls and discovery.", so that the item will read:

"2507. Calls and discovery."

SEC. 58. Subsection (c) of section 2513 of Title 28, United States Code, is amended by striking out where it appears in such subsection the words "filed with" and in lieu thereof inserting "considered by" so that such subsection will read as follows:

"(c) No pardon or certified copy of a pardon shall be considered by the Court of Claims unless it contains recitals that the pardon was granted after applicant had exhausted all recourse to the courts and that the time for any court to exercise its jurisdiction had expired."

SEC. 59. The last sentence of subsection (b) of section 2516 of Title 28, United States Code, is amended by inserting immediately after the word "allowed" where it appears in such sentence the words "for any period", so that such subsection will read as follows:

"(b) Interest on judgments against the United States affirmed by the Supreme Court after review on petition of the United States shall be paid at the rate of 4 percent per annum from the date of the filing of the transcript of the judgment in the Treasury Department to the date of the mandate of affirmance. Such interest shall not be allowed for any period after the term of the Supreme Court at which the judgment was affirmed."

SEC. 60. Section 2517 of Title 28, United States Code, is amended by (1) striking out the subsection designation "(a)" where it appears in subsection (a), and (2) by striking all of subsection (b), so that the section will read as follows:

"Every final judgment rendered by the Court of Claims against the United States shall be paid out of any general appropriation therefor, on presentation to the General Accounting Office of a certification of the judgment by the clerk and chief judge of the court."

SEC. 61. Subsection (a) of section 2520 of Title 28, United States Code, is amended by striking out where it appears in such subsection the words "and the hearing of any case before the court, a judge, or a commissioner", so that such subsection will read as follows:

"(a) The Court of Claims shall by rules impose a fee not exceeding $10, for the filing of any petition."

SEC. 62. (a) Chapter 165 of Title 28, United States Code, is amended by adding at the end thereof a new section to be designated as section 2521 entitled "Subpenas" and to read as follows:

"§ 2521. Subpenas

"Subpenas requiring the attendance of parties of witnesses and subpenas requiring the production of books, papers, documents or tangible things by any party or witness having custody or control thereof, may be issued for purposes of discovery or for use of the things produced as evidence in accordance with the rules and orders of the court. Such subpenas shall be issued and served and compliance therewith shall be compelled as provided in the rules and orders of the court."

(b) The analysis to chapter 165 of Title 28, United States Code, immediately preceding section 2501 of such title, is amended by adding at the end thereof a new item 2521 to read as follows:

"2521. Subpenas."

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

The Clerk read as follows:

Page 8, section 10, is amended by striking all of the language in section 10 after the section number and inserting in lieu thereof "section 3 (a) of the act approved March 3, 1927 (ch. 348, sec. 3 (a), 44 Stat. 1382), is hereby repealed."

The amendment was agreed to.

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

FIRST INTERNATIONAL INSTRUMENT CONGRESS AND EXPOSITION

The Clerk called the joint resolution (H. J. Res. 257) authorizing the President to invite the States of the Union and foreign countries to participate in the First International Instrument Congress and Exposition, to be held in Philadelphia, Pa., from September 13 to September 25, 1954.

There being no objection, the Clerk read the bill, as follows:

Resolved, etc., That the President of the United States is authorized, by proclamation or in such other manner as he may deem proper, to invite the States of the Union and all foreign countries to participate in the First International Instrument Congress and Exposition, to be held at Philadelphia, Pa., from September 13 to September 25, 1954, inclusive, for the purpose of exhibiting instruments and devices for measurement, inspection, testing, and automatic control (including analytical instruments, astronomical instruments, aviation instruments, automatic control valves, cameras, drafting instruments, electrical and electronic components, electrical and electronic measuring instruments, electronic computers, geophysical instruments, machine-shop gages and inspection devices, measuring pumps, meteorological instruments, scales and balances, servomechanisms, surveying instruments, watches, timers and timepieces, and other precision devices and machinery for precision working), and for the purpose of bringing together buyers and sellers for the promotion of foreign and domestic trade and commerce in such products.

With the following committee amendment:

On page 1, line 5, strike out the word "all."

The committee amendment was agreed to.

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

RECOVERY, CARE, AND DISPOSITION OF REMAINS OF MEMBERS OF UNIFORMED SERVICES

The Clerk called the bill (S. 1999) to provide for the recovery, care, and disposition of the remains of members of the uniformed services and certain other personnel, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare (hereafter in this act individually and severally referred to as the Secretary) are hereby respectively granted the powers and authorities hereafter in this act enumerated and defined.

SEC. 2. The Secretary is authorized to provide for the recovery, care, and disposition of the remains of persons within the classes enumerated in section 3 hereof and, incident thereto, to pay the necessary expenses incurred for (a) notification to the next of kin or other appropriate person; (b) recovery and identification of remains; (c) preparation of remains for burial (including cremation of remains, upon request of the person recognized as the one to direct the disposition of the remains); (d) furnishing of a casket or urn, or both, with outside box; (e) hearse service; (f) funeral director's services; (g) transportation of remains and an escort of one person, including round-trip transportation and prescribed allowances for such escort, to the town or city, or national or other cemetery, designated by the person recognized as the person to direct the disposition of the remains or, in the absence of such designation, to a national or other cemetery designated by the Secretary in which burial of the decedent is authorized; (h) furnishing of a uniform or other articles of clothing; (i) presentation of a flag of the

United States to the person recognized as the one to direct the disposition of the remains, except that the presentation of a flag shall not be authorized in the case of a military prisoner who dies while in his custody and whose sentence includes a discharge other than honorable; and (j) interment of remains.

SEC. 3. The expenses authorized by section 2 hereof may be incurred by the Secretary in respect of (a) military personnel, including commissioned officers of the Coast and Geodetic Survey and the Public Health Service, who die while on active duty; (b) members of a reserve component of the Army, Navy and Marine Corps, Air Force, Coast Guard, Coast and Geodetic Survey, and Public Health Service, of the federally recognized National Guard or Air National Guard (in respect of duty for which they are entitled by law to receive pay from the Federal Government), or of the National Guard or Air National Guard of the United States, who die while on active duty, active duty for training, or while performing authorized travel to or from such service, or who die while on inactive duty training pursuant to proper authority, or who die while hospitalized or undergoing treatment at Government expense, as authorzed by law, for injuries, illness, or disease contracted or incurred while on such service or inactive duty training or such authorized travel; (c) members of a Reserve Officers' Training Corps of the Army, Navy, and Air Force who die while attending training camps or on authorized practice cruises, pursuant to proper authority, or while performing authorized travel to or from such camps or cruises or while hospitalized or undergoing treatment at Government expense, as authorized by law, for injury, disease or illness contracted or incurred while attending such camps or on such cruises or authorized travel; (d) accepted applicants for enlistment in the Army, Navy and Marine Corps, Air Force, and Coast Guard; (e) former enlisted members of the Army, Navy and Marine Corps, Air Force, and Coast Guard who shall have been discharged in United States Government hospitals and who continue as patients in such hospitals to the date of their death; (f) retired members of the Army, Navy and Marine Corps, and Air Force, and the reserve components thereof, hospitalized during periods of extended active duty, who continue as patients in United States Government hospitals to the date of their death; and (g) military prisoners who die while in his custody.

SEC. 4. The benefits of this act shall not be denied in respect of a person within the classes enumerated in subsections (a), (b), (c), (d), (e), and (f) of section 3 hereof on the ground that such person was temporarily absent from active duty with or without leave at the time of his death, unless such person shall have prior to the time of his death been dropped from the rolls of his organization.

SEC. 5. The Secretary is authorized to provide for the care and disposition of the remains of prisoners of war and interned enemy aliens who die while in his custody, and, incident thereto, to pay the necessary expenses incurred for (a) notification to the next of kin or other appropriate person; (b) preparation of the remains for burial (including cremation); (c) furnishing of a casket or urn, or both, with outside box; (d) transportation of remains to the town, city, or cemetery designated by the Secretary; (e) furnishing of articles of clothing; and (f) interment of remains.

SEC. 6. The Secretary is authorized to provide for the care and disposition of the remains of pensioners and indigent patients who die in hospitals maintained and operated by him and persons dying on military reservations, and, incident thereto, to pay the necessary expenses incurred for (a) notification to the next of kin or other appropriate person; (b) preparation of remains for burial (including cremation); (c) furnishing of a casket or urn, or both, with outside box; (d) furnishing of articles of clothing; (e) transportation to a cemetery designated by the Secretary; and (f) interment of remains. However, no expenses shall be incurred pursuant to this section unless proper disposition of such remains cannot otherwise be made.

SEC. 7. (a) The Secretary is authorized, in the case of dependents of military personnel, including commissioned officers of the Coast and Geodetic Survey and the Public Health Service, on active duty, who die while residing with such military personnel at a place of duty outside the continental limits of the United States or in Alaska or while in transit to or from such place of duty, to provide for, and to pay the necessary expenses incurred for, the transportation of remains to such person's home or to such other place as the Secretary shall determine to be the appropriate place of interment. Mortuary services and supplies may be furnished, if practicable, by the Secretary in respect of such dependents on a reimbursable basis where local commercial mortuary facilities and supplies are not available, or if available, the cost thereof is prohibitive in the opinion of the Secretary. Reimbursement for the cost of mortuary services and supplies furnished under the authority of this subsection shall be collected and credited to current appropriations available for the payments of such costs.

(b) Section 1 of the act entitled "An act to defray the costs of returning to the United States the remains, families, and effects of officers and employees dying abroad, and for other purposes", approved July 8, 1940 (54 Stat. 743), is amended by adding a new section 2 thereto to read as follows:

"SEC. 2. In the case of dependents of a civilian officer or employee who died while residing with such civilian officer or employee performing official duties at a place outside the continental United States or in Alaska or while in transit thereto or therefrom, the head of the department concerned is authorized to pay the necessary expenses incurred for the transportation of remains to such person's home or to such other place as the head of the department concerned shall determine to be the appropriate place for interment. Mortuary services and supplies may be furnished, if practicable, by the department concerned in respect of such dependents on a reimbursable basis where local commercial mortuary facilities and supplies are not available, or if available, the cost thereof is prohibitive in the opinion of the head of such department. Reimbursement for the cost of mortuary services and supplies furnished under the authority of this subsection shall be collected and credited to current appropriations available for the payment of such costs."

SEC. 8. In the case of death occurring outside the continental limits of the United States or in Alaska, if local commercial mortuary facilities and supplies are not available, or if available the cost thereof is prohibitive in the opinion of the Secretary, mortuary services and supplies may be furnished by the Secretary on a reimbursable basis in respect of citizens of the United States who are (a) employees of humanitarian agencies accredited to the Armed Forces of the United States, such as the American Red Cross and United States Organization, Inc.; (b) civilians performing services directly for the Secretary by virtue of employment by an agency under contract with the Secretary; (c) masters, officers, and members of crews of merchant vessels operated by or for the account of the United States through the Secretary; (d) personnel on duty with the Armed Forces of the United States who are paid from nonappropriated funds; (e) persons within a class not specifically enumerated in this section, upon the specific request of the Department of State; or (f) dependents of citizens of the United States within the classes enumerated in this section who at the time of death reside abroad with the supporting citizen concerned. Government transportation for the remains of persons specified in this section to a port of entry in the United States may be furnished by the Secretary on a reimbursable basis. Reimbursement for the cost of services, supplies, and transportation furnished under the authority of this section shall be collected and credited to current appropriations available for such costs.

SEC. 9. The Secretary is authorized, when such action is necessary for the temporary interment of remains pending transportation to a designated cemetery, as authorized by this act, to acquire by purchase or otherwise, and to provide for the care and maintenance, of single or multiple grave sites in commercial cemeteries, or to acquire the right to use such grave sites for burial purposes. In the case of death occurring in location outside continental United States where temporary commercial grave sites are not available on a reasonable basis, the Secretary is authorized to acquire land, or the right to use land, necessary for the temporary interment of remains as authorized by this act.

SEC. 10. The Secretary is authorized to provide for the removal of remains from cemeteries on military reservations (including installation cemeteries), when such cemeteries have been, or are to be, discontinued, to national cemeteries, other installation cemeteries, or other cemeteries and for the removal from places of temporary interment, abandoned graves or abandoned cemeteries to national cemeteries, of the remains of military personnel whose last service terminated honorably by death or otherwise.

SEC. 11. In any case where expenses which are allowable under section 2 of this act are borne by individuals, reimbursement to such individuals or their representatives may be made by the Secretary for such expenses in an amount not in excess of the cost normally incurred by the Secretary in furnishing such services or supplies as authorized herein. No reimbursement, however, shall be made under this section for any expenses incurred prior to the date of the enactment of this Act which would not have been a proper charge against the Government at the time of the incurring of such expenses. The reimbursements authorized herein shall be in lieu of but not in addition to reimbursements for like purposes which may be otherwise authorized by Federal law or regulation, but a person entitled to any reimbursement under this section may elect under which provision of Federal law or regulation to claim such reimbursement.

SEC. 12. The Secretary may issue such regulations as may be necessary to carry out the purposes of this act. The person recognized under such regulations as the person to direct the disposition of the remains of a deceased person shall be either a surviving spouse, a blood relative, or an adoptive relative of the deceased person, or if none of such persons can be ascertained and located, a person standing in loco parentis to the deceased person.

SEC. 13. There are authorized to be appropriated from time to time such amounts as may be necessary to carry out the provisions of this act.

SEC. 14. (a) Section 212 (a) (1) of the Public Health Service Act, approved July 1, 1944 (58 Stat. 682), is amended by deleting therefrom the phrase "burial payments in the event of death,".

(b) Section 506 of the Public Health Service Act, approved July 1, 1944 (58 Stat. 682), is amended by adding at the end

thereof a new sentence reading as follows: "Appropriations available for carrying out the provisions of this act shall also be available for the payment of such expenses relating to the recovery, care, and disposition of the remains of personnel or their dependents as may be authorized under other provisions of law."

(c) The following laws or parts of laws are hereby repealed:

(1) The act of March 9, 1928 (45 Stat. 251, ch. 162), as amended by the act of May 17, 1938 (52 Stat. 398);

(2) The act of May 26, 1928 (45 Stat. 767, ch. 779);

(3) The fourth sentence and the first proviso of the act of June 15, 1936 (49 Stat. 1507);

(4) The act of April 20, 1940 (54 Stat. 144); and

(5) Title 14, United States Code, sections 504, 505, and 506.

SEC. 15. Section 9 of the act of January 19, 1942 (56 Stat. 6), as amended by section 4 of the act of March 29, 1944 (58 Stat. 129), is further amended by deleting the words "provisions of sections 1 to 5, inclusive, of the act of April 20, 1940 (54 Stat. 144), relating to the burial expenses of Navy personnel, and the."

With the following committee amendments:

On page 4, line 8, delete the word "and" immediately preceding "Air Force", and insert after "Air Force" a comma and the phrase "and Coast Guard."

On page 6, line 19, delete "section 2" and insert in lieu thereof "clause (c)."

On page 6, line 21, strike "SEC. 2." and insert in lieu thereof "(c)."

The committee amendments were agreed to.

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

AUTHORIZING SALE OF VESSELS TO BRAZIL

The Clerk called the bill (S. 2370) to authorize the sale of certain vessels to Brazil for use in the coastwise trade of Brazil.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I wonder if we could have some information as to how many ships are involved and the amount of money that is involved.

Mr. TOLLEFSON. If the gentleman will yield, this provides for the sale of a dozen C1-MAV-1 vessels to the Brazilian Government, of the same type which they have purchased heretofore.

Mr. GROSS. What tonnage are these vessels?

Mr. TOLLEFSON. They are about a 5,000-ton vessel of shallow draft. They are not of much use to the American merchant marine. We sold a dozen of these vessels to the Brazilian Government earlier and they want another dozen to round out their coastwise fleet. They will be sold at the established Ship Sales Act price.

Mr. GROSS. Probably at 10 cents on the dollar or less?

Mr. TOLLEFSON. No; they will not be quite that cheap. They will be sold probably in the neighborhood of 50 percent of their construction cost.

Mr. GROSS. I wonder if we could get coffee from Brazil on the same basis.

Mr. TOLLEFSON. I could not tell the gentleman about that.

Mr. GROSS. I withdraw my reservation of objection.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce is authorized, at any time prior to 24 months from the date of enactment of this act, to transfer to the Government of Brazil or to citizens of Brazil title to not more than 12 C1-MAV-1 type merchant vessels under the following conditions:

(a) After consultation with the Secretary of State it is determined that the sale of such ships to Brazil will contribute to the economic development of Brazil, and such sales would serve the interest of the foreign policy of the United States;

(b) After consultation with the Secretary of Defense it is determined that the sale of such vessels would not adversely affect the defense of the United States;

(c) After investigation it is determined that there are no privately owned C1-MAV-1 type vessels offered and available for sale by American citizens as defined in section 2 of the Shipping Act, 1916, as amended, at prices equal to or less than, and upon credit terms similar to, those provided for below;

(d) The sale of such vessels shall be at prices determined under section 3 of the Merchant Ship Sales Act, 1946, as amended: *Provided*, That notwithstanding the last paragraph of section 3 (d) of such act, the Secretary may grant allowances for putting such vessels in class, in accordance with the minimum requirements of the American Bureau of Shipping, such allowances to be determined on the basis of competitive bids.

(e) At the time of sale the purchasers shall pay at least 25 percent of the price determined under subsection (c). The Secretary of Commerce, after consultation with the National Advisory Council on International Monetary and Financial Problems, shall fix the terms of payment on unpaid balances, which terms shall in no event be more favorable than the terms applicable in the case of sales to citizens of the United States.

(f) The obligation of the purchasers with respect to the payment of such unpaid balance of the purchase price and interest thereon shall be secured by a mortgage which shall contain, among others, provisions according to such mortgage, the priorities over other liens and encumbrances accorded such mortgages on merchant vessels under the laws of the country to which the registry of the vessels is transferred; and

(g) Every transfer under the authority of this act, shall be subject to an agreement by the Government of Brazil that the vessels whether under mortgage to the United States or not shall not engage in international trade or in other than the coastwise trade of Brazil.

With the following committee amendments:

Page 2, lines 14 through 19 inclusive, strike out the proviso and the colon immediately preceding same, and in lieu thereof insert a comma and the following: "as-is, where-is."

Page 2, line 22, strike out the letter "c" enclosed in parentheses, and in lieu thereof insert the letter "d."

Page 3, line 2, strike out the period, and in lieu thereof insert a semicolon.

Page 3, line 11, after the words "of this act" insert a comma and the following: "including transfers under the authority of section 9, or section 37, of the Shipping Act, 1916, within the intent of subsection (c) hereof."

The committee amendments were agreed to.

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

REPEAL LIMITATION ON PAY OF CERTAIN NAVY AND MARINE CORPS OFFICERS

The Clerk called the bill (H. R. 7131) to repeal a limitation on pay of certain officers of the Navy and Marine Corps.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the last proviso of the paragraph under the heading "Pay of the Navy" contained in the act of June 10, 1896 (29 Stat. 361), as that proviso was amended by section 9 of the act of July 22, 1935 (49 Stat. 490; 34 U. S. C. 883) is hereby repealed.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That fleet admirals of the Navy, appointed under the act of March 23, 1946 (60 Stat. 59), shall be considered to be retired naval officers for the purposes of the last proviso of the paragraph under the heading 'Pay of the Navy' contained in the act of June 10, 1896 (29 Stat. 361), as that proviso was amended by section 9 of the act of July 22, 1935 (49 Stat. 490; 34 U. S. C. 883)."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to repeal a limitation on pay of certain officers of the Navy."

A motion to reconsider was laid on the table.

AWARD OF MEDALS

The Clerk called the bill (H. R. 9001) to provide for the award of certain medals, crosses, and other similar awards, in cases where the statement or report recommending the award was not completely processed because of loss or inadvertence.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 9 of the act of February 4, 1919 (ch. 14, 40 Stat. 1056), as amended by the act of August 7, 1942 (ch. 551, 56 Stat. 743), is further amended by adding the following at the end thereof: "However, in any case that the Secretary of the Navy determines the statement or report suggesting or recommending official recognition was not completely processed because of loss or inadvertence, the award may be made within 2 years after the determination."

SEC. 2. The eighth paragraph under the heading "Medals of Honor, Distinguished-Service Crosses, and Distinguished-Service Medals" of the act of July 9, 1918 (ch. 143, 40 Stat. 871), is amended by adding the following at the end thereof: "However, in any case that the Secretary of the Army or the Secretary of the Air Force, as the case may be, determines the statement or report suggesting or recommending official recognition was not completely processed because of loss or inadvertence, the award may be made within 2 years after the determination.".

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

LOAN OR GIFT OF WORKS OF ART

The Clerk called the bill (H. R. 9006) to amend the act of May 22, 1896, as amended, concerning the loan or gift of works of art and other material.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the first paragraph of the act of May 22, 1896 (29 Stat. 133), as amended, is amended by inserting immediately after the words "for profit," the additional words "foreign museums similarly operated and maintained, foreign national museums."

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

DEPOSIT OF SAVINGS OF ENLISTED MEMBERS OF ARMED SERVICES

The Clerk called the bill (H. R. 9008) to provide for the deposit of savings of enlisted members of the Army, Navy, Air Force, and Marine Corps, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That any enlisted member of the Army, Navy, Air Force, or Marine Corps may deposit his savings, in sums not less than $5, with any branch, office, or officer of that armed force designated by the Secretary of the military department concerned which shall furnish him a deposit book in which shall be entered the name of the officer receiving such deposit and of the enlisted member and the amount, date, and place of such deposit. Any amount heretofore or hereafter deposited shall be held during such period of his service as may be prescribed by the Secretary of the department concerned; shall be accounted for in the same manner as other public funds; shall be deposited in the Treasury of the United States and kept as separate funds known respectively as "Pay of the Army, deposit fund"; "Pay of the Navy, deposit fund"; "Pay of the Air Force, deposit fund"; and "Pay of the Marine Corps, deposit fund"; repayment of which to the enlisted member, or to his heirs or representatives, shall be made out of the respective funds created by said deposits.

SEC. 2. For any sums not less than $5 so deposited for a period of 6 months, or longer, the enlisted member, upon final discharge or at such time or times prior thereto as may be prescribed by the Secretary of the department concerned, shall be paid interest at the rate of 4 percent per annum.

SEC. 3. Deposits and interest thereon shall be exempt from liability for such enlisted member's debts, including any indebtedness to the United States or to any of its instrumentalities, and shall not be subject to forfeiture by sentence of court-martial.

SEC. 4. The following are hereby repealed: Section 1305, Revised Statutes, as amended; section 1306, Revised Statutes, as amended; the act of December 18, 1942 (ch. 765, 56 Stat. 1057, 1058), as amended; the act of February 9, 1889 (ch. 119, 25 Stat. 657); the act of June 29, 1906 (ch. 3590, 34 Stat. 579); the act of February 28, 1931 (ch. 326, 46 Stat. 1448); and the act of July 17, 1953 (ch. 219, 67 Stat. 176).

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

CORRECTING TYPOGRAPHICAL ERRORS IN PUBLIC LAW 368, 83D CONGRESS

The Clerk called the bill (H. R. 9561) to correct typographical errors in Public Law 368, 83d Congress.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the first section of the act of May 26, 1948 (62 Stat. 274), as amended by Public Law 368, 83d Congress, is hereby further amended as follows:

Delete the word "officers" where it appears in paragraph (4) of said section and insert in lieu thereof the word "offices," and in the same paragraph, delete the word "Forces" where it appears therein and substitute in lieu thereof, the word "Force."

SEC. 2. This act shall be effective as of May 27, 1954.

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

INCORPORATING THE BOARD FOR FUNDAMENTAL EDUCATION

The Clerk called the bill (H. R. 229) to incorporate the Board for Fundamental Education.

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

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, S. 1796 is identical with H. R. 229. I ask unanimous consent that the Senate bill (S. 1796) be substituted for the House bill.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the following persons: Ernest R. Alexander, of Dallas, Tex.; John R. Alford, of Henderson, Tex.; William H. Book, of Indianapolis, Ind.; E. M. Dealey, of Dallas, Tex.; A. Dale Fiers, of Indianapolis, Ind.; Fred F. Florence, of Dallas, Tex.; E. B. Germany, of Dallas, Tex.; Sam Gladney, of Dallas, Tex.; Theodore B. Griffith, of Indianapolis, Ind.; O. H. Grissom, of Longview, Tex.; Harry T. Ice, of Indianapolis, Ind.; J. C. Judge, of Mineola, Tex.; George Kuhn, of Indianapolis, Ind.; Charles J. Lynn, of Indianapolis, Ind.; Eugene S. Pulliam, of Indianapolis, Ind.; C. B. Roberts, of Dallas, Tex.; William L. Schloss, of Indianapolis, Ind.; Ben H. Wooten, of Dallas, Tex.; and Joseph Zeppa, of Tyler, Tex.; and their associates and successors are hereby created a body corporate by the name of Board for Fundamental Education (hereinafter referred to as the "corporation") and by such name shall be known and have perpetual succession and the powers and limitations contained in this act.

SEC. 2. A majority of the persons named in the first section of this act, or their successors, are hereby authorized to meet to complete the organization of the corporation by the adoption of a constitution and bylaws, the election of officers, and by doing all things necessary to carry into effect the provisions of this act.

SEC. 3. The objects and purposes of the corporation shall be to foster the development of fundamental education through programs and projects such as—

(1) giving citizens (children, youth, and adults) opportunity to acquire the understandings and skills necessary to relate the resources of the community to the needs and interests of the community.

(2) demonstrating programs of fundamental education and measuring results.

(3) training men and women as leaders in fundamental education by providing internships and other experiences.

SEC. 4. The corporation shall have power—

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

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

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

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

(5) to contract and be contracted with;

(6) to take and hold by lease, gift, purchase, grant, devise, or bequest any property, real or personal, necessary for attaining the objects of accomplishing the purposes of the corporation, subject to applicable provisions of law of any State (A) governing the amount or kind of real and personal property which may be held by, or (B) otherwise limiting or controlling the ownership of real and personal property by, a corporation operating in such State.

(7) to transfer and convey real or personal property;

(8) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject to all applicable provisions of Federal or State law;

(9) to use the corporate funds to give prizes, awards, loans, scholarships and grants to deserving students for the purposes set forth in section 3;

(10) to publish a magazine and other publications; and

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

SEC. 5. The activities of the corporation may be conducted throughout the various States, Territories, and possessions of the United States. The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation, such designation to be filed in the office of the clerk of the United States District Court for the District of Columbia. Notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed sufficient notice or service upon the corporation. The principal office of the corporation shall be established at such place as the board of directors deems appropriate.

SEC. 6. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this act, be determined according to the constitution and bylaws of the corporation. In the conduct of the official business of the corporation each member shall have one vote.

SEC. 7. The corporation shall be governed by a board of directors composed of not less than 15 members of the corporation who shall be elected annually to serve on such board by the members of the corporation.

SEC. 8. The officers of the corporation shall consist of a chairman of the board, a president, one or more vice presidents, a secretary, a treasurer, and such assistant officers as the board of directors shall designate. The officers shall perform such duties and have such

powers as the bylaws and the board of directors may from time to time prescribe.

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to any such person except upon dissolution and final liquidation of the corporation as provided in section 15 of this act.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for it or assents to the making of a loan to any officer, director, or employee of the corporation, and any officer who participates in the making of such a loan shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

SEC. 10. The corporation and its members, officers, and directors, as such, shall not contribute to or otherwise support or assist any political party or candidate for elective public office.

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

SEC. 12. The corporation shall have no power to issue any share of stock, or to declare or pay any dividends, or to engage in business for pecuniary profit.

SEC. 13. The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, the board of directors, and committees having any authority under the board of directors; and it shall also keep a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member or his agent or attorney at any reasonable time.

SEC. 14. (a) The financial transactions shall be audited annually by an independent certified public accountant in accordance with the principles and procedures applicable to commercial corporate transactions. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositors, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to Congress not later than May 15 of each year. The report shall set forth the scope of the audit and shall include a verification by the person or persons conducting the audit of statements of (1) assets and liabilities, (2) capital and surplus or deficit, (3) surplus or deficit analysis, (4) income and expense, and (5) sources and application of funds. Such reports shall not be printed as public documents.

SEC. 15. Upon final dissolution or liquidation of the corporation and after the discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation shall be used by the board of directors for the purposes stated in section 3 above or be transferred to some recognized educational foundation.

SEC. 16. The corporation shall have the sole and exclusive right to use the name of Board for Fundamental Education as representing such corporation and such seals, emblems, and badges as the corporation may lawfully adopt.

SEC. 17. As a condition precedent to the exercise of any power or privilege granted to the corporation under this act, the corporation shall file in the office of the Secretary of State, or similar office, in each State and in each Territory or possession of the United States in which the corporation is doing business, the name and post office address of an authorized agent in such State, Territory, or possession upon whom legal process or demand against the corporation may be served.

SEC. 18. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

A similar House bill was laid on the table.

The SPEAKER. This concludes the bills on the Consent Calendar eligible for consideration to date.

METAL SCRAP

Mr. REED of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 8155) to continue until the close of June 30, 1955, the suspension of duties and import taxes on metal scrap, and for other purposes.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the first sentence of section 2 of the act of September 30, 1950 (Public Law 869, 81st Cong.), is hereby amended by striking out "June 30, 1954" and inserting in lieu thereof "June 30, 1955": *Provided*, That this act shall not apply to lead scrap or zinc scrap (other than zinc scrap purchased under a written contract entered into before July 1, 1953).

SEC. 2. The amendment made by the first section of this act shall not be construed to affect in any way the application of Public Law 38, 82d Congress, to copper scrap.

With the following committee amendment:

Page 1, line 9, strike out "1953" and insert "1954."

Mr. REED of New York. Mr. Speaker, H. R. 8155 suspends for 1 year the import duties on metal scrap other than lead and zinc scrap. Zinc scrap, which is imported under the terms of a contract entered into before July 1, 1954, would be included in the suspension.

This legislation is similar to the legislation which the Congress has previously enacted to suspend such duties. The Committee on Ways and Means received favorable reports on this legislation from the Departments of Commerce, Defense, Interior, State, and Treasury. It was unanimously reported by the committee.

Mr. COOPER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. COOPER. Mr. Speaker, this bill was reported unanimously by the Committee on Ways and Means. Its purpose is to extend from June 30, 1954, to the close of June 30, 1955, the suspension of duties on metal scrap. All interested departments and agencies supported the continuation of this suspension of duties.

Under present law which would be continued for 1 year by this bill, the duties on metal scrap except lead and zinc scrap are suspended. In the case of zinc scrap which is purchased under a written contract entered into before July 1, 1954, the duties would also be suspended.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

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

HOSPITAL AND HEALTH FACILITIES FOR INDIANS

Mr. D'EWART. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 303) to transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Montana? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. D'EWART, BERRY, WESTLAND, ASPINALL, and HALEY.

ELINORE LIBONATI

Mr. LECOMPTE. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 601 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That there shall be paid out of the contingent fund of the House to Elinore Libonati, sister of Elliodor M. Libonati, late an employee of the House of Representatives, an amount equal to 6 months' salary at the rate he was receiving at the time of his death and an additional amount not to exceed $350 toward defraying the funeral expenses of said Elliodor M. Libonati.

The resolution was agreed to, and a motion to reconsider was laid on the table.

PERSONAL ANNOUNCEMENT

Mr. WILSON of California. Mr. Speaker, I was detained in my office last Friday at the time of the vote on the Harrison amendment, rollcall No. 96. Had I been present, I would have voted "aye."

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

ANNA URWICZ

The Clerk called the bill (S. 552) for the relief of Anna Urwicz.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

HARDING LAKE CAMP, INC., FAIRBANKS, ALASKA

The Clerk called the bill (H. R. 7958) to authorize the sale of certain land in Alaska to the Harding Lake Camp, Inc., of Fairbanks, Alaska, for use as a youth camp and related purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Harding Lake Camp, Incorporated, of Fairbanks, Alaska, is hereby authorized for a period of 1 year from and after the effective date of this act to apply for the purchase of, and the Secretary of the Interior is hereby authorized and directed to convey to the organization, for use as a youth camp and related purposes, the following-described land situated in Alaska: Southeast quarter southwest quarter, and west half northeast quarter southwest quarter, section 7, township 6 south, range 5 east, Fairbanks meridian, Alaska.

SEC. 2. That the conveyance shall be made upon the payment by the said organization for the land at its reasonable appraised price of not less than $1.25 per acre, to be fixed by the Secretary of the Interior: *Provided*, That the conveyance hereby authorized shall not include any land covered by a valid existing right initiated under the public lands laws: *Provided further*, That the coal and other mineral deposits in the land shall be reserved to the United States, together with the right to prospect for, mine, and remove the same under applicable laws and regulations to be prescribed by the Secretary of the Interior.

With the following committee amendments:

Page 1, line 3, strike the word "Incorporated," and insert in lieu thereof the words "Inc., an Alaska nonprofit corporation."

Page 1, strike all of the land description beginning with line 9, through page 2, line 2, and insert in lieu thereof "Southeast quarter of the southwest quarter and all of lot 5, section 7, township 6 south, range 5 east, Fairbanks meridian, Alaska, United States survey 1901, Salchaket Townsite Plat."

Page 2, line 5, strike the words "of not less than $1.25 per acre," following the word "price."

Page 2, line 6, strike the word "Interior:" and insert in lieu thereof "Interior. The conveyance shall be made only if the Harding Lake Camp, Inc., makes the total payment due within 5 years after notification by the Secretary of the amount due."

Page 1, line 9, change the colon to a period and strike the balance of the bill.

The committee amendments were agreed to.

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

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill, S. 2900.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Harding Lake Camp, Inc., an Alaska nonprofit corporation, of Fairbanks, Alaska, is hereby authorized for a period of 1 year from and after the effective date of this act to apply for the purchase of, and the Secretary of the Interior is hereby authorized and directed to convey to the organization, for use as a youth camp and related purposes, the following-described land situated in Alaska: southeast quarter of the southwest quarter and all of lot 5, section 7, township 6 south, range 5 east, Fairbanks meridian, Alaska, United States Survey 1901, Salchaket Townsite Plat.

SEC. 2. The conveyance shall be made upon the payment by the said organization for the land at a fair market price to be fixed by the Secretary of the Interior through appraisal, after taking into consideration the purpose for which the land is to be used: *Provided*, That the conveyance hereby authorized shall not include any land covered by a valid existing right initiated under the public lands laws: *Provided further*, That the coal and other mineral deposits in the land shall be reserved to the United States, together with the right to prospect for, mine, and remove the same under applicable laws and regulations to be prescribed by the Secretary of the Interior.

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

The Clerk read as follows:

Amendment offered by Mr. SAYLOR: Strike out all after the enacting clause of the bill S. 2900 and insert in lieu thereof the language of the bill H. R. 7958 as passed.

The amendment was agreed to.

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

The title was amended so as to read: "An act to authorize the sale of certain land in Alaska to the Harding Lake Camp, Inc., an Alaska nonprofit corporation, of Fairbanks, Alaska, for use as a youth camp and related purposes."

The proceedings by which the bill H. R. 7958 were passed were vacated, and the bill was laid on the table.

MR. AND MRS. THOMAS V. COMPTON

The Clerk called the bill (H. R. 4281) for the relief of Mr. and Mrs. Thomas V. Compton.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. Thomas V. Compton, Clarksville, Va., jointly, the sum of $18,000. The payment of such sum shall be in full settlement of all claims of the said Mr. and Mrs. Thomas V. Compton against the United States by reason of the decline in value since June 1, 1947, of business property located near Clarksville, Va., and owned and operated by the said Mr. and Mrs. Thomas V. Compton. The decline in value of the said property was caused by loss of business and police protection due to the relocation of highway 15 near Clarksville, Va., which relocation was necessitated by work done at Buggs Island Lake by the Corps of Engineers, Department of the Army. No part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceed-$1,000.

With the following committee amendment:

Page 1, line 6, strike out "$18,000" and insert "$6,000."

The committee amendment was agreed to.

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

CAPT. C. R. MACLEAN

The Clerk called the bill (H. R. 6562) for the relief of Capt. C. R. MacLean.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. C. R. MacLean, United States Coast Guard, the sum of $486. Such sum represents the tuition paid by Capt. C. R. MacLean for the education of his children in the public schools of the Canal Zone although the United States paid the tuition for the education of children of members of the Army, Navy, and Air Force stationed in the Canal Zone. No part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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

ROBERT FINLEY DELANEY

The Clerk called the bill (H. R. 6767) for the relief of Robert Finley Delaney.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert Finley Delaney the sum of $6,304.50. Such sum shall be in full settlement of all claims against the United States of said Robert Finley Delaney for personal property lost in an accident involving the crash of an Italian Airlines plane on which he was traveling in a duty status for the State Department, from Paris to Rome, under travel authorization 1-23032, dated November 17, 1950, purchased by the State Department's travel section at the BOAC, Washington, D. C.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike out "$6,304.50" and insert "$3,000."

The committee amendment was agreed to.

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

DEMETRIOS CHRISTOS MATARAGGIOTIS ET AL.

The Clerk called the bill (H. R. 697) for the relief of Demetrios Christos Mataraggiotis, and Zoi Demetre Mataraggiotis, his wife, and Christos Mataraggiotis and Constantinos Mataraggiotis, their minor sons.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Demetrios Christos Mataraggiotis, and Zoi Demetre Mataraggiotis, his wife, and Christos Mataraggiotis and Constantinos Mataraggiotis, their minor sons, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such aliens as provided in this act, the Secretary of State shall instruct the proper quota-control officer to deduct four numbers from the appropriate quota for the first year that such quota is available.

With the following committee amendments:

On page 1, lines 3 and 4, strike out "immigration and naturalization laws" and substitute "Immigration and Nationality Act."

On page 1, line 9, strike out the word "fee" and substitute "fees."

On page 1, line 10, strike out the words "and head tax."

The committee amendments were agreed to.

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

CHRISTAKIS MODINOS

The Clerk called the bill (H. R. 803) for the relief of Christakis Modinos.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Christakis Modinos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

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

ENRICHETTA F. C. MEDA-NOVARA

The Clerk called the bill (H. R. 804) for the relief of Enrichetta F. C. Meda-Novara.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Enrichetta F. C. Meda-Novara shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

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

NOURITZA TERZIAN

The Clerk called the bill (H. R. 949) for the relief of Nouritza Terzian.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Nouritza Terzian shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

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

MRS. AIMEE DUTOUR ROVZAR

The Clerk called the bill (H. R. 977) for the relief of Mrs. Aimee Dutour Rovzar.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Mrs. Aimee Dutour Rovzar, who lost United States citizenship under the provisions of subsection (b) of section 404 of the Nationality Act of 1940, as amended, may be naturalized by taking, prior to 1 year after the effective date of this act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act, or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said act: *Provided*, That the said Mrs. Aimee Dutour Rovzar shall return to the United States for permanent residence within 18 months following the effective date of this act. From and after naturalization under this act, the said Mrs. Aimee Dutour Rovzar shall have the same citizenship status as that which existed immediately prior to its loss.

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

ARTHUR NEUSTADT AND MRS. EMMA NEUSTADT

The Clerk called the bill (H. R. 1646) for the relief of Arthur Neustadt and Mrs. Emma Neustadt.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Arthur Neustadt and Mrs. Emma Neustadt shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct two numbers from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

On page 1, line 8, strike out the word "fee" and substitute "fees."

The committee amendment was agreed to.

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

KATHE BARTKE

The Clerk called the bill (H. R. 1697) for the relief of Kathe Bartke.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Mrs. Kathe Bartke shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

On page 1, line 4, strike out the name "Mrs. Kathe Bartke" and substitute in lieu thereof the following: "Mrs. Katharina Batke."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Mrs. Katharina Batke."

A motion to reconsider was laid on the table.

HENNING VON ROYK-LEWINSKI

The Clerk called the bill (H. R. 1360) for the relief of Henning Von Royk-Lewinski.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Henning Von Royk-Lewinski shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendments:

On page 1, lines 3 and 4, strike out "immigration and naturalization laws" and substitute in lieu thereof "Immigration and Nationality Act."

On page 1, line 7, strike out the words "and head tax."

The amendments were agreed to.

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

ILONA ELIZABETH CARRIER

The Clerk called the bill (H. R. 1463) for the relief of Ilona Elizabeth Carrier.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding the provisions of section 310 (d) and 318 of the Immigration and Nationality Act, Ilona Elizabeth Carrier shall be held to meet the requirements of section 323 of that act: *Provided*, That petition for naturalization in her behalf shall be filed not later than 1 year following the date of the enactment of this act.

With the following committee amendment:

Page 1, line 3, strike out all after the enacting clause and insert "That, for the purposes of the Immigration and Nationality Act, Ilona Elizabeth Carrier shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 16, 1952."

The committee amendment was agreed to.

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

HAROLD TREVOR COLBOURN

The Clerk called the bill (S. 268) for the relief of Harold Trevor Colbourn.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Harold Trevor Colbourn shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

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

DONALD GRANT

The Clerk called the bill (S. 381) for the relief of Donald Grant.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Donald Grant shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the enactment of this act, the Secretary of State shall instruct the proper quota-control office to deduct one number from the appropriate quota for the first year that such quota is available.

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

JOHAN GERHARD FABER ET AL.

The Clerk called the bill (S. 455) for the relief of Johan Gerhard Faber, Dagmar Anna Faber, Hilke Faber, and Frauke Faber.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Johan Gerhard Faber, Dagmar Anna Faber, Hilke Faber, and Frauke Faber shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

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

JOSEPHINE REIGL

The Clerk called the bill (S. 490) for the relief of Josephine Reigl.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Josephine Reigl shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

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

MR. AND MRS. IVAN S. AYLESWORTH

The Clerk called the bill (S. 520) for the relief of Mr. and Mrs. Ivan S. Aylesworth.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Mr. and Mrs. Ivan S. Aylesworth, who lost United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940, as amended, may be naturalized by taking, prior to 1 year after the effective date of this act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act, or before any diplomatic or consular officer of the United States abroad, the oath prescribed by section 337 of the Immigration and Nationality Act. From and after naturalization under this act, the said Mr. and Mrs. Ivan S. Aylesworth shall have the same citizenship status as that which existed immediately prior to its loss.

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

REGINE DU PLANTY

The Clerk called the bill (H. R. 2061) for the relief of Regine du Planty.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Regine du Planty shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

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

STANISLAW MAJZNER (ALIAS STANLEY MAISNER)

The Clerk called the bill (H. R. 2500) for the relief of Stanislaw Majzner (alias Stanley Maisner).

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Stanislaw Majzner (alias Stanley Maisner) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendments:

Page 1, line 3, strike out "immigration and naturalization laws" and insert "Immigration and Nationality Act."

Page 1, line 8, strike out "and head tax."

The committee amendments were agreed to.

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

SISTERS LINDA SALERNO ET AL.

The Clerk called the bill (H. R. 2654) for the relief of Sisters Linda Salerno, Luigiana C. Cairo, Antonietta Impieri, Anna Impieri, Rosina Scarlato, Iolanda Gaglianone, Maria Assunta Scaramuzzo, Francescaina Conterucci, and Filomena Lupinacci.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Sisters Linda Salerno, Luigiana C. Cairo, Antonietta Impieri, Anna Impieri, Rosina Scarlato, Iolanda Gaglianone, Maria Assunta Scaramuzzo, Francescaina Conterucci, and Filomena Lupinacci shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees and head taxes. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to

deduct the required numbers from the appropriate quota for the first year that such quota is available.

With the following committee amendments:

Page 1, line 3, strike out "immigration and naturalization laws" and insert "Immigration and Nationality Act."

Page 1, line 7, strike out "Francescaina Conterucci" and insert "Franceschina Cauterucci."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Sisters Linda Salerno, Luigiana C. Cairo, Antonietta Impieri, Anna Impieri, Rosina Scarlato, Iolanda Gaglianone, Maria Assunta Scaramuzzo, Franceschina Cauterucci, and Filomena Lupinacci."

A motion to reconsider was laid on the table.

JUAN ONATIVIA

The Clerk called the bill (H. R. 2879) to stay deportation proceedings on Juan Onativia.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Juan Onativia shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Page 1, line 3, strike out "immigration and naturalization laws" and insert "Immigration and Nationality Act."

The committee amendment was agreed to.

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

NICHOLAS M. PAPADOPOULOS

The Clerk called the bill (H. R. 3001) for the relief of Nicholas M. Papadopoulos.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Nicholas M. Papadopoulos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

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

ALEXANDER HAHN AND SUZANNE HAHN

The Clerk called the bill (H. R. 3125) for the relief of Alexander Hahn and Suzanne Hahn.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the immigration and Nationality Act, Alexander Hahn and Suzanne Hahn shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct two numbers from the appropriate quota for the first year that such quota is available.

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

DANICA MARIA VAVROVA

The Clerk called the bill (H. R. 3238) for the relief of Danica Maria Vavrova.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Danica Maria Vavrova shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment of this act, upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from appropriate quota for the first year that such quota is available.

With the following committee amendments:

Page 1, line 3, after "purposes of the" strike out "immigration and naturalization laws" and insert "Immigration and Nationality Act."

Page 1, line 8, after "fee" strike out "and head tax."

The committee amendments were agreed to.

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

TOKI YAEKO

The Clerk called the bill (H. R. 3444) for the relief of Toki Yaeko.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Toki Yaeko, shall be held and considered to be the natural-born alien child of Mr. and Mrs. John W. Arthur, citizens of the United States.

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

NICOLETTA DI DONATO

The Clerk called the bill (H. R. 3616) for the relief of Nicoletta Di Donato.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purpose of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Nicoletta Di Donato, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Donato Di Donato, citizens of the United States.

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

SISTER PAOLINA (ANGELA DI FRANCO)

The Clerk called the bill (H. R. 3677) for the relief of Sister Paolina (Angela Di Franco).

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Sister Paolina (Angela Di Franco) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

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

SISTER AGRIPPINA (AGRIPPINA PALERMO) ET AL.

The Clerk called the bill (H. R. 3855) for the relief of Sister Agrippina (Agrippina Palermo), Sister Battistina (Franceschina Serpa), Sister Romana (Angela Iolanda Morelli), Sister Franceschina (Maria Caruso), and Sister Bruna (Giuseppina De Caro).

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Sister Agrippina (Agrippina Palermo), Sister Battistina (Franceschina Serpa), Sister Romana (Angela Iolanda Morelli), Sister Franceschina (Maria Caruso), and Sister Bruna (Giuseppina De Caro) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct five numbers from the appropriate quota for the first year that such quota is available.

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

MIRA TELLINI NAPOLEONE

The Clerk called the bill (H. R. 4092) for the relief of Mira Tellini Napoleone.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws,

Mira Tellini Napoleone shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendments:

Page 1, line 3, after "purposes of the", strike out "immigration and naturalization laws" and insert "Immigration and Nationality Act"; and line 8, after "fee", strike out "and head tax."

The committee amendments were agreed to.

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

JUNE ANN SAKURAI

The Clerk called the bill (H. R. 4371) for the relief of June Ann Sakurai.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, June Ann Sakurai, shall be held and considered to be the natural-born alien child of Donald Winfield Smith, a citizen of the United States.

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

CARMEN D'OTTAVIO, ALSO KNOWN AS CAMERON D'OTTAVIO

The Clerk called the bill (H. R. 5072) for the relief of Carmen O'Ottavio, also known as Cameron D'Ottavio.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Carmen D'Ottavio, also known as Cameron D'Ottavio, may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice have knowledge prior to the enactment of this act.

With the following committee amendment:

Page 1, line 10, after "Justice" strike out "have" and insert "had."

The committee amendment was agreed to.

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

SOPHIA NASSOPOULOS

The Clerk called the bill (H. R. 5077) for the relief of Sophia Nassopoulos.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Sophia Nassopoulos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in the act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

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

EVA LOWINGER

The Clerk called the bill (H. R. 5443) for the relief of Eva Lowinger.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes the Immigration and Nationality Act, Eva Lowinger shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

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

ALBERTO UGO LANDRY

The Clerk called the bill (H. R. 5944) for the relief of Alberto Ugo Landry.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Alberto Ugo Landry shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

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

ANTONIO CAZZATO

The Clerk called the bill (H. R. 7088) for the relief of Antonio Cazzato.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Antonio Cazzato may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of the Justice have knowledge prior to the enactment of this act.

With the following committee amendment:

Page 1, line 9, strike out "have" and insert "had."

The committee amendment was agreed to.

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

ROSA MARIE ADELHEID HEROK

The Clerk called the bill (H. R. 7138) for the relief of Rosa Marie Adelheid Herok.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, in the administration of the Immigration and Nationality Act, Rosa Marie Adeheid Herok, the fiance of Daniel B. Hewlett, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months: *Provided*, That the administrative authorities find that the said Rosa Marie Adelheid Herok is coming to the United States with a bona fide intention of being married to the said Daniel B. Hewlett and that she is found otherwise admissible under the provisions of the Immigration and Nationality Act other than the provision of section 212 (a) (9) of that act: *Provided further*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act. In the event that the marriage between the above-named persons does not occur within 3 months after the entry of the said Rosa Marie Adelheid Herok, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Rosa Marie Adelheid Herok, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Rosa Marie Adelheid Herok as of the date of the payment by her of the required visa fee.

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

MRS. ESTERLEE HUTZLER WEINHOEPPEL

The Clerk called the bill (H. R. 7411) for the relief of Mrs. Esterlee Hutzler Weinhoeppel.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Mrs. Esterlee Hutzler Weinhoeppel, who lost United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940, may be naturalized by taking prior to 1 year after the date of enactment of this act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, an oath as prescribed by section 337 of such act. From and after naturalization under this act, the said Mrs. Esterlee Hutzler Weinhoeppel shall have the same citizenship

status as that which existed immediately prior to its loss.

With the following committee amendments:

Page 1, line 10, strike out "From" insert a colon and the following: "*Provided*, That from."

Page 2, line 3, after the word "loss", insert ": *Provided further*, That failure to establish permanent residence in the United States within a period of 18 months following the enactment of this act shall result in the divestiture of United States citizenship acquired by Mrs. Esterlee Hutzler Weinhoeppel under this act."

The committee amendments were agreed to.

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

MICHAEL HENRY LAFLEUR

The Clerk called the bill (H. R. 7606) for the relief of Michael Henry LaFleur.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Michael Henry LaFleur, shall be held and considered to be the natural-born alien child of Mrs. Electa D. LaFleur, a citizen of the United States.

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

MARTTI IIMARI TIMONEN ET AL.

The Clerk called the bill (H. R. 7635) for the relief of Martti Iimari Timonen, Maj-Lis Timonen, and Marja Timonen.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Martti Iimari Timonen, Maj-Lis Timonen, and Marja Timonen shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

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

BART BLAAK

The Clerk called the bill (H. R. 7945) for the relief of Bart Blaak (formerly Johannes J. M. Gijsbers).

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, the minor child, Bart Blaak (formerly Johannes J. M. Gijsbers), shall be held and considered to be the natural-born alien child of Kommer Blaak, a lawfully admitted permanent resident of the United States.

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

WONG YOU HENN

The Clerk called the bill (S. 579) for the relief of Wong You Henn.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Wong You Henn shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

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

EFTYCHIOS MOURGINAKIS

The Clerk called the bill (S. 676) for the relief of Eftychios Mourginakis.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the immigration and naturalization laws, Eftychios Mourginakis shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

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

JACEK VON HENNEBERG

The Clerk called the bill (S. 747) for the relief of Jacek Von Henneberg.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Jacek Von Henneberg shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

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

CHUAN HUA LOWE AND HIS WIFE

The Clerk called the bill (S. 997) for the relief of Chuan Hua Lowe and his wife.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

JOSEPHINE MARIA RISS FANG

The Clerk called the bill (S. 1050) for the relief of Josephine Maria Riss Fang.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, That, for the purposes of the immigration and naturalization laws, Josephine Maria Riss Fang shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

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

ELIE JOSEPH HAKIM AND FAMILY

The Clerk called the bill (S. 1382) for the relief of Elie Joseph Hakim and family.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Elie Joseph Hakim, Marie Hakim (his wife), and Mathilde Hakim and Joseph Hakim (their minor children) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct four numbers from the appropriate quota for the first year that such quota is available.

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

BORIVOJE VULICH

The Clerk called the bill (S. 1508) for the relief of Borivoje Vulich.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Borivoje Vulich, a Yugoslav flier, who served honorably with the Fifteenth Air Force of the United States, and who died August 22, 1944, while engaged in a bombing mission over enemy territory, shall be held and considered to have been a citizen of the United States at the time of his death.

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

HELEN KNIGHT WATERS AND ARNOLD ELZEY WATERS, JR.

The Clerk called the bill (S. 1517) for the relief of Helen Knight Waters and Arnold Elzey Waters, Jr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration Act, the minor children, Helen Knight Waters and Arnold Elzey Waters, Jr., shall be held and considered to be the natural-born, alien children of Mr. and Mrs. Arnold E. Waters, citizens of the United States.

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

MRS. CACILA GOTTHARDT GANGE

The Clerk called the bill (S. 1689) for the relief of Mrs. Cacila Gotthardt Gange.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, Mrs. Cacila Gotthardt Gange may be admitted to the United States for permanent residence if otherwise admissible under the provisions of that act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

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

ESPERANZA JIMENEZ TREJO

The Clerk called the bill (S. 1991) for the relief of Esperanza Jimenez Trejo.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Esperanza Jimenez Trejo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

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

(SISTER) JANE STANISLAUS RIEDERER

The Clerk called the bill (S. 2198) for the relief of (Sister) Jane Stanislaus Riederer.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, (Sister) Jane Stanislaus Riederer shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

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

KARL ULLSTEIN

The Clerk called the bill (S. 2369) for the relief of Karl Ullstein.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, in the administration of the Immigration and Nationality Act, Karl Ullstein, a naturalized citizen of the United States, shall be permitted to reside in Germany until January 1960 without losing his United States citizenship under section 352 (a) of such act.

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

LYDIA WICKENFELD BUTZ

The Clerk called the bill (S. 2465) for the relief of Lydia Wickenfeld Butz.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Lydia Wickenfeld Butz may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act: *Provided*, That this exemption shall apply to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

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

DR. HELEN MARIA ROBERTS

The Clerk called the bill (S. 3196) for the relief of Dr. Helen Maria Roberts (Helen Maria Rebalska).

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Dr. Helen Maria Roberts (Helen Maria Rebalska) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of her last entry into the United States, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

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

IRVING BERLIN

The Clerk called the bill (H. R. 8735) authorizing the President to present a gold medal to Irving Berlin.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to present, but not in the name of Congress, a gold medal of appropriate design to Irving Berlin, in recognition of his services during World War II in composing the patriotic song, God Bless America, among many others.

SEC. 2. There is authorized to be appropriated the sum of $1,500 to carry out this act.

With the following committee amendment:

In the first section of the bill after the word "services" strike out "during World War II in composing the patriotic song, God Bless America, among many others" and insert in lieu "in composing many patriotic songs, including God Bless America, which became popular during World War II. The Secretary of the Treasury shall strike and furnish such medal to the President."

The committee amendment was agreed to.

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

Mr. MERRILL. Mr. Speaker, S. 3291 which passed the Senate is identical with H. R. 8735. Therefore, I ask unanimous consent for its immediate consideration.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the President is authorized to present, but not in the name of Congress, a gold medal of appropriate design to Irving Berlin, in recognition of his services in composing many patriotic songs, including God Bless America, which became popular during World War II. The Secretary of the Treasury shall strike and furnish such medal to the President.

SEC. 2. There is authorized to be appropriated the sum of $1,500 to carry out this act.

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

The proceedings by which the bill H. R. 8735 was passed were vacated, and the bill was laid on the table.

COL. BENNETT HILL GRIFFIN

The Clerk called the bill (H. R. 9200) to authorize the President of the United States to present the Distinguished Flying Cross to Col. Bennett Hill Griffin.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the President is hereby authorized to present in the name of the Congress the Distinguished Flying Cross to Col. Bennett Hill Griffin in recognition of his meritorious achievements and contributions toward the advancement of the science of aerial flight.

With the following committee amendment:

Strike all words following the word "Cross" on line 4 and substitute the words: ", with accompanying ribbon, to Col. Bennett Hill Griffin in recognition of his extraordinary achievements in aerial flight."

The committee amendment was agreed to.

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

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that the further reading of the calendar be dispensed with.

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

There was no objection.

ADMISSION OF RED CHINA TO THE U. N.

Mr. CLARDY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point.

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

There was no objection.

Mr. CLARDY. Mr. Speaker, this session will soon end. In September the final betrayal of Nationalist China will take place if England and France have their way. Red China will be admitted to the U. N. and Chiang will be thrown to the wolves unless we can find means to stop the mad rush to further appease the Communist butchers.

The time has arrived for some plain speaking with our friends. We can best avoid mistakes and misunderstandings that way. It is for that reason that I have today introduced a resolution designed to express the will and determination of this House to bring about an immediate withdrawal from the U. N. if Red China is allowed to oust Chiang's Government from the organization. When Red China walks in one door, we should walk out the other.

If those who would appease the Reds insist on blindly walking into this trap they should be warned in advance of the consequences of their folly. It will do no good to wait until those tired timid nations have gone over the brink in this new Munich, and then take action. We should cease allowing them to make our policy through unilateral action. We should leave no room for doubt on their part as to where the American people stand—before the nations we are supporting take a step that will probably end all chance of saving the rest of the East from communism.

Why did we join the U. N.? Was it not because we thought it would promote the cause of world peace? While I know that the extreme internationlists, the one-worlders, and their like beat the drums for it because they think it a clever concealed way of backing us into a world government, the vast majority of us approved because we saw in it some hope of ending war and bringing about an enduring peace. That hope has not been realized. The Communists must take full blame for this failure. But what of the future—what will the casting out of the only determined Far Eastern foe of communism and the substitution of another Communist Government do to the prospects for peace?

It ought to be apparent to everyone that this cynical and callous betrayal of Chiang will end all possibility that the U. N. can thereafter be a moral force for good—just as it will end all possibility of a peaceful solution of the conflict between brutal aggressive communism and the free world. It will destroy the notion that the U. N. can bring peace and good will among nations.

Red China has brought sorrow to 140,000 American homes and to millions of Korean families. That war has not ended. Red China is openly fighting the free world in Indochina right now. She is Moscow's proxy in the third world war. Are these the needed qualifications for entry into the society of nations—are these the qualifications for entry into an organization whose only justification for existence is that it will bring peace to a troubled and harassed world?

The admission of Red China will make a mockery of the claim that the U. N. can bring an end to Communist tryanny over men's minds, bodies, and souls. It will be a confession that trade weighs more heavily in the moral scales than right and justice. It will be a confession that we look only to form and not to substance.

We will find among us in this country those who still think we can do business with the Communists—safely. They talk vaguely about dealing realistically with the Reds in this matter of trade and recognition. They are willing to clasp the bloodstained hands of governments whose every move is but part of a grand plan to make us slaves. They are blind to the fact that this determination to bring another of the tyrants into the society of nations is part of the Communist strategy to win over the minds of wavering peoples yet outside the Iron Curtain. For each retreat by the West is heralded throughout the world as a Communist victory. When will these people awaken to the fact that we are locked in a life and death struggle?

Some have suggested that we should go slow. They profess to see great value in continuing inconclusive discussions with nations that have no intention of dealing honorably with anyone. They will admit that Red China should not be admitted now, but they are perfectly willing to settle the current bloody conflicts on Red terms and then forget and forgive. Such people do not even begin to understand the nature of the struggle in which we are engaged. We must now stand firm or be forever lost.

And so I have presented a resolution just so the rest of the world will not blunder ahead on appeasement road trusting that, as usual, we will follow the crowd. With advance notice we cannot thereafter be charged with responsibility for another of their mistakes. Let's cut the ground from beneath the feet of those in our midst who are forever blaming us for all mistakes of others. Let us serve notice on the world now that if they insist on making the U. N. a mere sounding board for Communist propaganda, we will have none of it.

CONVEYANCE OF LANDS BY THE UNITED STATES TO COUNTY OF CUMBERLAND, STATE OF NORTH CAROLINA

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6658) to provide for the conveyance of certain lands by the United States to the county of Cumberland, State of North Carolina, without remuneration.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of General Service is authorized and directed to convey by deed to the county of Cumberland, State of North Carolina, without remuneration, all the right, title, and interest of the United States in and to that tract of land situated in Carvers Creek Township, Cumberland County, N. C., described in the plat prepared by D. A. Buie in July 1953 containing fifty-seven and eight-tenths acres, more or less, and more particularly described as follows:

Beginning at a stake on the bank of the Cape Fear River, the same being the southeast corner of the tract of which this is a part, and running thence with the southern line of the said tract, south eighty-eight degrees no minutes two thousand two hundred and ninety-seven feet to a stake in the old canal; thence with the said old canal north twenty-five degrees forty-one minutes east one thousand six hundred and fourteen feet to a stake in said canal, also in the northern line of the tract of which this is a part; thence with the northern line of said tract south seventy-eight degrees fifty-five minutes east one thousand six hundred and forty-three feet to a stake on the bank of the Cape Frear River, the northeast corner of the tract of which this is a part; thence with the Cape Frear River, a calculated course, south thirty minutes east one thousand one hundred and twenty-two feet to the beginning, containing fifty-seven and eight-tenths acres more or less, being the eastern part of a tract of land described in a deed from Alexander E. Cook and wife, Frances W. Cook, to the United States of America, dated December 31, 1938, recorded in book 409, page 300, in the office of the register of deeds for Cumberland County, N. C.

With the following committee amendment:

Page 3, line 1, insert the following:

"SEC. 2. The property herein described shall not be used for any purpose which is detrimental to the Veterans' Administration for a period of 20 years."

The committee amendment was agreed to.

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

AMEND SECTION 1 (D) OF THE HELIUM ACT, ETC.

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 8713) to amend section 1 (d) of the Helium Act (50 U. S. C. sec. 161 (d)), and to repeal section 3 (13) of the act entitled "An act to amend or repeal certain Government property laws, and for other purposes," approved October 31, 1951 (65 Stat. 701).

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That subparagraph (d) of section 1 of the act of March 3, 1925, as amended (43 Stat. 1110; 50 U. S. C. sec. 161 (d)), is hereby revised to read as follows:

"(d) To dispose, by lease or sale, of property, including wells, lands, or interests therein, oil, gas, and byproducts of helium operations, except that property determined by the Secretary of the Interior to be 'excess'

within the meaning of section 3 (e) of the Federal Property and Adminstrative Services Act of 1949, as amended (40 U. S. C. sec. 472 (e)), shall be disposed of in accordance with the provision of that act; and to issue leases to the surface of lands or structures thereon for grazing or other purposes when the same may be done without interfering with the production of helium."

SEC. 2. That paragraph (13) of section 3 of the act of October 31, 1951 (65 Stat. 701, 708), is hereby repealed.

SEC. 3. This act shall be effective as of October 31, 1951.

With the following committee amendment:

Page 1, line 7, after "therein," insert "not valuable for helium production."

The committee amendment was agreed to.

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

THE LATE HUGH A. BUTLER

Mr. CHENOWETH. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

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

There was no objection.

Mr CHENOWETH. Mr. Speaker, I wish to join my colleagues who have paid tribute to Senator BUTLER. I was indeed saddened last week when I learned of his passing.

Senator BUTLER was well known in Colorado, where he has been a frequent and welcome visitor. We feel in Colorado that we have lost a true friend and one who understood the problems of the West. We extend our sincere sympathy to our sister State of Nebraska in the great loss she has sustained.

It was my great pleasure to know Senator BUTLER before he was elected to the Senate. I first met him in Nebraska, and he had visited Colorado many times. He came to the Senate at the same time I came to the House, in January 1941. We became better acquainted as the years went by, and I was indeed proud to consider him a friend.

The death of Senator BUTLER is a great loss, not alone to Nebraska, but to the entire Nation. He was a great American and truly a Christian gentleman. He will be greatly missed by all who believe in good government. His life will forever remain an inspiration and a challenge to those of us who knew him, and who were aware of his sterling qualities.

COMMITMENT AND CARE OF THE MENTALLY ILL OF ALASKA

Mr. NICHOLSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 608 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8009) to provide for the commitment and care of the mentally ill of Alaska, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill, and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Interior and Insular Affairs now in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. NICHOLSON. Mr. Speaker, I yield 30 minutes to the gentleman from Virginia [Mr. SMITH], and I yield myself such time as I may desire.

Mr. Speaker, I rise to urge the adoption of House Resolution 608, to provide for the commitment and care of the mentally ill of Alaska, and for other purposes.

House Resolution 608, Mr. Speaker, provides for an open rule, waiving points of order and 1 hour of general debate. It also provides that it shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Interior and Insular Affairs now in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill.

H. R. 8009, Mr. Speaker, provides for the establishment of modern legal procedures for the commitment and hospitalization of the mentally ill, for the administration of the Alaska Mental Health Act by the Territorial government, for the authorization of a gradual assumption of financial responsibility for the program by the Territorial government, and for the modification of procedures by the Territorial government for the hospitalization of those who are mentally ill.

H. R. 8009 also places a ceiling on Federal appropriations for the program of caring for these unfortunate people. According to the bill, the program cannot cost more than $798,600, which was the amount appropriated for fiscal year 1954.

Mr. Speaker, this bill has been recommended by the Department of the Interior and the Department of Health, Education, and Welfare. The Bureau of the Budget has raised no objection to the bill and it is generally conceded that drastic steps must be taken to correct the present methods of caring for the mentally ill in Alaska. The present method is both outmoded and detrimental to the long-range welfare of these people. I hope that the rule will be adopted and that the bill will pass.

Mr. SMITH of Virginia. Mr. Speaker, I know of no objection to either the rule or the bill, and I do not care to consume any time on the rule.

Mr. NICHOLSON. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

Mr. D'EWART. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8009) to provide for the commitment and care of the mentally ill of Alaska, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 8009, with Mr. COLE of Missouri in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. D'EWART. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the purpose of H. R. 8009 is to provide a fourfold procedure for the commitment and care of Alaskans who are mentally ill. The bill has four purposes. First, for the commitment and hospitalization of the mentally ill and the administration of the Alaskan Mental Health Act by the Territorial government. Second, the authorization and gradual assumption of financial responsibility, and for the program of the Territorial government. Third, the modification of the procedures by the Territorial government. Fourth, for the hospitalization of those who are mentally ill.

The bill in its draftsmanship is patterned after the draft act governing the hospitalization of the mentally ill published by the United States Public Health Service. It is recommended by the various States.

Mr. Chairman, this bill was unanimously voted out by our committee. I think it deserves favorable consideration by the Congress, and I hope the bill passes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. D'EWART. Mr. Chairman, I yield 7 minutes to the gentleman from Pennsylvania [Mr. SAYLOR].

Mr. SAYLOR. Mr. Chairman, enactment of legislation along the lines of H. R. 8009, a bill to provide for the hospitalization and care of the mentally ill of Alaska, is very long overdue. Almost 50 years ago the Congress provided a procedure for the adjudication of insanity and for the commitment of the Alaska insane to mental institutions. That procedure, which has never been modified, has long since become outmoded, if not uncivilized. It involves something approaching a criminal proceeding, in which the sanity of the person in question is inquired into and determined by a jury of six persons. If they unanimously find that the person complained of is insane, and if the United States Commissioner approves the finding, the person is ordered committed to a mental institution. There is no requirement for a medical examination, and the person complained of could

be, and many doubtless have been, committed without ever seeing a doctor. Because the Congress, in section 3 of the Alaska Organic Act, provided that the Legislature of the Territory of Alaska does not have authority to enact laws regarding the commitment of the mentally ill, the Territory of Alaska has itself been unable to modernize this procedure. The responsibility in this area is therefore entirely in the hands of the Congress, and enactment of H. R. 8009 is essential to the conscientious discharge of that responsibility.

Secondly, because the Congress has preempted this field of legislative responsibility, the Federal Government, and not the Territory of Alaska, has paid for the cost of care and treatment for Alaska's mentally ill and has carried much of the administrative burden. Pursuant to a 1942 statute, the Federal Government has to a small extent been reimbursed for this cost by the patients and their near relatives, but the basic financial responsibility has been borne by the United States. In my judgment there is no justification for the Federal Government's assuming this cost and this administrative burden. Care of the mentally ill is generally regarded as a matter within the jurisdiction of the States and territories, and in no Territory other than Alaska has the United States assumed this function. Particularly in view of Alaska's interest in achieving statehood, it seems to me that these responsibilities should be transferred in increasing measure to the government of Alaska.

H. R. 8009 would achieve both of these results. With regard, first, to the technical matter of commitment, title II of the bill would provide a modern procedure for the hospitalization of the mentally ill. It would provide for voluntary hospitalization and for three procedures for involuntary hospitalization: hospitalization on medical certification, by which an individual may be hospitalized if a doctor certifies that he is mentally ill and is in need of hospital care; hospitalization on an emergency basis, when the individual's illness is such that he cannot be allowed to go unrestrained pending an examination by a physician; and hospitalization upon court order, providing for a judicial hearing, with all safeguards guaranteed to the individual, including an examination by physicians specially qualified in the diagnosis of mental illness. Patients hospitalized on the basis of medical certification or on the basis of the emergency procedure are also guaranteed the right to a hearing, and any patient may appeal the decision resulting from a proceeding for a judicial hospitalization to the District Court for the Territory of Alaska. The provisions of title II generally parallel the model law for the hospitalization of the mentally ill which was drafted by the former Federal Security Agency and which has been recommended for favorable action by the States by the Council of State Governments. The provisions of title II vary somewhat from the model law, to the extent that circumstances peculiar to Alaska make such variations desirable.

With regard to the financial and administrative provisions of the bill, title I provides that the Territory will gradually assume, to the fullest extent that its resources will allow, financial responsibility for the mental health program. Section 5 carries a ceiling on the Federal appropriation for this purpose, so that the Federal contribution cannot exceed, for any fiscal year, the sum of $798,600. That sum was the appropriation for the Alaska insane for fiscal year 1954. Section 5 specifically authorizes the Territory to appropriate sums from its own public money to augment the Federal appropriation. Title I also places responsibility for the administration of the act upon the Governor, who may and doubtless will delegate most of his functions in this field to the Alaska Department of Health, but who will carry out the program subject to the general supervision of the Secretary of the Interior. So long as Federal funds assist in supporting the program, it seems entirely appropriate for the Secretary to retain a generally supervisory responsibility with regard to it.

The bill would also authorize the Territorial government to legislate in this field, so that the limitation carried in section 3 of the Organic Act would no longer be effective. Patients and their near relatives would be obliged to pay for the actual cost of care and treatment to the extent that they are able to do so.

The enactment of H. R. 8009 is essential in order that the Congress may discharge a long delayed duty to the people of Alaska by providing them with an enlightened mental health program, and in order that the financial and administrative responsibility for that program is imposed to the fullest possible extent upon the Territory of Alaska.

I may say there is one other feature of the bill which I think calls for some comment. That is that this bill guarantees that the new act would in no way modify the contract of June 18, 1953, entered into between the United States Government and the Sanitary Co., of Portland, Oreg. The Secretary may, however, assign his rights and duties under this act to the Governor of Alaska, if he deems that appropriate.

I am satisfied, Mr. Chairman, that this bill will be a long step forward in providing an up-to-date method for the treatment of the mentally ill of Alaska. I may say that no other issue except statehood is so near and dear to the hearts of the people of Alaska as this one. I believe I have received more letters from people in the United States who are interested in the welfare of Alaska, and from the people of Alaska themselves on this subject, than on any other subject.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. ASPINALL. Mr. Chairman, I yield 5 minutes to the Delegate from Alaska [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, with the basic provisions of this bill I am in complete agreement. However, I entertain rather serious doubts as to some of the fringe elements.

I think the gentleman from Pennsylvania [Mr. SAYLOR] has given a very good explanation of the bill in all of its phases.

For many years there has been need for an overhauling of the commitment procedures relating to the treatment of the mentally ill of Alaska.

Dr. Overholser, Superintendent of St. Elizabeths Hospital, and a team of experts went to Alaska in 1949. As a consequence of their visit, they made a report which resulted in the drafting of a bill by psychiatrists and by experts within the Interior Department which I introduced in the 82d Congress. That initial bill revised the commitment procedures and provided for the authorization for the building within Alaska of an institution for the care of the mentally ill. That authorization provision was stricken in committee.

Subsequently, in fact, just 2 years ago this month, the amended bill came to the floor on the Consent Calendar. Objection was made here, and since the session had only 5 days to run, no further action was taken.

The bill before you at this time contains a provision, as the gentleman from Pennsylvania [Mr. SAYLOR] related, that the Territorial government will pay any extra cost over and above the amount appropriated by the Federal Government for the fiscal year 1954. I am not at all sure that the Territorial government should not pay part of that cost; in fact, Alaska is the first Territory in the history of the United States where the Federal Government has paid for the care of mentally ill in a territory. I think we would have been far better off had we from the start been required to take that responsibility. But as the gentleman from Pennsylvania said, to this day the Territory of Alaska has no right to enact any legislation whatsoever on this subject. I believe it would have been preferable to have provided for the financial responsibility on the part of the Territory of Alaska in another way, but the committee saw otherwise; so this bill is before you. I certainly am not going to object to it, because the need for changing these commitment procedures is too great to allow me to object to these fringe elements, and I do not want to stop the bill. I do, however, want to point out that the people in Alaska would be far better off and the Federal Government would be far better off if that Government were to build us an institution or institutions, and then have us take overall responsibility.

For many years Alaska's mentally ill have been cared for in a contract hospital in the States. I think all of us agree that that is not the best way to do the job.

I anticipate that as a consequence of the enactment of this bill, which I foresee will take place, the total cost may be diminished by a considerable figure, because local treatment in some cases will be possible. Today psychiatrists do not examine most of the patients before they are committed to this contract hospital. The consequence is that a lot of patients who could be cured in a short time, were local or home treat-

ment available, are sent to the States to this hospital. It is my understanding that while very good care is given at this hospital, there is not an extensive course of psychiatric treatment which would enable many of the patients to be returned to their normal life. I certainly want to reiterate again that I heartily support the provisions of this bill relating to a revision of commitment procedures. My only objection goes to the manner of bringing the Territorial government into the financial picture. I do not think this bill does that in a tidy way.

Mr. ASPINALL. Mr. Chairman, I yield myself the balance of the time on this side.

Mr. Chairman, I wish to advise the committee that this bill, H. R. 8009, and the bills which have preceded it in prior Congresses for at least 6 years to my knowledge have received long and constructive consideration and what is presented to the committee at this time is the best legislation that it is possible to report. The bill was reported out of the subcommittee by unanimous vote and, as the gentleman from Montana [Mr. D'EWART] has suggested, it was reported unanimously for the full committee.

Mr. Chairman, the committee is indebted to the Delegate from Alaska for the fine work and cooperation he has rendered. The gentleman has been constructive in his approach all through the studies of this legislation. I think possibly the best that can be said about the bill is as stated by the gentleman from Massachusetts [Mr. NICHOLSON], the legislation is long overdue.

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

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

Mr. BARTLETT. In all fairness in connection with the comment I made as to my doubt as to certain sections of the bill, may I say that I have communicated with each member of the Alaska Legislature and from none of those members have I had a reply of any kind. So, apparently, they are not in opposition. I also should like to say that on Saturday last the president of the Mental Health Association of Anchorage, Alaska, issued a statement in which he expressed the hope that the bill now before the committee would be approved in its present form.

Mr. ASPINALL. Mr. Chairman, I have no further requests for time.

Mr. D'EWART. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the substitute committee amendment printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted, etc., That this act may be cited as the "Alaska Mental Health Act."

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TITLE I—GENERAL PROVISIONS

Purpose

SEC. 2. The purpose of this act is to establish an integrated, modern program for the hospitalization, care, and treatment of residents of and persons in Alaska who are mentally ill. The Congress declares that the general administration of this act can most effectively be reposed in the Territorial Government of Alaska, whose officers, in administering this act, (1) shall attempt to effect reimbursement to the United States for the cost of care and treatment of the mentally ill, and (2) shall encourage the Territory of Alaska gradually to assume, to the fullest extent that its resources will allow, financial responsibility for the administration of a mental health program for Alaska.

Definitions

SEC. 3. As used in this act—

(a) The term "Alaska" means the Territory of Alaska.

(b) The term "designated examiner" means a licensed physician registered by the Governor as specially qualified, under standards established by him for the purposes of this act, in the diagnosis of mental or related illness.

(c) The term "Governor" means the Governor of Alaska.

(d) The term "head of a hospital" means the individual in charge of a hospital, or his designated representative, except that when the individual in charge of a hospital is not a licensed physician, authority placed in the head of a hospital by this act which involves in major part the exercise of medical judgment shall be exercised by the highest licensed medical official of the hospital.

(e) The term "hospital" means a public or private hospital or institution or part thereof, equipped and otherwise qualified to provide inpatient care and treatment for the mentally ill.

(f) The term "individual," as used in sections 9 and 12, means a resident of or a person in Alaska.

(g) The terms "interested party" or "interested parties" include the legal guardian, spouse, parent or parents, adult children, other close adult relatives, or an interested, responsible adult friend of a mentally ill individual or a patient.

(h) The term "licensed physician" means an individual licensed under the laws of Alaska to practice medicine or osteopathy; a medical officer of the Government of the United States while in Alaska in the performance of his official duties; or a medical officer of the Territory of Alaska.

(i) The term "mentally ill individual" means an individual having a psychiatric or other disease which substantially impairs his mental health or an individual who is mentally defective or mentally retarded.

(j) The term "patient" means a resident of or person in Alaska qualified under this act for hospitalization as a mentally ill individual.

(k) The term "police officer," when used in connection with cases which involve individuals who, because of mental illness, are likely to injure themselves or others if allowed to remain at liberty, includes a United States marshal.

(l) The term "resident of Alaska" means (i) a person who has lived continuously in Alaska for 1 year immediately preceding his admission as a patient or immediately preceding his becoming a proposed patient or (ii) a person who has a present intention to make Alaska his home for an indefinite period of time. Such intention may be evidenced by prior statements or it may be implied from facts which show that the person does in fact make Alaska his permanent home. A married woman shall be capable of establishing a legal residence apart from her husband, and an unemancipated child under 21 years shall take the legal residence of the parent or guardian with whom he is actually living on an indefinite basis.

(m) The term "Secretary" means the Secretary of the Interior or his designated representative.

(n) The terms "State" or "States" includes the States, the District of Columbia, the Territories and possessions of the United States, the Commonwealth of Puerto Rico, and any political subdivisions thereof.

(o) The term "United States Commissioner" means the United States Commissioner, appointed pursuant to section 6 of the act of June 6, 1900 (31 Stat. 323; 48 U. S. C., 1946 edition, sec. 104), for the precinct in which the mentally ill individual is located.

Administration

SEC. 4. Subject to the general supervision of the Secretary, and subject to such policies and directives as the Secretary may from time to time prescribe, the Governor shall be charged with the administration of this act, except insofar as this act specifically confers certain powers, duties, and functions upon other individuals.

Authorization of Appropriations

SEC. 5. Until such time as the Congress determines that Alaska shall assume all of the financial responsibility for the administration of this act, there are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act: *Provided*, That such sums in any fiscal year shall not exceed the amount appropriated by the Congress for fiscal year 1954 for the care of the Alaska insane, namely $798,600. The Territory of Alaska is hereby authorized to appropriate such sums from the public money of Alaska for the administration of this act as it may deem appropriate. Estimates with regard to appropriations from the Congress for the administration of this act, shall, except for estimates pertaining to fees and expenses for judicial hospitalization as more fully described in section 37 hereof, be submitted by the Governor through the Secretary.

Powers of the Governor

SEC. 6. In addition to such authority as may be conferred upon him by other sections of this act and subject to the provisions of section 4, the Governor is hereby authorized—

(a) to enter into a negotiated contract with any hospital in Alaska or in the continental United States to admit for care and treatment any individual who is qualified for hospitalization under terms of this act, notwithstanding section 3709, Revised Statutes, as amended (41 U. S. C., 1946 edition, Supp. V, sec. 41), or any other provision of law for advertising;

(b) to maintain a qualified medical officer to exercise overall supervision of the care of patients at such hospital or hospitals;

(c) to prescribe the form of applications, records, reports, and medical certificates required by this act, and the information to be contained therein;

(d) to require reports from the head of a hospital concerning the care of patients;

(e) to visit each hospital to review methods of care for all patients;

(f) to investigate by personal visit complaints made by a patient or an interested party on behalf of a patient;

(g) to establish such rules and regulations not inconsistent with the provisions of this act as he may find to be reasonably necessary for the proper and efficient administration of this act; and

(h) to delegate to the Alaska Department of Health or any officer thereof any of the duties and powers imposed upon him by this act.

SEC. 7. Notwithstanding the provisions of section 3 of the act of August 24, 1912 (37 Stat. 512, 48 U. S. C., 1946 ed., sec. 24), or of any other law, the Territorial government of Alaska is hereby authorized to enact such laws as it may deem appropriate for the hospitalization, care, and treatment of residents of or persons in Alaska who are mentally ill, and such legislation may supersede any of the provisions of this act: *Provided*, That such legislation shall not supersede any provision of this act pertaining to (i) the powers or duties of the Secretary, (ii) the obligations imposed by section 8 hereof to reimburse the United States Government for the actual cost of care of patients, or (iii) the authorization of Federal appropriations contained in section 5 hereof: *Provided further*, That such legislation shall be submitted to the Congress pursuant to section 20 of the act of August 24, 1912 (37 Stat. 518, 48 U. S. C., 1946 ed., sec. 90).

Payment of expenses

SEC. 8. (a) It shall be the duty of a patient, or his legal representative, spouse, parents, adult children, in that sequence, to pay or contribute to the payment of the charges for the care or treatment of such patient in such manner and proportion as the Governor may find to be within their ability to pay: *Provided*, That such charges shall in no case exceed the actual cost of such care and treatment. The order of the Governor relating to the payment of charges by persons other than the patient, or his legal representative, shall be prospective in effect and shall relate only to charges to be incurred subsequent to the order: *Provided, however*, That if any of the above-named persons willfully conceal their ability to pay, such persons shall be ordered to pay, to the extent of their ability, charges accruing during the period of such concealment. The Governor may cause to be made such investigations as may be necessary to determine such ability to pay, including the requirement of sworn statements of income by such persons.

(b) As used in subsection (a), the term "actual cost of care" shall mean either the rate provided for by a contract entered into pursuant to section 6 of this act, or, in the absence of such contract, a per diem rate fixed by the Governor.

(c) The Governor is authorized to accept from any interested party any payment for the care and treatment of any patient, even if such payment is not required by an order of the Governor under subsection (a), so long as the total payments received under subsection (a) and this subsection do not exceed the actual cost of care and treatment.

(d) The Governor shall pay such proportion of such sums as may be collected under subsections (a) and (c) hereof into the Treasury of the United States as miscellaneous receipts as the appropriation made by the Congress pursuant to section 5 of this act for the immediately preceding fiscal year bears to the total of the appropriation made by the Congress and by the Territory of Alaska pursuant to said section for such fiscal year.

TITLE II—HOSPITALIZATION, CARE, AND DISCHARGE OF PATIENTS

CHAPTER 1—VOLUNTARY HOSPITALIZATION

Authority to receive voluntary patients

SEC. 9. The head of a hospital is authorized to admit for observation, diagnosis, care, and treatment any individual who is mentally ill or has symptoms of mental illness and who, being 16 years of age or over and of such mental condition as renders him competent to make such application, applies therefor, and any individual under 16 years of age who is mentally ill or has symptoms of mental illness, if his parent or legal guardian applies therefor in his behalf.

Discharge of voluntary patients

SEC. 10. The head of a hospital shall discharge any voluntary patient who has recovered or whose hospitalization he determines to be no longer advisable. He may also discharge any voluntary patient, and the Governor may order such discharge, if to do so would contribute, in the judgment of the head of the hospital or the Governor, to the most effective use of the hospital in the care of the mentally ill.

Voluntary patient's right to discharge on application

SEC. 11. (a) A voluntary patient who requests his discharge or whose discharge is requested, in writing, by an interested party shall be discharged forthwith by the head of a hospital except that—

(1) if the patient was admitted on his own application and the request for his discharge is made by a person other than the patient, discharge shall be conditioned upon the agreement of the patient thereto;

(2) if the patient, by reason of his age, was admitted on the application of another person, his discharge prior to becoming 16 years of age may be conditioned upon the consent of his parent or legal guardian; or

(3) if the Governor or the head of a hospital within 48 hours from the receipt of a request for the discharge of a voluntary patient, files with the appropriate United States Comissioner, whether in session or in vacation, a certification that in his opinion the discharge of the patient would be unsafe for the patient or others, the discharge may be postponed for as long as the United States Commissioner determines to be necessary for the commencement of proceedings for judicial hospitalization, but in no event for more than 5 days: *Provided*, That if the United States Commissioner finds that because of circumstances beyond his control, proceedings for judicial hospitalization cannot reasonably be instituted in such time, the discharge may be postponed for a period not to exceed 15 days.

(b) Notwithstanding any provision of this act, except for section 25, proceedings for judicial hospitalization of a voluntary patient shall not be commenced unless discharge of the patient has been requested by him or by an interested party on his behalf.

CHAPTER 2—INVOLUNTARY HOSPITALIZATION

Authority to receive involuntary patients

SEC. 12. The head of a hospital is authorized to receive therein for observation, diagnosis, care, and treatment any individual whose admission is applied for under any of the following procedures:

(a) Hospitalization on medical certification; standard nonjudicial procedure;

(b) Hospitalization without endorsement or medical certification; emergency procedure; or

(c) Hospitalization upon court order; judicial procedure.

Hospitalization on medical certification; standard nonjudicial procedure

SEC. 13. (a) Any individual may be admitted to a hospital upon—

(1) written application by an interested party, by a health or welfare officer, by the Governor, or by the head of any institution in which the individual may be; and

(2) a certification by a licensed physician that he has examined the individual and is of the opinion that—

(a) the individual is mentally ill; and

(b) because of his illness is likely to injure himself or others if allowed to remain at liberty; or

(c) is in need of care in a hospital, and because of his illness, lacks sufficient insight or capacity to make application therefor.

An individual for whom such a certificate has been issued may be admitted to a hospital on the basis thereof at any time before the expiration of 15 days after the date of examination.

(b) Any health, welfare, or police officer, or any person deputized by a United States Commissioner, shall have authority to take the individual into custody and transport him to a hospital, if the certificate by the licensed physician states a belief that the individual is likely to injure himself or others if allowed to remain at liberty, and if the certificate is endorsed for such purpose by the Governor or by a United States Commissioner.

Hospitalization without endorsement or medical certification; emergency procedure

SEC. 14. Any health, welfare, or police officer who has reason to believe that—

(a) an individual is mentally ill, and because of his illness, cannot be allowed to go unrestrained pending examination and certification by a licensed physician; or

(b) an individual, who has been certified under section 13 as likely to injure himself or others, cannot be allowed to go unrestrained pending the endorsement of the certificate as provided in that section, may take the individual into custody, apply to a hospital for his admission, and transport

him thereto. The application for admission shall state the circumstances under which the individual was taken into custody and the reasons for the officer's belief.

Hospitalization upon court order; judicial procedure

SEC. 15. (a) An interested party, a licensed physician, a health or welfare officer, or the Governor may commence proceedings for the involuntary judicial hospitalization of an individual by filing a written application with a United States Commissioner. Any such application shall be accompanied by a certificate of a licensed physician stating that he has examined the individual and is of the opinion that the individual is mentally ill and should be hospitalized, or by a written statement by the applicant that the individual has refused to submit to examination by a licensed physician.

(b) Upon receipt of an application, the United States Commissioner shall give notice thereof to the proposed patient, to his legal guardian, and to one or more of the other interested parties, if any. If, however, the United States Commissioner has reason to believe that notice would be likely to be injurious to the proposed patient, notice to him may be omitted.

(c) As soon as practicable after notice of the commencement of proceedings is given or it is determined that notice to the proposed patient should be omitted, the United States Commissioner shall appoint two designated examiners to examine the proposed patient and report to the United States Commissioner their findings as to the mental condition of the proposed patient and his need for care in a hospital.

(d) The examination shall be held at a hospital or other medical facility, at the home of the proposed patient, or at any other suitable place not likely to have a harmful effect on his health. A proposed patient to whom notice of the commencement of proceedings has been omitted shall not be required to submit to an examination against his will, but if the designated examiners report that the proposed patient refuses to submit to an examination, the United States Commissioner shall give notice to the proposed patient as provided under paragraph (b) of this section and order him to submit to such examination.

(e) If the report of the designated examiners states that the proposed patient is not mentally ill, the United States Commissioner may, without taking any further action, terminate the proceedings and dismiss the application. Otherwise, he shall forthwith fix a date for and give notice of a hearing to be held not less than 5 nor more than 15 days from receipt of the report of the designated examiners.

(f) The proposed patient, the applicant, and all other persons to whom notice is required to be given shall be afforded an opportunity to appear at the hearing, to testify, and to present and cross-examine witnesses, and the United States Commissioner may, in his discretion, receive the testimony of any other person. The proposed patient shall not be required to be present, and the United States Commissioner is authorized to exclude all persons not necessary for the conduct of the proceedings. The hearings shall be conducted in as informal a manner as may be consistent with orderly procedure and in a physical setting not likely to have a harmful effect on the mental health of the proposed patient. The United States Commissioner shall receive all relevant and material evidence which may be offered concerning the mental condition and the residence of the proposed patient and shall not be bound by the rules of evidence. An opportunity to be represented by counsel shall be afforded to every proposed patient, and if neither he nor others provide counsel, the United States Commissioner shall appoint counsel.

(g) If, upon completion of the hearing and consideration of the record, the United States Commissioner finds that the proposed patient—

(1) is mentally ill; and

(2) because of his illness is likely to injure himself or others if allowed to remain at liberty; or

(3) is in need of custody, care, or treatment in a hospital and, because of his illness, lacks sufficient insight or capacity to make responsible decisions concerning hospitalization,

the United States Commissioner shall order his hospitalization either for an indeterminate period or for a temporary observational period not exceeding 6 months; otherwise, he shall terminate the proceedings and dismiss the application. If the United States Commissioner orders the hospitalization of the proposed patient, he shall issue a finding on the legal residence of the patient. If the order is for a temporary period of hospitalization, the United States Commissioner may at any time prior to the expiration of such period, on the basis of a report by the head of a hospital and such further inquiry as he may deem appropriate, order either indeterminate hospitalization of the patient or dismissal of the proceedings.

(h) The order of hospitalization shall state whether the individual shall be detained for an indeterminate or for a temporary period and, if for a temporary period, then for how long. Unless otherwise directed by the United States Commissioner, it shall be the responsibility of the Governor to assure the carrying out of the order within such period as the United States Commissioner shall specify.

Hospitalization by an agency of the United States

SEC. 16. (a) If an individual ordered to be hospitalized pursuant to section 15 is eligible for hospital care or treatment at the expense of any agency of the United States, the United States Commissioner, upon receipt of a certificate from such agency showing that accommodations are available and that the individual is eligible for care, may order him to be placed in the custody of such agency for hospitalization. When any such individual is admitted, pursuant to the order of a United States Commissioner, to any hospital or institution operated by any agency of the United States within or without Alaska, he shall be subject to the rules and regulations of such agency. The chief officer of any hospital or institution operated by such agency and in which the individual is so hospitalized shall with respect to such individual be vested with the same powers as the Governor or the head of a hospital concerning the detention, custody, transfer, conditional release, or discharge of patients. Jurisdiction is retained in the United States Commissioner to inquire at any time into the mental condition of an individual so hospitalized, and to determine the necessity for continuance of his hospitalization, and every order of hospitalization issued pursuant to this section is so conditioned.

(b) An order of a court of competent jurisdiction of any State, authorizing hospitalization of an individual by any agency of the United States, shall have the same force and effect as to the individual while in Alaska as in the jurisdiction in which the court entering the order is situated; and the courts of the jurisdiction issuing the order shall be deemed to have retained jurisdiction of the individual so hospitalized for the purpose of inquiring into his mental condition and of determining the necessity for continuance of his hospitalization, as is provided in subsection (a) of this section with respect to individuals ordered hospitalized by the United States Commissioner. Consent is hereby given to the application of the law of the State in which is located the court issuing the order for hospitalization with respect to the authority of the chief officer of any hospital or institution operated in Alaska by any agency of the United States to retain custody, transfer, conditionally release, or discharge the individual hospitalized.

Temporary detention

SEC. 17. Pending his removal to a hospital, a patient taken into custody or ordered to be hospitalized pursuant to this chapter may be detained in his home, a licensed foster home, or any other suitable facility under such reasonable conditions as the Governor may fix, but he shall not, except because of and during an extreme emergency, be detained in a nonmedical facility used for the detention of individuals charged with or convicted of penal offenses. The Governor shall take such reasonable measures, including provision for medical care, as may be necessary to assure proper care of an individual temporarily detained pursuant to this section.

CHAPTER 3—POST-ADMISSION PROVISIONS

Notice of hospitalization

SEC. 18. Whenever a patient has been admitted to a hospital pursuant to chapter 2 of this title, the head of the hospital shall notify immediately the patient's legal guardian, parent or parents, spouse, or next of kin, if known.

Medical examination of newly admitted patients

SEC. 19. The head of the hospital shall arrange for an examination by a designated examiner of every patient hospitalized pursuant to sections 13 and 14 within a period not to exceed 5 days after the day of admission. If an examination is not held within 5 days after the date of admission, or if the designated examiner refuses or fails after an examination to certify to the head of the hospital that in his opinion the patient is mentally ill, and

(a) in a case of hospitalization pursuant to section 13 or 14, is likely to injure himself or others if allowed at liberty, or

(b) in a case of hospitalization pursuant to section 13, is in need of care or treatment in a mental hospital and because of his illness lacks sufficient insight or capacity to make responsible application therefor, the patient shall be immediately discharged.

Convalescent status—rehospitalization

SEC. 20. (a) The head of a hospital may release an improved patient, admitted pursuant to section 13, 14, or 15, on convalescent status when he believes that such release is in the best interests of the patient. Release on convalescent status shall include provisions for continuing responsibility to and by the hospital, including a plan of treatment on an outpatient or non-hospital-patient basis. Prior to the end of a year on convalescent status, and not less frequently than annually thereafter, the head of the hospital shall reexamine the facts relating to the hospitalization of the patient on convalescent status and, if he determines that in view of the condition of the patient, hospitalization is no longer necessary, he shall discharge the patient and make a report thereof to the Governor.

(b) Prior to such discharge, the head of the hospital from which the patient is given convalescent status may at any time readmit the patient. If there is reason to believe that it is to the best interests of the patient to be rehospitalized, the Governor or the head of the hospital may issue an order for the immediate rehospitalization of the patient. Such an order, if not voluntarily complied with, shall, upon the endorsement by a United States Commissioner of the precinct in which the patient is resident or

present, authorize any health, welfare, or police officer to take the patient into custody and transport him to the hospital, or if the order is issued by the Governor to a hospital designated by him.

Discharge of involuntary patients

SEC. 21. The head of a hospital shall cause to be examined as frequently as practicable, but not less often than every 6 months, every involuntary patient hospitalized pursuant to chapter 2 of this title, and whenever the head of a hospital certifies that the conditions justifying involuntary hospitalization no longer obtain, the patient shall be discharged. Notice of such discharge shall be given to the patient's legal guardian, parent or parents, spouse, or next of kin, if known, and if the patient was hospitalized by judicial process, to the United States Commissioner who ordered him to be committed.

Right to discharge of involuntary patient; application for judicial determination

SEC. 22. (a) Any patient hospitalized under the provisions of section 13 or 14 of this act who requests to be discharged or whose discharge is requested in writing by an interested party shall be released within 48 hours after receipt of the request except that upon certification of a United States Commissioner, by the head of a hospital, or the Governor, that in his opinion such release would be unsafe for the patient or for others, release may be postponed for such period not to exceed 5 days as the United States Commissioner may determine to be necessary for the commencement of proceedings for a judicial determination pursuant to section 15: *Provided*, That if the United States Commissioner finds that because of circumstances beyond his control, proceedings for judicial hospitalization cannot reasonably be instituted in such time, the release may be postponed for a period not to exceed 15 days.

(b) The Governor shall provide reasonable means and arrangements for informing involuntary patients of their right to discharge as provided in this section and for assisting them in making and presenting requests for discharge.

Petition for reexamination of order of hospitalization

SEC. 23. Any patient hospitalized pursuant to section 15 shall be entitled to a reexamination of the order for his hospitalization on his own petition, or that of an interested party, to the United States Commissioner. Upon receipt of the petition, the United States Commissioner shall conduct proceedings in accordance with section 15, except that such proceedings shall not be required to be conducted if the petition is filed sooner than 6 months after the issuance of the order of hospitalization or sooner than 1 year after the filing of a previous petition under this section.

Transfer of patients generally

SEC. 24. (a) The Governor may authorize the transfer of a patient from one hospital to another hospital if he determines that it would be consistent with the medical needs of the patient to do so. Whenever a patient is transferred, written notice thereof shall be given to his legal guardian, parent or parents, and spouse, or, if none be known, to another interested party. In all such transfers, due consideration may be given to the relationship of the patient to his family, legal guardian, or friends, so as to maintain relationships and encourage visits beneficial to the patient.

(b) Upon receipt of a certificate from an agency of the United States that accommodations are available for the care of any individual heretofore ordered hospitalized pursuant to law or hereafter hospitalized pursuant to section 15 of this act in any hospital for care or treatment of the mentally ill, and that such individual is eligible for care or treatment in a hospital or institution of such agency, the Governor may cause his transfer to such agency of the United States for hospitalization. The United States Commissioner who ordered the individual to be hospitalized, and the guardian, spouse, and parent or parents, or if none be known, some other interested party, shall be notified immediately of the transfer by the Governor. No person shall be transferred to an agency of the United States if he is confined pursuant to conviction of any felony or misdemeanor, or if he has been acquitted of a criminal charge solely on the ground of mental illness, unless prior to transfer the United States Commissioner who originally ordered confinement of such person shall enter an order for the transfer after appropriate motion and hearing. Any person transferred as provided in this section to an agency of the United States shall be deemed to be hospitalized by that agency pursuant to the original order of hospitalization.

Nonresident patients

SEC. 25. (a) The admission papers of any person hospitalized pursuant to this act shall include a statement as to his legal residence. The Governor is authorized to transfer any patient who has been hospitalized by the judicial procedure and who is not a resident of Alaska to the State in which he has legal residence. In addition, the Governor is authorized to transfer any other patient who is not a resident of Alaska, to the State in which he has a legal residence, if the consent of the patient or his legal guardian has been obtained. If the patient or his legal guardian refuses to give consent, the Governor may order the discharge of the patient: *Provided*, That if the patient is certified by the head of a hospital to be dangerous to himself or to others, the Governor may cause proceedings for judicial hospitalization to be initiated with respect to such patient, pursuant to section 15 of this act, and, if the United States Commissioner finds that the patient is mentally ill and because of his illness is likely to injure himself or others if allowed to remain at liberty, the Governor shall thereupon return the nonresident patient to the State in which he has a legal residence. For the purposes of this subsection, the term "State" (as defined in section 3 (n)), shall mean only a State which has agreed to the transfer or return of patients hospitalized pursuant to this act.

(b) For the purpose of facilitating the return of such nonresident patients, the Governor may enter into a reciprocal agreement with any State providing for the prompt transfer, under appropriate supervision, of residents of such State or Alaska who are mentally ill. Mentally ill residents of Alaska who have been hospitalized outside Alaska may be transferred, with the approval of the Governor, to a hospital designated by the Governor. All expenses incurred in returning to their legal residence patients who are nonresidents of Alaska may be paid from funds appropriated for the administration of this act, but the expense of transferring residents of Alaska who have been hospitalized for mental illness outside Alaska shall be borne by the State making the transfer.

(c) The Governor is hereby further authorized to enter into a reciprocal agreement with any State providing for the care and treatment of mentally ill residents of Alaska by such State, and for the care and treatment of mentally ill residents of such State by Alaska, each on a reimbursable basis.

(d) In taking action under subsections (a) and (c) of this section, the Governor may give due consideration to the relationship of the patient to his family, legal guardian, or friends, so as to maintain relationship and encourage visits beneficial to the patient.

Detention pending judicial determination

SEC. 26. Notwithstanding any other provision of this act, no patient with respect to whom proceedings for judicial hospitalization have been commenced shall be released or discharged from a hospital during the pendency of such proceedings unless ordered by a United States Commissioner upon the application of an interested party.

Discharge of a patient hospitalized pursuant to criminal action

SEC. 27. No patient held on order of a court or judge having criminal jurisdiction in any action or proceeding arising out of a criminal offense shall be discharged except upon order of a court of competent jurisdiction.

Provision for personal needs of a patient on release or discharge

SEC. 28. The Governor shall make such arrangements as may be necessary to insure—

(a) that no patient is discharged or granted a conditional release from a hospital without suitable clothing, and

(b) that any indigent patient discharged or granted a conditional release is furnished suitable transportation for his return home and an amount of money not exceeding $50.

CHAPTER 4.—GENERAL

Notice of admission and discharge

SEC. 29. The head of the hospital admitting an individual under any provision of this act, or discharging an individual so admitted, shall forthwith make a report thereof to the Governor.

Appeal from a decision or order of a United States commissioner

SEC. 30. Any party may appeal to the District Court for the Territory of Alaska from any decision or order of a United States Commissioner pursuant to this act, within 10 days of the date of the decision or order, and the District Court for the Territory of Alaska shall review the case on the record. While such appeal is pending, the decision or order of the United States Commissioner shall be given full force and effect as if no appeal had been taken. Any appeal from a final or interlocutory decision of the District Court for the Territory of Alaska in a proceeding under this act shall be governed by the law applicable generally to appeals from the District Court for the Territory of Alaska.

Transportation

SEC. 31. Whenever an individual is about to be hospitalized under the provisions of this act, the Governor shall arrange, upon the request of a person having a proper interest in the individual's hospitalization, for the individual's transportation to the hospital, with appropriate medical or nursing attendants and by such means as may be suitable for the patient's medical condition. Whenever practicable, the individual to be hospitalized shall be permitted to be accompanied by one or more of his relatives or friends which relatives or friends shall travel at their own expense. When necessary, the Governor shall arrange for a police officer to accompany the individual.

SEC. 32. Every patient shall be entitled to humane care and treatment and, to the extent that facilities, equipment, and personnel are available, to medical care and treatment in accordance with the highest standards accepted in medical practice.

Right to communicate and visitation; exercise of civil rights

SEC. 33. (a) Subject to the general rules and regulations of a hospital and except to the extent that the head of a hospital determines that it is necessary for the medical welfare of the patient to impose restrictions, every patient shall be entitled—

(1) to communicate by sealed mail or otherwise with persons including official agencies, inside or outside the hospital;

(2) to receive visitors; and

(3) to exercise all civil rights, including the right to dispose of property, execute instruments, make purchases, enter contractual relationships, and vote, unless he has been adjudicated incompetent and has not been restored to legal capacity.

(b) Notwithstanding any limitations authorized by this section on the right of communication, every patient shall be entitled to communicate by sealed mail with the Governor and with the United States Commissioner, if any, who ordered his hospitalization.

(c) Any limitations imposed by the head of a hospital on the exercise of these rights by a patient and the reasons for such limitations shall be made a part of the clinical record of the patient.

Unwarranted hospitalization or denial of rights; penalties

SEC. 34. Any person who willfully causes, or conspires with or assists another to cause—

(a) the unwarranted hospitalization of any individual under the provisions of this act, or

(b) the denial to any individual of any rights granted to him under the provisions of this act, shall be punished by a fine not exceeding $500 or imprisonment not exceeding 1 year, or both.

Writ of habeas corpus

SEC. 35. Any individual detained pursuant to this act shall be entitled to the writ of habeas corpus upon proper petition by himself or a friend to any court generally empowered to issue the writ of habeas corpus in the jurisdiction in which he is detained.

Disclosure of information

SEC. 36. (a) All certificates, applications, records, and reports made for the purposes of this act and directly or indirectly identifying a patient or former patient or an individual whose hospitalization has been sought under this act shall be kept confidential and shall not be disclosed by any person except insofar—

(1) as the individual identified or his legal guardian, if any (or, if he be a minor, his parent or legal guardian), shall consent; or

(2) as disclosure may be necessary to carry out any of the provisions of this act; or

(3) as a court may direct upon its determination that disclosure is necessary for the conduct of proceedings before it and that failure to make such disclosure would be contrary to the public interest.

(b) Nothing in this section shall preclude disclosure, upon proper inquiry, of information concerning current medical condition to the members of the family of a patient or to his relatives or friends if they show an appropriate reason for obtaining such information.

(c) Any person violating any provision of this section shall be guilty of a misdemeanor and subject to a fine of not more than $500 or imprisonment for not more than 1 year, or both.

Fees and expenses for judicial hospitalization

SEC. 37. A United States Commissioner and the witnesses in proceedings for judicial hospitalization shall be entitled to the same compensation and mileage as in civil actions. All compensation, mileage, fees, and all other expenses arising from judicial hospitalization proceedings shall be audited and allowed by the district judge of the division in which said proceedings are held, and when so audited and allowed shall be paid by the clerk of the court in said division in the same manner and from the same fund as he pays the other incidental expenses of the court. To the extent that services of a United States marshal or deputy marshal are utilized to carry out the provisions of this act, such marshal or deputy marshal shall be entitled to fees and actual expenses from the same source and in the same manner as for their other official duties.

TITLE III—MISCELLANEOUS PROVISIONS

Laws repealed

SEC. 38. The following acts and all amendments thereto and parts of acts and all amendments thereto are repealed:

(a) Section 8 of the act of January 27, 1905 (33 Stat. 619; 48 U. S. C., 1946 edition, sec. 47);

(b) Section 7 of the act of February 6, 1909 (35 Stat. 601; 8 U. S. C., 1945 edition, sec. 46);

(c) Act of June 25, 1910 (36 Stat. 852; 48 U. S. C., 1946 edition, sec. 46b);

(d) Act of April 24, 1926 (44 Stat. 322, 48 U. S. C., 1946 edition, secs. 50 and 50a); and

(e) Act of October 14, 1942 (56 Stat. 782; 48 U. S. C., 1946 edition, secs. 46, 46c, 47a, 47b, 47c, 48, 48a, 50, 50a).

Existing contract

SEC. 39. (a) Nothing in this act shall be construed to impair, amend, or in any way modify any provision of contract No. 13-04-001-81, entered into on June 18, 1953, by the Secretary on behalf of the United States and the Sanitarium Co. of Portland, Oreg.

(b) The Secretary may, in his discretion, either assign all his rights, powers, and duties under said contract to the governor or he may delegate to the governor such of his rights, powers, and duties under said contract as he deems appropriate.

Separability

SEC. 40. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

Effective date

SEC. 41. This act shall become effective on the hundred and twentieth day immediately following the date of its enactment.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. COLE of Missouri, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 8009) to provide for the commitment and care of the mentally ill of Alaska, and for other purposes, pursuant to House Resolution 608, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the hospitalization and care of the mentally ill of Alaska, and for other purposes."

A motion to reconsider was laid on the table.

AMENDMENT TO MERCHANT MARINE ACT, 1936

Mr. NICHOLSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 605 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 9252) to amend the Merchant Marine Act, 1936, to provide a national defense reserve of tankers and to promote the construction of new tankers, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. NICHOLSON. Mr. Speaker, I yield 30 minutes to the gentleman from Virginia [Mr. SMITH], and yield myself such time as I may require.

Mr. Speaker, I rise to urge the adoption of House Resolution 605 which will make in order the consideration of the bill (H. R. 9252) to amend the Merchant Marine Act, 1936, to provide a national defense reserve of tankers and to promote the construction of new tankers, and for other purposes.

House Resolution 605, Mr. Speaker, provides for an open rule with 1 hour of general debate on the bill itself.

According to the information given before the Rules Committee this bill proposes to acquire tankers for the reserve fleet and to encourage the construction of modern tankers by and for private industry.

H. R. 9252 would provide that the Secretary of Commerce would be authorized to acquire the T-2 type of tanker, which our Nation used during the Second World War, as a reserve fleet for use during times of emergency. This acquisition of these older tankers would be made possible by the Government granting a certain sum of money as a trade-in payment on these tankers on the condition that this trade-in money would be applied by private shipping interests toward the construction of new, fast tankers, which will be suitable for either commercial or wartime use.

Mr. Speaker, this bill does make provision against the possibility of an excessively high trade-in allowance. The bill specifies that the trade-in allowance shall be set at the statutory price under the Ship Sales Act, less depreciation, plus the depreciated cost of any betterments. The bill also specifies that the amount of credit allowed on a vessel traded in shall not exceed the price paid by the owner, plus betterments, less depreciation.

Another requirement necessary in order to qualify to trade in the old tankers under this bill is that the vessels must meet set standards on the condition of the hull and machinery of the vessels.

Mr. Speaker, it seems to me that this plan, whereby the Government can acquire a reserve fleet of tankers for use

in case of emergency while private industry acquires a new fleet of fast and modern tankers for use commercially as well as in times of need, is an excellent one. I hope that the House will adopt the rule so that we may proceed to the consideration of this bill.

Mr. SMITH of Virginia. Mr. Speaker, I know of no objection to the rule. I do think that the House might well explore the question of whether the Government is going to get adequate compensation for these old tankers. I do not care to discuss the matter at this time.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, I would like to get some information from members of the committee on two aspects of this bill. In connection with the exchange and allowance of credit to be applied upon the purchase price of a new tanker or tankers, there are several conditions that the bill carries: One, that each of the tankers to be traded in is not less than 1,350 gross tons; two, not less than 10 years old; three, is owned by a citizen or citizens of the United States.

Now, is it also covered by this bill that these tanker trade-ins must fly the American flag? I can understand where a citizen or citizens might own them without flying the American flag, and I would like to get some information as to whether these trade-ins shall be only those that will fly the American flag.

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

Mr. McCORMACK. I yield to the gentleman from California.

Mr. SHELLEY. Mr. Speaker, if I may answer the question propounded by the gentleman from Massachusetts [Mr. McCORMACK], it is not required that the tankers being turned in be under the American flag. However, that was discussed very thoroughly in the committee, and to offset the possibility that tankers which would cost us money to put back in shape in the event of an emergency would be traded in, a requirement was written into the bill that they must be in first-class shape as far as hull and machinery are concerned; in other words, they must be up to American standards insofar as hull and machinery are concerned at the time that they are turned in. They must be owned by citizens of the United States. They need not specifically be American-built or American-flag vessels. The new tankers would be required to be placed under the American flag during their lifetime.

Mr. McCORMACK. I noticed that only a tanker which is constructed after the date of the enactment of this subsection and documented under the laws of the United States shall be considered a new vessel for the purposes of this section. But my interest was aroused because we read so many strange things in the newspapers that it is very difficult for us to understand, and I assume that anyone trading in a tanker is going to make a pretty good deal on a trade-in.

I give him credit for employing good business judgment. Has the gentleman any idea how many of these tankers do fly the American flag, and which might be turned in?

Mr. SHELLEY. No; because at the present time there are no offers from any company to turn them in. I asked that question specifically of Mr. Rothschild, the Federal Maritime Administrator. He said there were no negotiations underway; that the purpose of the bill was to get tankers 10 years of age in the reserve fleet.

Mr. McCORMACK. The purpose here is to create a reserve fleet and then to build new modern tankers?

Mr. SHELLEY. That is right.

Mr. McCORMACK. The reserve fleet part of the bill is a secondary part of it, is not that so? In other words, in order to induce people to build new tankers that are modern, capable of going 18 knots an hour or more, and of meeting Defense Department requirements, you take the old tankers that are 10 years old, as provided in the bill, and there is an inducement for them to trade in those tankers and get compensation for those so-called old tankers.

Mr. SHELLEY. That is right.

Mr. McCORMACK. The primary purpose is not so much to build the reserve fleet as to build new tankers that are modern, is that right?

Mr. SHELLEY. To build new tankers, and at the same time to build a reserve fleet with the old tankers.

Mr. McCORMACK. Does the committee think that we should pay money to American citizens who own these so-called old tankers that do not fly the American flag, and give them the benefit of that trade-in?

Mr. TOLLEFSON. Mr. Speaker, will the gentleman yield to me?

Mr. McCORMACK. I yield.

Mr. TOLLEFSON. One of the primary objectives of the bill is to get tankers in our reserve fleet. We have no tankers in our reserve fleet now upon the testimony before our committee by Admiral Duncan of the Navy, and Mr. Flemming of the Office of ODM. They claim that there is a critical shortage of tankers in our reserve fleet and this is one of the primary objectives.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of Virginia. I yield the gentleman 5 additional minutes.

Mr. McCORMACK. Of course, reading the report of the committee, it seems that the reserve fleet tankers may only be used for a limited purpose, in nondangerous waters, in case of a war. They are not equipped to go into dangerous areas because of lack of speed and other deficiencies; is not that so?

Mr. TOLLEFSON. If the gentleman will yield further at this point, I should be glad to try to answer that question.

Mr. McCORMACK. I am glad to yield. I am just seeking information. I am not necessarily opposed to the bill, but I am curious on this point at least.

Mr. TOLLEFSON. With respect to the utility of these vessels that would be placed in the reserve fleet, they could be used to go into dangerous waters all right. I am sure the gentleman has read the report, but I think perhaps he has placed a somewhat different construction upon the language with respect to the use of the vessels of the reserve fleet. I think the language was designed to point out that the military want some high-speed tankers for use in the more dangerous areas, but that does not mean that the other tankers would not also be used. They would be used in the less dangerous areas.

Mr. McCORMACK. How can the gentleman, who is the acting chairman of the committee, explain the fact that we are going to trade in tankers owned by citizens of the United States, which tankers do not now fly the American flag?

Mr. TOLLEFSON. I can explain that, if the gentleman will yield to me.

Mr. McCORMACK. Surely.

Mr. TOLLEFSON. This bill was designed to induce the larger operators and owners to build new, fast tankers which would be available to the military in the event of an emergency. The big owners and operators are the large oil companies, like Standard Oil, and they do have a number of T-2 tankers that do not carry the American flag. They are of exactly the same type as many that are under the American flag that we would like to get into our tanker reserve. But the gentleman asked why they were not carrying the American flag. It just so happens that some of the larger oil companies have American-flag vessels but they also have some that are not carrying the American flag. They are American-owned but they are not carrying the American flag. We would like to have them both in.

Mr. McCORMACK. The main reason is they want to get lower operating costs, in many cases. That is right, is it not? Very few ships flying foreign flags pay the wages the American-owned ships do.

Mr. TOLLEFSON. That is correct.

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

Mr. McCORMACK. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman has raised very serious questions here. It was reported to me just the other day that one of our big oil companies built a modern tanker and it was immediately commissioned under the Liberian flag. What they want to do is to put foreign crews on these vessels and pay them less money. We do not have a tanker within a thousand miles of Waterloo, Iowa, but I am interested in the American crews so that they will consume some of the products of the farmers of this country. That is why I am interested in the building of ships in American shipyards. The day after the 82.5 percent of parity went sailing through this Congress agricultural statisticians in Iowa told us that for the month of May 15 to June 15 farm prices in Iowa dropped 9 percent—in 1 month. I am interested in this bill, as in all bills pertaining to the flying of the American flag on American vessels and the appointment of American crews and the building of ships in our own yards, for the reason that I want to keep that money here at home to increase our purchasing power.

Mr. McCORMACK. That is another reason I am interested in this bill. What is there in the bill that guarantees when there is a trade-in or a deal made for

new tankers they are going to be built here in American yards?

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

Mr. McCORMACK. I yield to the gentleman from California.

Mr. SHELLEY. The bill provides that the new tankers will be built in American yards. It also provides they shall be documented under the American laws, which means they shall be American vessels and must be kept as American vessels for the term stated in the present provisions of the law, which is 20 years, which is interpreted as the useful life of a vessel.

Mr. McCORMACK. Where is the provision that the new tankers have to be built in yards of the United States?

Mr. SHELLEY. They will not be built anywhere else.

Mr. McCORMACK. But where in the bill is that stated?

Mr. SHELLEY. By reference to other sections of the Merchant Marine Act of 1936.

Mr. McCORMACK. In other words, that procedure will be followed?

Mr. TOLLEFSON. That is right.

Mr. McCORMACK. That satisfies me if the gentleman states it. However, going back to the question of the ships flying the American flag and documented under the laws of the United States, in relation to these trade-ins, has the acting chairman any information as to how many of these tankers that fly the American flag might be turned in and how many that do not fly the American flag but are owned by citizens of the United States might be turned in?

Mr. TOLLEFSON. No, there is no testimony on that subject before our committee. We were unable to obtain any because up until the time the hearings were held and up to this point no private owner or operator had entered into negotiations with the Government indicating he had so many ships to turn in.

Mr. McCORMACK. Is it not rather strange that we have a bill before us when there is no evidence that anybody is interested in this deal?

Mr. TOLLEFSON. I hope I did not use the wrong wording. We have no testimony in our committee with respect to the number of T-2 tankers that might be turned in. We did have a representative of the Esso Co. come in and testify before our committee in favor of this legislation. At the same time he indicated that his company would be interested in building some high-speed tankers and in turning in some T-2 tankers, but he did not make it in the form of any commitment.

Mr. McCORMACK. Is that the only evidence?

Mr. TOLLEFSON. Does the gentleman mean with respect to the numbers to be turned in?

Mr. McCORMACK. Yes.

Mr. TOLLEFSON. Let me say to the gentleman that the executive department has sent down a supplemental request in connection with this matter and has requested $29 million for this purpose. That would indicate there would be sufficient money there for not more than 20 T-2 tankers.

Mr. McCORMACK. Can the gentleman give the Committee of the Whole any information as to the number of tankers that are not less than 1,350 gross tons and not less than 10 years old and owned by citizens of the United States that are now sailing the waters under the American flag?

Mr. TOLLEFSON. I do not have the information at my fingertips.

Mr. McCORMACK. Or the same type owned by a citizen or citizens of the United States, that flies the foreign flag. My first question was with reference to ships flying the American flag.

Mr. TOLLEFSON. I think I can supply that when we get into debate on the bill, but I do not have the information at my fingertips.

Mr. McCORMACK. I see, but the gentleman does have that information?

Mr. TOLLEFSON. I am satisfied that the Maritime Administration does have that information and we can get it for you.

Mr. McCORMACK. May I ask the gentleman this question then? Would he have any objection to another condition being imposed in paragraph 8 of the bill on page 2, after the third condition which is "owned by a citizen or citizens of the United States" and then putting number 4 "and is documented under the laws of the United States" and then change the 4 to 5? In other words, to confine this bill and the benefits flowing therefrom and pertaining to those American citizens who own these tankers who have flown American flags.

Mr. TOLLEFSON. We discussed that matter in committee. We determined that in order to get any new fast tankers at all, we would have to leave the language as is simply because the ordinary tanker owner and operator is not going to take advantage of the law. We have had the smaller tanker operators come before our committee and tell us that if we limited the trade-ins to the T-2 type of tankers which were flying the American flag, the odds are we would not get any fast tankers built under this legislation.

Mr. McCORMACK. Where were most of these tankers, the so-called old tankers, built originally—who built them originally?

Take most of these so-called old tankers, which might be subject to a trade-in, whether they fly the American flag or not, but are owned by a citizen or citizens of the United States, who originally built them? Were they built by the Government originally?

Mr. TOLLEFSON. The bulk of the T-2 type of tankers were built by the American Government.

Mr. McCORMACK. The American Government sold them to individuals in past years?

Mr. TOLLEFSON. That is right.

Mr. McCORMACK. And these individuals thought that they made a good deal on them, naturally?

Mr. TOLLEFSON. They were sold under the Ships Sales Act.

Mr. McCORMACK. Yes, and then they went ahead and documented those tankers under a foreign flag.

Mr. TOLLEFSON. Some of them did that—yes.

Mr. McCORMACK. If this bill becomes law, they are going to get the benefit of the law for trade-in purposes on those tankers, is that not correct?

Mr. TOLLEFSON. That would be true with respect to the concern such as the one I mentioned, the Esso Co.

Mr. McCORMACK. Then, the only way you can protect the Government, and I assume they made a good deal when they purchased these tankers and, of course, I am not criticising them—I do not blame them—but, after they purchased these American tankers, which our Government built with our taxpayers' money, and we voted the money, they then documented those tankers under the flag of a foreign country to get lower operating costs and lower labor costs and so on—did they not do that?

Mr. TOLLEFSON. They did.

Mr. McCORMACK. Then—and I have my thoughts on that—but I am just trying to follow through on this whole proposition, but they own those tankers and they are stuck and they cannot trade them in if one of the conditions were that these tankers had to be documented under our flag. They got the benefit of the sale and now they are trying to get the benefit of the trade-in. They are not going to trade them in, unless they think it is a good business deal. I do not blame them for that. But they are getting the benefit from all angles. Yet, when they purchased the tankers from our Government, they documented them under a foreign flag.

Mr. TOLLEFSON. They did with respect to some—that is true—but not with respect to all.

Mr. McCORMACK. Then would the gentleman accept an amendment that one of the conditions be that they be documented under the laws of the United States?

Mr. TOLLEFSON. No, I would not. I would oppose that, as I indicated to the gentleman before on this basis alone—that this bill is designed to be for the benefit of and in the interest of the United States itself. I am afraid if we adopt such an amendment that we would defeat the purposes of the bill altogether, and we would not be able to get any private operator or owner to build any of these new tankers.

Mr. McCORMACK. The Committee on Armed Services has a bill that has passed the Senate providing to build 20 tankers. Whether they are to be built by private interests and leased to the Department of Defense or by the Government, I do not know. So that you have a bill to build 20 tankers in another committee of this House. Is the gentleman aware of that?

Mr. TOLLEFSON. Yes, I am. The subcommittee voted it out, and it provided that the Government would build those 20 tankers. What the full committee will do, I do not know.

Mr. McCORMACK. I do not want to express an opinion in opposition to the bill, but it seems to me in the absence of evidence as to the number of these tankers purchased by the Government, flying foreign flags or flying American flags, that we ought to hesitate a great deal or the committee should agree to

my suggested amendment for the protection of the Government.

The SPEAKER. The time of the gentleman from Massachusetts has again expired.

Mr. NICHOLSON. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. TOLLEFSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 9252) to amend the Merchant Marine Act, 1936, to provide a national defense reserve of tankers and to promote the construction of new tankers, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 9252, with Mr. REES of Kansas in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Washington [Mr. TOLLEFSON] is recognized for 30 minutes, and the gentleman from California [Mr. SHELLEY] is recognized for 30 minutes.

The Chair recognizes the gentleman from Washington [Mr. TOLLEFSON].

Mr. TOLLEFSON. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, as has been indicated in the discussion on the rule, H. R. 9252 is designed to amend the Merchant Marine Act of 1936 for the purpose of providing a defense reserve of tankers, and to promote the construction of new tankers, and for other purposes, as the title of the bill reads.

The testimony before our committee was more lengthy than the hearings indicate, because we held hearings on a similar bill last year. The hearings on that bill do not appear in connection with the hearings on the present bill.

The testimony indicated that there is a serious and critical deficiency of the tankers in our reserve fleet. As a matter of fact, in the Maritime Administration reserve fleet there are no T-2 tankers at this time.

We had before our committee Admiral Duncan of the Navy, who testified that the shortage of tankers in the reserve fleet was very critical. I would like to read one paragraph of his testimony:

> I welcome the opportunity to express the views of the Navy Department on this matter, since the qualitative deficiencies in the active United States tanker fleet, the approaching block obsolescence of a large part of the fleet and the complete lack of a reserve of tankers against mobilization requirements are of considerable concern to the Department of Defense.

Then Mr. Flemming, Director of the Officer of Defense Mobilization, sent a communication to our committee in which he commented upon the bill. I would like to read extracts from that letter.

The first quotation in his letter dated June 17 is as follows:

> The executive branch has given extensive study to developing a national petroleum program adequate to insure the supplies necessary in time of full mobilization for war. From the earliest stages of the study it has been recognized that a critical shortage of tankers will exist under such conditions and will impose the gravest threat to the acquisition of those supplies of petroleum vital to the conduct of a war.

Further in the letter he says:

> The trade-in and build plan of H. R. 9252 is aimed at providing a part of the needed reserve of usable tankers in the form of the T-2 type which is the best tanker available for the reserve. The vastly increased requirements for tanker capacity at the outbreak of a war would require a substantially greater number of vessels than are used in normal commercial activity. The existence of a reserve together with new and more efficient ships would do much to meet the initial impact on the industry.

So we have the Department of Defense and the Office of Defense Mobilization both telling our committee and, of course, telling Congress that we have a critical deficiency and shortage of vessels in our reserve fleet. In the event a mobilization for an emergency I would hesitate to say or predict what might happen because of the shortage of tankers.

There are some other objectives in the bill aside from taking care of the tanker deficiency. One is this matter of taking care of the block obsolescence of these tankers. Most of the tankers were built during World War II, 83 percent of them, as a matter of fact. The average age of a vessel is 20 years, and it is estimated that 83 percent of our tankers will be obsolete shortly after 1960. That would mean that if we did nothing between now and 1960-63, we would have to replace all those tankers at one time; and, of course, that would be difficult if not impossible to do.

The third thing that the bill seeks to do in addition to meeting the tanker deficiency and to endeavor to solve this problem of block obsolescence is to create some shipyard work.

The first thought that might come to the minds of Members of the House is that this is in the nature of a work relief bill. Such is not the case at all. Admiral Leggett, who is the Chief of the Bureau of Ships, came before our committee—and I made mention of this on two or three other occasions to the House—and testified in a rather astounding manner. He said that the situation in our American commercial shipyards promises to be the most vulnerable area of our whole defense program.

That is a rather striking statement. He did not say that the most vulnerable area promised to be in the lack of battleships, tankers, airplanes, or guns; he said that the most vulnerable area promises to be the situation in our commercial yards.

I know what he had in mind, because I lived through World War I and World War II. I worked in shipyards during World War I and knew what the situation was also in World War II. During both of those wars we were caught short of ships simply because we had neglected our merchant marine; and in addition to that we had neglected our commercial shipyards to the point where most shipyards were not able to produce the vessels that were needed upon mobilization. Both those World Wars were prolonged appreciably simply because we did not have the ships to take care of our war needs. I can remember during World War I a certain song built on the theme that the Navy takes you over and the Navy will get you back. That is not true. The Navy does not carry soldiers and the materiel of war to the war front; those were carried by commercial vessels, and in World War I and World War II we did not have enough of those commercial vessels, nor were our shipyards prepared to produce them fast enough.

The military are very much concerned about our commercial shipyards, because they are aware of the experience that we had during World Wars I and II. They have come before our committee to testify in that regard. I mentioned two, but there have been other representatives of the Defense Department who have come before our committee to point up to us the need for doing something in connection with our commercial shipyards. As a matter of fact, Mr. Thomas, the Navy Secretary, came before our committee and advocated an immediate program of ship construction in order that we might keep our shipyards active and keep a pool of skilled workmen available in the event of an emergency.

The bill has at least three objectives, taking care of our tanker deficiency, which is critical; help to take care of the problem of block obsolescence of all our tanker vessels; and, to furnish a certain amount of shipyard work which will keep our shipyards active and will keep a crew of skilled workmen available in the event of an emergency. I should perhaps add that the bill is also designed to help supply badly needed high-speed tankers.

The gentleman from Massachusetts [Mr. McCORMACK] raised some very interesting questions, all of which were discussed in our committee. The one that seems to bother him most is the fact that under the terms of the bill it would be possible for American owned but not American-flag vessels to be traded in. We discussed that point at some length and we felt that in order to get any tankers built at all we ought to make it possible for American-owned vessels to be turned in even though they were not American-flag vessels but with the understanding, of course, that the new tankers to be built would be built in American shipyards, would be documented under American laws and would fly the American flag. That would mean that only American personnel would be employed upon them.

The tankers to be taken in trade would be placed in our reserve fleet, and for the purposes of the military it would not make any difference whether they were foreign-flag vessels or American-flag ships because they would be of exactly the same type and would have to be in

good condition. The bill provides for the condition which the ships must be in before they are taken in under an agreement to build new vessels.

We should not lose sight of the fact that the objectives of the bill are not to afford an opportunity to oil companies, tanker owners, or operators, to make some money. That is not the case. There is not any possibility for undue profits under this bill. As a matter of fact, under present law the Maritime Administration could take in trade tankers, and under the terms of existing law the tanker owners and operators could make a better deal than they can under our law. We have placed some safeguards in our bill to preclude anybody from making undue profits.

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

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

Mr. HARDY. I would like to explore a little further this question of documentation under laws of the United States. Do I understand that all of the new vessels built under this bill would have to fly the American flag?

Mr. TOLLEFSON. They would not only fly the American flag but they would have to be built in American shipyards and would have to employ American personnel.

Mr. HARDY. May I explore that a little further? Suppose an American owner traded in a tanker flying the Panamanian flag, using that as an illustration. The new tanker would have to fly the American flag?

Mr. TOLLEFSON. Yes.

Mr. HARDY. Let us indulge in a further assumption that he has some other tankers flying the American flag. Might he not then transfer those to foreign registry and wind up with the net effect the same as he started?

Mr. TOLLEFSON. I would say to the gentleman I think the chances of that would be practically nil. He could not transfer them to foreign flag operations without permission of the Maritime Administrator, and the Maritime Administrator, I am confident in saying, would not grant that permission.

Mr. HARDY. That would apply if he had originally bought the tankers under the Ship Sales Act.

Mr. TOLLEFSON. That is correct.

Mr. HARDY. But if he had had tankers constructed, say, in a foreign yard, as some have been doing recently, and had that tanker under foreign registry, then the Maritime Administration would have no control.

Mr. TOLLEFSON. That is correct.

Mr. HARDY. Now, I would like to raise just one or two other questions in connection with the language in the bill. At the bottom of page 2, line 22, it says, "The foregoing provisions shall run with the title to each new tanker and be binding on all owners thereof." What provisions are those? Are those the provisions in the top part of that section, or just what does that refer to?

Mr. TOLLEFSON. Let me read that paragraph.

Mr. HARDY. The section I am raising a question about is found on page 2, line 22.

Mr. TOLLEFSON. As I read it and recall it, though I may be mistaken there, it had to do with the national defense feature, "In the event that the United States acquires ownership of such new tanker, the price paid therefor shall not include any amount for national defense features paid for by the United States."

Mr. HARDY. So they are the provisions that this sentence refers to?

Mr. TOLLEFSON. That is correct.

Mr. HARDY. Then, I think the plural of the word "provision" there is what had me confused, because I believe it is only one provision.

Mr. TOLLEFSON. That is as I read it.

Mr. HARDY. That raises one other question. The committee amendment, I presume, that appears on line 18, "and which are not used by the owner or operator" refers to national defense.

Mr. TOLLEFSON. The testimony before our committee indicated that the only national defense feature likely to be found in the new tankers would be the speed factor.

Mr. HARDY. That would mean if you had increased speed put in a vessel for national defense purposes, paid for by Uncle Sam, although the owner would have that additional speed built in, he could not use it?

Mr. TOLLEFSON. He could if he paid for it.

Mr. HARDY. Now, is that not going to be a little hard to ascertain?

Mr. TOLLEFSON. No. The testimony before our committee indicated that that would not be too difficult.

Mr. HARDY. Of course, I do not know what the speed would be, but let us say that the tanker now operates at 18 knots and you have 22-knot machinery built in a new tanker. You mean the operator is never going to let it run over 18 knots even though he has it in there?

Mr. TOLLEFSON. It would be almost impossible to use the additional speed without the Maritime Administration knowing about it. There would be the time factor, the ship's log, and the oil consumption which would clearly indicate whether he actually used that additional speed. That would not be hard to trace.

Mr. HARDY. That would be the only national defense feature that Uncle Sam would pay for at this time?

Mr. TOLLEFSON. It is the only national defense feature that we know of at this time.

Mr. SHELLEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, may I start by answering the question propounded by the gentleman from Virginia [Mr. HARDY], a little more explicity, because I think I have a feeling as to the basis for his query, which was the subject matter brought before a previous committee known as the Hardy subcommittee of the executive expenditures that went into this question of defense features in the American export situation. It was my pleasure to serve with the very able gentleman from Virginia on that committee. May I say that the testimony before the Merchant Marine Committee on this bill definitely established and pinned down that the only defense feature to be incorporated in these tankers was the speed feature. You do not have the features of compartmentation and other factors that were involved in the passenger vessels. In the tankers the only defense feature called for by the Navy is speed. The General Accounting Office raised the question of an operator who operates his vessel presently at a 16-knot speed on a satisfactory voyage time getting one of these new vessels which would be built to maintain a standard cruising speed of 18 knots, the speed difference being recognized as a defense feature and paid for by the Government.

Some of the operators contend that on some runs they do not want the vessel to operate more than 16 knots. Their processing plants, their ability to transfer from dockside to warehouse, their ability to make rail connections with tank cars is limited to a 16-knot speed so that their schedule operates that way. They would not want more.

GAO itself in testimony proposed a basis for charging, if they did use the additional speed which was built into the vessel. During the hearings, Mr. Casey on page 69 went into that feature and even proposed that it would be all right with him if Maritime worked out an agreement between themselves and the operator for a 50-50 bearing of the expense for the use of the additional speed. Subsequently the provision now in the bill on page 2 was written in by the committee to protect the Government's interest in the event the additional speed factor was made use of in commercial operations by a commercial operator who subsequently acquired one of the new tankers.

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

Mr. SHELLEY. I yield.

Mr. HARDY. I certainly do not want to leave the impression that I am opposed to legislation which is going to help us start some ship construction. But I do want to be clear on it and I do want to know what we are doing and I am not sure that I do understand what this bill does. With respect to this matter of utilizing the extra speed that was built in for national defense purposes, it would seem to me that a major consideration of the operator of the tanker would be the efficiency that he got in his operation at various speeds. If he operates at 16 knots, he is going to get greater efficiency, even with the present tanker, than he would if he tried to operate at a higher speed.

Mr. SHELLEY. That is true, because some of the present tankers have speeds of 17 or 17½ knots.

Mr. HARDY. That is correct. Frankly, I cannot get too exercised about the explanation made by the gentleman a few minutes ago concerning schedules, because schedules will adjust themselves or can be easily adjusted providing it is economical to do so.

Mr. SHELLEY. I will agree.

Mr. HARDY. The question of economy I should think is the major one with which the operator would be concerned.

If you have a vessel built for 22 knots—that may not be contemplated, I do not know—if the operator operates at 16 knots, he operates with a great deal more efficiency than if he were operating at 16 knots with a vessel built for a 16-knot top speed; is that not true?

Mr. SHELLEY. This is right.

Mr. HARDY. So that your operator is going to get a considerable operating advantage merely by virtue of the fact that he has more power than he expects to use, so that his efficiency is increased thereby.

Mr. SHELLEY. But the power is built into the vessel for our protection in the event the Government needs it. It does not necessarily follow that a 20-knot vessel operated at 16 knots can mean savings or operating advantage to the operator.

Mr. HARDY. I am not raising that question at all. My point is this: Actually, with the language in the bill, the operator in effect would be using the excess power by virtue of the fact that it would increase his efficiency at the speed at which he was operating. Does the gentleman follow my thinking on that?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHELLEY. I yield myself 5 additional minutes.

There is no way to add the additional speed factor after the vessel is built unless you lay it up and put in completely new propulsion equipment. If you are going to have a vessel with speed that is satisfactory to the defense needs of the Nation in the event of an emergency with the present type of submarine operations possible, you must build that speed in at the time the vessel is constructed. Will the gentleman agree to that?

Mr. HARDY. That is certainly correct and I am not suggesting that we would expect to put it in later. The question in my mind is the interpretation of the proposed language. I am not sure there is not a hookup there.

Mr. SHELLEY. If the gentleman can find it, I wish he would show it to me.

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

Mr. SHELLEY. I yield.

Mr. DIES. Is not this the situation that confronted our committee, that first we knew that the Government had to pay for the defense features built into the tanker?

Mr. SHELLEY. That is right to some extent.

Mr. DIES. That is the only defense feature we knew anything about, the extra speed, was it not?

Mr. SHELLEY. That is right.

Mr. DIES. We considered various ways of protecting the Government. We thought at first we would try the 50–50 provision, but the trouble with that provision was that it was not right for the operator to pay 50 percent if he did not use it and did not need it.

Mr. SHELLEY. That is right.

Mr. DIES. So the only alternative we could devise was a provision that the operator would pay for what he used. Of course, that presents some administrative difficulties, but there was no formula we could devise that would meet the situation.

Mr. HARDY. If the gentleman will yield for a comment on that point, I commend the committee on trying to do it. I think I understand what they were trying to do. My point is I am not sure you have succeeded. I think you have an administrative monstrosity here that is going to be virtually impossible to administer. I do not believe you are ever going to know whether or not it is administered properly.

Mr. SHELLEY. May I say to the gentleman, as one member of the committee who is in charge of the time on one side of the aisle, certainly there is no pride of authorship in the language. If the gentleman and I and the rest of us agree on the objective we are trying to reach and the gentleman thinks the language is loose, we are both trying to safeguard against the same danger, evidently, and if he can suggest language that is better and we agree that it would be better I do not think there would be any quarrel about it.

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

Mr. SHELLEY. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. In connection with that, while it probably does not go all the way in meeting the thought the gentleman from Virginia [Mr. HARDY] advances, the gentleman from California participated in the colloquy I had with him and several other Members and he heard me make a suggestion to the acting chairman that he accept an amendment which would certainly be protective. It seems to me now if we are going to give the benefit of this it ought to be given to those who purchased the tankers and flew the American flag. What is the gentleman's view on that?

Mr. SHELLEY. I was sort of hoping the gentleman would not ask me that in the position I find myself in, controlling the time on our side, because I made the same proposal and fought for the same proposal in the committee. Because of certain circumstances I was absent at the last meeting, I had to be in California. The committee decided there was merit to the point raised and they agreed to adopt the language on page 2, line 6 as adequate protection. I am not speaking now for the committee, but personally I have no quarrel with the thought of the amendment the gentleman showed me. He proposes that these tankers being turned in be documented under the American flag for the 3 years immediately preceding the time of the turn-in, which in my judgment would have closed the door to any question that some of the speculators who bought ships under the Ships Sales Act and then transferred them foreign could now use this to bail themselves out. I have answered as to my thought. The other members of the committee can answer as to theirs.

Mr. ALLEN of California. Mr. Chairman, will the gentleman yield?

Mr. SHELLEY. I yield.

Mr. ALLEN of California. May I say to the gentleman that after the colloquy referred to I called the Maritime Administrator to find out what in his opinion the effect of the amendment proposed might be. He assured me that his objective would be to pick up all of the American flag T–2 tankers or other suitable tankers he could find; that the objection might come if we run out of American customers in furnishing these trade-ins. Then it might be that we would need some of the American-built tankers that had been transferred foreign, of which, incidentally, there were 203, in order to get this trade-in program working and to keep the shipyards working. If it should happen that the Americans now owning the T–2's would not turn them in, then the requirement that a ship documented under the United States law and flying the American flag was not available would not prevent a transaction in which the larger ships would be built, and of course would not prevent the acquisition of a ship built in the United States at a previous time and its being brought back under the American flag to build up the laid-up fleet. There is no imminent danger apparently, but the contingency could arise.

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

Mr. SHELLEY. I yield.

Mr. PHILLIPS. As the gentleman knows, my subcommittee of the Committee on Appropriations used to handle the Maritime appropriations. We were equally concerned with the gentleman from California [Mr. SHELLEY] over this matter of our tankers, of which there never were really an adequate number, going under a foreign flag. But, this question arises in my mind. Where do we lose on the provision that is in this bill? If a tanker, which is presently under foreign registry is brought in and traded in, we, in an American shipyard, build a new tanker which is to be under American registry, thus retiring a tanker which was not under American registry, and if the new tanker to be built by us is to fly our flag and employ our people—where do we lose by that provision which is in the present bill?

Mr. SHELLEY. May I try to answer the gentleman although it is not my proposed amendment which is now being discussed. In discussing this in committee, and I say this specifically for the benefit of the gentleman from Massachusetts, the minority whip [Mr. McCORMACK]. The thought was that if we took in some of these foreign tankers and put them in our reserve fleet with the idea that they would be ready in case of an emergency to be broken out and sent to sea, we would find when that emergency arose that some of those vessels did not meet our American standards of safety as to quarters for crews, as to fire protection, as to bulkheading and compartmentation and as to other safety provisions. Our standards are higher than any other nation as far as maritime safety is concerned. Our construction standards are also higher. Then, we would find when we went to use these vessels, which have been foreign built, and under foreign flags for some years, we would find ourselves paying as much again to put them into

condition to send American kids to sea in them, as we had paid for them in the first place. The committee has adequately safeguarded against that contingency by the language in line 6 that they must be in class with respect to hull and machinery so that when we buy them, the Federal Maritime Administrator must first determine that they are in class as to hull and machinery even if they are foreign. The only other point is the point which was raised by the gentleman from Massachusetts as to whether or not there is a possibility of some of these people who bought American ships and transferred them foreign, and operated them in competition with us, and now are going to turn them in and acquire a new, faster and bigger American-class vessel. That is the question of policy which, I think, can probably serve us well in that we are—one, taking an older ship off the seas which is operating under a foreign flag and which is paying low wages and low maintenance costs in foreign countries and which is competing with us, and we are building a new and faster ship which will be built in this country and be manned by American seamen, who will be paid American wages. These new ships will also be provisioned here and will be repaired here. We have eliminated not one but two 15,000 ton vessels now competing under foreign flags and we built one new 30,000 ton vessel which will be under the American flag. It would seem to me on the point that the gentleman from Massachusetts raised if, in view of the discussion in this committee, and in the Committee on the Merchant Marine, Maritime Administrator Mr. Louis S. Rothschild, should make a deal to buy the tankers from any of the gentlemen who have been publicly criticized and some are under investigation, and possibly under indictment at this time, then he is not as smart and as forthright a gentleman as I have been convinced he is in his appearances before our committee.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. TOLLEFSON. Mr. Chairman, I yield such time as he may require to the gentleman from Massachusetts [Mr. WIGGLESWORTH].

Mr. WIGGLESWORTH. Mr. Chairman, I want to congratulate the members of the Committee on Merchant Marine and Fisheries for bringing this bill to the floor of the House by what I understand to have been a unanimous vote.

It is a step in the right direction.

Speaking from London in 1944 President Eisenhower stated in part:

> We were caught flat-footed in both World Wars because we relied too much on foreign-owned and operated shipping to take our cargoes abroad and to bring needed supplies to this country.
>
> I consider the merchant marine to be our fourth arm of defense and vital to the stability and expansion of our foreign trade.

Our shortcomings in respect to the development of an adequate merchant marine cost us over $15 billion in terms of essential ship construction in World War I and World War II.

There is today a great need of tanker and other construction, both from the standpoint of an adequate merchant marine and from the standpoint of the maintenance of those construction yards and their skilled groups of workers which are essential as part of our mobilization base, vital to national defense.

The ship-construction industry in this country is today in a desperate condition. The lack of merchant-ship construction is vividly portrayed in a letter addressed to me by Adm. W. D. Leggett, Chief of the Bureau of Ships, Department of the Navy, under date of March 27, 1954.

It will be noted that only 29 merchant ships were under construction in this country as of the date of his letter; that all but 2 of these ships will be completed prior to January 1, 1955, and that, to the best of his knowledge at the time of writing, no orders for additional oceangoing ships had been placed.

Under leave to extend my remarks, I include Admiral Leggett's letter at this point in the RECORD:

> DEPARTMENT OF THE NAVY,
> BUREAU OF SHIPS,
> *Washington, D. C., March 27, 1954.*
>
> The Honorable RICHARD B. WIGGLESWORTH,
> *House of Representatives,*
> *Washington, D. C.*
>
> MY DEAR MR. WIGGLESWORTH: During our telephone conversation yesterday, you asked for a list of the 28 merchant ships now under construction together with the 2 which will still be uncompleted by January 1, 1955. I had mentioned these figures during my recent testimony before your Subcommittee on Navy Appropriations.
>
> Information obtained yesterday from the Maritime administration and from the Shipbuilders Council of America discloses that, at present there are 29, instead of 28, oceangoing commercial ships still under construction. These are listed below:

Builder	Number	Type
Quincy, Mass., yard, Bethlehem Steel Co.	5	Tanker.
Bethlehem, Sparrow's Point, Md., shipyard.	7	Do.
	1	Mariner.
Sun Shipbuilding & Drydock Co., Chester, Pa.	4	Tanker.
Newport News Shipbuilding & Drydock Co., Newport News. Va.	1	Mariner.
	5	Tanker.
Bethlehem, San Francisco, Calif., shipyard.	3	Mariner.
Ingalls Shipbuilding Corp., Pascagoula, Miss.	1	Do.
New York Shipbuilding Corp., Camden, N. J.	2	Do.
Total	29	

> The two ships which will still be uncompleted as of January 1, 1955, are the *Sooner Mariner* and the *Grand Canyon Mariner*, both being built by the Bethlehem San Francisco Shipyard. To the best of our knowledge, no orders for additional oceangoing merchant-type ships have been placed.
>
> The foregoing tabulation does not, of course, include any Navy construction.
>
> The figure of 28, which I used during the hearings, referred to ships still on the ways, rather than to ships still under construction, whether launched or unlaunched. There have been several launchings and several completions since that figure was compiled.
>
> As you know, the current and prospective scarcity of commercial ship construction constitutes a serious threat to our national security. There are only a few merchant-type ships included in the Navy's annual construction programs. The Navy cannot alone, therefore, undertake the task of supporting a mobilization base of operating yards adequate to meet the vast and urgent need for merchant shipping in the event of a full-scale emergency.
>
> If you should desire additional information, do not hesitate to call upon me.
>
> Sincerely yours,
> W. D. LEGGETT, Jr.,
> *Rear Admiral, United States Navy,*
> *Chief of Bureau.*

It is vitally important from the standpoint of national defense that this bill and other ship construction bills now pending before the Congress be enacted into law prior to adjournment.

Mr. TOLLEFSON. Mr. Chairman, I yield such time as he may require to the gentleman from Maryland [Mr. DEVEREUX].

Mr. DEVEREUX. Mr. Chairman, I, too, want to congratulate the committee on bringing out this bill, knowing the serious condition of our shipyards.

There is one point that has not been touched on that I think is of utmost importance as far as national defense is concerned. If we can have these modernized vessels at our beck and call in case of an emergency, that is extremely important; whereas, regardless of the size of our reserve fleet it would take something like 90 days to condition them in case of an emergency.

I urge the passage of this bill.

Mr. SHELLEY. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. GARMATZ].

Mr. GARMATZ. Mr. Chairman, in reporting out this bill to promote the construction of modern new tankers for our merchant fleet, we on the Committee on Merchant Marine and Fisheries see this measure as only a small part of the overall solution to the desperate problems of the American merchant marine.

This bill will help some. But I think we can safely say it is a measure to do not too much, and do it not very quickly.

What we provide in this bill is a program under which owners of World War II T-2 tankers can trade them in to the Government and receive in return, substantial credit toward the purchase of modern, new, fast, first-line tankers, capable of operating at 18 knots per hour as against the T-2's speed of 14½ knots.

The idea is a meritorious one. While the T-2 tanker did noble service in World War II, it is considered today obsolete for war requirements except in auxiliary service where speed is not overly essential. According to the Navy, all of these vessels will be obsolete en bloc in about 11 or 12 years and should be replaced in an orderly fashion between now and then. In case of war, we would need replacements almost overnight.

The traded-in tankers would go into a national defense reserve fleet, and that is a good idea, too. That is why we have written into the bill a requirement that they be in good condition with respect to hull and machinery. Personally, I hope that requirement will provide us some desperately needed repair work for the shipyards in Baltimore.

Mr. Chairman, the provisions of this bill have been carefully drawn to assure real incentive to the private ship industry to trade in obsolete vessels, in order to buy new ones, thus stimulating shipyard operations in the United States while, at the same time, protecting the Government against abuses, fraud, and sharp practices.

The bill recognizes that some ship operators will not require 18-knot speeds in their normal tanker operations, and so we make a special national defense allowance in their behalf on the cost of putting this additional speed into the new vessels they buy. On the other hand, however, if they decide to make use of the extra speed in their normal operations, then the Government is authorized to go in and recover the additional cost it has been put to in providing for the extra-speed capabilities.

Similarly, since we are intent on stimulating tanker construction and not merely in providing subsidies for ship operators, we limit the benefits of this measure to tankers constructed after the effective date of this proposed new law. In other words, we are not providing retroactive windfalls for operators who have already proceeded with arrangements for modernizing their tanker fleets.

Furthermore, and of particular importance, we have in this bill a requirement that tankers built under this new program must be operated under the American flag to provide needed jobs for American seamen.

In the Baltimore area, the distressed state of the American merchant marine is hitting our entire local economy a devastating blow. The virtually idle state of our shipyards has led to layoffs of thousands of construction workers. And the sharp slump in shipping activity has beached thousands of American seamen.

This bill is no overnight remedy for our distressed merchant marine. It is a partial attack on a serious blight. It is just one of what should be a vigorous series of strong measures to expand and improve the American merchant marine.

We need action on such other things as a stepped-up Navy ship procurement program, including all types of naval vessels; we need more long-range planning and programing in merchant-ship construction; we need more protection for the American seaman against the alarming trend toward transfer of ships from American to foreign-flag registry; we need more adequate and more realistic unemployment benefits for all of our workers, including seamen.

What we need, Mr. Chairman, in short, is a greater realization on the part of our Government, of the vital role of the merchant marine in both peace and war.

In 1953, for instance, not a single new contract for the building of a seagoing merchant ship in this country, was entered into.

In 1953 while the Bethlehem Sparrows Point shipyard led the world in ship production, on the basis of orders placed in previous years, it did not have a single new order received after 1952, until June of 1954.

And the Maryland Drydock Co. began a cutback in employment in November 1952, cutting its force almost in half, from 4,400 to 2,500 by December of 1953, and then even deeper after that, until it went down to 1,100. In other words, in less than 2 years, it has cut three-fourths of its force.

At Maryland Drydock, this represented a drop in weekly payrolls of about one-quarter million dollars. That is a sizable bite to take out of the weekly purchasing power of any community, and we in Baltimore are feeling it in every phase of our economy.

Mr. Chairman, when World War II came upon us, our merchant marine was not prepared, even though the Allied Nations had spent millions in this country to get ships into production here. When the Korean war came along, we again had to try overnight, to build up our fleet and our ship-construction facilities. This administration has let them both go completely to pot. Yet, at the same time, it is telling us that we may have to intervene in this or that part of the world, in order to defend freedom.

We all know that the world situation is a dangerous tinderbox. We know that communism stands waiting to pounce anywhere it thinks it can succeed. We know we are in military danger. Yet one of the most vital arms of our defense, our merchant marine, is still being treated like a stepchild, ignored and neglected.

I am happy to support the bill which our Committee on Merchant Marine and Fisheries has reported out for House debate today, because it is a right step in the right direction.

But it is so very little compared with the overall need, that I want to urge here in the House, that we put some firecrackers under the administration and wake it up to the true extent of the danger which this country faces in respect to our shipping.

Let us pass this bill, yes. But let us make sure that before we quit for this term of Congress, we have some real and effective legislation on the books to provide funds and stimulation for a vast new shipbuilding program and a revived and revitalized American-flag merchant fleet.

Mr. TOLLEFSON. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. ALLEN].

Mr. ALLEN of California. Mr. Chairman, I am, of course, very much in favor of this bill. The three phases of it have been pointed out: The building of high-speed large tankers; the building up of the laid-up fleet with regard to tankers; and the building up of our shipbuilding industry. Any one of these objectives would, in my opinion, be complete justification for this measure.

There are two points that I would like to comment on that were brought out in general debate: One was with reference to any program for the building of tankers which I think was mentioned by the gentleman from Massachusetts. On page 5 of the hearings there is a part of the statement made by the Maritime Administrator. The last sentence of that statement I think is a good point to have in mind. Mr. Rothschild said:

> Both the trade-in and build program and the complementary Navy tanker charter program are required if we are to have an adequate reserve of tankers and an effective shipbuilding industry.

The two bills that are involved came up to us at the same time, and they are part of a single program and not in the alternative.

The other point I would like to comment upon I would like to have added when the gentleman from California finished his remarks. The point is found on page 58 of the hearings.

I think it is worth knowing that this program will substitute one large tanker for two of the type of tankers now operating, and it is required that the new owner shall put up additional funds to the extent of $4,985,000 at the same time he disposes of his two tankers for approximately $1,845,000; in other words, there is approximately $5 million of new money in the new transaction.

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

Mr. ALLEN of California. I yield.

Mr. SHELLEY. And the approximately $5 million will be spent in American shipyards for the building of ships where no ships are being built today.

Mr. ALLEN of California. The gentleman is exactly right. The gentleman knows, I am sure, that there are on the ways for private operators in the United States some 29 ships, of which 26 will be off the ways within the matter of 3 months, and 3 more ships will be delivered next year; then there are no orders now pending for any ships for private construction.

Mr. SHELLEY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I want to congratulate the committee for bringing in a favorable report on H. R. 9252 by Congressman TOLLEFSON, its acting chairman, a bill to provide for a reserve fleet of tankers. It is a highly desirable piece of legislation and I shall vote for it. I urge you, my colleagues, to do likewise.

It is a start of a program that we all wish to see consummated. It is the commencement of a move to build the American merchant marine to its traditional position of importance in world commerce.

Our supply of oil in North America is not inexhaustible while oil is indispensable in our economy and an integral part of our national defense structure. At this time we draw a great deal of our oil from offshore sources and this is as it should be if we are to conserve the natural supply against future emergencies.

If we consider only our domestic needs we need fast and large-size tankers to meet the demands made by it. You cannot have cheap oil if the cost of transporting the raw product to the market place is excessive due to an antiquated and obsolescent medium of transportation.

In time of war we would have to depend a great deal on an offshore supply

of oil. The number of tankers needed to meet those requirements is a question that cannot be readily answered. Certainly we will need more of them than we have or that we can readily build in time of emergency. It is high time that we commence to replace the present fleet, most of which are slow and obsolete, with a modern one that will adequately support our effort in the event we enter into hostilities. This bill, I hope, is the start of a more adequate and more complete program to meet the logistic requirements of our all-important defense.

I want to join in what has been said here about the necessity for this program to keep American shipbuilding know-how alive. To me, it is a tragedy when the present small number of ships now on the ways are completed that there are none to replace them. This has been pointed out by my colleagues from California, Mr. SHELLEY and Mr. ALLEN. As a result of this the disintegration of the shipbuilding industry is already taking place.

It is tragic that we talk about our production potential but that we are prone to consider this inability to produce in the terms of tools necessary for that production. We forget the human element that enters into the skilled pool of manpower that must be organized to implement these tools and they are an indispensable part of production. We can lose the know-how and the skills unless we do something to preserve them and to offer those who possess them a guaranteed employment. It would prove expensive and tragic if this skilled manpower group is allowed to disintegrate as it did after World War I and World War II.

I hope this bill passes. The committee, in my opinion, is to be congratulated for bringing it out and I hope that in the near future it will bring more bills of this kind to the floor, bills designed to stimulate the merchant marine and to insure the continuance of the proper pool of the men trained in the operation of ships, trained in their maintenance, and trained in their construction.

Mr. SHELLEY. Mr. Chairman, I yield such time as he may desire to the gentleman from Virginia [Mr. ROBESON].

Mr. ROBESON of Virginia. Mr. Chairman, while I do not think this bill will necessarily stimulate shipbuilding or that sufficient tankers will be taken in to supply our need in time of emergency, I do favor the passage of the legislation. It may have some effect. If we are going to take care of the ships needed in an emergency, and if we are going to keep shipbuilding alive, there will have to be further legislation that will go far beyond this.

Mr. SHELLEY. Mr. Chairman, I yield such time as he may desire to the gentleman from Washington [Mr. MAGNUSON].

Mr. MAGNUSON. Mr. Chairman, as a member of the committee, I support this bill because I believe in it wholeheartedly.

It must be apparent to all Members of the Congress that our merchant marine is a grossly neglected aspect of our national defense. Certainly it is apparent to all of us who are members of the Committee on Merchant Marine and Fisheries.

We are now in a situation where we have virtually no reserve of tankers in case of an emergency requiring mobilization. We would have to try to get by on what we have until more could be constructed, and ships are not built overnight, as you all know.

Victory itself, in the event of war, well might depend on the vision which this Congress shows today—and in the future on other decisions affecting our merchant marine. You cannot win wars without the ships to transport men and materiel, and an indispensable part of the materiel in any conflict is the fuel which makes our machines run.

That means oil, ladies and gentlemen, and to transport oil we must have tankers. We are extremely vulnerable in this area at this time, and we become more vulnerable with the passing of every day.

We are extremely vulnerable, for that matter, throughout our entire merchant marine structure. Providing for these tankers represents only a small portion of what Congress should do, but it is a start, and I hope the Committee of the Whole House, and then the House, will approve it decisively.

Bear in mind, too, that this plan calls for participation by the tanker operators in paying the cost of the construction of the vessels. We are not asking here today that the Government build these tankers alone, for the Government's contribution would be only something on the order of one-third of the total cost.

In the event of war, who do you think would build the necessary ships? The Government, of course, and it also would bear the greatly added cost entailed by crash programs which are necessary in emergencies.

So this approach serves not only the end of self-preservation, but also that of economy.

Finally—and this is a point in favor of this bill which is bound up inextricably with our national security—let me mention, as have other speakers before me, the positively perilous situation which exists in the shipbuilding industry of this Nation today. That industry must be kept alive, ladies and gentlemen, if we are to hold any hope of victory in any war which may come, and it is a dying industry today.

Construction of the tankers called for by this bill would be at least a small step toward revitalization of our shipbuilding industry by giving it something to do.

Again, I urge every one of you to vote for this bill.

Mr. SHELLEY. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey [Mr. HOWELL] may have permission to extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. HOWELL. Mr. Speaker, the coastline of New Jersey was carpeted with oil during much of World War II. The beaches of the resort towns were thick with this gooey and sticky mixture of oils, tars, and other material floating in from torpedoed tankers and merchant ships. The loss of life along our coastline was frightful as one after another of the slower tankers was picked off by enemy submarines and set ablaze.

That experience has made all of us in New Jersey particularly conscious of the need for modern tankers fast enough to elude enemy submarines and to stay with fast-moving convoys and get their cargoes to their destinations in time of war. Every time we walked along a beach or the shoreline of New Jersey during World War II we could see the evidence of failure on the part of another tanker to make its destination and we could only guess at how much loss of life had accompanied this failure.

The bill before the House today is a reasonable and logical means of helping to modernize our tanker fleet for both peacetime and any war emergency situation. Owners of these older tankers which now constitute the bulk of our private tanker fleet can trade them in, if the ships are in good condition, and get a fair and reasonable allowance toward the purchase of a new, modern, fast tanker.

I hope that private enterprise in the shipping industry will take advantage of the opportunities provided under this bill to modernize their tanker fleets, particularly since any extra speed built into the new vessels for national defense purposes—speed beyond the normal needs of the owner—will be subsidized by the Federal Government.

If this plan works, it should mean some additional and very badly needed employment in our shipyards. They are at present in a distressed situation. Many of them are virtually closed down. In time of emergency, this situation would be extremely dangerous. The chief of the Navy's bureau of ships declared recently that our shipbuilding industry is not ready for any emergency and that commercial ship construction is approaching the vanishing point, with the Navy presently being virtually the sole source of support for this industry.

And the Navy's construction programs, according to Rear Adm. W. D. Leggett, Jr., "cannot alone support an adequate defense nucleus of operating shipyards for both the naval and merchant types" of construction.

The tanker trade-in program authorized under this bill is limited in scope and cannot begin to provide the shipyard construction work we require to get our yards back in efficient production and to maintain a reservoir of skilled personnel for future emergency needs.

We need a whole lot more than this bill. The Navy's own budget on ship construction has been cut back much too far, and at the wrong time.

IDLE CAPACITY THREATENS WHOLE ECONOMY

I was particularly interested, Mr. Speaker, in the weekend report by the National Planning Association on the danger which faces our whole economy by virtue of the existence of so much idle capacity and idle manpower. This association, which is a nonprofit study

group of well-known bankers, economists, businessmen and labor leaders, said that unless we increase our annual rate of production of goods and services by about $25 billion a year we will be sliding backwards and heading into real economic difficulties. It emphasized that when our economy stands still productionwise—and that is just what we have been doing—we are actually losing ground and sowing the seeds for mass unemployment. Part of the reason for this is that we are increasing our labor force by about a million persons a year.

In our shipyards, there have been no new orders in over a year. In this situation the Government has stood aside, maintaining a hands-off policy but meantime scolding the private fleet operators for not ordering more new ships.

Their hesitancy to place new orders seems to be in keeping with a caution which pervades most businesses today, and this is most difficult to understand. We were told in 1952 that a Republican administration would generate confidence in American business—the confidence to expand. And yet the whole history of this administration appears to have been characterized by a lack of confidence on the part of business. We find we are not even using existing capacity. Obviously with idle plants and idle facilities, business is not going to engage in any rush to build new facilities. We have got to show that there is demand for the products and services of business and industry—effective demand based on mass purchasing power. In the 20 years of Democratic administrations since the last depression that is the one lesson we learned: That is, that if people have the wherewithall to buy, demand will be generated and business will have all the confidence in the world to expand its facilities to meet this increased demand.

Our shipping industry has been going downhill because our economy has been going downhill. This bill, to encourage the modernization of our tanker fleet, will make it worthwhile for owners of obsolete tankers to trade them in on new models and get fast, modern ships in their place. But we have got to follow through by getting our whole economy back into high gear; otherwise this bill will be nothing more than a pious gesture.

Mr. SHELLEY. Mr. Chairman, I yield myself the remainder of the time on this side.

Mr. Chairman, one point was touched upon by one of the preceding speakers which perhaps is the principal basis for this legislation. That is the importance of oil in our modern economy, whether we be at peace or at war.

Oil is not only the fuel for the operation of the modern vessel, but it is the fuel for much of our manufacturing facilities for both war and peace equipment. It is the lubricant, it is the base for many of the things which are so important in our economy today. For instance, it is the base from which high-octane gas is made for the Air Force. So a part of the whole purpose of this bill recognizes that oil, having been developed to the point it has in our modern economy, we find ourselves at the same time with a shortage of facilities for the transportation of oil over water. We do not have the tankers. Today modern tankers are being built by private companies in foreign yards and operated under foreign flags—yes; and by American companies, 30,000- to 39,000-ton tankers—and the largest we have at this time available in our reserve, under operation, are some 15,000-ton tankers which we built during World War II, most of which are now 9 and 10 years old. Therefore, this bill will give us modern, fast tankers which can haul 30,000 to 35,000 tons of oil as compared with 15,000. It will give us faster tankers. It will also provide that those tankers be built in American shipyards, where there will be no work after a few more months. No ships are on order after those now on the ways are launched. These vessels will be manned by American seamen, paid American wages.

One question that may be in the minds of some is that the private shipowners who take over these large tankers get, under the provisions of section 510 of the Merchant Marine Act as now in force and amended by this bill, no greater or better deal than he would get if he sold his tanker on the market under the prevailing law. Therefore, as a spur to our defense, as an assist to our defense in building up the tankers in the reserve fleet, in giving us some new, fast tankers for possible fleet operation and commercial operation and in keeping alive the skills necessary and so vital to the operation of our shipyards, without which a commercial or a combat fleet cannot operate, this bill has great merit.

Mr. Chairman, on behalf of the members of the committee, I sincerely hope that the bill will be passed.

Mr. TOLLEFSON. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. DORN].

Mr. DORN of New York. Mr. Chairman, I do not think it has been sufficiently stressed here today how important oil is in the life of our country in time of war. Oil is as important to the life of our country in time of war as blood is to the life of us all. The primary reason for providing and passing this bill and having these oil tankers built is to provide this lifeblood in time of war. But the important secondary reason is to maintain our shipbuilding skills in the construction of these ships. If we do not have trained men available to build ships, we will not have these same men for ship construction in time of war and it is vital, Mr. Chairman, to have these experienced shipbuilding men just the same as it is important to have trained fighting men. They must be available to build these ships. I believe, Mr. Chairman, this bill is a step in the right direction to keep our shipyards prepared to build ships in time of emergency.

Mr. TOLLEFSON. Mr. Chairman, I yield such time as she may desire to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Chairman, it is vital that we keep our skilled workers at work in our shipyards both for their sake and for our national defense. This tankers bill should be helpful if the amendment of the gentleman from Massachusetts [Mr. McCORMACK] is adopted and I believe it will be.

Mr. TOLLEFSON. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. DIES].

Mr. DIES. Mr. Chairman, I listened to the testimony presented to our committee very carefully. I think that on the whole the committee has done about as good a job as it could do. However, it should be stated very frankly to the House that there is no assurance that any tankers are going to be constructed under this act.

We were confronted with this situation. We were told that we needed additional tankers as a matter of defense. We have two ways of acquisition: One is for the Government to appropriate the money and build them at a cost of around $6 million a tanker, and the other alternative is the one provided for in this bill under which we agree to buy used tankers for our reserve fleet in consideration of the owner constructing new tankers in accordance with maritime specifications. In other words, we are buying the used tankers, and putting them in reserve and the cost will be considerably less to the United States Government than if we undertook to build new tankers. We undertook to put every possible safeguard in the bill. We debated it; adopted amendments and then abandoned the amendments and put in new amendments.

For instance, we considered the question that was raised by the gentleman from Virginia [Mr. HARDY] about the extra speed which was the defense feature in the bill; we could devise no satisfactory formula to deal with it. The first thing we had to be sure of was that tankers would be built. The owners said, "We would not care to pay for this additional speed and if you require us to do so, we simply will not do business with you." Therefore, it would be an idle gesture to require the owners to pay for the additional speed which they said on the average would be about 2 or 3 knots—I think 2 knots. We provide for construction of tankers with a speed of 18 knots. The testimony before us was that most private operators used 16 knots, so there were two extra knots that we had to do something about. The General Accounting Office suggested that we have a 50–50 provision in the bill. I raised the question, that if the operator does not need the extra speed why require him to pay for it? If you do require him to pay for something he does not need or use he simply will not do business with you. So that we did the next best thing and provided that he would pay only for such speed or power as he needed or used. We were informed that there are means of checking on the speed actually used through the log of the ship, which would enable the Maritime Commission to find out whether or not the operator was using the speed that he paid for.

While no one on the committee can give any assurance that under this bill there will be any considerable number of tankers constructed, it is the very best plan that we can offer at this time. If it

does not work, there is only one thing to do and that is to build new tankers. But when you get into that, you are going to spend considerably more money. Then, of course, you will be open to the criticism that you are competing with private industry.

The desire of the committee is to give private industry an opportunity to cooperate on an attractive basis. We do not give it all to them, but we provide that the depreciation allowances on a tanker will be deducted from the trade-in value of the ship. We are informed that the average life of a tanker is about 20 years. It is set up on that basis for depreciation.

We are not going to accept any tanker that was built less than 10 years ago. So you see we have ample safeguards so that those who want to dispose of worn-out tankers cannot do it. We anticipate that there might be some people who would see an opportunity to get rid of a lot of old tankers. We have an amendment by the gentleman from North Carolina [Mr. BONNER], one of the most active and one of the best-informed members of our committee, providing that a tanker would have to be in class.

On the whole I think the committee has done an excellent job. I want to commend particularly the very efficient and fair and sincere acting chairman of this committee. I think he would be a credit to any committee and he is certainly a credit to the Congress of the United States.

Mr. TOLLEFSON. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I shall not use all of that time, but I want to make a point that I think should be made. It is on a matter that has bothered me for some time in connection with our merchant marine.

Our committee has a difficult time on occasions in selling the Congress on the need for an American merchant marine. When authorization or appropriation bills come before the Congress dealing with the construction of naval vessels or Military Sea Transport Service vessels, Congress does not hesitate very much in appropriating the amount of money that is needed to construct those vessels. Congress does it understandably in the interest of national defense. But when we come before the Congress with legislation which involves the activity or interests of private enterprise, many Members become concerned lest somebody in private enterprise make some dollars in the way of unwarranted profits.

I appreciate very much those Members of the House who are constantly watching Uncle Sam's purse strings. I think we are greatly indebted to them. The gentleman from Virginia [Mr. HARDY] has done a wonderful job. I remember his activities in connection with the Committee on Expenditures in the Executive Department and how closely he watched the operations of the Maritime Administration. Yet we forget that the American merchant marine is the fourth arm of defense.

The gentleman from Texas [Mr. DIES] made mention of the fact that under this bill we have an opportunity to get some vessels for that same arm of defense without the Government's footing the entire bill. We get them with the Government's paying perhaps one-third or less than one-third of the amount of the cost of the vessels.

Mention was made of a tanker bill before the Committee on Armed Services. I am sure that committee will deal adequately and intelligently with it. But because it provided for private-enterprise participation, there was some concern on the part of some of the members of that committee, so they added a proviso that the ships shall be constructed by the Government, which means at total Government expense. Many Members think nothing of that. Yet the Government will spend several times more money by building them that way than through cooperation with private enterprise as envisioned in our bill.

I thought at this point I wanted to make these observations in connection with the general attitude of Congress toward our American merchant marine. I think we need to give more concern and consideration to the worth and the value and the need for an American merchant marine, without which the branches of the armed services cannot properly function.

Mr. Chairman, we have no further requests for time.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That section 510 of the Merchant Marine Act, 1936, as amended, is amended by adding at the end thereof the following new subsection:

"(h) The Secretary of Commerce is authorized until July 1, 1958 (subject to the provisions of this section as herein amended), to acquire a tanker or tankers, determined by him to be desirable for inclusion in the national defense reserve, in exchange for an allowance of credit to be applied upon the purchase price of a new tanker or tankers: *Provided*, That each of the tankers to be traded in (1) is not less than 1,350 gross tons; (2) is not less than 10 years old; (3) is owned by a citizen or citizens of the United States, and (4) is in condition satisfactory to the Secretary of Commerce on the date of its physical delivery to the United States and shall be considered an 'obsolete vessel' for purposes of this section: *And provided further*, That each new tanker is constructed as provided in subsection (a) (2) of this section and shall be considered a 'new vessel' for purposes of this section.

"The Secretary of Commerce is authorized to pay the cost of national defense features incorporated in any such new tanker. In the event that the United States acquires ownership of such new tanker, the price paid therefor shall not include any amount for national defense features paid for by the United States. The foregoing provisions shall run with the title to each new tanker and be binding on all owners thereof.

"The allowance of credit for a traded-in tanker which was sold under the Merchant Ship Sales Act of 1946, as amended, or which was eligible for a price adjustment under section 9 of such act, shall be: (1) In the case of tankers sold under such act, the depreciated net sales price paid to the United States, and (2) in the case of tankers which were eligible for price adjustment under such act, the statutory sales price of such tanker as of March 8, 1946, depreciated; plus the depreciated cost of any additions or betterments to the tanker which were capitalized by the owner and allowed for Federal income-tax purposes. Such allowance shall be determined as of the date the owner contracts for the construction of a new tanker. In each case depreciation shall be computed on the basis of the life of the tanker adopted or accepted by the Internal Revenue Service for determining depreciation for income-tax purposes to the date the owner contracts for the construction of a new tanker.

"The allowance of credit for any other traded-in tanker shall be determined in accordance with the provisions of subsection (d) of this section.

"In no event shall the amount of credit allowed under this subsection or subsection (d) for a traded-in tanker exceed the price paid by the owner for such tanker, plus the cost of any additions or betterments to the tanker capitalized by such owner and allowed for income-tax purposes.

"If an owner uses any tanker traded in pursuant to this section subsequent to the date of the contract for construction of a new tanker, the allowance determined shall be reduced by an amount equal to depreciation for the period of such use and computed in accordance with the schedule adopted or accepted by the Internal Revenue Service. Title to the traded-in tanker shall in all instances vest in the United States, and the allowance of credit shall be applied at the time of physical delivery of such tanker to the United States, which shall be no later than 90 days after delivery of the new tanker. The traded-in tanker shall thereupon be placed in the national defense reserve subject to the provisions of section 11 of the Merchant Ship Sales Act of 1946, as amended."

Mr. TOLLEFSON (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with and that the bill be open to amendment at any point.

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

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments:

Page 2, line 5, strike out "condition" and insert "class with respect to hull and machinery."

Page 2, line 10, after "That", strike out "each new tanker is constructed as provided in subsection (a) (2) of this section and shall be considered a 'new vessel' for purposes of this section" and insert "only a tanker which is constructed after the date of enactment of this subsection and documented under the laws of the United States shall be considered a 'new vessel' for purposes of this section."

Page 2, line 18, after "tanker", insert "and which are not used by the owner or operator."

The committee amendments were agreed to.

The CHAIRMAN. Are there any further amendments?

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

The Clerk read as follows:

Amendment offered by Mr. MCCORMACK: On page 2, line 5, strike out the word "and" before the numeral (4), and after the numeral (4) insert "and preference shall be given to those tankers which have been documented under the laws of the United States for not less than 3 years immediately preceding, and (5)."

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

Mr. McCORMACK. I yield.

Mr. TOLLEFSON. Mr. Chairman, the gentleman from Massachusetts has

shown us the text of his amendment. I have talked to the members of our committee on the floor, and we find no objection to it. I might say I am glad the gentleman from Massachusetts has reworded his amendment from what he had originally proposed, perhaps, to offer. I say that sincerely because I was greatly concerned over the possibility that the wording of the original amendment, which the gentleman from Massachusetts, may have had in mind might not get us the number of tankers under the bill that we would like to see built. I am glad he changed the wording because I agree with the objectives that the gentlemen has in mind.

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

Mr. McCORMACK. I yield.

Mr. DIES. As a member of the committee, I want to add my endorsement to the amendment offered by the gentleman from Massachusetts [Mr. McCORMACK]. I think it is a very excellent amendment, and I think it will improve the bill.

Mr. McCORMACK. I thank the gentleman very much.

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

Mr. McCORMACK. I yield.

Mr. SHELLEY. Mr. Chairman, I join in the observations made by the chairman of the committee, the gentleman from Washington [Mr. TOLLEFSON] and also the comment made by the gentleman from Texas [Mr. DIES]. On this side of the aisle, we have discussed it and we not only accept the amendment as offered by the distinguished minority whip, but we think it greatly improves the bill in a very worthwhile manner.

Mr. McCORMACK. I thank the gentleman.

Mr. Chairman, I would like to make a few observations at this point. I congratulate the Committee on Merchant Marine and Fisheries, of which I was a member in the last Congress, for the very careful manner in which they have considered this bill. My remarks were in no way in criticism of what the committee has done. I was exploring the subject for information during the colloquy I had with several members of the committee when the rule was under consideration. This just shows what a well-prepared committee can do. It shows the progress that can be made when members of the committee are well prepared on the floor so that they can enlighten the other Members of the House or the Committee of the Whole who are not members of the particular committee. When I first interrogated the members, my mind was open. Then I developed the state of mind where I thought an amendment should be offered which would omit the preference provision. But then the remarks of several of the members of the committee, the acting chairman, and the gentleman from California [Mr. ALLEN], the gentleman from Texas [Mr. DIES], as well as the gentleman from California [Mr. SHELLEY], conveyed to me that the reserve fleet might not be capable of being developed, if the bill was strictly confined to tankers that had been documented for the last 3 years under the American flag. As I understand this bill, it has a threefold purpose. First, it is to build up the reserve fleet for future emergencies. That reserve fleet may not be utilized in dangerous waters, but it would serve a very important function. Secondly, it is for the purpose of building new tankers that are capable of use in dangerous waters. These new tankers would have to have the speed and other requirements to satisfy the Department of Defense. Then, not third but of primary importance is that to the extent that new tankers are built the bill steps into a situation which is rather vital at the present time and fills the gap in giving contracts to private shipbuilding yards and employment to the workers of those companies who own those yards.

Mr. ALLEN of California. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. ALLEN of California. I think the gentleman may be interested in knowing inasmuch as he comes from a New England State, that at one of our hearings a ranking Navy official testified in the event of an emergency the tanker reserve was so low in order to carry fuel for the emergency, it might be necessary to deprive the domestic services of the tanker capacity which supplied those domestic services. We would have enough, possibly, to supply our domestic needs or our needs of petroleum products overseas, but not both.

Mr. McCORMACK. I appreciate the observation which the gentleman has just made.

Mr. Chairman, I again congratulate the committee. Every member spoke to the issues involved in the bill and there was just one thought in my mind, and that was that proper consideration be given to American citizens who had purchased tankers and who had flown the American flag over those tankers. I felt they were entitled to consideration, and that could be done without interfering with the objectives of the bill. It was as the result of the debate on the floor today that I was satisfied in my own mind, and as a result of which I was prompted to offer my amendment so worded that it would in no way interfere with the operation of the bill when it becomes a law, and yet at the same time it will give consideration to those who will be given a preference by my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. McCORMACK].

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NICHOLSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 9252) to amend the Merchant Marine Act, 1936, to provide a national defense reserve of tankers and to promote the construction of new tankers, and for other purposes, pursuant to House Resolution 605, he reported the bill back to the House with sundry amendments adopted in Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

Mr. TOLLEFSON. Mr. Speaker, the Senate has passed a similar bill, S. 2408.

I ask unanimous consent, Mr. Speaker, for the immediate consideration of the bill S. 2408.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That section 510 (b) of the Merchant Marine Act, 1936, as amended, is amended by adding at the end thereof the following new paragraph:

"The Secretary of Commerce is authorized, until June 30, 1958, subject to the provisions of this section, to acquire any tanker not less than 10 years old and otherwise within the definition of 'obsolete vessel' contained in the proviso clause of subsection (a) (1), as amended, in exchange for an allowance of credit to be applied upon the purchase price of a new tanker or tankers, and to pay the cost of national defense features incorporated in the new tankers. Title to the obsolete tanker shall be transferred to the United States at the time of execution of the contract for the construction of the new tanker, and such obsolete tanker shall thereafter be placed in the national defense reserve subject to the provisions of section 11 of the Merchant Ship Sales Act of 1946; as amended: *Provided*, That notwithstanding such transfer of title, any such obsolete tanker in the discretion of the Secretary of Commerce may be used thereafter by the former owner, subject to the provisions of subsection (d), during the period of construction of the new tankers."

SEC. 2. There are hereby authorized to be appropriated or otherwise made available to the Secretary of Commerce such sums as may be necessary to carry out the provisions of section 510 (b) of the Merchant Marine Act, 1936, as amended, relating to the acquisition of tankers.

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

The Clerk read as follows:

Amendment offered by Mr. TOLLEFSON: Strike out all after the enacting clause and insert the provisions of the bill H. R. 9252 as just passed.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill, H. R. 9252, was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. TOLLEFSON. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks on the measure just passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. TOLLEFSON. Mr. Speaker, I ask unanimous consent that my colleague, the gentleman from Massachusetts [Mr. WIGGLESWORTH], may revise and extend the remarks he made on the bill today and include therewith a letter.

The SPEAKER. Is there objection?

There was no objection.

COMMITTEE ON UN-AMERICAN ACTIVITIES

The SPEAKER. Under previous order of the House, the gentleman from California [Mr. JACKSON] is recognized for 30 minutes.

Mr. JACKSON. Mr. Speaker, some weeks ago, and following the hearings conducted by the House Committee on Un-American Activities in the San Diego, Calif., area, I extended into the CONGRESSIONAL RECORD a few of the many hundreds of communications received by the committee during and following the hearings, all of which communications were, without exception, laudatory of the committee's work and the manner in which the members and the staff conducted the sessions. I said at that time, Mr. Speaker, that I intended to continue to insert material into the CONGRESSIONAL RECORD from time to time indicating the nature and extent of the public support which is being given the important work of the House Committee on Un-American Activities in all sections of the country.

During the period June 14 to 20, 1954, six members of the House Committee on Un-American Activities, headed by Chairman HAROLD H. VELDE, conducted important hearings in the Pacific Northwest, and testimony was taken from witnesses in both Seattle, Wash., and Portland, Oreg., relative to the nature, extent, and objectives of Communist infiltration efforts in that important defense area. The voluntary and enthusiastic expressions of encouragement and support received by the committee in the Pacific Northwest represented not only the greatest possible evidence of public appreciation for the House committee, but did much to strengthen the conviction held by all the members of the committee that the work of the House group, when presented to the American people factually, and through every media of public information, both audio and visual, gains the enthusiastic approval of the American public for the work being done.

Unfortunately, Mr. Speaker, some sections of the press appear to go out of their way to avoid publishing any material which might tend to reflect credit upon congressional investigating committees. Some newspapers appear to go out of their editorial way to print only such stories as those which tend to discredit or vilify the work of the House Committee on Un-American Activities and those who comprise the membership of the group. If it were not for the fact that legitimate and objective press coverage of the work of the House committee is almost impossible to obtain in the columns of one great Washington newspaper, I would not extend in the CONGRESSIONAL RECORD the voluminous material which follows. It is most important, however, that Washington citizens, deprived as they are of the favorable and documented facts of such hearings as those conducted by the committee in Seattle, be given accurate and undistorted proof that the work of the committee is hailed widely outside the Capital City as fair, necessary and objective, and that the committee does not function in the manner ascribed by some local columnists and commentators.

It is not necessary to say, Mr. Speaker, that the House Committee on Un-American Activities enjoys the confidence of the American people and of the membership of the House of Representatives. Our colleagues here in the House have demonstrated their approval and support in giving unanimous endorsement to the work of the committee in its request for appropriations, contempt citations, and so forth. In spite of that fact, a few self-appointed avenging angels, including the Methodist Bishop of Washington, G. Bromley Oxnam, continue to scamper back and forth across the land, condemning the work of the committee, the motives of its members, and seeking in general to destroy the confidence of the American people in the work being performed.

The people of Seattle, unionists and white collar workers alike, give their reply in unqualified terms to these critics in the letters, telegrams and editorials following hereafter. Those who contend that the committee is worse than the Communist conspiracy will find no sympathetic audience in those cities throughout the United States where the House Committee on Un-American Activities has brought the facts of the Communist effort into the homes of the land. The committee in its work is not engaged in spreading fear, but in urging vigilance. That vigilance, without which our basic freedoms stand in peril, is increasing throughout America today as millions of our citizens are enabled, via radio and television, to see the House Committee on Un-American Activities at work. The lie that witnesses are badgered or deprived of their constitutional guaranties, is nailed down, not so much by the committee itself, as by those who witness in their own homes the efforts of the committee members and committee counsel to be fair, patient, and just. The public abuse the committee receives in its hearings in other cities, Mr. Speaker, stems not from the conduct of the committee or the actions of its individual members toward the witnesses, but rather goes to the point that many millions of Americans cannot understand why the committee members remain patient and courteous in the face of violent attacks and personal vilification directed at them by many of the witnesses. However, if abuse is to be given and taken in the conduct of committee hearings, it is better by far that the members and not the witnesses are the targets of condemnation and violent words.

Mr. TOLLEFSON. Mr. Speaker, will the gentleman yield at that point?

Mr. JACKSON. I shall be very happy to yield to the distinguished gentleman.

Mr. TOLLEFSON. I am glad to hear the gentleman comment about the reaction that his committee's hearings received out in the Pacific Northwest. I might say to the gentleman that I am in receipt of a number of letters from people who for the first time saw this committee in action either in person or over television. Some of the letters I have received I have forwarded to the committee. I hope that they may find their way into the RECORD; if not, I shall insert them myself at a later point. I do want to commend the gentleman and his committee for the very fair hearings which evidently and obviously were conducted in the Pacific Northwest. The letters I received were highly laudatory of the committee and the committee's fairness and, strangely enough, some of the letters made comments such as the gentleman already referred to with respect to the abuses which the members of the committee were subjected to by witnesses appearing before the committee. From all accounts I think the committee must have done a remarkable job out there and I want to commend the gentleman and the members of the committee for their excellent work. They were a credit to all of Congress.

Mr. JACKSON. On behalf of the committee may I extend thanks to the distinguished gentleman for his comments.

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

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

Mr. VELDE. I would like first of all to thank the distinguished gentleman from California for his assembling of this material, including letters, telegrams, and so forth, from various residents of the Pacific Northwest, and also for his usually fine manner in presenting this material to the House. I should also at this time like to compliment the members of the committee who attended the sessions in the Pacific Northwest. As the gentleman from California will remember, there was so much work to be done in Seattle that the committee unanimously decided to split up and send a subcommittee down to Portland for the hearings there on Thursday and Friday, June 18 and 19 last. The gentleman from California was appointed as chairman of the subcommittee to continue the hearings in Seattle and the gentleman from Tennessee [Mr. FRAZIER] and I went down to Portland to continue the hearings down there. I may say to the gentleman that I had a great many letters from Seattle, Wash., which are not included in the letters that the gentleman will put in the RECORD, which indicated likewise that the people of Seattle and Portland and Oregon generally are very much in accord with the work and purposes of the Committee on Un-American Activities. I feel that the Members who went out to the Pacific Northwest, including the gentleman from Michigan [Mr. CLARDY], the gentleman from Ohio [Mr. SCHERER], the gentleman

from Tennessee [Mr. FRAZIER], and the gentleman from California [Mr. DOYLE] were very patient, very tolerant, and exhibited fairness and statesmanship in the handling of these hearings. Some of the witnesses who appeared before us, as the gentleman knows, were most intolerant and most vicious, and exhibited anything but a true American spirit in giving their testimony.

May I especially concur in what the gentleman has said regarding coverage by the press, radio, and television. Never have I seen such fair and objective treatment given to the committee as was given by the news sources, and other sources of information, in the Pacific Northwest, and that includes both Seattle and Portland.

It does seem to me that the further we get away from the Nation's Capital here in Washington the better treatment we receive, the more appreciative the people are of our efforts. If I may just suggest, in line with what the gentleman has said about the press here in Washington, it may be a good idea for them to consider taking a vacation away from Washington and getting the reaction of the people in other sections of the country. Let them get away from the Nation's Capital and find out what the American people are thinking elsewhere; then possibly they will begin to write in accord with what the majority of the American people are thinking.

Mr. JACKSON. I thank the gentleman. I would like to make a brief comment here. It is certainly to be hoped—I do not assume it will transpire but it is to be hoped—that some of the columnists and commentators and newspaper editors who go out of their way to malign the committee will recognize and appreciate the fact of this documented approval and will at least find a column inch in the obituary, if necessary—where they would like to see the committee—to give a little credit for what I think is a job very well done.

Now, as I say, I do not suppose it will happen, but at least we can be wishful for the time being.

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

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

Mr. HORAN. I just want to say that these hearings were an outstanding credit to the committee, and because the gentleman is a Member of this body it added to the credit and the dignity of the House of Representatives. If we are to be useful and to be trusted by the American people, we want more of the type of work that was performed in the Pacific Northwest by this committee.

Mr. JACKSON. I thank the gentleman.

We on the committee take a great deal of consolation and satisfaction from the fact that our critics in most instances have never attended 1 committee session; have never read 1 record of the committee or 1 volume of testimony. That criticism is entirely of a destructive nature. The constructive criticism which the committee has had in the past has resulted in the codification and the formulation of printed rules of procedure for the House Committee on Un-American Activities, so far as I know the only committee of Congress which operates under set rules.

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

Mr. JACKSON. I yield.

Mr. VELDE. I do not want to take too much of the gentleman's time, but I just want to say this: It was my conclusion, and I believe it was the conclusion of other members of the committee after having heard some 50 or 75 witnesses out there, that there was and is a hard core of Communist conspirators operating out in the Northwest area at this time, and it was through the help of the many loyal, patriotic citizens themselves and through the help of the press and the radio and television in that area that we were able to show the people that there was that hard core operating. If the press were equally diligent and fair in this vicinity, I am sure that we could show that there is likewise a hard core of Communist conspirators here in this section of the country as well.

Mr. JACKSON. I thank the gentleman.

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

Mr. JACKSON. I yield to the gentleman from California.

Mr. UTT. I just want to say to the distinguished gentleman from California that I was in San Diego during the time this committee was holding hearings in that city, and that they were very well received there. The hearings were well conducted, and there was fine coverage given. I noted this about the 2 television stations: When 1 station could not cover the entire proceeding they would announce on their program, "You now can continue the hearings on channel 10." And, when channel 10 was through, they would say, "You can now continue the hearings on channel 5." So there was good cooperation in that coverage. For instance, the San Diego Union and the San Diego Tribune gave fine coverage and were very complimentary of the committee's work. I saw several of the sessions, and I appreciate the terrific amount of work done and the manner in which the committee handled the matter of subversives in southern California.

Mr. JACKSON. I thank the gentleman.

Both of the newspapers mentioned, upon the conclusion of the hearings commented editorially upon the nature of the hearings and the general conduct of them, something, again, that is unheard of as far as Washington, D. C., is concerned. This for some obscure reason which I have not been able to comprehend.

When I was some years younger I did a little stint of newspaper work, and I was taught that journalism is the factual presentation of both sides of an issue. Up to this time we have not been able, in large part, here in the Capital City of this country, to get one constructive or favorable expression relative to the work of a very important committee of the House. The chairman has said that when the hearings are conducted outside of Washington we not only receive community support and endorsement but the unqualified editorial endorsement of almost every segment of the press in every city in which we appear. This would appear to be something more than the long arm of coincidence.

Again, I say it is too much to hope that those who across the years have opposed all congressional investigations will take note in their columns, in their sermons, or in their classrooms of the volume of favorable comment which will be inserted hereafter. It is no part of their policy to suggest that congressional investigation has any part in our national life or that it finds favor in any place, and we can reasonably assume on the basis of historic precedent that nothing but stony silence will greet this widespread expression of approval from the great Pacific Northwest. But so long as Members of Congress and Members of this House themselves read this material, it is of little moment to the committee members what those local critics have to say. Their silence in the face of the documentation will speak louder than any reluctant words. They may be expected to continue their assaults in the future as in the past in a continuing effort to destroy the House Committee on Un-American Activities and those who have been delegated by the House of Representatives to serve on that body.

An effort has been made, Mr. Speaker, to group this material in some logical order. The following communication from Mr. Thomas W. Beale, chief clerk of the House Committee on Un-American Activities, classifies the letters and telegrams in general groupings. I ask unanimous consent, Mr. Speaker, to introduce this letter at this point in the RECORD.

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

There was no objection.

The matter referred to is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, June 28, 1954.

Hon. DONALD L. JACKSON,
House Office Building,
Washington, D. C.

DEAR MR. JACKSON: Attached hereto are letters and telegrams received by the Committee on Un-American Activities during the recent hearings in Seattle.

I have sorted them out and they will be found in the following order:

Union organizations	43
Legislators	1
Publishers	1
Ministers	2
Mayor, Everett, Wash	1
Veterans' organizations:	
American Legion	31
Veterans of Foreign Wars	19
Disabled American Veterans	9
Military Order of Purple Heart	2
American Veterans of World War II	1
Catholic War Veterans	2
DAR	3
Marine Corps League	1
Daughters of Union Veterans of Civil War	1
United Spanish War Veterans	1
Children of American Revolution	1
Russian All-Cossack Association	1
Fleet Reserve Association	1

Fraternal organizations:	
Sons of Italy	2
Eagles	6
BPOE	2
Approved Order of Red Men	1
Knights of Columbus	2
Order of DeMolay	1
Independent Order of Foresters	2
Blue Star Mothers of America	1
American Gold Star Mothers	1
Loyal Order of Moose	1
Political groups:	
Democratic	2
Republican	5
Washington State Townsend Council	1
Women's Christian Temperance Union	1
Civic groups	23
Business firms	6

Trusting that the above information will serve your purpose, I am

Respectfully,

THOMAS W. BEALE, Sr.,
Chief Clerk.

Mr. JACKSON. It will be noted, Mr. Speaker, that the greatest number of communications received by the committee during the Seattle hearings was sent by labor-union organizations. This response was particularly welcomed by the committee members inasmuch as many unfriendly witnesses in Seattle, Portland, San Diego, San Francisco, New York, Philadelphia, Chicago, Detroit, Baltimore, and elsewhere have charged that the committee was engaged in union busting. The union organizations represented in the package of telegrams and letters definitely ranged themselves in the Pacific Northwest upon the side of the House Committee on Un-American Activities and against the forces of organized slavery as represented by the Communist conspiracy. The committee gratefully acknowledges receipt of these communications. Mr. Speaker, I ask unanimous consent to insert at this point in the RECORD the communications received from the labor organizations.

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

There was no objection.

The matter referred to is as follows:

WASHINGTON STATE
FEDERATION OF LABOR,
Seattle, Wash., June 18, 1954.

Hon. CLYDE DOYLE,
Member, Un-American Activities Investigating Committee, Seattle, Wash.

DEAR CONGRESSMAN DOYLE: In order that the record may show that the American Federation of Labor has, over the years and on a worldwide basis, fought communism and other forms of dictatorship, I wish to request that you have placed in the RECORD the following extracts from speeches by a few of our prominent statesmen who display a personal knowledge of our broad opposition.

Presidential Candidate Dwight D. Eisenhower in an address to the 71st Annual Convention of the American Federation of Labor, Commodore Hotel, New York City, September 17, 1952: "I want now to pay tribute to the magnificent work you have done in opposing communism and Communist influence among the working people in other countries."

Lewis K. Gough, commander of the American Legion, in an address to the 71st Annual Convention of the American Federation of Labor, Commodore Hotel, New York City, September 17, 1952: "When you moved against communism in your unions you did not do it by preaching more perfect unionism. You did it by throwing the Communists out."

Presidential Candidate Adlai Stevenson in an address to the 71st Annual Convention of the American Federation of Labor, Commodore Hotel, New York City, September 22, 1952: "I am not courting or embracing you when I applaud the job you have done rejecting the Communist World Federation of Trade Unions, pressing the case in the United Nations against forced labor in the Soviet Union, supporting free trade unions in Europe and Asia and in South America, helping build up popular resistance wherever the spiked wall of Russia throws its shadow over free men and women."

Secretary of State John Foster Dulles in an address to the 72d Annual Convention of the American Federation of Labor, Jefferson Hotel, St. Louis, Mo., September 24, 1953: "You have done more than any other single body to explode the Communist myth. You have not always received the official backing and support you deserve. Here at home you have striven, with much success, to make the American record one of which all of us can be proud. Also you have vigorously and successfully combated the Communist menace on foreign fronts. In so doing, you have made a great contribution both to the glory of America and to the safety of America."

Vice President Richard Nixon in an address to the 72d Annual Convention of the American Federation of Labor, Jefferson Hotel, St. Louis, Mo., September 23, 1953: "No institution in America—and I include our Government, our educational institutions, and other organizations—has done a better job than the labor movement in removing Communists from positions that they hold in the labor movement, and I may say in that connection, the American Federation of Labor, to its credit, has been in the forefront of this fight."

The A. F. of L. in the State of Washington has made a substantial contribution to this overall record established over the years, even before there were expensive traveling committees checking on subversive activities. Practically all of those with former A. F. of L. membership, who have been named in your deliberations, have been expelled years ago from our various A. F. of L. unions.

There is no desire or intention on the part of the A. F. of L. to relax on their vigilance and the protection of American institutions.

Thanking you in advance, and with all good wishes, I remain

Sincerely,

E. M. WESTON,
President, Washington State Federation of Labor.

SEATTLE, WASH., *June 18, 1954.*

Congressman HAROLD VELDE,
Chairman, House Committee on Un-American Activities, Seattle, Wash.

DEAR SIR: At our union meetings June 17, 1954, our membership voted unanimously to concur in the action of the officers and the executive board in their telegram sent Wednesday June 16, 1954, to your committee in which was stated: "We are in complete sympathy with the objectives sought by your committee."

OFFICERS AND MEMBERSHIP OF LOCAL 587, STREET CARMEN'S UNION.

SEATTLE, WASH., *June 18, 1954.*

UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.

GENTLEMEN: We of "Office Employees" International Union, A. F. of L., not to be confused with "Office Workers" Independent wish to subscribe to the many communication of congratulations and felicitations already received by your committee and to respectfully request that your committee take back to the Congress of the whole the benefit of the experience the subcommittee has gained to the end that we members of honorable trade unions shall have the machinery to rid our organization of Communists and subversives of all types and kinds without fear of prosecution under the Taft-Hartley Act and suits for damages in our courts and we should like to compliment the committee on the patience that your subcommittee has displayed under what were at times the most trying circumstances.

Kindest regards

A. H. O'BRIEN,
Business Manager, Local 8, Office Employees International Union.

SEATTLE, WASH., *June 16, 1954.*

HAROLD VELDE,
Chairman, Un-American Activities Committee, Seattle, Wash.:

C. H. (Harvey) Jenkins was suspended from local union 46, IBEW, on January 13, 1948. He refused to sign a statement before our executive board that he was not a member of the Communist Party. The executive board further recommended to our international president that C. H. Jenkins be expelled from the International Brotherhood of Electrical Workers. This organization does not tolerate our members belonging to subversive organizations and any assistance desired by your committee will be granted with our utmost cooperation.

L. E. THOMAS,
Business Manager, Local 46, IBEW.

SEATTLE, WASH., *June 16, 1954.*

Hon. HAROLD VELDE,
Chairman, House Un-American Activities Committee, Seattle, Wash.

DEAR CONGRESSMAN: Without any attempt on my part to pass on the guilt or innocence of the members of our union who were named in testimony given before your committee as being or having been members of the Communist Party, I wish to assure you, the members of your committee, and the people of our community that by far the vast majority of our 5,000 members are good, loyal American citizens. Our union does not condone membership in the Communist Party nor does it approve of any communistic activity on the part of any of our members.

JOHN A. WARNELL,
President, Local 79, International Association of Machinists.

SEATTLE, WASH., *June 16, 1954.*

Hon. HAROLD VELDE,
House Committee on Un-American Activities, Seattle, Wash.:

In the testimony by Mrs. Hartle, former Communist Party leader, Pacific Northwest, this a. m., one Charles Nichols was identified as being an official of Marine Cooks and Stewards Union. Please be advised that the late Charles Nichols was port agent for the National Union of Marine Cooks and Stewards Independent. You perhaps recall that the National Union Marine Cooks and Stewards Independent was expelled from the CIO as Communist-dominated several years ago. That organization is now known as International Longshoremen and Warehousemen's Union, stewards department organizing committee, and is headed by Harry Bridges. This renaming was calculated in furtherance of the conspiracy to thwart the justice of the courts in order to evade the payment of $495,000 which was awarded as damages to 96 members of the Marine Cooks and Stewards, A. F. of L., for libelous and slanderous blacklisting. On behalf of the members of the Marine Cooks and Stewards, A. F. of L.,

I wish to again congratulate your committee for a job well done. We wish further to take this opportunity as members of a loyal American trade union to congratulate and thank Mrs. Hartle for her assistance in this testimony in rendering to our organization in its continuing drive to eliminate communism from the maritime industry.

Cordially,

JAMES O. WILLOUGHBY,
Port Agent, Marine Cooks and Stewards, A. F. of L.

BUILDING SERVICE EMPLOYEES' INTERNATIONAL UNION, LOCAL NO. 6, A. F. OF L.,
Seattle, Wash., June 16, 1954.

Hon. HAROLD H. VELDE,
Chairman, House Un-American Activities Committee.

DEAR SIR: A witness who testified before your committee yesterday identified as Communists, in the mid-1940's, 5 former officers of the Building Service Employees' International Union, local 6, and, according to a press report, stated that this union was "for a longtime Communist-dominated."

This testimony we feel left the false impression that local 6 may still be officered by Communists or former Communists. In fairness to the union's present officers and its membership, this false impression should be corrected.

In 1947 William L. McFetridge, the general president of this international union, following a trial which was conducted in this city, removed from office the individuals identified by the witness as Communists. Local 6 was thereupon taken into trusteeship and placed under new leadership. None of the former officers has ever since had any connection whatever with this union.

It might be of interest to your committee and to the public that subversives are barred from membership in this union. The constitution of the international union provides:

"No member or officer of the Communist Party or any subversive organization, nor any person who subscribes to their doctrines, shall be allowed to hold membership or office or be admitted to membership in any local union of this international organization. It is not necessary that the individual charged with membership in the Communist Party or any subversive organization admit his membership in said party or organization. If the local executive board, by majority vote, shall find from the evidence presented that the individual is a member of the Communist Party or of any other subversive organization, or subscribes to their doctrines, the local executive board shall expel such individual after he has obtained a proper trial."

May we assure your committee, the membership of local 6 and the public generally that this provision of the constitution has been, and will be, strictly enforced.

Respectfully yours,

ARTHUR T. HARE, *President.*

SEATTLE, WASH., *June 17, 1954.*

HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

Local Union 1208, United Steel Workers of America, CIO, assembled in special meeting last evening, June 16, directed that a wire be sent to the committee of which you are chairman, commending it for the part it has played, in helping to open the eyes of a lot of our own members as well as the general public to the communistic conspiracy which is a dangerous influence today right here in the State of Washington. We wish to offer any cooperation to the committee which it feels might further enlighten the public to state that the majority of the members of local 1208 are loyal trade union and true Americans who do not wish to be smeared by a few self-appointed leaders of any subversive organization. We further commend your patience and forbearance to sit and listen to the same line which we in the trade union movement have had to put up with before the United Steel Workers of America was founded, right up to the present time, and as believers in the Constitution of the United States of America, which guarantees freedom of speech to all our members, also feel we have listened too long to these pleaders of the fifth amendment when it certainly appears they are not acting as true Americans should act if guilt were not present.

UNITED STEEL WORKERS OF AMERICA,
LOCAL UNION 1208,
HARRY NELSON, *Vice President.*
JON MASSUCO, *Recording Secretary.*
L. FERGUSON, *Financial Secretary.*

SEATTLE, WASH., *June 16, 1954.*

Chairman VELDE,
House Un-American Activities Committee, Seattle, Wash.:

The Washington State CIO Council and its affiliates have for many years been engaged in a battle to eliminate the influences of the Communist Party and the members of the Communist Party from the affairs and business of CIO unions in the State of Washington. The Washington State CIO Council welcomes the help of your committee in exposing to the union membership and to the public at large the policies and internal workings of the Communist Party. The proceedings of your committee plainly shows to the public the magnitude of the task that our loyal membership has so courageously carried on to help to protect our heritage and our way of life against this subversive element.

HAROLD SLATER,
Secretary-Treasurer, Washington State CIO Council.

SEATTLE, WASH., *June 17, 1954.*

Hon. HAROLD H. VELDE,
Chairman, House Un-American Activities Committee, Seattle, Wash.:

The Aero Mechanics Union, District Lodge 751, International Association of Machinists, AFL, wholeheartedly endorses the important work and principles of your committee in its efforts to combat the Communist conspiracy in our Nation. Our union has gone on record as far back as 1924 in opposition to the philosophy of communism, for our members long have recognized the dangers of that ideology. Because our membership comprise the working force at Boeing Airplane Co., which long has been one of the prime producers of aircraft for our Nation's defense, we realize that our organization could be a constant target for infiltration. We have met this challenge by an unrelenting search, exposure and expulsion of any and all persons advocating or encouraging communism, and the record shows that we have been successful in our vigilance. We believe it is the duty and obligation of all American citizens to support the Congress of the United States and your committee in exposing Communist conspiracy wherever it might arise. Congratulations to your committee on the fair and impartial manner in which your hearings are being conducted.

HAROLD J. GIBSON,
President.

AMERICAN FEDERATION OF TELEVISION AND RADIO ARTISTS,
Seattle, Wash., June 16, 1954.

Chairman HAROLD VELDE,
House Subcommittee on Un-American Activities, Seattle, Wash.

DEAR MR. CHAIRMAN: The majority of men handling microphones for public broadcasting of your hearings belong to the Seattle local of the American Federation of Television and Radio Artists, as do most of the people who broadcast news of the hearings and perform other duties necessary to keep the public informed of the proceedings in a fair and unbiased manner.

Not many years ago this local was confronted with the task of weeding out persons of questionable loyalty and affiliation. This we did after many difficult and unpleasant procedures. We therefore appreciate the problems confronting your organization.

Therefore, Mr. Chairman, the members of the Seattle local of the American Federation of Television and Radio Artists wholeheartedly endorse and support your work in unearthing and bringing to light of public view those persons and elements which seek to undermine and destroy the Government of the United States or the American way of life.

This message may be read into the official record and disseminated publicly, as you desire. Our sincere best wishes for the success of your organization.

Respectfully,

PAT HAYES,
President, Seattle Local, AFTRA.

INTERNATIONAL UNION OF OPERATING ENGINEERS,
LOCAL 302 AND BRANCHES A, B, C, AND D,
Seattle, Wash., June 16, 1954.

Hon. HAROLD H. VELDE,
Chairman, House Committee on Un-American Activities, Seattle, Wash.

Mr. CHAIRMAN: My name is Jack McDonald, and I am business manager of local No. 302 of the International Union of Operating Engineers, a position I have held for a period in excess of 20 years. I know that every word contained herein has the unqualified endorsement of the entire membership of this union which, at the present time, approximates 5,000 members.

We want you to know that we believe with all our hearts in the work you are doing. We hate Communists and the principles for which they stand and wish the record to show that we stand 100 percent behind your Un-American Activities Committee.

While I have not personally attended the hearings, I have been following your work here through the medium of television, radio, and the press; on the basis thereof, I do have several comments to make which I wish to be made a part of the record also.

Some witnesses who have appeared before your committee or who have been named to your committee as members of the Communist Party have been labeled "labor leaders." With possibly 1 or 2 exceptions, those named have never been labor leaders, at least in the Seattle area, and the exceptions have been ousted from their union affiliations. Now, I am sure it is neither your intent nor purpose to leave the general public with the false impression that these witnesses or those named as Communists were or are labor leaders. A great majority of those heard or named who were members of a labor organization may have been successful in gaining elections as delegates to central labor councils or other federations of local unions, but certainly that distinction in nowise cloaks them with the generally accepted connotation of the term "labor leaders." It is obvious that the creation of such an impression with the general public can only prove a great disservice to those in the area who are in basis and in fact labor leaders. We would suggest, therefore, that in this regard the record be made clear, and such erroneous impression will not then find its way into the daily press.

Secondly, we should like to comment and make a part of the record the position unions find themselves in when it appears that a Communist has somehow gained membership in an organization. I think the com-

mittee well knows the provisions of the Taft-Hartley Act, and the resultant problems confronting labor unions when they wish to relieve themselves of such members. One of the witnesses during the Seattle hearing has, I believe, instituted suit against a union who attempted to purge itself of his membership and stigma. We know you are not conducting these hearings relative to what pros and cons there may be with reference to the Taft-Hartley Act, but we call this particular point to your attention in the hope that you will carry it back to the Congress of the United States with a recommendation that said act be amended to the end that legitimate labor unions will be provided with the weapons necessary to keep their houses free of Communist infiltration.

With all the good wishes for success in your endeavors that you may possibly wish for yourselves, I remain

Respectfully yours,

JACK MCDONALD,
Business Manager, IUOE Local No. 302.

EVERETT, WASH., *June 19, 1954.*

CHAIRMAN, HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

Congratulations to you and your committee for the good work so far accomplished.

JOHN MALTSBERGER,
President, Everett Police Local 1149.

BREMERTON, WASH., *June 19, 1954.*

HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash:

Congratulations and commendations on the great work you are doing to fight communism.

OFFICERS AND MEMBERS OF LOCAL 9105, COMMUNICATION WORKERS OF AMERICA, CIO.

BURLINGTON, WASH., *June 18, 1954.*

UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

Our organization at its regular meeting June 18, 1954, went on record unanimously supporting your committee's actions in exposing communistic and subversive activities in the Northwest.

WASHINGTON STATE HOSPITAL EMPLOYEES, LOCAL 476, AFL.
ED LOCKEN, *President.*
MARY ROOT, *Treasurer.*
MARY FAY, *Secretary.*

CENTRALIA, WASH., *June 19, 1954.*

UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

We highly approve of your way of executing the hearings and the manner which same have been handled.

GEORGE M. SPEARS,
Business Representative, Centralia Building Trades Council.

SEATTLE, WASH., *June 19, 1954.*

VELDE COMMITTEE,
House Un-American Activities Committee, Seattle, Wash.:

We as members of the Seattle Fire Department endorse the work of your committee to expose Communists and subversive members in all organizations.

MEMBERS OF THE SEATTLE FIRE DEPARTMENT, STATION NO. 15.

SEATTLE, WASH., *June 19, 1954.*

UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

We are in accord with you in investigating Communist activities in this area. Am hoping that Capt. Elmer Strom will cooperate with your committee in giving the information which they seek.

Comdr. STANLEY A. SANDSTROM,
Seattle Fire Fighters, Post 311.

BELLINGHAM, WASH., *June 19, 1954.*

CHAIRMAN, HOUSE UN-AMERICAN ACTIVITIES SUBCOMMITTEE,
Seattle, Wash.:

This is to inform you that on behalf of the Bellingham Central Labor Council affiliated with the A. F. of L., heartily supports the investigating procedures of your committee.

Regards.

GLENN E. VANDERBRINK, *President,*
Central Labor Council, A. F. of L.

SEATTLE, WASH., *June 19, 1954.*

Representative JACKSON,
Velde Committee, Seattle, Wash.:

As a member of the Seattle Fire Department and Fire Fighters Local 27, I want you to know that I am wholeheartedly behind your committee and want to go on record as vigorously protesting action of one of our members, Capt. Elmer Strom, for not cooperating with your committee and assure you personally that everything will be done to clear our union of any subversive members if there are any. I again implore Captain Strom to cooperate with you fully.

HENRY O. CHRISTIANSEN.

SEATTLE, WASH., *June 19, 1954.*

Chairman VELDE,
House Un-American Activities Committee, Seattle, Wash.:

Public trust in the Seattle Fire Department should not waiver. The fire fighters will not condone nor permit Communist infiltration. Thanks for the fair hearings.

Capt. JOHN PHILBIN,
Engine Company No. 19, Seattle Fire Department.

TACOMA, WASH., *June 19, 1954.*

HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

On behalf of this organization's membership we wish to express our patriotic concurrence and heartily commend your committee in its courageous efforts to ferret out and expose the evils of communism to the Pacific Northwest. Keep up the good work.

WASHINGTON STATE COUNCIL OF MUNICIPAL POLICE, LOCAL NO. 63,
JAMES S. MILLER, *President.*
CHARLES L. MARSH, *Secretary.*

SEATTLE, WASH., *June 18, 1954.*

Hon. HAROLD V. VELDE,
Chairman, Un-American Activities Committee, Seattle, Wash.:

The officers and members of local union 843 of the International Union of Operating Engineers, AFL, wish to commend your committee for the work it is doing. We would also like to advise you of our disgust of those who hide behind the Constitution of the United States of America while trying to tear it to pieces.

JOHN C. MCCALLUM, *President.*
RICHARD OLDEMAR, *Vice President.*
M. A. BAKER, *Treasurer.*
FRED N. GAY,
Financial Secretary and Business Representative.

SEATTLE, WASH., *June 18, 1954.*

Hon. DONALD L. JACKSON,
Acting Chairman, Un-American Activities Committee, Seattle, Wash.:

The entire Marine Cooks and Stewards, AFL, membership on board the steamship *Denali* go on record to support your committee's fine work 100 percent in exposing the Communists in this area.

VIRGIL ROGERS,
MCS AFL Delegate.

SEATTLE, WASH., *June 19, 1954.*

Chairman VELDE,
House Committee on Un-American Activities, Seattle, Wash.:

Municipal Employees' Union, local 57, is heartily in accord with your work and wishes your continued success in your investigation of un-American activities.

ANCIL RICH, *President.*

SEATTLE, WASH., *June 17, 1954.*

VELDE COMMITTEE,
Seattle, Wash.:

We, the members of the Ship and Dock Foremen's Associations of Washington, independent, wish to express our appreciation of the excellent work that is being done by your committee in the State of Washington.

ROBERT WINTHERS,
President.

SEATTLE, WASH., *June 18, 1954.*

Congressman VELDE,
Chairman, Un-American Activities Committee, Seattle, Wash.:

The United Bakery Workers, Local 1807, CIO, want to congratulate your committee in exposing to the union membership and to the public at large the policies and internal workings of the Communist Party. We feel that you have done a wonderful job, and keep up the good work.

FRED GRAY,
Financial Secretary.

BELLINGHAM, WASH., *June 18, 1954.*

Chairman VELDE,
House Un-American Activities Committee, Seattle, Wash.:

We, the members of City Firefighters Union, Local No. 106, Bellingham, Wash., wish to convey to your committee that we are 100 percent in accord with your undertaking to seek out subversive elements in our wonderful Pacific Northwest.

JACK BAKER, *President.*
CECIL J. URQUHART,
Secretary-Treasurer.

SEATTLE, WASH., *June 18, 1954.*

Congressman H. H. VELDE,
Chairman, House Committee on Un-American Activities, Seattle, Wash.:

Local 19 of International Longshoremen's and Warehousemen's Union wishes to inform the committee that none of the people mentioned or who have appeared at the hearing are members of local 19, ILWU. The sheet put out by Washington State Labor Defense Committee, signed by Gettings as chairman, did not originate from local 19, ILWU.

C. APPEL, *President.*
K. N. SIMMONS,
Acting Secretary.

SEATTLE, WASH., *June 19, 1954.*

Hon. HAROLD H. VELDE,
Chairman, House Un-American Activities Committee, Seattle, Wash.:

Congratulations on your good work. We wish to extend our sincere appreciation.

L. E. KEY,
President, Commercial Telegraphers' Union, Local 40, AFL.

SEATTLE, WASH., *June 16, 1954.*

Hon. HAROLD VELDE,
Chairman of Un-American Activities Committee, Seattle, Wash.:

A special meeting of the Seattle branch, Marine Firemens Union, A. F. of L., held at 10 a. m. today, took the following action: Moved, seconded, and carried, to commend you and your committee for exposing the Commies and their stooges in this area. Keep up the good work.

FRED BRUETTE, *Port Agent.*

SEATTLE, WASH., *June 16, 1954.*
Chairman VELDE,
Un-American Activities Committee, Seattle, Wash.:

The officers and members of Bartenders Union, Local No. 487, endorse the hearings of the Un-American Activities Committee which are now in progress.

BARTENDERS UNION,
TOMMY BIBBY.

SEATTLE, WASH., *June 16, 1954.*
Chairman HAROLD VELDE,
Un-American Activities Committee, Seattle, Wash.:

Speaking for the entire membership of the Bering Sea Fishermen's Union, we commend you for holding these hearings in Seattle in order to dig out the "Comrats" and their Commie "Dingbats." Keep up the good work. You may count on our complete cooperation.

R. H. WINKLER,
Bering Sea Fishermen's Union, Affiliated with Seafarers International Union, A. F. of L., Book No. 1301–W.

SEATTLE, WASH., *June 15, 1954.*
HAROLD H. VELDE,
Chairman, Un-American Activities Committee, Seattle, Wash.:

Our affiliates in the fisheries and allied crafts in Alaska and Puget Sound endorse the intent of your committee in exposing un-Americans and our membership will support your committee wholeheartedly.

Very truly yours,
TED NAKKERUD,
Representative, Seafarers International Union of North America.

SEATTLE, WASH., *June 15, 1954.*
Representative VELDE,
Chairman, House Un-American Activities Committee, Seattle, Wash.:

The Seattle branch of the National Maritime Union, CIO, wishes to go on record in favor of the hearings being conducted by your committee. The membership of the NMU years ago recognized the Communists for what they are and passed resolutions which bar Communists from holding membership in our organization. Ninety-five members present at a meeting voted unanimously that this telegram be sent to your committee.

ALVIN HOGAN,
Agent.
A. B. STALLINGS,
Chairman.
JULES RUBIN,
Recording Secretary.

SEATTLE, WASH., *June 16, 1954.*
Congressman HAROLD VELDE,
Chairman, House Committee Un-American Activities, Seattle, Wash.

DEAR SIR: Referring to testimony by Barbara Hartle regarding Pacific Northwest labor school, our organization upon recognizing the presence of Communist influence in that school, immediately on our own initiative withdrew from the school early in 1947. We are in complete sympathy with the objectives sought by your committee.

THE OFFICERS AND EXECUTIVES BOARD MEMBERS, DIVISION 587, STREETCAR MEN'S UNION.

SEATTLE, WASH., *June 17, 1954.*
Hon. HAROLD VELDE,
Chairman, House Committee on Un-American Activities, Seattle, Wash.

HONORABLE SIR: It is my desire to herewith congratulate your committee on the service it is rendering the American people and to assure you that we as representatives of the transportation industry will neither condone nor tolerate un-Americanism in general and communism in particular in the railroad industry.

A. ROBERT ECKBERG,
Local Chairman, Brotherhood of Railroad Trainmen, Union Pacific Railroad, Seattle.

SPOKANE, WASH., *June 17, 1954.*
Representative HAROLD H. VELDE,
Chairman, House Un-American Activities Committee, Seattle, Wash.:

The officers and ex-board of Seattle local No. 27, International Association of Fire Fighters, affiliated with the American Federation of Labor, for themselves and individually on behalf of its membership. Advise that they are unalterably opposed to subversive or un-American activity in any form whatsoever.

F. J. ARENA,
President.
AXEL DRUGGE,
Secretary-Treasurer.

RENTON, WASH., *June 16, 1954.*
HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

We members of Local Machinists Union, 751 employees of Boeing Aircraft Department, 631 second-shift tool grinding, Renton, Wash., wish to go on record that we wholeheartedly endorse and support the efforts of your committee exposing Communists and fellow travelers.

HAROLD V. WESSELING,
Union Committeeman.

SEATTLE, WASH., *June 17, 1954.*
Congressman VELDE,
Chairman, House Un-American Activities Committee, Seattle, Wash.:

The officers and members of the Lumber and Sawmill Workers Union, local 2519, A. F. of L., wishes to take this opportunity to express our appreciation to your committee in exposing those that would undermine our Constitution and form of government. Rest assured that those members so exposed as Communist cannot remain members of this union as per the constitution and bylaws of this union.

JOHN M. CHRISTENSON,
President, Lumber and Sawmill Workers Union, A. F. of L.

SEATTLE, WASH., *June 17, 1954.*
Representative VELDE AND COMMITTEE ON UN-AMERICAN ACTIVITIES,
Seattle, Wash.

GENTLEMEN: Much success in your endeavors. We are behind you 100 percent.

MARINE COOKS, STEWARDS, AFL,
STEAMSHIP ALEUTIAN.

SEATTLE, WASH., *June 17, 1954.*
Hon. HAROLD VELDE,
Chairman, House Un-American Activities Committee, Seattle, Wash.:

Please be advised that the individual identified as Edward Friel in his appearance before your committee on Tuesday, June 15, 1954, as a member and former business agent of Painters Local Union, 300, was formally charged in June of 1947 and convicted of Communist activities by Painters Local Union, 300. Contained in the penalty, among other things, as result of this conviction he was denied the right to ever represent the Painters Union in any way in the future.

PAINTERS COUNCIL, No. 5,
L. E. OSBORNE, *President.*
TOM FULLERTON, *Secretary.*

CHEHALIS, WASH., *June 19, 1954.*
UNITED STATES SUBCOMMITTEE ON COMMUNISTIC ACTIVITIES,
Seattle, Wash.:

The only daily printed in the friendly city, Chehalis, salutes the accomplishments of your committee.

HOWARD H. HOLT,
Editor and Publisher of Scoop.

Mr. JACKSON. The editorial comment of the Seattle Times following the departure of the Committee on Un-American Activities from the Seattle area summarizes the general consensus respecting the conduct of the hearings. Although the editorial in question, Alerting the Public Without Hysterics, has heretofore been inserted in the Appendix of the daily CONGRESSIONAL RECORD by our distinguished colleague, the Honorable THOMAS M. PELLY, of Washington, I nonetheless request permission to have it reprinted at this point because of its succinct and clear summation.

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

There was no objection.

The matter referred to is as follows:

ALERTING THE PUBLIC WITHOUT HYSTERICS

Seattle has had the fortune to witness at close range a congressional investigation conducted on the high-minded level which invariably should characterize an action of the Congress of the United States. The Un-American Activities Committee of the House of Representatives, in the course of its Seattle hearing, demonstrated to this community that a congressional inquiry into Communist subversion can be carried on without bitterness or innuendo, rancor, or injustice, for specific purpose and with constructive result.

The Velde committee's hearing here brought to light the methods which communism pursues to penetrate the life and activities of a community, its organizations and its institutions. It disclosed the extent to which these subversive efforts have succeeded and how, in important instances, they have failed. It clarified for Seattle citizens the nature of the ever-present danger and put them on vigilant guard against the insidious infiltration of hidden subversive forces into strategic areas of political, industrial, and economic enterprise.

The committee produced evidence of subversion of which many had been fully aware, but it went on to uncover hitherto unsuspected pockets of the Communists conspiracy in a locality which undoubtedly is a major target for Communist ambitions in this country. While serving the larger purpose of exposing the Communist threat to the national security, it did the people of this particular area the great favor of informing them of what has been going on right around them over the years.

It is notable that the inquiries of this congressional group left behind no wake of disunity and mutual recrimination, except the natural indignation of good Americans provoked by treachery and treason, and the inevitable clamor of counterpropaganda from Communists themselves and their fellow travelers. In that respect, the Seattle hearing stands in sharp contrast to the McCarthy-Army squabble in the Nation's Capital, which has served to disrupt the unity of thought and purpose of the American people beyond any episode in the Nation's recent history, without the compensation of constructive result whatsoever, as far as now can be foreseen.

Communism is an issue on which the people of this country, fundamentally, are in almost universal accord, with the exception of the comparatively few who have betrayed their heritage. To misuse this issue for personal, political, or vindictive advantage would be in itself an indefensible betrayal of the national purpose.

The Velde committee functions in pursuit of its constitutional prerogative of seeking facts upon which to base remedial legislation. It has no other objective. Thereby it is acting in the best interests of the people of the United States, without political, parti-

san, or political motive. That is precisely the service a committee of the Congress should perform.

This high-minded and dignified approach to the foremost problem confronting this country today has renewed confidence in the efforts of Congress and of the Federal Government to preserve the country's free institutions from their present jeopardy.

Mr. JACKSON. The next substantial expression of support, approval, and encouragement originated with the Pacific Northwest veterans' organizations, which group includes the American Legion, Disabled American Veterans, Veterans of Foreign Wars, Military Order of the Purple Heart, American Veterans of World War II, and the Catholic War Veterans. All of these organizations, representing as they do the men and women who have pledged their faith in America upon the field of combat, voluntarily alined themselves with your committee in pledging the cooperation and support of their memberships. It will be noted that in many instances telegrams and letters were received from organizations in outlying communities where the modern miracle of television brought the story of the hearings and the testimony of the witnesses directly and dramatically to the attention of additional hundreds of thousands of auditors and watchers.

I ask unanimous consent at this point, Mr. Speaker, to insert in the RECORD the telegrams from these veterans' organizations.

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

There was no objection.

The matter referred to is as follows:

SEATTLE, WASH., *June 16, 1954.*

VELDE COMMITTEE,
Seattle, Wash.:

At regular meeting assembled this 16th day of June the officers and members of University Auxiliary, No. 11, the American Legion, extend to your committee our sincere wishes for continued success of your program in exposing the Communists in this area and throughout the Nation.

MRS. WILLIAM BARKLEY, *President.*

SEATTLE, WASH., *June 16, 1954.*

VELDE COMMITTEE,
Seattle, Wash.:

At regular meeting assembled this 16th day of June, the officers and members of University Post, No. 11, the American Legion extend to your committee our sincere wishes for continued success of your program in exposing the Communists in this area and throughout the Nation.

DAVE WOOD,
Commander, University Post, No. 11, American Legion.

SEATTLE, WASH., *June 17, 1954.*

HON. HAROLD VELDE,
Chairman, House Un-American Activities Committee, Seattle, Wash.:

You and the members of your committee are to be commended on great service you are doing in bringing to light the insidious propaganda and program of the Communist Party and exposing those whose activities and lip service are dedicated to the overthrow of our American form of government.

JASPER A. REYNOLDS,
State Commander, the American Legion.

TACOMA, WASH., *June 17, 1954.*

UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

My health doesn't permit my appearance. Congratulations in your work.

A. WALTER OLSON,
Chairman, Americanization, American Legion, Rhodes Post, No. 2.

TACOMA, *Wash., June 19, 1954.*

UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

Most sincerely support your committee in its investigation of communistic activities.

EDWARD FAKER,
Fourth District, Commander, American Legion, and chairman of Pierce County Veterans Advisory Council.

RAYMOND, WASH., *June 19, 1954.*

The VELDE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

Congratulations to your committee for the good work they are performing.

ROY A. WOODWARD,
Commander, Willapa Harbor Post, No. 39, the American Legion, South Bend, Wash.

MARYSVILLE, WASH., *June 18, 1954.*

HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.

GENTLEMEN: The members of this unit wholeheartedly support you in the fine work you are doing and wish you continued success.

MARYSVILLE UNIT, NO. 178, AMERICAN LEGION AUXILIARY.

KIRKLAND, WASH., *June 18, 1954.*

HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.

MR. VELDE: Congratulations to your committee on your fine work.

AMERICAN LEGION AUXILIARY,
JANET SHEPLEY, *President.*

SEATTLE, WASH., *June 19, 1954.*

Congressman JACKSON,
Chairman, the Un-American Activities Committee,
Seattle, Wash.:

Be assured that the 15,000 members of the American Legion Auxiliary in the State of Washington are in accord with your committee and the object of your investigations in Seattle. You have been more than fair and courteous. We are happy that your committee has brought to light facts which will help true Americans to protect our country from harm. It has been shown, too, that honest Americans cannot associate with Communists without soiling themselves and can only be cleansed by public and voluntary denouncements of communism. Good luck and grateful thanks to the committee.

MRS. MILTON SCHROEDER,
President, Department of Washington, American Legion Auxiliary.

SEATTLE, WASH., *June 19, 1954.*

UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

As wives of men who are or who have been members of the Seattle Fire Department and as wives of members of Fire Fighters Post, No. 311, of the American Legion, we make this public plea to Capt. Elmer Strom to cooperate fully with the committee. Congratulations on the fair way in which the hearings have been conducted.

IRIS FOX,
President, Fire Fighters Auxiliary, No. 311, American Legion.

SUMNER, WASH., *June 19, 1954.*

VELDE CONGRESSIONAL COMMITTEE,
Seattle, Wash.:

The American Legion Post No. 53, of Sumner, Wash., sincerely congratulates the committee and the witnesses who have testified against communism.

AMERICAN LEGION POST, NO. 53,
HENRY F. DANIEL,
Vice Commander-Elect.

OLYMPIA, WASH., *June 19, 1954.*

UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

Congratulations on the fine work being done by your committee in your antisubversive hearings.

ALFRED WM. LEACH,
Post No. 3, American Legion.
FRANK O. SETHER,
Adjutant.
RUSSELL HARRIS,
Commander.

OLYMPIA, WASH., *June 19, 1954.*

CHAIRMAN, HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

Appreciate extreme fairness marking your Seattle hearings. Keep up the fine work.

SAM L. CRAWFORD,
Chef de Gare, Voiture 151, 40 and 8.

EDMONDS, WASH., *June 19, 1954.*

HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

For the betterment of our community, State, and Nation the S. Al. Wilcox Post, No. 234, Mount Lake Terrace, Edmonds, Wash., American Legion, congratulates your committee.

L. N. BLANCHETTE.

OLYMPIA, WASH., *June 19, 1954.*

HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash:

Want to commend you for the fine work in exposing communism in our midst.

MRS. LESTER J. PARSONS,
President, American Legion Auxiliary, Oplympia Unit No. 3.

EVERETT, WASH., *June 19, 1954.*

UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

Congratulations to the committee on work relative to exposing communism in the Pacific Northwest.

EARL FALKNER,
American Legion Post.

TACOMA, WASH., *June 19, 1954.*

UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.

DEAR SIRS: You are to be congratulated on the work you are doing here in our great Pacific Northwest, and you have our congratulations.

POST NO. 138, AMERICAN LEGION,
CARL W. KRUSE, *Commander.*

TACOMA, WASH., *June 19, 1954.*

HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

We commend and endorse the work you are doing investigating communism here.

CLAUDE A. RACE,
Fourth District National Security Chairman, American Legion.

SEATTLE, WASH., *June 19, 1954.*

HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

Congratulations and appreciation for your work in dealing with subversives in our city.

MRS. C. P. LOVETT,
Chaplain, Navy-Marine, No. 59, Legion Auxiliary.

BLAINE, WASH., *June 18, 1954.*
HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:
We would like to congratulate you on your handling and successful and hopeful results we are sure will result from your administration of the present hearing which you are conducting.
With all good wishes,
PEACE ARCH POST, NO. 86, AND AUXILIARY OF AMERICAN LEGION.

BELLINGHAM, WASH., *June 18, 1954.*
Chairman JACKSON,
House Un-American Activities Committee, Seattle, Wash.:
Congratulations on the fine work you are doing. Keep punching. Don't just drive them under the ground; drive them into the ocean.
LOIS ANDERSON,
President, Auxiliary.
BOYD STAGGS,
Commander, Albert Hamilton Post, American Legion.

TACOMA, WASH., *June 19, 1954.*
VELDE COMMITTEE, ANTI-COMMUNIST HEARINGS,
Seattle, Wash.:
Congratulations on your wonderful work. Keep it up.
SEVERN KITTELSON,
Fourth District, Antisubversive Chairman, American Legion.

SUMNER, WASH., *June 19, 1954.*
VELDE CONGRESSIONAL COMMITTEE,
Seattle, Wash.:
The American Legion Auxiliary, Unit 53, sincerely congratulate the Committee on its work and the witnesses who have testified against communistm.
DOROTHY MAYFIELD, *President.*

CHEHALIS, WASH., *June 19, 1954.*
Chairman VELDE,
House Un-American Activities Committee, Seattle, Wash.:
The Wesley Kennedy Post, American Legion, Onalaska, Wash., Auxiliary would like to commend you for the good work you are doing in the Northwest.
Thank you.
Mrs. HAZEL MURPHY, *Chaplain.*

SEATTLE, WASH., *June 19, 1954.*
CHAIRMAN, UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:
Congratulations on your progress and your Committee hearings. Keep up the good work.
MILLICENT SNELL,
President, West Seattle American Legion Auxiliary No. 160.

TACOMA, WASH., *June 19, 1954.*
HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:
We wish to commend you for the important work you are doing and the fair manner in which you are conducting the hearing to expose Communist activities in Pacific Northwest.
ALFRED C. SEAMAN,
Commander, American Legion Post, No. 228.
HELEN GENSEN,
President, Auxiliary, American Legion, Post No. 228.

TACOMA, WASH., *June 19, 1954.*
UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:
Suggest amendments to Constitution to prevent Communists from hiding behind our laws. Keep up good work.
ARTHUR W. COLLENS,
Member, Edward G. Rhodes Post, American Legion.

STANWOOD, WASH., *June 19, 1954.*
CHAIRMAN, UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:
Congratulations. Keep up your good work.
CLARA HARRISON,
President, Camino Island American Legion Auxiliary, No. 207.

SEATTLE, WASH., *June 18, 1954.*
Representative VELDE,
Chairman, House Committee on Un-American Activities,
Seattle, Wash.:
Congratulations to you and your committee for the great service you are rendering the patriotic citizens of our great Northwest in uncovering the growing cancer of communism among us. Only through your efforts have we been enlightened of the seriousness of this terrible menace that exists at the present time. May the good Lord bless you and strengthen your hands.
Yours in comradeship,
GEORGE E. GOSA,
Chaplain, Department of Washington, Veterans of Foreign Wars.

SEATTLE, WASH., *June 17, 1954.*
VELDE COMMITTEE,
Seattle, Wash.:
Ballard Auxiliary to Post 3063, Veterans of Foreign Wars, wishes to commend the Velde committee for the wonderful work they are doing in bringing to light the Communistic activities in our area.
PATRICIA HULSLANDER,
President.

BREMERTON, WASH., *June 18, 1954.*
HOUSE UN-AMERICAN INVESTITATING COMMITTEE,
Seattle, Wash.:
Our congratulations for the wonderful work you are performing in cleaning up un-American activities in our State. May God bless each and every one of you for a job well done.
BABETTE POWELL,
President, Norman E. Rosecrants Auxiliary, No. 7297, VFW.

BOTHELL, WASH., *June 18, 1954.*
CHAIRMAN, UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:
We want to go on record with the rest of the patriotic organizations in congratulating you upon the fine work which you have done.
VETERANS OF FOREIGN WARS POST AND AUXILIARY.

BELLINGHAM, WASH., *June 19, 1954.*
HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:
The Past Commanders Association of the Veterans of Foreign Wars of Post No. 1585, of Bellingham, Wash., wish to congratulate your committee on its wonderful work in northwestern Washington.
ROY G. PIKE,
President, Past Commanders Association.

SEATTLE, WASH., *June 19, 1954.*
VELDE COMMITTEE,
Seattle, Wash.:
Congratulations on your splendid work. Keep it up.
CECIL E. LIBBY,
U. S. S. Seattle All-Navy Post, No. 3469, Veterans of Foreign Wars.

SEATTLE, WASH., *June 19, 1954.*
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Seattle, Wash.:
We wish to commend you on your good work and wish you lots of success.
GLEN MARTIN,
Adjutant, Ballard Post, No. 3063. VFW.

SEATTLE, WASH., *June 19, 1954.*
CHAIRMAN, UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:
Congratulations on your splendid work. Keep it up.
MARY RICE,
Past President, Veterans of Foreign Wars Auxiliary No. 479, Worcester, Mass.

SEATTLE, WASH., *June 19, 1954.*
VELDE COMMITTEE,
Seattle, Wash.:
Thanks and congratulations for spotlighting the Communist menace in the Northwest. Wish you could remain until every last one of them is exposed to the world.
HAROLD A. BAUNTON,
Commander, Col. Theodore Roosevelt Post, No. 24, VFW.
ALETHA PHILLIPS,
President, Col. Theodore Roosevelt Post, No. 24, Auxiliary, VFW.

SEATTLE, WASH., *June 19, 1954.*
UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:
You are doing a swell job. More power to you. Can't you send them back to where they belong?
MAURICE BECK,
Past Commander.
ALICE BECK,
Past President, Auxiliary.
Veterans of Foreign Wars, No. 3348.

EVERETT, WASH., *June 19, 1954.*
CHAIRMAN, UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:
Congratulations on the fine work your committee has been doing. Keep up the good work.
Sincerely,
HAROLD J. HALL,
Commander, Old Guard Post, No. 2100, Veterans of Foreign Wars.

AUBURN, WASH., *June 18, 1954.*
VELDE COMMITTEE,
Seattle, Wash.:
The White River Valley Post, No. 1741, VFW, and auxiliary, of Auburn, Wash., wish to commend the committee for the good work carried on by its members throughout the hearings held in Seattle.
DEAN P. MILLER,
Post Commander.
BERTHA GRIBBLE,
Auxiliary President.

MORTON, WASH., *June 18, 1954.*
CONGRESSMAN VELDE,
House Un-American Activities Committee, Seattle, Wash.:
We endorse and wholeheartedly support the work you are doing in exposing Communists and subversive activities in the Pacific Northwest. Keep it up the country over.
ERNIE G. CULVER,
Post No. 2127, Veterans of Foreign Wars.

TACOMA, WASH., *June 19, 1954.*
HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash:
On behalf of the Sam Brough Post and Auxiliary, No. 6855, Veterans of Foreign Wars, and members, we commend you and your staff on your great work in these hearings.
Sincerely yours,
BERTALIEGH CARSON,
Auxiliary President,
FRED SWANSON,
Post Commander.

CLE ELUM, WASH., *June 19, 1954.*
HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:
Congratulations on your excellent job exposing Communist activities this date. Keep up the good work.
HERBERT IRWIN AND AUXILIARY.
ANDY MOSCHNER,
Commander, VFW Post No. 1373.
BULLAH HASELBAR, *President.*

BELLEVUE, WASH., *June 19, 1954.*
UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash:
Congratulations on the committee's work.
DON JOHNSON,
Commander, Lake Washington Post, No. 2959, Veterans of Foreign Wars, and Ladies' Auxiliary.

SEATTLE, WASH., *June 19, 1954.*
CHAIRMAN, HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:
Congratulations and keep up the good work.
VETERANS OF FOREIGN WARS AUXILIARY No. 2713,
PATRICIA SADLER,
Legislative Chairman.

SEATTLE, WASH., *June 18, 1954.*
Representative DONALD L. JACKSON,
Chairman, House Committee on Un-American Activities,
Seattle, Wash.:
This department wishes to express its appreciation and confidence in your committee as we have seen it in operation in our city. The Veterans of Foreign Wars has long realized the danger of communism, particularly in the Puget Sound area, as well as other defense areas and our own Americanism committee has been vigilant in preventing infiltration in its own ranks and has been, and is heartily in accord with exposing the activities of all subversive organizations. Your committee is to be complimented on its conduct in the investigation being held in this city. This conduct has been above reproach and should be approved by all patriotic organizations.
S. DEAN HELBIG,
Department Commander, Department of Washington, Veterans of Foreign Wars.

SEATTLE, WASH., *June 18, 1954.*
Congressman HAROLD VELDE,
Committee on Un-American Activities,
Seattle, Wash.:
Congratulations for your fine work here in exposing to the public those who would overthrow by force the liberties and way of life which we as a group have fought and continuously suffered for.
JOHN W. CARLSON,
Commander, Sunshine Chapter, No. 13, Disabled American Veterans.

TACOMA, WASH., *June 19, 1954.*
UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:
Concur with the objectives of your committee and think you are doing the country a great service.
N. C. GOODWIN,
Tacoma Chapter, No. 1, Disabled American Veterans.

EVERETT, WASH., *June 19, 1954.*
UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:
I wish to congratulate you on the fine work you are doing and hope work continues through the United States.
Mrs. FRANK SPILLMAN,
Commander, Disabled American Veterans Auxiliary No. 10.

SUMNER, WASH., *June 19, 1954.*
VELDE COMMITTEE,
Seattle, Wash.:
Congratulations on your splendid work. Urge your Congressman work for either constitutional amendment or congressional law outlawing Communist Party.
BILL BIERER,
Past Commander, Disabled American Veterans, Past District and Past West Side Commander, the American Legion.

BREMERTON, WASH., *June 19, 1954.*
Congressman JACKSON,
Chairman, Subcommitee on Un-American Activities,
Seattle, Wash.:
The members of the Disabled American Veterans Chapter No. 5, of Bremerton, Wash., extend their congratulations to your committee on your splendid work in exposing communistic activities in the Northwest. Like other organizations, we deplore the situation here, but we are doing something about it. We have distributed 1,500 scrolls of the Declaration of Independence to every sixth-grade student in Kitsap County. This will be our annual contribution to Americanism.
CHARLES L. KLINEFELTER, *Commander.*

SEATTLE, WASH., *June 19, 1954.*
VELDE COMMITTEE,
Seattle, Wash.:
Emma Jensen, Americanization chairman for Department of Washington DAV Auxiliary, and Louise Stillion, Americanism chairman for DAV Auxiliary No. 23, West Seattle, congratulate the Un-American Committee for the work they are doing and want them to know we are with the committee 100 percent.
EMMA JENSEN.

TACOMA, WASH., *June 19, 1954.*
UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:
I wish to congratulate you on the work on the Un-American Committee.
Mrs. A. DAHLBERG,
Commander of the Disabled Vets Auxiliary.

TACOMA, WASH., *June 19, 1954.*
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Seattle, Wash.:
Heartiest congratulations on work being done on un-American activities in our State.
Mrs. MARY VOWELL,
Commander, Disabled American Veterans Auxiliary, Department of Washington.

SEATTLE, WASH., *June 19, 1954.*
VELDE COMMITTEE,
Seattle, Wash.:
Thank you, Americans, from Americans who have proven it on the field of battle.
DISABLED AMERICAN VETERANS, SEATTLE CHAPTER, No. 2,
CLARENCE SNOW, *Commander.*
DON S. PHILLIPS, *Incoming Commander.*
JUNE SNOW, *Commander, Auxiliary.*

SEATTLE, WASH., *June 19, 1954.*
VELDE COMMITTEE,
Seattle, Wash.:
Wearers of the Purple Heart heartily endorse your efforts and commend your methods in attempting to root our enemies of America. You have our unfailing backing.
DENNY WEBBER,
Commander, Washington State Department.
T. C. FAUNTZ,
Commander, Seattle Chapter No. 12, Military Order Purple Heart.

PORT ORCHARD, WASH., *June 19, 1954.*
Hon. HAROLD VELDE,
Chairman, House Un-American Activities Committee, Seattle, Wash.
SIR: Congratulations to your subcommittee and self in interest of preserving the principles for which we Purple Heart veterans fought. Military Order of the Purple Heart is a member organization of World Veterans Federation.
Respectfully,
H. J. THEISEN,
Senior Vice Commander, Department of Washington, Past Commander, Bremerton Chapter No. 324, MOPH.

SEATTLE, WASH., *June 19, 1954.*
HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES,
Seattle, Wash.:
Post No. 19, American Veterans of Second World War, and vets and auxiliary congratulate this committee on their fine work and endorse your program wholeheartedly.
WENDELL C. ROBERTS, *Post Commander.*

SEATTLE, WASH., *June 18, 1954.*
HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.
GENTLEMEN: The work that you have been doing here in Seattle should be a warning to citizens of our Nation that communism has and is still flourishing right under their noses. The Catholic war veterans of the State of Washington say to you to keep up this great work.
GORDON BANBURY,
King County Commander.

BREMERTON, WASH., *June 18, 1954.*
Representative HAROLD H. VELDE,
Chairman, House Un-American Activities, Seattle Wash.:
The Catholic War Veterans Post No. 1005, of Bremerton, Wash., wish to extend to you and your committee our congratulations on your excellent job of exposing Communist activities in Washington State and Seattle area. Best wishes for your continued success.
GLEN TAYLOR,
Commander.
JASPER C. WOOD,
First Vice Commander.

GENERAL JOHN J. PERSHING POST, No. 60, AMERICAN LEGION,
Suquamish, Wash., June 18, 1954.
HOUSE INVESTIGATING COMMITTEE ON UN-AMERICAN ACTIVITIES,
Seattle, Wash.
GENTLEMEN: The televised public hearings your committee is conducting in Seattle will make for better local cooperation in our antisubversive committee work.
We find that your effective aboveboard public hearings is opening the eyes of real Americans to the menace of communism. Keep up the good work.
Sincerely,
EDWARD R. BROWN, Sr.,
Commander.
NOTE.—This letter has been approved by the executive committee of General John J. Pershing Post, No. 60, of the American Legion, Suquamish, Wash.

AMERICAN LEGION POST, No. 78,
Auburn, Wash., June 16, 1954.
HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.
GENTLEMEN: At the regular meeting of June 16, 1954, Auburn Post, No. 78, American Legion, unanimously voted to write your committee and commend you for the excellent work you are doing, representing the people of the United States.
We wish to congratulate and thank you for the gentlemanly and fair manner you

have used in conducting these hearings, against the abuse and evasions you have encountered through the whole investigation.

As a veterans' organization we have been sickened by the thinly veiled attempts of the witnesses to hide behind the so-called patriotism and service experiences in the Armed Forces of the United States.

Allow us at this time to state that their usage of these terms do not reflect the true meaning of the words "patriotism and pride in service of the United States Armed Forces."

We believe it to be obvious to any true American that only a Communist has any reason to hide behind the Constitution or otherwise evade the questions of your committee.

Again may we offer our sincere thanks and any cooperation we may be able to give.

T. B. POLLARD, *Adjutant.*
ROBERT MORSE, *Commander.*

COMMITTEE ON UN-AMERICAN ACTIVITIES,
Seattle, Wash.

DEAR CONGRESSMAN: Please accept our respectful compliments to your committee for its effective work in the interest of national security, conducted in the best traditions of American justice and fairness.

Very truly yours,
Mrs. DOUGLAS KIRK,
First District Legislative Chairman, American Legion Auxiliary.
State Representative DOUGLAS KIRK,
Queen Anne Post Legislative Chairman, American Legion.

LIEUTENANT JAMES M. EAGELSON
POST, NO. 1416, INC.,
VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
June 18, 1954.

Hon. HAROLD E. VELDE,
Chairman, House Un-American Activities Committee, Seattle, Wash.

DEAR SIR: Our membership of 665 overseas veterans heartily commend you and the members of your committee for your untiring and impartial investigation of un-American activities and the uncovering of Communists in Seattle and the Pacific Northwest.

Yours very truly,
ALFRED N. GOSS, *Commander,*
JULIAN BROWN, *Adjutant.*

Mr. JACKSON. No less heartening, Mr. Speaker, were the additional communications from representative organizations in the Pacific Northwest which follow hereafter. It may be some weeks before the committee will be able to send acknowledgements to those many groups, but Chairman VELDE and each member of the committee and staff have asked me to express in these remarks the deep gratitude which all of us feel and which each of us desires to express. Service on the House Committee on Un-American Activities is not an armchair sinecure. It is a task fraught with responsibility and heavy personal obligation. A member of the committee may become immune to the wordy darts of the Communists' most vocal apologists, but none of us become so bereft of human feeling that we cannot appreciate an occasional word of encouragement. In this respect the generous measure of support accorded our work by the citizens of the Pacific Northwest will never be forgotten by any of us who were privileged to sit as members of the House Committee on Un-American Activities during the recent hearings in that area.

It should be remembered, Mr. Speaker, that the communications which are today being made a part of the permanent record, by no means represent the sum total of the support accorded the committee's work. Hundreds of other communications from laboring men, executives, housewives, club women, and school children, poured into the committee's hearing rooms during the course of the week. To each individual who so communicated his or her approval, the Committee sends an expression of deep gratitude.

Characteristic of the general organizational encouragement lent the committee, are the communications which follow. Every phase of community life in a dozen cities of the Pacific Northwest are represented in these expressions.

Mr. Speaker, I ask unanimous consent that the telegrams marked "E" for identification be inserted in the RECORD at this point.

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

There was no objection.

The telegrams referred to follow:

SEATTLE, WASH., *June 18, 1954.*

HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

The Washington State Conference, Daughters of the American Revolution, commends the splendid work done by the House Un-American Activities Committee in Seattle this week.

Mrs. LEWIS T. GRISWOLD,
State Regent.

BELLINGHAM, WASH., *June 17, 1954.*

Hon. DONALD L. JACKSON,
Chairman of Velde Committee,
Seattle, Wash.:

We would like at this time to go on record as a patriotic organization to commend you on the fine work you are doing. You are not only exposing prominent members of the Northwest Communist Party but are bringing to the attention of the general public the methods, functions, and operations of the Communist Party.

CHIEF WHATCOM CHAPTER, *DAR.*

ANACORTES, WASH., *June 19, 1954.*

HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

Accept our appreciation for your service to Pacific Northwest. We commend you upon your justice of Barbara Hartle in her effort to cooperate with your committee.

GOVERNOR ISAAC STEVENS CHAPTER, DAR.

BREMERTON, WASH., *June 19, 1594.*

HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

Congratulations for the good work. The Marines are behind you.

CARL W. RUSSELL,
Commandant, Puget Sound Detachment,
Marine Corps League.

TACOMA, WASH., *June 19, 1594.*

UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

A very wonderful job you are doing.

PEGGY J. VOTAH,
Department of Washington and Alaska, Chaplain, Daughters of the Union Veterans of the Civil War.

SEATTLE, WASH., *June 19, 1954.*

HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES,
Seattle, Wash.

GENTLEMEN: Fortson-Thygensen Camp, United Spanish War Veterans, want to be numbered with all other patriotic organizations as wholeheartedly supporting your efforts to rid the United States of Communists and all other similar un-American organizations.

JAMES QUAM, *Commander.*
HARRY E. HILTON, *Adjutant.*

SEATTLE, WASH., *June 17, 1954.*

COMMITTEE ON UN-AMERICAN ACTIVITIES,
Seattle, Wash.:

We, the Children of the American Revolution, wholeheartedly approve of the work your committee is doing to help expose communism in this city.

ADA L. MCCLEARY,
BRUCE FIAU, *Secretary.*

SEATTLE, WASH., *June 17, 1954.*

HAROLD VELDE,
Chairman, House Un-American Activities Committee,
Seattle, Wash.

DEAR SIR: On behalf of the Russian All Cossack Association of Seattle and the State of Washington, we wish to express to you and the members of your committee our admiration for your untiring efforts in ferreting out the Communist subversives. We who have fought usurpers of our mother country and suffered at their hands, have the interests of our new homeland, the United States, close to our hearts and certainly will do our best to defend it from all foes both at home and abroad.

Respectfully,
A. MIHAILOFF, *President.*
G. KALFOV, *Secretary.*

SEATTLE, WASH., *June 19, 1954.*

THE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

Congratulations. The committee is doing America and mankind a meritorious service in exposing the cancer in our Republic. May your efforts be most successful.

JAMES W. MULLINS,
Past National President, Fleet Reserve Association.

SEATTLE, WASH., *June 19, 1954.*

UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

The courtesy and patience of your committee is symbolic of the outstanding service it is rendering our country. We send our congratulations.

MARGUERITE MULLINS,
Past National President, Ladies Auxiliary, Fleet Reserve Association.

SEATTLE, WASH., *June 19, 1954.*

UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

The grand lodge of the Northwest of the Sons of Italy in America reaffirmed at their grand convention, May 29, 1954, in Aberdeen, Wash., their unalterable opposition to communism and its principles. Through me, they wish to express their approval of the function of the Un-American Activities Committee of the United States House of Representatives in bringing into the open the members of the Communist Party in the United States and of their subversive activities.

NICHOLAS SARRO,
Grand Venerable.

EVERETT, WASH., *June 19, 1954.*

UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

Congratulations on your very fine work that you are doing. Keep it up and expose

the hidden Communists among us. The Sons of Italy are behind you 100 percent.

ANTHONY J. DIGUARDI,
President, Columbus Lodge of Everett, Sons of Italy of America.

PUYALLUP, WASH., *June 19, 1954.*
HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

We want to congratulate your committee for the outstanding work that you are doing.

Sincerely,

BERT QUIST,
Secretary, Fraternal Order Eagles, Aerie 2308.

SEATTLE, WASH., *June 19, 1954.*
VELDE COMMITTEE,
Seattle, Wash.:

Congratulations on exposing so many Communists in the State of Washington. We are wholeheartedly with you in this good work.

C. M. KISER,
Secretary, Ballard Eagles, No. 172.

SEATTLE, WASH., *June 18, 1954.*
Hon. DONALD JACKSON,
Chairman, Un-American Activities Committee, Seattle, Wash.:

We, the members of Seattle Aerie No. 1, Fraternal Order of Eagle, in regular session assembled on this 18th day of June 1954, voted to commend your committee on the splendid work you are doing on behalf of the honest American citizens of these United States.

EMIL LAINS,
Secretary for the Mother Aerie of Eagledom.

SEATTLE, WASH., *June 19, 1954.*
CHAIRMAN, UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash:

We wish to concur and applaud the presence and action of your committee in Seattle.

SALMON BAY AERIE, FRATERNAL ORDER OF EAGLES,
MAURICE CRUM, *Secretary.*
JEROME MCMANUS, *President.*

SEATTLE, WASH., *June 19, 1954.*
Chairman VELDE,
House Un-American Activities Committee, Seattle, Wash.:

Wish to commend the good work of the committee on ferreting out communism.

RAINIER DISTRICT EAGLE AERIE AND AUXILIARY.

SEATTLE, WASH., *June 19, 1954.*
Hon. DONALD JACKSON,
Acting Chairman, House Un-American Activities Committee, Seattle, Wash.:

Very sincere congratulations on your efforts to uncover, stamp out the mental cancer of communism in the Pacific Northwest.

Sincerely yours,

THEODORE NASH,
Member, Fraternal Order of Eagles No. 1387.

SEATTLE, WASH., *June 19, 1954.*
Acting Chairman JACKSON,
Un-American Activities Committee, Seattle, Wash.:

Seattle Lodge BPO Elks, No. 92, heartily approves of committee's action and wishes to extend our support of the committee.

CLYDE V. WITTE,
Exalted Ruler.

SEATTLE, WASH., *June 19, 1954.*
Chairman VELDE,
House Un-American Activities Committee, Seattle, Wash.:

Most sincere congratulations from all of us here.

BALLARD ELKS, LODGE NO. 827.

SEATTLE, WASH., *June 17, 1954.*
Hon. Congressman JACKSON,
Chairman of the House Un-American Activities Committee, Seattle, Wash.:

As the head of the approved order of Redmen, chief, Seattle Tribe No. 25, and an American organization who feel proud of their congressional charter and of which was founded in 1765 at Boston by Patrick Henry and the patriots who threw the tea into Boston Harbor, we as loyal American citizens who believe that communisim and totalitarianism would destroy our American institutions and the American way of life, wish to compliment the committee on the fine job they are doing in exposing communism.

Col. GEO. H. NELSON, *Sachem.*

PUYALLUP, WASH., *June 18, 1954.*
Representative HAROLD O. VELDE,
Chairman of the Un-American Activities Committee of the United States House of Representatives, Seattle, Wash.:

The fourth degree of the Knights of Columbus, Tacoma Assembly, wish to extend our congratulations for the excellent work of your committee in exposing subversive activities in the Pacific Northwest. We further congratulate each and every member of your committee in the excellent manner with which they conduct their inquiries with men of this type, doing their patriotic duty all Americans can be justly proud. We know it is imperative that the work of this committee continue which is protecting the ideals for which our Republic was founded.

Sincerely,

R. J. MORELAND,
Faithful Navigator, Fourth Degree, Knights of Columbus.

SEATTLE, WASH., *June 17, 1954.*
Representative HAROLD O. VELDE,
Chairman, the Un-American Activities Committee, United States House of Representatives, Seattle, Wash.:

James Shields Assembly, Knights of Columbus, fourth degree, Seattle, Wash., extends congratulations to your committee for its expose of subversive activities in the Pacific Northwest. Your presence in Seattle and hearings you conducted here have enlightened the entire community and focused its attention upon the evil menace of communism. We, as the patriotic degree of our order, oppose communism and every other group or force whose program is contrary to the ideals upon which this Republic was founded. We are proud, therefore, to support you to the fullest in your commendable work of rooting out subversive persons and groups in the United States. It is our sincere hope that your program can be continued until every single American becomes familiar with the un-American activities of the Communist Party.

WILLIAM MARPERT,
Faithful Navigator.

SEQUIM, WASH., *June 18, 1954.*
CHAIRMAN OF HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

We're 100 percent behind you. Go get 'em.

SEQUIM CHAPTER, ORDER OF DEMOLAY.

TACOMA, WASH., *June 18, 1954.*
HAROLD VELDE,
Chairman, House Un-American Activities Committee, Seattle, Wash.:

Many of my friends and myself have been listening to your investigations and we certainly wish to comment and congratulate you and your committee on the manner in which you are conducting investigations. Further we wish you all the success in the world in your future investigations.

S. J. RICE, Jr.
Manager, Independent Order of Foresters.

EVERETT, WASH., *June 19, 1954.*
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Seattle, Wash.:

Congratulations on your good work.

WOMEN'S CATHOLIC ORDER OF FORESTERS.

TACOMA, WASH., *June 19, 1954.*
CHAIRMAN, UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

Wish to endorse fully purposes of committee and praise adept conducting of investigation.

DALE HEADY,
Chief Ranger, Court No. 563, Independent Order of Foresters.

BREMERTON, WASH., *June 19, 1954.*
VELDE COMMITTEE ON UN-AMERICAN ACTIVITIES,
Seattle, Wash.:

The Staff Sergeant Stanley C. Ohlson, Chapter No, 2, of the Blue Star Mothers of America, Bremerton, Wash., extend our congratulations and hearty approval of your work in uncovering communism the greatest threat to our American way of life. Keep up the good work.

JEAN M. WILLIAMS, *President.*

SEATTLE, WASH., *June 19, 1954.*
UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

Please accept our appreciation for your efforts in upholding the principles for which our sons gave their lives.

ETHEL JEWELL,
Department President,
ISABELLE BARTLETT,
Recording Secretary, Department of Washington, American Gold Star Mothers, Inc.

SEATTLE, WASH., *June 19, 1954.*
Chairman VELDE,
House Un-American Activities Committee, Seattle, Wash.:

The Loyal Order of Moose wishes to go on record at this time to congratulate the splendid work of the Velde committee in exposing the cancer of communism in this area. We want you to know that we are behind you 100 percent. Keep up the good work.

PAUL ANDERSON,
Governor, Seattle Lodge No. 211.

SEATTLE, WASH., *June 17, 1954.*
HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

The executive committee of the 31st District Democratic Club in special session tonight has unanimously voted commendation of your committee for the enlightened attitude and spirit of fairness displayed in the conduct of your current hearings. Our club centered in the Nation's largest voting district conducted a thorough housecleaning several years ago as our contribution to the integrity of the American political system.

THIRTY FIRST DISTRICT DEMOCRATIC CLUB,
JERRY HAGAN, *President.*

BELLINGHAM, WASH., *June 17, 1954.*
HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

We wish to commend your committee for its aims and for the fairness it has demonstrated. As the city of Bellingham and the Democratic Party has been mentioned by some witnesses we wish to state that from bitter experience we have learned that the Communists only infiltrate an organization

they consider important for the purpose of destroying it. Therefore we of the Democratic Party of Whatcom County expelled all members suspected of Communist leanings over 6 years ago.

F. F. MERRICK,
Chairman, Whatcom County Democratic Central Committee.

SEATTLE, WASH., *June 19, 1954.*
UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

By unanimous vote on June 17, 1954, this organization not only endorses but congratulates your committee for bringing to the attention of the people of the Pacific Northwest for the first time the fact that Seattle and vicinity is and has been for many years among the worst hotbeds of communistic activity in the United States.

SUNSET REPUBLICAN CLUB,
Mercer Island, Wash.

SEATTLE, WASH., *June 18, 1954.*
Congressman HAROLD VELDE,
Chairman, Un-American Activities Committee, Seattle, Wash.:

You have the wholehearted support of 32d District Republicans. Your committee is performing a great service to the American people.

RICHARD RUOFF,
State Representative, 32d District, King County.

BELLINGHAM, WASH., *June 16, 1954.*
Hon. HAROLD VELDE,
Chairman, House Un-American Activities Committee, Seattle, Wash.:

Whatcom County Young Republicans meeting tonight commend your committee for its untiring work in exposing Communist menace as an agency of Soviet aggression. We urge and support your continued effort maintaining, as always, the American traditions of fair play while overcoming the obstacles of organized subversives and fifth-amendment Communists. Your efforts will continue to command the admiration and respect of our organization.

WHATCOM COUNTY YOUNG REPUBLICANS CLUB,
ROBERT W. TESHERA, *President.*

BELLINGHAM, WASH., *June 17, 1954.*
Hon. HAROLD VELDE,
Chairman, House Un-American Activities Committee,
Seattle, Wash.:

Whatcom County Republican Club of over 550 members, in monthly meeting, by unanimous vote wishes to commend your committee for the noble work in exposing a hotbed of Communists, fellow travelers, and dupes in our Pacific Northwest. You can be assured that this work, so ably done by your committee, is welcomed by Republicans and all good Americans who have been worrying over this disgraceful situation. Keep up the good work; we're behind you.

WHATCOM COUNTY REPUBLICAN CLUB,
BARNEY STEWART, *President.*

OLYMPIA, WASH., *June 17, 1954.*
Chairman HAROLD H. VELDE,
House Committee on Un-American Activities,
Seattle, Wash.:

The Washington State Townsend Council, representing 72 chapters in this State, commend your committee for your effective work in the Pacific Northwest in exposing Communists and Communist Party activities. During your hearings references have been made to the Washington Pension Union and its activities among senior citizens. The Washington State Townsend Council wants the record to show that our organization and its officers have never participated in or associated with the Washington Pension Union. We do not approve of that organization's tactics or its leadership.

M. A. YARBORO,
Legislative Director,
Washington State Townsend Council.

SEATTLE, WASH., *June 17, 1954.*
CHAIRMAN OF HEARING OF
UN-AMERICAN ACTIVITIES,
Seattle, Wash.:

The Women's Christian Temperance Union of Western Washington wish to commend the investigation of un-American activities in our State.

WOMEN'S CHRISTIAN TEMPERANCE UNION OF WESTERN WASHINGTON.

MORTON, WASH., *June 18, 1954.*
HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

We commend you for work you are doing. Hearing is being conducted in fair and impartial manner. You are educating the whole Northwest. Keep it up.

THE MORTON CHAMBER OF COMMERCE.

SEATTLE, WASH., *June 19, 1954.*
HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

We want to congratulate your committee on the fine work your committee has done in routing out those dirty Reds. We are convinced $75 per day expense account under which you operate has not deterred your motives or lengthened your stay.

THE LITTLE MEN'S MARCHING AND CHOWDER ASSOCIATION.

SEATTLE, WASH., *June 19, 1954.*
VELDE COMMITTEE ACTING CHAIRMAN,
Seattle, Wash.:

Members of Carrol Club of Seattle commend your committee for its extremely valuable work; your treatment of witnesses is in the best tradition of American democracy. Congratulations.

D. C. CASLIN,
President, Carrol Club.

SEATTLE, WASH., *June 19, 1954.*
VELDE COMMITTEE,
Seattle, Wash.:

Members of the West Virginia Club of Washington wish to commend you for your services to the American people. Please continue the good work.

ERNEST C. GOFF, *President.*

SEATTLE, WASH., *June 19, 1954.*
DONALD JACKSON,
Chairman, House Committee of Un-American Activities,
Seattle, Wash.:

We or the Volunteers of America of Seattle and the Theodora Home for the Aged guests and staff wish to commend you on the wonderful work you are doing in our city.

VOLUNTEERS OF AMERICA.

EVERETT, WASH., *June 19, 1954.*
UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

Congratulations and keep up the good work.

MRS. VERN HENRY,
President, Everett High School Parent-Teachers Association.

SEATTLE, WASH., *June 19, 1954.*
UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

Highline Business and Professional Womens Club wishes to congratulate the members of the committee on the fine way in which the hearings have been conducted.

MARY GAY BELCHAM,
President.

BUCKLEY, WASH., *June 19, 1954.*
UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

We wholeheartedly approve of the work your committee is doing. Keep up the good work.

EXECUTIVE COMMITTEE, BUCKLEY BOOSTERS CLUB.

TACOMA, WASH., *June 19, 1954.*
Representative JACKSON,
Un-American Activities Committee,
Seattle, Wash.

DEAR SIR: Organized sportsmen in Pierce County serve as you do, youth and better sportsmen under good government. Our heartiest thanks for making this a better area for our kids and their dads to live in.

HARRY L. HIGGINS,
President, Pierce County Sportsmens Council.

TACOMA, WASH., *June 19, 1954.*
Representative JACKSON,
Un-American Activities Committee,
Seattle, Wash.

DEAR SIR: Clean living through good government is our aim. Thanks for helping to keep it clean.

HARRY L. HIGGINS,
Secretary, Gig Harbor Sportsmans Club.

BREMERTON, WASH., *June 19, 1954.*
HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES,
Seattle, Wash.

SIRS: Congratulations to the committee for the fine work you are doing here in the Pacific Northwest.

NAVY MOTHERS CLUB, NO. 256.

SEATTLE, WASH., *June 19, 1954.*
Congressman JACKSON,
Seattle, Wash.:

Because America was asleep, Soviet Russia was successful in stealing the atomic bomb from us through the communistic apparatus operation here in the United States. Your committee is performing the same tasks that Paul Revere did for his country. As graduates of an institution which has constantly taught the evils of communism based upon dialectic materialism for the past 40 years we humbly appreciate the work you are doing here. The time has come for America to wake up. Fighting communism is fighting for America.

THE GRADUATES CLUB.

SEATTLE, WASH., *June 19, 1954.*
UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

The Pioneer Apartment Group, Inc., heartily endorses your investigation in Seattle. This organization and its members offer its cooperation in any way to your committee. Keep up the good work.

A. ZOBRIST, *Secretary.*

RENTON, WASH., *June 18, 1954.*
VELDE COMMITTEE CHAIRMAN,
Seattle, Wash.:

We deeply appreciate the privilege of hearing and seeing the excellent work you are doing. We wish you could remain longer. Congratulations.

RENTON HIGHLAND IMPROVEMENT CLUB.

TACOMA, WASH., *June 18, 1954.*
UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:

Our group composed of representatives of veteran, fraternal, and civic organizations working together to celebrate our I Am an American Day, heartily approve and wish a success in your investigation of disloyal persons.

TACOMA AMERICANIZATION COUNCIL,
MRS. N. V. GENNA, *Treasurer.*

PORT TOWNSEND, WASH., *June 19, 1954.*
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Seattle, Wash.:
Doing a wonderful job. See it to the end of communism.
W. D. DOANE,
West Side Director, Washington Institute of Social Welfare.

RENTON, WASH., *June 16, 1954.*
Hon. HAROLD H. VELDE,
Chairman, House Un-American Activities Committee, Seattle, Wash.:
We wish to commend your committee on its work in ferreting out the Communist elements in our area. We wish to express our appreciation for your kind reception of our representative at your hearing yesterday.
JAMES E. HURNER,
President, Renton Junior Chamber of Commerce.

SEATTLE, WASH., *June 17, 1954.*
VELDE COMMITTEE,
Seattle, Wash.:
Lake City Commercial Club highly commends committee's good work in exposing communistic activities in our city and in a truly democratic manner.
LAKE CITY COMMERCIAL CLUB.

SEATTLE, WASH., *June 17, 1954.*
VELDE COMMITTEE,
Seattle, Wash.:
On behalf of 99 percent of the 96,000 residents of the West Seattle area, which includes Alki, may we congratulate the Velde committee for an outstanding public service which you are rendering our great city.
WEST SEATTLE COMMERCIAL CLUB,
ORLYN HAWS, *President.*
TED BEST, *Secretary.*

VASHON, WASH., *June 19, 1954.*
HOUSE UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:
We, the members of Vashon Maury Grange, wish to congratulate the House Un-American Activities Committee for its fairness and fine work in this hearing.
LUCILLE WALLS, *Worthy Master.*
OPAL ALDRIDGE, *Secretary.*

SEATTLE, WASH., *June 17, 1954.*
Hon. DONALD L. JACKSON,
House Un-American Activities Committee,
Seattle, Wash.:
Recognizing the menace of communism the High Line Junior Chamber of Commerce wish to go on record wholeheartedly supporting the work of the Velde committee. We would like to extend to the members of this committee our thanks and gratitude. If there is any way we young men of the south King County area can be of service we stand ready to do everything in our power to help preserve the American way of life.
Sincerely yours,
ROY MOORE,
Chairman, Public Affairs Committee, High Line Junior Chamber of Commerce.

SEATTLE, WASH., *June 17, 1954.*
Representative VELDE,
Chairman, Un-American Activities Committee,
Seattle, Wash.:
The officers and delegates of the Americanization Bureau wish to extend congratulations to your committee for the splendid work being done by you in exposing the work of communism.
CLARA DEATON, *President.*
VIRGINIA MAHNKEY,
Recording Secretary.
ELLA RAUTH,
Junior Past President.

SEATTLE, WASH., *June 15.*
Chairman HAROLD VELDE,
Seattle, Wash.:
I wish to compliment you and your committee on a fine effort to expose the Communist traitors and their dupes here in the Northwest. In my opinion the fifth amendment was made for the guilty so that they would not have to incriminate themselves; therefore any one invoking the fifth amendment admits guilt. It is high time the American people awake to the dangers of the Communist traitors within the borders of this great Nation of ours and take action against them.
ALLEN M. REECE,
President, Seattle Chapter, Students for America.

SEATTLE, WASH., *June 18, 1954.*
DONALD JACKSON,
Chairman, Subcommittee, Un-American Activities,
Seattle, Wash.:
Congratulations, gentlemen, on a tough job eloquently done. Your exemplary fairness and conscientiousness is a tribute to the Congress and bulwark for the American people.
BEATTY & TAYLOR CATERERS,
CECIL S. BEATTY, *President.*
MARSHALL W. TAYLOR 3d,
Secretary-Treasurer.

TACOMA, WASH., *June 19, 1954.*
UN-AMERICAN ACTIVITIES COMMITTEE,
Seattle, Wash.:
I am impressed by the considerate fairness of your committee in revealing information about Communist activity in the Seattle area. Your discoveries and disclosures have confirmed my own fears and suspicions regarding Communist infiltration in this area. I commend and congratulate your committee on its important work in educating our people of the dangers threatening our democratic institutions.
CHARLES T. BATTIN,
Chairman, Department of Economics and Business Administration, College of Puget Sound, and Council Member, City of Tacoma.

SEATTLE, WASH., *June 19, 1954.*
VELDE COMMITTEE,
Seattle, Wash.:
Congratulations on your good work and I hope it is a good clean sweep.
PIERCE'S JANITOR SERVICE.

SEATTLE, WASH., *June 17, 1954.*
Congressman VELDE,
Un-American Activities Committee,
Seattle Wash.:
As a visitor to Seattle, I heard the red warning whistle at noon on Wednesday. It was not nearly as alarming as the testimony your committee is now hearing. Your fine work, gentlemen, is the only bomb shelter that can save us.
MADGE DEMMER,
Southwest Florist Representative for Telegraph Delivery Service, Los Angeles, Calif.

SEATTLE, WASH., *June 19, 1954.*
Representative JACKSON,
House Un-American Activities Committee, Seattle, Wash.:
Congratulations on your excellent work in Seattle.
HOWARD FROST,
Manager, Cimarron Insurance Co.

DEMING, WASH., *June 19, 1954.*
Congressman JACKSON,
Acting Chairman, Un-American Activities Committee, Seattle, Wash.:
Congratulations on the wonderful job your committee is doing in exposing Communists in Pacific Northwest. Too bad you could not have been here many years ago.
HUGH GALBRAITH,
Manager, Galbraith Bros. Logging Co.

Mr. JACKSON. In conclusion, Mr. Speaker, I feel that I should include letters from the Honorable THOMAS M. PELLY, the Honorable JACK WESTLAND, and the Honorable WALT HORAN, all of whom have informed the committee that many additional letters dealing with the hearings in the Pacific Northwest have been received by their offices, and that in all instances the letters have been most complimentary to the committee and to the conduct of the hearings. We also appreciate these expressions from our coworkers here in the House.

The only opposition to the hearings which has been reported to us was that of the Americans for Democratic Action, which organization, if press reports are correct, passed a resolution following the departure of the committee from Seattle, deploring the hearings as un-American and devisive. Obviously, the opinion of the Americans for Democratic Action is not shared by the overwhelming majority of the people of the Pacific Northwest, as is evidenced by their gracious communications heretofore noted.

Mr. Speaker, I ask unanimous consent to include at this point in my remarks letters from the gentlemen from Washington, Mr. HORAN, Mr. PELLY, and Mr. WESTLAND.

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

There was no objection.

The letters referred to follow:

HOUSE OF REPRESENTATIVES,
Washington, D. C., July 6, 1954.
Hon. DONALD L. JACKSON,
House Office Building,
Washington, D. C.
DEAR DON: I wish to personally thank and commend you and the House Committee on Un-American Activities for the outstanding hearings conducted in Seattle last month.
It is truth that makes man free, and every citizen, vigilant in his loyalty to the American ideal, must appreciate the committee's work in that regard. You and the other members were just, fair, and courteous.
Such hearings are a protection to the innocent. They strengthen our America.
Sincerely,
WALT
Walt Horan,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 29, 1954.
Hon. DONALD L. JACKSON,
House Office Building,
Washington, D. C.
MY DEAR COLLEAGUE: I call your attention to the enclosed copies of my remarks in the House of Representatives on June 28, in connection with the recent hearings held by the Un-American Activities Committee in Seattle, Wash. Also enclosed is a clipping from the June 23 issue of the Washington State Labor News.
Because of the enthusiastic reception accorded the committee by the people of Seattle and the unanimously favorable endorsement of its work by the press and the individual citizens who have written to me as a result of the hearings, I feel it proper for me to express to you in this letter the appreciation of the city of Seattle for the fair and effective manner in which they were conducted. In a day when congressional investigation is viewed with opprobrium in

some highly vocal quarters, the Seattle hearings have stressed the continuing need for disclosure of the Communist menace, and have emphasized the fact that congressional endeavors along these lines can be handled in a dignified manner without endangering the individual rights guaranteed by the Constitution.

Speaking both for myself and for those who elected me to serve them in the House of Representatives, therefore, I compliment you and the other members of the committee on your work in Seattle.

Kind personal regards.

Sincerely,

TOM
Thomas M. Pelly.

HOUSE OF REPRESENTATIVES,
Washington, D. C., July 1, 1954.

Hon. DONALD L. JACKSON,
House of Representatives.

DEAR DON: It is a distinct pleasure for me to have the privilege of apprising you of the very favorable reaction to the hearings conducted by your subcommittee in Seattle last month.

As you know, I was in my district for a couple of days immediately following the hearings, and I heard nothing but praise for the manner in which they were conducted. Particular emphasis has been placed by people to whom I have talked and by my correspondents on the great amount of patience and forbearance shown by the committee members in their interrogation of the witnesses.

There is no doubt whatever in my mind that these hearings were of great benefit to the people of the Pacific Northwest in bringing to their attention the ever-present threat of the Communist Party to our Nation and its institutions. I am entirely sure that as a result of seeing and listening to the hearings, a great many people in and around Seattle have an entirely changed perspective regarding the hearings of congressional investigating committees in general and of the Un-American Activities Committee in particular.

Please convey to the members of your subcommittee the sincere thanks and appreciation of a multitude of people in my congressional district. To these I most respectfully and forcefully add my own.

Sincerely yours,

JACK WESTLAND,
Member of Congress.

Mr. JACKSON. Mr. Speaker, I further ask unanimous consent that the other Members in the House comprising the delegations from the State of Washington and from the State of Oregon be granted 3 legislative days in which to make whatever insertions they may desire to make in the RECORD on this subject.

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

There was no objection.

HOUSE OF REPRESENTATIVES,
Washington, D. C., July 6, 1954.

Hon. DONALD L. JACKSON,
Member, Un-American Activities Committee,
House of Representatives,
Washington, D. C.

DEAR DON: You, as a member of the House Un-American Activities Committee, will be interested to know that I have received many letters during the past 2 weeks praising your committee for the excellent hearings into communism it conducted last month in Seattle.

These letters spoke of the hearings of your committee as being fair, objective, constructive, and result producing.

I followed these hearings, as best I could by reading the newspaper reports on them. I concur in the sentiment that the Seattle hearings on communism were fair and most constructive. Your committee, in my opinion, deserves all the fine things that are being said about it by members of Pacific Northwest business, labor, veterans, patriotic, and other organizations.

Sincerely yours,

RUSSELL V. MACK,
Member of Congress.

JULY 2, 1954.

Hon. DONALD L. JACKSON,
House Office Building,
Washington, D. C.

DEAR CONGRESSMAN JACKSON: I want to let you know that the overwhelming consensus of reports reaching me on the recent hearings in Seattle by the House Committee on Un-American Activities is that the hearings were extremely well conducted.

While I was unable to be present at the hearings, it is apparent to me that the committee and its staff created an atmosphere of fairness and consideration for the rights of witnesses and others which is most commendable.

This corroborates in my mind a view I long have held—that congressional committees have a legitimate place in the investigative field so long as they conduct themselves temperately and provide proper safeguards for the rights of persons involved in investigations.

Sincerely yours,

DON MAGNUSON,
Member of Congress.

Mr. PHILLIPS. Mr. Speaker. will the gentleman yield?

Mr. JACKSON. I yield to the gentleman from California.

Mr. PHILLIPS. The gentleman expresses a hope that the Committee on Un-American Activities or other congressional investigating committees may receive fair treatment at the hands of the local columnists and commentators. I might hold out, and it may be difficult for the gentleman to believe, a little hope to him. Recently the other body held an investigation that was highly controversial and was televised. I have been informed by my friends of the press that while the reporting of that event by some commentators and columnists was as usual not representative of the facts, in that case letters poured in to these writers saying that that was not the way the people writing the letters had observed the hearings. They had followed them on television, and they said that the reports over the radio or in the columns were not as they had seen the events. So perhaps television may have a tendency to bring some of the facts of the case to the people.

Mr. JACKSON. I think that the advent of television is going to require some of the columnists and commentators to hew a little closer to the elusive line of truth than they have been accustomed to in the past. Certainly I have received, since the San Diego and Seattle hearings, columns—I will refrain from mentioning the names of the columnists—which they had written relative to congressional investigations in general. The individuals writing said, "How can this be true? We have just watched your committee hearings. We know that the goal of the columnists in question is, as it has always been, the destruction of congressional investigations, particularly those investigations in the area of Communist infiltration. These few Communist apologists cannot be expected to deviate from that position. That is their dedicated goal and that goal they will pursue. However, for our purpose, we shall be content if Members of the House of Representatives have an opportunity to assess the work of the committee on the basis of such documentation as your committee has received from those who saw the hearings in the Seattle area and elsewhere."

ATOMIC ENERGY COMMISSION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Tennessee [Mr. PRIEST] is recognized for 60 minutes.

Mr. PRIEST. Mr. Speaker, I have asked the indulgence of the House this afternoon to discuss some aspects of what to me appears to be a matter of rather pressing public concern. It is a matter, I think, of national concern. On last Friday, I introduced a joint resolution, the substance of which is as follows: *Resolved,* That the authority of the Atomic Energy Commission to enter into contracts for electric power service extends only to contracts with persons who agree to supply the contractual amount of electric power service directly to the installations of the Atomic Energy Commission.

This question, Mr. Speaker, I think is one that is far broader than the question of public versus private power, and I shall not go into a discussion of the merits or demerits of public versus private power. This question is even broader than the question of what effect it might have on the Tennessee Valley Authority.

As Members of the House no doubt are all aware, some few weeks ago the President, through the Bureau of the Budget, ordered the Atomic Energy Commission to sign a specific contract with a specific utility, a contract for 25 years, a contract involving the building of a new steam plant at West Memphis in Arkansas at a cost of $107 million—a contract which the Atomic Energy Commission has been told to sign, but a contract which will not supply electric power to the Atomic Energy Commission.

The background of this situation, as most all of you are aware, if you recall the debate during the consideration of the independent offices appropriation bill this year, stems from a directive in the budget message for the coming fiscal year. That message simply was that the Atomic Energy Commission was to negotiate with private utilities in an effort to sign contracts for approximately 600,000 kilowatts of electricity to replace that amount of electricity which the Commission is now buying from the Tennessee Valley Authority, and under a contract with the Tennessee Valley Authority. It has been admitted for some time by all who know the situation, including the private utilities, that by 1957 there will be a rather serious electric power shortage in the west Tennessee area due largely to the fact that a very large amount of power now is being supplied the Atomic Energy Commission at Paducah, Ky.

Mr. Speaker, I now yield to the distinguished dean of the Tennessee delegation, the gentleman from Tennessee [Mr. COOPER].

Mr. COOPER. Mr. Speaker, I commend my distinguished colleague from Tennessee, the distinguished gentleman who is now addressing us, for bringing this matter to the attention of the House, and also commend him for his introduction of the resolution mentioned by him. I wish to assure him of my very strong support of that resolution. I am sure my colleague will recall that in the speech I made in the House of Representatives on February 2, of this year, I endeavored to point out the situation as it existed, and at that time I predicted the very thing that is now happening. I recall the gentleman asked me to yield and commented at that time. I believe the gentleman will now agree that the prediction I made at that time is what is now occurring with respect to the subject he is discussing at the present time.

Mr. PRIEST. I recall very distinctly the speech made at that time by the distinguished gentleman from Tennessee. I know he said that he had come to his conclusions rather reluctantly, but nevertheless at that time they were firm conclusions, and he did at that time predict just about what has happened in this particular situation.

Mr. COOPER. If the gentleman will yield further, I am sure he will also agree that 20 years ago last month the Congress created the Tennessee Valley Authority, and the production of power for the use of the people was one of the major tasks assigned to this great agency of regional resource development. The TVA has been of untold benefit to the region and the entire Nation. Today, by act of Congress, it has become the sole supplier of electricity in an area of 80,000 square miles. Five million people depend upon it for all of the energy they use in their homes, on their farms, and in their business enterprises. I believe the gentleman will also agree that the facts show that by 1955 the equivalent of all of the hydroelectric energy of the entire TVA system, will be required by the Atomic Energy Commission alone. I agree with the gentleman that with this great agency available, and certainly the proper one that should provide this power, it is indeed most unfortunate that the President of the United States has directed the Atomic Energy Commission to enter into this contract with private power companies at what will certainly be an additional cost to the Government.

Mr. PRIEST. I thank the gentleman for his very apt comments.

Now, may I proceed for just a few minutes to lay the groundwork for some things that may come.

Mr. PHILLIPS. Mr. Speaker, will the gentleman yield briefly?

Mr. PRIEST. Yes; I yield briefly.

Mr. PHILLIPS. The gentleman spoke of a contract with a private utility. It is a combination being created especially for this purpose.

Mr. PRIEST. I thank the gentleman. I was going to explain that particular situation. As a matter of fact, I believe it is the Mid-South Utilities Co., Inc., and the Southern Co. who are yet to form a third company for the purpose of entering into this contract. That is the situation, I believe, insofar as the contract is concerned.

Now let me proceed for a few minutes, and then I shall yield as liberally as time will permit. As I had previously stated, the basis for denying TVA any new funds for new steam-plant construction was this directive in the Bureau of the Budget that the Atomic Energy Commission should seek to obtain its power from some other source—600,000 kilowatts. Therefore, there was no appropriation of any new money for construction in the appropriation bill for the next fiscal year. That was the basis for refusing these funds. In face of the fact that additional generation is necessary—and everybody admits it is necessary—we come to the situation which I think is a matter of national concern. I believe that it is a matter that in a sense involves the integrity of the Congress, and certainly the independence of an independent commission created by the Congress to do a very particular job. What was that job? That job is to assure that America will maintain the lead in the field of nuclear atomic weapons and thermonuclear fissions, and all of these related subjects. That was the purpose for the creation of the Atomic Energy Commission; and now we find a situation facing the Commission, a situation which the Commission, at least three members of the Commission deplore, a situation in which the Commission is being told to sign a specific contract, in effect to become a broker, not for power that the Commission will use itself, but for power that is to be fed into the TVA system to be used by the domestic, the commercial, and the industrial consumers of the Memphis area and that section of west Tennessee.

The TVA was not directed to enter into such a contract, but the Atomic Energy Commission was directed to do it for TVA. That presents a situation that I believe challenges every Member of the House of Representatives if we are interested in sound administration of a great Commission with a terrifically important job to do.

I repeat what I have said a number of times since this situation developed, that the Atomic Energy Commission has no business in the power field. It was not created for that purpose. Its purpose is well stated in the act that sets it up as a Commission of this Government. It is not in the power business; it should not be in the power business.

I feel that there are so many compelling reasons why this contract should not be negotiated, and signed at this time that I want to express the hope here on the floor today that the President, perhaps being further apprised of the situation, will withdraw that order; and I do express that hope.

If that order is not withdrawn I want to express the very sincere hope that the Joint Committee of the House and Senate on Atomic Energy will hold some hearing on the joint resolution that I introduced Friday. I believe a similar resolution was introduced in the other body by the senior Senator from my own State, the gentleman from Tennessee, Mr. KEFAUVER.

There is more, than the question of administration here involved. I think we must look at the economic aspects of it. I understand that a representative of Dixon and Yates, on last Friday testified before a subcommittee in the other body, that this group of utilities which is to be given this contract had no specifications for the type of plant they were to build when they made their offer on April 10.

The location of the plant will be more than 200 miles from the nearest atomic energy installation. Even at the minimum, the extra cost for this amount of power to the American taxpayers will be at least $92 million over the period of 25 years. And, mark this: Every year, every year for 25 years, when the Subcommittee on Independent Offices brings that appropriation bill to this House it must include from $3 million to $5 million more money than it otherwise would include because of this contract. And that will happen not just this year and next year, but for 25 years, every year from $3 million to $5 million more.

And what is that money being used for? It is being used in effect to pay taxes of this company in the State of Arkansas. The claim is made that the additional cost of from $3 million to $5 million will come about because the TVA does not pay Federal taxes. Then it is quite logical, I believe, to say that if that is the reason for the additional cost, then the $3 million to $5 million is to pay those taxes of this private group.

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

Mr. PRIEST. I yield to the gentleman from Tennessee.

Mr. COOPER. It is not only true that something like $100 million additional cost will have to be paid by the taxpayers of the United States, but an important point to bear in mind is that at the end of the contract if this power is provided by the Tennessee Valley Authority then the facilities all belong to the Government. In the case of the private power companies at that time they will all belong to the private companies.

Mr. PRIEST. The gentleman is correct. I was coming to that point and I am glad he brought it out at this particular time.

Going one step farther, if the appropriation bill a year ago had contained funds to begin some steam-plant construction at the Fulton plant—the gentleman from Tennessee offered an amendment at that time attempting to get those funds into the bill—if that amendment had been approved, or if the committee originally had brought in an appropriation for steam-plant construction at Fulton or elsewhere in that particular area, then we would be well on our way today toward providing the 600,000 additional kilowatts that will be necessary. Let us keep this forever in mind: Some people have argued about the question of the subsidization of TVA power rates. I am not going into that discussion at all. But let me say if there is subsidization of rates, then who is better in position to accept

the benefit of it than a Government agency which will use by next year all of the hydroelectric-power output of the whole Tennessee Valley Authority? That is the Atomic Energy Commission. Both of these are Government agencies, yet we find here what to me appears to be a paradoxical situation of one Government agency being told to sign a contract with a group of private utilities to furnish power for another Government agency from which the first Government agency is purchasing a huge block of power today.

Mr. Speaker, either the President was misdirected in this matter or has misinterpreted the facts before him. When he issued the order to do away with any competitive bidding, to sign a particular contract with certain utilities to supply power not for the Atomic Energy Commission but to be fed into the TVA system, he apparently had not considered the far-reaching national significance of such action.

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

Mr. PRIEST. I yield to the gentleman from Tennessee.

Mr. MURRAY. I wish to strongly endorse the position taken by the gentleman from Tennessee and concur wholeheartedly in his remarks. The directive of the President is most unfortunate and most regrettable. It does an injustice to the Atomic Energy Commission. It makes merely a token of the Commission. The President has given us to understand through the budget message of last January that the Tennessee Valley Authority needed additional power, that it would be relieved of 500,000 to 600,000 kilowatts of power to be furnished at the Paducah atomic-energy plant and that some private utility would be given the contract to furnish a similar amount of power to the atomic-energy plant at Paducah.

Now, the very contrary has happened. The TVA is not being relieved of any power liability there at Paducah. It is unfortunate that the President, through this directive, has ordered the Atomic Energy Commission to enter into a contract with a holding utility company for a period of 25 years to build a steam plant across the river from Memphis, Tenn., over in west Arkansas. The people of Memphis, Tenn., do not want this plant across the river in West Memphis because of the proximity of the plant to the city, because it will be a coal-steam plant and because of the sulfur and other objectionable factors in connection with the steam-plant operation.

I am hopeful that the President will further study this question, will get all the facts and get the true picture, then hold up this directive. I believe if he will go into the situation thoroughly he will realize the great mistake he has made and then rescind this order or directive.

Mr. PRIEST. I appreciate very much the apt conclusion of the gentleman from Tennessee [Mr. MURRAY].

Mr. Speaker, I simply want to read at this point a paragraph of an editorial appearing today in the Washington News. The title of that editorial is "Peddling Private Power Is No Job For AEC."

Here is one paragraph:

> If this was a delegated decision by Mr. Eisenhower then some subordinate has put him in an absurd position. If he acted with all the facts before his eyes then he misinterpreted the facts.

And that is in line with the conclusion of the gentleman from Tennessee [Mr. MURRAY].

Now, one further point on that particular phase of the subject. Last week at his press conference the President said in response to a question that he wanted some more time to study TVA from many different angles. Well, let me say this, and I say it in all seriousness, a 25-year contract that will cost the people of the United States approximately $100 million will prove to be one of the most expensive studies of any Government agency on record. There is no question about that.

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

Mr. PRIEST. I yield to the gentleman from Arkansas.

Mr. GATHINGS. The gentleman said that in 25 years this contract will cost $100 million. Is that correct?

Mr. PRIEST. It depends on the estimate. The Dixon-Yates estimate is $92 million plus. Other estimates range up as high as $139 million. So it depends on whose estimate you accept. But, the minimum estimate is about $92 million.

Mr. GATHINGS. Has not the gentleman seen the statement recently issued by the Bureau of the Budget, the Executive Office of the President, showing a study made by that Bureau as to the cost, the present cost, of the TVA furnishing power at Paducah and the Dixon-Yates proposal? Did the gentleman see that?

Mr. PRIEST. I have seen an analysis of the cost over a 25-year period under TVA power under the present contract that is in effect, and under the contract proposed by Dixon-Yates, and the minimum extra cost is about $92 million.

Mr. GATHINGS. Well, now, this statement here, which I do not assume that the gentleman would contradict, shows a difference of only $282,000 a year after Federal taxes have been paid; $282,000 additional cost. That is what the Bureau of the Budget says it will cost after taking out Federal taxes.

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

Mr. PRIEST. I yield to the gentleman from Tennessee.

Mr. COOPER. The great difficulty about the statement made by my good friend and neighbor, the distinguished gentleman from Arkansas, is that he is relying upon the Bureau of the Budget for his figures and his statement, while it is the Bureau of the Budget that committed this most unfortunate and regrettable act of directing the Atomic Energy Commission to enter into this contract in the first place. Certainly they will try to justify the position they have taken. But, I invite the attention of the gentleman to the fact that in the speech I made in this House on February 2 of this year I included considerable information about the actual experience that came about by comparing the action of the Tennessee Valley Authority with their plant at Shawnee and the private utility companies with their plant at Joppa. And, I invite attention to the information that I included in my speech on February 2 that shows very clearly that the Tennessee Valley Authority has by far the most favorable record so far as producing power in comparison with the private companies. You have an actual situation existing there at Shawnee and Joppa, just across the river from each other, and when you study that information there can be only one conclusion, and that is that TVA has far the superior record.

Mr. PRIEST. I thank the gentleman.

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

Mr. PRIEST. I yield to the gentleman from California.

Mr. PHILLIPS. The gentleman does not want a statement like that to stand unanswered. First of all, the gentleman says that this is going to cost $92 million more. And the gentleman from Tennessee questions that as being a Bureau of the Budget figure.

Mr. PRIEST. No; the gentleman from Tennessee stands on that figure of approximately $92 million more, as a figure given by Dixon-Yates.

Mr. PHILLIPS. Then let me give the gentleman a figure out of the congressional committee. As the gentleman well knows, both the AEC and the TVA come to my subcommittee for their appropriations. Who does the gentleman from Tennessee think is going to supply the money to build the TVA plant if it were built? The taxpayers of the United States.

Mr. PRIEST. And after 40 years, it will be completely paid for and it belongs to the people, may I say to the gentleman.

Mr. PHILLIPS. That is a controversial question. I am not going to take the time of the gentleman to discuss it now but after the gentleman has finished, and at the most opportune time, I shall ask the Speaker and the House for permission to address the House for 10 minutes to give the answers to some of these questions that are being asked. I hope the gentleman will give me the opportunity to make my request.

Mr. GATHINGS. Mr. Speaker, if the gentleman will yield at that point, I have a special order following the gentleman from Tennessee [Mr. PRIEST].

Mr. PHILLIPS. I shall ask for that permission at the proper time.

Mr. PRIEST. Mr. Speaker, there are a great many aspects of this problem, but I note on the floor the distinguished gentleman from California [Mr. HOLIFIELD], who is a member of the Joint Committee on Atomic Energy, who has very forcefuly and forthrightly brought this matter to the attention of the American public and has very consistently kept it before them. I should like in a moment to yield to him to discuss some of the details of the contract which he has studied and analyzed very carefully, but first I yield to the gentleman from Mississippi [Mr. ABERNETHY].

Mr. ABERNETHY. I thank the gentleman for yielding to me. I simply would like to make one or two brief observations.

First I want to congratulate the gentleman on his statement. He has made a very fine statement, one that the entire membership of the House will be interested in.

I want to associate myself also with the gentleman in the views that he has expressed. The resolution which he introduced should have the consideration of the House and I hope it will have. Certainly I shall do everything in my power to see that the House considers it.

The colloquy that has just taken place on the floor between the gentleman from Tennessee [Mr. PRIEST] and the gentleman from Arkansas, my good friend [Mr. GATHINGS], the gentleman from Tennessee [Mr. COOPER], and the gentleman from California [Mr. PHILLIPS] is just further evidence of the fact that we have no business trying to mix private and public power. You cannot mix them. You cannot any more mix private and public power than you can mix oil and water. This debate could go on for ages, for time immemorial, and there would be charges and countercharges, claims and counterclaims, and there would never be a time when we could all possibly reach an agreement on this particular point. You cannot mix these two things.

I think it is very unfortunate that the President of the United States, particularly after the commitments which he made to the people of the Tennessee Valley, has now come forward with a program which will have the effect of mixing private and public power which, in my judgment, just cannot be done.

This is the second step in the destruction of the Tennessee Valley Authority. The first step was the denial of adequate appropriations which had the effect of choking off the circulation of its blood. The second step is the effort to take what is left of it and mix it with private power. The two just will not mix.

Like the gentleman from Tennessee, I hope the President will reconsider this matter and that he will suggest that a committee of the Congress take the opportunity to thoroughly consider it before any contracts are signed.

Mr. PRIEST. I thank the gentleman.

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

Mr. PRIEST. I yield to the gentleman from Tennessee.

Mr. MURRAY. This directive is subject to further criticism because it does violence to open competitive bidding. The President's directive ordered the Atomic Energy Commission to execute this contract with a certain holding firm. The General Accounting Office, through the Attorney General, has criticized that action because it does not give open competitive bidding.

Mr. PRIEST. I thank the gentleman. That is one thing I tried to emphasize in the beginning, that it was not just a question of signing a contract but a specific contract with a specific syndicate of utilities, and without any competitive bidding.

Mr. MURRAY. I understand that another syndicate representing private utility concerns has offered to furnish this power at a far cheaper rate than the concern covered by the directive of the Chief Executive.

Mr. PRIEST. That is my understanding also.

Mr. ABERNETHY. Is that other concern within the favor of the administration or not?

Mr. PRIEST. I am sorry to say to the gentleman I do not have the facts.

Mr. ABERNETHY. Evidently it is not.

Mr. PRIEST. Apparently not, in view of the fact that no competitive bids were taken whatsoever with reference to this particular contract which the Atomic Energy Commission was ordered to sign.

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

Mr. PRIEST. I yield to the gentleman from Arkansas.

Mr. GATHINGS. I want to refer to the words of the able gentleman from Mississippi. He said these two things cannot mix, that you cannot take public power and mix it with private power. For a number of years a considerable quantity of power has been furnished by the Arkansas Power & Light Co., pumped into the TVA system there at Memphis; about 12 percent.

Mr. PRIEST. The TVA contracted for that when they needed it. There has been always a very pleasant working relationship between TVA and the surrounding utilities. Each one has supplied power for the other at various times during peak periods on a very harmonious relationship basis.

Mr. ABERNETHY. The facts are that the Tennessee Valley Authority Board has been relegated to a secondary position and is not given the opportunity to say whether this thing is good or bad, right or wrong, or in the interests of the people who purchase power from it. Now, instead of the Tennessee Valley Authority Board having the complete ruling authority over the power which it is supposed to distribute it will be forced to operate in a secondary fashion and listen to another board, and even to a private power company, before it can distribute all the power at its command. Certainly you cannot mix these two things in this fashion, because in so doing you take away from the TVA Board its complete power to rule and operate this Tennessee Valley Authority, which it is supposed to have.

Mr. PRIEST. The gentleman has very aptly, as usual, put his finger on the very heart of this pressing problem.

Mr. Speaker, I yield at this time to the gentleman from California [Mr. HOLIFIELD]. Along with yielding to him, I want to express to him my deep appreciation for the public service he has rendered in keeping this matter alive and in going into such an apt analysis of the situation.

Mr. COOPER. If the gentleman will yield, I am sure we express the true sentiment and feeling of those in the Tennessee Valley area when we express to the gentleman from California our very deep appreciation for the very great service rendered by him not only to the people of the Tennessee Valley area but to the people of the United States.

Mr. HOLIFIELD. I appreciate very much the kind words my two colleagues from Tennessee have expressed, and I assure them my interest in this matter has been as far as I can determine an interest that is, I believe, allied with the public interest. My first indication of this particular project came with the speech of the gentleman from Tennessee [Mr. COOPER] earlier in the year. And later on by a speech by the junior Senator from Tennessee [Mr. GORE] and of course, I heard the speech of the gentleman from Tennessee [Mr. PRIEST] today. Along in May sometime, I began to make inquiries as a member of the Atomic Energy Commission with regard to this matter because the Atomic Energy Commission has been designated by the President to negotiate and sign this contract with a private utility company on behalf of the power needs—the commercial, industrial, and residential power needs of the Tennessee Valley Authority in the Southwest TVA area. I think it might be well, as I do not intend to indulge today in a discussion of public power versus private power because I believe that the gentlemen from Tennessee and the gentleman from Mississippi, Members who are affected in that particular area, can well explain their position and defend the record of the Tennessee Valley Authority without any assistance from me, but I do want to say something of the technical, legal, and legislative background of this affair. In 1950 and 1951, certain plants of the Atomic Energy Commission were planned to be built at Portsmouth, Ohio, and Paducah, Ky., at the northeast and northwest corners, you might say, of the State of Tennessee. That authorization was given in a rider on an appropriation bill for the AEC to negotiate contracts with private power utilities as well as the Tennessee Valley Authority for the supplying of their electrical needs. In January of 1951, a group of five private utility companies, which later became known as the Electric Energy, Inc., received a memorandum opinion from the Securities and Exchange Commission allowing them to form a corporation for the purpose of supplying this energy to the atomic energy plant at Paducah, Ky. On November 7, 1952, the Securities and Exchange Commission also gave a memorandum opinion of approval—a contingent approval in both instances I might add—to a group of some 11 companies which became known as the Ohio Valley Electric Corp., otherwise known as OVEC. In both instances, the Securities and Exchange Commission waived the usual procedures for full hearings before allowing utility companies to receive approval for the funding of their bonded indebtedness. They specifically said in this waiver that they were merely postponing this approval and were making this postponement on the ground of defense needs of the Nation and the "exigencies of defense," which is the language they used. It might be noted that all of the electric energy produced by the Electric Energy, Inc., group in Paducah, Ky., and the Ohio Valley Electric Corp. at Portsmouth was

delivered to an AEC facility and used in that facility and not elsewhere. In making these contracts with these companies, the Atomic Energy Commission realized it was on very thin ice legislatively speaking, and they were told to come to the Congress and get legislation passed that would authorize from a legislative standpoint these tremendous contracts—one at the Portsmouth facility amounting to over $400 million, and one at Paducah, the facility of the Electric Energy, Inc., running over $207 million. So they appeared before our committee last year on April 28 and on June 10, and they asked for legislative authorization. A bill was produced before us, and it might be well to go back into the hearings to find out what this bill meant at that time.

At this point, Mr. Speaker, I ask unanimous consent to place in the RECORD the complete text of section 12 (b) of the Atomic Energy Act of 1946, as amended, which was carried over in the pending bill H. R. 9757 and is designated as section 164.

The SPEAKER. Is there objection?

There was no objection.

(The matter referred to follows:)

SEC. 164. The Commission is authorized in connection with the construction or operation of the Oak Ridge, Paducah, and Portsmouth installations of the Commission, without regard to section 3679 of the Revised Statutes, as amended, to enter into new contracts or modify or confirm existing contracts to provide for electric utility services for periods not exceeding 25 years, and such contracts shall be subject to termination by the Commission upon payment of cancellation costs as provided in such contracts, and any appropriation presently or hereafter made available to the Commission shall be available for the payment of such cancellation costs. Any such cancellation payments shall be taken into consideration in determination of the rate to be charged in the event the Commission or any other agency of the Federal Government shall purchase electric utility services from the contractor subsequent to the cancellation and during the life of the original contract.

Mr. HOLIFIELD. Mr. Speaker, I refer to the language in this section 164, which is in the pending bill, with the understanding that it is a verbatim copy of section 12 (d) of the 1946 act, as amended, section 12 (d) being passed in August 1953, and legalizing, legislatively, you might say, negotiations and tentative contracts which had been entered into on the basis of riders in previous appropriation bills.

In questioning Mr. Boyer, who at that time was general manager of the Atomic Energy Commission, and was before our committee speaking for the Commission—and you will find these quotations in legislation concerning long-term utility contracts—hearings before the Joint Committee on Atomic Energy, hearings held April 28 and June 10—and I turn to page 22 and I quote in answer to a question by myself, Mr. Boyer's language.

He said:

If you will notice the language we are proposing "The Atomic Energy Commission is authorized in connection with the construction and operation of the Oak Ridge, Paducah, and Portsmouth installations of the Commission, without regard to section 3679 of the Revised Statutes."

In other words, it is limited to the power requirements for those three installations. It is not a wide open authority.

Then I turn to page 43 of the same hearings, and Mr. Boyer, in answer to a remark by Congressman HINSHAW, of California, said:

The proviso in the Supplemental Appropriation Act of 1953 is the proviso that gives us the authority to make this contract or make these contracts, and it is essentially the same language as this, except that as it will now be written it will limit it to Oak Ridge, Paducah, and Portsmouth.

Now I turn to some additional language, which appears on page 36 and page 37 of the same hearings. The gentleman from California [Mr. HINSHAW] said:

Mr. Chairman, this appears to be an authorization to the Atomic Energy Commission existing in law from now on to enter into new contracts and revise contracts and so forth, in connection with supplying of power for any activity the Commission undertakes.

The gentleman from California [Mr. HINSHAW] continues:

I do not think that the committee is ready to go that far, that they have been considering the power situation in the vicinity of Portsmouth, and also in the Tennessee Valley, but I doubt that the committee is ready to give a carte blanche over the entire system as being presently operated by the Atomic Energy Commission, and to be unlimited as to the date, the times in which such contracts can be entered into, and their termination, the cancellation costs or anything else.

That is all I have to say. I personally would object to such legislation on that ground.

Further on page 37, the gentleman from California [Mr. HINSHAW] said:

I think the legislation ought to contain a limitation that it applies to these particular contracts that are to be issued and which have been brought before the committee and the committee has had a chance to look at and criticize. That is not saying anything about any future contracts that may be entered into.

The committee has, or will, I presume, by this action give approval to these contracts that have been entered into. As to future contracts and termination costs, I think we would be under very great criticism on the part of the Congress if we should enter into them in blank.

I read these remarks and this testimony before our committee to indicate to the Members of this Congress that it was never contemplated that the Atomic Energy Commission should be given the authority to make electric utility contracts for 25 years, mind you, for any other facility than those three facilities named in the section.

And I read to you the pertinent part of section 164:

The Commission is authorized in connection with the construction or operation of the Oak Ridge, Paducah, and Portsmouth installations of the Commission without regard to section 3679 of the Revised Statutes, as amended, to enter into new contracts or modify or confirm existing contracts to provide for electric utility services for periods not exceeding 25 years.

That is the pertinent part. The reference to section 3579 of the Revised Statutes does not have the meaning that we are giving to them power to make 25-year contracts where no other agency of Government that I know of is given that particular power.

So my position is, and has been, this: That the President of the United States has been ill advised and misinformed when he was persuaded or advised to recommend that the Atomic Energy Commission, because of the fact that it had a 25-year contracting privilege, should be used to become in effect a power broker to contract with a private-utility company to supply electrical energy—not to its own facilities—not one kilowatt to its own facilities—but to the Tennessee Valley Authority grid, in the southwest area of the Tennessee Valley grid, for commercial, residential, and industrial uses.

Mind you, this energy does not go into defense plants outside or within the Atomic Energy Commission; it goes into the power needs of the Tennessee Valley Authority and the people within that direct area.

The President has issued this directive and told the Atomic Energy Commission to proceed to negotiate and sign this contract. We are faced here with this situation: The Congress of the United States has established an Atomic Energy Commission for the purpose of producing nuclear power for the defense of our Nation in atomic and hydrogen weapons of all kinds. It was for that purpose that it was created, and necessary to that purpose was the necessity to have electrical energy to operate these great plants, plants which are using at this time 5 percent and more of the total electrical energy output of the United States. When it became necessary to have additional power other than that supplied by the Tennessee Valley Authority to the Oak Ridge plant these long-range contracts were authorized in the two instances that I have noted, at Portsmouth and at Paducah.

The hearings, the remarks of committee members, the statement of the general manager before us, and other testimony which I have presented, which is in the hearings and which is in the discussion in the appropriation testimony sought to tie that contracting power down.

The Atomic Energy Commission is an independent agency of the Government. It operates under the law, the McMahon Act, which we passed to guide its administrative actions. It does not operate under the direction of the President of the United States except in certain specific instances, which are written into the Atomic Energy Act, and those instances have to do with the deployment of weapons, with the setting of the amount of nuclear material that is intended to be produced annually, and other actions specifically concerned with the national defense. So it is my considered judgment that the President has gone beyond the power and authority given to the Atomic Energy Commission in its basic authorizing legislation. If he has done that, then, clearly the AEC Commissioners are acting beyond their authority and clearly their acts are subject to challenge, both legally and

by the Congress of the United States, because where the President in many instances has been loathe to desert the executive halls and try to influence the legislative body, in this instance he has deserted the executive position, in my opinion, and he has directed an independent agency of the Government to proceed beyond the authority given it in the basic legislation. I refer specifically to section 12 (d) of the Atomic Energy Act of 1946, as amended, and to section 164 of the pending act which will become the authorizing legislation when it is considered later on this year.

Now that I have made my position plain, I would like to use, if I may encroach upon the gentleman's time further, a few additional minutes in which to point out some of the factors in this contract.

Regardless of the figures which have been advanced by the gentleman from Arkansas [Mr. GATHINGS], my neighbor, who I regard very highly, General Nichols, General Manager of the Atomic Energy Commission, testified before the Joint Committee on Atomic Energy that it would cost the Government a minimum of $92 million over the 25-year contract period more than if the AEC took the same amount of energy from the TVA. That is based on the cost of energy that the TVA is now supplying power to the Paducah plant. The manager of the power division of the Tennessee Valley Authority, Mr. Wessenauer, testified that according to the Tennessee Valley Authority computation it would run close to $145 million over the period of the contract. General Nichols said it would cost $3,685,000 more annually for the power used than if they bought it from TVA at the Paducah rate. Mr. Wessenauer testified that it would cost $5,600,000 more annually for the period of the contract. Mind you, this is an overcharge in both instances.

The regular rates which are charged would take care of amortization in one instance of the TVA plant, and amortization in the other instance of the Dixon-Yates plant.

There were some other interesting things in this contract. I will not have time to go through the entire contract. In this contract the Atomic Energy Commission is made liable for the Federal, State, and local taxes of the Dixon-Yates private utility corporation to the tune of $2,319,000 a year; $1,499,000 represents the State and local taxes, including $83,000 worth of State income taxes that goes to the State of Arkansas; $820,000 represents a Federal tax on income.

Mr. Speaker, do you realize the impact of what I am saying? The Atomic Energy Commision is going to pay $820,000 Federal income taxes for a private utility corporation. This is the most amazing thing I ever heard of. Will the Government pay the private corporation income taxes of other corporations in the future? Will they pay your Federal income tax and mine in the future? They are setting a precedent by spending $820,000. And for what reason? That is so that the Dixon-Yates people can come within a minimum overcharge of $3,685,000 a year of the TVA. It is for the purpose of giving the Dixon-Yates people a 9-percent net yield on their equity investment, which is 5 percent of $107,250,000. It is for the purpose of making it possible for them to fund to private buyers 95 percent of the capital plant investment at a guaranteed rate of 3½ percent to private bond buyers, and they can only do this because of the 25-year Government contract with the United States Government. That is the only way that they can fund a 95-percent capital plant investment at 3½ percent.

But, this is not all, I would say, Mr. Speaker. The Government of the United States is obligated—and these figures are coming, I might say, from a letter to Mr. Dodge from the Chairman of the Atomic Energy Commission, Mr. Lewis Strauss, and he says in section 4 (e) of the cancellation privilege section the total maximum cost of cancellation to the Government, assuming the plant is idle from date of notice of cancellation, it is estimated at $40,012,500 plus fair and reasonable expenses payable to the third party. The Government is obligating itself to a $40 million cancellation clause on a $107,250,000 private utility plant.

Now, I have not even touched this contract. I am going to make an analysis of this contract, but I have taken more time of the gentleman from Tennessee than I ought to. But, if I could get more time, I would go into this contract and show you some of the things which I have not yet touched on but which I hope to touch on in the future.

In conclusion, because I see I have used too much of the gentleman's time, I just want to say that I appreciate the opportunity he has given me to explain some of the matters in this contract, and I will be glad to stay on the floor and answer any questions of any succeeding speaker.

Mr. PRIEST. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include an editorial appearing in the Washington News entitled "Peddling Private Power Is No Job for AEC."

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

There was no objection.

Mr. PRIEST. Mr. Speaker, I appreciate very much the contribution made by the gentleman from California. He did not take too much of my time, because everything that he has said is important and it is based on the record, on the law, and on the contract, and I am happy to have it as a part of the record on this occasion.

I am glad also that the gentleman from California has obtained a special order for tomorrow in order to discuss some of the details of this contract. I am sure that my time is nearly up, but let me just say in conclusion, Mr. Speaker, as I said in the beginning, this is a matter that transcends in importance the question of public versus private power. It is a question involving the integrity and the independence of two Government agencies, not just one. It is a question which I believe is one of pressing national concern. I have introduced a resolution attempting to approach it from one viewpoint. I hope, however, as I expressed earlier today, that the President, being fully mindful of a situation that has developed because of this order, may see fit to withdraw it.

PEDDLING PRIVATE POWER IS NO JOB FOR AEC

The United States Atomic Energy Commission, whose sole job should be to maintain American atomic superiority for the safety of the free world, has been ordered into a ridiculous, costly sideline for the next 25 years.

It has been directed, over its own protest, to contract with private utility companies for a large amount of electric power to be delivered to the Tennessee Valley Authority—200 miles and more away from the closest AEC facility.

President Eisenhower issued the order. Presumably it was to prove what needs no proving: That this administration looks favorably upon private enterprise.

The President has directed that this unnecessary, dangerous and expensive gesture of friendliness to the private power industry shall be accomplished by AEC's signing a contract with Middle South Utilities, Inc., and the Southern Co. These two companies would form a third company to build a big new steam-electric generating plant at West Memphis, Ark., just across the Mississippi from Memphis, Tenn.

AEC told the Budget Bureau "the Commission did not agree on the wisdom of AEC entering into this type of contract." Three of the five atomic Commissioners opposed it. Among this majority was the outstanding exponent of private enterprise in the AEC, Commissioner Thomas E. Murray, of New York.

Although called an independent office of the Government, AEC passed the buck on the final decision to the White House. The President, through his Budget Bureau, decided in favor of the contract.

If this was a delegated decision by Mr. Eisenhower, then some subordinate has put him in an absurd position. If he acted with all the facts before his eyes, then he misinterpreted the facts.

He ordered the contract despite the fact that Budget Bureau and AEC figures showed power from the private concerns would cost the Government at least $3,685,000 more a year than power bought from TVA at Paducah, Ky. The chief difference was in the fact that TVA paid no taxes while the private company did, and TVA got its money at a cheaper interest rate than the private company. So, Mr. Eisenhower ordered AEC to pay all the private company's taxes; and the contract, if signed, would constitute a Government guarantee of the $100 million in 3.5 percent bonds the private company would issue to finance the plant.

The President's decision means that over the minimum period of the contract, the minimum excess cost to the Government of this power from this private source would be $92,125,000.

The basic fault of this proposed contract is that it forces the Atomic Energy Commission into a field where it has no business being. TVA needs more power at Memphis, not the AEC. But AEC is being used as a reluctant power broker.

The next major fault lies in the waste of more than $92 million in Federal funds over the next 25 years. At the end of that time, the private powerplant, completely paid for with United States tax dollars, will remain the property of the private companies.

The proposed contract would set a precedent which might be used in later years to make AEC a power broker anywhere in the country.

It would mean construction of a big powerplant on a made-land site that could be flooded by the Mississippi River. And it may

loose ashes, smoke, and sulfur on the clean city of Memphis.

It would commit the AEC, not the TVA (although TVA gets the power), to pay all the local, State, and Federal taxes of the company that builds and operates the West Memphis plant. This tax bill would make up the bulk of the $92 million excess cost.

AEC has authority to buy power it needs. It should not be forced to prostitute this authority to buy power for TVA.

If TVA is subsidized by the Government, as some claim, then what better beneficiary of this subsidy than our own atomic plants?

If it is decided that TVA shall get no more appropriations from the Treasury to build additional generating plants, then let AEC and TVA each fulfill its own power needs from private power sources at the cheapest possible rate.

The General Accounting Office has suggested that AEC's power needs be met by a contract let on an advertised low bid.

That sounds reasonable to us.

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. EVINS] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. EVINS. Mr. Speaker, I want to commend my able colleague, the gentleman from Tennessee [Mr. PRIEST] for his excellent statement and his excellent presentation of his position with regard to this vital matter.

And I want to associate myself with his views on this important question. As he well knows, I consider his views to be sound and I may say to him that, "You have never been more right in all your fine and useful years of service as Congressman from the Hermitage district of our State of Tennessee—service not only to our State but to our Nation."

At this time, Mr. Speaker, I should like to repeat what I attempted to point out in my statement of June 21, last. My statement relative to this matter appears in the RECORD as of that date.

This, I believe, bears repeating. Although President Eisenhower had words of praise and commendation for the TVA when he was a candidate in the State of Tennessee, I feel now that any illusion that the President may have been friendly disposed towards the TVA must now be completely discounted and disregarded.

The President's hostility and enmity to the TVA has been very clearly demonstrated on several occasions. He has moved from a position of praise and announced friendly attitude to one of open hostility. I say this based on the following revealed acts:

Although the last Democratic budget contained recommendations for new starts and additional needed facilities for TVA, the Eisenhower budget deleted and cut out funds for construction of the Fulton steam plant and other needed facilities and funds have been reduced by the Eisenhower administration for the TVA operation.

Secondly, Mr. Speaker, the President has referred to TVA as an example of creeping socialism. When challenged with regard to this statement, the President retreated on this statement, and stated that his remarks were not directed at the Authority itself but at those who argue for its expansion.

Thirdly, the President has refused to recommend for appointment Chairman Gordon R. Clapp to the TVA Board of Directors, whom everyone recognizes as having been a most able and efficient administrator.

And, now, Mr. Speaker, the proposal has been made that the Atomic Energy Commission enter into a private contract with the private power syndicate for the purchase of 500,000 to 600,000 kilowatts of private power to be distributed by the TVA to its consumers. In other words, the giving of a private power syndicate a foothold in TVA area, breaking of the yardstick of low-cost rates to the consumers and increased profits to the private power syndicate at the expense of the American taxpayer. The proposed contract is indefensible. It would put the Atomic Energy Commission into the power brokerage business—a purpose for which it has no inclination and no disposition and no authority in law.

Let us take a look at the proposed contract itself.

This contract is for 600,000 kilowatts of power—what will it cost?

The General Manager of the Atomic Energy Commission has indicated that this private power will cost in excess of $3,600,000 a year over the period of the contract. The contract is for a 25-year period. The ultimate cost of this proposed private power deal is estimated by the Atomic Energy Commission to be in excess of $90 million.

TVA's power manager puts the estimate even higher. He estimates that the increased cost will be $139 million over the 25-year period of the contract—$139 million above the cost of power produced by TVA.

There are also other windfalls, Mr. Speaker.

The TVA would be required to build the power transmission lines from the plant to be built to the TVA system. The rates to consumers would be forced up—the TVA yardstick rate would be broken—the American taxpayers would foot the bill, and the private power syndicate would be fattened by a favored contract not in the public interest.

Mr. Speaker, this matter has been well analyzed by the press and others, and I would like to give a few quotes from various sources, all looking with extreme disfavor on the deal ordered by the President.

President George R. Dempster, of the Citizens for TVA Organization, has said:

This is the first step toward incapacitating the TVA power system. Also, it is at least a $100-million blow to the American taxpayer, who will have to make up the difference between the cost of TVA power and private monopoly power. TVA's 22-year record of low-cost, efficient power production has been brazenly rejected in favor of profits for the private utilities. The deal represents a clearcut repudiation of the President's campaign pledge to maintain TVA at maximum efficiency.

Atomic Energy Commissioner Thomas E. Murray, who is, incidentally, one of the majority of the AEC opposing the deal, has declared:

The proposed West Memphis, Ark., plant is not needed by our facilities. AEC is being used as a vehicle to supply expanding power needs of the Memphis area.

I would like to give other quotes, Mr. Speaker.

The Acting Comptroller General of the United States, Mr. Frank H. Weitzel, has asserted:

The President can enforce the order only by changing its terms or invoking extraordinary powers. Consideration should be given to the feasibility of letting the contract to the lowest bidder.

The Chattanooga (Tenn.) Times has expressed the following view editorially:

Many enemies of TVA have shed crocodile tears for the taxpayers of the country who they wrongly claim are being taxed to operate the TVA. Certainly there is no doubt that the taxpayers of the country are going to have to pay these excess costs for supplying the atomic plant at Paducah through private utilities.

Another editorial view, Mr. Speaker. The Memphis Commercial-Appeal:

On its face, it is a losing decision for the Nation's taxpayers. The private power industry, which has been weeping across the land about subsidies in TVA power prices, will now collect money from the Federal Treasury which could have been saved by financing more TVA power. * * * For the Nation's taxpayers, including income taxpayers of Memphis and West Memphis, we have a higher bill for defense electricity. For the private power industry we have a wide grin of grim victory.

Thomas L. Stokes, nationally syndicated columnist whose reports appear in the Nashville Tennessean and other papers, has said that President Eisenhower's directive "is regarded—and welcomed—by the private power interests as the opening wedge to move into TVA at other salients in the same way. They envisage a pincers movement that would stop further expansion of TVA, strangle it, and sabotage it as a competitive yardstick."

The St. Louis Post-Dispatch, Mr. Speaker, quotes Admiral Strauss, AEC Chairman, who supported the President's directive, as saying power companies faced with "Government competition" eventually are "forced to the wall." And the editorial added:

TVA has been operating for 21 years now, yet Admiral Strauss does not name one power company which TVA has forced to the wall. To the contrary, between 1939 and 1952 the earnings of the nine power companies that were immediate neighbors of TVA increased two and a half times as much as the earnings of power companies generally.

The Nashville Tennesseean has taken this view:

The net effect of this brazen deal will be to block needed TVA expansion, to give private power the foothold in the TVA area it has been seeking so long, and to guarantee the participating companies a huge built-in profit at the expense of the American taxpayer.

The same editorial points out that Middle South Utilities and the Southern Co., are utility holding companies with headquarters in the East, and adds that

the President "has demonstrated the hollowness of his platitudes about encouraging local private interests to develop power projects."

Mr. Speaker, this whole deal—this unholy contract—should be revoked and the TVA permitted to continue to serve this Nation and the public interest.

SPECIAL ORDER GRANTED

Mr. HOLIFIELD asked and was given permission to address the House on tomorrow for 45 minutes, following any special orders heretofore entered.

ATOMIC ENERGY COMMISSION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Arkansas [Mr. GATHINGS] is recognized for 15 minutes.

Mr. GATHINGS. Mr. Speaker, the future of the citizen and his institutions is being considered here today.

The question at issue, Will the American people support the Government—local, State, and Federal—or will the Government support the people?

Eighty-five million dollars was requested of the Congress to start the construction of a proposed power-generating plant to be located at or near Fulton, Tenn., and other steam plants in the TVA area, in order that 600,000 kilowatts of power can be made available for use by the Atomic Energy Commission. There is no doubt that this additional power will be required. The only question for determination, it appears to me, is whether or not the Government itself should build its own steam-generating units or whether private concerns should provide the power.

Tennessee Valley Authority is not on trial here. Tennessee Valley Authority and its continued well-being is not in jeopardy in the least. I have supported Tennessee Valley Authority for a number of years and feel that it has done a good job in the area it serves. It was my pleasure, in company with the House Committee on Agriculture, to make a study at first hand of some of the activities of the Tennessee Valley Authority. Our committee visited Knoxville, Tenn., the Kingston, Tenn., steam plant site, Florence, Ala., and other points in the Tennessee Valley. The committee was privileged to go through the fertilizer plant near Florence and also to inspect the dam located there. The people generally in the affected area approve of the accomplishments of this governmental agency.

In the President's budget message of January 1954 he said:

> Arrangements are being made to reduce, by the fall of 1957, existing commitments of TVA to the Atomic Energy Commission by 500,000 to 600,000 kilowatts.

The Middle South Utilities and the Southern Co. have made an offer to the Atomic Energy Commission to furnish 600,000 kilowatts of power which, if accepted by the Atomic Energy Commission and other agencies of the Government, would make it unnecessary to appropriate money by this Congress for the construction of Government plants to provide such power. If a contract is consummated, it would amount to business and Government working together in a partnership arrangement in the interest of the national defense. This is nothing new that private power companies supplement the Tennessee Valley Authority power supply.

Between seven and eight billion kilowatts of power have been sold the Tennessee Valley Authority by private companies in the past 2 or 3 years at a rate of approximately 4½ mills.

The present issue gets down to the question of whether the Government of the United States will invade further the sphere of private business or whether free competitive enterprise will undertake to do the job.

The only difference between the rate which Tennessee Valley Authority would charge the Atomic Energy Commission and the private companies is that the private companies would add certain taxes that such utilities must pay to State and local governmental bodies. In another way the question boils down to whether the taxpayer would support the Government or the Government support the taxpayer. Anyone who would subscribe to the doctrine that the Government should invade deeper into private business fields in those cases where private firms are standing by ready, willing, and able to perform such functions, would want to make appropriations available as requested by the Tennessee Valley Authority in this instance.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield for a correction?

Mr. GATHINGS. Yes, I yield.

Mr. HOLIFIELD. The gentleman is in error, if he thinks that taxes are the only item of difference.

Mr. GATHINGS. I shall ask permission to insert as part of my remarks a table which will bring out the facts in this regard.

During World War II the implements of war were provided by established business largely. These business firms were able to convert their plants and take contracts to manufacture needed items in the war effort at that time. There were few if any who objected to the Massy-Harris Farm implement Co. taking a contract for the production of light tanks. The Government could have produced tanks in a Government plant if it had thought it wise to do so. There is no difference in the Government contracting today for needed defense services and commodities. The proposal that has been submitted by Middle South Utilities and the Southern Co. will not require that taxpayers' funds be used in the construction of the proposed private plant.

There can be little question of the soundness of the theory that the Federal Government should pay a price for commodities and services furnished it—amounts that represent taxes paid by local concerns to local and State government.

The calamity howlers are in evidence on all sides. They cry out with fervor. These peddlers of gloom are fighting this proposed contract. They say this contract means "dismemberment of TVA." They go so far as to say that the TVA is being, quote, "cut to pieces."

The execution of the contract would mean that TVA could release 600,000 kilowatts for use elsewhere in its area. The contract would not deprive the Tennessee Valley Authority from any of its rights, privileges, or functions that it now enjoys. Would the execution of the contract to the private companies result in a less efficient operation of the fertilizer plant? Would it eliminate or cripple its research program? Would it take away any of the control that it now enjoys over the vast Tennessee Lake and its environs? Would such action by the Government's negotiation of such proposed contract cut down on the number of employees now working for TVA? Could the signing of the contract in question increase rates to TVA customers when a vast amount of additional power would be released to that agency?

Since 1949 the enormous requirements of the Atomic Energy Commission have been provided by the Tennessee Valley Authority through replacement into its system of AEC's additional power needs. In order to make the power available to Oak Ridge, the TVA recommended the construction of the unit 4 Johnsonville steam plant which is located about 200 miles from Oak Ridge. At the same time, TVA asked authorization and funds for the building of the Widow's Creek plant, which is located some 100 miles from Oak Ridge. Later when the great Oak Ridge load requirements were increased, TVA requested funds for the construction of 2 units at Johnsonville, 2 at Gallatin, and 2 at Kingston. Gallatin is 150 miles from Oak Ridge, and Johnsonville is about 70 miles from Oak Ridge. The Kingston plant is adjacent to Oak Ridge, and the generators at Kingston were to be used in order to provide the power at Oak Ridge. The area's additional growth was to be met by the Johnsonville and Gallatin plants through the replacement method.

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

Mr. GATHINGS. I yield to the gentleman from California.

Mr. PHILLIPS. Is it not a fact that the plant that TVA proposes to build to supply this particular demand is 115 miles from this territory?

Mr. GATHINGS. I believe the gentleman did not give the correct figure. Fulton, I believe, is some 20 miles north of Memphis. It is 173 miles from Memphis to Paducah, so it would be somewhere in the neighborhood of 150 miles.

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

Mr. GATHINGS. I yield to the gentleman from Tennessee.

Mr. COOPER. Since Fulton is in the district I have the honor to represent, I might be able to know as much about it as the gentleman from California.

Mr. GATHINGS. Yes, I will be delighted to yield to the gentleman to give us the correct distance.

Mr. COOPER. The Fulton site is about 30 miles from Memphis. The purpose of the Fulton plant is to provide

power for west Tennessee which is badly needed.

Mr. GATHINGS. I am showing here that it has been done before by the TVA, pumping in this power through the system and using it throughout the whole area. I thank the gentleman for his contribution.

Mr. COOPER. The gentleman will admit, of course, there has always been an interchange of power at certain times between TVA and private power companies, just as there has always been an interchange of power between private power companies?

Mr. GATHINGS. Yes. I want to say to the gentleman now that the plant he is interested in would be built in his district, and the plant I am interested in would be built in my home city.

Mr. COOPER. I am not criticising the gentleman for speaking for his home city any more than he would criticise me for speaking for my area.

May I ask the gentleman, did he for one moment think when the President's Budget Message included the statement he has quoted that it meant that the Atomic Energy Commission was expecting to make a contract to provide power for the public and not for the Atomic Energy Commission's use?

Mr. GATHINGS. When the President made that statement he had in mind that this power be furnished by private sources, by private industry solely and exclusively. That was my idea of what was in his mind. I had not discussed it with him. This power in the TVA area is to a large degree used to supply Atomic Energy and other defense needs as well as for use through the whole zone of operations of that agency.

I cannot yield further. I have only 15 minutes and I have not gotten started good yet.

Now, let us look at the power picture at Paducah. TVA asked moneys for additional power production at Shawnee and for portions of two units at Gallatin. Gallatin is about 130 miles from Paducah. TVA objects to the building of a plant at West Memphis to pump into the interconnecting system 600,000 kilowatts of power on the ground that West Memphis is some 180 miles from Paducah. TVA itself fathered the idea consistently for several years and has taken similar action at this particular time in asking Congress to appropriate funds for the Fulton steam plant, which is located some 20 miles north of the city of Memphis. "The shoe hurts the foot" when the President of the United States decides that private industry should be called upon to furnish the 600,000 kilowatts.

The annual cost for TVA to supply the power, using the rate which TVA now charges AEC at Paducah, is $19,856,000. Under the Middle South, Southern, or Dixon-Yates proposal, the cost is $20,959,000 less Federal taxes of $820,000, or only $282,000 more than the TVA rate. The total annual cost of the power under the private contract would amount to $18,640,000, exclusive of taxes, against the TVA figure of $19,856,000—$1,216,000 less cost under the private contract than the TVA figure when no consideration is given to the payment of taxes.

Mr. Speaker, I ask unanimous consent as part of my remarks to include a table showing comparative figures which I have just referred to.

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

There was no objection.

The table referred to is as follows:

Comparison of annual cost for power supply from Dixon-Yates proposal versus cost to AEC of power from TVA at Paducah, using 600 MW capacity, 5.2 billion kilowatt-hours per year or 98 percent load factor and 19 cents per million British thermal units fuel cost

	Tennessee Valley Authority		Dixon-Yates	
	Present Paducah contract	Mills per kilowatt-hour	Revised proposal Apr. 10, 1954	Mills per kilowatt-hour
1. Production and transmission:				
Capacity	$8,208,000	1.578	$8,775,000	1.688
Energy	11,648,000	2.24	9,688,000	1.863
Total	19,856,000	3.82	18,463,000	3.551
2. Difference: Paducah versus Dixon-Yates			(1,393,000)	
3. TVA transmission required to primary point of delivery			[1] 177,000	
4. Total (excluding taxes)			18,640,000	3.58
5. Taxes (Federal, $820,000 plus Arkansas State and local $1,499,000)			2,319,000	.446
6. Total (including taxes)	19,856,000	3.82	20,959,000	4.03
7. Difference: Paducah versus Dixon-Yates			1,103,000	
8. Less Federal taxes			820,000	
9. Difference: Paducah versus Dixon-Yates less Federal taxes			282,000	

[1] Represents difference in TVA annual transmission cost to deliver power from Fulton and Johnsonville plants ($430,000) and their corresponding costs from the receiving point for Dixon-Yates power ($607,000).

Source: Bureau of the Budget.

Mr. GATHINGS. Local, State, and Federal taxes will, of necessity, be paid to the various governmental units in one way or another, regardless of whether the TVA furnishes the power or whether private industry delivers it. The Federal Government has for several years contributed funds to school districts which have felt the impact of the Federal Government by and through the construction by the Government of defense installations within these districts. The Government of the United States is now contributing for maintenance, operation, and for new construction the sum of $370,152.32 to the Kingston School District and the sum of $118,829.92 to the school district in which the Johnsonville plant is located. After taking into consideration the amount of money that the taxpayer is called upon to reimburse districts where steam plants have been built by the TVA, the private-power contract is much more economical than the amount of cost that will be incurred should TVA furnish the power, using the rate that it is now charging AEC at Paducah.

I am proud to have supported the Tennessee Valley Authority in the development of its region. I have been working tirelessly to provide badly needed flood-control projects, rivers and harbors improvements, and for the construction of dams along the Nation's major streams for the production of hydroelectric power. I am glad to have had a hand in the growth and development of the Tennessee Valley. This growth has reached the fullest and maximum degree of potential. This Congress has appropriated to the Tennessee Valley Authority power program and for the transfer of Government property to the TVA, less repayment to the United States Treasury of $50,059,019, the total sum of $800,489,722, through June 30, 1953. According to the 1953 TVA annual report, page A-4, this governmental agency had bonds outstanding of $34 million; accumulated net earnings withheld from the Treasury of $225,773,288; rents and other revenues collected in advance of $1,220,589; and contributions in the sum of $279,720, the grand total being $1,061,763,319.

The people of the Tennessee Valley have been the recipients of the Nation's bounty and goodness. The people of America have been most considerate. Your colleagues in nearby States, as well as from various sections of the country, have had a hand in this great development.

Friendly relations have always existed between the peoples of the two States of Arkansas and Tennessee. Tennessee has offered our people good theatrical entertainment; excellent hotel and hospital facilities; Tennessee banking and other lending institutions have throughout the years made funds available to Arkansas business and farming interests. We are most grateful for the kindnesses shown us. We deposit our money in your banks; we patronize your automobile dealers; we are your customers for farm implements, furniture, appliances, clothing, jewelry, and other items; a large percent of department store sales in the city of Memphis are made to Arkansawyers. A good percent of the cotton handled by the Tennessee merchants comes from the alluvial Arkansas delta. We have spent millions of dollars annually in the State of Tennessee and hope to continue to do business with Tennessee firms and commercial institutions. The sales tax alone collected by the State of Tennessee from Arkansas people would be a sizable sum of money. We hope that the future will

hold nothing but good will and good neighborliness between those who reside on both sides of the Father of Waters. It is estimated that two-thirds of the total construction costs of the proposed West Memphis plant would be spent in the State of Tennessee. These salary checks will find their way to Tennessee coffers. We raised no objection when major installations, such as the Millington Naval Base, the Quartermaster Depot, and the Firestone Co. were established to the east of the Mississippi River. We have never fought the expansion of the city of Memphis and the State of Tennessee. We have been proud to help you accomplish these advances and improvements. We have rejoiced in your good fortune.

If TVA is good for the Tennessee Valley area, similar authorities would be good for all the rest of the country. If public power is appropriate for all the people of the Nation—the steel mills, coal mines, railroads, all forms of communications media, drugstores, and the like, owned and operated by the Federal Government would be good for the people of the United States.

The President's proposal for private power companies to furnish this power is logical, reasonable, economical, and in keeping with American principles of governmental support by taxpaying citizens.

HASTY ACTION ON REVENUE REDUCTION IS RECKLESS DISREGARD OF REALITIES

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania [Mr. EBERHARTER] is recognized for 20 minutes.

Mr. EBERHARTER. Mr. Speaker, it will be recalled that the Democratic Members of the House on a motion to recommit the tax bill came within 3 votes of deleting one of the windfall provisions for the wealthy in the current tax bill, H. R. 8300. Democrats moved to strike out the provision providing an exclusion of and a credit on dividend income, and to increase individual income-tax exemptions by $100 for dependents.

I am very pleased to note that the other body has considerably reduced this windfall, although I am concerned that it did not see fit to eliminate it entirely. By a vote of 71 to 13, their action reduced the relief for coupon clippers to a $50 exemption. The House bill provided a windfall of a $100 exclusion plus a 10-percent credit on the remaining amount of dividend income. The revenue loss in the House provision amounted to $814 million a year when fully operative. The revenue loss under the floor amendment adopted by the other body will amount to $50 to $55 million a year. At a time when our Government sorely needs revenue, this is a most important saving.

When our Committee on Ways and Means announced its action providing a tax windfall to stockholders, it was stated that the committee's action was taking "the first step toward the elimination" of taxation on dividend income. Although the amendment considerably shortens this first step, nevertheless this first step is still being taken.

If ever there was tax relief at the wrong place and at the wrong time, the relief on dividend income is it. The present administration still insists, even in the face of the fact that about 8.5 percent of our total labor force is either involuntarily on short time or completely unemployed, that what we need is tax relief which will provide incentive for investment in plant expansion. It is my opinion that anyone who has even the most elementary knowledge of economics should know that what we need now is not an increase in plant capacity, but an increase in purchasing power, so as to fully utilize existing plant capacity.

I regret that the other body did not see fit to eliminate the even greater windfall in the tax bill; that relating to liberalized depreciation. This provision, up until the year 1970, will cost the Treasury $19.5 billion, on a cumulative basis. A peak in yearly loss in revenue will be reached in 1960, when the loss will be $2.2 billion.

On many occasions before the House voted on H. R. 8300, I warned the Members about this provision, and endeavored to show that if we commit ourselves to this sort of a loss in revenue year in and year out for the next 16-years, we are tieing our hands, now, at this time, to an unmeasureable extent, to provide tax relief during these future years, to those taxpayers who will be in the middle and lower brackets. Here again the administration has completely missed the boat in its economic thinking. What good will plant capacity be now when people are not buying nearly what our factories can produce today?

The present administration has resurrected and reaffirmed the traditional Republican "trickle-down" tax philosophy. This philosophy ruined the economy of our country in the 1930's. I am very fearful that this trickle down policy will become the catapult for another serious depression.

So far as I can determine, there has never been an occasion in the past where a major tax bill was reported to either body without giving the revenue effect in a full year of operation. The only estimates which were given on this bill are those for the fiscal year 1955, when some provisions are not fully operative. In the case of the estimates on dividends and on depreciation, the losses are minor in fiscal 1955, as compared to future years, as I have already pointed out. Not only do I consider this unfair to the Members of the House, and to the country, I also consider it an indication of guilt on the part of the sponsors and backers.

Mr. Speaker, the world situation is such today, particularly in light of recent developments in the Far East, that I question seriously whether or not the administration's policy of deficit financing at this time is wise. In any event, certainly our sagging economy requires the wisest of tax reductions, if any can be made. The $3.8 billion loss in revenue—which is certainly a minimum estimate—provided in H. R. 8300 is not only ill-advised, regardless of the beneficiaries of it, but is particularly ill-advised when it is given to well-to-do individuals and prosperous corporations.

I feel that the position of the Democratic Members in the House has been somewhat vindicated by the other body in its overwhelming vote to reduce the windfall for the rich proposed by the administration. At least the extremely wealthy will not get as great a tax advantage as they would have received by the House provision. Personally, I would have been much better pleased had this misconceived and ill-advised special relief been eliminated altogether. I regret also that the other body did not strike out the bonanza for corporations in the depreciation provision. Time will tell whether the position of the Democratic Members has been the correct one, but it is my firm prediction that it will be vindicated by the passage of time.

This is no time to cut taxes with borrowed money.

And every dime of tax relief provided in this bill for corporations and large investors will have to be paid for in borrowed money.

In a few days, the President will again ask Congress to increase the debt ceiling by from $10 billion to $15 billion.

Is this policy a sound one?

Is it right to heap more and more debt on all persons to furnish tax relief to a few at this critical time in our history?

I am sure it is not.

The sound policy would be to delay any further tax relief to a day when it can be done on other than borrowed money and will go to all taxpayers and not just a selected few.

Who can assert with certainty that we can afford the luxury of this type of reductions in revenue at this time, with the economic and military uncertainties which face the Nation. With 51 major industrial areas of the Nation—including my home city of Pittsburgh—experiencing alarming mass unemployment to such an extent that the Government itself has officially designated them as distress areas, would it not be the wiser course to take prompt and decisive steps to halt the recession, and to restore full employment.

Why not reflect more on the fact that our budget is not in balance, and that the authors of the 1955 budget acknowledge it is already out of date and unrealistic. Unanticipated was the stark realism of unemployment which faces us today. Unanticipated were the additional amounts required for defense preparation, for development of atomic defense and energy, to say nothing of the hydrogen development. What uncertainties face us in the Asiatic problem? To put it bluntly, is our fiscal picture out of focus, fuzzy, indistinct, blurred. Will we be in the soup?

I have thought long and hard about this, and I have urged a go-slow policy on tax revision where it means large-scale reductions in the manner provided by H. R. 8300.

There are some who will contend that the provision for continuing the tax rate which has been in effect on the profits of corporations is a compelling reason for passage of H. R. 8300. I agree that this item in the bill is meritorious, but neither body would have the slightest difficulty in passing, within 1 week, a

separate measure embodying this particular feature. It needs merely the approval of the leaders of the majority in the House and the Senate.

Mr. Speaker, I do not speak for the Democratic Party on this, or for any other Democrat, but this I believe: If the President were to announce that in view of the miscalculations in the budget, in view of the probable need in this fiscal year for greater defense expenditures than were anticipated, in view of the unanticipated mushrooming of unemployment on such a vast scale, in view of the possible need for an all-out fight against further economic downturn—in view of all of these things—we cannot at this time afford to pass out these enormous tax benefits to industry and to the well to do—costing billions of dollars. If the President were to come forward with that announcement, I believe nearly every Democratic Member in the Congress would applaud him for it, support him on it, and make no attempt to capture political capital out of the setting aside of this particular tax measure.

I urge that he take such a step—now. I urge that he call upon his leaders in the Congress to stop their efforts to pass this bill at this session.

It would be the kind of statesmanship we need in a crisis. It would be in keeping with the decisiveness and determination and steadfastness of purpose which characterized the President's direction of the European war effort.

It would be the equivalent of a hole-in-one in statescraft.

SPECIAL ORDER GRANTED,

Mr. PHILLIPS asked and was given permission to address the House for 1 hour on tomorrow, following the legislative program and any special orders heretofore entered.

ATOMIC ENERGY COMMISSION

The SPEAKER. Under previous order of the House, the gentleman from California [Mr. PHILLIPS] is recognized for 10 minutes.

Mr. PHILLIPS. Mr. Speaker, it is late, yet it would be improper for me to permit the general discussion of the AEC contract and the TVA situation to go by without some comments. I have reserved time tomorrow to discuss this more at length. I came on the floor this afternoon to take the place of the majority leader for a few moments, while he attended another meeting, without any realization that I would come into a discussion over this AEC contract. What I have to say must necessarily be from the notes I made while I was sitting here listening.

I have come to the conclusion, Mr. Speaker, that the whole discussion is like this silver dollar which I hold in my hand. The basis of the silver dollar is money, and the basis of the argument we have listened to is money and nothing else. Also, there are two sides to this silver dollar. There are very definitely two sides to the argument over the AEC contract.

Mr. Speaker, I have been a member of the committee for 8 years that has been making up the budget for the TVA and also for the Atomic Energy Commission; therefore, I am familiar with both sides of the argument. I have been chairman of this committee for the last 2 years.

Each year we have picked up a deficit check for the TVA. One of the most interesting fairy tales that comes into the Congress at its annual sessions is that the TVA is paying back the money advanced by the Government, the assumption that the Government itself owns the property. I will discuss that more at length tomorrow. I simply point out that we have each year picked up the check for the deficit of the TVA and that now, when we take into consideration the costs of the proposed plant to be built by private industry under a contract, we must also take into consideration the offsetting cost of money which would be advanced to the TVA for the same purpose, and on which the taxpayers would have to pay interest.

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

Mr. PHILLIPS. I am sorry, I cannot yield at this time. I will yield tomorrow liberally to the gentleman, but I only have a few minutes now. I will point out what I mean, then I will let the gentleman question me, within limitations.

The gentleman from Tennessee [Mr. PRIEST] and the gentleman from California [Mr. HOLIFIELD] laid a good deal of emphasis on the $92 million which they say the Government will spend if the contract were let by AEC. They did not mention the fact that the money to build the TVA plant would be advanced by the taxpayers of the United States; that it would be the same amount or more, approximately $100 million, and upon that money there would be paid annual interest which would in itself, with 1 or 2 other items, more than wipe out the difference in annual cost between the two plants.

Now, we ought to go back—and I will make this little start of the discussion today—to the fact that the TVA was created to supply energy in the territory of the Tennessee River and its tributaries. What we are talking about now is going far outside the Tennessee Valley, unless the Mississippi has become a tributary of the Tennessee, which I doubt, geographically. We find ourselves discussing first of all whether the TVA would have the legal right to go outside of this area and build a steam plant some 100 or more miles away from its area, to supply, in this case, the city of Memphis and then indirectly to supply by substitution kilowatts which could be used for the atomic energy plants. This is a legal matter, and there is a very strong feeling in the subcommittee and has been for some time that the TVA does not have that legal right, although we have in the past 2 years—and I want to say to the gentlemen from Tennessee, properly supplied money—to build steam plants for the furnishing of power in the Tennessee River area itself. I must say we have gone far beyond the original intent. The original intent confined the Tennessee Valley Authority to the production of hydroelectric power and such steam plants as were then operating. It authorized the TVA to sell that power, that excess hydroelectric power, if it had excess power. When the present units are finished, about 70 percent of TVA power will be produced by steam.

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

Mr. PHILLIPS. I am sorry. I will yield tomorrow. I only have 5 minutes.

Mr. COOPER. The gentleman keeps referring to me and then declines to yield.

Mr. PHILLIPS. I will be glad to yield tomorrow, as the gentleman from Tennessee knows.

The problem is, first of all, the basic problem, how far can we permit the TVA to expand itself? Second, the problem is, Is there any difficulty involved in permitting the Atomic Energy Commission to make a contract? Of course, there is none, because the Atomic Energy Commission today is making contracts as a secondary contractor, and if a resolution proposing to stop this were to be adopted, which I cannot believe, then not only in the case of this power, but with other activities of the AEC, there would be a handicap which I know no Member of Congress wishes to impose upon the Atomic Energy Commission. A simile in this instance would be that the power is being poured into a barrel and then taken out by the pailful or cupful. There is no way by which a kilowatt produced by private industry can be painted red and a kilowatt produced by Government power can be painted blue, and thus distinguished when they come to final use. The TVA is presently buying about 12 percent of its power from private producers, and when my friend, the gentleman from Mississippi, says that this is a mixture of public and private contracting which should not be done and never has been done, he forgets that in the operation of the Hoover Dam there is a mixture of public and private control and usage. It has been very beneficial and is one of the outstanding successful power projects in the United States.

Mr. Speaker, if the gentleman from Tennessee will be kind enough to be here tomorrow, I want definitely to take up this matter of the cost, the alleged difference in cost between TVA and other plants, particularly Joppa, and I want to talk about a breakdown of the costs involved. So since I have obviously not the time to do it today, I simply say I would welcome a resolution being brought to this floor which would attempt to say that this contract should not be entered into. It would be defeated, as frequent votes on this floor over 7 years already have shown. The President was well advised, he was entirely within his rights and he was doing something that he had committed himself to do and which the people of the United States expected him to do. The proposed contract is for the benefit of the people of the United States, and I will discuss it further tomorrow, Mr. Speaker.

SPECIAL ORDER GRANTED

Mr. COOPER asked and was given permission to address the House tomorrow for 30 minutes, following the gentleman from California [Mr. PHILLIPS].

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCOTT (at the request of Mr. ARENDS), for 1 week, on account of official business.

Mrs. SULLIVAN (at the request of Mr. KARSTEN of Missouri), for the remainder of the week, on account of death in family.

THE LATE WILLIAM J. BEST, ADJUTANT GENERAL OF THE UNITED SPANISH WAR VETERANS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I have just been advised of the passing of William J. Best, the adjutant general of the United Spanish War Veterans.

Mr. Best was a native of Latrobe, Pa., and several years ago he served as commander of the Department of Pennsylvania, United Spanish War Veterans. In 1953 he was appointed by Commander in Chief John U. Shroyer as his adjutant general, and has since resided in Washington in order to be close to his official headquarters.

Mr. Speaker, hardly a day passes that we do not learn of the death of some Spanish-American War veteran whom we know and respect. Mr. Best was one of these. He devoted most of his later years to the organization he loved so well. Those who met him remember his quiet and kindly manner and his devotion to the United Spanish War Veterans.

The ranks of these veterans are thinning at an alarming rate. Almost all of them are over 80 years of age, and few of them are able to work. There are only about 75,000 of them left, and I believe the records show that they are dying at the rate of about 9,000 a year. We will not have many of them with us long.

In the passing of Adjutant Best the Spanish-American War veterans have lost a loyal worker who will be missed by hundreds of friends and comrades all over our country.

EFFECT OF REDUCTION IN VETERANS' ADMINISTRATION APPROPRIATION

Mrs. ROGERS of Massachusetts. Mr. Speaker, I have here a letter from Mr. Higley, replying to a telephone conversation that I had with Mr. Kelsey, the VA Comptroller, regarding the loss of personnel which must result as a result of a reduction of $4,250,000 in the VA appropriation, general operating expenses.

Mr. Higley states that it may not be necessary to discharge the 1,000 persons who he said at first would have to be discharged, because he could take care of these losses by attrition and savings in other ways. I am hoping that that is true, but I doubt it. Certainly we ought to have a supplemental appropriation, if it is not true. The letter follows:

JULY 2, 1954.

Hon. EDITH NOURSE ROGERS,
Chairman, Veterans' Affairs Committee, House of Representatives, Washington, D. C.

DEAR MRS. ROGERS: This has reference to your telephone conversation on June 30, 1954, with Mr. Kelsey, VA Comptroller, in which you requested information as to whether or not the Veterans' Administration contemplates a reduction in force because of a decrease in funds in the general operating expenses appropriation.

In a letter addressed to you on June 17, 1954, signed by Mr. J. C. Palmer, Acting Deputy Administrator, you were informed that a reduction of $4,250,000 in the amount of the general operating expenses appropriation (fiscal year 1955) from the total which had been approved by the Senate would cause the Veterans' Administration to reduce employment by approximately 1,000 and that all regional offices would be affected. Immediately after the approval of the appropriation bill (Public Law 428, 83d Cong.) containing the reduction, we took action to preclude filling of vacancies in all offices, including central office, supported by the general operating expenses appropriation except where unusual conditions exist or where service to veterans would be impaired seriously if certain positions were permitted to remain vacant. A general exception was made with respect to loan-guaranty operations in which the workload has nearly doubled in the last 6 months with indications of a further increase.

It is expected that savings resulting from attrition and from other administrative actions will preclude the necessity for any reduction-in-force procedures through which employees would be separated involuntarily. Every effort will also be made to reduce expenditures for supplies, travel, and other such items so as to minimize the loss of employees needed to provide essential services to veterans and their dependents without undue delay.

Your interest in this matter is very much appreciated.

Sincerely yours,

H. V. HIGLEY,
Administrator.

EXTENSION OF THE GI BILL OF RIGHTS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I want to speak of the GI bill of rights and the Springer bill which was passed unanimously out of the Committee on Veterans' Affairs. We have been unable to secure passage of that bill on the Consent Calendar. We have been asking for a rule on that bill without success.

The financial experts have computed that the GI's who have received the benefits of the GI bill will be paying a billion dollars more each year in Federal income taxes because of their higher earnings, so that within the next 15 years these veterans alone will pay off the entire cost of the program. How can anyone say "Nay" to these veterans when it is a simple business proposition?

When historians of the future look back at the troubled 20th century in America, one of the brightest and most lasting achievements they are certain to observe will be a law that quietly came into existence in the early summer of 1944, when press and radio were filled with the dramatic news of the invasion of Europe.

The law is Public Law 346, known better as the GI bill. The GI bill of rights was first suggested by the American Legion and later changed somewhat by the Veterans of Foreign Wars committee and passed by the Congress. One of its chief benefits was an education and training program for veterans of World War II.

Now that the GI bill has been in effect for 10 years, we can begin to see some of its achievements. More important, we can begin to evaluate the impact it is certain to have on the future welfare of our country. But we can only look ahead and guess. The full, glorious story of the GI bill will have to wait for the perspective of time.

Nevertheless, we do have a vantage point of 10 years. From this point, what can we see of the results of the GI bill?

First. We see that it has been a tremendous program. More than 7,800,000 World War II veterans—1 out of every 2 who served in the Armed Forces—trained under the GI bill. They trained at every possible educational level from accelerated grade school for adults to postgraduate college.

Second. We see that the GI bill has performed an invaluable service by restoring the Nation's reservoirs of trained manpower, dangerously depleted by war.

Look at the added strength acquired by America through the GI bill: 2,600,000 skilled craftsmen such as electronics specialists and airplane mechanics; 750,000 trained farmers; 7,000 physicists; 237,000 teachers; 440,000 engineers; 167,000 doctors, nurses and others in the medical professions; 36,000 ministers of all religious faiths. The list could be extended to cover nearly every occupation at which man earns his living.

Third. We see in the GI bill the emergence of a sound, new pattern of veterans' benefits. To a great extent, we have replaced purely monetary benefits with the more lasting benefits of education and training.

We give him the opportunity to make for himself a brighter future—a benefit that lasts a lifetime, and not a week or two.

Fourth. We see in the GI bill a means that has actually raised the incomes of veterans who have had training. Higher incomes lead to greater stability and strength for the entire country.

In 1947, according to a survey, the average income of male veterans between 25 and 34 years of age was $2,401. In that year, the average income of nonveterans in the same age group was higher—$2,585.

Five years later, the average income of the veterans had risen 40 percent, to $3,359. However, the nonveteran group had increased only 10 percent, to $2,875.

According to Government experts, one reason for the higher income of veterans has been training received under the GI bill. Furthermore, the experts have computed that GI bill-trained veterans will be paying $1 billion more each year in Federal income tax, because of their higher earnings. Or, within the next 15 years, these veterans alone will pay off the entire cost of the program.

There is a fifth result of the GI bill that we can observe from our ten-year vantage point.

The GI bill actually has raised the educational level of America's veterans.

Today, the average veteran is a young man who has graduated from high school and who has had several months of college training. Compare him with the average nonveteran, in the same age bracket, who has completed only two years of high school.

The difference is an abvious one—GI bill training.

A sixth result of the GI bill is one at which we can only guess. It involves the future leadership of our great country.

Because they are the cream of America's manpower, veterans will become our leaders of tomorrow—leaders in the worlds of politics and business, the trades and professions.

Through the GI bill, they have become admirably equipped to assume the role that rightfully is theirs. Through the GI bill, they undoubtedly can lead the United States of America into a golden age.

H. G. Wells has said:

Human history becomes more and more a race between education and catastrophe.

If that is so, we can thank the GI bill for removing us from the brink of catastrophe.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the RECORD, or to revise and extend remarks, was granted to:

Mr. McGREGOR in two instances.

Mr. RAINS.

Mr. DOYLE.

Mr. WOLVERTON.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3605. An act to abolish the offices of Assistant Treasurer and Assistant Register of the Treasury and to provide for an Under Secretary for Monetary Affairs and an additional Assistant Secretary in the Treasury Department; to the Committee on Ways and Means.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. LECOMPTE, from the Committee on House Administration, reported that that committee did on July 2, 1954, present to the President, for his approval, a bill and joint resolution of the House of the following titles:

H. R. 9315. An act to provide for an extension on a reciprocal basis of the period of the free entry of Philippine articles in the United States; and

H. J. Res. 552. Joint resolution making temporary appropriations for the fiscal year 1955, and for other purposes.

ADJOURNMENT

Mr. PHILLIPS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 33 minutes p. m.) the House adjourned until tomorrow, Wednesday, July 7, 1954, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1695. A letter from the Director, Federal Mediation and Conciliation Service, transmitting the Sixth Annual Report of the Federal Mediation and Conciliation Service for the fiscal year ended June 30, 1953; to the Committee on Education and Labor.

1696. A letter from the Assistant Secretary of the Interior, transmitting a proposed award of a concession contract to Almours Securities, Inc., which will, when finally executed on behalf of the Government, authorize the company to provide accommodations, facilities, and services for the public at Mount Vernon on the George Washington Memorial Parkway, Virginia, for a period of 20 years from January 1, 1954, subject to completion of construction and enlargement of certain facilities; to the Committee on Interior and Insular Affairs.

1697. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, as well as a list of the persons involved, pursuant to Public Law 863, 80th Congress, amending subsection (c) of section 19 of the Immigration Act of February 5, 1917, as amended (8 U. S. C. 155 (c)); to the Committee on the Judiciary.

1698. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, as well as a list of the persons involved, pursuant to section 244 (a) (1) of the Immigration and Nationality Act of 1952 (8 U. S. C. 1254 (a) (1)); to the Committee on the Judiciary.

1699. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, as well as a list of the persons involved, pursuant to section 244 (a) (5) of the Immigration and Nationality Act of 1952 (8 U. S. C. 1254 (a) (5)); to the Committee on the Judiciary.

1700. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders granting the applications for permanent residence filed by the subjects, pursuant to section 6 of the Refugee Relief Act of 1953; to the Committee on the Judiciary.

1701. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a report in the case of Bernardino Canares Saclo A-9799304, finding that his status should not have been adjusted under section 19 (c) of the Immigration Act of 1917, as amended (8 U. S. C. A. 155 (c)); to the Committee on the Judiciary.

1702. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting its report on the operation of the program set forth in title X of Public Law 429, 81st Congress, for the period ending June 30, 1953, pursuant to section 1003 of Public Law 429, 81st Congress; to the Committee on Post Office and Civil Service.

1703. A letter from the Chairman, United States Tariff Commission, transmitting the Sixth Annual Report of the United States Tariff Commission on the operation of the trade agreements program, pursuant to Executive Order 10082, dated October 5, 1949; to the Committee on Ways and Means.

1704. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 1, 1954, submitting a report, together with accompanying papers and an illustration, on a review of reports on Knife River Harbor, Minn., requested by a resolution of the Committee on Public Works, House of Representatives, adopted on August 17, 1949 (H. Doc. No. 463); to the Committee on Public Works and ordered to be printed with one illustration.

1705. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 22, 1954, submitting a report, together with accompanying papers and an illustration, on a review of reports on the Rio Grande and tributaries, Albuquerque, N. Mex., and vicinity, requested by resolutions of the Committee on Public Works, United States Senate, and the Committee on Public Works, House of Representatives, adopted on August 2, 1950, and June 11, 1952, respectively (H. Doc. No. 464); to the Committee on Public Works and ordered to be printed with one illustration.

1706. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 16, 1954, submitting a report, together with accompanying papers and an illustration, on a survey of Kodiak Harbor, Alaska. This interim report is submitted under the authority for a preliminary examination and survey of harbors and rivers in Alaska, with a view to determining the advisability of improvements in the interest of navigation, flood control, hydroelectric power, and related water uses authorized by the Flood Control Act approved on June 30, 1948. It is also submitted in final response to a preliminary examination and survey of Kodiak Harbor, Alaska, authorized by the River and Harbor Act approved March 2, 1945 (H. Doc. No. 465); to the Committee on Public Works and ordered to be printed with one illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LECOMPTE: Committee on House Administration. H. Res. 601. Resolution for the relief of Elinore Libonati, sister of Eliodor M. Libonati, late an employee of the House of Representatives; without amendment (Rept. No. 2027). Ordered to be printed.

Mr. MILLER of Nebraska: Committee on Interior and Insular Affairs. H. R. 8896. A bill to amend the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes; with amendment (Rept. No. 2028). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHORT: Committee on Armed Services. H. R. 9689. A bill to provide for two additional Assistant Secretaries of the Army, Navy, and Air Force, respectively; with amendment (Rept. No. 2029). Referred to the Committee of the Whole House on the State of the Union.

Mr. BISHOP: Joint Committee on the Disposition of Executive Papers. House Report No. 2030. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENDER:

H. R. 9806. A bill to prevent Communists from appearing on the ballot as candidates for certain offices under the United States; to the Committee on House Administration.

By Mr. BURLESON:

H. R. 9807. A bill to amend the Universal Military Training and Service Act, as amended; to the Committee on Armed Services.

By Mr. DEMPSEY:

H. R. 9808. A bill to authorize the destruction of certain plants and animals seized under the customs laws; to the Committee on Ways and Means.

By Mr. DORN of New York:

H. R. 9809. A bill to amend the Internal Revenue Code to encourage the establishment of voluntary pension plans by individuals, to promote thrift, and to stimulate expansion of employment through investment; to the Committee on Ways and Means.

By Mr. LATHAM:

H. R. 9810. A bill to amend the Internal Revenue Code to encourage the establishment of voluntary pension plans by individuals, to promote thrift, and to stimulate expansion of employment through investment; to the Committee on Ways and Means.

By Mr. HÉBERT:

H. J. Res. 556. Joint resolution authorizing the Secretary of the Treasury to determine the condition of health of the smuggled Charolais cattle near Lafayette, La., before rendering his decision as to their disposition; to the Committee on Ways and Means.

By Mr. HOSMER:

H. J. Res. 557. Joint resolution providing that the United States Government shall withdraw from the United Nations and all organs and agencies thereof if Communist China is admitted to membership in the United Nations or if representatives of the Communist regime in China are recognized as the representatives of the Republic of China in the United Nations; to the Committee on Foreign Affairs.

By Mr. UTT:

H. J. Res. 558. Joint resolution providing that the United States Government shall withdraw from the United Nations and all organs and agencies thereof if Communist China is admitted to membership in the United Nations or if representatives of the Communist regime in China are recognized as the representatives of the Republic of China in the United Nations; to the Committee on Foreign Affairs.

By Mr. CLARDY:

H. Res. 613. Resolution expressing the sense of the House that the United States should withdraw from the United Nations if the Communist Government of China is admitted to that organization; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BENDER:

H. R. 9811. A bill for the relief of Emil Thomas Van Ginckel; to the Committee on the Judiciary.

By Mr. HYDE:

H. R. 9812. A bill for the relief of Ingeborg Elisabeth Alt; to the Committee on the Judiciary.

By Mr. MOSS:

H. R. 9813. A bill for the relief of Ying Og Mah; to the Committee on the Judiciary.

By Mr. WALTER:

H. R. 9814. A bill for the relief of Alfio Capizzi; to the Committee on the Judiciary.

By Mr. WOLCOTT:

H. R. 9815. A bill for the relief of Onie Hack; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1086. By the SPEAKER: Petition of the commander, Vincent B. Costello Post No. 15, the American Legion, Washington, D. C., endorsing the Zeckendorf plan for the redevelopment of Area C, the land south of Independence Avenue, SW., to the Washington Channel between South Capitol and Eleventh Streets, SW., into a major residential, cultural, and recreational area of the Nation's Capital; to the Committee on the District of Columbia.

1087. Also, petition of the Governor and Chairman, Missouri River States Committee, Pierre, S. Dak., relative to a resolution adopted at the meeting of the Missouri River States Committee, held at Yellowstone National Park, on June 24, 1954, requesting passage of H. R. 6894 and S. 2821, relating to the type of compact authorization the Missouri Basin States favor; to the Committee on Interior and Insular Affairs.

EXTENSIONS OF REMARKS

Farm Program

EXTENSION OF REMARKS

OF

HON. ALBERT RAINS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1954

Mr. RAINS. Mr. Speaker, it is difficult for me to understand the attitude of the Republican leadership in supporting an amendment to abolish the mandatory 90 percent of parity on basic commodities. In the first place, it is in strict violation of campaign promises made by the Republican candidate for President in 1952. This reduction in mandatory parity support for the basic crops comes at a time when the net farm income of the farmers of this country has declined 7.5 percent from 1952 to 1953, and at a time when the parity ratio declined from 100 in October 1952 to 88 in June 1954. Also, the total value of farm real estate in March of this year is 6 percent less than in March of last year. United States exports of agricultural products in the past year have declined at an alarming rate; cotton exports, for instance, declined from 862 million bales in 1952 to 517 million bales in 1953, or about 40 percent.

The retail figures on farm equipment sales, which is a good barometer of the financial position of the farmer, were 17 percent less in 1953 than in 1952. Already the agricultural segment of our population is suffering from a depression, and yet this administration seeks to break the mandatory 90-percent formula, with the certain attendant result that farm prices will fall even more rapidly. In the light of the alarming figures which I have given, as to the sad plight of the American farmer today, with falling income and falling prices, we are faced with the paradoxical situation of everything the farmer buys being at the highest price in the Nation's history. If there ever was a time when the farmer needs some assurance of at least a reasonably fair price for his product, it is now, and yet this administration seeks to cut from under him the only prop for a fair price, the mandatory price support legislation.

There are those who are misguided and uninformed, who seem to believe that the farmer is waxing in great prosperity because of the high price of food and fiber products. This is not true. For instance, the cotton which goes in a $7.50 white cotton shirt today brought the farmer little more than 35 cents. The watermelon on today's market in Washington which sells for $4 brought the farmer in Alabama only 50 cents. This same divergence in price between what the farmer receives and the consumer pays is evident in almost every item. The farmer does not get the high prices which are paid by consumers today, and he is in the most difficult financial circumstances of any producer in the Nation. Why make his condition worse?

I am unable to understand how those who profess great faith in, and appreciation for, the American farmer and for his great contribution to America, can pose as his friend and at the same time reduce, by legislation, his chance for a reasonable income from his toil and his investment. The American farmer is often referred to as the most individualistic and independent of our people. He is slow to wrath, but I have the firm conviction that if this Republican farm bill is enacted into law, the administration now in power will regret it.

At a time when big business of every type is receiving the most favorable kind of treatment at the hands of this administration, it seems to me unfair and unjust to shackle the American farmer with legislation which will reduce even further his already too low income.

Be Sure To Vote

EXTENSION OF REMARKS

OF

HON. J. HARRY McGREGOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1954

Mr. McGREGOR. Mr. Speaker, a day of decision will be election day, November 2, 1954. It is the duty of every qualified voter to exercise his franchise and prove to the world that Americans value