tervention of those who are in nowise affected.

Let me repeat—my opposition to right-to-work laws implies no attack on the Taft-Hartley Act. It is simply a recognition that time and experience often lead to the conclusion that a reexamination and modification of some of the provisions, even of a good law, have become necessary. In my opinion, there are other provisions as well, in both Taft-Hartley and Landrum-Griffin, which require such reexamination and improvement.

Just a short time ago, I called for a review of the union election provisions of the Landrum-Griffin Act. In two recent international union elections, loopholes in these provisions became glaringly apparent—loopholes that permitted fraudulant or confusing activity on the part of some of the principal actors involved. I firmly believe that nothing is more important than the right of union members to participate in fair and honest union elections and hence I strongly favor legislative consideration of means and measures to close these loopholes.

Again, as I listened to or read the testimony in the hearings on repeal of 14(b), I realized clearly that the democratic principle of majority rule which is supposed to be the foundation stone for choosing a union bargaining representative under the Taft-Hartley Act, is not adequately implemented by the provisions of that act. There have been situations, as the testimony conclusively demonstrated, where there was considerable doubt that the union designated as exclusive bargaining agent had actually been selected by a genuine majority of the employees affected.

I was compelled to reach the conclusion that the procedures for determining whether a majority of the employees has designated a union to act as bargaining representative needed to be effectively improved. I am now convinced that the only foolproof method of guaranteeing that the will of the majority actually prevails is to require a secret ballot election directed and supervised by the National Labor Relations Board in all cases where the employees are asked to select a bargaining agent. I think that the Congress has a duty to examine this matter with the utmost care.

It was most gratifying to me that George Meany, President of the AFL–CIO, indicated his agreement with my position in his testimony during the hearings. I had questioned him concerning this problem and in the course of the colloquy I said to him:

> What I would like to see is a provision that even though 51 percent of the employees sign cards for an election, the employer cannot start bargaining until there is an election. At present, he doesn't have to have an election if he wants to start bargaining. I would like to see that spelled out in the law so that the employee who signs a card for an election, actually is guaranteed the opportunity to vote in such an election.

Mr. Meany replied as follows:

> As a general principle, I would not be opposed to that. But there would be some cases where it would not work * * * short term jobs, such as the building trades and the like.

I agree with Mr. Meany that special situations like the building trades require special treatment. But may I point out that they presently receive such special treatment under the Taft-Hartley Act. Section 8(f) specifically provides that unions in the building construction industry may lawfully be the recognized bargaining agents of employees in that industry without first establishing their majority status as other types of unions are required to do under section 9 of the Act. What is more, they are also permitted to enter into union shop agreements requiring membership in the union within 7 days of getting the job instead of the 30 days which is allowed in other industries.

That special consideration of the building trades unions was added to Taft-Hartley in 1959 by the Landrum-Griffin Act, and I might say that I not only supported the amendment but, as a member of the House-Senate Conference on Landrum-Griffin, I played a leading part in getting it accepted by the Conference. Let me assure Mr. Meany that my position in favor of Labor Board elections as a prerequisite to union recognition does not contemplate in any way changing the provisions of section 8(f) or imposing such election requirements in the building construction industry.

In conclusion, I would like to refer to one aspect of the argument in favor of retaining 14(b) which I have not thus specifically mentioned but which is implicit in what I said at the beginning of my statement. It is contended by some that regardless of the merits of the issue concerning the rightness or wrongness of the union shop, the States should have the right to permit or to prohibit this form of union membership.

I feel that I have adequately refuted this contention by my demonstration that leaving this decision to the States simply gives an unfair competitive advantage to those States which seek to improve their economic fortunes at the expense of labor over those States which seek to achieve the highest labor standards consistent with sound industrial development. But somehow I have the feeling that many of those who advance what appears to a genuine "States rights" argument are being somewhat disingenuous.

As I have pointed out, the Taft-Hartley Act repealed those provisions of the Wagner Act which permitted a complete closed shop and substituted therefor a most limited type of union shop. It seems to me that if those who advance the States rights argument were genuinely concerned to achieve States rights on the issue of compulsory union membership, they would ask that 14(b) be amended not only to authorize the States to prohibit all forms of compulsory membership, but to permit all forms of compulsory membership including the complete closed shop. That would make 14(b) a two-way street, with no limitation on the power of the State to act in either direction. Sad to relate, I can find nothing in the hearings indicating that a single witness who appeared in opposition to the repeal of 14(b) was willing to propose that as a matter of consistent States rights 14(b) should be amended to authorize the States to permit every form of compulsory unionism including those forbidden by the Taft-Hartley Act such as the closed and preferential shops.

SENATE

TUESDAY, JULY 6, 1965

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

Rev. Clair M. Cook, Th. D., Methodist clergyman, and legislative assistant to Senator VANCE HARTKE, offered the following prayer:

O Thou God of our fathers, we recall today the mercy and the bounty Thou hast shown this fair land in the 189 years of our Nation's independence.

O Thou God of our children, we look to the future years far beyond our own lifespan, in the confidence that Thou wilt continue to raise up wise and righteous leaders.

O Thou God of our own confession, as we resume our labors once more this day, let our vision range from the far past to the unseen future, with imaginative dedication to the needs of our people.

To these representatives of the old, the young, and of all citizens of all kinds and conditions, Thou, as well as they, hast entrusted a heavy responsibility, for this is a nation of laws whose basic concepts of right and wrong derive from Thine own laws of truth and righteousness.

Before us are great issues whose decisions will alter the lives of millions in the years to come. Give guidance as those decisions are debated and determined in the free processes of free government. As the sweep of history moves forward in time, let us be aware that we are a part of Thy will for the destinies of men upon the earth.

Lift up our spirits, and inspire our vision. Let us see beyond the narrow range of political issues to the deepest meaning of the consequence of decision. Infuse us with strong desire for the greatest good, that we may be in harmony with Thine own desires. Thus may we this day be lifted above the petty to the greatness that is our national heritage, and to the expanding of life's good for all, in compassion, in wisdom, and in truth. Amen.

THE JOURNAL

On request by Mr. LONG of Louisiana, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, July 1, and Friday, July 2, 1965, was dispensed with.

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of July 1, 1965, the following reports of a committee were submitted on July 1, 1965:

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

S. 949. A bill to promote economic growth by supporting State and regional centers to place the findings of science usefully in the hands of American enterprise (Rept. No. 421); and

By Mr. MONRONEY, from the Committee on Commerce, with amendments:

S. 1459. A bill to amend the Federal Power Act, as amended, in respect of the jurisdiction of the Federal Power Commission over nonprofit cooperatives (Rept. No. 420).

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, transmitting nominations, was communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting sundry nominations, which was referred to the Committee on Post Office and Civil Service.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H.R. 3708. An act to provide assistance in the development of new or improved programs to help older persons through grants to the States for community planning and services and for training, through research, development, or training project grants, and to establish within the Department of Health, Education, and Welfare an operating agency to be designated as the "Administration on Aging"; and

H.R. 5874. An act to amend Public Law 815, 81st Congress, with respect to the construction of school facilities for children in Puerto Rico, Wake Island, Guam, or the Virgin Islands for whom local educational agencies are unable to provide education.

The message also announced that the House had passed a bill (H.R. 7984) to assist in the provision of housing for low- and moderate-income families, to promote orderly urban development, to improve living environment in urban areas, and to extend and amend laws relating to housing, urban renewal, and community facilities, in which it requested the concurrence of the Senate.

The message communicated to the Senate the intelligence of the death of Hon. T. Ashton Thompson, late a Representative from the State of Louisiana, and transmitted the resolutions of the House thereon.

HOUSE BILL PLACED ON CALENDAR

The bill (H.R. 7984) to assist in the provision of housing for low- and moderate-income families, to promote orderly urban development, to improve living environment in urban areas, and to extend and amend laws relating to housing, urban renewal, and community facilities was read twice by its title and ordered to be placed on the calendar.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

COMMITTEE MEETINGS DURING SENATE SESSION

On request by Mr. LONG of Louisiana, and by unanimous consent, the Committee on Foreign Relations and the Subcommittee on Trade Marks, Patents, and Copyrights of the Committee on the Judiciary were authorized to meet during the session of the Senate today.

EXECUTIVE COMMUNICATIONS, ETC.

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

CASH EQUALIZATION OF EXCHANGES FOR CERTAIN LANDS

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to authorize the Secretary of Agriculture to accept a cash equalization of exchanges for lands under his jurisdiction, and for other purposes (with an accompanying paper); to the Committee on Agriculture and Forestry.

APPROVAL OF CERTAIN LOANS BY RURAL ELECTRIFICATION ADMINISTRATION

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, Washington, D.C., reporting, pursuant to law, the approval of a loan by that Administration to the Northern Michigan Electric Cooperative, Inc., of Boyne City, Mich. (with an accompanying paper); to the Committee on Appropriations.

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, Washington, D.C., reporting, pursuant to law, the approval of that Administration of a loan to the Wolverine Electric Cooperative, Inc., of Big Rapids, Mich. (with an accompanying paper); to the Committee on Appropriations.

REPORT ON ENTITLEMENTS FOR FEDERALLY AFFECTED SCHOOL DISTRICTS UNDER PUBLIC LAWS 874 AND 815

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of the Commissioner of Education on Public Laws 815 and 874 (with accompanying papers); to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BARTLETT, from the Committee on Commerce, without amendment:

H.R. 4526. An act to extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance, for an additional 5 years, ending September 7, 1970 (Rept. No. 422).

By Mr. HOLLAND, from the Committee on Appropriations, with amendments:

H.R. 8370. An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1966, and for other purposes (Rept. No. 423).

By Mr. MONRONEY, from the Committee on Appropriations, with amendments:

H.R. 8775. A bill making appropriations for the legislative branch for the fiscal year ending June 30, 1966, and for other purposes (Rept. No. 424).

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. MONRONEY, from the Joint Select Committee on the Disposition of Executive Papers, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States that appear to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS INTRODUCED

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

By Mr. DIRKSEN (by request):

S. 2243. A bill for the relief of Walter Jacobsen; to the Committee on the Judiciary.

By Mr. BREWSTER (for himself and Mr. TYDINGS):

S. 2244. A bill to authorize the Secretary of the Army to conduct a complete investigation and study of water utilization and control of the Chesapeake Bay Basin; to the Committee on Public Works.

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

By Mr. HART:

S. 2245. A bill for the relief of Margaret Yueh Chiao; to the Committee on the Judiciary.

RESOLUTIONS

AMENDMENTS OF STANDING RULES OF THE SENATE

Mr. COOPER submitted two resolutions (S. Res. 124) to amend the Standing Rules of the Senate to regulate Members, officers, and employees of the Senate to file certain reports as to their nongovernmental businesses, professional, or employment activities, and (S. Res. 125) to amend the Standing Rules of the Senate to prohibit the solicitation, custodianship, or distribution of political campaign funds by officers and employees of the Senate, which were referred to the Committee on Rules and Administration.

(See the above resolutions printed in full when submitted by Mr. COOPER, which appear under a separate heading.)

DEATH OF THE LATE T. ASHTON THOMPSON OF LOUISIANA

Mr. LONG of Louisiana (for himself and Mr. ELLENDER) submitted a resolution (S. Res. 126) relative to the death of Representative T. Ashton Thompson,

of Louisiana, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. LONG of Louisiana (for himself and Mr. ELLENDER), which appears under a separate heading.)

STUDY OF WATER UTILIZATION AND CONTROL OF THE CHESAPEAKE BAY BASIN

Mr. BREWSTER. Mr. President, earlier this week, I was pleased to participate in a meeting between Secretary of the Interior Udall and the Governors of the four States of the Potomac Valley. I am pleased to report that the leadership which the President has given to efforts at conserving and beautifying this river valley have already resulted in significant moves toward interstate and intergovernmental cooperation in the planning and execution of a vast conservation and development program.

Mr. President, I am proud to have played some part in this planning for the Potomac, but I am here today to demand that the Chesapeake Bay receive similar attention. I believe this major waterway to be one of the most neglected resources in this part of the country.

Through this giant 180-mile gateway pass American products whose manufacture and shipment provide hundreds of thousands of jobs for Americans everywhere. Its geographical and navigational features attract ships from other nations and visitors from every State. They are the key to the history and prosperity of this part of our country.

The development of the bay and of the port city of Baltimore, with its modern industrial and transportation complex, have provided us with an artery of national and international commerce without parallel. This development has enabled us to continue to compete successfully in the world marketplace.

What is needed now is the corresponding development of the other rich resources of this waterway. Much too little attention has been given to its world renowned fishing grounds, its unsurpassed recreational possibilities, and its natural features of extreme beauty.

Local, State, and Federal agencies all participate today in numerous bay-connected studies and activities. The Maryland Port Authority, Department of Chesapeake Bay Affairs, Department of Health, and Board of Natural Resources are continually engaged in bay matters. So also is the Army Corps of Engineers and the U.S. Fish and Wildlife Service. The conclusions drawn by each are sometimes contradictory, and the coordination has been traditionally ad hoc.

What is lacking is central direction and testing facilities where individual proposals can be studied and evaluated, and conclusions objectively tested. What is needed is an hydraulic model of the bay with an associated technical center. This model of the bay and its associated tributaries would be capable of demonstrating tide changes, current flow, silt movements, salinity, erosion, and other important factors. It would enable scientists and engineers to work out solutions to problems for which there are now no absolute answers. It would avoid the kind of differences of opinion which have characterized the discussions of spoil disposal. It would assist the existing agencies in the performance of their missions by providing a clearinghouse and test center for all information and planning regarding the bay and its environment.

The problems of the bay and her tributaries are growing too great to be handled on a piecemeal basis. This great basin is one of the few such waterways in the United States which is not duplicated in a working scale model. The Delaware Bay, San Francisco Bay, and the Mississippi River are no more important to our Nation than the Chesapeake Bay.

Mr. President, on behalf of myself, and my colleague from Maryland [Mr. TYDINGS], I am today introducing legislation which would authorize the construction in Maryland of a 12-acre, hydraulic model of the Chesapeake Bay and an associated technical center. This legislation would also require the Army Corps of Engineers to conduct a complete study of water utilization and control in the bay and Baltimore Harbor. It would direct that the study consider problems of navigation, fisheries, flood control, water pollution, water quality control, beach erosion, recreation, and the control of noxious weeds. An authorization of $6.5 million would be required to accomplish both.

Mr. President, I ask unanimous consent that the text of my bill be printed at the close of my remarks.

Mr. President, I would like to take this opportunity to urge early reporting and prompt action on S. 1380, an amendment to the River and Harbor Act, which would enable us to make an immediate attack on one of the most serious problems facing us in the Chesapeake Bay and in the navigable streams of at least eight other States.

This bill would authorize the immediate expenditure of $5 million for research and control operations designed to eliminate milfoil and other aquatic plants which presently cause millions of dollars in losses to the seafood industry as well as untold destruction of recreational resources and potential.

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2244) to authorize the Secretary of the Army to conduct a complete investigation and study of water utilization and control of the Chesapeake Bay Basin, introduced by Mr. BREWSTER (for himself and Mr. TYDINGS), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 2244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make a complete investigation and study of water utilization and control of the Chesapeake Bay Basin, including the waters of the Baltimore Harbor and including, but not limited to, the following: navigation, fisheries, flood control, control of noxious weeds, water pollution, water quality control, beach erosion, and recreation. In order to carry out the purposes of this Act, the Secretary, acting through the Chief of Engineers, shall construct, operate, and maintain in the State of Maryland a hydraulic model of the Chesapeake Bay Basin and associated technical center. Such model and center may be utilized, subject to such terms and conditions as the Secretary deems necessary, by any department, agency, or instrumentality of the Federal Government or of the States of Maryland, Virginia, and Pennsylvania, in connection with any research, investigation, or study being carried on by them of any aspect of the Chesapeake Bay Basin, provided that the study authorized by this Act shall be given priority.

SEC. 2. There is authorized to be appropriated not to exceed $6,500,000 to carry out this Act.

RECOMMENDATIONS FOR SENATE ACTION BASED ON THE BAKER INVESTIGATION

Mr. COOPER. Mr. President, last year, at the close of the first phase of the Baker investigation, I proposed to the Senate the adoption of a resolution to establish a Committee on Standards and Conduct. The resolution was adopted by the Senate. I understand that it will be implemented.

At the close of the hearings this year, I made several other proposals to the Committee on Rules and Administration for recommendation by the committee to the Senate. One of my proposals was adopted by the full committee and has been recommended to the Senate. It was a proposal to place the administration of the Federal Regulation of Lobbying Act under the Comptroller General of the United States. At present, reports are filed with the Secretary of the Senate and the Clerk of the House. But under existing law no agency, body, or official is charged with administration and enforcement of the act. I thought the Comptroller General a proper authority for the administration and enforcement of the act for several reasons. He is an arm of Congress, he has an investigative staff and makes investigations of various activities both of Congress and of the executive branch, and makes his reports to Congress.

The bill which has been recommended by the Rules Committee, and which I hope the Senate and House will pass, would place the jurisdiction to administer and enforce the Lobbying Act under the Comptroller General. Reports would be filed with him as well as with the Senate and House. The Comptroller General would have the power to study the reports, review them, and determine if they met with the requirements of the act. He would also have the authority, and the staff to determine if those who were lobbying had been registered as provided by law. If he found violations, it would be his duty to report them to Congress and to the Department of Justice for action.

My proposal arose from evidence heard during the investigation. It was evident

that persons who should have registered as lobbyists had not done so. One of the most glaring and apparent violations of the law was developed from the testimony of a Mr. Weiner, who received $50,000 for, he said, representing, as a public relations man, an ad hoc trade association in legislation before the Congress. He said that he spoke with members of the staffs of committees, and with Members of the Congress about the proposed legislation, and yet maintained he was not a lobbyist.

I hope that the measure which I proposed in committee and which the committee approved for recommendation to the Senate will be considered and passed.

Mr. President, I ask unanimous consent to insert in the RECORD at this point a few of the questions I asked Mr. Weiner when he appeared before the Rules Committee and his answers.

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

Senator COOPER. Now, you said that you were rather naive about conditions here in Washington. Yet in your one venture in Washington at that time as a representative of the freight forwarders, you were quite successful. Is that correct?

Mr. WEINER. Yes; the first venture was very successful.

Senator COOPER. You represented the freight forwarders in Washington?

Mr. WEINER. Yes, sir.

Senator COOPER. You heard Mr. Barr testify?

Mr. WEINER. Mr. Barr's testimony was the absolute truth.

Senator COOPER. Mr. Barr remembers that he stated in talking to you that you convinced him and his committee that you could be successful in securing or helping to secure the freight forwarders' desired legislation. Is that correct?

Mr. WEINER. Yes, sir.

Senator COOPER. What information did you give him to assure him that you could help in the passage of this legislation?

Mr. WEINER. I didn't give him any information that procured passage of a bill, sir. I was merely able to convince them——

Senator COOPER. What?

Mr. WEINER. I was merely able to convince these gentleman that I possibly had the ability to serve—distinguishing fact from fiction—that I would devote all of my time to this effort, even to the extent of neglecting my law practice in New Jersey.

Senator COOPER. You remember he stated that you and he were in almost daily touch and you reported to him?

Mr. WEINER. Yes, sir; several times a day.

Senator COOPER. Reporting that you were making good progress. You submitted requests for payment of your retainer of $50,000. What were you doing here to secure this progress in the passage of the bill?

Mr. WEINER. My duties here, sir, were really confined to watching and evaluating exactly what was happening and reporting back to my client. As indicated by Mr. Barr, in the previous year they had had a bill that was passed by both the House and the Senate, and then it got stuck in the conference, and because the year ended, they did not have time to go back and attempt to revise it and get together. These people were at their wits' end when I did speak to them because of the regulations imposed by the Federal Maritime Board, and it was a question that everyone had to put forth the utmost effort, otherwise they would all have been out of business.

Senator COOPER. Were you an expert in this field?

Mr. WEINER. No, sir. I had no experience at all in it, and they knew it. I think they were convinced that perhaps I had——

Senator COOPER. Did you testify before committees?

Mr. WEINER. No, sir; nor did I ever prepare a statement for anybody to use in giving testimony.

Senator COOPER. What did you do then to secure the passage of the bill?

Mr. WEINER. These gentlemen for many years——

Senator COOPER. What?

Mr. WEINER. Senator, these gentlemen, I think you understand the situation as I found it when I was approached and gained a client——

Senator COOPER. What is this?

Mr. WEINER. I think you understand fully the exact circumstances that are necessary. These people for many years have been attempting to get legislation through. At the time my services were engaged, a bill had already been introduced by Senator YARBOROUGH and Congressman LENNON. I did not know these gentlemen, and when I was engaged I did not know any Members in either the Senate or the House of Representatives on the committees that were working on the bills that had to report them out. I was merely able to convince these people that I had the ability to perform—I guess I am a good salesman—and they did retain my services. There was no representation made by me, as was said by Mr. Barr.

Senator COOPER. The substance of your statement is then that you didn't testify at the hearings and that you are not an expert in this type of legislation?

Mr. WEINER. No, sir.

Senator COOPER. You didn't consult with any employee of the Senate or the House or any Member of the Senate or Member of the House? Is that correct?

Mr. WEINER. No, sir; it is not correct.

Senator COOPER. What did you do?

Mr. WEINER. I was introduced to members on the committee after I was engaged by the freight forwarders, members that they had spoken to, members that seemed sympathetic to the cause, people that they secured to introduce the bill, people that they had convinced that the bill was worthy, and that the industry was worth saving.

Senator COOPER. Did you talk to them?

Mr. WEINER. I did, sir, after I was introduced by the freight forwarders; I spoke to no one; I, in fact, knew no one, Senator. I did not know any member of the House or the Senate committees that had these bills.

Senator COOPER. You just talked to Members?

Mr. WEINER. After I was introduced to them by the freight forwarders. I did not go up and say, "I would like to meet you, Senator. I am working on a bill." I went in the company of people that knew them.

Senator COOPER. Did you tell them that you were working on the bill?

Mr. WEINER. I was introduced, as I say, by the trade, the freight forwarders, though, and they were told I was to be the representative in Washington to watch the progress.

Senator COOPER. Did you discuss the merits of the bill with the members of the committee?

Mr. WEINER. Members?

Senator COOPER. Did you give them any literature?

Mr. WEINER. No, sir; I did not give them any literature.

Senator COOPER. Not being an expert, were you able to discuss the merits of the bill?

Mr. WEINER. Well, sir, the people that I was introduced to did not have to be convinced of the merits of the bill because the freight forwarders had done an excellent lobbying job, and they had convinced them. It was not my job to convince any Senator or Congressman to vote for this bill, nor did I attempt to.

I did, however, speak to Senators and Congressmen on the committees after being introduced to them, who had already been spoken to by the freight forwarders in the various parts of the country, and were sympathetic to the bill.

Senator COOPER. Were you registered as a lobbyist?

Mr. WEINER. No, sir; I was not lobbying.

Senator COOPER. Not lobbying? Did you talk to Mr. Baker about this bill?

Mr. WEINER. Mr. Baker knew that I was working on the bill.

Senator COOPER. Did you talk to him about it?

Mr. WEINER. No, sir.

Senator COOPER. Never did?

Mr. WEINER. Other than the fact that——

Senator COOPER. What?

Mr. WEINER. No, sir; other than the fact that this was a client I had, and what I was doing, but I did not ask for his help nor did I receive any.

Senator COOPER. How long had you known Mr. Baker?

Mr. WEINER. Well, I had met Mr. Baker, I would say, a year or so before this occurred. It was truly social.

Senator COOPER. Who introduced him to you? Do you remember?

Mr. WEINER. No. I was in a restaurant here in Washington one day when I was down on one of my visits, and I was having lunch with somebody. Obviously the person I was having lunch with did know Mr. Baker because Mr. Baker came along and said, "Hello," and he sat down, and had a drink, and that was all there was to it.

Senator COOPER. Why were you in his office so often during the time that this bill was under consideration?

Mr. WEINER. As I indicated before, sir, when up on the Hill it was a very convenient place to go, and I didn't have many friends on the Hill, and there is no explanation other than the fact that I did, sir.

Senator COOPER. And it is your statement in all this time that you never discussed with him the legislation or your interest or asked for his help in securing its passage?

Mr. WEINER. No, sir. He knew I was working on it. I did not ask for nor receive any help on this matter.

PROPOSED SENATE RULES RELATING TO OUTSIDE EMPLOYMENT AND TO POLITICAL CAMPAIGN FUNDS

Mr. COOPER. Mr. President, I made two other proposals in the Committee on Rules and Administration which were not approved by the committee, but which at a proper time, when the report is considered by the Senate, I shall call up for action on the floor. Today I am submitting resolutions to carry out these recommendations when the matter of the report of the Rules Committee comes properly before the Senate.

In committee, I voted for the Clark resolution, which provides for financial reports by Members, officers, and employees of the Senate to be open to the public, it was not adopted. The committee then adopted a proposal made by the distinguished Senator from Nevada [Mr. CANNON], which would require a limited statement of disclosure by Members, officers, and employees to be filed with the Comptroller General, but not to be available to the public or to Congress. If a majority of the Committee on Standards and Conduct, when activated, so directs, such reports would be made available to that committee.

My resolution is narrower than the Clark proposal. I would not offer it unless his should be defeated. My resolu-

tion requires Members, officers, and employees of the Senate to file with the Secretary of the Senate a report concerning their nongovernmental business, professional or employment activities during the preceding calendar year. It would require, among other things, a statement of the nature of each business or professional organization of which the individual was an officer, director, partner, or employee and in which activity he was engaged personally for profit during that year; and the name and addresses of such enterprise or organizations.

If this information were available to the Senate and to the public, it would be a brake upon any activities involving an existing or potential conflict of interest. The public would have the means of determining if there was a conflict of interest on the part of either Members of the Senate or of officers and employees of the Senate. If such a Senate rule had been in effect, Mr. Robert Baker, as an officer of the Senate, would have been required to report his outside employment and business activities and, if he had done so—as these reports would have been open to public inspection—his activities would have been known by the Senate and the public.

My third proposal pertains to political campaign funds. The minority recommended in its report that Congress enact a law to prohibit Senate employees from serving as treasurer, or temporary treasurer or as custodian of any type of campaign funds. I proposed a Senate rule because I believe that it may be more difficult to obtain the passage of legislation involving both Houses of Congress.

My proposal to the committee was voted down. However, I shall offer it again because I believe that the handling of campaign funds by Senate employees, could hold great possibilities for corrupting influences. I do not say that in derogation of the character of Senate employees.

Senators are under legal restrictions with regard to campaign funds, as to their acceptance and to the reporting requirements of the Corrupt Practices Act. Campaign committees are set up in various ways. To be frank about it, there is a good deal of concealment of the sources of campaign funds, and a failure to disclose these sources. It is unfair to place on the staffs the responsibility for receiving and distributing campaign funds.

I believe it absolutely unfair to staff members to place on them the responsibility for soliciting, distributing, or acting as the custodian of campaign funds. Throughout our investigation, there ran an undercurrent of the improper use of political contributions, of collecting and distributing these funds, and there were charges of corruption.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. Mr. President, I ask unanimous consent that I be permitted to continue for an additional minute.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 1 additional minute.

Mr. COOPER. I believe the Senate should adopt a rule prohibiting officers and employees from soliciting, distributing, acting as custodians of political campaign funds, and I shall offer such a rule for the truth of the matter is that after having gone through with the investigation for nearly 2 years, I believe that there is a great need for the overhauling of the entire Corrupt Practices Act.

For that reason, I submit today these two resolutions: One dealing with disclosure and the other prohibiting Senate officers and employees from being charged with any responsibility to collect, hold, or distribute campaign funds.

The PRESIDING OFFICER. The resolutions will be received and appropriately referred.

The resolutions (S. Res. 124) to amend the Standing Rules of the Senate to regulate Members, officers, and employees of the Senate to file certain reports as to their nongovernmental businesses, professional, or employment activities, and (S. Res. 125) to amend the Standing Rules of the Senate to prohibit the solicitation, custodianship, or distribution of political campaign funds by officers and employees of the Senate, submitted by Mr. COOPER, were received and referred to the Committee on Rules and Administration, as follows:

S. RES. 124

Resolved, That the Standing Rules of the Senate are amended by adding at the end thereof the following new rule:

"RULE —

"Report on business and professional occupation

"1. Each individual who is a Member of the Senate, or an officer or employee of the Senate, shall file annually with the Secretary of the Senate, in such form as the Secretary shall prescribe, a report with respect to his non-Governmental business, professional or employment activities during the preceding calendar year Each report filed by any individual for any calendar year shall contain the following information:

"(a) The nature of each business enterprise and professional practice in which he was engaged personally for profit during that year, the name under which such enterprise or practice was so conducted, and the address at which such enterprise or practice was so conducted;

"(b) the name and address of each other business or professional organization or enterprise of which he was an officer, director, partner, or employee in any capacity during that year;

"(c) the capacity in which he was so affiliated with or employed by such organization or enterprise;

"(d) the period during that year for which he occupied such capacity; and

"(e) whether he received any compensation of any kind during that year for or in connection with his occupancy of such capacity.

"2. Each individual who is a Member of the Senate, or an officer or employee of the Senate, at any time during January of any year shall file such report on or before May 1 of that year. Each individual who becomes a Member of the Senate, or an officer or employee of the Senate, after the end of January in any year shall file such report within 90 days after the date on which he becomes a Member of the Senate or an officer or employee of the Senate.

"3. Each report filed under this resolution shall be maintained by the Secretary of the Senate for a period of not less than 3 years, and during that period shall be available for public inspection during business hours of the office of the Secretary of the Senate.

"4. As used in this rule the term 'officer or employee of the Senate' means:

"(1) an elected officer of the Senate who is not a Member of the Senate;

"(2) an employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

"(3) the Legislative Counsel of the Senate and any employee of his office;

"(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporter of Debates of the Senate in connection with the performance of their official duties;

"(5) a member of the Capitol Police Force whose compensation is disbursed by the Secretary of the Senate;

"(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

"(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate."

S. RES. 125

Resolved, That the Standing Rules of the Senate are amended by adding at the end thereof the following new rule:

"RULE —

"Political campaign funds

"1. No officer or employee of the Senate may—

"(1) solicit, be the custodian of or distribute any funds contributed for use to defray expenses incurred or to be incurred by any other individual for or in connection with any campaign for the nomination or election of any individual to be a Member of the Senate; or

"(2) be vested with or exercise any authority or responsibility for, or participate in any way in any consideration of or determination with respect to, the allocation between or among two or more Members of the Senate of any funds available for use to defray expenses incurred or to be incurred by any individual for or in connection with any such campaign.

"2. As used in this Rule, the term 'officer or employee of the Senate' means—

"(1) an elected officer of the Senate who is not a Member of the Senate;

"(2) an employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

"(3) the Legislative Counsel of the Senate and any employee of his office;

"(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporter of Debates of the Senate in connection with the performance of their official duties;

"(5) a member of the Capitol Police Force whose compensation is disbursed by the Secretary of the Senate;

"(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

"(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate."

MEDICAL CARE FOR THE AGED—AMENDMENT

AMENDMENT NO. 307

Mr. BYRD of West Virginia submitted an amendment, intended to be proposed by him, to the bill (H.R. 6675) to provide a hospital insurance program for the aged under the Social Security Act with a supplementary health benefits program and an expanded program of medical assistance, to increase benefits under the

Old-Age, Survivors, and Disability Insurance System, to improve the Federal-State public assistance programs, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 310

Mr. SCOTT (for himself, Mr. ALLOTT, and Mr. MUNDT) submitted amendments (No. 310), intended to be proposed by them, to House bill 6675, supra, which were ordered to lie on the table and to be printed.

NOTICES OF MOTIONS TO SUSPEND THE RULE—AMENDMENTS TO AGRICULTURAL DEPARTMENT APPROPRIATION BILL, 1966

AMENDMENTS NOS. 308 AND 309

Mr. HOLLAND submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 8370) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1966, and for other purposes, the following amendment, namely, page 5, after line 8 after the word "per centum" insert the following: ": *Provided further,* That hereafter no funds in excess of $250,000 shall be available for carrying out the screwworm eradication program that do not require minimum matching by State and local sources of at least 50 per centum of the expenses of production, irradiation, and release of screwworm flies".

Mr. HOLLAND also submitted an amendment (No. 308) intended to be proposed by him to House bill 8370, making appropriations for thhe Department of Agriculture and related agencies for the fiscal year ending June 30, 1966, and for other purposes, which was ordered to lie on the table and to be printed.

Mr. HOLLAND also submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of the rule XVI for the purpose of proposing to the bill (H.R. 8370) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1966, and for other purposes, the following amendment, namely, page 18, after line 10, after the amount of "$80,000,000" insert the following: ": *Provided,* That, in addition, not more than $20,000,000 of the amount appropriated under this head for the previous fiscal year may be transferred to and merged with this appropriation".

Mr. HOLLAND also submitted an amendment (No. 309) intended to be proposed by him to House bill 8370, making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1966, and for other purposes, which was ordered to lie on the table and to be printed.

IMPROVING THE QUALITY OF INSTRUCTION IN HIGHER EDUCATION: AN AMENDMENT TO THE HIGHER EDUCATION BILL

AMENDMENT NO. 311

Mr. YARBOROUGH. Mr. President, one thing which the hearings on the higher education bill made very clear is the need for higher quality instruction in our institutions of higher education. Simply educating larger numbers of people is not enough. We must educate larger numbers of our young people and improve the quality of their education at the same time.

The situation in the colleges has been graphically described by Sidney Hook in a recent article in the New York Times magazine:

> The irony of the situation is that students in our mass institutions of learning suffer today far more from the failure of faculties to attend to the students' individual educational needs than from alleged suppressions of their freedom of speech. The students' freedom to learn is frustrated by crowding, inferior staffing, and by the indifference of many faculties to the best methods of classroom teaching. Colleges still operate on the absurd assumption that anyone who knows anything can teach it properly. It is an open scandal that the worst teaching in the American system of education takes place at the college level. In some universities, large introductory courses where skillful teaching is of critical importance in arousing student interest are turned over to young, inexperienced graduate assistants at the outset of their careers who stumble along by trial and error and groping imitation of the models of teaching they vaguely remember. ("Academic Freedom and the Rights of Students," by Sidney Hook, New York Times, Jan. 3, 1965.)

Increasing opportunities for education and at the same time improving the quality of education is obviously a very large order. Fortunately many of our outstanding educators have been hard at work on the problem. They have investigated the learning process. They have studied conventional methods of teaching to find where the weak points lie. They have experimented with new methods of instruction. Out of this research have come some of the most significant advances in the theory and practice of education in the entire history of education. These advances are truly a product of the 20th century. They draw upon recent discoveries in the psychology of learning. To these they apply many of the resources available through modern technology—closed circuit television, radio, films, language and listening laboratories, programed instruction, self-instruction laboratories, and video tapes—to create new approaches to education which have advantages not found in more conventional methods and which can meet many of the problems created by the need to improve quality at the same time that we are increasing quantity.

One of the major problems facing higher education today is a shortage of good teachers. Intelligent use of the new media of communication can enhance the effectiveness of a good teacher. For instance, experience has shown that if courses are organized so that one or two meetings per week are held in large groups and one or two in small groups, an experienced professor can conduct the large group courses and reach many more students than if he taught only small courses. Use of the new media can make the large group lecture a very effective method of instruction. This phase of the course serves both to impart information to the student and to provide incentive for further study by the student on his own. Films and demonstrations employing the new media can further this purpose admirably. In the small group sessions, and especially in science courses, self-instruction laboratories, programed instruction, and other forms of the new media can free teachers from much mechanical and unimportant work so that he can spend more time with individual students. In this way the teacher can give closer attention to the varying needs and abilities of his students on a more personal basis. This is of vital importance in education today. The complaint most frequently voiced by college students is that they never get to know their teachers and that they feel like faceless cogs in one of the gears of an impersonal educational factory. These new media of communication are not intended to replace the teacher but rather to enhance his effectiveness and to give him more time to devote to his students.

Many of our more affluent universities are making intensive use of the new media. The U.S. Air Force Academy has a magnificent instruction-centered closed circuit TV center. Many of our richer colleges have language laboratories. The University of Illinois has a computer-controlled teaching system. However, while our top universities are going ahead, many of our less affluent institutions do not have sufficient financial resources to make use of the new media.

A study conducted by the University of North Carolina found the following major deterrents to the use of new media:

First. Limited financial support for purchase or rental of materials.

Second. Suitable materials not available for college use.

Third. Lack of information on college materials.

Fourth. Lack of technical assistance for preparing materials.

Fifth. Lack of time to locate good materials.

Sixth. Lack of adequate facilities for showing materials.

Seventh. Films, equipment, or operators unavailable when needed. New Media in Higher Education, page 140.

THE ECONOMICS OF INSTRUCTIONAL MEDIA IN HIGHER EDUCATION

Media is expensive to purchase. This much is clear. In the few large institutions with fully equipped media resources, expenditures average $12 to $15 per student.

Purdue University has one of the outstanding examples of effective use of new media to be found anywhere in the country. It is a biology course taught by Prof. Samuel Postlethwait, who testified before our subcommittee in the hearings on the higher education bill. His audio tutorial system, involving a variety of equipment, specimens, self-instruction, laboratory experiments, and self-teaching sequences of study, experimentation, and testing, required the purchase of $25,000 of equipment. With this expenditure, however, Dr. Postlethwait was able to reduce overall instructional costs from $15 to $12 per student credit hour,

to accommodate 120 more students per year, to teach 50 percent more content, and to achieve significantly higher levels of student achievement. At this point it is important to keep in mind that the primary factor in the success of this course was Dr. Postlethwait's outstanding skills as a teacher, not the media itself. The teacher remains the most important factor. The use of the new media of communication are only adjuncts to enable the teacher to be more effective.

Mr. President, I ask unanimous consent that there be printed at this point in my remarks a paper from which the preceding information has been taken. The paper was compiled by Prof. Charles F. Schuller, of Michigan State University, and is entitled "The Economics of Instructional Media in Higher Education."

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

(See exhibit 1.)

Mr. YARBOROUGH. Mr. President, Congress has seen the wisdom of aiding elementary and secondary schools to strengthen instruction by purchasing equipment of the type here discussed. Title III of the National Defense Education Act authorized matching grants for this purpose. This provision has had a salutary effect upon elementary and secondary education. A report on the National Defense Education Act issued in November 1964, by the Subcommittee on Education of the Senate Committee on Labor and Public Welfare, describes the experience under title III in the following terms:

> The second largest single amount—27 percent of total National Defense Education Act expenditures—has gone to strengthen subject areas of critical importance in today's rapidly changing scientific and technological climate. More than $290 million went to States and territories on a 50–50 matching basis to improve instruction in science, mathematics, and modern foreign languages in public elementary and secondary schools. For the same purpose, private elementary and secondary schools received loans for approximately $3.6 million. In 1958, there were 46 language laboratories; today there are almost 7,000. Some 280,000 local public school projects have been approved for acquisition or remodeling of equipment and materials for instruction in these subjects. Before the National Defense Education Act, States employed at the State agency level only 33 specialist supervisors; now they employ 227.

The Elementary and Secondary Education Act places renewed emphasis upon modern techniques of instruction. The Senate committee report acknowledges that, in meeting the needs of culturally deprived children, "new techniques of instruction and educational innovations offer promise of increasing the educational opportunity of elementary and secondary students." The committee noted:

> Hopefully their use will broaden as a result of this legislation.

Thus we are caught in a paradox. We are providing for increased use of new media of communication in teaching at the elementary and secondary level, but we have taken no such action with regard to higher education. The Senate recognized this inconsistency in the 87th Congress, when this body passed S. 2345, a bill to make applicable title III of National Defense Education Act to colleges. Unfortunately, the House Rules Committee refused to grant a rule; this blocked a conference and the measure died. Nevertheless, the Senate legislative record provides clear justification for such a program.

Senate Report No. 652, 87th Congress, 1st session, described the terms of this proposal:

> To provide assistance to colleges and universities comparable with that now available to elementary and secondary schools, i.e., matching grants for publicly controlled institutions and loans for other nonprofit institutions for the purchase of teaching materials, and for minor remodeling of space therefor, equipment in the fields of mathematics, science and modern foreign languages, technical courses and physical fitness.

In its report, the Senate committee recognized the relationship between educational improvement and the availability of instructional techniques that are modern. It sought to apply this experience to higher education.

> Hearings on the National Defense Education Act held in 1958 brought out clearly the needs of the colleges and universities for teaching equipment in selected fields. A more recent survey conducted by professional societies for the National Science Foundation confirms the inadequacies of college and university laboratories. Clearly, recent and rapid advances in our knowledge of science threaten to render many existing teaching materials and equipment obsolete. Through activities undertaken under the authority of title VI of this act, major changes are taking place in the teaching of modern foreign languages. The availability of Federal funds for the purchase of teaching equipment would do much to remedy a situation which is already unsatisfactory and promises to deteriorate further.

Now that Congress is considering a higher education bill, the opportunity is before us once again to end this curious disparity. Pursuant to this purpose I am introducing an amendment for myself and Senator CLARK, Senator MORSE, Senator PROUTY, and Senator RANDOLPH.

All the cosponsors of this amendment are members of the Education Subcommittee, who, having heard testimony from distinguished educators as to the need for aid to higher education for the purchase of equipment, and who, having devoted considerable time to studying the feasibility of such a provision, are convinced that the higher education bill should be amended to include such authorization.

Part A of my amendment authorizes the Commissioner of Education to make matching grants to institutions of higher education for the acquisition of laboratory and other special equipment, including audiovisual materials and equipment for classrooms or audiovisual centers, and printed and published materials—other than textbooks—for classrooms or libraries suitable for use in providing education in science, mathematics, foreign languages, history, geography, government, English, or education at the undergraduate level in institutions of higher education. This part also authorizes funds for planning studies related to the use of closed circuit television in the above fields in institutions of higher education.

Administration at the State level would be by State commissions. Presumably this commission would be the same agency which administers the Higher Education Facilities Construction Act at the State level, but it can be another agency. The purpose of assigning administration to a State agency is to authorize and encourage long-range State plans for the development and coordination activity in this area.

Part B of the amendment authorizes funds to support short-term or regular session workshops for individuals who are engaged in or preparing to engage in, the use of educational media equipment in teaching in institutions of higher education. This is an integral part of the proposal, since the equipment by itself is worthless. It is merely an aid to the teacher. There is precedent for this provision in title XI of the National Defense Education Act. However, workshops in that act are limited to teachers of teachers and of disadvantaged youth, library personnel, and media specialists all at the elementary and secondary level. The provision in my amendment covers all teachers and media specialists in institutions of higher education.

Mr. President, I ask unanimous consent that the text of the amendment be printed at the conclusion of my remarks. I ask that the amendment lie at the desk for 2 days so that those Senators who wish to do so may add their names as cosponsors.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD, and held at the desk, as requested by the Senator from Texas.

The amendment (No. 311) was referred to the Committee on Labor and Public Welfare, as follows:

> Amendment intended to be proposed by Mr. YARBOROUGH (for himself, Mr. CLARK, Mr. MORSE, Mr. PROUTY, and Mr. RANDOLPH) to S. 600, a bill to strengthen the educational resources of our colleges and universities and to provide financial assistance for students in postsecondary and higher education: On page 71, between lines 19 and 20, insert the following:
>
> "TITLE V—FINANCIAL ASSISTANCE FOR THE IMPROVEMENT OF UNDERGRADUATE INSTRUCTION
>
> *"Part A—Equipment*
>
> "Statement of Purpose and Authorization of Appropriations
>
> "SEC. 501. (a) The purpose of this part is to improve the quality of classroom instruction in selected subject areas in institutions of higher education.
>
> "(b) There are hereby authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1966, $40,000,000 for the fiscal year ending June 30, 1967, and $50,000,000 for the fiscal year ending June 30, 1968, and for each of the two succeeding fiscal years to enable the Commissioner to make grants to institutions of higher education pursuant to this part for the acquisition of equipment and for minor remodeling described in section 503(2)(A).
>
> "(c) There are also authorized to be appropriated $2,500,000 for the fiscal year ending June 30, 1966, $10,000,000 for the fiscal year ending June 30, 1967, and such amounts as the Congress may hereafter authorize for the three succeeding fiscal years, to enable the Commissioner to make grants to institutions of higher education pursuant to this

part for the acquisition of television equipment and for minor remodeling described in section 503(a)(2)(B).

"(d) There is also authorized to be appropriated a sum not exceeding $1,000,000 for each of the fiscal years ending June 30, 1966, June 30, 1967, June 30, 1968, June 30, 1969, and June 30, 1970, to enable the Commissioner to make grants in such amounts as he may consider necessary for the proper and efficient administration of the State plans approved under this part including expenses which he determines are necessary for the preparation of such plans.

"Allotments to States

"SEC. 502. (a)(1) Of the funds appropriated pursuant to subsections (b) and (c) of section 501 for any fiscal year one-half shall be allotted by the Commissioner among the States so that the allotment to each State will be an amount which bears the same ratio to such one-half as the number of students enrolled in institutions of higher education in such State bears to the total number of students enrolled in such institutions in all the States; and the remaining one-half shall be allotted by him among the States in accordance with paragraph (2) of this subsection. For the purposes of this subsection, (A) the number of students enrolled in institutions of higher education shall be deemed to be equal to the sum of (i) the number of full-time students and (ii) the full-time equivalent of the number of part-time students as determined by the Commissioner in accordance with regulations; and (B) determinations as to enrollment shall be made by the Commissioner on the basis of data for the most recent year for which satisfactory data with respect to such enrollment are available to him.

"(2) For the purposes of this paragraph the Commissioner shall allot to each State for each fiscal year an amount which bears the same ratio to the funds being allotted pursuant to this paragraph as the product of—

"(A) the number of students enrolled in institutions of higher education in such State, and

"(B) the State's allotment ratio

bears to the sum of the corresponding products for all the States. For the purposes of this paragraph the allotment ratio for any State shall be 1.00 less the product of (i) 0.50 and (ii) the quotient obtained by dividing the income per person for the State by the income per person for all the States (not including Puerto Rico, the Virgin Islands, American Samoa, and Guam), except that the allotment ratio shall in no case be less than 0.33⅓ or more than 0.66⅔, and the allotment ratio for Puerto Rico, the Virgin Islands, American Samoa, and Guam shall be 0.66⅔. The allotment ratios shall be promulgated by the Commissioner as soon as possible after enactment of this Act, and annually thereafter, on the basis of the average of the incomes per person of the State and of all the States for the three most recent consecutive calendar years for which satisfactory data are available from the Department of Commerce.

"(b)(1) A State's allotment under subsection (a) from funds appropriated pursuant to section 501(b) shall be available in accordance with the provisions of this part for payment of the Federal share (as determined under section 504) of the cost of equipment and minor remodeling described in section 503(a)(2)(A).

"(2) A State's allotment under subsection (a) from funds appropriated pursuant to section 501(c) shall be available in accordance with the provisions of this part for payment of the Federal share (as determined under section 504) of the cost of television equipment and minor remodeling described in section 503(a)(2)(B).

"(c) Sums allotted to a State for the fiscal year ending June 30, 1966, shall remain available for reservation as provided in section 506 until the close of the next fiscal year, in addition to the sums allotted to such State for such next fiscal year. Sums allotted to a State for the fiscal year ending June 30, 1966, or for any succeeding fiscal year, which are not reserved as provided in section 506 by the close of the fiscal year for which they are allotted, shall be reallotted by the Commissioner, on the basis of such factors as he determines to be equitable and reasonable, among the States which, as determined by the Commissioner, are able to use without delay any amounts so reallotted. Amounts reallotted under this subsection shall be available for reservation until the close of the fiscal year next succeeding the fiscal year for which they were originally allotted.

"State Commissions and Plans

"SEC. 503. Any State desiring to participate in the program under this part shall designate for that purpose an existing State agency which is broadly representative of the public and of institutions of higher education in the State, or, if no such State agency exists, shall establish such a State agency, and submit to the Commissioner through the agency so designated or established (hereafter in this part referred to as the 'State commission'), a State plan for such participation. The Commissioner shall approve any such plan which—

"(1) provides that it shall be administered by the State commission;

"(2) sets forth, consistently with basic criteria prescribed by regulation pursuant to section 504, objective standards and methods (A) for determining the relative priorities of eligible projects for the acquisition of laboratory and other special equipment (other than supplies consumed in use), including audiovisual materials and equipment for classrooms or audiovisual centers, and printed and published materials (other than textbooks) for classrooms or libraries, suitable for use in providing education in science, mathematics, foreign languages, history, geography, government, English, or education at the undergraduate level in institutions of higher education, and minor remodeling of classroom or other space used for such materials or equipment; (B) for determining relative priorities of eligible projects for the acquisition of (i) television equipment for closed-circuit direct instruction in such fields in such institutions (including equipment for fixed-service instructional television, as defined by the Federal Communications Commission, but not including broadcast transmission equipment, (ii) necessary instructional materials for use in such television instruction, and minor remodeling necessary for such television equipment; and (C) for determining the Federal share of the cost of each such project;

"(3) provides (A) for assigning priorities solely on the basis of such criteria, standards, and methods to eligible projects submitted to the State commission and deemed by it to be otherwise approvable under the provisions of this part; and (B) for approving and recommending to the Commissioner, in the order of such priority, applications covering such eligible projects, and for certifying to the Commissioner the Federal share, determined by the State commission under the State plan, of the cost of the project involved;

"(4) provides for affording to every applicant which has submitted to the State commission a project, an opportunity for a fair hearing before the commission as to the priority assigned to such project or as to any other determination of the commission adversely affecting such applicant; and

"(5) provides (A) for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State commission under this part, and (B) for the making of such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this part.

"Basic Criteria for Determining Priorities, Federal Share, and Maintenance of Effort

"SEC. 504. (a) As soon as practicable after the enactment of this Act the Commissioner shall by regulation prescribe basic criteria to which the provisions of State plans setting forth standards and methods for determining relative priorities of eligible projects, and the application of such standards and methods to such projects under such plans, shall be subject. Such basic criteria (1) shall be such as will best tend to achieve the objectives of this part while leaving opportunity and flexibility for the development of State plan standards and methods that will best accommodate the varied needs of institutions in the several States, and (2) shall give special consideration to the financial need of the institution. Subject to the foregoing requirements, such regulations may establish additional and appropriate basic criteria, including provision for considering the degree to which applicant institutions are effectively utilizing existing facilities and equipment, provision for allowing State plans to group or provide for grouping, in a reasonable manner, facilities or institutions according to functional or educational type for priority purposes, and, in view of the national objectives of this Act, provision for considering the degree to which the institution serves students from two or more States or from outside the United States; and in no event shall an institution's readiness to admit such out-of-State students be considered as a priority factor adverse to such institution.

"(b) The Federal share for the purposes of this part shall be 50 per centum of the cost of the project, except that a State commission may increase such share to not to exceed 80 per centum of such cost in the case of any institution proving insufficient resources to participate in the program under this part and inability to acquire such resources. An institution of higher education shall be eligible for a grant for a project pursuant to this part in any fiscal year only if such institution will expend during such year for the same purposes as, but not pursuant to, this part an amount at least equal to the amount expended by such institution for such purposes during the previous fiscal year. The Commissioner shall establish basic criteria for making determinations under this subsection.

"Applications for Grants and Conditions for Approval

"SEC. 505. (a) Institutions of higher education which desire to obtain grants under this part shall submit applications therefor at such time or times and in such manner as may be prescribed by the Commissioner, and such applications shall contain such information as may be required by or pursuant to regulation for the purpose of enabling the Commissioner to make the determinations required to be made by him under this part.

"(b) The Commissioner shall approve an application covering a project under this part and meeting the requirements prescribed pursuant to subsection (a) if—

"(1) the project has been approved and recommended by the appropriate State commission;

"(2) the State commission has certified to the Commissioner, in accordance with the State plan, the Federal share of the cost of the project, and sufficient funds to pay such Federal share are available from the appli-

cable allotment of the State (including any applicable reallotment to the State);

"(3) the project has, pursuant to the State plan, been assigned a priority that is higher than that of all other projects within such State (chargeable to the same allotment) which meet all the requirements of this section (other than this clause) and for which Federal funds have not yet been reserved;

"(4) the Commissioner determines that the project will be undertaken in an economical manner and will not be overly elaborate or extravagant; and

"(5) the Commissioner determines that the application contains or is supported by satisfactory assurances—

"(A) that Federal funds received by the applicant will be used solely for defraying the cost of the project covered by such application,

"(B) that sufficient funds will be available to meet the non-Federal portion of such cost and to provide for the effective use of the equipment upon completion, and

"(C) that the institution will meet the maintenance of effort requirement in section 504(b).

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

"Amount of Grant—Payment

"SEC. 506. Upon his approval of any application for a grant under this part, the Commissioner shall reserve from the applicable allotment (including any applicable reallotment) available therefor, the amount of such grant, which (subject to the limits of such allotment or reallotment) shall be equal to the Federal share of the cost of the project covered by such application. The Commissioner shall pay such reserved amount, in advance or by way of reimbursement, and in such installments as he may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application covering such project or upon revision of the estimated cost of a project with respect to which such reservation was made, and in the event of an upward revision of such estimated cost approved by him he may reserve the Federal share of the added cost only from the applicable allotment (or reallotment) available at the time of such approval.

"Administration of State Plans

"SEC. 507. (a) The Commissioner shall not finally disapprove any State plan submitted under this part, or any modification thereof, without first affording the State commission submitting the plan reasonable notice and opportunity for a hearing.

"(b) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State commission administering a State plan approved under this part, finds—

"(1) that the State plan has been so changed that it no longer complies with the provisions of section 503(a), or

"(2) that in the administration of the plan there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State commission that the State will not be regarded as eligible to participate in the program under this part until he is satisfied that there is no longer any such failure to comply.

"Judicial Review

"SEC. 508. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under this part or with his final action under section 507, such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Commissioner shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

"(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

"Limitation on Payments

"SEC. 509. Nothing contained in this part shall be construed to authorize the making of any payment under this part for any equipment or materials for religious worship or instruction.

"Part B—Faculty development programs

"Institutes Authorized

"SEC. 521. There are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1966, and for each of the four succeeding fiscal years, to enable the Commissioner to arrange, through grants or contracts, with institutions of higher education for the operation of them by short-term workshops or short-term or regular-session institutes for individuals (1) who are engaged in, or preparing to engage in, the use of educational media equipment in teaching in institutions of higher education, or (2) who are, or are preparing to be, in institutions of higher education, specialists in educational media or librarians or other specialists using such media.

"Stipends

"SEC. 522. Each individual who attends an institute operated under the provisions of this part shall be eligible (after application therefor) to receive a stipend at the rate of $75 per week for the period of his attendance at such institute and each such individual with one or more dependents shall receive an additional stipend at the rate of $15 per week for each dependent. No stipends shall be paid for attendance at workshops."

On page 71, redesignate title V as title VI, and on pages 71 through 74, redesignate sections 501 through 504 as sections 601 through 604 respectively.

EXHIBIT 1.—THE ECONOMICS OF INSTRUCTIONAL MEDIA IN HIGHER EDUCATION

(Compiled by Charles F. Schuller, professor of education, director, Audiovisual Center, Michigan State University, June 1965)

(NOTE.—The preparation of this paper has been greatly aided by information and suggestions from numerous experts, including Dr. John Dietrich, Dr. Craig Johnson, and Dr. John Barson (Michigan State University); Dr. S. N. Postlethwait (Purdue); Dr. Donald Ely (Syracuse University); Mr. Harold Hill (National Association of Educational Broadcasters); Dr. Robert Snider (Department of Audiovisual Instruction, NEA); Mr. Ben Edelman (Electronics Industries Association); Dr. Edward Bernard (New York City public schools).)

INTRODUCTION

The calculation of costs of college or university instruction is an intricate and complex task. It can be accomplished, however, if one recognizes at the outset and throughout the discussion that there are three kinds of related variables included in any cost information given. The first is the matter of quality of instruction, which has a direct relationship to the quality of resultant learning. There is a value relationship, for example, between the quality of programing done on closed-circuit television, the cost of developing such programing, and the amount of learning which results from it.

Secondly, there is a wide variation in technical costs. As an example, video tape recorders are a major input component of any closed-circuit system and can range in price from $15,000 to $36,000 with a new low-priced one at $4,000. One or more may be needed, according to the number of simultaneous channel offerings required, and a range of recorders may be needed according to the nature and number of subjects called for. Color facilities will increase this cost by 50 percent.

Thirdly, there is considerable variation in costs depending upon how various types of media are actually used in the classroom. The more important aspects of this variable involved seem to be (1) the scale of assistance used in supporting instructional programs production (art work, photography, etc.), (2) the location used for televising the presentation (studio, classroom, lecture hall, etc.), (3) the use of "live" versus studio tape television instruction, (4) the amount of instructional input per program, i.e., the proportion of the instructor's time devoted to TV and the number of programs prepared per week or per year, (5) the proportion of the programs which are remade each semester or each year, (6) the number of students viewing the program and the organization of the viewing situation, i.e., the number of times the program needs to be repeated per day or per year and (7) the salary scale of the television professor(s) or teachers.[1] The above alternatives apply in greater or lesser degree to the whole range of instructional media applications in college instruction.

If at this point it appears that any cost analysis will tend to become hopelessly confused by such variables as cited by Paden, it will be helpful to keep two factors in focus which make the effort worthwhile. First, research in abundance has established the fact that media of various kinds, appropriately applied to well-planned instructional programs, can achieve equal or better learning results than conventional forms of college instruction and they can frequently do so for vastly larger numbers of students. Secondly, these benefits become possible only when the new media and materials necessary are actually on hand. In the great majority of higher institutions, newer forms of instructional media are available on a very limited basis; in many, for practical purposes, they are nonexistent.

The following discussion is organized on the basis of (1) instructional media typically described as audiovisual media and materials including all types of projection, recording, and sound equipment and materials; (2) language laboratories; and (3) closed-circuit television installations. These are interpolated in two cases into per student-hour costs with relevant information and rationale provided where it may be helpful for reference.

AUDIOVISUAL EQUIPMENT AND MATERIALS

Audiovisual instructional materials and equipment range from chalkboards, pictures and other simple illustrations through graphics, slides, filmstrips, instructional films, audio tape recordings, public address systems for large classrooms, models, maps

[1] Paden, Donald W., (professor of economics, University of Illinois) "The Teaching of Economics Via Television at the College Level" in "Televised College Courses," by Meaney, John W., "The Fund for the Advancement of Education," 1962, pp. 77–78.

and globes, and the various projectors, recorders, playback machines and sound equipment needed to present many of these materials in classrooms. Along with such equipment and materials, storage and retrieval services, maintenance, distribution and production services are necessary if the materials are to be effectively used by college professors. In the few large institutions with effective on-going instructional media programs, including CCTV, budgets for centers providing media services range from $12 to $15 per full-time student enrolled. Thus an institution with 20,000 students should be in a position to expend $240,000 per year on instructional media and media services, including the costs of professional specialists needed to assist with planning and effective use in instruction of materials and equipment provided. In institutions with smaller enrollments, the cost per student may be proportionately higher before effective use can be achieved since a basic provision of equipment, materials and services is necessary.

One of the best examples of effectively integrated use of instructional media of various types is found at Purdue University where Dr. Samuel Postlethwait, professor of biology, with the help of his students and associates over a period of several years has developed a new and highly effective method of teaching botany by means of an audiotutorial system. This system involves a variety of equipment, specimens, self instruction, laboratory experiments and self-teaching sequences of study, experimentation, and testing. It was described and illustrated by Dr. Postlethwait before the Senate Subcommittee on Education and Welfare on June 2, 1965.

The following cost analysis (see table) is based upon his program which conventionally involved approximately 380 students taught by 2 hours per week of lecture, 1 hour per week of recitation, and 3 hours per week of laboratory, as compared with the new program involving audio tutorial teaching for approximately 500 students taught by 1 hour per week of general assembly session, 1 hour per week of small assembly session and 2½ hours per week in independent study sessions. With minor modifications the system will accommodate 600 students.

With the purchase of some $25,000 in projection and sound tape materials and equipment for this class, Dr. Postlethwait was able to reduce overall instructional costs from $15 to $12 per student credit hour, to accommodate 120 more students per year, to teach 50 percent more content and to achieve significantly higher levels of student achievement. In addition, one $40,000 laboratory and 42 microscopes were freed for use in other courses.

Comparative costs of conventional and audiotutorial systems of teaching freshman botany at Purdue University (1964)

[S. N. Postlethwait, professor of biology]

Item	Conventional system	Audiotutorial system	Costs per 4-year period	
			Conventional	Audiotutorial
Number of students	1,200 per year (600 per semester).	1,200 per year (600 per semester).	4,800	4,850
Staff:				
Senior	¾ at $9,000=$9,000	¾ at $9,000=$9,000	$36,000	$36,000
Instructor	2 at $7,000=$14,000	2 at $7,000=$14,000	56,000	56,000
Graduate students	11 at $2,500=$27,500	8 at $2,500=$20,000	110,000	80,000
Total staff			202,000	172,000
Space:				
Lecture hall (300)	8 hours per week	4 hours per week		
Recitation room (30)	20 hours per week	20 hours per week		
Laboratory (36)	2 labs at $40,000=$80,000	1 lab at $40,000=$40,000	80,000	40,000
Equipment: [1]				
Tape players		30 at $175=$5,000		5,000
Tapes		135 at $3=$400		400
Projectors		30 at $80=$2,400		2,400
Fairchild projector		1 at $475=$475		475
Booths		30 at $60=$1,800		1,800
Films		420 at $15=$6,300		6,300
Microscopes	72 at $200=$14,400	30 at $200=$6,000	14,400	6,000
Other	18 at $1,000=$18,000	2 at $1,000=$2,000	18,000	2,000
Total equipment			32,400	24,375
Total			314,400	236,375
Cost per student per 4 hours credit			+60	+49
Cost per student per credit-hour			15	12

[1] Equipment and laboratory should be useful for more than 4 years.

It is important to note that Dr. Postlethwait's own enthusiasm and skill as a teacher are paramount factors in the success of this experiment. Countless hours had to be applied to planning, to the preparation and production of appropriate teaching and learning materials, and to the organization and development of the new system. Without these ingredients, the system would not work as successfully. The fact that the new system costs less per student credit hour than the previous conventional system is fortunate but of far less importance than the fact that the teaching-learning results achieved have proved to be significantly superior by whatever measure that might be applied, including the return per dollar of educational investment. A similar study with similar results has been conducted by Dr. W. Westerfeld at Penn State University and several other universities are currently experimenting with Postlethwait's technique.

LANGUAGE LABORATORIES

Audio-tape laboratories (more commonly known as language laboratories) have established their value not only in the teaching of foreign languages, but in such subjects as speech, music, English grammar and mathematics. The Modern Language Association has given its official approval to language laboratories as an improved means of teaching foreign languages via the audio-lingual approach. This approach concentrates on learning to understand and speak the language prior to learning to read or to write it. At the present time, there are estimated to be over 10,000 language laboratories in the United States, most of them in secondary schools.

Heavy increases in enrollment in foreign language courses have taken place during the past 5 years. Many additional languages including Russian, Chinese, and Arabic, have been added to course offerings of major colleges and universities. Increased enrollment in traditional language courses and the addition of new languages being taught—have stepped up the already heavy need for language laboratories in colleges and universities of the United States. The potential for similar laboratories to assist in the teaching of English as a foreign language, and of other courses lending themselves to audio-tape system treatment will further expand this demand in the years immediately ahead.

The cost of a 50-position language laboratory with surface wiring complete with console and installation ranges from $22,000 to $25,000 depending upon local labor costs, exclusive of power lead-in costs. Concealed wiring (as in floor channels) adds up to 50 percent to these costs. A 100-position audio-tape laboratory with surface wiring, console, etc. costs from $39,000–$43,000.

A newer type multipurpose audio-tape laboratory with removable booth separators, no exposed wiring and solenoid locks would cost approximately $500 per position or from 13 to 15 percent more than the standard booth laboratory typically used in foreign language courses. All of the above prices are exclusive of necessary conduit or channels for concealed wiring, of costs of bringing electrical power (115 AC) to the system, or of costs for necessary building alterations.[2]

CLOSED-CIRCUIT TELEVISION

The use of closed-circuit television appears to be an essential means of resolving problems of heavy enrollment in basic undergraduate courses. As an example, Michigan State University will teach 18,000 credit hours via CCTV during the fall 1965 quarter. This is more than will be taught this fall in any one of 5 of the 11 colleges on Michigan State University's campus. While such volume tends to raise questions of quality of instruction, of loss of personal contact between teachers and students, and of consequent learning outcomes, the evidence of over $1 million worth of research studies demonstrates that instruction by CCTV can be successfully performed without harm or loss to the student and that many of the apparent disadvantages of televised instruction by CCTV can be offset (1) by high quality programing and (2) by using television as an integrated part of a total instructional development program with built-in opportunities for small group discussions, laboratory experiences, and instructor-student contact.

A number of the variables relating to the cost of CCTV installations were cited in the introduction to this paper. The following paragraphs reflect some of these and give detailed information on costs of various components in a CCTV operation suitable for college or university purposes.

A. General

Initial installations are likely to vary considerably according to purposes to be included: simple one-room camera-receiver combinations for magnification to multi-studio program-producing with supporting input devices like VTR, film-chains, etc. These are present-day systems in a few hundred institutions.

However, sophisticated approaches would recognize opportunities to integrate with CCTV other media systems so that a comprehensive communication network is planned for, with provision for public ad-

[2] The above figures are provided by Dr. Edward Bernard, supervisor, AV Ed., board of education, New York City public schools, and Prof. Elton Hocking, chairman, Department of Foreign Language, Purdue University.

dress; live radio and TV; and recorded programs (audio and video-tapes, records, etc.) can be distributed to auditoriums, classrooms, study-carrels, lounges, dormitories, etc. (or even broadcasts). This suggests a distribution network and control center, with origination from a variety of sources, and with reception or display at all distribution points by manual or automatic selection.

A satisfactory plan needs to recognize ultimate goals, with distribution provided for this ultimate concept where possible by sufficiently large capacity cable runs capable of handling color TV, audio, data transmission, control circuits, etc.; but with such segments fully equipped to meet only current needs. Program origination and inputs can be enlarged by scheduled additions of equipment; classroom reception can be extended by equipment additions, carrels and dormitory reception for individual study can be added in.

B. Original equipment

Studies are probably basic for higher education installations since they provide for program experimentation and development, and this will maintain the individualism of the institution and its faculty. Aside from construction, air conditioning, and lighting, there can be a range of costs from $12,000 to $65,000 based on types of cameras, consoles, etc.; where color is involved, 50 percent additional should be added.

Video tape recorders are a major input component and these range in price from $10,000 to $36,000, with a new low-priced one at $4,000. One or more are needed, according to the number of simultaneous channel offerings; a range of recorders are probably indicated according to quality of subject screening called for. Color would increase these figures by 50 percent also.

Film/slide chains for inputting these source materials range from $2,000 to $16,000, and a number of these may be called for according to the number of simultaneous channel offerings required.

Provision for origination in classrooms either for intraclassroom display or for transmission to other rooms can also be accommodated by modest expenditures for portable cameras, lighting, microphones and connectors to the cable distribution system at a cost of $3,000 to $6,000.

Also, provision for taking programs "off the air" by antennas, tuners, converters, amplifiers, and readying it for distribution are very much in order. Modest sums up to a few thousand dollars should cover most situations.

C. Reception and display equipment

In classrooms the simple TV presentation can be by home-type receivers, with local channel selection from a multichannel cable outlet. Such receivers are in the $100 to $200 range depending on mounting arrangement, with two or more per room; color would double the expenditure. In line with the "integrated media systems," approach, audio for public address, radio, and TV could be accomplished by separate loudspeakers (probably ceiling-mounted); this would permit silent monitors to present the video portion if a central control center were to select the channel offering in response to teacher demand or schedule. Similar arrangements for auditoriums, gymnasiums or large classrooms can be attained by merely increasing the number of receivers or monitors.

There are also large screen projection systems at prices ranging from $2,000 to $4,000 which can be employed in classrooms or auditoriums. High quality fine line TV projection equipment for this purpose may cost up to $60,000.

The use of study carrels or dormitory reception would probably be associated with "integrated systems" since access to a library of materials would be appropriate from a response center. The TV reception equipment would approximate receiver costs.

D. Distribution equipment

The approaches to this phase need to be based on building coverage; multibuilding or campus coverage; or multicampus or remote location coverage. Within a building, a central control area feeding multichannel, RF distribution loops with selection at the receiver may be adopted; or a radial distribution of RF, or video and audio may be managed from the center on directions from a receiving point.

Where more than one building is concerned, the additional buildings need only be extensions of the distribution system, accomplished by cable linkages; or by microwave radio links based on economic considerations relating to number of channels, topography, and maintenance costs.

Again where remote buildings (even in distant cities) are involved, the same questions of cable or microwave links arise, but additional questions of right-of-way may have to be met unless common carrier services are resorted to.

In general, when planning to include extra-building distribution (currently or in the future) consideration can be given to leased service from common carriers for both the links and the intra-buildings distribution.

Due to the special tailoring of distribution systems, costs are hard to cover by preset formulas or unit costs. However, some approximations may be useful. Per channel costs for the "head end" or control point might vary from $40 to $75 additional. Separate audio would add 50 percent. Cable runs outside would be on the order of $4,000 per mile (for 12 channels); while microwave links (2,500 megacycle) would start the first channel for $25,000 to $30,000 with each additional channel or talk-back channel costing about $10,000.

On the basis of securing leased services, the per-mile monthly charges start at $27.50 and drop to $12.50 and $10 at the second and fourth additions. It also appears likely that 12-channel cable service suitable for color TV (and a broad range of other services) could be anticipated at $150 per month per mile.

E. Maintenance and operation

Annual maintenance costs (on all but leased facilities) should range from 5 to 10 percent of installed cost (about 8 percent on microwave) unless installations are modest where the ratio must be higher.

Operation will require a manpower and "materials" budget ranging from part-time service to fully manned control centers.

F. Instructional costs

Costs studies at Michigan State University and at Penn State University establish the fact that closed-circuit television tends to be equal in cost or less expensive than conventional instruction when 400 or more students are involved.

Perhaps even more important is the fact that if, in consequence of use of closed-circuit television on higher education campuses, fewer large auditoriums need to be built, there could be even greater savings and increased instructional efficiency. Further, given a minimum of 400 students in a course, the question of dollars becomes less important than the fact that the academic department is provided with instructional choice. Every classical teacher would like to have Mark Hopkins on one end of a log and a student on the other, but there are some doubts about whether or not you have a good education if you have a recent B.A. graduate teaching assistant on one end of the log and a student on the other.

Closed-circuit television provides the opportunity for the department to present its master teachers to the beginning student even though in a somewhat impersonal way. (Even this is coming into some question on the basis of a recent study at Michigan State University which shows that students are far less concerned than faculty with this question and that they do react personally to the television form when it is effectively presented.)

The following analysis by Drs. Gardner Jones and Wayne Cunningham, of the College of Business, shows comparative costs per student exposure hour of several types of teaching methods at Michigan State University.

Comparative costs per student exposure hour using varying teaching methods [1]

Course method	Cost per student exposure hour with—	
	400 students	800 students
3 hours per week live CCTV	$0.457	$0.369
3 hours per week CCTV tape replay	.376	.328
3 lectures per week, 400 students per lecture	.406	.406
2 lectures per week and 1 recitation per week	.479	.329
1 lecture per week and 2 recitations per week	.496	.421
3 recitations per week	.696	.696

[1] From Jones, Gardner, and Cunningham, Wayne, College of Business, Michigan State University, "Cost Analysis of Instruction by Closed Circuit Television," p. 20, 1964.

NOTE.—3 hours per week live CCTV, with taped replay of same to subsequent section (schedule D–7). This method lends itself well to courses with large enrollments. The cost is reduced to $0.265 where it is taped live and played back twice to accommodate a total enrollment of 2,000 students.

ADDITIONAL COSPONSORS OF BILLS

Mr. JAVITS. Mr. President, I ask unanimous consent that the name of the Senator from Alaska [Mr. BARTLETT] may be added as a cosponsor of S. 2113, S. 2114, S. 2115, and S. 2116, bills which the present occupant of the chair, Mr. KENNEDY of New York, and I have introduced.

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

Mr. ERVIN. Mr. President, I ask unanimous consent that the senior Senator from New York, Senator JACOB K. JAVITS, a member of the Subcommittee on Constitutional Rights, be added as a cosponsor of the bill S. 1357, which would amend the Federal bail laws.

ADDITIONAL COSPONSOR OF BILL

Under authority of the order of the Senate of June 23, 1965, the name of Mr. BREWSTER was added as an additional cosponsor of the bill (S. 2184) to require clinical laboratories which transact business in interstate commerce to comply with minimum standards prescribed by the Surgeon General in the performance of laboratory procedures, and for other purposes, introduced by Mr. JAVITS (for himself and Mr. MURPHY) on June 23, 1965.

SUBCOMMITTEE HEARINGS ON POSTAL AFFAIRS

Mr. YARBOROUGH. Mr. President, as chairman of the Subcommittee on Postal Affairs of the Senate Post Office and Civil Service Committee, I wish to

announce that public hearings will be held in room 6202 of the New Senate Office Building on Friday, July 9, 1965, at 10 a.m., on H.R. 1771 and S. 1668. This legislation would permit postmasters to have a 5-day workweek. Under present law almost all postmasters are required to work 6 days a week. Persons wishing to testify should arrange to do so by calling 225-5451.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. SCOTT:

Editorial from the Philadelphia Inquirer of June 15, 1965; also a press release prepared by himself, on the subject of high-speed ground transportation.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

VISIT TO RUSSIA AND ITS SATELLITES

Mr. SYMINGTON. Mr. President, Marvin Millsap, author of an article in the Ozarks Mountaineer entitled "We Visit Russia and Its Satellites," is both an educator and an outstanding business executive who has now retired to the beauty of the Ozark mountain country in Taney County, Mo. He and his wife devote much of their time to travel. Last fall they spent several months behind the Iron Curtain.

What interested me especially about this article, written by a former official of one of the world's great corporations, General Motors, is his conclusion. Millsap makes these statements:

Here are some general observations about Russia. I think them valid ones. Remember that industrial Russia as we know it today is no more than 25 years old. Keeping that in mind, their progress has been tremendous. They are generally behind our standards, but have come a long way in a short time. We found the Russian people happy and friendly. By our standards of living they are far behind, but when you compare their present standards of living with what they had only a few years ago, they have made much progress. In our political campaign vernacular, "they never had it so good."

They have a deep fear of a large-scale war, for they have had much experience with war on their own soil, suffering devastating losses. I am convinced that they want no part of a nuclear war. They have a genuine concern about a billion unfriendly Asiatic Communists on their eastern border. I think as time goes by they must look westward.

One other general observation. The satellite countries of Eastern Europe are gradually pulling away from Russian dominance. They generally feel that they have an older and richer culture than the Russians have, a better educational system, and a higher standard of living. Then too, they see the fruits of an independence of spirit in Yugoslavia. Here great progress has been made, and the other Eastern European countries feel that they can and should do likewise. Nowhere is this more evident than in Rumania where they have largely reoriented their economy. For centuries Rumania's economy was an agricultural one. It is now being high industrialized, despite the fact that Russia had expected it to continue to be a breadbasket of the Communist bloc. The same is going on elsewhere in varying degrees.

We feel our trip to Eastern Europe was interesting and worthwhile. We think that it would be a worthwhile experience for everyone. Our attitude toward Eastern Europe and our approach to dealing with these countries should be adult, realistic and practical. It seems to me it has been none of these. We need these people for friends. They represent a great potential market for goods from our factories. I think we should revise our attitudes and beliefs about the Communist countries of Eastern Europe.

I am sure my colleagues would be interested in the entire article by Mr. Millsap and therefore ask unanimous consent that it be printed at this point in the RECORD.

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

WE VISIT RUSSIA AND ITS SATELLITES

(By Marvin Millsap)

Late last summer, Mrs. Millsap and I were invited to join a delegation to go to Eastern Europe to study education under communism under the sponsorship of the Comparative Education Society. Dr. Gerald Read, professor of secondary education, Kent State University, Kent, Ohio, was the leader. There were 83 members in the delegation, made up of college and university presidents, deans, professors, school superintendents, principals, classroom teachers, and members of boards of education. These members represented a cross section of the United States. Poland, Russia, Rumania, Yugoslavia, Hungary, Czechoslovakia, and East Germany were visited. We left the group when we finished our work in Prague and continued on to the Middle East and Central Africa, independently.

The host countries did an excellent job in planning a full working schedule and did everything possible to make our stay a pleasant and worthwhile experience. While access to Eastern European countries is not an easy matter, we experienced a minimum of problems. I dare say, no more in fact, than their nationals would experience in entering and moving about the United States. Our hosts used great care, apparently, in providing good food and hotel accommodations. While there was no general agreement on the subject, I felt that both the food and the hotel accommodations were excellent. In Warsaw, Moscow, and Belgrade we were in smart, nearly new hotels. In Bucharest, Budapest, and Prague we were housed in older hotels, carrying on the traditions of the past. I am pleased that we had both experiences.

Arrangements had been made for us to visit a variety of educational institutions, attending classes, meeting and discussing school matters with teachers and students. Seminars were conducted by the Ministries of Education, the Trade Union of Teachers, and lectures were given by first-rate people in the Academies of Pedagogical Sciences, the Academy of Sciences, and by some of the countries' leading political scientists and economists. The better part of a full day was spent with Dr. Bebler in Belgrade. He is the Chief Justice of the Constitutional Courts. It was evident that a genuine effort was made to help members of the delegation get, not necessarily a good impression, but rather, a correct one. I found it necessary to revise my impressions and I think that the average American citizen visiting Eastern Europe for the first time will revise many of his assumptions and beliefs.

It has been said that there are two types of authorities on Russia. There is the person who has spent the last 40 years studying and observing the emergence of Russia from the insignificance of a country of peasants to a world power. Then there is the person who spends 40 days observing the largest country in the world—one that spans two continents and represents one-sixth of the inhabited world. In regard to Russia, both are equally unreliable. I represent the 40-day variety.

We visited only the capitol cities, and just as Washington is not America, neither is Moscow, Russia, but certainly Moscow is more nearly Russia than Washington is America. It should be self-evident that there were real limitations on what could be learned in so short a time. Even though it should be understood that each country would make a real effort to create a good impression, it must also be obvious that it would be possible for a discerning person to make his own observations and to gain some very real impressions. While generally the observations would be superficial, they need not be invalid ones.

I have been asked many times, "what are the Russians like?" Often I have replied, "they are like Russians." This is not intended to be a smart, cute answer, but rather it is intended to call attention to the need of understanding the historical and nationalistic background of the Eastern European countries. One needs to remember that the Russians are products of more than 800 years of violent history. It also needs to be remembered that Russia was a police state long before the Communists came on the scene. When thinking of their fear and suspicion of the outsider, it helps to remember that during those 800 years they have been invaded and overrun by Monguls, Tartars, Turks, Poles, Swedes, French, and Germans.

While visiting the capitols of Eastern Europe, one is conscious of real and significant differences between the various countries, but there are also some similarities. The people are products of some of the same historical influences. They knew the same rulers and oppressors: hating alike, the Hapsburgs of Austria and the sultans of Turkey. They all share a genuine fear and a complete distrust of Germany. The rearming of Germany and our position on a united Germany are not pleasant subjects when visiting with Eastern Europeans.

Since the purpose of our visit to Eastern Europe was to observe education under communism some brief observations seem in order. Education in Eastern Europe is like life in general, varied and complex. There are similarities and there are differences in the several countries. It is difficult, therefore, in a short space to describe education in Eastern Europe. Public education, as we know it, is a very recent development, a product of the last 25 years. Public or mass education is used in Eastern Europe to build a new social order. Under communism, education is used to indoctrinate the student in the values of a communistic society and to train him in the skills most needed by the state.

The Soviets believe that if a child is reached early enough, and if the indoctrination is thorough enough, the desired product will result. In this connection the out-of-school pursuits of children are closely supervised through the Octobrus Organizations which a child enters at the age of 7; the Pioneers, to which he is graduated at the age of 9 and the Konsummal, which he enters at the age of 15. We visited in Moscow the Palace of

Pioneers, where several hundred hobby clubs are available to children, and where the finest modern educational equipment, including a very modern planetarium is available. Here they teach not only the importance of space, but even at this age level, are attempting to teach an understanding and knowledge of space.

I have a notion that the work being done here is significant out of all proportion to its surface implications. Eight or nine years of schooling is compulsory. Admission to secondary school is open to all without examination. After completing 8 or 9 years in the elementary school and lower secondary school, a pupil is admitted to a general secondary school. Admission to higher educational institutions is by examination. The number admitted is determined by space available and by the needs of the economy for workers. Competition is keen, for more seek admission than space is available. There are strong incentives for youths and adults alike to go as far as possible because most jobs are defined in terms of education. Parents are held strictly responsible for the discipline of their children. There is a shortage of teachers and plant facilities. The school plant generally is used on a two-shift basis, 6 days a week and 11 months a year.

While there was a consensus that generally our schools are substantially ahead of those in Eastern Europe, this may not be true in specific cases. I have a notion that Russia is doing an outstanding job in special science and mathematic schools. I feel, too, that they are doing a better job teaching foreign languages than we do, generally. I believe that most, if not all of our group, felt that there is a greater dedication on the part of both student and teacher there than there is here, generally. Seriousness of purpose was everywhere evident.

Here are some general observations about Russia. I think them valid ones. Remember, that industrial Russia as we know it today is no more than 25 years old. Keeping that in mind, their progress has been tremendous. They are generally behind our standards, but have come a long way in a short time. We found the Russian people happy and friendly. By our standards of living they are far behind, but when you compare their present standards of living with what they had only a few years ago, they have made much progress. In our political campaign vernacular, "they never had it so good."

They have a deep fear of a large scale war, for they have had much experience with war on their own soil, suffering devastating losses. I am convinced that they want no part of a nuclear war. They have a genuine concern about a billion unfriendly Asiatic Communists on their eastern border. I think as time goes by they must look westward.

One other general observation. The Satellite countries of Eastern Europe are gradually pulling away from Russian dominance. They generally feel that they have an older and a richer culture than the Russians have, a better educational system and a higher standard of living. Then too, they see the fruits of an independence of spirit in Yugoslavia. Here great progress has been made, and the other Eastern European countries feel that they can and should do likewise. No where is this more evident than in Rumania where they have largely reoriented their economy. For centuries Rumania's economy was an agricultural one. It is now beng highly industrialized, despite the fact that Russia had expected it to continue to be a breadbasket of the Communist bloc. The same is going on elsewhere in varying degrees.

We feel our trip to Eastern Europe was interesting and worthwhile. We think that it would be a worthwhile experience for everyone. Our attitude toward Eastern Europe and our approach in dealing with these countries should be adult, realistic, and practical. It seems to me it has been none of these. We need these people for friends. They represent a great potential market for goods from our factories. I think we should revise our attitudes and beliefs about the Communist countries of Eastern Europe.

CIVIL RIGHTS AND FOREIGN POLICY

Mr. JAVITS. Mr. President, I wish to call attention to a development in both civil rights and foreign policy which I consider to be of such moment as to deserve the attention of the Senate.

Over the weekend two civil rights leaders made statements which I believe merit widespread attention and deserve commendation. Both Roy Wilkins, executive director of the National Association for the Advancement of Colored People, and James Farmer, national director of the Congress of Racial Equality, spoke out against confusing the civil rights movement with opposition to U.S. foreign policy in Vietnam.

Mr. Wilkins was quoted as stating:

When you mix the question of Vietnam into the questions of Mississippi and Alabama and voting and all the things that the American Negroes want in this country, you sort of confuse the issue * * *. The American Negro can be of greater aid to foreign policy and other problems as he grows stronger in this country. His first thought ought to be to strengthen his position as an American. If he is a third-rate citizen, his opinions on South Africa or Vietnam will have no effect.

Yesterday, Mr. Farmer was quoted as telling delegates at the CORE convention in Durham, N.C., that the task of his organization was to "mobilize as many people as possible" into the civil rights fight and that it ran the risk of losing the sympathies of many people if it became involved, as an organization, in Vietnam.

We in CORE should make those decisions as individuals, not as an organization—

Mr. Farmer said.

Mr. President, I had occasion, at a civil rights rally which was held in Hempstead, Long Island, not so many weeks ago, to make a similar distinction, when I heard speakers mix the civil rights cause with opposition to the course of our Government in Vietnam. I, too, have expressed some reservation about the policy there and in the Dominican Republic. However, I have supported the President's general policy in both areas and intend to continue to do so.

But whatever may be the agreement or disagreement of any individual with the foreign policy being pursued under the direction of the President, such a position should stand on its own—based on the determination of what is best for the security of the United States and for peace of the world. Those who believe in the profound moral responsibilities of the United States to assure its Negro citizens of every right enjoyed by white citizens will make a great mistake if, in their sense of outrage at the cruel and unjust violations of these freedoms, they extend this moral condemnation to the actions of our Government in foreign policy.

History, our Constitution, our heritage and our consciences command us to devote ourselves to the moral struggle for civil rights; there is no other course for our Nation to take in this struggle but to move forward to insure full equal opportunity and equal rights to every American. In foreign policy, the issue is not as clear. There is no sure course to peace; and it is oversimplification to pretend that these two issues involve the same factors.

The Nation is genuinely divided on questions such as Vietnam. The civil rights cause, on the other hand, has an overwhelming consensus behind it. The momentum of this movement must continue. Any effort to insist that those who support the civil rights movement must also oppose U.S. foreign policy in some areas would have the effect of slowing that momentum and thereby damaging the whole cause of civil rights.

I urge other civil rights leaders to take considered judgment in this matter and to follow the lead of Roy Wilkins and James Farmer in guarding against the possibility of confusion over these two great issues, which, in my judgment, work not only to the detriment of the civil rights issue, but would make civil rights advocacy vulnerable to misuse by those who oppose them, whatever reasons they may have.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "CORE Reverses Call for Vietnam Pullout," and published in the New York Times of July 6, 1965, and an article entitled "Peace and Civil Rights," and published in the New York Times of July 5, 1965.

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

[From the New York (N.Y.) Times, July 5, 1965]

PEACE AND CIVIL RIGHTS—MOVEMENTS VIEWED AS GROWING CLOSER—DR. KING URGES END OF WAR IN VIETNAM

(By John Herbers)

WASHINGTON, July 4.—The Negro revolution, which has been concerned primarily with attacking racial discrimination, is showing signs as well of becoming a vehicle for opposition to the U.S. military posture abroad. Although there has traditionally been a close relationship between the civil rights and peace movements, most Negro leaders have avoided issues of foreign policy for tactical reasons.

Chief among these leaders has been the Reverend Dr. Martin Luther King, Jr., president of the Southern Christian Leadership Conference. Last week Dr. King told an audience of Negro leaders in Petersburg, Va., that the time had come for the civil rights movement to become involved with the problem of war.

THE LONG NIGHT

"It is worthless," he said, "to talk about integrating if there is no world to integrate in." He went on:

"I certainly am as concerned about seeing the defeat of communism as anyone else, but we won't defeat communism by guns or bombs or gases. We will do it by making democracy work.

"The war in Vietnam must be stopped. There must be a negotiated settlement even with the Vietcong. The long night of war must be stopped."

To those accustomed to hearing Dr. King speak, the words had a strange sound. Suddenly the imagery of "the long night," which Dr. King has used to describe the plight of the American Negro, had been shifted to southeast Asia.

After the speech, Dr. King said in response to questions that the directors of his Atlanta-based organization had discussed the possibility of holding "peace rallies just like we have freedom rallies." He said they might be similar to the campus teach-ins held by critics of American policy in Vietnam.

WILKINS VOICES DOUBT

Some other Negro leaders, however, have reservations about civil rights organizations' taking any position on foreign policy. Roy Wilkins, the executive director of the National Association for the Advancement of Colored People, said today, "We have enough Vietnams in Alabama."

Mr. Wilkins was interviewed on the CBS radio and television program "Face the Nation." He said:

"When you mix the question of Vietnam into the questions of Mississippi and Alabama and vote and all the things that the American Negroes want in this country, you sort of confuse the issue."

After the program Mr. Wilkins said:

"The American Negro can be of greater aid to foreign policy and other problems as he grows stronger in this country. His first thought ought to be to strengthen his position as an American. If he's a third-rate citizen his opinions on South Africa or Vietnam will have no effect."

THE NEW DIRECTION

While the major civil rights organizations have refrained from becoming formally committed to the peace movement, their leaders' increased participation in it is seen as opening up the possibility of a new force against American military involvement abroad.

The decision to broaden the Negro protest is part of the new direction the civil rights movement has taken now that most legal barriers to equality have been removed. The trend is to put less emphasis on direct action against racial discrimination and more on politically activating the poor and underprivileged.

A few days ago the Fellowship of Reconciliation, a peace group based in New York, held a conference on the campus of Georgetown University here to explore the possibility of a merger between the peace and civil rights movements.

FARMER'S VIEW

One of the speakers was James Farmer, national director of the Congress of Racial Equality. A woman in the audience who had spent many hours picketing the White House said:

"As if the Pentagon was not enough, I understand a new Defense Building is to be constructed in Washington. Now here is an opportunity for the peace and civil rights movements to get together in protest."

Mr. Farmer said that he would approve of such action "on an ad hoc basis," but that he did not believe there should be any formal merger of the two movements.

"CORE should not be a peace movement," he said. "It would divert too much of our energies. Yet on specific issues the two should be coordinated. As an individual I object to our Vietnam policies. As individuals we should and would be involved in both."

CHANGE IN PURPOSE DENIED

Mr. Farmer said most Negro leaders believed that much of the military budget should be diverted to domestic projects such as the eradication of poverty and slums.

The Reverend Andrew Young, one of Dr. King's chief assistants, said in a telephone interview that the Southern Christian Leadership Conference "is not about to switch purposes."

Many supporters of civil rights also support the Johnson administration's foreign policy, Mr. Young noted.

He added, however, that most Negro leaders, particularly those who have adopted nonviolence as "a way of life," had an affinity for the peace movement.

Negroes, he said, have the feeling that much of American foreign policy is based on a prejudice against dark-skinned people.

"One day during the Dominican crisis," Mr. Young said, "we were looking at television and my young son asked me, 'Daddy, why are the marines shooting at the colored people?' "

"After all," Mr. Young said, "the purpose of our voting rights is specifically to get rid of people like RUSSELL."

He referred to Senator RICHARD B. RUSSELL, Democrat, of Georgia, who has opposed civil rights legislation. As chairman of the Senate Armed Services Committee, Senator RUSSELL has followed a hard line on foreign policy.

A WIDE SPECTRUM

In both the civil rights and peace movements, there has been a proliferation of organizations representing a wide spectrum of opinion. Peace groups range from those opposing any military action or use of force to those seeking gradual disarmament.

Some of the civil rights organizations have pacifist roots. CORE was an outgrowth of the Fellowship of Reconciliation. Dr. King and others adopted the nonviolent tactics of Gandhi. Many pacifist leaders have been active in civil rights, and vice versa.

In 1963 the Committee for Nonviolent Action, a pacifist group based in Connecticut, staged a peace march from Quebec to Havana. The marchers were a mixture of pacifists and civil rights workers who had served time in southern jails as a result of their protests against segregation.

Last April, 15,000 students picketed the White House demanding an end to the fighting in Vietnam. The Student Nonviolent Coordinating Committee, a civil rights organization based in Atlanta, was one of the sponsors of the protest.

At the conference sponsored here by the Fellowship of Reconciliation, Norman Thomas, the former Socialist candidate for President, was asked about the possibility of forming a political party through a coalition of civil rights and peace groups.

"It would be very difficult," he said. "They can get together to dissent but when it comes to practical politics, that does not work. I remember people [in the civil rights movement] used to tell us, 'We can't take a chance on being a Socialist as well as a Negro—one is enough.' "

[From the New York (N.Y.) Times, July 6, 1965]

CORE REVERSES CALL FOR VIETNAM PULLOUT

(By Gene Roberts)

DURHAM, N.C., July 5.—The Congress of Racial Equality voted today to call for the withdrawal of U.S. troops in Vietnam and then quickly reversed the decision after a fight led by its national director, James Farmer.

Mr. Farmer told convention delegates that CORE, as an organization, should stay out of the peace movement and concentrate its efforts on civil rights.

The debate, conducted in closed session, was the most heated of the 5-day convention, which ended today.

If it had been allowed to stand, the controversial resolution would have put CORE on record as favoring the immediate withdrawal of U.S. troops from both Vietnam and the Dominican Republic. Most of the debate, however, swirled around the Vietnam section of the resolution.

There had been speculation among some of the delegates before the floor fight that Mr. Farmer and other CORE leaders might be persuaded to follow the lead of the Reverend Dr. Martin Luther King, Jr., president of the Southern Christian Leadership Conference. Last week, in Petersburg, Va., Dr. King said that the time had come for the civil rights movement to become involved with the problem of war.

"It is worthless," Dr. King said, "to talk about integrating if there is no world to integrate in."

Mr. Farmer told CORE delegates, however, that the task of CORE was to "mobilize as many people as possible" into the civil rights fight and that it ran the risk of losing the sympathies of many people if it became involved, as an organization, in the peace movement.

"Personally, I am in complete agreement with the resolution," Mr. Farmer said. "But I think we in CORE should make those decisions as individuals, not as an organization."

NEXT CONVENTION SET

Mr. Farmer took no part in the debate over the resolution until after it passed. He then asked the delegates to reconsider their action and led the fight that ultimately resulted in the reversal.

In other developments, CORE scheduled its convention for next July in St. Louis. And it voted, 120 to 4, against considering action that could have put the organization on record as encouraging the growth of Negro self-defense organizations such as the Deacons for Defense in Louisiana.

VETERANS' ADMINISTRATION DECISION ON FACILITIES AT BATH, N.Y.—RESOLUTION

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a resolution concerning the Veterans' Administration's decision on the operation of its center at Bath, N.Y., which was adopted by the Village Board of the Village of Bath, N.Y., on January 25, 1965.

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

RESOLUTION OF THE VILLAGE OF BATH, N.Y.

Whereas the village of Bath, county of Steuben and State of New York did resolve on the 25th day of January 1965, opposition to the decision made by the Veterans' Administration, Washington, D.C., which decision closed the Veterans' Administration Center located at Bath, N.Y.; and

Whereas certified copies of said resolution were forwarded to various State and Federal officers; and

Whereas following the report of a special committee named by the President of the United States, said order closing the Veterans' Administration Center at Bath, N.Y., was rescinded, it is at a regular meeting of the Board of Trustees of the Village of Bath held on the 14th day of June 1965, moved by Trustee Noble, seconded by Trustee Saxton and unanimously adopted by the trustees and the mayor of the village of Bath:

Resolved, That the Village Board of the Village of Bath, N.Y., does hereby sincerely thank all State and Federal officers and employees and other interested persons for their efforts in opposition to closing of the Veterans' Administration Center, and do, on behalf of the village of Bath and its residents, hereby extend their thanks by means of forwarding a copy of this resolution to said officers and persons.

VILLAGE OF BATH,
By FRANK E. NICKLAUS,
Mayor.

PRIVATE PATENTS ON GOVERNMENT RESEARCH

Mr. LONG of Louisiana. Mr. President, on July 3, 1965, a very interesting editorial on the subject of private patents on Government research was published in the Washington Daily News.

I am particularly gratified to note that the editorial is in agreement with the position which I take, that when the public pays for the research, it is entitled to the benefit of it, both as consumers and as taxpayers. This is a courageous position for the newspaper to take.

I note that the Washington Daily News is a member of the Scripps-Howard newspaper chain. I hope that other papers in the same organization will study this editorial, because, in my judgment, it is both courageous and correct.

I feel sure that great newspapers of this kind receive substantial pressure from some of their major advertisers who hold large research contracts, not to discuss the issue, or to discuss it from the position that private concerns should have monopoly rights under government contracts and should be placed in the position of exploiting the public, even though the public has paid the entire cost of the research.

Mr. President, I ask unanimous consent that the editorial, entitled "Taxpayers Have Rights, Too," published in the Washington Daily News of July 3, 1965, be printed at this point in the RECORD.

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

TAXPAYERS HAVE RIGHTS, TOO

Senator RUSSELL LONG, Democrat of Louisiana, lost a Senate battle this week, but we hope he'll finally win his war against patent giveaways by the Federal Government.

Patent law is admittedly complex. But the patent principle for which Senator LONG for years has battled is as simple as it is just.

He argues that patent rights to discoveries made as a result of taxpayer-financed research should be held by the Government, rather than vested in the private companies through which the research is contracted.

The Government then should make the rights to use these discoveries freely available. So if taxpayer-financed research developed a better mousetrap, many firms could manufacture it—and through free enterprise competition with each other, produce and sell it at reasonable cost to the taxpaying public, which financed the discovery in the first place.

When patent rights to such a mousetrap are turned over by the Federal Government to the private contracting firm, that firm can use the monopoly power inherent in the patent to be the sole manufacturer. Or it can license a limited number of other firms, on payment of royalties, to produce the trap. Or, if it wishes, it can withhold the trap from the market. This tends to limit production, keep prices high and enrich the patent holder. It is of course, perfectly legitimate under our patent system, which was designed to encourage discovery by insuring a generous return on private initiative and investment.

But Government now is the Nation's biggest research spender. Why, LONG asks, should the taxpayer, who paid for the fruits of research, not have them readily and reasonably available? Obviously he should.

Some Government agencies follow the policy Senator LONG advocates. Others do not—notably the Defense Department and the National Aeronautics and Space Administration, two of the biggest research spenders.

This disparity in Federal policy helped defeat Senator LONG's latest effort to make mandatory rather than discretionary Government patent rights to taxpayer-financed drug discoveries. A number of the 55 Senators who voted against Senator LONG said they favored his argument, but thought action should await formulation of a Government-wide policy by Senator JOHN MCCLELLAN'S Judiciary Patents Subcommittee.

The subcommittee, now in the midst of new hearings, has been looking into the problem for years. Senator LONG and 35 other Senators who voted with him are obviously—and justifiably, it seems to us—impatient.

The burden now is on the subcommittee to come up with some sound policy recommendations to protect taxpayer interests. And to do it soon.

GOVERNMENT INFORMATION—ADDRESS BY THE POSTMASTER GENERAL

Mr. McGEE. Mr. President, last week Postmaster General John A. Gronouski addressed the National Press Club Luncheon, on the subject of Government information. His is an informative speech which also goes into the dilemma of the Government official who needs to communicate with the public, but can get only 10 percent of the information published. But it is a speech which also tells much of the revolution going on inside the Post Office Department—the story Mr. Gronouski has been trying to tell, apparently with success 10 percent of the time. It is a story that deserves wider attention. I ask unanimous consent that the address on June 30, by the Postmaster General, before the National Press Club, be printed in the RECORD.

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

ADDRESS BY JOHN A. GRONOUSKI, POSTMASTER GENERAL

There is a widely held notion around town that Government officials constantly withhold from the press information that is in the public domain.

I have come here to deny it.

In fact, there is a serious communications gap in Washington that has just the opposite effect. I have noticed that no matter how much information a Government agency releases, only about 10 percent of it ever reaches the general public. I call it "Gronouski's law of Government press releases." The mathematical formula goes something like this: Ten press releases, times waste basket, plus spike, equal one news story.

You can't argue with it. It's as much a natural law as gravity. I'm surprised no one has discovered it before. I'd write a book about it if I thought I could get the whole thing published.

Now what Government official, faced with the urgent requirement of communicating with the public, is going to defy "Gronouski's law" by withholding information? It just works against him. It reduces his base of possibility. If 10 releases equal 1 news story, then it is obvious that 100 releases equal 10 stories. It's known as "information escalation."

And that's the way the system works. Everyone releases all he knows and gets 10 percent of it published.

But there's a hitch in the system. It's usually the wrong 10 percent that gets published. No matter how hard you try, it seems, you still can't get your story across.

Take me, for example. I have no quarrel with the press. In fact, I have been treated very well by it. But when it comes to the questions of the right of privacy and the sanctity of the first-class seal, I invariably get my most extensive news coverage.

When I first came into office, people began badgering me about the so-called peepholes in the men's washrooms in our post offices. So I investigated the matter. It seems that occasionally one of our employees out on the workroom floor pockets an envelope that obviously contains cash or a check and later, when he goes to the washroom, removes the money, tears up the evidence and flushes it down the toilet. The peepholes were designed to prevent this. Well, I knew we had a responsibility to protect the mails, but it seemed to me this was carrying it to the extreme. So I announced I was ordering the peepholes in men's rooms to be closed and sealed off.

It was then that I discovered that no one had ever heard of peepholes. At least, that's the way it appeared. We get dozens of papers in the Department and I had a terrible time finding much coverage of my announcement. I was bemused, to say the least. You see, I hadn't discovered "Gronouski's law" as yet.

But that was only the initiation. The real ordeal by fire came last February when Senator EDWARD LONG, of Missouri, began his famous hearings on invasion of privacy—more commonly known as the "Martini olive hearings."

Now I want to make it clear that I believe those hearings were very useful. Any time someone strikes a blow for personal freedom, I'm for it. But we're just not the "snoops" we were made out to be in the mass media.

First, there was the question of mail covers.

A mail cover simply consists of recording from each piece of mail the name and address of sender, date, and place of postmarking, and class of mail. Only the material appearing outside of the envelope is noted. In no case is mail delayed or opened during a mail watch. Many law enforcement agencies use the mail cover as a valuable tool in apprehending fugitives or persons known to have committed, or strongly suspected of having committed, a crime. We use them ourselves in cases of mail fraud and obscenity.

The question here, of course, was the possibility of abuse. I early recognized that possibility, and in March of 1964—nearly a year before the Long committee hearings—I ordered tighter controls to be placed on the covers. And my chief inspector, Henry Montague, pointed this out in his testimony before the subcommittee.

Then the question of lists arose. Naturally, we maintain a record of all mail covers as part of our system of control. And when Senator LONG asked to see this list, I felt it would be compromising the entire program; that by divulging the names, we would be casting a shadow of suspicion on many innocent persons. Just about the time I began congratulating myself on taking such a courageous stand, the situation reversed itself. The suspicion immediately arose that since I did not want to disclose the list, I must have something to hide.

It was at that point that I called my wife to ask for the name of the new headache tablet that's supposed to be 50 percent stronger than aspirin.

As a matter of historical record, I would like to point out that I did finally come to an agreement with Senator LONG on still

tighter controls of the mail cover and duly announced that agreement to the press.

The fireworks at the Long hearings were not restricted to mail covers, however. It seems that one of the Senator's fellow Missourians in the House got the idea that we were allowing the Internal Revenue Service to seize and open mail belonging to citizens with tax liens against them.

Well, it is true that after I became Postmaster General, I learned that in a few rare instances, we had turned mail over to Internal Revenue, when they requested it. In fact, the law required that we do so. I was shocked and I immediately called the Secretary of the Treasury, Mr. Dillon, and asked if he were aware of the practice. He was not, and as a result of our conversation, we immediately put a stop to it.

But somehow I was unable to make this point over the voices of righteous indignation last winter. No matter how often I repeated it, the impression remained that we were still allowing Internal Revenue to open mail.

Senator LONG understood the situation, of course, and he took the position that if one Postmaster General could halt the practice administratively, another could begin it again administratively. I agreed with him. But when he introduced legislation to prevent it from happening again—legislation which I supported—everyone immediately assumed it was legislation to stop something that was still going on. That, under "Gronouski's law," was the 10 percent of the news that got through.

But even that wasn't the end of our troubles. There was a little matter of Communist propaganda that came home to roost. Here was the situation:

During the previous administration, it was the policy of the Post Office Department to seize all mail coming into the country that was considered Communist or subversive propaganda, unless the addressee specifically requested delivery of it.

President Kennedy, in his wisdom, ordered the practice stopped soon after taking office. It will be noted that the foundations of the country did not crumble. Nevertheless, the Congress passed legislation which required us to reinstitute the practice. And yet, when we were taking our lumps from every civil liberties group in the United States, almost no one bothered to point out that it was a matter of law.

Nor was it pointed out very clearly that it was the Bureau of Customs, not the Post Office Department, which made the determination as to what constitutes subversive material.

Then I really got caught on the horns of a dilemma. The old question of lists came up again. Actually, there wasn't a list. We kept a card file of the names of persons who wanted to get the mail and who didn't. But didn't that list constitute a threat? Wasn't there always the danger that, in the wrong hands, it could set off a purge of innocent people? Certainly that possibility existed—and that's why I made sure it didn't get out. But in the long run, I, too, felt that the risk was too great to take, so I ordered the cards destroyed and instituted a practice of querying the addressee each time a piece of Communist mail came for him. And was I any better off? Not at all. The papers stopped accusing me of threatening the civil liberties of American citizens—only to charge that I was now harassing them.

Well, the story of Communist literature, at least, had a happy ending. I discovered a headache relief that really is 50 percent stronger than aspirin: The Supreme Court of the United States.

And that's some of the story of the "information gap"—a Washington phenomenon that has us working overtime just to keep from slipping backward. There are even occasions when I think we are making progress against it.

I remember once when I was attending a party not long ago, a very erudite champion of civil liberties came up and began discussing some of these matters with me. He said that while he was uneasy about mail covers, he could understand their necessity as a law enforcement tool. He supported my position on not allowing outsiders to have access to the mail cover lists. He congratulated me on stopping the Internal Revenue Service's levy on mail. And he even sympathized with the untenable position the Department had been in with respect to Communist mail.

Frankly, I was flabbergasted. I thought that perhaps he had access to a newspaper that we do not receive in the office. But just as I was turning away, happy in the thought that maybe we do, in the long run, get our story across, he put his hand on my arm and asked:

"But, Mr. Gronouski, don't you think you ought to stop spying on your employees in the washrooms?"

Now I'm not naive about this whole question of news coverage in Washington. Of course, I understand that, with limited resources and with restrictions on time and space, you have to be selective. I am aware, too, that there are many more exciting news developments around town than those down at 12th and Pennsylvania Avenue: more exciting to you and more exciting to your readers and your audiences. But I think there is a case to be made for better news coverage of the pick and shovel activities such as ours. After all, we are all concerned with good government—and these are the programs that comprise about 95 percent of Government activity. They just cannot be ignored; cumulatively they are too important.

There is, for example, a virtual revolution going on in the Post Office Department, and I think the public should be aware of it.

Let me tell you about the kind of postal service that I know is possible to achieve within my own tenure of office.

It is the kind of service where a person can mail a package with the knowledge of when that package will arrive at its destination, and with the certainty that it will arrive in good condition—not just some of the time, but all of the time.

It is the kind of service where 95 percent of all priority mail will receive overnight delivery.

It is the kind of service where morning newspapers will be delivered hundreds of miles away while the news is still timely.

Does this sound like a drastic departure from the kind of service you have today? It is—and I'm the first to admit it. I know that service can be improved, but the point I am making today is that we are now on the threshold of that improvement.

Tomorrow, July 1, we will have completed the establishment of all 553 sectional centers under our ZIP code program. These centers represent the nuclei of the first all-new mail distribution and routing system since the advent of the railroads 100 years ago. Beginning tomorrow, all mail will be sent by the most direct route possible to its destination area, with fewer resortings and handlings along the way.

Using this as our base, we are now encouraging and helping volume business mailers to ZIP code their mailing lists and presort their mail by all five digits. By January 1, 1967, this will become a requirement for them. This will be the biggest breakthrough of all. Currently, 80 percent of all our mail is business mail—and, frankly, it has been growing in volume so fast since World War II that we have not been able to keep up with it. It has been logjamming in our larger post offices and slowing down the whole system. But when the majority of this mail is presorted by ZIP code, we will be able to move it from its point of origin to its point of destination without once sending it through a post office, without once unbagging it. And that day is just around the corner.

Again, using our sectional center transportation system, we have been able, in the past year, to establish an overnight parcel post delivery service in 18 areas of the United States. Ultimately, we will have enough of these areas to blanket the Nation, and then we will be able to link them up in a revolutionary new scheduled parcel post delivery service.

For the individual printed or typewritten ZIP coded mail, we now have an effective new optical scanner which will be able to read and sort at the rate of 36,000 pieces an hour. We have already placed the initial order for these scanners and will have two of them in the Detroit Post Office by this coming November. I don't think I have to elaborate or the significance of this breakthrough.

But even the scanner does not end the story of ZIP code. Now that we have a new distribution and routing system, based on the main truck, rail, bus, and air lines as they actually exist, we are in a position to eliminate air mail as a separate class, and begin moving mail by the fastest and most direct means possible, regardless of mode. Our goal and our potential: one class of priority mail that is given overnight delivery, anywhere in the United States.

Gentlemen, these are not pie-in-the-sky dreams. These are services that you can expect—and expect soon.

But we will not get them without a fight—and winning it is going to be the biggest job of all. The blueprints are all drawn up for giving the American people the kind of postal service they want and deserve. We know they will work. The only question now is putting them into action.

It is the nature of my job that whenever I want to make a change, powerful forces invariably oppose it. No matter how small the change is, the hue and cry is always loud. I have, for example, proposed the elimination of the postal savings system because it has outlived its usefulness and is beginning to cost taxpayers money to operate. For this proposal I have received almost universal editorial support around the country. And yet there is now a move afoot to thwart it because of 174 clerks who will be affected. One hundred and seventy-four clerks who will not lose their jobs, who will not lose any pay, who will not have to move to another city, who probably won't even be transferred to another station, but who will just have to move a few feet to another window.

If 174 postal workers can stir up that much dust, you can imagine, for example, what a storm is on the horizon from certain segments of the transportation industry over my plan to abolish airmail as a separate category of mail and to move all priority mail by the fastest means possible. You can imagine what some of our customers will try to do to avoid the cost of ZIP coding their mailing lists, despite the fact that they get a rate break for doing just that sort of thing. You can imagine what some of our friends will be saying about the optical scanner—despite the fact that mounting mail volumes will require a slight growth in our employment, regardless of mechanization. You can imagine what kind of pressure we get when we try to close down obsolete postal railway facilities or small, outdated post offices.

Yes, we are on the verge of a major breakthrough in the postal service, and it is going to have an impact not only on every American citizen, but on the entire economic community. But we are not going to be able to do it alone.

We need the support of the public.

We need the cooperation of every mailer—large and small.

We need the willingness of the Congress.

And, ultimately, we need the help of the American press to get our story across.

I don't know if there was any connection or not, but shortly after my last speech here at the National Press Club, the rumors started flying that I was about to scrap ZIP code. I took me 6 months to convince people it wasn't true. So just to be on the safe side, let me close by asserting that Mr. ZIP is here to stay.

The only thing we plan to scrap is horse and buggy mail service—and I think you'll agree with me that it's about time.

Thank you.

COLUMNISTS OPPOSE ROTTEN BOROUGH AMENDMENTS

Mr. TYDINGS. Mr. President, each week brings new evidence that the country is awakening to the dangers of the proposed amendments to permit one house of a State legislature to be malapportioned. The National Conference of Mayors, the National Council of Churches, and other highly respected organizations have adopted resolutions opposing the Dirksen amendment.

I was pleased to note that the highly regarded newspaper columnists, Joseph Alsop and Marquis Childs, also oppose the rotten borough amendments. Their recent columns indicate that the current of considered opinion is running against those who would hastily amend our Constitution to prevent implementation of the Supreme Court's rulings. I ask unanimous consent that these columns from the Washington Post of July 2 be printed in the RECORD.

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

[From the Washington Post, July 2, 1965]

ON NOT BEING COUNTED

(By Joseph Alsop)

Senator EVERETT M. DIRKSEN'S constitutional amendment, reversing the Supreme Court's "one-man, one-vote" rule for State constitutions, is one of the least noticed and most important matters before the Congress.

The amendment sounds innocuous enough. Since time immemorial, until the Supreme Court intervened, almost all State legislatures have had at least one house and sometimes both houses apportioned geographically, or in other ways that defy the one-man, one-vote rule. The Dirksen amendment would permit continuation of this practice for at least one house of each State legislature.

Senator DIRKSEN, who is one of the most astute men on Capitol Hill, has been pushing his amendment in a quiet, low-keyed way, with the obvious intent of not stirring up the animals. The amendment has been reported favorably by a majority of the relevant subcommittee of the Senate Judiciary Committee, but no move has as yet been made to bring it up before the full committee.

Nonetheless, a good many senatorial animals are beginning to be significantly stirred up. The young and able Senator JOSEPH D. TYDINGS, of Maryland, waged a doughty fight against DIRKSEN in the subcommittee, grimly and accurately characterizing the amendment as the first attempt to limit the franchise since the American Constitution was ratified.

The chairman of the subcommittee, Senator BIRCH BAYH of Indiana, also offered a cruelly sly substitute, permitting State legislatures to apportion as they like, but only if the legislatures in question have already been reformed to represent their constituents on a one-man, one-vote basis. In the full Judiciary Committee, the Bayh substitute will have strong support.

When and if DIRKSEN's amendment comes before the Senate, moreover, it will encounter surprisingly strong opposition. The southerners and most of the Republicans are of course in favor of it. All sorts of powerful lobbies have been hard at work, under cover of the existing public indifference. Certain normally progressive Senators, such as CLAIBORNE PELL, of Rhode Island, are wavering because of pressure from back home.

But the opponents of the amendment will be led by Senator PAUL DOUGLAS, of Illinois, with young TYDINGS as his lieutenant. The two KENNEDYS and several other Senators who command public attention are eager to join the fray. The watchword is, "It Shall Not Pass"; and the amendment's opponents are entirely ready to use filibuster tactics to prevent passage.

All this is of the utmost long-range importance, simply because the future of State government in this country is quite likely to depend on the outcome. Most States today are badly, inefficiently, and often wastefully governed, mainly because most States have antiquated constitutions and shockingly unrepresentative legislatures.

The weakness of State government in this country is in reality the primary cause of the trend toward bigger and bigger National Government. There are jobs that cry out to be done. The States do not do these jobs. And at length Washington undertakes to do them, because that is the only way the jobs will ever get done.

It is not a panacea, of course, to require each State legislature to be truly representative of the population of its State. This does not insure the election of able Governors, nor does its guarantee that the lobbyists who swarm in the State houses will no longer be able to get their way. But making the State legislatures representative instead of unrepresentative at least clears the road for decent State government. The voters can then get good government if they want it.

These were the reasons why President Kennedy's Justice Department argued the cases that resulted in the Supreme Court's laying down the one-man, one-vote rule. But despite the stand taken by the Kennedy administration, President Johnson has thus far shown great reluctance to intervene in the matter, no doubt out of deference to his great crony and frequent supporter, Senator DIRKSEN.

Too much is really at stake, however, to justify the President's refusal to stand up and be counted. The opponents of the amendment are very close to mustering the necessary one vote more than one-third of the Senate that would block passage. Mr. Johnson could almost certainly secure the amendment's defeat by a word quietly passed. It seems too bad to doom the hope of reform in the State governments by failing to pass the needed word.

[From the Washington Post, July 2, 1965]

REAPPORTIONMENT: CURIOUS ALLIANCE

(By Marquis Childs)

Without meaning to, President Johnson at his last press conference gave the best argument for defeating the Dirksen constitutional amendment nullifying the Supreme Court's one-man, one-vote reapportionment decision. The President said that by the year 2000, 80 percent of all Americans will live in cities. He was making the case for his Department of Urban Affairs while at the same time carefully avoiding any stand on the amendment.

If the Congress should approve the Dirksen proposal, with the certainty that the State legislatures will rush to ratify it, this 80 percent of the population would, in effect, be disfranchised in State after State. In the opposition view, the changes made by the Senate Judiciary Subcommittee insures this result.

With the unequal balance prevailing in the legislatures as the cities have grown, the city voter is consistently shortchanged. Rural legislators representing more cows than people kill the measures essential to solve urban problems. That is the deep-seated injustice the Supreme Court's decision was designed to correct.

Technically the President is on sound ground in declining to comment on the amendment—the Chief Executive is not required to pass on its validity. But the reasons for his reticence are more than technical. One of them certainly is the remarkable relationship between EVERETT MCKINLEY DIRKSEN, minority leader of the Senate, and Lyndon Johnson.

Scholars of the future will have endless material for Ph. D. theses exploring a partnership that bridges not only the divided powers of Congress and the Executive but the rivalry of the two parties. The Senator from Illinois often appears almost as a prime minister in the parliament underwriting the role of the constitutional head of State and easing his burdens.

The other day the Senator informed reporters of the likelihood of another massive increase in American ground forces committed in the Vietnamese war. He also said he had been informed of the use of heavy artillery to bombard North Vietnam. No one in the administration dissented from his prediction.

The Dirksen statement came as members of the President's own party were questioning his policy in Vietnam. It served to take the headlines from these doubters. In his unquestioned sincerity in trying to keep the nasty Vietnam conflict out of politics, DIRKSEN has restrained House Republicans eager to open up the issue of victory through bombing versus an enlarging ground war.

It is hardly a coincidence that certain of the Vietnam critics are also leaders of the opposition to the Dirksen amendment. One whom the President finds singularly irritating is Senator JOSEPH CLARK, Democrat, of Pennsylvania, who said he will filibuster if necessary to kill it. Even after the modifications written in by the Judiciary subcommittee, the opponents are confident they can muster one-third of the Senate to defeat any effort to shut off debate. That underscores predictions of a long, hot summer on Capitol Hill.

Openly to oppose the Dirksen amendment would be, for the President, rank ingratitude. By taking sides, he could kill it. But with hammering from witnesses pointing out that its effect would be to take away the voting rights given to the Negro—through the voting rights bill—in counting out the mass of voters in the crowded cities, the fate of the amendment is already uncertain.

Instance after instance of the way this inequity works has been put in the record of the hearings. In Missouri, 83 State representatives, representing 1,300,000 voters, killed a bill to set a $1-an-hour minimum wage while 68 representatives, representing 2,600,000 voters were for it. These same unbalanced legislatures, which have been a kind of oriental bazaar for the influence peddlers, can make the rules determining whether cows or people are to be counted if the Supreme Court's decision is set aside.

The Department of Urban Affairs, with the Congress all but certain to approve it, will have strictly limited powers. But as the States find themselves unable to cure the ills of exploding urbanism—slums, crime, traffic congestion—they will turn more and

more to the Federal Government. An amendment that could result in putting a permanent hobble on the power of the States to act invites just what the States-righters profess to fear most. That is the intervention of the leviathan of the Federal Government.

STATUS OF THE BALTIC STATES

Mr. DODD. Mr. President, on June 20, I had the privilege of addressing a Baltic freedom rally at Bushnell Auditorium, in Hartford, Conn.

Hon. Joseph Kajeckas, Charge d'Affairs of the Lithuanian Legation in Washington, D.C., also spoke, and I ask unanimous consent that his fine address be printed in the RECORD at the conclusion of my remarks.

He correctly points out that:

All the nefarious devices of the Kremlin have not been able, during the past 25 years, to shake the Baltic people's love of freedom or their determination to breathe free air once again.

And we in the United States, with rallies such as the one in Hartford and by our speeches in the Senate commemorating the date of the mass deportations from the Baltic States can help to keep alive and strong the indomitable spirit of the Baltic people.

We must never forget what has been done to these people in 1940 and since that time.

To quote Minister Kajeckas again:

We must stir the conscience of all free men to work for the type of international situation in which justice can be done—for a peace without justice is no peace at all.

An important piece of unfinished business from World War II in the status of the Baltic States. Until they are free and independent, there will be no peace with justice.

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

ADDRESS BY JOSEPH KAJECKAS

We have gathered here today because we are proud of the Baltic people. We are proud of their past, and we look with hope to their future. But most especially we are proud of them in the present time, because in the midst of a cruel and violent century they continue to be a paradigm of the greatness of the human spirit. All the nefarious devices of the Kremlin have not been able, during the past 25 years, to shake the Baltic people's love of freedom or their determination to breathe free air once again. We are here, then, because we are proud of what the Baltic people mean to the story of mankind and because, if we claim to be lovers of freedom, we must be seekers after justice in the present time.

The attempted genocide which the Soviet Union has waged against Estonia, Latvia, and Lithuania for the past quarter of a century is very much in our minds today. The international and inhuman crime which the Soviet Union perpetrated in the Baltic States in 1940 has now become notorious throughout the world. The deportations, the murders, the fragmentation of families, the falsification of history, the undermining of language and culture, and the suppression of religion—these are all well-known techniques used by the Soviet Union in its attempts to obliterate the national identity of the Baltic countries.

In addition to these older methods of subjugating the people, the Soviets have of late used new and more insidious methods of Russifying their captives. Thousands of Baltic youth have been recruited as so-called volunteers to farm virgin soil in far-off points of the Soviet Union; and such service is required if a student wishes to progress in higher studies. At the same time, thousands of Russians are being imported to settle in the Baltic States. This dispersal of the inhabitants and their replacement by Russians is accompanied by an increasing emphasis on the Russian language.

But we are not gathered here just to take stock of what the Kremlin has been doing to the Baltic States; rather, we Estonians, Latvians, and Lithuanians—together with our friends in the free world—are here to remember what we are as a result of what has happened in the Baltic States. We are, as I said earlier, lovers of freedom, but that means that we must be seekers after justice. And the immediacy of our task is heightened by the horrendous injustice perpetrated by the Soviets for a quarter of a century on our peoples. As the late President Kennedy put it, now is the hour of maximum danger from which we must not shrink. The Soviets are attempting to repopulate the Baltic States; they are attempting to physically dispossess our ancient peoples of their territorial integrity. In the face of this last stage of attempted genocide, it is not sufficient merely to trust in the superiority of democratic systems, and wait for the Soviet empire to collapse. Rather, we who are privileged to live in freedom must take effective political action to hasten the day when the Soviets are backed into a corner, when their political alternatives become so few that they are forced to take up the unfinished business of World War II. That unfinished business is the rightful freedom and independence of the Baltic States and all the other countries which were the spoils of Soviet duplicity and greed. We must stir the conscience of all free men to work for the type of international situation in which justice can be done—for a peace without justice is no peace at all. We must take such a strong, principled stand if we are to be true to the memory of those thousands of Baltic people who gave their lives and are giving their lives today in order that mankind might live the life of freedom. The human enterprise of a rational world at peace depends on our labors. We cannot and will not fail in this pursuit of justice.

"MAKING DEMOCRACY WORK"—McGEE SENATE INTERNSHIP CONTEST ESSAY

Mr. McGEE. Mr. President, for several years it has been my good fortune to be able to conduct, for the graduating high school seniors in my State of Wyoming, the McGee Senate Internship Contest, which brings to Washington one boy and one girl, for a week of observation of democracy in action—here in the Senate and elsewhere in Washington, D.C.

As a part of the contest, each student is required to complete an essay on "Making Democracy Work"; and each year I am impressed by the depth of understanding and the dedication to our democratic principles displayed by these young people in their essays. All show real thought and a thorough knowledge of our system of government.

Of course it would be impossible for everyone to read all the essays; but I think some of the most outstanding ones, selected by an impartial panel of three judges, should receive wider circulation. Therefore, I ask unanimous consent that one of the essays, written by Miss Mary K. Maxson, of Rawlins, Wyo., which received honorable mention in the McGee Senate Internship Contest, be printed in the RECORD.

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

MAKING DEMOCRACY WORK

(By Mary K. Maxson)

Frankness demands we acknowledge that democracy is faltering, whether we regard it from the standpoint of theory, practice, or popularity.

The theory of democracy is based on the assumption that all citizens are rational creatures and men of good will. In utopia this theory would be a basic fact, but in this somewhat less than utopian world we men have created, it is scarcely a plausible idea for today and not a realistic aim for tomorrow. Yet, what if all citizens were men of good will? Democracy would then have solved one of its greatest problems. In elections it would no longer be so vitally important to find the right man because any man of good will would act only for the welfare of everyone. But all men are not equal, and all citizens are not men of good will.

How dare we preach the practice of democracy to other nations * * * we, who after 200 years of enjoying the benefits of democracy, have not yet learned that if all men are not free, no man is free * * * you and I who condone a situation like Selma because we ignore that scream of protest which must ring inside our minds each time some fresh atrocity is committed. Yes, with most of us even the practice of democracy is a sometime thing.

Contrary to popular belief, democracy has held little fascination for most other countries. Over 50 percent of the human race has neither known nor apparently cared much for our favorite institution. Democratic institutions have been, generally speaking, in countries where life is easy for the people, areas where there is the leisure time to evaluate freedom and its aspects. Upon reading the above statements the automatic reaction is to relax with the subconscious thought running through our minds, "Well, at least that's one problem I can't be held responsible for. Those countries are thousands of miles away." That is where you and I go wrong. The United States may be called the workshop for democracy. In this corrupted workshop, we have made democracy something it never was intended to be. Now it is time to remedy that.

First, to get democracy working, the workshop must have a spring house cleaning. Strip it down to the barest essentials. Spring house cleaning involves clearing out the dirty corners. The United States has many such dirty corners. When approximately 40 percent of the eligible voters don't avail themselves of that privilege, some of the corners are showing their dirt. Most Americans do care about democracy, but they have lived too long with the attitude "Let George do it." There is always that small minority of people who don't care, if democracy is working to their advantage. This selfish group always works, votes, and pressures to gain its own ends. Only when all the eligible voters realize that to make a working democracy for everyone, two votes from men of good will must be found to counteract the vote of each self-centered individual, only when each individual realizes that if he fails to vote, he turns his future over to a corner-dweller, only then we may serve as the clean, shining example of a working democracy.

Unfortunately, democracy is not a workshop, and nothing quite as simple as a housecleaning will make it work. The dirt and faults are not as obvious here. To keep democracy immaculate requires the constant

vigilance of every citizen. If each individual were taught that he owes a debt to his country and himself, which is easily discharged by (1) constant close attention to public affairs, (2) trying to comprehend the main issues, (3) thinking of general interest rather than self-interests, and (4) standing ready to serve, perhaps utopia would not seem so far away.

Frankness demands we acknowledge that democracy is in an awkward position, but let us not lose sight of the fact that this ideology has always been in a similar position and will continue to be as long as it is the sword of the common man depending on him alone for strength. Yes, democracy is faltering, but who of us would exchange it for any of the available third-rate substitutes?

U.S. BLUEPRINT OF ECONOMIC GROWTH

Mr. DOUGLAS. Mr. President, on June 24, the New York Herald Tribune published a story, by Joseph R. Slevin, on the administration's blueprint for economic growth. I urge all the prophets of doom who in recent weeks have become so vocal to read Mr. Slevin's article closely.

It reports the prediction that the American economy will grow at the rate of 4 percent every year, and that its output will reach $1 trillion by 1975. This is a fantastic prediction; yet the author of the article goes on to point out that in the past few years the administration economists have a startling record for accurate predictions of economic growth.

Mr. President, sustained strengthening of the economy does not just happen. It takes planning, hard work, and the best judgment possible. At one time we could not protect our economy with any certainty. We did not have the knowledge to insure consistent growth without periodic recession; and most experts conceded that a sound economy was based on luck as much as on anything else. Today, however, we know better. We know that through intelligent planning and the proper use of economic devices an economy without recession is possible.

President Johnson is fully informed in this area, and he knows that, through proper planning, this country can experience sustained economic growth over a long period of time. He is directing much of his immense energy to that end. Whenever the President talks of his deep faith in the economic future of America, he is not engaging in mere wishful thinking. He knows what is possible. He knows that our economic future is very bright. And, Mr. President, the cynics should know that, too.

I ask unanimous consent that Mr. Slevin's very illuminating article be printed in the RECORD.

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

[From the New York (N.Y.) Herald Tribune, June 24, 1965]

U.S. BLUEPRINT OF ECONOMIC GROWTH: 1970 FORECAST: $10 BILLION SURPLUS

(By Joseph R. Slevin)

WASHINGTON.—Top administration experts now are predicting that the Federal budget will be balanced in 1967 and that the unemployment rate simultaneously will fall to 4 percent.

These are two of the major conclusions of a confidential administration economic blueprint that has been 3 years in the making and has cost $2 million.

The blueprint envisages that U.S. national output will soar from $660 billion this year to more than $800 billion in 1970, and that it will approach $1 trillion in 1975.

It expects that the American economy will grow at a 4 percent yearly clip—which would be less than this year's expected 6 percent rate, but well above the 3 percent average that has held in the past.

A key implication of the blueprint is that there can be a recession-free United States, marked by continuing economic growth and burgeoning prosperity.

But there is no assumption that the prosperity will come about automatically.

Instead, the blueprint is designed to highlight potential weak spots so that the Government and business may take needed action to keep the boom going.

A special Interagency Committee on Growth is in charge of preparing the economic blueprint. The group meets under the chairmanship of Otto Eckstein, a member of the Council of Economic Advisers, and includes top officials of the Budget Bureau, the Treasury, Commerce and Labor Departments and the Federal Reserve Board.

While a preliminary draft of the group's findings is being circulated among ranking administration aids, a final report will be prepared only after the technical experts receive newly revised national output figures that are due to become available later this summer.

The administration blueprint shows that the Government will have to give the economy a helping hand by cutting taxes, boosting spending—or both—to keep the economic upturn from sagging.

The growth committee expects the potential budget surplus to climb above $10 billion by 1970. It believes that a multi-billion-dollar fiscal drain of this magnitude would brake the economy's advance.

The administration group's final report will suggest a variety of tax and spending steps that the President can take to offset the expected budget drag.

President Johnson has committed himself to giving a tax break to the lowest income groups when he next proposes a tax reduction—possibly in 1966—but it is expected that there will be at least one more general tax reduction before 1970.

Walter Heller, former Council of Economic Advisers chairman, called these repeated cuts "fiscal dividends." His theory, which now is administration policy, is that the cuts are made possible by the mounting tax receipts from a growing economy and are essential to keep the Government from building up repressive budget surpluses.

Last year's $11.6 billion tax cut was a historic first application of the fiscal-drag approach. This year's $4.7 billion excise cut is a followup move in the same direction.

The growth committee blueprint is even more of a target for the administration than a forecast of what is certain to be achieved.

The Council of Economic Advisers accurately predicted last year's $623 billion national output volume, and the economy is expected to come very close to hitting a CEA forecast of $600 billion for this year. But a 1970 or 1975 blueprint is far more uncertain and difficult.

The 4-percent unemployment rate that the Interagency Committee expects to achieve in 1967 is the Kennedy-Johnson administration's interim full employment goal. Unemployment averaged 4.6 percent last month, the lowest that it has been since 1957.

The group believes that it will be possible to achieve a 3-percent unemployment rate by 1968. It has pinpointed teenagers and adult Negro women as the two critical groups and has concluded that it will be necessary to slash unemployment for each of these to 5 percent to achieve a 3-percent national average for all members of the working force.

The blueprint is an elaborate, enormously detailed document that contains estimates of the amounts that will be spent each year for factories and homes, for machinery and appliances, for roads and food, for automobiles, vacations, medical care and all other significant business and consumer purposes.

It contains an exhaustive breakdown of expected school outlays by local governments—right down to the number of desks that will be required. It also examines other major types of State and local government spending, such as for hospitals, sewers, water, and police and fire protection.

While no new Federal programs are included, the blueprint projects all of the Government programs that now either are underway or have been requested by the President. The education bill is included, so are the poverty program, Appalachia, and medicare.

THE MONUMENTAL MISTAKES OF the RUSSIAN FOREIGN AID PROGRAM

Mr. McGEE. Mr. President, those who oppose the U.S. program of foreign aid have made much of the mistakes and foulups which have occurred in the past. To many, the American personnel administering the program abroad are, indeed, "ugly Americans." But now we have an opposite force to balance against this picture. Victor Lasky has written a book called "The Ugly Russian," in which he documents the monumental mistakes of the Russian foreign aid program; and Roscoe Drummond, in his column this week, has taken off from there, to repeat some of Mr. Lasky's examples of Soviet ineptitude, leading to the conclusion that the Russians will, as we have done, learn from their mistakes, and do better. We are doing better, as a matter of fact, Mr. President; and I second Roscoe Drummond's point that Mr. Lasky's report "should give us every incentive to do better, not to quit—because the balance sheet is on our side."

I ask unanimous consent that the Drummond article from the Washington Post be printed in the RECORD.

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

REPORT ON RED AID: "THE UGLY RUSSIAN" A TIMELY BOOK

(By Roscoe Drummond)

Have you ever wondered just how well—or badly—the Soviet foreign aid program is doing and whether it is really making friends and carrying communism to the underdeveloped nations?

This is a good question to have come up at the moment when Congress is about to decide whether to cut U.S. foreign aid funds on the theory that the American program is badly run and is not doing much good.

"The Ugly American" became a bestseller and had a great impact on American thinking. It was a certainty that its counterpart would be written and logically, almost inevitably, be called "The Ugly Russian" (Trident Press).

It has been—by Victor Lasky, the newspaperman and author who set out to get some facts at firsthand.

Maybe too many Americans—and others—think that Russian foreign aid is brilliantly administered, coolly efficient, getting a lot of

political dividends at little cost, and outsmarting us at every turn.

If many of us have been tempted to think so, then Lasky offers us a timely and useful dissent. He finds a whole series of monumental foulups in Soviet foreign aid and concludes that neither Moscow nor Peiping is making significant headway in trying to plant communism in the African and Asian nations.

"The Ugly Russian" is not a superheated attack on Russia or Russians. It is a report on the trials and tribulations, the frustrations, and the fiascoes of Communist foreign aid operations, principally Russian.

Are they beating us at every turn? Are they doing so well that Congress might as well decide the United States should give up? Or are the Communist failures so widespread that now is the time for us to press on more energetically?

Lasky went to India, Asia, Africa and the Middle East to find out.

What he found out was that the Communists are doing badly often enough to be losing more friends than they are making. He found such things as the following:

Bad planning. Equatorial and undeveloped Guinea was the "beneficiary" of two giant snowplows from Russia, and from East Germany, one million equally unwanted screwdrivers, one for every three citizens. There are many more such examples.

Bad execution. Without warning, Russia shipped to Burma 50,000 tons of cement. Before it could be removed from the wharves, it hardened into unbreakable concrete and had to be dumped into the bay. Did the Soviets learn the lesson? Later they did the same thing in Guinea, Ghana, and twice in the Sudan.

Bad orchestration. At the very moment that Soviet President Leonid Brezhnev was speaking honeyed words to the Iranian Parliament, a Soviet jet fighter shot down an unarmed Iranian plan 18 miles inside the Iranian border.

Bad relations. After studying in Moscow, an African student reported for himself and colleagues: "We have been called back monkeys and jungle people and treated like dirt. Whoever among us had leftist leanings has been cured." African students have left Red China avowing the same experience. The Chinese brand the Soviets as racist and the Soviets brand the Chinese as racist. Soviet ambassadors were ejected from the Congo and from Guinea.

These and other similar incidents do not mean that everything has gone wrong in Communist aid. It hasn't. These things do not mean that the Soviet Union is not a vastly formidable force or that the Communist can be dismissed as played out. They'll keep at it and learn from their mistakes.

But we need to keep at it, too. Obviously the badly conceived and sometimes badly executed Communist aid programs do not prove that our own aid program cannot be improved. Lasky's report should give us every incentive to do better, not to quit—because the balance sheet is on our side.

PRESIDENT JOHNSON'S IMMIGRATION PROPOSALS

Mr. DODD. Mr. President, at a meeting on June 24, 1965, the Common Council of the City of New Britain adopted a resolution urging the Connecticut congressional delegation to support President Johnson on his immigration proposals.

I am one of the cosponsors of the immigration liberalization bill recommended to Congress by the President. And I wish to assure the common council and the many other people in my State who support the long overdue reform of our immigration statutes that I will work to obtain approval of this measure, S. 500, at an early date.

On the same subject, Mr. President, I want to bring to the attention of my colleagues a statement presented to the House Subcommittee on Immigration.

It was made by Mr. John Ottaviano, supreme venerable of the Order Sons of Italy in America, and is an expression of strong support for the administration immigration recommendations.

Mr. President, I ask unanimous consent to have the New Britain Common Council's resolution and the statement of the Order Sons of Italy in America printed at this point in the RECORD.

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

RESOLUTION OF THE CITY OF NEW BRITAIN

Whereas President Johnson proposed a new immigration law to Congress on January 13 and described it as legislation long overdue; and

Whereas our President advocates immigration on a first come, first served basis within the following established categories:

1. Preference is reserved for immigrants whose exceptional skills are in short supply and which are advantageous to the United States.

2. Preference is reserved for sons and daughters over 21 years of age of U.S. citizens.

3. Preference is reserved to spouses and unmarried children of aliens permanently residing in the United States.

4. Preference is reserved for married sons and daughters of U.S. citizens, brothers and sisters of U.S. citizens, parents of aliens and workers with lesser skills who might be needed to fill specific needs; and

Whereas there are many peoples in New Britain of all nationalities vitally interested in this legislation: Now, therefore, be it

Resolved, That the Common Council of the City of New Britain go on record favoring this legislation and that all Connecticut Senators and Congressmen be sent copies of this resolution urging them to support President Johnson on his immigration proposals.

STATEMENT OF THE ORDER SONS OF ITALY IN AMERICA ON IMMIGRATION TO THE HOUSE SUBCOMMITTEE ON IMMIGRATION

The Order Sons of Italy in America is a fraternal organization which this year celebrates its diamond jubilee. It was founded in 1905 in New York State and has expanded during the years of its continuous existence so that its members today reside in 27 States and the District of Columbia.

During the 60 years of its existence, the order has been keenly interested in and has spoken from time to time on matters involving the immigration policies of our country.

First we should like to present to this honorable subcommittee a brief insight into the nature of our order and the beliefs of its membership by setting forth the preamble to our constitution which we believe clearly and forcefully states our purposes, beliefs, and aspirations:

"We, the members of the Order Sons of Italy in America, a fraternal organization, being a part of the United States of America which we serve at all times with undivided devotion, and to whose progress we dedicate ourselves; united in the belief in God; conscious of being a representative element of an old civilization which has contributed to the enlightenment of the human spirit, and which through our activities, institutions and customs may enrich and broaden the pattern of the American way of life; realizing that through an intelligent and constant exercise of civic duties and rights and obedience to the Constitution of the United States, we uphold and strengthen this Republic; in order to make known our objectives and insure their attainment through the harmonious functioning of all parts of our organization, the said Order Sons of Italy in America do hereby ordain and establish the following as our constitution * * *."

It is therefore, we believe, as a truly American organization, devoted and dedicated entirely to the support of our beloved United States and seeking only to enhance its image, its influence and prestige with the other nations of this world that we today express our views on this very vital question of immigration.

We appeared last year before your honorable subcommittee and we were most pleased and happy with the cordial reception and the fine opportunity afforded us to present the views of the order in our statement and in the question and answer period that followed. We might also add that these sentiments were conveyed to our membership throughout the country and in the two Provinces of Quebec and Ontario via our national newspaper, OSIA News.

Frankly, we must also in good faith and complete honesty and sincerity express to you and through you to the entire House Judiciary Committee and ultimately to the House of Representatives itself the very keen disappointment shared by the entire membership over the failure to take action last year on this most vital field of action.

The eyes of the friendly nations of the world are on the United States in these crucial days and months and years when they are crying for enlightened leadership. They eagerly look first to America, the land of the free and the home of the brave and that has provided a sanctuary for thousands of people, displaced by war, oppressed and persecuted by bigotry, prejudice, and injustice of the worst kind. These nations look for the signs, the acts, and the deeds which clearly and forcefully establish that America practices what it preaches.

The pages of our immigration history do not always make the most pleasant reading. All of us have been too prone to forget that the only native American was the American Indian. Although our land was peopled by the oppressed, we need to be urged that it is a duty and a privilege to offer a home to others who are oppressed.

Four Presidents of these United States have consistently urged the Congress to revise the immigration laws so that the changes when passed would bring American principles of justice and equality to our immigration laws.

The provisions of the current administration bills on immigration we believe to be fair and reasonable.

The admission of the immigrants would be based upon our needs, their need for asylum, their relationship to others already in the country, and finally their economic needs and their skills.

These should be the criteria for selecting our immigrants and not an arbitrary, meaningless, discriminatory, prejudicial and harmful national origins quota system.

President Johnson in his message indicated that action is long overdue for immigration reform. The order strongly concurs in this statement.

The President further stated: "The principal reform called for is the elimination of the national origins quota system. That system is incompatible with our basic American tradition." The order supports this statement and gives it top priority in this question of immigration improvement.

We believe it to be most regrettable that statements have been made in support of retention of the present quota system in which comparisons have been made regarding con-

tributions made to this country by immigrants.

Last year the supreme venerable and the national deputy of the order together with the president and other officials of the United-Italian American Labor Council of New York were privileged to spend quite some time with President Johnson in the Cabinet Room of the White House. At that time in a prepared statement, the President said among other things the following:

"No European nation has enriched us more than Italy. Italy is in many respects the mother of us all. Western culture—in Europe and in this country—is deeply indebted to the great minds and great men of Italy.

"When I think of Italy, I always think of Columbus—and I remember what Emerson said, 'Every ship that comes to America got its chart from Columbus.'"

Again we have heard unkind remarks relating to the assimilation into the American way of life of our immigrants. The remarks stating that those from certain areas having larger quota numbers were more readily assimilated than those with lower quota numbers and this justified the retention of the present quota system.

We of course cry out "shame on such blind thinking." However, rather than engage in the argument directly, we again revert to the President of these United States and his current message to the Congress in which he stated in part: "We have no right to disparage the ancestors of millions of our fellow Americans in this way." We say "amen" and might well point out that there are in excess of 22 million of such Americans, and who participate in every phase and facet of our national society and civilization from the laborer to the leader. Finally, we wholeheartedly endorse this portion of the President's message:

"The quota system has other grave defects. Too often it arbitrarily denies us immigrants who have outstanding and sorely needed talents and skills. I do not believe this is either good government or good sense."

The official position of the Order Sons of Italy in America traditionally has been to support and favor the interests of the United States of America before those of any other country. With this view in mind, we submit the following:

1. The order is not in sympathy with any proposal for an unlimited or freewheeling immigration policy that would threaten the security and welfare of the United States, including our national goals of attaining full employment, the maintenance and improvement of American labor standards, and the raising of the standard of living of all Americans.

2. Immigration regulations should permit complete reunification of family units without discrimination.

3. Careful standards of selection of newcomers should be maintained; that is to say, any person admitted to the United States would have to meet prescribed health, morals, and security requirements.

4. That immigrants should be regarded more carefully for the skills that they possess and their value to our national needs.

5. Priority of registration, or, the principal of first come, first served should be a very important criterion. In this regard we also recognize the need for a limitation on all countries to insure equal opportunities for admission.

6. With respect to the above item 5, we urge the reallocation of unused quota numbers to oversubscribed countries after the preliminary limitation has been applied. This could well help with many thousands of persons already in the United States but whose families must wait for years and years because of oversubscribed quota numbers; and yet this anguish and torment could be alleviated by transferring the quotas of undersubscribed countries.

7. We are in accord with the gradual changeover in eliminating the national origins quota system.

8. There appears to be no serious threat to the labor market in this country under the new legislation if adopted.

9. In addition to the last four American Presidents, current changes being advocated have also been supported by our last four Secretaries of State and by our last four Attorneys General.

A new committee presently being formed and to be known as the National Committee for Immigration Reform in its statement of purpose sets forth the following:

"By discriminating among nations on the basis of birthplace, the national origins provision is detrimental to our international interests, breeds hatred and hostility towards the United States, blocks comity among nations, and is a hindrance to our Nation's policy of peace among nations, without serving any national need or serving any international purpose of the United States.

"The order therefore endorses the passage at this session of the Congress H.R. 2580 introduced by the Honorable EMMANUEL CELLER, chairman of the House Judiciary Committee, and S. 500 introduced by Senator HART, of Michigan, and some 32 other Senators.

"The Order Sons of Italy in America will hold its Diamond Jubilee National Convention in Baltimore, Md., from August 25 to August 28, 1965. How wonderful, gentlemen, if we could announce to those assembled at the convention that the Congress had finally adopted a new and more enlightened and more humane and truly American immigration policy by the enactment of this new legislation.

"We do not ask for anything that is revolutionary. We do not suggest changes in the law that are unfair and unreasonable. This great Nation of ours has always believed in equal justice under law. As Americans we believe in equal opportunity based upon qualifications. We ask for justice for all people. We ask that all potential immigrants be granted equal opportunity to prove their qualifications to enter this country. We have established military and naval bases in many countries to protect our American way of life. We are maintaining numerous Peace Corps units throughout the world to help others who are unable to help themselves. We have established and maintained for many years an excellent student exchange program that has helped to create a better understanding among the nations of the earth. We make vast contributions to the U.N., to NATO, to SEATO and to other international organizations. We do these things and many others because we want to maintain world peace at any cost, making any sacrifice. But all these international activities will be nullified if we persist in continuing an immigration policy that should never have been born.

"On the one hand, throughout our international activities we endeavor to prove to the world that we are a good neighbor, but on the other hand throughout our immigration policies we say to millions of people in many nations, 'You are not fit to enter this country. We don't want you. Stay where you are.'

"On behalf of the entire membership of the Order Sons of Italy in America, we urgently submit to you gentlemen that this Congress should not again permit the opportunity to pass without enacting favorable legislation. We, therefore, ask that your subcommittee bring out a favorable report on H.R. 2580; and, further, to exert all of your energies to bring about the passage of remedial legislation in both Houses and transmittal of the same to the President where we know it will finally be signed and proclaimed into law to your everlasting credit and endearment in the hearts of the overwhelming majority of the American people and our friendly people of other nations."

We, the undersigned, speaking for ourselves personally, and for the membership we have the honor to represent, we thank you Mr. Chairman and membership of the subcommittee for this opportunity to appear before you to present our views.

Respectfully submitted,

JOHN OTTAVIANO, JR., ESQ.,
Supreme Venerable.
SAMUEL CULOTTA, ESQ.,
National Deputy.
JOSEPH A. L. ERRIGO, ESQ.,
Chairman, National Committee on Immigration.
JOHN F. NAVE,
Chairman, New York Grand Lodge.
Dr. NICHOLAS M. PETRUZZELLI,
Economist.
Hon. VITO MARINO.
Supreme Trustee.

JULY 6: FIRST ANNIVERSARY OF MALAWI'S INDEPENDENCE

Mr. YARBOROUGH. Mr. President, today, July 6, marks the first anniversary of independence for the people of Malawi. As we join Malawi in celebrating this significant milestone in her history, I extend my congratulations to all the people of Malawi, on this important occasion.

Known as Nyasaland before gaining her independence, Malawi, with her lush green foliage, high mountains, and large lakes is one of the most beautiful nations in Africa. Bounded by Northern Rhodesia on the northwest, Tanzania on the northeast, and Mozambique on the south and southeast, her 37,000 square miles comprise a part of the Great Rift Valley. Of all her natural splendor, she is most famous for her 360-mile-long lake, Lake Nyasa, which the famous explorer-missionary, David Livingstone, discovered in 1859.

Besides her natural beauty, this country, with a population of about 4 million, is also well endowed with good agricultural land. Its major commercial crop is tea.

As an independent nation in the British Commonwealth, Malawi has a government patterned on the British system, with the Prime Minister as Head of Government, and a unicameral National Assembly, consisting of 53 elected members.

Surely Malawi should be proud of its independence, its democratic government, and its economic and social development. I am sure that I speak for the Senate when I say that we are proud to join the people of Malawi in celebrating their first anniversary, and we look forward to ever-strengthening ties of friendship and cooperation between our nations.

WATER SHORTAGE AND POLLUTION OF THE POTOMAC RIVER

Mr. BREWSTER. Mr. President, in the past few days, several of Washington's distinguished newspapers have published editorials concerning the Potomac River.

The Evening Star correctly called attention to the problem of the shrinking water supply in the Potomac River Basin. The seriousness of this problem cannot

be overestimated. People need water to live; and they need it in a clear and pure condition—not polluted by industrial and municipal wastes and silt.

This June, the Potomac's flow at Chain Bridge reached an all-time low. If this trend continues, the Washington metropolitan area will be faced with the same water-shortage problems that already are facing upstream communities in the Cumberland area.

As the Washington Post pointed out, a good start has now been made in planning for the Potomac. Last Monday, I had the distinct pleasure of meeting with Secretary Udall and the Governors of the four Basin States, to discuss some of the important problems related to the Potomac.

The Post's editorial correctly pointed out that planning should be a continuing process, and that all action should not be postponed pending the outcome of final plans.

All too often, planning becomes an excuse for inaction and delay. Fortunately, this is not the case with the current planning efforts. On the local, State, and Federal level of government, there is an awareness of the need for immediate action if solutions for the problems of the Potomac are going to be found.

I ask unanimous consent that these two fine editorials be printed in the RECORD.

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

[From the Washington Evening Star, June 30, 1965]

SHRINKING WATER SUPPLY

In some parts of the country rivers are on a flooding rampage. But the water shortage is critical in other areas—New York City, eastern New York and Pennsylvania, New Jersey, and southern New England.

The Potomac still furnishes ample water for Washington and those communities in the surrounding areas which draw upon it. But warning signals are flying.

The Potomac's flow at Chain Bridge is at an all-time low for June. Last September the daily flow was almost down to the 474 million gallons a day record low set in November 1930. Given another summer of drought this year, we could be close to the danger point by fall.

The Washington area water system is capable of providing 470 million gallons of Potomac water a day but it has never been called upon to deliver at capacity. The District system alone, with a capacity of 355 million, has never been called upon for more than 265 million gallons in 1 day. But the problem grows as the demands for water rise throughout the metropolitan area, for farm irrigation upstream, and for other purposes. Unless the rains are forthcoming, it is not at all inconceivable that the riverbed one day may be dry from Little Falls to tidewater. The need, not only here but throughout the East and Northeast, is for summer rainfall substantially and consistently above normal.

A helpful aspect is the effort now underway, led by Interior Secretary Udall, to make the Potomac Basin a model for the Nation. And this of course includes water conservation as well as beautification and preservation of points of historic interest. It is urgent in our opinion, that the efforts in this respect by the Federal Government and the participating State governments be carried forward vigorously and without unnecessary delay.

[From the Washington Post, July 1, 1965]

TO PROTECT THE POTOMAC

Anyone can draw up a plan for the development of the Potomac River. But drawing up a plan that will be enforced is altogether another matter. In the past, the planning for the river has begun with arguments among the technicians and ended with stalemate among the politicians. Secretary Udall now intends to begin with a political agreement, and work from there into the technicalities of river planning. The Secretary is showing a gift for learning from the ill success of others (in this case, the Army Engineers), and his meeting with the Governors of the States of the Potomac Basin symbolized the new beginning. As Governor Tawes of Maryland observed, it was the first time in the river's long history that the Federal and State authorities had jointly considered the future use, and present misuse, of the region's greatest natural resource.

Mr. Udall was quite right to recognize that a sound plan cannot be prepared in the half-year of the original schedule; but he was equally right to point out that many of the most urgent decisions can be taken without waiting for the entire plan. This city has fallen into the evil habit of putting off all decisions pending plans that are never finished. Planning for the Potomac will be a continuous process, and the plan never will be finished. But very early in the process the planners can decide, for example, whether to build the Army Engineers' high dams. Happily, the men around Mr. Udall's table seemed heavily inclined against the high dams (the sole exception being Congressman MACHEN, who appeared to have missed the cardinal point that these dams have very little to do with water supply).

The next question will be the creation of the agency to carry out the planning. Mr. Udall spoke of the Delaware River Commission, in which the Federal Government sits as an equal partner of the States. Senator BREWSTER, of Maryland, spoke of expanding the present Interstate Commission on the Potomac. The suggestions both look toward a new kind of government, a regional authority that is both strong and responsive.

The foundation has now been laid for a genuinely cooperative development of the Potomac Basin. The essential element is a politically inspired plan, politically inspired in the true and useful sense of representing accurately the interests of the people who live here.

AMISTAD DAM AREA OFFERS VAST RECREATIONAL POTENTIAL

Mr. YARBOROUGH. Mr. President, recently I introduced a bill to establish a recreational area in the area of the Amistad Dam and Reservoir, now under construction on the border between Texas and Mexico.

The potential for recreation offered by this rough canyon country is tremendous, and has created much interest among all of those concerned with this project. To provide a description of the area involved and of the advantages of having a recreational area in this location, I ask unanimous consent that the headline article describing this bill, beginning on the front page and continuing on page 2 of the Del Rio News-Herald of June 22, 1965, be printed at this point in the RECORD.

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

YARBOROUGH INTRODUCES PARK BILL—EIGHT CONSTRUCTION SITES REQUESTED

Authorization for a national recreation area in the Amistad Reservoir area is sought in a bill introduced Monday in the U.S. Senate by Texas' senior Senator RALPH W. YARBOROUGH, in Washington, D.C.

The bill YARBOROUGH introduced was prepared by the U.S. Interior Department at his request, and calls for the development of eight tracts in the reservoir area as a national recreation area, combining public outdoor recreation benefits with conservation of scenic and historic sites under the National Park Service.

"This bill offers a wonderful opportunity to establish a major recreation facility with national recognition," YARBOROUGH told the News-Herald in a telegram. "It will be a major attraction for tourists in the Southwest and will offer water sports second only to Padre Island National Seashore area, and for scenic beauty."

H. M. Pettit, chairman of Del Rio's Amistad Dam Committee said Senator JOHN TOWER, Texas' junior Senator, has endorsed the bill and that Congressman O. C. FISHER of San Angelo, who represents the 21st Congressional District in which Amistad Dam is located, is introducing a similar bill in the U.S. House in Washington.

"I understand Senator YARBOROUGH and Senator TOWER are working together on this important measure," Pettit said, "and that Congressman FISHER introduced a similar bill in the House.

"This is something we've looked forward to for a long time since it is highly important not only to Del Rio but for the entire Southwest for this area to be developed for recreational facilities. The potential is already there; a little development promises almost unbounded possibilities," Pettit said.

Seven of the sites have been pinpointed and the eighth, Pettit said, will be at one of a number of tentative locations.

Two areas at the west end of Devil's River highway bridge and another at the east end, the end toward Del Rio, will be developed as recreational areas under the proposal submitted by Senator YARBOROUGH; another would be located in the Sao Pedro highway bridge vicinity; a fifth would be above Devil's Lake, around Rough Canyon; still another recreation area would be located at the Pecos River and a seventh site would be a fishing area below Amistad Dam, being built astride the Rio Grande 12 miles upstream from Del Rio and Ciudad Acuna, Mexico, by the United States and Mexico.

"I think the eighth area would be a site somewhere in the lake area but the last I heard any discussion on it, a final selection had not been made," Pettit said.

Because of the rough canyon country in the reservoir area, deep inlets from the lake created by the dam will make scenic coves, Pettit pointed out, and will offer a contrast to the wide open areas of the lake where boating is expected to be a major recreation.

A long-time interest in the recreational aspects of Amistad Reservoir has been maintained by high Government officials, Pettit said, and U.S. Commissioner Joseph Friedkin of the International Boundary and Water Commission is one of the interested. Similar interest has been shown by his counterpart, Mexican Commissioner David Herrera Jordan of Juarez, Mexico.

Both men expressed an interest in such areas when they inspected the damsite recently when the model of the structure was unveiled at the I.B. & W.C. headquarters at Amistad village.

COMPENSATION FOR INNOCENT VICTIMS OF CRIMES

Mr. YARBOROUGH. Mr. President, it is time that we in America started to give some consideration to the victims of crimes, rather than only to the perpetrators of these crimes. Right now, we provide to the indigent criminal free counsel. To the victim, however, we give nothing, even though we have failed to provide him the police protection which we have promised. I have introduced a bill—S. 2155—which at least provides for some actual compensation of losses incurred by the victims of violent crimes.

I ask unanimous consent to have printed in the RECORD an excellent article describing the bill. The article was written by Ned Curran, and was published in the June 21 edition of the Corpus Christi Caller-Times.

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

YARBOROUGH SPONSORS BILL TO ASSIST CRIME VICTIMS

(By Ned Curran)

WASHINGTON.—Senator RALPH YARBOROUGH has begun a long trip through completely uncharted backwaters of criminal law with a bill to compensate the victims of violent crime.

In introducing the bill, YARBOROUGH told the Senate that society is given too much lately to lamenting the plight of the criminal.

"It is time," he said, "the Government of this Nation shows as much concern for the victims of crime or violence against the person as for the people who commit the crime."

The totally new concept embodied in the Senator's bill would apply, of necessity, only to Federal jurisdictions, such as the District of Columbia, military and Indian reservations, ships at sea and territories. He expressed the hope, however, that State and local jurisdictions study the idea with an eye toward emulating it.

The bill would establish a three-member Federal commission, appointed by the President and armed with quasi-judicial powers and a staff.

Any innocent victim of one of 14 crimes of violence, ranging from assault with intent to kill, rob, rape or prison to mayhem could file a claim with the commission within 2 years.

The commission, after establishing that the claimant was in fact the innocent victim of the crime, could then award compensation up to a limit of $25,000.

YARBOROUGH has sought to plug as many loopholes as possible in the bill—there would be no appeal from the commission; attorney fees would be limited to 15 percent of an award over $1,000; hospitalization or insurance benefits received by the victim would be taken into account; the prevailing commission guideline would be equity rather than legal technicalities; the victim cannot be related or married to the attacker; compensation would be limited to actual damages, shorn of any "profit" to the victim.

But obviously loopholes do and will crop up. One of YARBOROUGH'S principal aims is to broach the idea and encourage discussion, debate and consideration. He admitted it may be 5 years before there is complete congressional acceptance of the concept.

He said although New Zealand and Great Britain have recently enacted similar laws, the matter is totally new to American jurisprudence. The only ally YARBOROUGH called up was Supreme Court Justice Arthur Goldberg who has espoused the same idea.

"Since the middle of the 19th century," YARBOROUGH pointed out, "we have turned away from the old concepts of 'an eye for an eye and a tooth for a tooth,' and 'every man his best protector' as workable methods for punishing criminals and protecting the law-abiding citizens. We have demanded that people no longer go armed on our streets in order to protect themselves. We have outlawed vigilante groups. We have left the punishment of the criminal to the State rather than to the victim's relatives or a lynch-crazed mob.

"We have told our people," he continued, "that they will be best protected if law enforcement is left to the government, not to the private person. Having encouraged our people to go out into the streets unprotected, we cannot deny that this puts a special obligation upon us to see that these people are, in fact, protected from the consequences of crime."

YARBOROUGH contrasted the lot of the victim with the concern shown the criminal.

"What happens to the perpetrator of the brutal attack? Society says that, if apprehended, he must be warned of his legal rights to have an attorney before he is permitted to confess. Then if the criminal is held beyond a short while before being taken before a magistrate, a conviction would be reversed on constitutional grounds. Many persons stand ready to assist the offender in protecting his constitutional rights through all the courts of the land.

"While society is weeping over the criminals," YARBOROUGH said, "it is showing no such concern, indeed no concern, for the victims of his crime. Society is brutal toward the victims of crime, not against the criminals."

DEPARTMENT OF ALASKA AMERICAN LEGION ENDORSES COLD WAR GI BILL

Mr. YARBOROUGH. Mr. President, the Department of Alaska American Legion held its State convention at Sitka, Alaska, on June 16 through 19, 1965. This department has a proud history. The present legislative director of the American Legion headquarters here in Washington, Harold E. Stringer, comes from the American Legion Department of Alaska.

At its recent statewide convention, the Alaskan department adopted a resolution endorsing the cold war GI bill, and specifically Senate bill 9, now pending on the Senate Calendar. I ask unanimous consent that the resolution be printed at this point in the RECORD.

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

RESOLUTION 65–23

Resolved, That the American Legion, Department of Alaska, in regular convention assembled at Sitka, Alaska, June 16–19, 1965, does hereby endorse S. 9 (cold war GI bill) now pending in the Senate of the United States; and be it further

Resolved, That a copy of this resolution be forwarded to Senator RALPH YARBOROUGH, chairman of the Senate Subcommittee on Veterans' Affairs, each member of congressional delegation from Alaska, and to the national adjutant of the American Legion.

OLDER AMERICANS ACT OF 1965

Mr. SMATHERS. Mr. President, today final congressional approval was given H.R. 3708, entitled the "Older Americans Act of 1965." I am confident that I speak for the overwhelming majority of the Senate Special Committee on Aging in expressing pleasure and satisfaction over passage by Congress of this measure. I myself have sponsored a proposal which has many features in common with this bill, having introduced S. 1357 in 1963, which I reintroduced early this year as S. 991. The Older Americans Act will authorize several Federal grant programs which would have been authorized by enactment of my bill. For this reason, I am happy to join the sponsors of the Older Americans Act of 1965 in celebrating final approval by Congress of this measure.

It will do a tremendous amount for the elderly of our Nation at comparatively small cost. It will greatly strengthen State and local agencies for the aging and will provide funds needed for community planning and coordination of programs for older citizens. It will provide funds needed for research and demonstration projects to extend and improve our knowledge of effective methods of meeting the needs of our Nation's elderly. It will increase the number of trained personnel to serve the Nation's elderly, for lack of sufficient numbers of which many activities and programs for the elderly are badly handicapped.

Enactment of this measure will implement recommendations of many knowledgeable witnesses at hearings of the Senate Special Committee on Aging and its subcommittees. Those who have studied the problems and opportunities of America's elderly and who are qualified to speak authoritatively have long advocated programs of these types.

This bill will do all these things at the cost of only a few million dollars a year. It represents a sound investment in improving the later years of not only the senior citizens of today but also those of younger Americans who hope to live long enough to be tomorrow's senior citizens. The President should give it his prompt, enthusiastic approval.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that further proceedings under the quorum call be terminated.

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

PRESIDENTIAL INABILITY AND VACANCIES IN THE OFFICE OF VICE PRESIDENT—CONFERENCE REPORT

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Chair lays before the Senate the pending business, which the clerk will state.

The LEGISLATIVE CLERK. Report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office.

The Senate resumed the consideration of the report.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. It is my understanding that under the unanimous-consent agreement adopted by the Senate earlier, the time is to be controlled, 1 hour by the distinguished Senator from Tennessee [Mr. GORE] and 1 hour by me.

The PRESIDING OFFICER. Under the agreement, there is a limitation of 2 hours, 1 hour on each side.

Who yields time?

Mr. BAYH. Mr. President, the Senator from Tennessee [Mr. GORE] has a prepared speech. I do not desire to engage in colloquy.

I will yield myself just 2 minutes to say that this has been a much discussed subject over the 187 years of our history. The record over the past 187 years is replete with studies by the Congress, the Senate, and individuals concerned.

The purpose of the constitutional amendment, the conference report on which we are now called to approve, is to provide a means which we have devised by which the Vice President will be able to perform the powers and duties of the office of the President if the President is unable to do so.

Mr. President, in my estimation, it is impossible to devise a bill or a constitutional amendment which can cover all the contingencies in this particular, complicated field, but this Congress has gone further than any of its predecessors toward meeting the problem.

On the last day of the debate I went into some detail to specify the details of the report. I do not believe it is necessary to do so again today, unless some of my colleagues wish to question me or engage in colloquy.

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

Mr. BAYH. I am glad to yield to the Senator from New York, who has contributed so much to bringing us in the position we now find ourselves.

Mr. JAVITS. I am gratified by the statement of the Senator. I read the RECORD over the weekend and thought a great deal about the subject over the weekend and thought again about the relatively close questions which the Senator from Tennessee, the Senator from Indiana, I, and other Senators discussed.

I had the good fortune to read in one of the New York newspapers, the Herald Tribune, a fine editorial on the subject, which, if the Senator will permit me, I ask unanimous consent to have printed at this point in the RECORD as a part of my remarks.

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

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

CLARIFYING THE PRESIDENTIAL SUCCESSION

Hopes that this session of Congress would see the beginning of the end of a very serious hiatus in the present laws governing the succession to the Presidency—what is to be done if a President still lives, but is incapacitated from serving—have been discouraged. The Senate had passed a proposed amendment covering this contingency; the House passed a somewhat different version. A conference committee reconciled the two, and its solution was accepted by the House. Then a sudden uprising by some Democratic Senators (including our own ROBERT KENNEDY) saw flaws in the amendment and obtained a delay in the Senate vote until tomorrow.

It is to be hoped that the Senate will weigh the theoretical objections put forward by the amendment's opponents against the very real dangers that now exist. The amendment tries manfully to cover all contingencies, but it obviously cannot prevent a group, infecting both the administration and Congress, from attempting to subvert the spirit of our institutions and affronting the good sense of the American people by seeking to have a sane and healthy President declared incapable of performing his duties. If such a desperate situation should arise, the lack of the proposed amendment would not stop the conspirators. It did not arrest the attempt to oust President Andrew Johnson by impeachment, for example—which failed by only one vote.

But the amendment would foreclose the possibility of another such constitutional nightmare as occurred when President Wilson was felled by a stroke and the country—to all appearances—was governed by his wife. This portion of the amendment is, in other words, about as sound as human forethought can make it. It relies, to some extent, upon the integrity and good sense of the men elected to high office by the American people. But so does everything else in our Constitution.

In other respects, too, the amendment makes needed reforms. It provides for filling a Vice-Presidential vacancy by Presidential appointment, confirmed by Congress. This is a better arrangement than the various succession acts passed by Congress since 1792, and fleshes out the 20th amendment, which deals chiefly with the problems arising between the election of a President and his inauguration. The amendment is good and necessary. It will require months to acquire approval by the necessary two-thirds of the States and should not be further delayed by counsels of impossible perfection nor by fears of what would be, in fact, revolution.

Mr. JAVITS. Mr. President, this is a tremendously important measure, a historic development in the field of Presidential succession, and we have spent a great amount of time working it out in detail. Senators who have raised questions about the matter have been statesmenlike about it and have not necessarily said that they would vote against it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAYH. I yield 1 minute to the Senator from New York.

Mr. JAVITS. We all know that in many areas of legislation, especially in the field of constitutional amendments, we cannot spell out all the details. If an attempt to do so is made, we get into more trouble than if an effort was not made and we leave it open to further implementation.

What we discussed about the exclusivity of action of a body provided for by Congress would properly be a subject of legislation. If Congress chose not to act, it would be making a choice that the machinery provided for in the amendment should operate.

The argument that not everything is "buttoned down" by the proposed amendment is not, in my judgment, persuasive. We should not "monkey around" with the amendment to provide for something which could be taken care of by legislation by Congress.

There are many occurrences which are tantamount to revolution which could take place to immobilize our Government. Suppose the Senate and the House should refuse to approve any appropriations for the carrying on of the Government. It would immobilize us——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAYH. I yield 1 minute to the Senator from New York.

Mr. JAVITS. That would immobilize us as much as would be the case if, contrary to acting in good faith, Congress chose not to legislate in the utilization of the amendment.

So, after further deep consideration of the matter, I have come to the conclusion that notwithstanding the questions I expressed, which were in the form of exploratory questions, we have come as far as Congress can go, as the saying is, and I shall vote to approve the conference report.

Mr. BAYH. I thank the Senator. I believe that the colloquy that we had, I, being in charge of the conference report, was helpful in the last discussion.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GORE. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, and that the time be equally divided.

Mr. BAYH. Mr. President, I think this is unnecessary. If the Senator wishes to take it out of his own time——

Mr. GORE. Mr. President, I withdraw the request.

Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be not charged to either side.

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

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 163 Leg.]

Allott	Inouye	Muskie
Anderson	Jackson	Pearson
Bass	Javits	Pell
Bayh	Jordan, Idaho	Proxmire
Boggs	Kennedy, N.Y.	Ribicoff
Burdick	Long, La.	Robertson
Church	McCarthy	Smith
Clark	McGovern	Sparkman
Dirksen	McNamara	Stennis
Ervin	Metcalf	Symington
Gore	Monroney	Talmadge
Harris	Morton	Young, N. Dak.
Hill	Moss	
Holland	Mundt	

The PRESIDING OFFICER. A quorum is not present.

Mr. LONG of Louisiana. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Louisiana [Mr. ELLENDER], the Senator from Nevada [Mr. CANNON], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from North Carolina [Mr. JORDAN], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Montana [Mr. MANSFIELD], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mrs. NEUBERGER], the Senator from West Virginia [Mr. RANDOLPH] and the Senator from Oregon [Mr. MORSE] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], and the Senator from Indiana [Mr. HARTKE] are absent on official business.

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Colorado [Mr. DOMINICK], the Senator from Nebraska [Mr. HRUSKA], and the Senator from California [Mr. MURPHY] are absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from Kansas [Mr. CARLSON], the Senator from New Hampshire [Mr. COTTON], the Senator from Hawaii [Mr. FONG], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

Mr. BAYH. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay Mr. BREWSTER, Mr. BYRD of West Virginia, Mr. CASE, Mr. COOPER, Mr. CURTIS, Mr. DODD, Mr. DOUGLAS, Mr. FANNIN, Mr. GRUENING, Mr. HART, Mr. HAYDEN, Mr. HICKENLOOPER, Mr. KENNEDY of Massachusetts, Mr. KUCHEL, Mr. LAUSCHE, Mr. MCCLELLAN, Mr. MCGEE, Mr. MCINTYRE, Mr. MILLER, Mr. MONDALE, Mr. NELSON, Mr. PASTORE, Mr. PROUTY, Mr. RUSSELL of South Carolina, Mr. RUSSELL of Georgia, Mr. SCOTT, Mr. SMATHERS, Mr. THURMOND, Mr. TOWER, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. WILLIAMS of Delaware, Mr. YARBOROUGH, and Mr. YOUNG of Ohio entered the Chamber and answered to their names.

The PRESIDING OFFICER (Mr. KENNEDY of Massachusetts in the chair). A quorum is present.

Who yields time?

Mr. GORE. Mr. President, I yield 15 minutes to the senior Senator from Minnesota.

Mr. McCARTHY. Mr. President, I believe that the Senate acted wisely in putting off action on the conference report for a few days so that we could carefully examine the language in the proposed amendment and so that all Senators, rather than the four or five who participated in the discussion last week, might be fully aware and informed as to the committee interpretation and what would then be the congressional interpretation of what the proposed amendment to the Constitution would actually mean.

I note again that we are not enacting a statute, something which we could change in this Congress or in any subsequent Congress. We are acting on a constitutional amendment which would establish the procedure for the indefinite future.

I have serious reservations about more than the language of the amendment. I have very serious reservations about the substance of the amendment itself. It was my view when the question of presidential disability and vice-presidential succession was raised that there was sufficient authority in the Constitution to permit Congress to proceed by statute.

Paragraph 6, section 1, of article II of the Constitution gives Congress power to legislate in the area of presidential disability and of succession of a Vice President. This section of the Constitution reads:

> In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

It is my judgment that we could act by statute to meet both the problem of succession and disability. There are constitutional authorities who feel that we have power to act in case of a vacancy in the vice-presidency. However, there is some question as to our ability to act in case of disability.

I am willing to abide by the judgment of those who thought we needed a constitutional amendment. It was my opinion that the amendment should be a simple one and should make clear the right and authority of Congress to act by statute.

This was the opinion of Deputy Attorney General Katzenbach when he testified before the committee in 1963 and in his statement submitted to the committee in 1964. He asked for a simple constitutional amendment; and, following that, for action on the part of Congress to spell out the procedures by which inability might be determined and also by which the commencement and termination of any inability would be determined.

This is not the issue involved today. Congressional committees, in both the Senate and House, have considered, I am sure, the possibility of a simple amendment to leave the way open to proceed under statute but they have not approved this method.

At this time, we are preparing to take what will probably be final action or, at least, the last chance to review the proposed amendment.

It has been argued that State legislatures would give a thorough review to the matter. We were informed last week that one State legislature was holding up action until after Congress had acted on the matter so that it would be the first State legislature to ratify the measure. It may be that the State legislature studied the matter and is fully informed as to the amendment. However, I have very grave doubts that this is so. I believe that after Congress acts on the matter, ratification by the States will be almost routine.

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

Mr. McCARTHY. I yield.

Mr. GORE. Mr. President, I wonder if the able Senator believes that the members of the legislature which was awaiting the adoption of the conference report by the Senate in order to be the first State to ratify the amendment could have had an opportunity to read the conference report and determine that the conferees had added certain words to the language. Two of the words were "pro tempore." Another was "either," and the other word was "of."

The conference report did relate that minor changes in language had been made. However, I wonder if the Senator believes that the insertion of the word "either" in the Constitution of the United States, having to do with two bodies, either of which, under the terms of the pending amendment, would play a part in the declaration of presidential disability is a minor matter, and if the State legislature to which the Senator referred was aware of this fact.

Mr. McCARTHY. Mr. President, I believe that it could very well be a most serious matter. Certainly, the language of the amendment as sent to conference would be preferable to this language.

I know that the Senator from Tennessee has given much study to the meaning of the words and the application of the disjunctive alternative of "either/or" in this case.

The Senator will speak on that at some length later today. I should say that we are writing new meaning into the word "either," and that if we were to approve the draft which is before us from the conferees, we would be ignoring every treatise of grammar in which it is pointed out that if we use the word "either/or," we are providing a choice. They are alternatives. One does not include the other. We ought to use words in their logical meaning when we write them into the Constitution of the United States.

I had hoped that Senators who were handling the matter would agree to return to conference. I believe that the matter could have been cleared up in a 4- or 5-minute conference with Representatives of the House. The word "either" appears to have been dropped into the amendment almost by inadvertence. It was not used as a result of carefully considered judgment. It is not a word that was weighed or was subject to any prolonged discussion in conference.

I hope that the Senate will give consideration to the possibility of what I think might create great confusion when and if this amendment is ever put to the test. If such an occasion should arise, it could be at a time when the entire constitutional structure of the United

States would be subject to its most severe test in history.

The question of having two Presidents, each of whom desires to perform the duties of office, and the question of having two cabinets or of trying to determine when the functions of one Cabinet came to an end, might be impossible of solution. The President could end the term of office of the members of the Cabinet with a mere declaration. There would be no way to determine whether they could participate in the making of the judgment provided in the proposed amendment.

It is my opinion that the Vice President should have been excluded in any case. This question has been considered by the committee. The committee has decided that the Vice President should be the key man.

No one, under this amendment, can take action with reference to the inability or disability of the President unless such action has the concurrence of the Vice President. The procedure which is provided by the Constitution for impeachment provides for action by the House of Representatives and the Senate. I believe that, as elective officials of the country, Congress should be willing to assume its full responsibility.

I had hoped that the conferees might have gone back and at least cleared up the point raised by the Senator from Tennessee, although, as I have said, my preference would be for an amendment giving Congress the clear authority to act by statute. This was evidently the position concurred in by Attorney General Katzenbach in his original testimony before the committee, and also by several other members who said that the amendment is not what they would have written had they been free to write it. I had hoped that these more substantive matters would have been considered——

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

Mr. McCARTHY. I yield.

Mr. BAYH. Mr. President, I do not want the record to be incorrect in expressing the present position of the Attorney General. Is the senior Senator from Minnesota aware of the testimony given by the Attorney General before the committee in 1965?

Mr. McCARTHY. I knew the Attorney General was supporting the amendment.

Mr. BAYH. I thank the Chair.

Mr. McCARTHY. I was referring to what was his preferred position when as Deputy Attorney General he testified on the constitutional amendment dealing with Presidential inability. I believe his original position was sound, although, as in the case of many other people, he is willing to support the proposed amendment because of the urgency of the situation.

Mr. BAYH. But the Attorney General did say, before the Subcommittee on Constitutional Amendments of the Committee on the Judiciary, that he believed the proposed amendment was the best alternative that has been conceived.

Mr. McCARTHY. I do not know whether he said it was the best alternative that has been conceived. He said it was the only possible course of action rather than no action at all, not that it was better than any alternative that was ever conceived. He conceived one which he thought was the best he could conceive.

Mr. BAYH. It might be well to have in the RECORD at this point the Attorney General's letter which was placed in the RECORD on the date of the debate when the Senate passed this measure 72 to nothing, if the Senator from Minnesota and the Senator from Tennessee have no objection.

Mr. McCARTHY. I have no objection. I know the Attorney General is supporting the amendment. I know what his opinion as stated publicly was. I know what his private opinion was. I know what the opinion which he gave to the Judiciary Committee was.

Mr. BAYH. May I ask that the letter may be made a part of the RECORD at this point, so that subsequent scholars may have the advantage of it?

Mr. McCARTHY. Yes.

Mr. BAYH. Mr. President, I ask unanimous consent that the letter to which I have referred be printed at this point in the RECORD.

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

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., February 18, 1965.

Hon. BIRCH BAYH,
U.S. Senate, Washington, D.C.

DEAR SENATOR BAYH: I understand that recent newspaper reports have raised some question as to whether I favor the solution for the problem of Presidential inability embodied in Senate Joint Resolution 1, or whether I prefer a constitutional amendment which would empower Congress to enact appropriate legislation for determining when inability commences and when it terminates.

Obviously, more than one acceptable solution to the problem of Presidential inability is possible. As the President said in his message of January 28, 1965, Senate Joint Resolution 1 represents a carefully considered solution that would responsibly meet the urgent need for action in this area. In addition, it represents a formidable consensus of considered opinion. I have, accordingly, testified twice in recent weeks in support of the solution embodied in Senate Joint Resolution 1 and House Joint Resolution 1.

My views on the particular question here involved were stated on January 29, 1965, before the Subcommittee on Constitutional Amendments of the Senate Judiciary Committee, as follows:

"In my testimony during the hearings of 1963, I expressed the view that the specific procedures for determining the commencement and termination of the President's inability should not be written into the Constitution, but instead should be left to Congress so that the Constitution would not be encumbered by detail. There is, however, overwhelming support for Senate Joint Resolution 1, and widespread sentiment that these procedures should be written into the Constitution. The debate has already gone on much too long. Above all, we should be concerned with substance, not form. It is to the credit of Senate Joint Resolution 1 that it provides for immediate, self-implementing procedures that are not dependent on further congressional or Presidential action. In addition, it has the advantage that the States, when called upon to ratify the proposed amendment to the Constitution, will know precisely what is intended. In view of these reasons supporting the method adopted by Senate Joint Resolution 1, I see no reason to insist upon the preference I expressed in 1963 and assert no objection on that ground."

I reaffirmed these views with the same explicit language in my prepared statement delivered on February 9, 1965, before the House Judiciary Committee. In view of the above, there should be no question that I support Senate Joint Resolution 1.

Sincerely,

NICHOLAS DEB. KATZENBACH,
Attorney General.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. How much time does the Senator from Tennessee yield to himself?

Mr. GORE. Such time as I may desire.

This is the last opportunity for any group of men in any body politic to revise or clarify the language of the proposed amendment. The House has already adopted the conference report. Should the Senate adopt the conference report in its present form, the proposed amendment would then go to the States for ratification. If the amendment is ratified by three-fourths of the State legislatures, it will then become a part of the U.S. Constitution.

The States will have no choice except to ratify or reject the amendment in the form submitted. That is why I say this is an important action on the part of the Senate.

The charter of our Republic is a precious document. Amendment of it should be approached with the greatest gravity.

In the beginning of our Republic the candidate for President who received the second largest vote became Vice President. The country's experience under that provision soon led to trouble, so much so that in 1804, I believe, the Constitution was amended so that the Vice President would be elected to a separate office by separate vote. Thus, it was sought to minimize the possibility of conflict between a President and a Vice President.

In July 1965 the U.S. Senate is again undertaking to deal with the question of the President and the Vice President of the United States.

On last Wednesday, when the conference report on Senate Joint Resolution 1 was before the Senate, I was one of those who urged that the vote on the conference report be delayed to permit additional time for Senators to examine the language of the proposed constitutional amendment before taking the final congressional action on what would be one of the more important amendments ever adopted to our Constitution.

I wish to make it clear that I did not then, nor do I now, seek either to block action on or otherwise defeat an amendment which would fill an existing procedural void in the area of presidential succession and presidential disability. The tragic events of November 1963 have served to call to the attention of the American people that failure to act on this matter might, at some time in the future, pose serious consequences to our Republic. Indeed, we should regard ourselves as most fortunate that we have not

already, at some time in our history, experienced a grave constitutional crisis for want of a procedure for determining with certainty the fact of presidential disability. Clarity and certainty are the essential characteristics of any constitutional provision dealing with the subject.

The basic objective of an amendment such as we now consider should be the provision of a procedure certain for the declaration of disability of a President of the United States, but I submit that the provision now before the Senate provides an uncertain procedure.

In my opinion, the language of section 4 of the proposed amendment, which deals with the determination of the fact of Presidential disability by means other than the voluntary act of the President himself, lacks the degree of clarity and certainty required if the objective of this section of the amendment is to be achieved. If the fact of Presidential disability should ever become a matter upon which a President and other authorities designated in the amendment are in disagreement, the most essential requirement is that the procedure for making the determination be clear and precise, with the identity of those charged with responsibility for making the determination beyond question. Should the procedure not be clearly and precisely defined, or if the identity of the determining authority should be subject to conflicting interpretations, this Nation could undergo the potentially disastrous spectacle of competing claims to the power of the Presidency of the United States. This is precisely the risk which this section of the amendment is designed to avoid, but which, Mr. President, may be the result if this amendment should be adopted in its present form.

In my opinion, the language of section 4, if unchanged, is subject to conflicting interpretation—to say the least—and might create a situation in which a serious question could arise as to whether Presidential disability had been constitutionally determined.

I invite attention to the report of the Senate Judiciary Committee, on page 11:

> We must not gamble with the constitutional legitimacy of our Nation's executive branch. When a President or a Vice President of the United States assumes office, the entire Nation and the world must know without doubt that he does so as a matter of right.

I submit that under the proposed amendment one might assume or claim the power of the Presidency, not without doubt but under a cloud of doubt.

Let me read the first sentence of section 4:

> Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

I invite attention to four words in the above sentence—all four of which were added in conference. This is not the same language as that upon which the Senate previously voted. The words added in conference are "either," "of," and "pro tempore."

These words do not appear in the section as it was approved unanimously by the Senate. The addition of the words "pro tempore" effected a change in the Senate version to conform to the language of the House version so as to provide that a declaration of presidential disability should be transmitted to the President pro tempore of the Senate rather than the "President of the Senate."

I raise no question about that.

The statement filed by the managers on the part of the House, referring to the addition of the words "either" and "of", states that "minor change in language was made for purposes of clarification." The addition of these two words was, in my opinion, more than a minor change in language. This is a change in language which is proposed to be written into the Constitution dealing with one of the most sensitive events of our Republic; namely, the possible declaration of disability of a President of the United States.

In the absence of implementing action by Congress, it is clear that a declaration of presidential disability may be transmitted to the Congress by the Vice President acting in concert with a majority of "the principal officers of the executive departments." Hereafter I shall refer to the principal officers of the executive departments as members of the Cabinet.

To me, it also seems clear, under the language of the provision, that if Congress should "by law provide" some "other body," the Vice President might then be authorized to act in concert with either the Cabinet or such other body.

How can any other meaning be read into the words "either" and "or"?

Let us reverse the sentence. The Senator from Indiana says that the Cabinet would have the primary responsibility. The amendment does not so provide. In reversing the sentence, let us see how it would read and whether it would be changed in any way.

First, I read the sentence as it now appears:

> Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Now, Mr. President, I read the sentence in a revised form, and ask whether it would change the meaning in any respect:

> Whenever the Vice President and a majority either of such other body as Congress may by law create or a majority of the principal officers of the executive departments transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

If one changes the sequence in which the Cabinet and some other body created by Congress appear in the sentence, one still will have "either" and "or." It would be in the alternative. I do not know how "either" and "or" would give primary responsibility to one and secondary responsibility to the other.

I do not know how the words "either" and "or" can be interpreted to mean that one part has priority, or how it could be read to mean that if the other body is created, the first body has no responsibility and no power to act.

If I understand anything about the English language, if either the Senator or I is privileged to act, then either of us can act or both of us can act. Therefore, I insist that when the conferees added these words, they did more than make a minor change of language for purposes of clarification. I believe that I know why it was added—at least I have been so advised—to make it clear that the Vice President would participate in the declaration of disability with a body created by law if such were done.

But in adding the words, they established the possibility of two coequal bodies—coequal in responsibility under the Constitution—coequal in authority to act in concert with the Vice President to declare the disability of a President of the United States.

I do not believe this effect can be eliminated by a statement of legislative intent.

If my interpretation of the language is correct—and it seems to me that is what the words used clearly say—the Vice President would be free to choose to ally himself with either of the groups, depending upon which included individuals sympathetic with his view of the then current situation. And it is entirely possible that there might be differing views among members of the Cabinet appointed by the President, on the one hand, and members of a group designated by the Congress, on the other hand, on the question of whether a President suffers "disability."

Under the above interpretation—which is my interpretation—a Vice President would be in a position to "shop around" for support of his view that the President is not able to discharge the duties of his office. When the constitutional requirements have been met, it is the Vice President upon whom the duties and powers of the Presidency would devolve.

I should not like to indulge in the assumption that at any future time some diabolical person would be Vice President of the United States. However, the Constitution is the charter for our Republic. Rights must be safeguarded; so must constitutional procedure.

Let me repeat that we seek by this proposed amendment to provide a procedure certain for a declaration of disability of the President of the United States. I submit that the language of the conference report creates uncertainty, rather than certainty. This uncertainty cannot be eliminated by a statement of legislative intent, particularly so when the stated intent is not supported by the precise language of the amendment.

I should like to suggest, although it does not involve any assumption that we shall ever have a diabolical person as Vice President, that where there is a way we must guard against possibility of the will, and beware of the old adage that where there is a will there is a way.

Questions have been raised about the approach taken by this section of the amendment. In my view there is some validity to these questions. Whether the Vice President, who would become Acting President, should have any part in making a determination of presidential disability is, to say the least, debatable.

Were I privileged to reconsider the whole matter, I should want to think about this one point a long time. However I do not press this point now. I recognize that it is perhaps not possible to devise a procedure which would meet with unanimous approval. Members of the Judiciary Committee who have worked long and diligently on this matter state that this is an approach upon which it is possible to reach agreement. I accept their statement in this regard.

I know it is difficult. We have been considering this subject for months. However, is that justification for adopting an amendment on which Senators are in disagreement as to its meaning? Does not this invite a controversy that would have to be resolved by the Supreme Court of the United States at a possibly critical hour in the history of our country? If Senators cannot agree upon the meaning of the language of the amendment, how do we expect the State legislatures to have a clear and precise understanding?

I do not seek to defeat the proposed amendment, but I ask for rejection of the conference report, which changed the language of this provision, not in a minor manner, but in a major way and, I think, in a dangerous way. I ask that the conference report be rejected and that a further conference with the House be requested. Why should there not be an attempt to clarify the meaning or to refine the language of the amendment? If it is the intent that the Cabinet have the primary responsibility, the amendment should so state. If it is the legislative intent that once Congress had created another body the Cabinet would no longer have any responsibility, the amendment should so provide. If that is what we mean, let us say what we mean. Otherwise, how can the legislatures of our respective States act with a clear understanding of what an amendment to the Constitution of the United States in this delicate field means?

If the Vice President is to participate in the disability determination procedure, there should be no question whatever about the identity of the group which would jointly exercise the responsibility with him. Under my interpretation of the language used, a Vice President would be able to act in concert with either of the two groups—and I say again that the word "either" was added in conference—assuming that Congress had acted to create the second group. This would be the language of the Constitution upon ratification of the amendment as now drafted.

In the course of the debate last Wednesday, the manager of the bill, the distinguished junior Senator from Indiana [Mr. BAYH] and the distinguished senior Senator from New York [Mr. JAVITS] disagreed with my interpretation of the language used. It was their view that, if and when the Congress acted to provide by a law a body other than the Cabinet to share the responsibility with the Vice President, the Cabinet would thereafter be removed from the picture altogether. How? The amendment does not so provide. The amendment, once it becomes a part of the Constitution of the United States, will vest in the Vice President and a majority of the Cabinet the power to declare the disability of the President.

My friend the distiguished junior Senator from Indiana and the senior Senator from New York maintained that, after another body was created by law, only the Vice President and the body created by act of Congress could make a declaration of disability. Does the amendment so provide? I ask my colleagues in the Senate to read it. It does not. It provides that a majority of either one or the other could act in concert with the Vice President to declare the disability of the President.

The Senator from New York contended that the Congress, in the act creating "such other body," might undertake to eliminate the Cabinet, and that the courts in applying a rule of "exclusivity" would rule that since the Congress had acted, the body designated by Congress would possess the authority exclusively. The Senator from Indiana appeared to adopt this view.

The amendment does not so provide. I know of no rule of exclusivity which provides or could provide that a legislative enactment would take precedence over an express provision of the U.S. Constitution, which this amendment, if adopted, would become.

I do not subscribe to the view that Congress, even should it affirmatively undertake to do so, could by statute deny authority and responsibility conferred upon the Cabinet by what would then be an express and integral provision of the Constitution.

I should like to read again the language proposed:

> Whenever the Vice President and a majority of either the principal officers of the executive departments—

Let us leave out the words "either" and "or." I should like to read it in this way:

> Whenever the Vice President and a majority of the principal officers of the departments transmit to the President pro tempore of the Senate a statement of the declaration of disability of the President.

That is a part of the amendment. I submit that we cannot take that language out of the Constitution by statute once we write it in. A further amendment to the Constitution would be required.

But without pressing the subject of the final judicial outcome of such a question, I submit that we cannot here decide with certainty what the Supreme Court might finally rule. It is even more certain that we on the floor of the Senate cannot eliminate the possibility that the Court might someday of necessity have to rule upon the question. And it is entirely conceivable that while the courts are in the process of making a final determination there might be two individuals each claiming the power of the Presidency.

Mr. ERVIN. Mr. President, will the Senator yield for a question at that point?

Mr. GORE. I yield.

Mr. ERVIN. I ask the Senator from Tennessee if the proposed amendment would not make the question of whether or not the President is capable of performing the duties of his office a political question? In my view it would be a political question and for that reason the Court would not be called upon to pass upon it. In other words, the question posed by the Senator's interpretation would be the same question which would be raised by the interpretation of the Senator from Indiana; namely, Is the President incapable of performing the duties of his office?

The amendment provides that, if the President claims he is competent, the question shall be determined by the Congress. Therefore, would not the amendment make it purely a political question as distinguished from a judicial question, since under the terms of the amendment Congress would be the sole arbiter or determiner of the question?

Mr. GORE. I submit to my distinguished friend, the able senior Senator from North Carolina, that I do not find any provision in the amendment that Congress shall be the sole arbiter. I find that the amendment would vest in the Vice President, acting in concert with the majority of the Cabinet, authority to declare the disability of a President of the United States. If that language is not in the amendment, then I simply do not understand the English language.

Mr. ERVIN. Does not the Senator from Tennessee agree with the Senator from North Carolina that the resolution represents an attempt to establish a constitutional method of determining whether the President is disabled to perform the duties of his office?

Mr. GORE. I agree; but it provides two ways in which the determination could be made. That is the difficulty I have with it.

Mr. ERVIN. What is the harm in providing alternatives in making the determination? Would that not improve the amendment? It would make it more flexible. If the Senator from Tennessee is correct in his interpretation—and he is making a very fine argument—that the Vice President, either acting with the majority of the Cabinet or acting with the majority of an alternative body established by Congress, could declare a President to be disabled, would that not be an advantage? I feel that it would, in that it provides some flexibility instead of only one inflexible procedure.

Mr. GORE. The Senator in charge of the bill has said that that is not the correct interpretation. But to answer the Senator's question, I believe the existence

of an alternate procedure would be harmful, and could be the cause of much mischief. The Senator has asked me a question. I should like very much to cite an example in which the language might even prove to be disastrous.

Let us suppose that the Congress has acted to create by law some other body to act in such cases with the Vice President. Let us suppose further that the individuals making up that body, or a majority of them, felt that the President was fully capable of discharging the duties of his office. But suppose the Vice President held a different view. And suppose further that, for one reason or another, a majority of the Cabinet shared the view of the Vice President. In such a situation if the Vice President and a majority of the Cabinet transmitted the necessary declaration to the Congress, who, then, exercises Presidential power? Will there be time for the courts to make a determination of competing claims without disaster? We all hope devoutly that such a situation never arises. But, in my opinion, it could arise, under the language contained in section 4 and under the hypothesis on which the Senator has based his question.

Mr. ERVIN. Does not the Senator from Tennessee contemplate the possibility that the members of the Cabinet might have such an overpowering sense of loyalty to the President that they would be unwilling to take such action? In such a case, in my view, it would be desirable to have an alternative body that could take the action rather than run the risk of having as President of the United States a person who conceivably might be a victim of insanity.

Mr. GORE. If the answer to the Senator's question is "Yes," then clearly and beyond question only one group should be empowered to act at one time.

Let me go further. I am not at all sure that it would be wise to set up an alternative procedure. Our basic objective should be to provide a procedure certain for the declaration of the disability of the President. I should like to recall to Senators that there is now one procedure under the Constitution for the removal of a President from office, namely, impeachment. It is now proposed to provide a second means by which a President could be removed and separated from the power of that office, the most powerful office in the world. If we are to take this step—and I would like to take such a step—we should do so with clear understanding and with certain procedure, not procedure which could invite a court contest at a critical hour in our Republic.

Mr. ERVIN. That is where the Senator from North Carolina reaches a point of disagreement with the Senator from Tennessee. I do not understand how there would be a court contest, because the amendment provides that the Vice President acting with either the Cabinet or another body established by Congress would raise the question. They would make a temporary decision, and that temporary decision would be immediately transmitted to the Congress for its decision.

Mr. GORE. Where in the proposed amendment is there a provision for a temporary decision?

Mr. ERVIN. The proposed Constitutional amendment provides that the Vice President could not take over the office of President unless he had given immediate notice to the President pro tempore of the Senate and the Speaker of the House. It also provides if Congress is not already in session, it must be called immediately into session and must make a decision on the issue within 21 days; Congress would decide the question before it would ever reach the courts.

Mr. GORE. Mr. President, I would like to debate further. I am advised that I have about exhausted my time. Will the Senator from North Carolina ask consent that the time used in our colloquy thus far be equally divided or charged to his side?

Mr. ERVIN. Mr. President, I ask unanimous consent that I may have 2 minutes of my own time in which to thank the Senator for yielding, and to say if the interpretation of the senior Senator from Tennessee is correct, that it would improve, instead of hurt, the amendment by making it more flexible.

Mr. GORE. Mr. President, an anomalous situation has just been revealed. The distinguished senior Senator from North Carolina, formerly a justice of the Supreme Court of North Carolina, has agreed with my interpretation and has said that the language improves the amendment. The distinguished Senator from Indiana disagrees with my interpretation.

I submit that when there is a disagreement as to interpretation between two of the authors of an amendment, this is the time to restudy, to redefine, and to clarify, before we submit the constitutional amendment to the States for their ratification or rejection. We are about to write into the Constitution of the United States an amendment that could be the most important amendment ever written.

Mr. ERVIN. Mr. President, I ask unanimous consent for 1 minute.

Mr. GORE. Mr. President, I do not now yield to the Senator.

Mr. ERVIN. I have merely assumed the Senator's interpretation to be correct.

The PRESIDING OFFICER. The Senator from Tennessee declines to yield.

Mr. GORE. I have only 4 minutes remaining.

In a situation involving the passing of the power of the Presidency from the hands of one individual to another it is equally important that the law be certain as that it be just or wise. Admittedly, we cannot anticipate and guard against every conceivable contingency. But in this case, we now have an opportunity to eliminate uncertainty, and to provide with certainty exactly who shall make the determination—not a temporary decision, but a determination of the disability of the President of the United States; and upon such a determination the power of the Presidency would pass to the hands of the Vice President, who could then fire the Cabinet, or part of it, and then make another declaration within 4 days of a contrary declaration by the President.

If we adopt the conference report in its present form, the matter will pass from the hands of Congress, and there will be no opportunity to change the language. There can be no language changes during the ratification process.

I am also concerned about remarks made by the junior Senator from Indiana during the debate last Wednesday which left me, at least, in doubt about the time at which it is intended by the authors of the amendment that the Congress would act to create "such other body." I had rather supposed that it was intended that the Congress would, reasonably promptly after ratification of the proposed amendment, proceed to consider this matter at a time when there was no question whatever that the then President was fully able to discharge his duties. But there is no guarantee that Congress would in fact act at a time when this question could be given dispassionate consideration. I think it should. If the amendment is adopted, it seems to me that Congress should proceed forthwith to write a law in this regard, creating such a body. However, some of the remarks of the Senator from Indiana seemed to reflect a view that Congress might well not act until a question had been raised about disability on the part of the President. Is it the view of the authors of the amendment that Congress should not act until a situation arose—such as described by the senior Senator from North Carolina [Mr. ERVIN]—in which the prevailing view of Members of Congress was that the President was in fact disabled but a majority of the Cabinet was disinclined to so declare?

If that is the assumption, let us look at the other side of the coin. Suppose that instead of a Cabinet being reluctant, the body created by Congress is reluctant. Then there would be the possibility of one or the other acting, not as anticipated by the authors of the amendment, but in contrast therewith. Could Congress act wisely under such circumstances? It might not be able to act at all, if we waited until such time as Congress believed the President was disabled and thought the Cabinet was reluctant to act.

If a President should be resisting a determination of disability he might veto any bill passed, thus requiring a vote of two-thirds of both Houses of Congress to override the veto. Again, we all hope that there will never be an occasion for Presidential disability to be declared, either by the President himself or by anyone else. But if the need ever arises for such action other than by voluntary act of the President, it would likely have to be done in circumstances in which the President would not concur.

If the approach followed in the proposed amendment is to be followed, I would hope that any action taken by Congress would be taken at a time and under circumstances free of constitutional crisis.

Moreover, Mr. President, I feel strongly that if Congress by law provides for some "other body" to act jointly with

the Vice President in making a declaration of Presidential disability, it ought to be clear beyond all doubt that only that "body" may participate with the Vice President in making such a declaration. I do not believe it improves the amendment to provide that two bodies may act. If either of two groups possess such authority the possibility of confusion and conflicting claims is much magnified.

As I have stated, it is my opinion that the language now before the Senate would authorize either of two groups to join with the Vice President in declaring Presidential disability. At the very least there is doubt about the matter. And a doubt or a question is all that it takes to require a Supreme Court decision, with the possibility of constitutional chaos during the period of judicial proceedings.

Mr. President, we need not take that risk. The proposed amendment is still before Congress.

If two-thirds of the Senate vote "yea," the amendment will no longer be before the Senate. There will no longer be any opportunity to clarify or define the language. It should not be overly difficult to devise language to clarify this one question—and it is an important one.

Unfortunately, under the existing parliamentary situation, there is no way in which language revision can be considered other than by rejection of the conference report. Once this step has been taken, a further conference with the House can be requested—that is what I propose—and the conferees would then have an opportunity to present language free of uncertainty. We should establish a procedure with certainty for the declaration of the disability of the President of the United States. I say that this uncertainty, instead of improving the amendment, condemns it to uncertainty and unwisdom.

Should the conference report, with its present language, be approved, doubt and uncertainty will, upon ratification, become embedded in the Constitution.

For the reason I have stated, I urge Senators to vote to reject the conference report and give to the conferees an opportunity to bring to us an amendment having precise, clear meaning.

Mr. President, I reserve the remainder of my time.

Mr. BAYH. Mr. President, I yield 10 minutes to the distinguished Senator from North Carolina.

Mr. ERVIN. Mr. President, the able and distinguished junior Senator from Indiana [Mr. BAYH] interprets the joint resolution to provide that if Congress does not create a substitute body as authorized by the amendment, then the Vice President, acting with the consent of the majority of the Cabinet, can declare the disability of the President, subject to congressional reversal. The Senator from Indiana also interprets the proposed amendment to mean that if Congress does create a substitute body to act, such substitute body supplants the Cabinet, and the Vice President, acting with the majority of such substitute body, can initially declare the disability of the President. The able and distinguished senior Senator from Tennessee says, on the contrary, that the Vice President may elect to use either the Cabinet or the body. I do not know what ultimate decision or construction will be placed on the amendment, but I say that a good argument can be made for either interpretation. However, I shall support the joint resolution.

The Senator from Indiana, the Senator from Tennessee, and I could have drawn a better resolution if we had had uncontrolled authority to do so. I have worked on this problem. If I were allowed to draft a resolution by myself, I think I could draw a better one. As a matter of fact, I drew what I believe to be a better one.

I did not believe the Vice President should be involved in the matter. My resolution put the matter in the hands of Congress alone. However, the measure before us reflects an amalgamation of views. As such, it represents a consensus which may not satisfy any of its proponents entirely. It may not be perfect. Indeed, in my view it is not perfect but I feel that it is the best resolution that is attainable.

I had to withdraw many of my opinions in order to obtain a resolution that would be approved by the Committee on the Judiciary and the conference committee.

I am not at all disturbed by the interpretation which my good friend, the Senator from Tennessee, places on the document. If it is a correct interpretation it would make the resolution better. This is a dangerous period in which we live, a period in which the President of the United States has his finger on the button that can start an atomic holocaust.

Many provisions of law provide alternative means. For example, in virtually every State of the Union, a prosecution for a felony can be started either by an individual in the court of a justice of the peace or by the indictment of a grand jury. However, before anybody can be convicted of a felony, he must be convicted by the same type of petit jury in a trial on the merits.

It is quite possible that in the future we may have a President who would be suffering from a mental disease, and the members of the Cabinet, appointed by the President, would be so loyal to him that they would be blind, to some extent, to his weaknesses and would not be amenable to declaring him disabled.

It would be well in a case such as that to have a body set up by Congress with the power to act. I believe that the interpretation given by the Senator from Tennessee, instead of injuring the resolution, would make it better. After all, the Vice President could not take over the office without the approval of a majority of either the Cabinet or the body established by Congress. I presume that all of the members of either the Cabinet or the body set up by Congress would be patriotic Americans. Even in that case, before the Vice President could take over, the President pro tempore of the Senate and the Speaker of the House of Representatives would have to be notified. Congress would then have to assemble, if it were not already in session, within 48 hours. Furthermore, it would have to make a decision within 21 days. If Congress did not make a decision adverse to the Preisdent by two-thirds vote in each House within 21 days, the executive powers would automatically return to the President.

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

Mr. ERVIN. I yield.

Mr. GORE. Mr. President, I apologize to the Senator for my reluctance to yield further during the colloquy in which we engaged.

Mr. ERVIN. I understand, The Senator was most generous.

Mr. GORE. Mr. President, let us suppose that the Vice President and a majority of either body provided for in the proposed amendment were to transfer to the President pro tempore of the Senate and the Speaker of the House a declaration of the disability of the President of the United States. Upon whom would the power of the Presidency then devolve?

Mr. ERVIN. The power would devolve upon the Vice President temporarily, until Congress could act, and then the decision would be made by Congress.

Mr. GORE. Mr. President, who would then have the power to appoint Cabinet members?

Mr. ERVIN. I do not believe that this amendment deals with that question. I believe that the Vice President could do so temporarily. However, I do not believe that Congress would confirm his appointees at a time when they were considering the question of whether he should be permitted to remain in the Office of President.

Mr. GORE. If the Vice President becomes Acting President?

Mr. ERVIN. That question was raised in committee. The question was also raised concerning whether the amendment should provide for succession to the Presidency in the case of the death of the President and Vice President simultaneously or in a common disaster.

Mr. GORE. The Acting President could dismiss his predecessor's Cabinet.

Mr. ERVIN. The Senator is correct.

Mr. GORE. Then he could appoint members of the Cabinet of his own choosing, subject to confirmation.

Mr. ERVIN. Yes. But Congress could vacate such action by decision favorable to the President.

Mr. GORE. Suppose that under the proposed amendment, the President, over his signature, were to notify the President pro tempore that he is able to assume the duties of the office of President. Then suppose that the Acting President, in concert either with the Cabinet, or with the other body which Congress would create, were to send a second declaration to the President pro tempore of the Senate declaring the disability of the President.

Mr. ERVIN. That could happen under either the construction placed on the amendment by the Senator from Indiana or that made by the Senator from Tennessee. There would be no difference whatever in that situation, under either construction.

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

Mr. GORE. Mr. President, I should like to conclude this point first.

Mr. President, will the Senator yield further?

Mr. ERVIN. I yield first to the Senator from Tennessee and then to the Senator from Indiana.

Mr. GORE. If that be the case, if the answers which the distinguished and able senior Senator from North Carolina has provided be correct, then I say that it is all the more necessary to provide a procedure certain for the declaration of disability of the President. It illustrates clearly the unwisdom and the danger of creating a situation whereby there may be competing claims and groups as to the disability or ability of the President. We are dealing with a subject which might endanger the very procedures of our Republic.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ERVIN. Mr. President, will the Senator yield me an additional minute?

Mr. BAYH. I yield 1 more minute to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 1 additional minute.

Mr. ERVIN. I should say that every legal and constitutional situation conjured up by the Senator from Tennessee would be possible under either interpretation. There would be absolutely no difference whatever.

Mr. BAYH. Mr. President, I yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The junior Senator from Illinois is recognized for 10 minutes.

Mr. DIRKSEN. Mr. President, first of all, I should like to pay testimony to the distinguished Senator from Indiana for the long and painstaking labor that was involved in the preparation of the proposed amendment. He has been very patient. He has heard the testimony of many witnesses. He has been very patient in the conferences with the House.

I pay testimony also to the distinguished jurist, the Senator from North Carolina, for the great service he has rendered.

I pay testimony likewise to the Senator from Nebraska [Mr. HRUSKA], good lawyer that he is, who has worked diligently on this matter, knowing its importance and knowing that sooner or later Congress would have to do something in this field.

I presume that the first thing we discover is that language is not absolute. The only word I can think of that is absolute is the word "zero." However, interpretations of all kinds can be placed upon language, and all the diversities of judicial decisions that are presumed since the beginning of the Republic, if placed in a pile, would reach up to the sky. Consequently, in dealing with the language before us, we have the same problem that we had in the subcommittee and in the conference.

Fashioning language to do what we have in mind, particularly when we are subject to the requirement of compression for constitutional amendment purposes, is certainly not an easy undertaking. However, I believe that a reading of the resolution will speak for itself.

Bruce Barton, a great advertising man who served one term in the House of Representatives and wrote that fascinating book, "The Book Nobody Knows," meaning the Bible, once observed to me that there was a penchant to read all the commentaries, but not to read the book itself. I am afraid that too often we fail to read into the RECORD exactly what is present.

They have a better custom in the House of Representatives, because when a bill goes to final reading in the Committee of the Whole, it is read a paragraph or section at a time. In the case of legislative measures, they are always read by section. In the case of appropriation bills, they are read by paragraph.

Perhaps it would be rather diverting if we started with section No. 1 of the amendment, which reads:

> In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

When Lincoln died, there was a quick transition of the Presidency into the hands of Andrew Johnson, and it offered no problem. To my knowledge, there has not been a resignation from the Presidency, and there has been no removal. Only once was an effort made to impeach a President and remove him from office. So this article of the section stands by itself and speaks for itself.

Section 2 provides:

> Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

When Franklin Roosevelt died, Truman acceded to the Presidency, and there was no Vice President. We then set up a line of succession, and I was in the House of Representatives when it was done. I do not know that our labor was a happy one, because it was beset with some prejudice and some bias. This question should have been taken care of long ago.

The question is taken care of through amendment to the Constitution. Who better to nominate the Vice President than the President himself? He is the party responsible. There is the sense of affinity, the capacity of working with somebody. The President should be able to select his working partner. That selection would be confirmed by majority votes of both Houses of Congress. That is about as good as English language can state it. I doubt if we can set it out more clearly.

Section 3 states:

> Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

There is the President, on his own volition and by his own motion, advising the Congress he can no longer discharge his duties. What more natural than that the Vice President should take over, not as President, but as Acting President, because there is always the chance of recovery? It took a long time in the case of Woodrow Wilson. It required only 90 days in the case of President Garfield when he passed away. But under this proposal the duties go to the Vice President as Acting President. That appears to be the logical way, in the absence of any contrary declaration made by Congress.

Then let us go to section 4:

> Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

One can make a hundred different assumptions under that language. The President might dismiss the Cabinet. But the President did not create the Cabinet. He appointed those who filled the positions. But it is the Congress that created the Cabinet, and Congress can always create a Cabinet, if it so desires. This is still the disciplinary branch in the Federal Government. It was no wonder that President Monroe said, "The legislative branch is the core and center of our free Government." There are only a few things that we cannot do. We cannot dismiss the President. We cannot diminish the number on the Supreme Court. We cannot abolish the Supreme Court. But we can do just about everything else. We can reduce their number if we so desire, and, of course, we can abolish every Cabinet post. There is nothing to stop the Congress from doing it.

In the light of that power, I doubt whether we need to be disturbed by the ghosts that have been created in connection with the question, largely on the basis of first one assumption and then another.

So the Vice President becomes the Acting President, and as such he continues until the disability is removed.

That section goes further.

> Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within 4 days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office.

One would have to assume a venal Vice President; he would have to assume either a venal or very timid Cabinet, that would not carry out their duties. If they failed so to act, because of an overriding fidelity to the Chief Executive who placed them where they were, that might be a circumstance to be taken into account. But I cannot imagine a member of the Cabinet so wanting in fidelity to the Republic, rather than to the man

who placed him in his position, that he would not undertake to discharge his duty. But if the Congress felt, for any reason, that that was not going to be done, we have made provision in this language for some other body, and the Congress can create that body. It can consist of civilians, including people representing every walk of life, a goodly component of doctors, and those who have the capacity to pass upon the question of whether the inability still exists or whether the inability has passed.

I cannot imagine intelligent, competent, and patriotic Americans serving as the principal officers in the executive branch, or in any other body which Congress might create, that would not deal in forthright fashion with the power that is there, to determine whether the disability had been removed and whether the elected Chief Executive was capable or not capable of carrying on his duties and responsibilities.

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

Mr. DIRKSEN. I am glad to yield to the Senator from Tennessee.

Mr. GORE. I appreciate the careful and tightly reasoned statement that the able Senator from Illinois is making. Most of us, perhaps, think of the disability of the President in the light of the tragic events of November 1963. I submit that a physical impairment of the President may not be the only condition against which we must most zealously guard. Disability may be phychiatric. It may be mental. It may be a sort on which people would honestly have differing opinions. A President might be physically fit—the picture of health; but to those who work closely with him, there might be a conviction that he had lost his mental balance, that he had psychiatric problems. In such an event, the country could be rent asunder by political passions. The able Senator has referred to the fact that the Acting President would assume the powers of the office of President. I asked the Senator from North Carolina if the Acting President could not dismiss the Cabinet of the previous President and the answer was yes, that of course he could, that he could also dismiss a few, or he could dismiss a part of them, or he could retain the few who agreed with him.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. BAYH. Mr. President, I yield 5 additional minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 additional minutes.

Mr. GORE. In that event, it might be crucial, and I believe necessary, that if the man who is to succeed to the office of Acting President is to initiate a declaration—and I believe the Senator will agree that neither the Cabinet nor the other body referred to in the proposed amendment could declare the disability of a President with any effect unless the Vice President concurred in it—if the Vice President, the man to succeed to the power of the office, with the power to select his own Cabinet, or to dismiss all or a part of the Cabinet of the President is to participate in the declaration, the body which must act in concert with him should be certain and beyond doubt. I believe it is most unwise and dangerous to have two groups which might be competing in such a disastrous situation.

Mr. DIRKSEN. I doubt the substance of my friend's premise. I should not like to be around to enjoy the furor if ever the Vice President undertook, for venal purposes, or motivations of his own, to pursue that kind of course.

Mr. BAYH. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I cannot imagine it, because, after all, the people of this country will have something to say about that. Where would it lead? They would not exactly run him out on a rail, but his whole political future, such as it might be, would come to an end at that point.

Let us always remember that we are dealing with human beings and human motivations, and also with the sense of fidelity and affection that people bear, one for another, when they are thrown into a common labor, such as that of a President and Vice President, and the principal executive officers under those circumstances.

Mr. BAYH. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. BAYH. I thought it might be helpful to ask the Senator from Illinois if he recalls the discussion in committee on this point. The committee realized that this danger lurked on the horizon, but that there was an equally severe danger that we might face a long period of Presidential disability in which a Cabinet officer might resign, or die. Unless the Vice President were given this power, he would be precluded from replacing a member whom he needed to help fill the Cabinet. I believe that the Senator from Illinois has hit the nail on the head when he advances the belief that in a time of national crisis, the American people would not tolerate an act on the part of the Vice President that was not in the best interests of the country.

Mr. DIRKSEN. There are some fundamentals we must remember in dealing with a matter of this kind. The first is that we do not strive for the eternal. I doubt that the English language could accomplish that, because that would be absolute. Second, we know that there will always be change, but in the change, the Constitution in its interpretation itself indicates that we would take it in our stride.

There was once a professor at Johns Hopkins University who had fashioned a thesis and a postulate that he though would stand up under every circumstance. Then he sat down with his fellow faculty members to discuss it. When the discussion was ended, his thesis and postulate were torn apart with suppositions and other arguments to the point that he gave out a frantic cry, "In God's name, is there nothing eternal?"

One of his fellow professors answered, "Yes, one thing, and that is change."

Always there will be change. We have not done an absolute job of solving this problem, but I believe that we have done a practical job. That is what we sought to do.

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

Mr. DIRKSEN. I yield.

Mr. GORE. Instead of assuming there may be a Vice President who is venal or diabolical, let us assume that there may be one who is perfectly honest and sincere concerning circumstances on which there is a sharp division of opinion both within the Cabinet and within Congress, but despite that disagreement, the disability of the President is declared. The Vice President then becomes Acting President. There is no certainty, in this amendment, as to which body he must act in concert with.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. BAYH. Mr. President, I yield 2 more minutes to the Senator from Illinois, but I would like to say that I intend to speak specifically to the point which the Senator from Tennessee raises. In my opinion there is no doubt. I believe that we have sufficient evidence, plus the intentions as reflected in the conference committee, to remove all questions. Whether I shall be successful, so far as the Senator from Tennessee is concerned, I do not know, but I shall do my very best.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 additional minutes.

Mr. GORE. I am sure the Senator from Indiana will present an able argument, but there is disagreement among Senators as to whether, after Congress has created another body, the Cabinet could declare, in concert with the Vice President, the disability of the President. The Senator from Indiana asserts that it could not do so.

The Senator from Indiana says that when Congress acts to create by law another body, the provision which vests power in the majority of the Cabinet, in concert with the Vice President, would then be superseded. I ask the Senator, as a lawyer, if he believes that Congress can, by statute, supersede and strip from the Cabinet the power vested by the Constitution in a majority of that Cabinet?

Mr. DIRKSEN. Congress, I believe, can take away any power that any Cabinet member has. There is not a line in the Constitution of the United States which provides for a Cabinet as such. Therefore, they are endowed with powers which we give to them.

Mr. BAYH. Let me suggest to the Senator from Tennessee, who has posed some perplexing questions, that I should like to have an opportunity to answer them but would appreciate it if he would ask these questions on his own time.

I merely wish to have all of the proposed amendment appear in the RECORD, so that when the 90,000 or 100,000 copies are sent to the libraries and schools and colleges, the entire text will be available, and also that the names of the managers on the part of the House and on the part of the Senate, who served on the conference committee, will

be shown. That will complete the RECORD.

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

ARTICLE —

SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

SEC. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

SEC. 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

SEC. 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

And the House agree to the same.

EMANUEL CELLER,
BYRON G. ROGERS,
JAMES C. CORMAN,
WILLIAM M. MCCULLOCH,
RICHARD H. POFF,
Managers on the Part of the House.

BIRCH E. BAYH, JR.,
JAMES O. EASTLAND,
SAM J. ERVIN, JR.
EVERETT M. DIRKSEN,
ROMAN L. HRUSKA,
Managers on the Part of the Senate.

Mr. DIRKSEN. Mr. President, I believe we have done a reasonably worthwhile job insofar as the feeble attributes of the language can accomplish it. I compliment and congratulate the distinguished Senator from Indiana, the chairman of the subcommittee, on the good job he has done.

Mr. BAYH. Mr. President, I thank the Senator from Illinois and other Senators who have labored tirelessly to help us get this far down the road.

I yield myself such time as I may require to discuss the points which have been raised by Senators. I have no prepared speech. I have made some notes on one or two points that I wish to discuss. I shall speak with as much ability as I possess and try to clarify the question of intent in the consideration of this subject. However, I emphasize that the Senator from Tennessee and I share one intention, among others, and that is that we seek to clarify any ambiguity which may exist.

Reference has been made to the position of the Attorney General of the United States which was previously inserted in the RECORD and verified his position supporting Senate Joint Resolution 1.

Mr. President, I also quote one sentence from his testimony before the subcommittee. He said:

> I want to reaffirm my prior position that the only satisfactory method of settling the problem of Presidential inability is by constitutional amendment, as Senate Joint Resolution 1 proposes.

In this position, he was joined by a rather long list of Attorneys General of the United States, going back to Biddle and Brownell. He was also joined by such constitutional experts as Paul Freund. They felt that if there was any doubt, the Congress should propose an amendment to the Constitution.

The question has been raised as to why we have put the Vice President in the position of acting in the capacity he would have under the amendment. I believe that former President Eisenhower dramatically made this point in the presentation he made before the conference of the American Bar Association called by the President last June. President Eisenhower said he felt it was the responsibility of the Vice President to assume the authority of the Presidential office in the event that the President was unable to perform his duties, and that the Vice President could not escape that authority and obligation.

Therefore, I believe that we have done the right thing in placing the Vice President in the position of participating in that determination.

There has been a great deal of discussion about the last section, the most controversial section, of the proposed amendment. I point out, based upon my judgment, that this most controversial part of the amendment rarely if ever would be brought into play.

As the Senator from Illinois [Mr. DIRKSEN] has pointed out, the amendment provides for the voluntary declaration of disability by the President. Let us assume, for example, that he is undergoing a serious operation, and that he does not want to take the chance of having the enemy take advantage of the situation.

The amendment also deals with the kind of crisis which President Eisenhower described, such as a President suffering from a heart attack. For example, at the time he might be in an oxygen tent the Russians might begin to move missiles into Cuba. At that moment no person in the United States would have any power to make any decision that had to be made.

The amendment would take care of these points.

Now we get to the point to which the Senator from Tennessee has correctly alluded; namely, the question of a President who, although physically able, is not the man, from a substantive point, who was previously elected to that office. Thus arises the difficult problem of mental disability.

The Senator from Tennessee bases his argument on the fact that changes were made in the conference committee. I point out that in referring to the "either/or" change, the Senator from Tennessee overlooks the fact that several other changes were made in conference. I would not want to mislead anyone into believing that that was the only change that was made. Several others were made, in connection with which we tried to compromise with our friends in the House.

I believe that we have a better amendment now, in most respects, than when it left the Senate. I would have preferred the language which the Senator from Tennessee has suggested. This was not the case. The amendment is the product of our conference. I hope we can at least shed some light on our belief as to the validity of our contention that there is no ambiguity here.

With respect to "either/or", it is clear to me—and I invite the attention of Senators to the definition of this phrase in Black's Legal Dictionary and to most legal cases on the point—that when we talk about "either/or" it is interpreted in the disjunctive. It does not refer to two, but to either one or the other.

Reference was made—not by the Senator from Tennessee, but by another Senator—to the fact that the Vice President could in effect at one time go to either one of these bodies and use them simultaneously. I do not see how it is possible to do that.

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

Mr. BAYH. I should like to finish my argument. Then I shall be happy to yield. We have some evidence about what the courts have indicated in this respect. Certainly it is the intention of the conference committee and it is my contention, as the floor manager of the joint resolution and as the principal sponsor of it—and I believe I can also say that it is the opinion of a majority of the Judiciary Committee—that Congress should have some flexibility, and that we do not wish to nail down a plan which may not work. It is our intention for the plan, as it is enacted, to have the Vice President and a majority of the Cabinet make the decision, unless Congress, in its wisdom, at some later time, determines by statute to establish some other body to act with the Vice President. It would be rather ridiculous to give that power to Congress and provide at the same time that it may not exercise it within a certain number of years, or could not exercise it at all. We give to Congress, in its wisdom, the power to make the determination as to when another body should act in concert with

the Vice President. It is our intention that at that time this other body shall supersede the Cabinet.

Mr. LAUSCHE. Mr. President, will the Senator yield for a brief question?

Mr. BAYH. I should like to yield for only a brief question.

Mr. LAUSCHE. Yes. Was there any discussion among the conferees about putting it in the conjunctive, instead of the disjunctive, having both a majority of the members of the Cabinet and a majority of the members of the body created by Congress act?

Mr. BAYH. This was never considered.

Mr. LAUSCHE. It was never considered?

Mr. BAYH. It was never considered.

Since the Senator from Tennessee raised the question I have tried my best to look for cases which might soothe his concern about the ambiguity which he believes exists and which I believe does not exist.

Mr. President, I have uncovered three or four cases dealing with article V of the Constitution. They are *Hawke* v. *Smith,* 253 U.S. 221; *Dillon* v. *Gloss,* 256 U.S. 368; the *National Prohibition* cases, 253 U.S. 350; and *United States* v. *Sprague,* 282 U.S. 716.

As the Senate knows, article V deals with the means to amend the Constitution itself. Congress is given the authority to use either the means of legislative ratification or State convention ratification. Either one or the other may be used. In dealing with the fifth article, the courts have held in those cases to which I have referred—which are as close to being on the point as any I have been able to find—that Congress has full and plenary power to decide which method should be used, and once the choice is made, the other method is precluded.

These cases substantiate our feeling—at least our intention—as to what we desire to accomplish in the wording which has been placed in the conference report.

I should like to go one step further. In the debate I do not wish to concede ambiguity. But out of friendship for the Senator from Tennessee [Mr. GORE], I should like to suppose, for only a moment, that there might be ambiguity in the use of the words "either/or." What then would be the result? In the event of ambiguity there is no question that the Court would then look to the legislative intent. As a result of the insight and the perseverance of the Senator from Tennessee, we have now written a record of legislative intent, as long as our arms, to the effect that we desire only one body to act on the subject. In the event that an ambiguity is construed, I suggest that there is one last safeguard. I am certain that Congress, under the enabling provision which would permit another body to act with the Vice President, would in its wisdom at that time specify that, pursuant to section 4 of the 25th amendment to the Constitution, the other body is designated to supplant and replace the Cabinet and act in concert with the Vice President. So I am not concerned that there might be a vexatious ambiguity present.

I should like to speak on one other point which the Senator from Tennessee raised, and which I believe is a very good point.

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

Mr. BAYH. I yield.

Mr. LONG of Louisiana. It seems to this Senator that in a dangerous time when the inability of the President might be in question, particularly with respect to his mental capacity, Congress should act on the question. As I understand, no matter which body might make the declaration that the President was not able to serve, the question would then be before the Congress and it would have to be decided by a two-thirds vote; otherwise, the man who had been elected to the office of President would continue to serve as President.

Mr. BAYH. The Senator from Louisiana is correct. To remove, for any reason or on any ground, a man who has been elected to the most powerful office in the world, the office of President of the United States, is not an action to be taken lightly. As the Senator has pointed out, and as Senators will observe in other places in the amendment, we have leaned over backward in our effort to protect the President in his office. The decision would have to be made by Congress. A two-thirds vote would be required. That is a greater safeguard than is presently available under the provision for impeachment proceedings. Under that provision a vote of two-thirds of the Senate is needed; under the proposed amendment a vote of two-thirds of both Houses would be required.

There is no need to extend the debate, but I should like to speak to the question which the Senator from Tennessee raised. The Senator said that if there is any doubt, let us wait. We cannot be certain what the Supreme Court of the United States will do. I doubt very much that there have been many pieces of proposed legislation, certainly none related to constitutional amendments, that have passed this body in which there has not been considerable and heated debate as to whether some of the proposed language was right or wrong. Today I am certain that there are some Senators who would say that we cannot tell what the Supreme Court will do tomorrow with a constitutional amendment that is already on our books. The opinions of the Court change with time. I think we have to determine one question: Is the conference report the best piece of proposed legislation we can get and is it needed? As loudly as I can, I say that we must answer the question in the affirmative.

Some Senators might say, "What is the rush? We are not ready to adjourn yet. We can send the measure back to the conference committee and have it reworked."

To those who are students of history I do not have to document again and again the fact that we have labored for 187 years as a country and we have not yet been able to get sufficient support for any type of proposed legislation in this area. In 38 of those years we had no Vice President. We have had three serious presidential disabilities. Wilson was disabled for 16 months. Garfield was disabled for 80 days, and during that period there was no Executive running the country. Can Senators imagine what would happen to the United States and the world today if the United States were without a President? For all intents and purposes, we would be involved in world chaos from which we could not recover.

For more than 18 months the Senate has studied the proposed legislation. Two sets of hearings have been held. I appreciate the support that Senators have given us in this effort.

In the last session of Congress, the Senate passed the proposed legislation by a vote of 65 to 0; in the present session of the Congress, the Senate passed the measure by a vote of 72 to 0.

This measure is not something which we have arrived at on the spur of the moment. We have had controversy and differences of opinion over individual words. I should like to remind Senators that during the past few years we have received over 100 different proposals. Since I have been chairman of the Subcommittee on Constitutional Amendments, during the past few months 26 different proposals have been submitted.

I point out that if those who had the foresight to introduce proposed legislation on the subject—the Senator from North Carolina [Mr. ERVIN], the Senator from Illinois, the Senator from Kentucky [Mr. COOPER], Senator from Idaho [Mr. CHURCH], and others—had not been willing to agree and had not been willing to try to reach a consensus, and if it had not been for the guiding hand of the American Bar Association to try to get those with differing views together, we would not be so far as we are now. I do not believe that we should let two words separate us.

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

Mr. BAYH. I yield.

Mr. LONG of Louisiana. If I had had my way, there are two or three changes I can think of immediately that I should like to have made. I suggested some of them to both the leadership and also to the executive branch—for the measure vitally affects the executive branch—when the subject was being considered previously. The advice that I received at that time was, "Please don't muddy the water. The amendment has been needed since the establishment of our country. If we start all over again, not only will the junior Senator from Louisiana have two or three additional suggestions that he would like to urge, but other Senators will also have suggestions to make, and we shall be another 100 years getting to the point which we now have reached."

Mr. BAYH. I thank the Senator from Louisiana. He is exactly correct.

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

Mr. BAYH. I yield.

Mr. ERVIN. When we started to consider the proposal, the Senator from Indiana and I had a discussion. We were concerned with the old adage that too many cooks would spoil the broth. We had more cooks with more zeal concerned with preparing this "broth" than any

piece of proposed legislation I have ever seen in the time I have been in the Senate. If it had not been for the perseverance, the patience, and the willingness to compromise which was manifested on a multitude of occasions by the junior Senator from Indiana, we would never have gotten the resolution out of the subcommittee, much less through the full Judiciary Committee and then through the conference with the House. I am of the opinion that the conference report which the Senator from Indiana is seeking to have approved would submit to the States the very best possible resolution on the subject obtainable in the Congress of the United States as it is now constituted. The Senator from Indiana deserves the thanks of the American people for the fact that he was willing to change the ingredients of the broth in order to appease a multitude of different cooks who had different recipes for it, including myself.

Mr. BAYH. I thank the Senator from North Carolina. I have said, and I say again, that we are greatly indebted to him for his "seasoning" and his willingness to compromise. Although there were many cooks, we had a paddle large enough so that we could all get our hands on it and stir. The conference report is the composite of the efforts of many different people.

I should like to conclude with one last thought. We know that over the great Archives Building downtown there is a statement engraved in stone. I do not know whether it is Indiana limestone, but standing out in bold letters is the statement: "What is past is prolog."

I cannot help but feel that history has been trying to tell us something.

There was a time in the history of this great Nation when carrier pigeons were the fastest means of communication and the Army was rolling on horse-drawn caissons. Perhaps it did not make any difference then whether the Nation had a President who was not able at all times to fulfill all the duties and powers of his office. But today, with the awesome power at our disposal, when armies can be moved half way around the world in a matter of hours, and when it is possible actually to destroy civilization in a matter of minutes, it is high time that we listened to history and make absolutely certain that there will be a President of the United States at all times, a President who has complete control and will be able to perform all the powers and duties of his office.

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

Mr. BAYH. I yield.

Mr. JAVITS. The Senator has made an excellent argument and the right argument, concerning the effect the amendment will have in a situation of preparation for the use of executive power.

Is it not true that, with the greatest respect for the opponents of what the Senator is trying to do, it is assumed that the people will do their duty by approving the amendment through their State legislatures, but that we will not implement it in such a way as to indicate that we are not the approving power? It is one thing to say that some Vice President or President may misuse power. But we are passing the amendment. Is it not logical for us to count on ourselves to implement it effectively?

We can resolve every doubt. We have complete power to resolve every doubt by legislation that will give exclusive power to the Cabinet or to the other body.

Mr. BAYH. I agree with the Senator from New York. The main authority behind the entire legislation—in fact, behind the enactment of any legislation—is the ability of men and women in Congress and in the executive branch to act with reason. If a time comes in the history of our Nation when Senators and Representatives and Presidents are despots, our entire democratic system will be in jeopardy. I, for one, am willing to place in my successors the faith that has been placed in us today. Can we doubt that future Senators and Representatives will fulfill the responsibility that inheres in the holding of high trust and office?

Mr. JAVITS. If Congress were to soldier on the people in any such way as some might fear, we could sit on our hands with respect to appropriations; we would not have to declare war; there would be plenty of ways in which to sabotage the United States.

The PRESIDING OFFICER. The time of the Senator from Indiana has expired.

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

The PRESIDING OFFICER. Who yields time?

Mr. GORE. I yield 1 minute to the Senator from Kentucky.

Mr. COOPER. I do not wish to haggle over the meaning of the amendment, but the Senator from Tennessee asked one question which I think has not been answered.

We want to establish this body, because if we did not think it necessary and did not believe that at some point the Cabinet might not declare the President disabled, when he actually was disabled, there would not be any point in wishing to establish a second body.

The Senator from Tennessee asked the question: Assuming that Congress establishes this body, and Congress says it has exclusive jurisdiction——

The PRESIDING OFFICER. The time of the Senator from Kentucky has expired. Who yields time?

Mr. BAYH. I shall be glad to yield time.

The PRESIDING OFFICER. The time of the Senator from Indiana has expired.

Mr. GORE. I have only 3 minutes remaining. I wanted to close; however, I ask unanimous consent that the Senator from Kentucky have 5 minutes to discuss this question.

Mr. COOPER. I do not need 5 minutes.

Mr. GORE. I yield 1 minute of my remaining time to the Senator from Kentucky.

Mr. COOPER. The Senator from Tennessee made the point that since this is a constitutional amendment, Congress cannot take away the power given to the Cabinet by legislative enactment. He asks: If Congress should establish this body and give it exclusivity, would that have any force against the amendment itself, which provides that the power shall lie either in the Cabinet or in the body itself?

Mr. JAVITS. It is my considered judgment—and I am the one who debated this point—that Congress, having the power to establish the body, can give it exclusivity which will stand up as a matter of constitutional law.

The PRESIDING OFFICER. The time yielded by the Senator from Tennessee to the Senator from Kentucky has expired. The Senator from Tennessee has 2 minutes remaining.

Mr. BAYH. We have made the record abundantly clear.

Mr. GORE. The distinguished Senator from Kentucky has just said that a question I raised has not been answered.

The distinguished Senator from Ohio asked if this question was raised in conference. The answer was that it was not. It was not raised on the floor of either House.

Mr. BAYH. That was not the question.

Mr. GORE. The Senator from Ohio asked a question, about use of the disjunctive.

I say that the proposed amendment creates grave doubt. I should like to read from the record of the debate of last Wednesday, June 30:

> Mr. GORE. Do I correctly understand the able Senator to say that Congress could, immediately upon adoption of this constitutional amendment, provide by law for such a body as herein specified and that, then, either a majority of this body created by law or a majority of the Cabinet could perform this function?
>
> Mr. BAYH. No. The Cabinet has the primary responsibility. If it is replaced by Congress with another body, the Cabinet loses the responsibility, and it rests solely in the other body.
>
> Mr. GORE. But the amendment does not so provide.
>
> Mr. BAYH. Yes, it does. It states——
>
> Mr. GORE. The word is "or."
>
> Mr. BAYH. It says "or." It does not say "both." "Or such other body as Congress may by law prescribe."

I suggest, Mr. President, that we have time to correct this doubt. Let us return the report to conference; let it be clarified.

The PRESIDING OFFICER (Mr. HARRIS in the chair). All time has expired. The question is on agreeing to the conference report. [Putting the question.]

Mr. GORE. The majority leader announced that there would be a yea-and-nay vote.

Mr. BAYH. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from North Carolina will state it.

Mr. ERVIN. What is the question before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the conference report on Senate Joint Resolution 1.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois will state it.

Mr. DIRKSEN. Do I correctly understand that notwithstanding that the vote is on the conference report, a two-thirds majority is required for its adoption?

The PRESIDING OFFICER. The Senator from Illinois is correct. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Nevada [Mr. BIBLE], the Senator from Nevada [Mr. CANNON], the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from North Carolina [Mr. JORDAN], the Senator from Missouri [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Montana [Mr. MANSFIELD], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Oregon [Mrs. NEUBERGER] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], and the Senator from Indiana [Mr. HARTKE] are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada [Mr. BIBLE], the Senator from North Carolina [Mr. JORDAN], the Senator from Oregon [Mr. MORSE], and the Senator from West Virginia [Mr. RANDOLPH] would each vote "yea."

On this vote, the Senator from Mississippi [Mr. EASTLAND] and the Senator from Nebraska [Mr. HRUSKA] are paired with the Senator from New Mexico [Mr. ANDERSON]. If present and voting, the Senator from Mississippi would vote "yea," the Senator from Nebraska would vote "yea," and the Senator from New Mexico would vote "nay."

On this vote, the Senator from Nevada [Mr. CANNON] and the Senator from Louisiana [Mr. ELLENDER] are paired with the Senator from Washington [Mr. MAGNUSON]. If present and voting, the Senator from Nevada would vote "yea," and the Senator from Louisiana would vote "yea," and the Senator from Washington would vote "nay."

On this vote, the Senator from Indiana [Mr. HARTKE] and the Senator from Montana [Mr. MANSFIELD] are paired with the Senator from New Mexico [Mr. MONTOYA]. If present and voting, the Senator from Indiana would vote "yea," the Senator from Montana would vote "yea," and the Senator from New Mexico would vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Colorado [Mr. DOMINICK], the Senator from Nebraska [Mr. HRUSKA], and the Senator from California [Mr. MURPHY] are absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from Kansas [Mr. CARLSON], the Senator from New Hampshire [Mr. COTTON], the Senator from Hawaii [Mr. FONG], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

If present and voting, the Senator from Vermont [Mr. AIKEN], the Senator from Utah [Mr. BENNETT], the Senator from Colorado [Mr. DOMINICK], the Senator from Hawaii [Mr. FONG], the Senator from California [Mr. MURPHY], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Wyoming [Mr. SIMPSON] would each vote "yea."

On this vote, the Senator from Nebraska [Mr. HRUSKA] and the Senator from Mississippi [Mr. EASTLAND] are paired with the Senator from New Mexico [Mr. ANDERSON]. If present and voting, the Senator from Nebraska and the Senator from Mississippi would each vote "yea," and the Senator from New Mexico would vote "nay."

The yeas and nays resulted—yeas 68, nays 5, as follows:

[No. 164 Leg.]

YEAS—68

Allott	Holland	Pearson
Bass	Inouye	Pell
Bayh	Jackson	Prouty
Boggs	Javits	Proxmire
Brewster	Jordan, Idaho	Ribicoff
Burdick	Kennedy, Mass.	Robertson
Byrd, W. Va.	Kennedy, N.Y.	Russell, S.C.
Case	Kuchel	Russell, Ga.
Church	Long, La.	Scott
Clark	McClellan	Smathers
Cooper	McGee	Smith
Curtis	McGovern	Sparkman
Dirksen	McIntyre	Stennis
Dodd	McNamara	Symington
Douglas	Metcalf	Talmadge
Ervin	Miller	Thurmond
Fannin	Monroney	Tydings
Gruening	Morton	Williams, N.J.
Harris	Moss	Williams, Del.
Hart	Mundt	Yarborough
Hayden	Muskie	Young, N. Dak.
Hickenlooper	Nelson	Young, Ohio
Hill	Pastore	

NAYS—5

Gore	McCarthy	Tower
Lausche	Mondale	

NOT VOTING—27

Aiken	Dominick	Magnuson
Anderson	Eastland	Mansfield
Bartlett	Ellender	Montoya
Bennett	Fong	Morse
Bible	Fulbright	Murphy
Byrd, Va.	Hartke	Neuberger
Cannon	Hruska	Randolph
Carlson	Jordan, N.C.	Saltonstall
Cotton	Long, Mo.	Simpson

The PRESIDING OFFICER. On this vote, the yeas are 68, the nays 5. Two-thirds of the Senators present and voting having voted in the affirmative, the conference report is agreed to.

Mr. BAYH. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. KUCHEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HAGUE PROTOCOL TO WARSAW CONVENTION IS DETRIMENTAL TO INTERNATIONAL AIR PASSENGERS' RIGHTS AND SHOULD NOT BE RATIFIED

Mr. YARBOROUGH. Mr. President, I greatly regret to see now pending on our Executive Calendar the question of ratification of the Hague Protocol. This protocol has been pending before the Senate since the 86th Congress' 1st session, without being reported to the Senate by the Foreign Relations Committee for ratification or rejection, and I think the reasons are very strong that a little further delay will be beneficial for protecting the rights of American air passengers on international flights.

Although under American common law a person injured by another's negligence can recover his full damages, this Hague Protocol limits an international air carrier's responsibility to its injured passengers to $16,600. Under the existing Warsaw Convention, although there is a stated limit of $8,300, testimony before the Senate Foreign Relations Committee indicates that most cases can be settled for more than the $16,600 limits of Hague. And the Hague Protocol closes the doors by which injured passengers can avoid being limited in the damages they receive.

No one contends that $16,600 is an adequate amount to compensate for serious injuries or death to an air passenger. The State Department recommends ratification of this Hague Protocol only if companion legislation is enacted requiring an additional $50,000 in accident insurance on each international air passenger on a U.S. airline. That legislation is pending before the Senate Commerce Committee as S. 2032, but who can predict when or if it will be enacted?

In summary, an American injured on an international flight now can probably receive more than $16,600 in settlement of his claim. If S. 2032, is enacted, he can be assured of $50,000 in an accident policy. But if we should ratify the Hague Protocol now without waiting for that legislation, American air passengers will be limited to $16,600 or less in their claims for death or injury.

The New York Times has recently spoken out against the folly of ratifying the Hague Protocol in a well-reasoned editorial. I quote from their conclusion:

> The glaring shortcomings in the Hague Protocol and in the insurance plan to strengthen it argue for their rejection even if it means the end of the Warsaw Convention. The treaty had justification in the early days of air transport, when airlines could have been put out of business by sizable damage suits. It is unjustified now that airlines are financially sound and furnish uniform documentation in normal course; yet the administration is seeking to reaffirm allegiance to its outdated and miserly provisions for passenger protection.

I ask unanimous consent that the complete text of the editorial, "Protection in the Air," from the June 16, 1965, New York Times be printed at this point in the RECORD.

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

PROTECTION IN THE AIR

Passengers on international airline flights involved in an accident have since 1934 been covered by the Warsaw Convention, which provides a unified liability code and uniform documentation on tickets and cargo for international air carriers. Under its antiquated provisions liability for loss of life or injury is limited to only $8,300, except where willful misconduct is proved. Recognizing that this amount is wholly inadequate, the signatories have proposed an amendment,

called the Hague Protocol, to double airline liability to $16,600—which still would be wholly inadequate.

But the State Department is pressing for approval of the Hague Protocol along with a plan for compulsory accident insurance that would furnish passengers on American airliners up to $50,000 in case of injury or death. Leonard C. Meeker, the State Department's legal adviser, warned the Senate Committee on Foreign Relations that if it rejects the Hague Protocol "we would have to give serious consideration to denunciation of the Warsaw Convention," and if the compulsory insurance scheme is not approved "we would then also have to consider whether to withdraw from the Warsaw Convention."

Even with the insurance benefit added to the Hague Protocol's proposed ceiling, airline passengers will be shortchanged. Personal injury insurance in the United States provides compensation proportionate to the injury sustained, so that the family of an executive who dies in the prime of life usually gets more than the survivors of a retired person. But the administration's scheme would substitute a fixed amount, which is contrary to American principle and unfair in practice, and would not guarantee protection to Americans traveling on foreign airliners. Moreover, the Hague Protocol introduces language so rigid that it would become vastly more difficult for passengers—or their estates—to recover damages beyond the $16,600 limit.

The glaring shortcomings in the Hague Protocol and in the insurance plan to strengthen it argue for their rejection even if it means the end of the Warsaw Convention. The treaty had justification in the early days of air transport, when airlines could have been put out of business by sizable damage suits. It is unjustified now that airlines are financially sound and furnish uniform documentation in normal course; yet the administration is seeking to reaffirm allegiance to its outdated and miserly provisions for passenger protection.

FEDERAL CIGARETTE LABELING AND ADVERTISING ACT—CONFERENCE REPORT

Mr. McGEE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 559) to regulate the labeling of cigarettes, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of July 13, 1965, pp. 16540–16541, CONGRESSIONAL RECORD.)

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

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

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

Mr. McGEE. I am glad to yield.

Mr. CLARK. I would like to have the Senator from Wyoming give us a brief explanation of what the conferees did about the cigarette problem. There were a number of us in the Senate who supported the position of the Senator from Oregon, who, unfortunately, cannot be present this afternoon, and who are very much opposed to the provision that for 3 years the Congress undertake to prohibit the Federal Trade Commission from issuing regulations with respect to the advertising of cigarettes. We were defeated, to be sure—I think unwisely—but that is the way it goes.

I should like to know just what is in the conference report.

Mr. McGEE. The conferees agreed on a moratorium for 3½ years from the effective date. The conference report was a unanimous report. The Senate version of the bill generally prevails.

Mr. CLARK. Will the Senator yield further?

Mr. McGEE. I yield.

Mr. CLARK. It is my understanding, as a practical matter, that the conference report which the Senator from Wyoming brings before the Senate is in substance the Senate bill, except as to the time during which the Federal Trade Commission is prohibited from doing anything to prevent what seems to me to be the iniquitous practices in the advertising of the cigarette industry, which, however, the industry does not admit to engaging in. It is not true that the moratorium is a victory for Madison Avenue which will permit it to do what it wishes in this field for 3½ years?

Mr. McGEE. I would say only that we agreed to a 3½-year moratorium, and would not care to add the embellishments which the Senator has seen fit to do.

Mr. CLARK. Am I correct in stating that in the House version of the bill the Federal Trade Commission would have been prohibited forever from stopping such advertising?

Mr. McGEE. Yes.

Mr. CLARK. So to that extent the Senator from Oregon and other Senators who did not wish to have any restrictions placed on regulations, which it seemed to us would have been wise for the Federal Trade Commission to issue, may be said to have won a limited victory over the other body?

Mr. McGEE. A partial victory would be a correct statement.

Mr. CLARK. I should merely like here to call attention to what the cigarette lobby has done to the Congress of the United States. I deplore the action of the Senate—even more that of the House. Having voted against the bill in the first instance, because I thought no bill was better than a bill like this which ties the hands of the regulatory body which this Congress wisely set up to deal with matters of this kind, I shall not ask for a yea-and-nay vote. However, I want the RECORD to show that having voted originally against the bill because I thought no bill was better than a bill which so tied the hands of the Federal Trade Commission to issue regulations on this matter, I shall vote against the report.

Mr. McGEE. The Senator is aware, is he not, that the warning must be on all cigarette packages by January 1, 1966.

Mr. CLARK. Yes; it will be on the cigarette package. There is some question as to how prominently it will be displayed. But the place where cigarette smoking is promoted, where young people are encouraged to take up the habit which may result in their dying of lung cancer, is in the big, full page advertisements of the well-known magazines, where all kinds of attractive scenes are portrayed: boy meets girl, girl meets cigarette, boy meets cigarette, girls and boys smoke cigarettes and everyone gets lung cancer.

I thank my friend for yielding to me.

Mr. MORTON. Mr. President, the record, I believe, must be made clear that the bill in no way restricts the power of the Federal Trade Commission. It still has its full power under the Organic Act concerning false and deceptive advertising. I do not know of any other product that has not been proved to contain some poison, such as certain detergents, cleansers, and so on, that has gone as far as the cigarette product in having the warning, "Cigarette smoking may be hazardous to health," placed on a package of cigarettes. The cigarette industry does not like this, naturally, but Congress did it, and I voted for it. I believe that it is a good thing to do, but at the same time I do not believe this is a Madison Avenue victory or the victory of any lobbyist. The cigarette industry would have preferred to have had no bill.

Mr. CLARK. Will the Senator from Wyoming yield to me, in order that I may ask a question of the Senator from Kentucky?

Mr. McGEE. I yield.

Mr. CLARK. Will the Senator from Kentucky explain to me what he means when he says—as I understand it, in reply to what the Senator from Wyoming said—that the bill does not in any way diminish the powers of the Federal Trade Commission?

Mr. MORTON. It does not diminish the powers of the Federal Trade Commission that I feel belong to the Federal Trade Commission. The senior Senator from Kentucky [Mr. COOPER] made this statement a judicial argument before the committee, in showing that the Commission had far exceeded the powers Congress had given it, when it issued the order that this regulation would go into effect on July 1.

Mr. CLARK. I understood the Senator from Kentucky to state that the Federal Trade Commission never had authority to issue any regulations in respect to advertising; is that not correct?

Mr. MORTON. No; it is not correct. I say they have the authority under the bill, and they have the authority now, to issue all kinds of regulations and to take action against any false and misleading advertising.

Mr. CLARK. If the Senator will yield further, do I correctly understand my friend to say that the Federal Trade Commission could, tomorrow, prevent the advertising of cigarettes which did not include a statement in the advertising similar to the warning on the cigarette package, that cigarette smoking may be deleterious to health?

Mr. MORTON. The Federal Trade Commission has never had authority to say what goes into an advertisement for Lysol; for instance, that it is poisonous.

Mr. CLARK. I am not interested in Lysol. I am interested in cigarettes. I should like to clarify the situation further—I may appear to be antagonistic, but really I am not. Is it not now the law that a statement must be made on every package of cigarettes to the effect—and I

paraphrase it, I do not quote it—that the cigarettes contained in the package may be deleterious to health, but that the FTC is now prohibited by law from requiring the same warning to be included in advertising of the cigarettes?

Mr. MORTON. That is correct. For 3½ years. For the simple reason that the committee felt the Commission had gone beyond its power. In the case of Lysol, for instance, the Federal Trade Commission cannot require a poisonous label to be carried in the advertisement.

Mr. CLARK. I am not interested in Lysol, I am interested in cigarettes. It is my understanding that Congress, by this conference report, has declared that the cigarette industry must place on every package of cigarettes the statement that smoking cigarettes may be deleterious to health, but the FTC may not require a statement on cigarette advertising to the effect that if one buys a cigarette product advertised in a magazine and smokes it, it may be deleterious to his health. I am wondering what the logical distinction between the two is? Why should we distinguish between what the magazine advertisement will say and what the package of cigarettes will have on it?

Mr. MORTON. This conforms to the entire history of advertising under the Hazardous Health Act passed by Congress. It is not required that we control advertising. It is required that we control what goes on the label. It is in keeping with what we have done. Let me say to the Senator from Pennsylvania that the Senate—and I believe the Senator in charge of the bill, the Senator from Wyoming [Mr. McGEE], will bear me out—was 90 percent in favor of the conference report.

Mr. McGEE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. MAGNUSON. Mr. President, the Federal Cigarette Labeling Act of 1965, which emerged from conference, represents a forthright and historic step toward the responsible protection of the health of this Nation's citizens. I am proud to have been the author of this bill.

By January 1 of next year, every cigarette package, box, and carton will bear the warning "Caution: Cigarette Smoking May Be Hazardous to Your Health" in a conspicuous place and in conspicuous and legible type.

Perhaps equally important, the Senate conferees prevailed in preserving the powers of State and local governments, after a moratorium of 3½ years, to require, if they see fit, that warnings appear in cigarette advertisements within their jurisdiction.

Moreover, at the close of the 3½-year moratorium, the Federal Trade Commission will retain such authority as it may now have to require warnings in advertising. Legal scholars may disagree as to the present authority of the Trade Commission in this matter. But there can be no disagreement that at the close of the 3½-year period—during which the warning on the package label, extensive educational campaigns waged by medical groups, and the industry's own self-regulation will all have had an opportunity to discourage smoking—the FTC will emerge with its full present powers to do what it then deems necessary to protect the Nation's consumers.

The significance of the warning on the label must not be minimized. This warning will serve notice upon all who read it that they smoke at their own risk. And it will make manifest to every American the fact that the Federal Government, upon which he rightly relies to warn him of hazardous substances, accepts the verdict of the Surgeon General's Advisory Committee on Smoking and Health: "Cigarette smoking is a health hazard of sufficient importance in the United States to warrant appropriate remedial action."

Mr. CANNON. Mr. President, I share the strong conviction of the senior Senator from Washington [Mr. MAGNUSON] that the cigarette labeling bill which emerged from our conference is a measure in which we can all take great pride. As one of the Senate managers, I am particularly pleased that we were able to preserve the residual authority of the States and the Federal Trade Commission to regulate cigarette advertising.

I was concerned that the conference make it absolutely clear that at the termination of the 3½-year moratorium, both the States and the Federal Trade Commission would retain the authority which they now have. That is now clear and on the record.

If the Federal Trade Commission today has the authority to require affirmative warnings in cigarette advertising under its basic charter to police unfair or deceptive acts or practices, then on July 1, 1969, it will still have that power. The issue must ultimately be decided by the courts, but nothing that we do in passing this act will prejudice the Federal Trade Commission in asserting its authority.

DONATED SURPLUS COMMODITIES PROGRAM

Mrs. SMITH. Mr. President, officials of the town of Freeport, Maine, have raised some very serious questions about the administration of the donated surplus commodities program of the Department of Agriculture.

Because I feel that these questions will be of interest to all Members of this body as the administration of that program might affect towns and cities in their States, I ask unanimous consent to have the letters of Forest M. French, town manager of Freeport, and John S. Nichols, selectman of Freeport, to the regional director of this program, printed in the RECORD.

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

FREEPORT, MAINE,
July 1, 1965.

REGIONAL DIRECTOR,
Division Donated Surplus Commodities,
U.S. Department of Agriculture,
New York City, N.Y.

DEAR SIR: Supplementing Manager French's letter of June 29, with which the board of selectmen is in full agreement, there are several other points to be made from the viewpoint of the municipal official, as follows:

The local cost of administering the surplus food program has risen to the point where it is cheaper to furnish the needy person with a grocery order than to distribute the "free" commodity;

An undue burden has been placed upon the municipality, in the form of increasingly stringent regulations in storage, accounting, and certification;

Certification requirements are such that they reduce the merely needy to the status of paupers, which causes so much resentment that many people we know to be in need do not apply, rather than be subjected to any such probe of their personal lives as is required by the certification investigation and forms;

The certification form itself requires the municipal officer to certify as to the truth of information which he cannot verify. In our opinion no municipal officer could sign this form in good conscience.

When the program was initiated, it did a tremendous amount of good. The Nation benefited twofold; first, since surplus food paid for by taxpayers was put to use, and second, since it was distributed among our own needy. The taxpayer still pays to grow and store the food; but additionally he now also pays the salaries of an unknown number of additional Federal and State employees needed to implement the administration of audit and control functions made necessary by the increasing mass of regulation promulgated by the same agencies which audit and control, ad nauseam.

More than half the communities in Maine eligible for participation have either dropped the program in disgust or have been dropped through failure to comply with one or another of the endless rules. We seriously believe that an effort is being made to kill the surplus food program. We wonder why, and by whom? In our town, the effort has been successful, since we do not feel we can afford to continue. Should conditions improve, meaning economic feasibility and reasonable control of local administration, Freeport would be glad to again participate.

Very truly yours,

JOHN L. NICHOLS,
Selectman.

Copies to: Senators MUSKIE and SMITH, Representatives HATHAWAY and TUPPER.

JUNE 29, 1965.

REGIONAL DIRECTOR,
Division Donated Surplus Commodities, U.S. Department of Agriculture, New York City, N.Y.

DEAR SIR: Recently the municipal officers of the town of Freeport declined to renew the contract with the State of Maine Department of Health and Welfare for the distribution of surplus donated commodities. There are several reasons for their decision.

During the last few years the surplus food program has changed in many ways. Originally the food came in bulk containers, now it is prepackaged for easy distribution—a good change. The forms and criteria for certification have changed to a very strictly regulated program consisting of forms, affidavits for verification and audits, both State and Federal. There has been a change in the mode of evaluating the need of the receiving individual. Now we evaluate the need of the household rather than the individual. We feel that many prudent individuals have suffered under the liquid asset provisions. Example: One elderly lady who receives only social security compensation as an income, and who has $500 in a savings account for her burial expenses, must be barred from receiving surplus commodities under the present certification criteria. In our opinion the program has changed from a very worthwhile method of disposing of surplus food with more emphasis on the

end than the means, to a program which places more emphasis on the means than on the end.

In our opinion the whole program is not accomplishing, in the way of helping poor people, what it could and did in the past. The program seems to have developed into a new function of government, closely guarded by means of reports and audits, which causes the unnecessary employment of many people to carry out the program which, of course, adds to the overall costs and in the final analysis, at least locally, it is not serving as many people as it did 2 or 3 years ago. Example: We were serving 14 families, or 56 people, as of June 1965. Two years ago we were serving 175 to 200 people. We understand the surplus food is not a welfare item but the present certification form is nothing but a welfare type form, thus before one completes it he knows all the information that must be known regarding welfare applicants. I find people are indignant to this sort of probing into their lives.

It would appear that not only Maine is affected. Other New England States such as Connecticut with only 996 persons receiving, Massachusetts with 11,414, Rhode Island with 10,883, Vermont with 17,645 and no distribution at all in New Hampshire, appear also to be affected. Maine with distribution to 22,145 is the top distributor of the New England States and yet has the smallest population.

Perhaps you can tell us why the program is today the way it is. There seems a strong implication that there is a great lack of trust in the judgment and integrity of local officials who must administer the program. Is this so? If not, why all the control?

Our most pertinent question is, Who is responsible for the changes in the methods and eligibility requirements that have been levied in the last 3 years in Maine? Our State department of health and welfare, division of general relief, has been very cooperative in assisting and answering questions but it appears that they have no alternative course regarding the operation of the program. Out of the 500 Maine municipalities that could enjoy the program in Maine only 194 do, there must be a reason.

We sincerely hope that you can provide us with some answers. We feel very strongly about the good benefits of the program and do not want bureaucracy to kill it in Maine.

Yours truly,

FOREST M. FRENCH.

Copies to: U.S. Senator MUSKIE; Representative TUPPER; Paul McClay, Maine State Department of Health and Welfare.

"THE NATION'S" CENTENNIAL

Mr. GRUENING. Mr. President, when any publication, be it a daily newspaper, a monthly or weekly magazine published in these United States, lasts a century, the achievement is worthy of note. Clearly such a production must have merit if it can persist through the great transformation and the economic ups and downs, that have characterized our America in the past hundred years. For no century in recorded history has seen such revolutionary and unprecedented changes as have these last 10 decades. Indeed, the mortality of American publications in that period has been almost total. The list of these honored dead is almost interminable. Who does not regret the demise of the New York Worlds and New York Suns morning and evening, the Chicago Record Herald, Inter-Ocean and Journal, or the Philadelphia North American, or the Boston Transcript and the Boston Journal, great newspaper institutions in their day; or such magazines as the Century, Scribner's, Forum, North American Review, Collier's—to name only a few? Those few surviving exceptions are therefore entitled to a hearty cheer and admiring recognition.

Accordingly, it is my pleasure to salute the Nation, not merely because it has survived, but because it has been one of the really worthwhile and important ingredients in our civilized society. Unceasingly a battler in the effort to make America live up to its professions, it has striven constantly for the attainment of the ideals embodied in our historical declarations, starting with the Declaration of Independence.

It has been my privilege to serve with the Nation on two occasions; as its managing editor from 1920 to 1922, and again as one of four editors who exercised joint control 10 years later. During those periods, as before and since, the Nation waged many battles, all indicative of consistent purpose. Many of the causes for which the Nation fought have been realized, thought not always immediately, for the Nation was invariably and laudably always ahead of its time. Those causes, of course, include: Civil rights and civil liberties, protection of minorities, the basic freedoms, including freedom from censorship, equality of opportunity, and indeed the broadening of our definitions and application of liberty. To these ends some of the most outstanding national and international political and literary figures have contributed in the Nation's columns. A century of journalistic courage and vision has been emblazoned by a galaxy of talent.

The Nation began publishing shortly after the close of the Civil War. Its first issue appeared on July 6, 1865. In its editorial entitled: "The Great Festival," there was a thought which is not inappropriate today, a hundred years later:

> Before this meets the eyes of our readers, the Fourth of July will have been celebrated as it was never celebrated before, and with good reason, for never before have we had such cause for rejoicing.

Thus the editorial begins, and it concludes as follows:

> There are few who celebrate the Fourth of July this year who do not find, in the recent history of their own families or in those of their friends, reminders enough that the brightest picture has its dark side. For how many thousands who went forth to hasten the great consummation over which the Nation is singing paeans, do the bells ring and the banners wave and the music swell in vain.

It is a pleasure to congratulate the Nation on its centennial observance, to record my gratitude for my association with it variously as editor, contributor, and subscriber. It has kept the faith. May it carry on with undiminished vigor and purpose for the next 100 years.

I ask unanimous consent to have a news article from this morning's New York Times, written by Paul L. Montgomery, entitled "Nation Magazine Marks 100th Year," printed in the RECORD.

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

[From the New York Times, July 6, 1965]

NATION MAGAZINE MARKS 100TH YEAR—EDITOR SAYS FUTURE ISSUES WILL BE AIMED, MORE THAN EVER, AT THE EGGHEADS

(By Paul L. Montgomery)

The Nation, a weekly magazine of dissent that its editor describes as "unique, anomalous and preposterous," is entering its second century with an eye more than ever on the egghead.

The first issue of the magazine—its format very like the one that will come out this week—appeared here 100 hears ago today.

In the time since, it has acquired a reputation for contentiousness and iconoclasm that has given it a special place in American liberal opinion. Now, its editor says, it may have to take a new direction to maintain that place.

The editor, Carey McWilliams, a dolefullooking Californian who has directed the editorial staff of six since 1955, observes that the audience for magazines like his is increasingly to be found in the academic community.

MORE STRESS ON VALUES

"Like our audience," he said in an interview last week, "we will have to become more eggheadish than we have been." This means less emphasis on specific issues or abuses and more concentration on "values, outlooks, and perspectives," Mr. McWilliams added.

As an example, the editor cited a recent piece with the thesis that the Postal Savings System is an anachronism. It drew attention in Government "but was not of the slightest interest to academics," he said. An article on the oil depletion tax allotment would no longer create a stir in the university sector, he added, because the reader "assumes it exists."

"We have done our share of muckraking pieces," Mr. McWilliams said, "but I suspect that in the future these kinds of pieces will not fit in quite as well."

The Nation, which has a circulation of about 30,000, was founded with the aim of making "an earnest effort to bring to the discussion of political and social questions a really critical spirit, and to wage war upon the vices of violence, exaggeration and misrepresentation."

Its first editor was E. L. Godkin, an Anglo-Irish journalist who came to America in 1856 to write a series of articles on the South. Among its other founders were Frederick Law Olmsted, the architect of Central Park; Charles Eliot Norton, the Harvard scholar; and James Miller McKim, the Philadelphia abolitionist.

The second editorial of the first issue of the Nation was concerned with civil rights, an issue the magazine has continued to emphasize.

"The Negro's success in assuming a prominent position in the political arena, seems to be in the inverse ratio of the earnestness with which it is sought to suppress him and put him out of sight," the editorial said. "Everybody is heartily tired of discussing his condition and his rights, and yet little else is talked about, and none talk about him as much as those who are most convinced of his insignificance."

A later Nation editor, Oswald Garrison Villard, was one of the founders of the National Association for the Advancement of Colored People. The group's first headquarters was at the Nation's old offices at 20 Vesey Street.

The publication's offices now are in a flatiron-shaped loft building at Sixth Avenue and West Fourth Street that it shares with

an accordion maker, a purveyor of novelty hats and other enterprises.

The magazine has received many messages of congratulation on the anniversary from writers and public figures, including Vice President Humphrey, Bertrand Russell, Charles Chaplin and Dr. Ralph Bunche.

"That such a publication could endure for a hundred years," Adlai E. Stevenson wrote, "is proof indeed that age need not stale pursuit of the new and untried, nor blunt the goads that puncture our complacencies."

A principal feature of Mr. McWilliams' cluttered office is a framed letter from President Theodore Roosevelt—who was not an admirer of the magazine—to another writer.

"I see you quote the Nation as an authority," the letter concludes. "It is always possible that what the Nation says is true, but there is never any inherent probability of it, and I think it is about the most unsafe guide in American politics that there is."

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

Mr. GRUENING. I yield with pleasure to my colleague the Senator from Pennsylvania.

Mr. CLARK. I wish to add my congratulations to those of my good friend from Alaska on the occasion of the centennial of the Nation magazine. Its history has been truly distinguished. Many very able Americans have worked for it and written for it over the years. It has always stood in the forefront of the fight for civil liberties and civil rights.

I remember that I was a young man still in college when I met for the first time Oswald Garrison Villard, who was the editor of the Nation at that time.

The Nation always had a relatively small circulation, but it has been a star-studded circulation including individuals of high intellectual caliber and a substantial sense of compassion.

Among its most distinguished editors was the Senator from Alaska [Mr. GRUENING]. It is appropriate that he should rise on the floor today to congratulate this publication, since he himself has contributed so much to its continuing success.

I congratulate the Senator from Alaska and the Nation magazine on this happy occasion.

Mr. GRUENING. I thank the Senator.

COMMUNISM IN THE CIVIL RIGHTS MOVEMENT

Mr. THURMOND. Mr. President, on July 1, 1965, I called to the attention of my colleagues in the Senate a statement by the mayor of Chicago, the Honorable Richard Daley—by the way, a Democrat—stating that Communists, members of Communist front groups, and Communist money are involved in the antischool riots and demonstrations being carried on in Chicago by so-called civil rights groups. Since that time I have had called to my attention an article from the Chicago American dated June 24, 1965. In this article written by Mr. Sam Blair there are listed more than a dozen individuals who are identified by the newspaper as being Communists or Communist connected. Next to the article is a picture of police dragging away Richard L. Criley who is identified in the article as one who has been tabbed as a Communist several times by congressional committees and as a founder of the Fair Play for Cuba Committee and other subversive type organizations.

Mr. President, the editors of this newspaper must be very certain of the facts in this matter because they have not hesitated to place in the article detailed information on the backgrounds of the individuals they identify as being Communists or Communist connected and taking part in the demonstrations.

Since making his statement to the news media on June 30, Mayor Daley has, of course, been tabbed as a "segregationist," "anti-Negro" and every other term readily available to leftwingers who are leading and backing these provocative and so-called nonviolent demonstrations in Chicago and elsewhere.

As I stated to the Senate on July 1, Mayor Daley's record in support of Negro causes stands beyond question. Surely he could not have been elected and re-elected mayor of the big city of Chicago without having received many Negro votes in each election. So, he must have the confidence of many Negroes in Chicago and across the country.

Mr. President, I also call to the attention to my colleagues a UPI article from the July 3, 1965, issue of the Nashville Banner entitled "Reds Say Took Part in Protest of Chicago City Schools." In this article two Illinois Communist party leaders confirmed allegations by Mayor Daley that party members took part in the Chicago riots and demonstrations against the city school system. I ask unanimous consent, Mr. President, that both this article and also the article from the Chicago's American dated July 24, 1965, be printed in the RECORD at the conclusion of these remarks.

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

(See exhibit 1.)

Mr. THURMOND. Mr. President, I also ask unanimous consent to have printed in the RECORD at the conclusion of these remarks an editorial on this subject from the Nashville Banner of July 2, 1965.

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

(See exhibit 2.)

Mr. THURMOND. Mr. President, I do not know how much more evidence is going to be required, Mr. President, for the Congress and the executive branch to do something constructive about getting at the bottom of Communist penetration of and influence in so-called civil rights organizations and activities. This is a "political sacred cow" that unless fully investigated objectively is going to be swallowed up whole by the Communists and their leftwing associates in this country.

Again, Mr. President, I renew my call for a full-scale congressional investigation and also for the President to give this matter his personal attention because he knows just as Members of the Congress know of the progress that the Communists have made in penetrating these organizations and inciting riots and demonstrations in order to divide our people at a time when we should be united in the face of the worldwide threat posed to us by the godless forces of world communism.

EXHIBIT 1

[From the Nashville (Tenn.) Banner, July 3, 1965]

REDS SAY TOOK PART IN PROTEST OVER CHICAGO CITY SCHOOLS

CHICAGO.—Two Illinois Communist Party leaders have confirmed allegations by Mayor Richard J. Daley that party members took part in protest demonstrations over conditions in city schools.

But Party Spokesmen Claude Lightfoot and James West said the mayor was red baiting and engaging in cheap politics.

Lightfoot and West did not say how many party members had marched or if any Communists were numbered in the 645 arrests made by police since the marches began.

They said, however, supporting integration was not a crime and that many prominent citizens took the same view as the marchers.

"The fact that Communists support integration * * * is neither a startling revelation nor does it make a crime of integration, just as it is no crime to be a Communist," they said.

"Integration and quality education are not matters of partisan politics and they certainly are not the monopoly of the Communist Party," they said in a statement released Friday.

Negro civil rights leaders have led 20 marches on city hall in the last month. March leaders—Schoolteacher Albert Raby and Comedian Dick Gregory—have said the marches are to dramatize for the mayor Negroes' discontent with School Superintendent Benjamin C. Willis.

Negroes blame Willis for poor quality education and segregated neighborhood schools.

Daley said earlier in the week Communists had infiltrated the marches, and Republicans were helping finance them to embarrass his administration, which is Democratic.

Also Friday, the Reverend Robert W. Spike, of New York, executive director of the National Council of Churches' Commission on Religion and Race, said Daley's charge of Communist infiltration was "a childish and immature reaction to the deep problem facing our society."

A group of Chicago priests also criticized the mayor's statement as disappointing and shocking.

[From the Chicago American, June 24, 1965]

REDS LINKED TO WILLIS PROTESTERS—PHOTOGRAPHED, IDENTIFIED IN MARCHES HERE

(By Sam Blair)

More than a dozen individuals identified as members of the Communist Party in Chicago have infiltrated civil rights meetings and marches directed against School Superintendent Benjamin C. Willis.

Several have flung themselves into the streets, blocking pedestrians and traffic, and precipitating mass arrests.

In addition they were in the forefront of demonstrations that erupted around the old U.S. Court of Appeals at 1212 Lake Shore Drive, during hearings of the House Un-American Activities Committee.

ANOTHER GROUP JOINS

Another group of identified Communists and sympathizers whose identities are known to security agencies, have also joined the marchers.

Several of the militants were identified as Communists during the House Un-American Activities Committee hearings. Others were named by congressional committees and investigators for local and national security agencies.

Many also marched and picketed for the Chicago Area Women for Peace rally in Grant Park April 17. This group has also been

identified as a Communist-front organization.

THEY'RE ON PHOTOS

They have been photographed as they attended all these rallies and marched with various groups.

Some of those seen attending all the rallies and marching in all the "causes," and their affiliations are:

Danny Queen, 31, of 5017 Quincy Street, an executive committee member of the Communist Party of America, once head of Illinois' Communist Party youth commission, and described by J. Edgar Hoover, Director of the Federal Bureau of Investigation, as one of the Nation's most promising and active young Communists.

Helen P. Queen, wife of the above, and a witness subpenaed by the House Un-American Activities Committee. She was named as a Communist at the hearing by Lola Belle Holmes, an agent for the FBI working within the Communist Party.

Richard L. Criley of 1845 South Keeler Avenue, identified several times by both Senate and House subcommittees as being a Communist both before and after World War II. Criley is a founder of the Fair Play for Cuba Committee, a Communist-front organization, and secretary of the Chicago Committee to Defend the Bill of Rights, another organization cited by its own members as a foe of the House Un-American Activities Committee.

A WARD ORGANIZER

Ishmael Florey, director of the Afro-American Heritage Association, 306 East 43d Street, a former organizer for the Communist Party in the 24th ward and a legislative director of the party for the south side of Chicago. He was also identified as a Communist by Mrs. Holmes at the hearings.

Milton M. Cohen of 5428 Kimbark Avenue, a member of the Communist Abraham Lincoln brigade in 1937 and a former teaching colleague of Claude Lightfoot, executive secretary of the Communist Party in Illinois. They taught "Fundamental Principles of Marxism."

EX-UNION STEWARD

In addition, the list of those who have also been active in stirring up trouble during the anti-Willis demonstrations includes:

Wilberforce Cox Jones of 3827 Michigan Avenue, named as a Communist at the House Un-American Activities Committee hearings. Jones refused to answer when committee attorneys asked him if he was a Communist and if he gave his American passport to anyone during a trip to Europe. Jones is a former union steward for the United Auto Workers.

CORE AID NAMED

Ann Prosten of 5109 Cornell Avenue, a former writer and a coeditor of the Daily Worker, wife of Jesse Prosten, another member of the board of the Chicago Committee to Defend the Bill of Rights.

Eugene Tournour, 204 West North Avenue, Midwest field director for the Congress on Racial Equality, who said "the tenets professed by an individual who wants to join CORE are not to be considered." Tournour was seen last month at a meeting of the W. E. B. DuBois club at 333 West North Avenue, an organization described as communistic by Hoover.

HONORED STATE RED

The Reverend William T. Baird, of 7348 Dorchester Avenue, executive director of the Communist-oriented Chicago Committee to Defend the Bill of Rights, Baird has been at virtually all meeting of the militants in Grant Park and has led some of the marches on city hall. Baird has spoken on many platforms with well-known Communists, including Lightfoot, and was a principal sponsor of a dinner October 27, 1963, in the Hamilton Hotel, honoring Illinois Communist Leader Gil Green.

MANY OTHERS KNOWN

Security and intelligence agencies have lists of from 12 to 15 other known Communists or Communist sympathizers who have infiltrated the ranks of the anti-Willis group. The numbers of some of their Communist Party cards are known, if they possess a card.

One young man from York Center Village was spotted carrying a sign reading "DuBois Clubs of Chicago," Robert Lucas, newly elected head of the local CORE chapter, ordered him to dispose of the sign. CORE officers—with the exception of Tournour—insist they will not accept those identified as Communists or Fascists.

DISCIPLINE IS SLACK

However, Albert Raby, a Chicago schoolteacher on leave, and the acknowledged leader of the marchers, said he had no objection to any person, Communist or not, participating in the demonstrations "as long as they follow the discipline we lay down."

The discipline, however, has been slack. More than 500 persons have been arrested for disturbing the peace, blocking traffic, resisting arrest, assault, and refusing to disperse from busy traffic intersections where they sat down.

The catcalls and signs have been directed not only at Willis but also at Mayor Daley—whom many of the marchers call "Massa Daley," "a Ku Klux Klanner," and "Stooge for Ben Willis."

BOASTS 100,000 MEMBERS

The infiltration of the anti-Willis, anti-Daley marchers follows the prediction of Hoover earlier this year. Hoover said the Communist Party and allied, sympathetic groups are engaged in a mass attempt to take over civil rights organizations.

In February, Gus Hall, national leader of the Communist Party, said there are now 10,000 hard-core members with another 90,000 persons identified as close sympathizers.

EXHIBIT 2

[From the Nashville Banner, July 2, 1965]

COMMUNISTS BEHIND CHICAGO ORDEAL

In charging Communist participation and financing in Chicago's riot ordeal, Mayor Richard J. Daley cites the obvious; and should be ready, with the information at hand, to name names.

It is not a reckless accusation, any more than it was when municipal and State authorities elsewhere made the same charge in their own cases of civil insurrection. It bears weight with the added emphasis of its declaration by the chief executive of the Nation's second city. Even the most sophisticated of the intellectual jeer brigade can't call Daley a race-baiter, or a "reactionary."

By the same token, the charge bears weight when FBI Director J. Edgar Hoover makes it, in warning of the same thing on a national scale. It didn't require the experience of Chicago, New York, California, or southern points—for that matter—to establish the facts in the case. Mr. Hoover has said, over and over again, that Communists have attached themselves to these trouble-making movements, have instigated some of them, and are exploiting all of them.

It would have been odd, indeed, had not these incendiaries landed squarely aboard the Chicago affair, sparked it, fed it, and kept it going. That is the "hot summer" of rising temperatures, and only some top notch law enforcement can put out the fire.

How far Mayor Daley is prepared to go to that end remains to be seen. If as reported he has documented evidence identifying as Communists and Communist-front operatives some participating in those civil disorders, he can and should proceed with that in the legal action warranted. Certainly that is sufficient body of a case to bring before the bar of public opinion.

Law-abiding elements in a great city assuredly would not want Communist firebrands to decide—by violence or compromise— who should or should not be superintendent of its school system.

Mayor Daley spoke squarely to the point. Chicago was picked as a whipping-boy for a campaign of hate. It can understand better now, perhaps, the ordeal to which contemporaries have been subjected.

He will do the cause of internal security a favor if he calls the roll of the accused. They don't mind anonymity. It is when they are named that they squirm and scream and strive to crawl back into the woodwork.

SOCIAL SECURITY AMENDMENTS OF 1965

The Senate resumed the consideration of the bill (H.R. 6675) to provide a hospital insurance program for the aged under the Social Security Act with a supplementary health benefits program and an expanded program of medical assistance, to increase benefits under the old-age, survivors, and disability insurance system, to improve the Federal-State public assistance programs, and for other purposes.

Mr. LONG of Louisiana. Mr. President, in the course of the consideration of the pending bill, it will be helpful for the Senate to have the advice of certain experts in the field of social security and public welfare legislation. I therefore ask unanimous consent that Mr. Frederick B. Arner, senior specialist and chief of the Education and Public Welfare Division of the Library of Congress, and Miss Helen Livingston, assistant chief of the Division, be given privileges of the floor during consideration of the Social Security Amendments of 1965, H.R. 6675.

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

Mr. LONG of Louisiana. I make the same request for Mr. Irvin Wolkstein, of the Social Security Administration.

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

Mr. LONG of Louisiana. Mr. President, the pending bill will be the largest and most significant piece of social legislation ever to pass the Congress in the history of our country. It will do more immediate good for more people who need the attention of their Government than any bill that the Congress has ever enacted. We measure our accomplishments here by our association with those few pieces of legislation which clearly move the American people toward a better life. The bill I am honored to present to you today—a bill entitled "The Social Security Amendments of 1965"—meets these qualifications. It exemplifies our country's concern with all of our own people, as well as with the serious problems we face in our position as a leader of the world.

It is almost 30 years to the day since the original 32-page social security bill was reported by the Committee on Finance. This system has grown, from somewhat humble beginnings, to be a mighty citadel of America's social and economic well-being. The original report in 1935 contemplated that, by 1980,

some $3.5 billion would be paid out in benefits. Last year, social security benefit disbursements totaled over $16 billion. Present estimates indicate that by 1967, under this legislation, the total social insurance disbursements will approach $25 billion. Even allowing for differences in the value of the dollar, the program is about 4 times greater than conceived.

This program not only means dignity to the individual, but serves our country as an economic stabilizer while at the same time it provides for the whole of the free world a beacon reflecting the democratic way of achieving social progress. We are not, in this legislation, conforming with an international blueprint for social legislation. We are considering a bill which represents concern, consideration, and compromise in the best American tradition, and reflects the ideas of many men sitting here today.

We must be proud of the fact that this bill, at long last, provides the kind of protection against the costs of good medical care for older Americans which they deserve, and which this administration has worked so long and tirelessly to achieve. It is only fair to say that this concern is shared by our Republican colleagues, the differences being as to the most appropriate method to obtain this end. Now, with the issue set squarely before this great body by the bill reported by the Committee on Finance, the moment of truth is before us.

But I want the Senate, and the American people, to understand that this is not the only issue before us at this time. Although the bill's most noteworthy and publicized feature is the comprehensive medical care it provides for 19 million aged people, this is but one part of this almost 400-page document. Among those most helped by the bill are children. Other groups who are aided considerably by this legislation are the disabled, the mentally ill, those afflicted with tuberculosis, persons who can be rehabilitated, widows, those who previously had not enough social security coverage to get benefits, and the elderly who still work to make ends meet. The aged, the blind, the dependent children, and the disabled who are drawing public welfare benefits will also get larger payments.

Here are some of the things that the bill will do: To start with, 19 million people will get basic hospital protection of longer duration than under the House bill. Perhaps 17 million of these people, a conservative estimate, will also be able to take advantage of the voluntary supplementary program, which covers physicians' and other services. Eight million of these people also will be eligible for the new Kerr-Mills-type program for the less fortunate in our society. The coverage under this program potentially could grow twofold.

As to the existing social security program, 20 million beneficiaries will receive a 7-percent benefit increase. Moreover, almost a million beneficiaries who work to supplement their benefits will profit from the liberalized earnings limit, added in the Senate. It lets them earn up to $1,800 a year without penalty, rather than the out-dated $1,200 allowed under existing law. Another one-third million of our most elderly citizens, who are not now receiving any social security benefits at all, will qualify for special benefits at age 72. Some 40,000 children will receive benefits because of liberalizing definition changes, while almost 200,000 widows will have the opportunity to draw benefits if they decide to retire at age 60 rather than age 62.

Simple equity, and the aims of an educated America, will profit from the extension of social security benefits to children up to age 22 who are going to school. And I am glad to say that the Senate committee added a similar right for the children in needy families, in that it extended the optional provision which would allow States to continue making payments to dependent children who reach age 18 but want to continue to go to a college or university and otherwise would be cut off. It is, as the junior Senator from Connecticut has pointed out, precisely these children who are seeking to work their way out of the chain of inherited poverty, who are now being told, by existing law, that it does no good to work for themselves or their needy families.

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

Mr. LONG of Louisiana. I yield to the Senator from New York.

Mr. JAVITS. I thank the Senator. The provision with respect to children wishing to continue in school has been a subject on which I have worked for a very long time. I have previously offered amendments on the subject which were turned down. I know that the Senator from Louisiana has very much favored my proposal, and I am extremely pleased to see the provision in the bill.

Mr. LONG of Louisiana. I believe the Senator from New York has had some experiences parallel to those of the Senator from Connecticut [Mr. RIBICOFF]. As boys, they worked to help their families. The provision is particularly important to help young people who otherwise might be denied the opportunity of an education or the opportunity to improve themselves and move ahead, to share the benefits and the blessings of this great country.

Mr. JAVITS. I thank the Senator.

Mr. LONG of Louisiana. I thank the Senator from New York.

In fact, although the President's recommendation in the House bill picked up the nickname of "Kerr-Mills for kids"—and it was well deserved—I would point out to Senators present that the reported bill of the Committee on Finance has its eye firmly fixed on the future leaders of America, as well as on grandpa and grandma. The bill before the Senate extends the authorization for child welfare services and also established special project grants for emotionally disturbed children. If the bill had passed years ago, it might, as the report points out—page 90—have prevented the loss of our fellow Senator and President, John F. Kennedy, because it might have provided for the adjustment and proper care for the person who was later named as the assassin.

This bill also provides some amendments which have been very close to my heart over the years. As to public assistance, the bill includes a substantial increase in the Federal share of the matching formula for the needy aged, blind, disabled, and dependent which will result in a $2.50 monthly payment increase for adults and $1.50 payment increase for children. This is the amendment that I sponsored last year which was adopted by this body and which would have prevailed if the conference had not deadlocked on medicare.

I am also particularly happy that my lengthy struggle to eliminate the archaic exclusion of Federal assistance to the mentally ill and the victims of tuberculosis has proved worthwhile. Senators will remember that I first brought this matter to the attention of the Senate in 1960 with a floor amendment which the Senate adopted to grant equality under the public assistance law to the aged who were so afflicted. When the Senate position did not prevail in conference I kept the Senate in session into the early morning hours in my protest against the continuation of this discrimination against the mentally ill and those suffering tuberculosis.

I am particularly happy to see that the House of Representatives has now agreed to the position I took at that time.

All of us in this body are, I am sure, proud of the fact that we have, at long last, removed these residual shackles from the feet of those, who, by the accident of history, have been overlooked, and left behind, because they were relatively small in numbers or could not speak for themselves.

Because this is truly a great and lengthy bill, it is impossible to enumerate all of the changes—affecting all of the people in this country—in the time available to the Senate today.

I urge Senators to study the committee report, which in itself consists of two volumes and contains 563 pages. It details and analyzes what the Committee on Finance has recommended to the Senate. If Senators have the time, I hope that they will study not only the report but also the hearings. It is necessary for us to abbreviate the hearings; otherwise it would have been impossible to bring the bill before the Senate at the present session of Congress.

In an effort to apprise Senators in short order of the various proposed changes in the law advocated by this broad-gaged bill, I ask unanimous consent to have printed in the RECORD at this point a brief analysis of the bill as it appears on pages 4 through 22 of the committee report.

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

PRINCIPAL PROVISIONS OF THE BILL

A. HEALTH INSURANCE AND MEDICAL CARE FOR THE AGED

The committee's bill would add a new title XVIII to the Social Security Act providing two related health insurance programs for persons 65 or over:

1. A basic plan in part A providing protection against the costs of hospital and related care; and

2. A voluntary supplementary plan in part B providing protection against the costs of physicians' services and other medical and health services to cover certain areas not covered by the basic plan.

The basic plan would be financed through a separate payroll tax and separate trust fund. The plan would be actuarially sound under conservative cost assumptions. Benefits for persons currently over 65 who are not insured under the social security and railroad retirement systems would be financed out of Federal general revenues.

Enrollment in the supplementary plan would be voluntary and would be financed by a small monthly premium ($3 per month initially) paid by enrollees and an equal amount supplied by the Federal Government out of general revenues. The premiums for social security, railroad retirement, and civil service retirement beneficiaries who voluntarily enroll would be deducted from their monthly insurance benefits. Uninsured persons desiring the supplemental plan would make the periodic premium payments to the Government.

The committee's bill would also add a new title XIX to the Social Security Act which would provide a more effective Kerr-Mills program for the aged and extend its provisions to additional needy persons. It would allow the States, at their option, to combine with a single uniform category the differing medical provisions for the needy which currently are found in five titles of the Social Security Act.

A description of these three programs follows:

1. Basic plan—Hospital insurance

General description: Basic protection, financed through a separate payroll tax, would be provided by H.R. 6675 against the costs of inpatient hospital services, posthospital extended care services, posthospital home health services, and outpatient hospital diagnostic services for social security and railroad retirement beneficiaries when they attain age 65. Benefits for railroad retirement eligibles would be financed by the railroad retirement tax out of their trust account if certain conditions are met. The same protection, financed from general revenues, would be provided under a special transitional provision for essentially all people who are now aged 65, or who will reach 65 in the near future, but who are not eligible for social security or railroad retirement benefits.

Effective date: Benefits would first be effective on July 1, 1966, except for services in extended care facilities which would be effective on January 1, 1967.

Benefits: The services for which payment would be made under the basic plan include—

1. Inpatient hospital services for up to 120 days in each spell of illness. The patient pays a deductible amount of $40 for the first 60 days plus $10 a day for any days in excess of 60 for each spell of illness; hospital services would include all those ordinarily furnished by a hospital to its inpatients; however, payment would not be made for private duty nursing or for the hospital services of physicians except (1) services provided by interns or residents in training under approved teaching programs; and (2) services of radiologists, anesthesiologists, pathologists, and physiatrists where these services are provided under an arrangement with the hospital and are billed through the hospital. Inpatient psychiatric hospital service would also be included, but a lifetime limitation of 210 days would be imposed.

2. Posthospital extended care (in a facility having an arrangement with a hospital for the timely transfer of patients and for furnishing medical information about patients) after the patient is transferred from a hospital (after at least a 3-day stay) for up to 100 days in each spell of illness, but after the first 20 days of care patients will pay $5 a day for the remaining days of extended care in a spell of illness;

3. Outpatient hospital diagnostic services, with the patient paying a $20 deductible amount and a 20-percent coinsurance for each diagnostic study (that is, for diagnostic services furnished to him by the same hospital during a 20-day period); and

4. Posthospital home health services for up to 175 visits, after discharge from a hospital (after at least a 3-day stay) or extended care facility and before the beginning of a new spell of illness. Such a person must be in the care of a physician and under a plan established by a physician within 14 days of discharge calling for such services. These services would include intermittent nursing care, therapy, and the part-time services of a home health aid. The patient must be homebound, except that when certain equipment is used, the individual could be taken to a hospital or extended care facility or rehabilitation center to receive some of these covered home health services in order to get advantage of the necessary equipment.

No service would be covered as posthospital extended care or as outpatient diagnostic or posthospital home health services if it is of a kind that could not be covered if it were furnished to a patient in a hospital.

A spell of illness would be considered to begin when the individual enters a hospital or extended care facility and to end when he has not been an inpatient of a hospital or extended care facility for 60 consecutive days.

The deductible amounts for inpatient hospital and outpatient hospital diagnostic services would be increased if necessary to keep pace with increases in hospital costs, but no such increase would be made before 1968. The coinsurance amounts for long-stay hospital and extended care facility benefits would be correspondingly adjusted. For reasons of administrative simplicity, increases in the hospital deductible will be made only when a $4 change is called for and the outpatient deductible will change in $2 steps.

Basis of reimbursement: Payment of bills under the basic plan would be made to the providers of service on the basis of the "reasonable cost" incurred in providing care for beneficiaries.

Administration: Basic responsibility for administration would rest with the Secretary of Health, Education, and Welfare; however, the administration of benefits for individuals under the railroad retirement system would be transferred to the Railroad Retirement Board if certain financing conditions are met, as explained under the next heading. The Secretary would use appropriate State agencies and private organizations (nominated by providers of services) to assist in the administration of the program. Provision is made for the establishment of an Advisory Council which would advise the Secretary on policy matters in connection with administration.

Financing: Separate payroll taxes to finance the basic plan, paid by employers, employees, and self-employed persons would be earmarked in a separate hospital insurance trust fund established in the Treasury. The amount of earnings (earnings base) subject to the new payroll taxes would be the same as for purposes of financing social security cash benefits. The same contribution rate would apply equally to employers, employees, and self-employed persons and would be as follows:

	Percent
1966	0.325
1967–70	.50
1971–72	.55
1973–75	.60
1976–79	.65
1980–86	.75
1987 and after	.85

The taxable earnings base for the health insurance tax would be $6,600 a year beginning in 1966.

The schedule of contribution rates is based on estimates of cost which assume that the earnings base will not be increased above $6,600.

The benefits for railroad retirement eligibles will be financed by the railroad retirement tax, which is automatically increased by the operation of this bill. However, the railroad retirement wage base (now $450 a month) is not affected by this bill and is not within the jurisdiction of this committee. Until an amendment is adopted to the Railroad Retirement Tax Act increasing their wage base to an amount equivalent to an earnings base of $6,600 per year, the benefits of railroad eligibles will be financed by the hospital insurance tax and administered by the Secretary of Health, Education, and Welfare; thereafter the benefits for railroad eligibles will be administered by the Railroad Retirement Board.

The cost of providing basic hospital and related benefits to people who are not social security or railroad retirement beneficiaries would be paid from general funds of the Treasury.

2. Voluntary supplementary insurance plan

General description: A package of benefits supplementing those provided under the basic plan would be offered to all persons 65 and over on a voluntary basis. Individuals who elect to enroll initially would pay premiums of $3 a month (deducted, where possible, from social security or railroad retirement benefits). The Government would match this premium with $3 paid from general funds. Since the minimum increase in cash social security benefits under the bill for workers retiring or who retired at age 65 or older would be $4 a month ($6 a month for man and wife receiving benefits based on the same earnings record), the benefit increases would fully cover the amount of monthly premiums.

Enrollment: Persons who have reached age 65 before July 1, 1966, will have an opportunity to enroll in an enrollment period which begins April 1, 1966, and shall end on September 30, 1966.

Persons attaining age 65 subsequent to July 1, 1966, will have enrollment periods of 7 months beginning 3 months before the month of attainment of age 65.

In the future, general enrollment periods will be from October 1 to December 31, in each even-numbered year. The first such period will be October 1 to December 31, 1968.

No person may enroll more than 3 years after the close of the first enrollment period in which he could have enrolled.

There will be only one chance to reenroll for persons who are in the plan but drop out, and the reenrollment must occur within 3 years of termination of the previous enrollment.

Coverage may be terminated (1) by the individual filing notice during an enrollment period, or (2) by the Government, for nonpayment of premiums.

A State would be able to provide the supplementary insurance benefits to its public recipients who are receiving cash assistance if it chooses to do so.

Effective date: Benefits will be effective beginning January 1, 1967.

Benefits: The voluntary supplementary insurance plan would cover physicians' services, chiropractic and podiatrists services, home health services, and numerous other medical and health services in and out of medical institutions.

There would be an annual deductible of $50. Then the plan would cover 80 percent of the patient's bill (above the deductible) for the following services:

1. Physicians' and surgeons' services, whether furnished in a hospital, clinic, office, in the home, or elsewhere.

2. Chiropractors' services.
3. Podiatrists' services.
4. Home health service (with no requirement of prior hospitalization) for up to 100 visits during each calendar year.
5. Diagnostic X-ray and laboratory tests, and other diagnostic tests.
6. X-ray, radium, and radioactive isotope therapy.
7. Ambulance services.
8. Surgical dressings and splints, casts, and other devices for reduction of fractures and dislocations; rental of durable medical equipment such as iron lungs, oxygen tents, hospital beds, and wheelchairs used in the patient's home, prosthetic devices (other than dental) which replace all or part of an internal body organ; braces and artificial legs, arms, eyes, etc.

There would be a special limitation on outside-the-hospital treatment of mental, psychoneurotic, and personality disorders. Payment for such treatment during any calendar year would be limited, in effect, to $250 or 50 percent of the expenses, whichever is smaller.

Administration by carriers: Basis for reimbursement: The Secretary of Health, Education, and Welfare would be required, to the extent possible, to contract with carriers to carry out the major administrative functions relating to the medical aspects of the voluntary supplementary plan such as determining rates of payments under the program, holding and disbursing funds for benefit payments, and determining compliance and assisting in utilization review. No contract is to be entered into by the Secretary unless he finds that the carrier will perform its obligations under the contract efficiently and effectively and will meet such requirements as to financial responsibility, legal authority, and other matters as he finds pertinent. The contract must provide that the carrier take necessary action to see that where payments are on a cost basis (to institutional providers of service), the cost is reasonable cost. Correspondingly, where payments are on a charge basis (to physicians or others furnishing noninstitutional services), the carrier must see that such charge will be reasonable and not higher than the charge applicable, for a comparable service and under comparable circumstances to the other policyholders and subscribers of the carrier. Payment by the carrier for physicians' services will be made on the basis of a receipted bill, or on the basis of an assignment under the terms of which the reasonable charge will be the full charge for the service. In determining reasonable charges, the carriers would consider the customary charges for similar services generally made by the physician or other person or organization furnishing the covered services, and also the prevailing charges in the locality for similar services.

Financing: Aged persons who elect to enroll in the supplemental plan would pay monthly premiums of $3. Where the individual is currently receiving monthly social security, railroad retirement, or civil service retirement benefits, the premiums would be deducted from his benefits.

The Government would help finance the supplementary plan through a payment from general revenues in an equal amount of $3 a month per enrollee. To provide an operating fund, if necessary, at the beginning of the supplementary plan, and to establish a contingency reserve, a Government appropriation would be available (on a repayable basis) equal to $18 per aged person estimated to be eligible in January 1967 when the supplementary plan goes into effect.

The individual and Government contributions would be placed in a separate trust fund for the supplementary plan. All benefit and administrative expenses under the supplementary plan would be paid from this fund.

Premium rates for enrolled persons (and the matching Government contribution) would be increased from time to time if program costs rise, but not more often than once every 2 years. The premium rate for a person who enrolls after the first period when enrollment is open to him or who reenrolls after terminating his coverage would be increased by 10 percent for each full 12 months he stayed out of the program.

3. Improvement and extension of Kerr-Mills medical assistance program

Purpose and scope: In order to provide a more effective Kerr-Mills medical assistance program for the aged and to extend its provisions to additional needy persons, the bill would establish a single and separate medical care program to consolidate and expand the differing provisions for the needy which currently are found in five titles of the Social Security Act.

The new title (XIX) would extend the admore effective Kerr-Mills medical assistance program not only to the aged who are indigent but also to needy individuals in the dependent children, blind, and permanently and totally disabled programs and to persons who would qualify under those programs if in sufficient financial need.

Medical assistance under title XIX must be made available to all individuals receiving money payments under these programs and the medical care or services available to all such individuals must be equal in amount, duration, and scope. Effective July 1, 1967, all children under age 21 must be included who would, except for age, be dependent children under title IV.

Inclusion of the medically indigent aged not on the cash assistance rolls would be optional with the States, but if they are included, comparable groups of blind, disabled, and parents and children must also be included if they need help in meeting necessary medical costs. Moreover, the amount and scope of benefits for the medically indigent could not be greater than that of recipients of cash allowance.

Under the House bill, the current provisions of law in the various public assistance titles of the act providing vendor medical assistance would have terminated upon adoption of the new program by a State, but in no case later than June 30, 1967. The committee has amended this provision so that a State would have the option of continuing under the vendor medical provisions of existing law or adopting the new program.

Scope of medical assistance: Under existing law the State must provide "some institutional and noninstitutional care" under the medical assistance for the aged program. There are no minimum benefit requirements at all under the other public assistance vendor medical programs.

The House bill requires that by July 1, 1967, under the new program a State must provide inpatient hospital services, outpatient hospital services, other laboratory and X-ray services, skilled nursing home services, and physicians' services (whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere) in order to receive Federal participation. The committee has altered this requirement so that it is more appropriate to the groups covered in that dental services are required for individuals under the age of 21 while skilled nursing home services are required for individuals 21 years of age or older. Coverage of other items of medical service would be optional with the States.

Eligibility: Improvements would be effectuated in the program for the needy elderly by requiring that the States must provide a flexible income test which takes into account medical expenses and does not provide rigid income standards which arbitrarily deny assistance to people with large medical bills. In the same spirit the bill provides that no deductible, cost sharing, or similar charge may be imposed by the State as to hospitalization under its program and that any such charge on other medical services must be reasonably related to the recipient's income or resources. Also important is the requirement that elderly needy people on the State programs be provided assistance to meet the deductibles that are imposed by the new basic program of hospital insurance. Also where a portion of any deductible or cost sharing required by the voluntary supplementary program is met by a State program, the portion covered must be reasonably related to the individual's income and resources. No income can be imputed to an individual unless actually available; and the financial responsibility of an individual for an applicant may be taken into account only if the applicant is the individual's spouse or child who is under age 21 or blind or disabled.

Standards as to quality of care and safety: The committee added to the provisions of the House bill a requirement that the States include in their States plans descriptions of the medical staff utilized and the standards for institutions providing medical care and authorized the Secretary of Health, Education, and Welfare to promulgate minimum standards relating to fire and other hazards for such institutions.

Increased Federal matching: The Federal share of medical assistance expenditures under the new program would be determined upon a uniform formula with no maximum on the amount of expenditures which would be subject to participation. There is no maximum under present law on similar amounts for the medical assistance for the aged program. The Federal share, which varies in relation to a State's per capita income, would be increased over current medical assistance for the aged matching so that States at the national average would receive 55 percent rather than 50 percent, and States at the lowest level could receive as much as 83 percent as contrasted with 80 percent under existing law.

In order to receive any additional Federal funds, as a result of expenditures under the new program, the States would need to continue their own expenditures at their present rate. For a specified period, any State that did not reduce its own expenditures would be assured of at least a 5-percent increase in Federal participation in medical care expenditures. As to compensation and training of professional medical personnel used in the administration of the program, the bill would provide a 75-percent Federal share as compared with the 50–50 Federal-State sharing for other administrative expenses.

Administration: Under the House bill, the State agency administering the new program would have to be the same as that administering the old-age assistance program (i.e., the welfare agency). The committee, believing the States should be given more latitude in this matter, provided that any State agency may be designated to administer the program, as long as the determination of eligibility is accomplished by the agency administering the old-age assistance program.

Effective date: January 1, 1966.

4. Cost of health care plans

Basic plan: Benefits and administrative expenses under the basic plan would be about $1.1 billion for the 6-month period in 1966 and about $2.4 billion in 1967. Contribution income for those years would be about $1.5 and $2.8 billion, respectively. The costs for

the uninsured (paid from general funds) would be about $285 million per year for early years.

Voluntary supplementary plan: Costs of the voluntary supplementary plan would depend on how many of the aged enrolled.

If 80 percent of the eligible aged enrolled, benefit costs (and administrative expenses) of the supplementary plan would be about $665 to $800 million in 1967 and about $910 million to $1.10 billion in 1968. Premium income from enrollees for those years would be about $555 and $565 million, respectively. The matching Government contribution would equal the premiums charged the individual.

If 95 percent of the eligible aged enrolled, benefit costs and administrative expenses of the supplementary plan would be about $790 to $945 million in 1967 and about $1.08 to $1.30 billion in 1968. Premium income from enrollees for those years would be about $660 and $670 million, respectively. The Government contribution would equal the premiums charged the individual.

Public assistance plan: It is estimated that the new program will increase the Federal Government's contribution about $200 million in a full year of operation over that in the programs operated under existing law.

B. CHILD HEALTH AND WELFARE AMENDMENTS

Maternal and child health, crippled children, and child welfare: The House bill would increase the amount authorized for maternal and child health services over current authorizations by $5 million for fiscal year 1966 and by $10 million in each succeeding fiscal year, as follows:

Fiscal year	Existing law	Under bill
1966	$40,000,000	$45,000,000
1967	40,000,000	50,000,000
1968	45,000,000	55,000,000
1969	45,000,000	55,000,000
1970 and after	50,000,000	60,000,000

The authorizations for crippled children's service under the House bill would be increased by the same amounts. The committee has added a similar increase in the authorization for the child welfare program.

The increases would assist the States, in these programs, in moving toward the goal of extending services with a view of making them available to children in all parts of the State by July 1, 1975.

Crippled children-training personnel: The bill would also authorize $5 million for the fiscal year 1967, $10 million for fiscal 1968, and $17.5 million for each succeeding fiscal year to be for grants to institutions of higher learning for training professional personnel for health and related care of crippled children, particularly mentally retarded children and children with multiple handicaps.

Health care for needy children: a new provision is added authorizing the Secretary of Health, Education, and Welfare to carry out a 5-year program of special project grants to provide comprehensive health care and services for children of school age, or for preschool children, particularly in areas with concentrations of low-income families. The grants would be to State health agencies, to the State agencies administering the crippled children's program, to any school of medicine (with appropriate participation by a school of dentistry), and any teaching hospital affiliated with such school, to pay not to exceed 75 percent of the cost of the project. Projects would have to provide screening, diagnosis, preventive services, treatment, correction of defects, and aftercare, including dental services, with treatment, correction of defects, and aftercare limited to children in low-income families.

An appropriation of $15 million would be authorized for the fiscal year ending June 30, 1966; $35 million for the fiscal year ending June 30, 1967; $40 million for the fiscal year ending June 30, 1968; $45 million for the fiscal year ending June 30, 1969; and $50 million for the fiscal year ending June 30, 1970.

The committee has added an amendment which has increased the authorization for such grants by $5 million for fiscal years 1968, 1969, and 1970 to cover the cost of special project grants to provide health services for school and preschool children who are or are in danger of becoming emotionally disturbed. Grants would be made to State or local health, mental health, or public welfare agencies, or other public or nonprofit private agencies, or institutions. The committee amendment would further authorize an appropriation of $500,000 each for the fiscal years ending June 30, 1966, and June 30, 1967, for grants for studies of resources, methods and practices for prevention and diagnosis of emotional illness in children and for treatment and rehabilitation of emotionally ill children.

Mental retardation planning: Title XVII of the act would be amended to authorize grants totaling $2,750,000 for each of 2 fiscal years—the fiscal year ending June 30, 1966, and fiscal year ending June 30, 1967. The funds would be available during the 3-year period July 1, 1965, to June 30, 1968. The grants would be for the purpose of assisting States to implement and followup on plans and other steps to combat mental retardation authorized under this title of the Social Security Act.

C. OLD-AGE, SURVIVORS, AND DISABLILITY INSURANCE PROVISIONS

1. Benefit changes

(a) A 7-percent across-the-board increase in old-age survivors, and disability insurance benefits:

The bill provides a 7-percent across-the-board benefit increase, effective retroactively beginning with benefits for January 1965, for the 20 million social security beneficiaries on the rolls (with a guaranteed $4 a month minimum increase for retired workers who are age 65 or over in the first month for which they are paid the increased benefit).

Monthly benefits for workers who retire at or after 65 would be increased to a new minimum of $44 (now $40) and to a new maximum of $135.90 (now $127). In the future, creditable earnings under the increase in the contribution and benefit base to $6.600 a year (now $4,800) would make possible a maximum benefit of $168.

The maximum amount of benefits payable to a family on the basis of a single earnings record would be related to the worker's average monthly earnings at all earnings levels. Under present law, there is a $254 limit on family benefits which operates over a wide range of average monthly earnings. Under the bill the highest family maximum would be $368.

(b) Payment of child's insurance benefits to children attending school or college after attainment of age 18 and up to age 22:

H.R. 6675 includes the provision adopted by both House and Senate last year which would continue to pay a child's insurance benefit until the child reaches age 22, provided the child is attending a public or an accredited school, including a vocational school or a college, as a full-time student after he reaches age 18. Children of deceased, retired, or disabled workers would be included. No mother's or wife's benefits would be payable if the only child in the mother's care is one who has attained age 18 but is in school.

This provision will be effective January 1, 1965. It is estimated that 295,000 children will be eligible for benefits for September 1965, when the school year begins.

(c) Benefits for widows at age 60:

The bill would provide the option to widows of receiving benefits beginning at age 60, with the benefits payable to those who claim them before age 62 being actuarially reduced to take account of the longer period over which they will be paid. Under present law, full widow's benefits and actuarially reduced worker's and wife's benefits are payable at age 62.

This provision, adopted by both Houses of Congress last year, would be effective for the second month after the month of enactment. It is estimated that 185,000 widows will claim benefits during the first year of operation under this provision.

(d) Amendment of disability program:

(i) Definition of disability: The bill would eliminate the present requirement that a worker's disability must be expected to be of long continued and indefinite duration, and instead provide that an insured worker would be eligible for disability benefits if he has been under a disability which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 calendar months. Benefits payable by reason of this change would be paid for the second month following the month of enactment. An estimated 60,000 persons—disabled workers and their dependents—will become immediately eligible for benefits as a result of this change.

(ii) Disability benefits offset provision: The bill provides that the social security disability benefit for any month for which a worker is receiving a workmen's compensation benefit will be reduced to the extent that the total benefits payable to him and his dependents under both programs exceed 80 percent of his average monthly earnings prior to the onset of disability, but with the reduction periodically adjusted to take account of changes in national average earnings levels. The offset provision will be applicable with respect to benefits payable for months after December 1965 based on applications filed after December 1965.

(iii) Benefits for children disabled before reaching age 22: The bill provides that a child who is disabled before reaching age 22 (rather than before age 18 as in present law) would be eligible for disabled child's benefits should his parent die, become disabled or retire. The mother of the child would also be eligible for benefits so long as she continued to have the child in her care. Effective as to benefits for the second month following the month of enactment, an estimated 20,000 persons—disabled children and their mothers—will become immediately eligible for benefits as a result of this change.

(iv) Facilitating disability determinations: The bill authorizes the Secretary to make determinations of disability or cessation of disability where medical and other information supplied or designated by the individual, or evidence of remunerative work activities, indicate clearly that the individual is under a disability or that the disability has ceased.

(v) Rehabilitation services: The bill provides for reimbursement from the social security trust funds to State vocational rehabilitation agencies for the cost of rehabilitation services furnished to individuals who are entitled to disability insurance benefits or to a disabled child's benefits. The total amount of the funds that could be made available from the trust funds for purposes of reimbursing State agencies for such services could not, in any year, exceed 1 percent of the social security disability benefits paid in the previous year.

(vi) Entitlement to disability benefits after entitlement to benefits payable on account of age: Under the bill, a person who becomes entitled before age 65 to a benefit payable on account of old age could later, before he reaches age 65, become entitled to disability insurance benefits.

(vii) Allocation of contribution income between OASI and DI trust funds: Under the bill, an additional 0.2 percent of taxable wages and 0.15 percent of taxable self-employment income would be allocated to the disability insurance trust fund, bringing the total allocation to 0.70 percent and 0.525 percent, respectively, beginning in 1966.

(e) Benefits to certain persons at age 72 or over: The committee's bill adopts a provision approved by the House and Senate last year, which would liberalize the eligibility requirements by providing a basic benefit of $35 at age 72 or over to certain persons with a minimum of three quarters of coverage acquired at any time since the beginning of the program in 1937. To accomplish this, a new concept of "transitional insured status" is provided. Present law requires a minimum of six quarters of coverage in employment or self-employment.

(i) Men and women workers: Under the "transitional insured status" provision a worker could qualify for benefits at age 72 if he had one quarter of coverage for each year that elapsed after 1950 and up to the year in which he reached age 65 (62 for women), with a minimum of three quarters. Those quarters could have been acquired at any time since the inception of the program in 1937. Wives of workers who qualify under this provision would be eligible for benefits if they reached age 72 before 1969. For workers who reached age 65 (62 for women) after 1956, the quarters of coverage requirement merges with the present minimum requirement of six quarters.

The following table illustrates the operation of the "transitional insured status" provision for workers:

Transitional insured status requirements with respect to workers benefits

	Quarters of coverage required
Age (in 1965) (men):	
76 or over	3.
75	4.
74	5.
73 or younger	6 or more.
Age (in 1965) (women):	
73 or over	3.
72	4.
71 [1]	5.
70 or younger	6 or more.

[1] Benefits will not be payable, however, until age 72.

(ii) Widows: Any widow who attains age 71 in or before 1965, if her husband died or reached age 65 in 1954 or earlier, could get a widow's benefit when she is aged 72 or over if her husband had at least three quarters of coverage. Present law requires six quarters. If the husband of such a widow died or reached 65 in 1955, the requirement would be four quarters. If he died or reached 65 in 1956, the requirement would be five quarters. If he died or reached 65 in 1957 or later, the minimum requirement would be six quarters or more, the same as present law.

For widows reaching age 72 in 1967 and 1968, there is a "grading-in" of the quarters of coverage requirement; which would be four or five quarters of coverage respectively. Widows reaching age 72 in 1969 or after would be subject to the requirements of existing law of six or more quarters of coverage.

The table below sets forth the requirements as to widows:

Transitional insured status requirements with respect to widow's benefits

Year of husband's death (or attainment of age 65, if earlier)	Present quarters required	Proposed quarters required for widow attaining age 72 in—		
		1966 or before	1967	1968
1954 or before	6	3	4	5.
1955	6	4	4	5.
1956	6	5	5	5.
1957 or after	6 or more	6 or more	6 or more	6 or more.

(iii) Basic benefits: Men and women workers who would be eligible under the above-described provisions for workers would receive a basic benefit of $35 a month. A wife who is aged 72 or over (and who attains that age before 1969) would receive one-half of this amount, $17.50. No other dependents' basic benefits would be provided under these provisions.

Widows would receive $35 a month under the above-described provision.

These provisions would become effective for the second month after the month of enactment, at which time an estimated 355,000 people would be able to start receiving benefits.

(f) Retirement test:

The bill would liberalize the retirement test provision in present law under which benefits are decreased in relation to a beneficiary's earnings over $1,200 in a year. Under existing law, the first $1,200 a year is fully exempted, and there is a $1 reduction in benefits for each $2 of annual earnings between $1,200 and $1,700 and for each $1 of earnings thereafter. Under the bill, the first $1,800 a year would be fully exempted and there would be a $1 reduction in benefits for each $2 of earnings between $1,800 and $3,000 and for each $1 of earnings thereafter. In addition, the amount of earnings a beneficiary may have in a month and get full benefits for that month regardless of his annual earnings would be raised from $100 to $150. These changes are effective for taxable years ending after 1965.

The bill also exempts certain royalties received in or after the year in which a person reaches age 65, from copyrights and patents obtained before age 65, from being counted as earnings for purposes of the retirement test, effective for taxable years beginning after 1964.

For 1966, an estimated 850,000 persons—workers and dependents—either will receive more benefits under these provisions than they would receive under present law, or will receive some benefits where they would receive no benefits under present law.

(g) Wife's and widow's benefits for divorced women: The committee's bill would authorize payments of wife's or widow's benefits to the divorced wife of a retired, deceased, or disabled worker if she had been married to the worker for at least 20 years before the date of the divorce and if her divorced husband was making (or was obligated by a court to make) a substantial contribution to her support when he became entitled to benefits, became disabled, or died. H.R. 6675 would also provide that a wife's benefits would not terminate when the woman and her husband are divorced if the marriage has been in effect for 20 years. Provision is also made for the reestablishment of benefit rights for a divorced wife, a widow, or a surviving divorced wife who remarries and the subsequent marriage ends in divorce, annulment, or in the death of the husband. These changes are effective for the second month following the month of enactment.

(h) Continuation of widow's and widower's insurance benefits after remarriage: Under present law, a widow's and widower's benefits based on a deceased worker's social security earnings record generally stop when the survivor remarries, with the result that some widows who would like to remarry do not do so because if they did they would lose their social security benefits. The bill provides that benefits would be payable to widows age 60 or over and to widowers age 62 or over who remarry. The amount of the remarried widow's or widower's benefit would be equal to 50 percent of the primary insurance amount of the deceased spouse rather than 82½ percent of that amount, which is payable to widows and widowers who are not remarried.

(i) Adoption of child by retired worker: The bill would change the provisions relating to the payment of benefits to children who are adopted by old-age insurance beneficiaries to require that, where the child is adopted after the worker becomes entitled to an old-age benefit, (1) the child must be living with the worker (or adoption proceedings have begun) in or before the month when application for old-age benefits is filed; (2) the child must be receiving one-half of his support for the entire year before the worker's entitlement; and (3) the adoption must be completed within 2 years after the worker's entitlement.

(j) Definition of child: The bill provides that a child be paid benefits based on his father's earnings without regard to whether he has the status of a child under State inheritance laws if the father was supporting the child or had a legal obligation to do so. Under present law, whether a child meets the definition for the purpose of getting child's insurance benefits based on his father's earnings depends on the laws applied in determining the devolution of interstate personal property in the State in which the worker is domiciled. This provision would be effective for the second month after the month of enactment. It is estimated that 20,000 individuals (children and their mothers) will become immediately eligible for benefits under this provision.

2. Coverage changes

The following coverage provisions were included:

(a) Physicians and interns: Self-employed physicians would be covered for taxable years ending on or after December 31, 1965. Interns would be covered beginning on January 1, 1966.

(b) Farmers: Provisions of existing law with respect to the coverage of farmers would be amended to provide that farm operators whose annual gross earnings are $2,400 or less (instead of $1,800 or less as in existing law) can report either their actual net earnings or 66⅔ percent (as in present law) of their gross earnings. Farmers whose annual gross earnings are over $2,400 would report their actual net earnings if over $1,600, but if actual net earnings are less than $1,600, they may instead report $1,600. (Present law provides that farmers whose annual gross earnings are over $1,800 report their actual net earnings if over $1,200, but if actual net earnings are less than $1,200, they may report $1,200.)

(c) Cash tips: The bill provides that cash tips received by a worker would be covered as self-employment income. Effective as to taxable years beginning after December 31, 1965.

(d) State and local government employees: Several changes made by the bill would facilitate social security coverage of additional employees of State and local governments.

(e) Exemption of certain religious sects: Members of certain religious sects who have

conscientious objections to insurance (including social security) by reason of their adherence to the established tenets or teachings of such sects could be exempt from the social security tax on self-employment income upon application accompanied by a waiver of benefit rights.

(f) Nonprofit organizations: Nonprofit organizations, and their employees who concur, could elect social security coverage effective retroactively for a period up to 5 years (rather than 1 year, as under present law). Also, wage credit could be given for the earnings of certain employees of nonprofit organizations who were erroneously reported for social security purposes.

(g) District of Columbia employees: The bill provides for social security coverage of certain employees of the District of Columbia (primarily substitute schoolteachers).

(h) Ministers: Social security credit could be obtained for the earnings of certain ministers which were reported but which cannot be credited under present law.

3. Miscellaneous

(a) Filing of proof: The bill extends indefinitely the period of filing of proof of support for dependent husband's, widower's, and parent's benefits, and for filing application for lump-sum death payments where good cause exists for failure to file within the initial 2-year period.

(b) Automatic recomputation of benefits: Under the bill the benefits of people on the rolls would be recomputed automatically each year to take account of any covered earnings that the worker might have had in the previous year and that would increase his benefit amount. Under existing law there are various requirements that must be met in order to have benefits recomputed, including filing of an application and earnings of over $1,200 a year after entitlement.

(c) Military wage credits: The bill revises the present provision authorizing reimbursement of the trust funds out of general revenue for gratuitous social security wage credits for servicemen so that such payments will be spread uniformly over the next 50 years.

(d) Extension of life of applications: The bill liberalizes the requirement in existing law that an application for monthly insurance benefits be valid for only 3 months after the date of filing, and for disability benefits 3 months before the beginning of the waiting period. The bill would allow an application to remain valid up until the time the Secretary makes a final decision on the application.

(e) Overpayments and underpayments: The bill would make changes in the provisions of law relating to overpayments and underpayments to facilitate the recovery of overpayments and to provide specific authority, lacking in present law, for the Secretary to settle all underpayments of benefits.

(f) Authorization for one spouse to cash a joint check: The bill would authorize the Secretary to make a temporary overpayment so as to permit a surviving spouse to cash a benefit check issued jointly to a husband and wife if one of them dies before the check is negotiated; any overpayment resulting from the cashing of the joint check would be recovered.

(g) Attorney's fees: The bill incorporates a provision which would permit a court that renders a judgment favorable to a claimant in an action arising under the social security program to set a reasonable fee (not in excess of 25 percent of past due benefits which become payable by reason of the judgment) for an attorney who successfully represented the claimant. The Secretary would be permitted to certify payment of the fee to the attorney out of such past due benefits.

(h) Tax on certain corporations: The bill provides that when an employee works for a corporation which is a member of an affiliated group of corporations and is then transferred to another corporation which is a member of such group, the total employer social security tax payable by the two corporations for the years in which the employee is transferred will not exceed the amount that would be paid by a single corporation. (Under present law, such treatment is provided for the employee.)

(i) Waiver of 1-year marriage requirement: The bill provides an exception to the 1-year duration requirement as to social security benefits for any widow, wife, husband, or widower who was, in the month before marriage, actually or potentially entitled to railroad retirement benefits as a widow, widower, parent, or disabled adult child.

4. Financing of OASDI amendments

The benefit provisions of H.R. 6675 are financed by (1) an increase in the earnings base from $4,800 to $6,600 effective January 1, 1966, and (2) a revised tax rate schedule.

The tax rate schedule under existing law and the revised schedule provided by the House-passed bill and by the committee's bill for the OASDI program follow:

Year	Contribution rates (in percent)					
	Employer and employee, each			Self-employed		
	Present law	House-approved bill	Committee bill	Present law	House-approved bill	Committee bill
1965	3.625	3.625	3.625	5.4	5.4	5.4
1966–67	4.125	4.0	3.85	6.2	6.0	5.8
1968	4.625	4.0	3.85	6.9	6.0	5.8
1969–72	4.625	4.4	4.45	6.9	6.6	6.7
1973 and after	4.625	4.8	4.9	6.9	7.0	7.0

5. Additional benefit payments in first full year, 1966

[In millions]

7-percent benefit increase ($4 minimum in primary benefit)	$1,470
Modification of earnings test	590
Reduced benefits for widows at age 60	165
Benefits to persons aged 72 and over with limited periods in OASDI employment	140
Modification of definition of disability	40
Total	2,405
Child benefits to age 22 if in school	195
Benefits for children disabled after age 18 and before age 22	10
Broadened definition of child	10
Improvements in benefits for children, total	215
Total	2,620

D. PUBLIC ASSISTANCE AMENDMENTS

1. Increased assistance payments

The Federal share of payments under all State public assistance programs is increased a little more than an average of $2.50 a month for the needy aged, blind, and disabled and an average of about $1.25 for needy children, effective January 1, 1966. This is brought about by revising the matching formula for the needy aged, blind, and disabled (and for the adult categories in title XVI) to provide a Federal share of $31 out of the first $37 (now twenty-nine thirty-fifths (29/35) of the first $35) up to a maximum of $75 (now $70) per month per individual on an average basis. The matching formula is revised for aid to families with dependent children so as to provide a Federal share of five-sixths (5/6) of the first $18 (now fourteen-seventeeths (14/17) of the first $17) up to a maximum of $32 (now $30). A provision is included so that States will not receive additional Federal funds except to the extent they pass them on to individual recipients.

Effective January 1, 1966. Cost: About $150 million a year.

2. Tubercular and mental patients

The House bill removed the exclusion from Federal matching in old-age assistance and medical assistance for the aged programs (and for combined program, title XVI) as to aged individuals who are patients in institutions for tuberculosis or mental diseases or who have been diagnosed as having tuberculosis or psychosis and, as a result, are patients in a medical institution. The House bill requires as a condition of Federal participation in such payments to, or for, patients in mental and tuberculosis hospitals certain agreements and arrangements to assure that better care results from the additional Federal money. The committee has amended this provision so as to make the special provisions for Federal participation applicable solely to payments for aged persons in mental institutions. The States will receive additional Federal funds under this provision only to the extent they increase their expenditures for mental health purposes under public health and public welfare programs. The bill also removes restrictions as to Federal matching for needy blind and disabled who are tubercular or psychotic and are in general medical institutions.

Effective January 1, 1966. Cost: About $75 million a year.

3. Aid to families with dependent children in school

The committee bill extends the optional provision of the States to continue making payments to dependent children who have attained age 18 but continue in school up to age 21. Present law calls for regular attendance at a high school or vocational school. The committee bill would extend this to attendance at a college or university.

Effective after enactment. Cost: Negligible.

4. Protective payments to third persons

The House bill included a provision for protective payments to third persons on behalf of old-age assistance recipients (and recipients on combined adult program, title XVI) unable to manage their money because of physical or mental incapacity. The committee bill would extend the same provision for protective payments to the programs of aid to the blind and aid to the permanently and totally disabled.

Effective January 1, 1966.

5. Income exemptions under public assistance

(a) Old-age assistance: The committee's bill increases earnings exemption under the old-age assistance program (and aged in combined program) so that a State may, at its option, exempt the first $20 (now $10) and one-half of the next $60 (now $40) of a recipient's monthly earnings.

Effective January 1, 1966. Cost: About $1 million first year.

(b) Aid to families with dependent children: The committee has added an amendment which allows the State, at its option, to disregard up to $50 per month of earned income of any three dependent children under the age of 18 in the same home.

Effective July 1, 1965. Cost: $1.3 million for first full year of operation.

(c) Aid to permanently and totally disabled: The committee bill adds an exemption of earnings, at the option of the State, for recipients of aid to the permanently and totally disabled. As in the case of the aged, the first $20 per month of earnings and one-half of the next $60 could be exempted. In addition, any additional income and resources could be exempted as part of an approved plan to achieve self-support during the time the recipient was undergoing vocational rehabilitation.

(d) Old-age and survivors insurance (retroactive increase): The bill adds a provision which would allow the States to disregard so much of the OASDI benefit increase (including the children in school after 18 modification) as is attributable to its retroactive effective date.

(e) Economic Opportunity Act earning exemption: H.R. 6675 also provides a grace period for action by States that have not had regular legislative sessions, whose public assistance statutes now prevent them from disregarding earnings of recipients received under titles I and II of the Economic Opportunity Act.

(f) Income exempt under another assistance program: The committee bill adds a provision that any amount of income which is disregarded in determining eligibility for a person under one of the public assistance programs shall not be considered in determining the eligibility of another individual under any other public assistance program.

6. Definition of medical assistance for aged

H.R. 6675 modifies the definition of medical assistance for the aged so as to allow Federal sharing as to old-age assistance recipients for the month they are admitted to or discharged from a medical institution.

Effective July 1, 1965. Cost: About $2 million.

7. Judicial review of State plan denials

The House bill provides for judicial review of the denial of approval by the Secretary of Health, Education, and Welfare of State public assistance plans and of his action under such programs or noncompliance with State plan conditions in the Federal law. The committee bill would add an amendment setting a time limit on the Secretary's calling of a hearing and substitutes language providing the more traditional terminology as to the "substantial evidence rule."

E. MISCELLANEOUS PROVISIONS

1. Optometrists

The committee has added a provision which will be effective as to all titles of the Social Security Act so that it will be clear that whenever payment is authorized for services which an optometrist is licensed to perform, the beneficiary shall have the freedom to obtain the services of either a physician skilled in diseases of the eye or an optometrist, whichever he may select.

Mr. LONG of Louisiana. Mr. President, the measure before the Senate is the last major bill that has been referred thus far this year to the Senate Committee on Finance. The House has about three other important legislative recommendations which should come to the committee some time within the next couple of weeks, and the committee shall act expeditiously on those measures at that time.

The Senate Committee on Finance has done its best to consider every recommendation made to us by Senators and by the executive branch of the Government. We are anxious to pass the pending bill as our contribution toward an early adjournment of the Senate. I certainly hope that Senators who wish to discuss the bill and express general views on the subject will do so today. The bill has been the pending business since we recessed for the Fourth of July holiday. I hope that Senators will deliver their speeches on the general subject today, if possible, and I hope we shall proceed to vote on the amendments to the measure tomorrow.

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

Mr. LONG of Louisiana. I yield.

Mr. JAVITS. I have a number of amendments that I wish to offer to the bill. One is an extremely technical amendment. I shall not take the Senator's time with that. One is on the coverage of tips; another is on the question of prescription drugs. The Senator has stated that the committee has considered the recommendations of Senators. Could the Senator give me the rationale by which the committee turned down the House provision with respect to tip coverage and chose, instead, to provide that tips shall be considered self-employed income, with the individual worker to pay the whole social security tax?

Mr. LONG of Louisiana. I have said a number of times that it is the view of establishments where tips are paid that they should not be held accountable for income which they neither pay nor receive. Theoretically, half of the social security tax due on the tips should be imposed on the one who pays the tip, the customer to whom the tipped employee renders a service.

Restaurant and hotel people, and others who would be directly concerned, are, as the Senator knows, strongly opposed to being held responsible for collecting social security taxes on money they do not see, money which they neither pay nor receive. The committee felt that perhaps the best method would be to let the employee who receives the tip report it and pay the income tax which it is his duty to pay, and also to pay a social security tax on it.

In that case, he would be regarded as self-employed, so he would pay 1½ percent. That is not too bad a deal, so far as the employees affected are concerned, because in many instances they do not report tips, even though an effort is being made by both the employer and the Government to get them to report tips.

If they are thinking only about the social security coverage, they will be much more desirous of reporting tips in later years, when they are trying to build up their high-year coverage, than they would be, perhaps, in earlier years.

It seemed to the committee that this was about the best suggestion we could make to resolve this difficult problem. If the Senate committee amendment is agreed to, it will be in conference between the House and Senate.

Mr. JAVITS. I know that the establishments are against it, but the workers are for it, and the reason is that in the positions for which they are hired there is always taken into account the fact that they will receive tips. So although the employer may not actually handle the money, he is benefited by the fact that an employee receives tips, and thus he pays the employee that much less.

Normally, an employee is paid whatever is the State minimum wage. Probably we shall cover that in the Federal minimum wage now, as the administration requests. But up to now, it has been the State minimum wage. No adult who is a waiter, waitress, or counter employee, will work for that wage, and the employer and the employees know that the employees will be tipped. The privilege of receiving tips is a part of the condition of being able to work in that kind of establishment.

Mr. LONG of Louisiana. I know that union leaders, who speak for a great number of these workers, unanimously recommend that the social security tax be collected on tips from both employers and employees. Their position is supported by the administration. However, I have yet to have a waiter come to me and ask to have the social security tax imposed on his tips. That has not happened. That has not been requested of me.

Many waiters simply do not report their tips because they do not want to pay an income tax on them.

The provision as recommended by the House is such that it is still necessary to take a man's word that he will tell his employer how much he has collected in tips, and on that basis he would pay a tax on the tips.

Mr. JAVITS. In the city of New York, hundreds of restaurant employees have come to me to discuss this subject. They are adult and understanding Americans. They know that they will expose their earnings when they do anything about social security, and that they will then be liable for income tax. But they want to do that. They are perfectly willing to regularize their whole situation. So the majority of them are persuaded that they will be better off by amending their own situation and in that way facing it realistically. I shall bring it up. I was merely interested in knowing what was the rationale. I think I have it now.

Mr. LONG of Louisiana. If the committee provision is sustained by the Senate, it will nevertheless be in conference between the Senate and the House. The House provision is that being advocated by the Senator from New York. The Committee on Finance suggests that we look upon tips as earnings from self-employment. In either event, all those who desire social security coverage will have the benefit of it.

An argument can be made in this case for the self-employed approach on the basis that the amount of social security coverage that the employee receives is almost completely within his own control. The employee can have the lowest 5 years of his wage earnings disregarded completely, so that he can pay on the maximum amount, assuming that his tips were high during the years he wishes

to have counted, and pay a very low amount, if any at all, on the years he does not want counted.

But over a period of time, better ways and methods will be devised to ascertain how much such employees make on tips, and we shall be better able to use computers and other devices available to keep up with all the intricate details of both income tax collection and social security tax collection on tips. I have no doubt we shall be able to improve on this system.

Mr. JAVITS. It is not quite so open a proposition as all that. There are some reliable checks that can be made on information based upon the number of sales checks used by each employee. The Treasury Department has used them.

It is significant that labor unions and the people themselves, in large numbers, are perfectly willing to pay the taxes and desire to have social security coverage.

Do I correctly understand that the Senator has not yet asked for the adoption of the committee amendments?

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and regarded as original text, reserving to every Senator the right to amend the bill both in the first and second degrees.

Mr. JAVITS. I shall object to that so far as the request relates to section 313 of the bill, which deals with the coverage of tips under social security, because I may wish to raise this question directly on the committee amendment. So if the Senator from Louisiana would be kind enough to exclude that much of the bill as it relates to this question, I certainly would have no objection.

Mr. LONG of Louisiana. The Senator from New York can still offer the amendment as his own at any time.

Mr. JAVITS. I prefer to keep that open. If I should decide that I shall declare it affirmatively, I shall notify the Senator.

Mr. LONG of Louisiana. Mr. President, I wish to modify my request that all the committee amendments, except the amendment to section 313, appearing on page 268, after line 2, relating to the coverage of tips be agreed to en bloc and regarded as original text for the purpose of further amendment.

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Is there objection to the request of the Senator from Louisiana? The Chair hears none, and it is so ordered.

The committee amendments agreed to en bloc are as follows:

At the top of page 2, strike out the table of contents, as follows:

"TABLE OF CONTENTS

"TITLE I—HEALTH INSURANCE FOR THE AGED AND MEDICAL ASSISTANCE

"Sec. 100. Short title.

"Part I—Health Insurance Benefits for the Aged

"Sec. 101. Entitlement to hospital insurance benefits.

"Sec. 102. Hospital insurance benefits and supplementary health insurance benefits.

"TITLE XVIII—HEALTH INSURANCE FOR THE AGED

"Sec. 1801. Prohibition against any Federal interference.

"Sec. 1802. Free choice by patient guaranteed.

"Sec. 1803. Option to individuals to obtain other health insurance protection.

"Part A—Hospital Insurance Benefits for the Aged

"Sec. 1811. Description of program.

"Sec. 1812. Scope of benefits.

"Sec. 1813. Deductibles.

"Sec. 1814. Conditions of and limitations on payment for services.

"(a) Requirement of requests and certifications.

"(b) Reasonable cost of services.

"(c) No payments to Federal providers of services.

"(d) Payments for emergency hospital services.

"(c) Payment for inpatient hospital services prior to notification of noneligibility.

"Sec. 1815. Payment to providers of services.

"Sec. 1816. Use of public agencies or private organizations to facilitate payment to providers of services.

"Sec. 1817. Federal hospital insurance trust fund.

"Part B—Supplementary Health Insurance Benefit for the Aged

"Sec. 1831. Establishment of supplementary health insurance program for the aged.

"Sec. 1832. Scope of benefits.

"Sec. 1833. Payment of benefits.

"Sec. 1834. Duration of services.

"Sec. 1835. Procedure for payment of claims of providers of services.

"Sec. 1836. Eligible individuals.

"Sec. 1837. Enrollment periods.

"Sec. 1838. Coverage period.

"Sec. 1839. Amounts of premiums.

"Sec. 1840. Payment of premiums.

"Sec. 1841. Federal supplementary health insurance benefits trust fund.

"Sec. 1842. Use of carriers for administration of benefits.

"Sec. 1843. State agreements for coverage of eligible individuals who are receiving money payments under public assistance programs.

"Sec. 1844. Appropriations to cover Government contributions and contingency reserves.

"Part C—Miscellaneous provisions

"Sec. 1861. Definitions of services, institutions, etc.

"(a) Spell of illness.

"(b) Inpatient hospital services.

"(c) Inpatient psychiatric hospital services.

"(d) Inpatient tuberculosis hospital services.

"(e) Hospital.

"(f) Psychiatric hospital.

"(g) Tuberculosis hospital.

"(h) Extended care services.

"(i) Post-hospital extended care services.

"(j) Extended care facility.

"(k) Utilization review.

"(l) Agreements for transfer between extended care facilities and hospitals.

"(m) Home health services.

"(n) Post-hospital home health services.

"(o) Home health agency.

"(p) Outpatient hospital diagnostic services.

"(q) Physicians' services.

"(r) Physicians.

"(s) Medical and other health services.

"(t) Drugs and biologicals.

"(u) Provider of services.

"(v) Reasonable cost.

"(w) Arrangements for certain services.

"(x) State and United States.

"Sec. 1862. Exclusions from coverage.

"Sec. 1863. Consultation with State agencies and other organizations to develop conditions of participation for providers of services.

"Sec. 1864. Use of State agencies to determine compliance by providers of services with conditions of participation.

"Sec. 1865. Effect of accreditation.

"Sec. 1866. Agreements with providers of services.

"Sec. 1867. Health insurance benefits advisory council.

"Sec. 1868. National medical review committee.

"Sec. 1869. Determinations; appeals.

"Sec. 1870. Overpayments on behalf of individuals.

"Sec. 1871. Regulations.

"Sec. 1872. Application of certain provisions of title II.

"Sec. 1873. Designation of organization or publication by name.

"Sec. 1874. Administration.

"Sec. 1875. Studies and recommendations.

"Sec. 103. Transitional provision on eligibility of presently uninsured individuals for hospital insurance benefits.

"Sec. 104. Suspension in case of aliens; persons convicted of subversive activities.

"Sec. 105. Railroad retirement amendments.

"Sec. 106. Medical expense deduction.

"Sec. 107. Receipts for employees must show taxes separately.

"Sec. 108. Technical and administrative amendments relating to trust funds.

"Sec. 109. Advisory council on social security.

"Sec. 110. Meaning of term 'Secretary.'

"Part 2—Grants to States for medical assistance programs

"Sec. 121. Establishment of programs.

"TITLE XIX—GRANTS TO STATES FOR MEDICAL ASSISTANCE PROGRAMS

"Sec. 1901. Appropriation.

"Sec. 1902. State plans for medical assistance.

"Sec. 1903. Payment to States.

"Sec. 1904. Operation of State plans.

"Sec. 1905. Definitions.

"Sec. 122. Payment by States of premiums for supplementary health insurance.

"TITLE II—OTHER AMENDMENTS RELATING TO HEALTH CARE

"Part 1—Maternal and child health and crippled children's services

"Sec. 201. Increase in maternal and child health services.

"Sec. 202. Increase in crippled children's services.

"Sec. 203. Training of professional personnel for the care of crippled children.

"Sec. 204. Payment for inpatient hospital services.

"Sec. 205. Special project grants for health of school and preschool children.

"Sec. 206. Evaluation and report.

"Part 2—Implementation of mental retardation planning

"Sec. 211. Authorization of appropriations.

"Part 3 Public assistance amendments relating to health care

On page 13, line 12, after the word "States", to insert "(or outside the United States in the case of inpatient hospital services furnished under the conditions described in section 1814(f))"; on page 15, in the headline in line 13, after the word "Supplementary", to strike out "Health" and insert "Medical"; on page 17, line 15, after the word "to", to strike out "60" and insert "120"; at the beginning of line 18, to strike out "20 days (or up to"; in the same line, after the word "days", to strike out "in certain circumstances)"; at the beginning of line 21, to strike out "100" and insert "175"; in the same line, after the word "during", strike out the word "the" and insert "any";

On page 18, line 3, after the word "not", to strike out "(subject to subsections (c) and (d))"; in line 5, after the word "services", to insert "(including inpatient psychiatric hospital services and inpatient tuberculosis hospital services)"; in line 8, after the word "for", to strike out "60" and insert "120"; in line 9, after the word "spell;", to strike out "or"; in line 12, after the word "for", to strike out "20" and insert "100"; in the same line, after the word "such", to strike out "spell." and insert "spell; or"; after line 13, to insert:

"(3) inpatient psychiatric hospital services furnished to him during his lifetime after such services have been furnished to him for a total of 210 days."

On page 18, after line 16, to strike out:

"(c) The 20 days provided by subsection (b)(2) shall be increased (but by not more than 80 days) by twice the number by which the days for which the individual has already been furnished inpatient hospital services in the spell of illness are less than 60. The individual may terminate the application of this subsection with respect to any day (and the remaining days in the spell of illness) by an election made at such time and in such manner as may be prescribed by regulations. If the number of days of post-hospital extended care services in the spell of illness has been increased pursuant to this subsection, a corresponding reduction (on the basis of one day of inpatient hospital services for each two days of post-hospital extended care services in excess of 20 plus, where the number of such days of post-hospital extended care services is an odd number, one day of inpatient hospital services) shall be made in the number or days allowable under subsection (b)(1) for the same spell of illness."

On page 19, at the beginning of line 9, to strike out "(d)" and insert "(c)"; in the same line, after the word "a", to insert "psychiatric hospital or a"; at the beginning of line 12, to strike out "60-day" and insert "120-day"; in line 13, after the word "the", to strike out "60-day" and insert "120-day"; in line 14, after "(1)" to insert "with respect to the spell of illness which includes such first day"; at the beginning of line 16, to strike out "(e)" and insert "(d)"; in line 18, after the word "during", to strike out "the" and insert "any"; in line 19, after the word "hospital", to insert "or extended care facility"; in line 21, after the word "first", to strike out "100" and insert "175"; in the same line, after the word "such", to strike out "period" and insert "periods and after the beginning of one spell of illness and before the beginning of the next"; on page 20, at the beginning of line 3, to strike out "(f)" and insert "(e)"; in the same line, after "(c)", to strike out "(d), and (e)" and insert "and (d)"; at the beginning of line 10, to strike out "(g)" and insert "(f)"; in line 13, after "(1)", to strike out "Payment" and insert "The amount payable"; in line 16, after the word "hospital", to strike

out "deductible; except that such deductible shall itself be reduced by any deduction imposed under paragraph (2) with respect to a diagnostic study by the same hospital which began before but did not end more than 20 days before the first day of such spell of illness or, if less, the charges imposed with respect to the individual for the out-patient hospital diagnostic services provided during such study" and insert "deductible or, if less, the charges imposed with respect to such individual for such services, except that, if the customary charges for such services are greater than the charges so imposed, such customary charges shall be considered to be the charges so imposed. Such amount shall be further reduced by a deduction equal to one-fourth of the inpatient hospital deductible for each day (before the 121st day) on which such individual is furnished such services during such spell of illness after such services have been furnished to him for 60 days during such spell; on page 21, line 7, after "(2)", to strike out "Payment" and insert "The amount payable"; in line 9, after the word "to", to insert "the sum of (A)"; in line 12, after the word "study", to insert "and (B) 20 per centum of the remainder of such amount"; in line 14, after the word "sentence", to strike out "and paragraph (1),"; in line 22, after "(3)", to strike out "Payment" and insert "The amount payable"; on page 22, after line 2, to insert:

"(4) The amount payable for post-hospital extended care services furnished an individual during any spell of illness shall be reduced by a deduction equal to one-eighth of the inpatient hospital deductible for each day (before the 121st day) on which he is furnished such services after such services have been furnished to him for 20 days during such spell."

In line 24, after the word "of", to strike out "$5" and insert "$4"; in line 25, after the word "of", to strike out "$5" and insert "$4"; on page 23, line 1, after the word "of", where it appears the first time, to strike out "$5" and insert "$4"; in the same line, after the word "of", where it appears the second time, to strike out "$5" and insert "$4"; on page 24, line 8, after the word "than", to insert "inpatient psychiatric hospital services and"; after line 14, to insert:

"(B) in the case of inpatient psychiatric hospital services, such services are or were required to be given on an inpatient basis, by or under the supervision of a physician, for the psychiatric treatment of an individual; and (i) such treatment can or could reasonably be expected to improve the condition for which such treatment is or was necessary or (ii) inpatient diagnostic study is or was medically required and such services are or were necessary for such purposes;".

At the beginning of line 25, to strike out "(B)" and insert "(C)"; on page 25, at the beginning of line 8, to strike out "(C)" and insert "(D)"; at the beginning of line 23, to strike out "(D)" and insert "(E)"; on page 26, at the beginning of line 16, to strike out "(E)" and insert "(F)"; after line 18, to insert:

"(3) in the case of inpatient psychiatric hospital services, the services are those which the records of the hospital indicate were furnished to the individual during periods when he was receiving (A) intensive treatment services, (B) admission and related services necessary for a diagnostic study, or (C) equivalent services;".

At the beginning of line 25, to strike out "(3)" and insert "(4)"; on page 27, at the beginning of line 6, to strike out "(4)" and insert "(5)"; at the beginning of line 17, to strike out "(5)" and insert "(6)"; on page 28, line 9, after "(D),", to strike out "or (E)" and insert "(E), or (F)"; in line 16, after the word "part", to strike out "shall" and insert "shall, subject to the provisions of section 1813,"; on page 30, after line 14, to insert:

"Payment for Certain Emergency Hospital Services Furnished Outside the United States

"(f) The authority contained in subsection (d) shall be applicable to emergency inpatient hospital services furnished an individual by a hospital located outside the United States if—

"(1) such individual was physically present in a place within the United States at the time the emergency which necessitated such inpatient hospital services occurred; and

(2) such hospital was closer to, or substantially more accessible from, such place than the nearest hospital within the United States which was adequately equipped to deal with, and was available for the treatment of, such individual's illness or injury."

On page 33, at the beginning of line 1, to insert "(1); in the same line, after the word "finds", to strike out "(1)" and insert "(A)"; in line 2, after the word "part", to strike out "(2)" and insert "(B)"; in line 8, after the word "and", to strike out "(3)" and insert "(2)"; on page 35, after line 21, to insert:

"(3) No such agency or organization shall be liable to the United States for any payments to in paragraph (1) or (2)."

On page 38, line 6, after the word "each", to insert "calendar"; on page 41, line 6, after the word "Secretary", to insert "of Health, Education, and Welfare"; in line 8, after the word "the", to insert "Managing"; on page 42, in the heading in line 16, after the word "Supplementary", to strike out "Health" and insert "Medical"; in the heading in line 18, after the word "Supplementary", to strike out "Health" and insert "Medical"; in line 21, after the word "provide", to strike out "health" and insert "medical"; on page 43, after line 6, to strike out:

"(1) entitlement to have payment made to him or on his behalf (subject to the provisions of this part) for—

"(A) physicians' services; and

"(B) medical and other health services, except those described in paragraph (2)(C); and"

And, in lieu thereof, to insert:

"(1) entitlement to have payment made to him or on his behalf (subject to the provisions of this part) for medical and other health services, except those described in paragraph (2)(B); and".

On page 43, after line 18, to strike out:

"(A) inpatient psychiatric hospital services for up to 60 days during a spell of illness;".

At the beginning of line 21, to strike out "(B)" and insert "(A)"; at the beginning of line 23, to strike out "(C)" and insert "(B)"; at the beginning of line 24, to insert "(other than physicians' services unless furnished by a resident or intern of a hospital or unless such services are in the field of pathology, radiology, physiatry, or anesthesiology)"; on page 44, line 12, after the word "Supplementary", to strike out "Health" and insert "Medical"; in the same line, after the word "Insurance", to strike out "Benefits"; in line 19, after the word "services;", to strike out "and" and insert "except that an organization which provides medical and other health services (or arranges for their availability) on a prepayment basis may elect to be paid 80 percent of the reasonable cost of services for which payment may be made under this part on behalf of individuals enrolled in such organization in lieu of 80 percent of the reasonable charges for such services if the organization undertakes to charge such individuals no more than 20 percent of such reasonable cost plus any amounts payable by them as a result of subsection (b); and"; on page 45, line 19, after the word "preceding", to strike out "year" and insert "year, and except that the amount of any deductible imposed under section 1813(a)(2)(A) with respect to outpatient hospital diagnostic services furnished in any year shall be regarded as an incurred expense under this part for such year"; on page 46, after line 8, to strike out:

"(d) Notwithstanding any other provision of this part, expenses for whole blood furnished to an individual in a hospital shall be considered incurred expenses for purposes of subsections (a) and (b) only if he has already been furnished in the same spell of illness 3 pints of whole blood for which (except for this subsection or section 1813(a)(3)) payment would be made under this title."

At the beginning of line 16, to strike out "(e)" and insert "(d)"; in line 19, after "1813", to insert "other than subsection (a)(2)(A) thereof"; at the beginning of line 22, to strike out "(f)" and insert "(e)"; on page 47, line 4, after "Sec. 1834.", to strike out "(a)(1) Payment under this part for inpatient psychiatric hospital services furnished an individual during a spell of illness may not be made after such services have been furnished to him for 60 days during such spell; and no payment under this part for inpatient psychiatric hospital services furnished an individual may be made after such services have been furnished to him for a total of 180 days during his lifetime.

"(2) If an individual is an inpatient in a psychiatric hospital on the first day on which he is entitled to benefits under this part, the days in the 60-day period immediately before such first day on which he was an inpatient in such a hospital shall be included in determining the 60-day limit under paragraph (1) but not in determining the 180 day limit under such paragraph."; at the beginning of line 19, to strike out "(b)" and insert "(a)"; on page 48, at the beginning of line 3, to strike out "(c)" and insert "(b)"; in the same line, after the word "of", to strike out "subsections (a)(1) and (b), inpatient psychiatric hospital services and home" and insert "subsection (a), home"; in line 21, after the word "prescribe", to insert "and"; on page 49, line 2, after the word "by", to strike out "regulations, except that the first of such recertifications shall be required in each case of inpatient psychiatric hospital services not later than the 20th day of such period)" and insert "regulations)"; after line 5, to strike out:

"(A) in the case of inpatient psychiatric hospital services, such services are or were required to be given on an inpatient basis, by or under the supervision of a physician, for the psychiatric treatment of an individual; and (i) such treatment can or could reasonably be expected to improve the condition for which such treatment is or was necessary or (ii) inpatient diagnostic study is or was medically required and such services are or were necessary for such purposes;".

At the beginning of line 16, to strike out "(B)" and insert "(A)"; in line 21, after the word "or", to strike out "because he needed"; on page 50, at the beginning of line 4, to strike out "(C)" and insert "(B)"; in line 6, to strike out "required;" and insert "required."; after line 6, to strike out:

"(3) in the case of inpatient psychiatric hospital services, the services are those which the records of the hospital indicate were furnished to the individual during periods when he was receiving (A) intensive treatment services, (B) admission and related services necessary for a diagnostic study, or (C) equivalent services;

"(4) with respect to inpatient psychiatric hospital services furnished to the individual after the 20th day of a continuous period of such services, there was not in effect, at the time of admission of such individual to the hospital, a decision under section 1866(d) (based on a finding that utilization review of long-stay cases is not being made in such hospital); and

"(5) with respect to inpatient psychiatric hospital services furnished to the individual during a continuous period, a finding has not been made (by the physician members of the committee or group, as described in sec-

tion 1861(k)(4)) pursuant to the system of utilization review that further inpatient psychiatric hospital services are not medically necessary; except that, if such a finding has been made, payment may be made with respect to such services furnished before the 4th day after the day on which the hospital received notice of such finding.

On page 51, line 9, after the word "subparagraph", to strike out "(A), (B), or (C)" and insert "(A) or (B)"; after line 22, to strike out:

"(c) Notwithstanding that an individual is not entitled to have payment made under this part for inpatient psychiatric hospital services furnished by any psychiatric hospital, payment shall be made to such hospital (unless it elects not to receive such payment or, if payment has already been made by or on behalf of such individual, fails to refund such payment within the time specified by the Secretary) for such services which are furnished to the individual prior to notification to such hospital from the Secretary of his lack of entitlement, if such payments are precluded only by reason of section 1834 and if such hospital complies with the requirements of and regulations under this title with respect to such payments, has acted in good faith and without knowledge of such lack of entitlement, and has acted reasonably in assuming entitlement existed. Payment under the preceding sentence may not be made for services furnished an individual pursuant to any admission after the 6th elapsed day (not including as an elapsed day Saturday, Sunday, or a legal holiday) after the day on which such admission occurred."

On page 52, line 21, after the word "is", where it appears the second time, to strike out "either" and insert "(A)"; in line 22, after the word "or", to insert "(B)"; in line 23, after the word "residence", to insert "who has resided in the United States continuously during the 10 years immediately preceding the month in which he applies for enrollment under this part,"; on page 53, line 22, after the word "before", to strike out "January 1," and insert "July 1,"; in line 24, after the word "on", to strike out "the first day of the second month which begins after the date of enactment of this title and shall end on March 31, 1966" and insert "April 1, 1966, and shall end on September 30, 1966"; on page 54, line 5, after the word "after", to strike out "January 1" and insert "July 1"; at the beginning of line 13, to strike out "odd-numbered" and insert "even-numbered"; in the same line, after the word "with", to strike out "1967" and insert "1968"; in line 20, after "(1)", to strike out "July 1, 1966" and insert "January 1, 1967"; after line 20, to strike out:

"(2) the first day of the third month following the month in which he enrolls pursuant to subsection (d) of section 1837, or the July 1 following the month in which he enrolls pursuant to subsection (c) of section 1837.

And, in lieu thereof, to insert:

"(2)(A) in the case of an individual who enrolls pursuant to subsection (d) of section 1837 before the month in which he first satisfies paragraphs (1) and (2) of section 1836, the first day of such month, or

"(B) in the case of an individual who enrolls pursuant to such subsection (d) in the month in which he first satisfies such paragraphs, the first day of the month following the month in which he so enrolls, or

"(C) in the case of an individual who enrolls pursuant to such subsection (d) in the month following the month in which he first satisfies such paragraphs, the first day of the second month following the month in which he so enrolls, or

"(D) in the case of an individual who enrolls pursuant to such subsection (d) more than one month following the month in which he satisfies such paragraphs, the first day of the third month following the month in which he so enrolls, or

"(E) in the case of an individual who enrolls pursuant to subsection (e) of section 1837, the July 1 following the month in which he so enrolls."

On page 56, line 18, after the word "before", to strike out "1968" and insert "1969"; in line 21, after the word "after", to strike out "1967" and insert "1968"; in line 24, after the word "of", where it appears the first time, to strike out "1967" and insert "1968"; in the same line, after the word "each", to strike out "odd-numbered" and insert "even-numbered"; on page 57, line 8, after the word "Supplementary", to strike out "Health" and insert "Medical"; in the same line, after the word "Insurance", to strike out "Benefits"; on page 58, line 18, after the word "Supplementary", to strike out "Health" and insert "Medical"; in line 19, after the word "Insurance", to strike out "Benefits"; on page 59, line 12, after the word "Supplementary", to strike out "Health" and insert "Medical"; in the same line, after the word "Insurance", to strike out "Benefits"; on page 60, after line 12, to insert:

"(e)(1) In the case of an individual receiving an annuity under the Civil Service Retirement Act, or other Act administered by the Civil Service Commission providing retirement or survivorship protection, to whom neither subsection (a) nor subsection (b) applies, his monthly premiums under this part (and the monthly premiums of the spouse of such individual under this part if neither subsection (a) nor subsection (b) applies to such spouse and if such individual agrees) shall, upon notice from the Secretary of Health, Education, and Welfare to the Civil Service Commission, be collected by deducting the amount thereof from each installment of such annuity. Such deduction shall be made in such manner and at such times as the Civil Service Commission may determine. The Civil Service Commission shall furnish such information as the Secretary of Health, Education, and Welfare may reasonably request in order to carry out his functions under this part with respect to individuals to whom this subsection applies.

"(2) The Secretary of the Treasury shall, from time to time, but not less often than quarterly, transfer from the Civil Service Retirement and Disability Fund, or the account (if any) applicable in the case of such other Act administered by the Civil Service Commission, to the Federal Supplementary Medical Insurance Trust Fund the aggregate amount deducted under paragraph (1) for the period to which such transfer relates. Such transfer shall be made on the basis of a certification by the Civil Service Commission and shall be appropriately adjusted to the extent that prior transfers were too great or too small."

On page 61, at the beginning of line 17, to strike out "(e)" and insert "(f)"; in line 19, after the word "whom", to strike out "neither subsection (a) nor subsection (b)" and insert "none of the preceding provisions of this section (other than subsection (d))"; at the beginning of line 24, to strike out "(f)" and insert "(g)"; in line 25, after the word "or", to strike out "(e)" and insert "(f)"; on page 62, line 1, after the word "Supplementary", to strike out "Health" and insert "Medical"; in line 2, after the word "Insurance", to strike out "Benefits"; at the beginning of line 3, to strike out "(g)" and insert "(h)"; in the heading in line 9, after the word "Supplementary", to strike out "Health" and insert "Medical"; in the heading in line 10, to strike out "Benefits"; in line 13, after the word "Supplementary", to strike out "Health" and insert "Medical"; at the beginning of line 14, to strike out "Benefits"; on page 63, line 4, after the word "each", to insert "calendar"; on page 66, after line 14, to insert:

"(h) The Managing Trustee shall pay from time to time from the Trust Fund such amounts as the Secretary of Health, Education, and Welfare certifies are necessary to pay the costs incurred by the Civil Service Commission in making deductions pursuant to section 1840(e). During each fiscal year, or after the close of such fiscal year, the Civil Service Commission shall certify to the Secretary the amount of the costs it incurred in making such deductions, and such certified amount shall be the basis for the amount of such costs certified by the Secretary to the Managing Trustee."

On page 67, line 2, after "(a)", to strike out "in order to provide for the administration of the benefits under this part, the Secretary shall to the extent possible enter into contracts with carriers which will undertake to perform the following functions or, to the extent provided in such contracts, to secure such performance by other organizations:" and insert "In order to provide for the administration of the benefits under this part with maximum efficiency and convenience for individuals entitled to benefits under this part and for providers of services and other persons furnishing services to such individuals, and with a view to furthering coordination of the administration of the benefits under part A and under this part, the Secretary is authorized to enter into contracts with carriers, including carriers with which agreements under section 1816 are in effect, which will perform some or all of the following functions (or, to the extent provided in such contracts, will secure performance by other organizations); and, with respect to any of the following functions which involve payments for physicians' services, the Secretary shall to the extent possible enter into such contracts:";

On page 70, line 21, after the word "appropriate.", to insert "In determining the reasonable charge for services for purposes of this paragraph, there shall be taken into consideration the customary charges for similar services generally made by the physician or other person furnishing such services as well as the prevailing charges in the locality for similar services."; on page 72, after line 12, to insert:

"(3) No carrier shall be liable to the United States for any payments referred to in paragraph (1) or (2).

On page 73, line 11, after the word "before", to strike out "July 1, 1967" and insert "January 1, 1968"; on page 74, at the beginning of line 11, to strike out "July 1, 1967" and insert "January 1, 1968"; in line 14, after the word "before", to strike out "July 1967" and insert "January 1968"; in line 23, after "(A)", to strike out "July 1, 1966" and insert "January 1, 1967;"; on page 75, line 7, after the word "than", to strike out "July 1, 1967" and insert "January 1, 1968"; on page 76, at the beginning of line 22, to strike out "Health" and insert "Medical"; in the same line, after the word "Insurance", to strike out "Benefits"; on page 77, line 4, after the word "appropriated", to strike out "during the fiscal year ending June 30, 1966"; in line 7, after the word "through", to strike out "the next fiscal year" and insert "the calendar year 1968"; in line 11, after the word "in", to strike out "July 1966" and insert "January 1967"; at the beginning of line 25, to strike out "A or part B," and insert "A,"; on page 79, line 1, after the word "intern", to insert "(other than services provided in the field of pathology, radiology, physiatry, or anesthesiology)"; in line 9, after the word "Association", to strike out "(or," and insert "or,"; in line 12, after the word "Osteopathic", to strike out "Association)" and insert "Association, or, in the case of services in a hospital or osteopathic hospital by an intern or resident-in-training in the field of dentistry, approved by the Council on Dental

Education of the American Dental Association."; on page 81, line 10, after the word "on", to strike out "the"; in line 22, after the word "tuberculosis", to strike out the semicolon and "except that for purposes of part A (and so much of this part as relates to part A) such term shall include such an institution if" and insert "unless"; on page 82, line 2, after the word "subsection", to strike out "(g))", and for purposes of part B (and so much of this part as relates to part B) such term shall include such an institution if" and insert "(g)) or unless"; in line 7, after the word "of", to strike out "Christ" and insert "Christ,"; in line 11, after the word "to", to strike out "the" and insert "such"; on page 83, line 4, after the word "individuals", to strike out "enrolled under the insurance program established by part B" and insert "entitled to hospital insurance benefits under part A"; in line 11, after the word "on", to strike out "the"; in line 18, after the word "on", to strike out "the"; on page 84, line 14, after the word "on", to strike out "the"; in line 21, after the word "on", to strike out "the"; on page 86, line 19, after the word "facility", to strike out "if readmitted thereto within 14 days after discharge therefrom" and insert "if, within 14 days after discharge therefrom, he is admitted to such facility or any other extended care facility"; on page 88, line 25, after the word "subsection.", to insert "The term 'extended care facility' also includes an institution (or a distinct part of an institution) which is operated, or listed and certified, as a Christian Science nursing home by the First Church of Christ, Scientist, in Boston, Massachusetts, but only with respect to items and services ordinarily furnished by such institution to inpatients, and payment may be made with respect to services provided by or in such an institution only to the extent and under such conditions, limitations, and requirements (in addition to or in lieu of the conditions, limitations, and requirements otherwise applicable) as may be provided in regulations."; on page 96, line 11, after the word "in", to strike out "regulations; and except that for purposes of part A such term shall not include any agency or organization which is primarily for the care and treatment of mental diseases" and insert "regulations. The term 'home health agency' also includes a Christian Science visiting nurse service operated, or listed and certified, by the First Church of Christ, Scientist, in Boston, Massachusetts, but only with respect to items and services ordinarily furnished by such visiting nurse service to individuals, and payment may be made with respect to services provided by such visiting nurse service only to the extent and under such conditions, limitations, and requirements (in addition to or in lieu of the conditions, limitations, and requirements otherwise applicable) as may be provided in regulations."; on page 98, line 3, after the word "means", to strike out "an individual" and insert "(1) a doctor of medicine or osteopathy"; in line 7, after "section 1101 (a) (7))", to insert a comma and "or (2) a doctor of dentistry or of dental or oral surgery who is legally authorized to practice dentistry by the State in which he performs such function but only with respect to (A) surgery related to the jaw or any structure contiguous to the jaw or (B) the reduction of any fracture of the jaw or any facial bone."; in line 18, after the word "services", to strike out "home health services, or physicians' services" and insert "or home health services)"; after line 19, to insert:

"(1)(A) physicians' services;

"(B) chiropractors' services; and

"(C) podiatrists' services;

"(2) services and supplies (including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered) furnished as an incident to a physician's professional service, of kinds which are commonly furnished in physicians' offices and are commonly either rendered without charge or included in the physicians' bills, and hospital services (including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered) incident to physicians' services rendered to outpatients;" on page 99, at the beginning of line 8, to strike out "(1)" and insert "(3)"; at the beginning of line 9, to strike out "electrocardiograms, basal metabolism readings, electroencephalograms,"; at the beginning of line 11, to strike out "(2)" and insert "(4)"; at the beginning of line 13, to strike out "(3)" and insert "(5)"; at the beginning of line 16, to strike out "(4)" and insert "(6)"; at the beginning of line 20, to strike out "(5)" and insert "(7)"; at the beginning of line 24, to strike out "(6)" and insert "(8)"; on page 100, at the beginning of line 3, to strike out "(7)" and insert "(9)"; after line 6, to insert: "No diagnostic tests performed in any laboratory which is independent of a physician's office or a hospital shall be included within paragraph (3) unless such laboratory—

"(10) if situated in any State in which State or applicable local law provides for licensing of establishments of this nature, (A) is licensed pursuant to such law, or (B) is approved, by the agency of such State or locality responsible for licensing establishments of this nature, as meeting the standards established for such licensing; and

"(11) meets such other conditions relating to the health and safety of individuals with respect to whom such tests are performed as the Secretary may find necessary."

In line 24, after the word "only", to insert "(1)"; in line 25, after the word "included", to insert "(or approved for inclusion)"; on page 101, line 1, after the word "Pharmacopoeia", to strike out "or the" and insert "the"; in the same line, after the word "Formulary", to insert "or the United States Homoeopathic Pharmacopoeia"; in line 4, after the word "or", to strike out "as are approved" and insert "(2) combinations of drugs or biologicals if the principal ingredient or ingredients of the combinations meet the conditions specified in clause (1), or (3) such drugs or biologicals as are approved"; in line 11, after the word "biological", to insert a comma and "for use in such hospital"; on page 103, line 2, after the word "services", to insert "and inpatient psychiatric hospital services"; in the same line, after the amendment just above stated, to strike out the comma and "inpatient psychiatric hospital services,"; in line 22, after the word "services", to insert "and inpatient psychiatric hospital services"; in the same line, after the amendment just above stated, to strike out the comma and "inpatient psychiatric hospital services,"; on page 104, line 5, after "A", to strike out "or part B, as the case may be,"; on page 105, after line 2, to insert:

"Chiropractors' and Podiatrists' Services

"(y)(1) The term 'chiropractor' means an individual who is licensed under State law to practice as a chiropractor in the State; and the term 'chiropractors' services' means services performed by a chiropractor within the scope of his license.

"(2) The term 'podiatrist' means an individual who is licensed under State law to practice as a podiatrist in the State; and the term 'podiatrists' services' means services performed by a podiatrist within the scope of his license."

On page 106, line 2, after the word "Act", to insert "and other than under a health benefits or insurance plan established for employees of such an entity"; in line 7, after the word "States", to insert "(except for emergency inpatient hospital services furnished outside the United States under the conditions described in section 1814(f));"; in line 25, after the word "member;", to strike out "or"; on page 107, line 3, after the word "his", to strike out "household." and insert "household; or"; after line 3, to insert:

"(12) where such expenses are for services in connection with the care, treatment, filling, removal, or replacement of teeth or structures directly supporting teeth."

On page 108, line 20, after the word "health", to strike out "agency" and insert "agency, or whether a laboratory meets the requirements of paragraphs (10) and (11) of section 1861(s)"; on page 111, at the beginning of line 14, to strike out "or section 1835(c)"; in line 21, after "1813", to strike out "(a)(1) or (a)(2)" and insert "(a)(1), (a)(2), or (a)(4)"; on page 112, line 6, after "B", to insert "or, in the case of outpatient hospital diagnostic services, for which payment is (or may be) made under part A"; on page 113, at the beginning of line 1, to strike out "or 1833(d)"; on page 114, line 9, after the word "services", to insert "and inpatient psychiatric hospital services"; in line 10, after the amendment just above stated, to strike out the comma and "inpatient psychiatric hospital services, or" and insert the word "or"; on page 115, line 15, after the word "services", insert "and inpatient psychiatric hospital services"; in line 16, after the amendment just above stated, to strike out the comma and "or inpatient psychiatric hospital services,"; on page 120, line 25, after the word "services", to insert "or other person"; on page 121, after line 2, to strike out:

"(b) Where—

"(1) more than the correct amount is paid under this title to a provider of services or other person for items or services furnished an individual and the Secretary determines that, within such period as he may specify, the excess over the correct amount cannot be recouped from such provider of services or other person, or

"(2) any payment has been made under section 1814(e) or 1835(c) to a provider of services or other person for items or services furnished an individual,

proper adjustments shall be made, under regulations prescribed (after consultation with the Railroad Retirement Board) by the Secretary, by decreasing subsequent payments—

"(3) to which such individual is entitled under title II of this Act or under the Railroad Retirement Act of 1937, as the case may be, or

"(4) if such individual dies before such adjustment has been completed, to which any other individual is entitled under title II of this Act or under the Railroad Retirement Act of 1937, as the case may be, with respect to the wages and self-employment income or the compensation constituting the basis of the benefits of such deceased individual under title II of such Act."

And in lieu thereof, to insert:

"(b) Where the Secretary finds that—

"(1) more than the correct amount of payment has been made under this title to a provider of services or other persons for items or services furnished an individual and the Secretary determines that, within such period as he may specify, the excess over the correct amount cannot be recouped from such provider of services or other person, or

"(2) any payment has been made under section 1814(e) to a provider of services or other person for items or services furnished an individual,

proper adjustment or recovery shall be made with respect to the amount in excess of the correct amount, under regulations prescribed (after consultation with the Railroad Retirement Board) by the Secretary, by (A) decreasing any payment under title II of this Act or under the Railroad Retirement Act of 1937, as the case may be, to which such individual is entitled, or (B) requiring such individual or his estate to refund the amount in excess of the correct amount, or (C) decreasing any payment under title II of this Act or under the Railroad Retirement Act of

1937, as the case may be, payable to the estate of such individual or to any other person on the basis of the wages and self-employment income (or compensation) which were the basis of the payments to such individual, or (D) by applying any combination of the foregoing."

On page 123, line 3, after the word "any", to insert the word "such"; at the beginning of line 4, to insert "or recovery" in the same line, after the amendment just above stated, to strike out "under paragraph (3) or (4)"; in line 6, after the word "section", to strike out "1834(f)" and insert "1841(f)"; in line 10, after the word "adjustment" to insert "or recovery"; after line 10, to strike out:

"(c) There shall be no adjustment as provided in subsection (b) (nor shall there be recovery) in any case where the incorrect payment has been made (including payments under sections 1814(e) and 1835(c)) with respect to an individual who is without fault and where such adjustment (or recovery) would defeat the purposes of title II or would be against equity and good conscience."

And in lieu thereof, to insert:

"(c) There shall be no adjustment as provided in subsection (b) of payments (including payments under section 1814(e)) to, or recovery as provided in such subsection by the United States from, any person who is without fault if such adjustment or recovery would defeat the purposes of title II of this Act or of the Railorad Retirement Act of 1937, as the case may be, or would be against equity and good conscience."

On page 125, line 25, after the word "care", to insert "and"; on page 126, line 3, after the word "the", to strike out "program; and (4) the desirability of broadening or otherwise modifying the provisions of this title which authorize payment for additional days of post hospital extended care services in cases where the number of days of inpatient hospital services in a spell of illness for which payment is made is less than the maximum number of days for which such payment could be made" and insert "program."; on page 126, line 16, after the word "before", to strike out "April 1," and insert "October 1"; in line 20, after the word "before", to strike out "April 1" and insert "October 1"; in line 23, after he word "before" to strike out "October 1, 1966" and insert "April 1, 1967"; on page 128, at the beginning of line 1, to insert "(A)"; in the same line, after the word "or", to strike out "an individual" and insert "(B) an alien lawfully admitted for permanent residence"; on page 129, line 3, after the word "individual" to insert "more than 3 months"; in line 16, after "(3)", to strike out "at the beginning of such first month, is" and insert "is"; in line 18, after the word "of", to strike out "1959" and insert "1959."; in line 19, after the amendment just above stated, to strike out "or could have been so covered had he or some other individal availed himself of opportunities to enroll in a health benefits plan under such Act and (where the Federal employee has retired) to continue such enrollment after retirement."; on page 130, line 3, after the word "necessary" to insert "for any fiscal year"; in line 5, after the word "made", to insert "or to be made during such fiscal year"; in line 11, after the word "resulting", to insert "or expected to result"; in line 14, after the word "position", to insert "at the end of such fiscal year"; on page 131, line 18, after the word "under", to strike out "(1)" and insert "(A)"; in line 21, after the word "or", to strike out "(2)" and insert "(B)"; on page , line , at the beginning of the line, strike out "such" and insert "this"; on page 135, line 2, after the section number, to strike out

"(a) Subsection (a) of section 213 of the Internal Revenue Code of 1954 (relating to allowance of deductions) is amended to read as follows:

"(a) ALLOWANCE OF DEDUCTION. There shall be allowed as a deduction the following amounts, not compensated for by insurance or otherwise—

"(1) the amount by which the amount of the expenses paid during the taxable year (reduced by any amount deductible under paragraph (2)) for medical care of the taxpayer, his spouse, and dependents (as defined in section 152) exceeds 3 percent of the adjusted gross income, and

"(2) an amount (not in excess of $250) equal to one half of the expenses paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents."

(b) The second sentence of section 213(b) of such Code (relating to limitation with respect to medicine and drugs) is repealed.

At the beginning of line 21, to strike out "(c)" and insert "(a)"; in the same line, after the word "of", to strike out "such Code" and insert "the Internal Revenue Code of 1954"; on page 136, line 12, after the word "supplementary", to strike out "health" and insert "medical"; in line 21, after the word "is", to insert the word "either"; in line 22, after the word "contract", to insert "or furnished to the policyholder by the insurance company in a separate statement,"; on page 137, line 5, after the word "contract", to insert "(or furnished to the policyholder by the insurance company in a separate statement)"; at the beginning of line 22, to strike out "(d)" and insert "(b)"; on page 138, at the beginning of line 9, strike out "(e)" and insert "(c)"; on page 139, line 10, after the word "Supplementary", to strike out "Health" and insert "Medical"; in the same line, after the word "Insurance", to strike out "Benefits"; on page 141, line 13, after the word "Supplementary" to strike out "Health" and insert "Medical"; at the beginning of line 14, to strike out "Benefits"; on page 142, line 2, after the word "Supplementary", to strike out "Health" and insert "Medical"; in the same line, after the word "Insurance", to strike out "Benefits"; on page 143, line 25, after the word "supplementary", to strike out "health" and insert "medical"; in the same line, after the word "insurance", to strike out "benefits"; on page 144, after line 12, to insert:

"ADMINISTRATION OF HOSPITAL INSURANCE FOR THE AGED BY THE RAILROAD RETIREMENT BOARD

"SEC. 111. (a)(1) Section 226(a) of the Social Security Act is amended by striking out 'or is a qualified railroad retirement beneficiary'.

"(2) Section 226(b)(2) of such Act is amended to read as follows:

"'(2) an individual shall be deemed to be entitled to monthly insurance benefits under section 202 for the month in which he died if he would have been entitled to such benefits for such month had he died in the next month'.

"(3) Section 226(c) of such Act is repealed, and subsection (d) of such section 226 is redesignated as subsection (c).

"(4) Section 1811 of such Act is amended by striking out 'or under the railroad retirement system'.

"(5) Subsections (a)(2) and (b)(2) of section 1813 of such Act are amended by striking out 'section 226' and inserting in lieu thereof 'section 226 or under the Railroad Retirement Act of 1937'.

"(6) Section 1817(g) of such Act is amended by striking out the last sentence and also by striking out '(other than the amounts so certified to the Railroad Retirement Board)' in the first sentence.

"(7) Section 1841(f) of such Act is amended by striking out the last sentence and inserting in lieu thereof the following: 'There shall be transferred periodically (but not less often than once each fiscal year) to the Trust Fund from the Railroad Retirement Account amounts equivalent to the amounts not previously so transferred which have been recovered under subsection (g) of section 21 of the Railroad Retirement Act of 1937.'

"(8) Section 1870(b) of such Act is amended by striking out '(after consultation with the Railroad Retirement Board)'; '(or compensation)'; '(to the Railroad Retirement Board if the adjustment is to be made by decreasing subsequent payments under the Railroad Retirement Act of 1937)'; and 'or under the Railroad Retirement Act of 1937, as the case may be,' wherever such phrase appears in such subsection.

"(9) Section 1870(c) of such Act is amended by striking out 'or of the Railroad Retirement Act of 1937, as the case may be,'.

"(10) The first sentence of section 1874(a) of such Act is amended to read as follows: 'Except as otherwise provided in this title and in the Railroad Retirement Act of 1937, the insurance programs established by this title shall be administered by the Secretary.'

"(b)(1) Section 103(a)(3) of the Health Insurance for the Aged Act is amended to read as follows:

"'(3) is not, and upon filing application for monthly insurance benefits under section 202 of the Social Security Act would not be, entitled to hospital insurance benefits under section 226 of such Act, and does not meet the requirements set forth in section 21(b) of the Railroad Retirement Act of 1937,'.

"(2) So much of the first sentence of section 103(a) of such Act as follows clause (5) is amended by striking out 'becomes certifiable as a railroad retirement beneficiary" and inserting in lieu thereof the following: 'meets the requirements set forth in section 21(b) of the Railroad Retirement Act of 1937'.

"(c)(1) Section 21 of the Railroad Retirement Act of 1937 is amended to read as follows:

"'SEC. 21. (a) For the purposes of this section, and subject to the conditions hereinafter provided, the Board shall have the same authority to determine the rights of individuals described in subsection (b) of this section to have payments made on their behalf for hospital insurance benefits consisting of inpatient hospital services, post-hospital extended care services, post-hospital home health services, and outpatient hospital diagnostic services (all hereinafter referred to as "services") within the meaning of section 226, and parts A and C of title XVIII, of the Social Security Act as the Secretary of Health, Education, and Welfare has under such section and such parts with respect to individuals to whom such section and such parts apply. The rights of individuals described in subsection (b) of this section to have payment made on their behalf for the services referred to in the next preceding sentence shall be the same as those of individuals to whom section 226, and part A of title XVIII, of the Social Security Act apply and this section shall be administered by the Board as if the provisions of such section and such part A were applicable, as if references to the Secretary of Health, Education, and Welfare were to the Board, as if references to the Federal Hospital Insurance Trust Fund were to the Railroad Retirement Account, as if references to the United States or a State included Canada or a subdivision thereof, and as if the provisions of sections 1862(a)(4), 1863, 1867, 1868, 1874(b), and 1875 of such title XVIII were not included in such title. For purposes of section 11, a determination with respect to the rights of an individual under this section shall, except in the case of a provider of services, be considered to be a decision with respect to an annuity.

"'(b) Except as otherwise provided in this section, every individual who—

"'(A) has attained age 65, and

"'(B) (i) is entitled to an annuity, or (ii) would be entitled to an annuity had he ceased compensated service and, in the case of a spouse, had such spouse's husband or wife ceased compensated service, or (iii) had been awarded a pension under section 6, or (iv) bears a relationship to an employee which, by reason of section 3(e), has been, or would be, taken into account in calculating the amount of an annuity of such employee or his survivor,

shall be entitled to have payment made for the services referred to in subsection (a), and in accordance with the provisions of such subsection. The payments for services herein provided for shall be made from the Railroad Retirement Account (in accordance with, and subject to, the conditions applicable under section 10(b) in making payment of other benefits) to the hospital, extended care facility, or home health agency provided such services, including such services provided in Canada to individuals to whom this subsection applies, but only to the extent that the amount of payments for services otherwise hereunder provided for an individual exceeds the amount payable for like services provided pursuant to the law in effect in the place in Canada where such services are furnished. For the purposes of this section, an individual shall be entitled to have payment made for the services referred to in subsection (a) provided during the month in which he died if he would be entitled to have payment for services provided during such month had he died in the next month.

"'(c) No individual shall be entitled to have payment made for the same services, which are provided for in this section, under both (i) this section and (ii) section 226, and part A of title XVIII, of the Social Security Act, and no individual shall be entitled to have payment made under both (i) this section and (ii) section 226, and part A of title XVIII, of the Social Security Act for more than would be payable if he were qualified only under the provisions described in clause (i) or only under the provisions described in clause (ii). In any case in which an individual would, but for the preceding sentence, be entitled to have payment made under both the provisions described in clause (i) and the provisions described in clause (ii) in such preceding sentence, payment for such services to which such individual would be entitled shall be made in accordance with the procedures established pursuant to the next succeeding sentence, upon certification by the Board or by the Secretary of Health, Education, and Welfare. It shall be the duty of the Board and such Secretary with respect to such cases jointly to establish procedures designed to minimize duplications of requests for payment for such services, and of determinations, and to assign administrative functions between them so as to promote the greatest facility, efficiency, and consistency of administration of this section and section 226, and part A of title XVIII, of the Social Security Act; and subject to the provisions of this subsection to assure that the rights of individuals under this section or section 226, and part A of title XVIII, of the Social Security Act shall not be impaired or diminished by reason of the administration of this section and section 226, and part A of title XVIII, of the Social Security Act. The procedures so established may be included in regulations issued by the Board and by the Secretary of Health, Education, and Welfare to implement this section and such section 226, and part A of title XVIII, respectively.

"'(d) Any agreement entered into by the Secretary of Health, Education, and Welfare pursuant to part A or part C of title XVIII of the Social Security Act shall be entered into on behalf of both such Secretary and the Board. The preceding sentence shall not be construed to limit the authority of the Board to enter on its own behalf into any such agreement relating to services provided in Canada or in any facility devoted primarily to railroad employees.

"'(e) A request for payment of services filed under this section shall be deemed to be a request for payment for services filed as of the same time under section 226, and part A of title XVIII, of the Social Security Act, and a request for payment for services filed under such section 226 and such part shall be deemed to be a request for payment for services filed as of the same time under this section.

"'(f) The Board and the Secretary of Health, Education, and Welfare shall furnish each other with such information, records, and documents as may be considered necessary to the administration of this section or section 226, and part A of title XVIII, of the Social Security Act.

"'(g) Any payment to any provider of services or other person (covered by this section or part B of title XVIII of the Social Security Act) with respect to items or services furnished any individual who meets the requirements of subsection (b) of this section shall be governed, to the extent applicable, and as if references to the Secretary were references to the Board, by the provisions of section 1870 of the Social Security Act and treated for the purposes of section 9 of this Act, as if it were a payment of an annuity or pension, except that any recovery of overpayment under part B of title XVIII of the Social Security Act shall be transferred to the Federal Supplementary Medical Insurance Trust Fund.

"'(h) For purposes of this section (and sections 1840, 1843, and 1870 of the Social Security Act), entitlement to an annuity or pension under this Act shall be deemed to include entitlement under the Railroad Retirement Act of 1935.

"'(i) There are authorized to be appropriated to the Railroad Retirement Account from time to time such sums as the Board finds sufficient to cover—

"'(1) the costs of payments made from such account under this section,

"'(2) the additional administrative expenses resulting from such payments, and

"'(3) any loss of interest to such account resulting from such payments,

in cases where such payments are not includible in determinations under section 5(k)(2)(A)(iii) of this Act, provided such payments could have been made as a result of section 103 of the Health Insurance for the Aged Act but for eligibility under subsection (b) of this section.'

"(2) Section 5(k)(2) of such Act is amended—

"(A) by striking out subparagraphs (A) and (B) and redesignating subparagraphs (C), (D), and (E) as subparagraphs (A), (B), and (C), respectively:

"(B) by striking out the second sentence and the last sentence of subdivision (i) of the subparagraph redesignated as subparagraph (A) by subparagraph (A) of this paragraph; and by striking out from the said subdivision (i) 'the Retirement Account' and inserting in lieu thereof 'the Railroad Retirement Account (hereinafter termed "Retirement Account")';

"(C) by adding at the end of the subparagraph redesignated as subparagraph (A) by subparagraph (A) of this paragraph the following new subdivision:

"'(iii) At the close of the fiscal year ending June 30, 1966, and each fiscal year thereafter, the Board and the Secretary of Health, Education, and Welfare shall determine the amount, if any, which, if added to or subtracted from the Federal Hospital Insurance Trust Fund, would place such fund in the same position in which it would have been if service as an employee after December 31, 1936, had been included in the term "employment" as defined in the Social Security Act and in the Federal Insurance Contributions Act. Such determination shall be made no later than June 15 following the close of the fiscal year. If such amount is to be added to the Federal Hospital Insurance Trust Fund the Board shall, within ten days after the determination, certify such amount to the Secretary of the Treasury for transfer from the Retirement Account to the Federal Hospital Insurance Trust Fund; if such amount is to be subtracted from the Federal Hospital Insurance Trust Fund the Secretary of Health, Education, and Welfare shall, within ten days after the determination, certify such amount to the Secretary of the Treasury for transfer from the Federal Hospital Insurance Trust Fund to the Retirement Account. The amount so certified shall further include interest (at the rate determined under subparagraph (B) for the fiscal year under consideration) payable from the close of such fiscal year until the date of certification;'

"(D) by striking out 'subparagraph (D)' where it appears in the subparagraph redesignated as subparagraph (A) by subparagraph (A) of this paragraph, and inserting in lieu thereof 'subparagraph (B)';

"(E) by striking out 'subparagraphs (B) and (C)' where it appears in the subparagraph redesignated as subparagraph (B) by subparagraph (A) of this paragraph and inserting in lieu thereof 'subparagraph (A)'; and

"(F) by amending the subparagraph redesignated as subparagraph (C) by subparagraph (A) of this paragraph to read as follows:

"'(C) The Secretary of the Treasury is authorized and directed to transfer to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, or the Federal Hospital Insurance Trust Fund from the Retirement Account or to the Retirement Account from the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, or the Federal Hospital Insurance Trust Fund, as the case may be, such amounts as, from time to time, may be determined by the Board and the Secretary of Health, Education, and Welfare pursuant to the provisions of subparagraph (A), and certified by the Board or the Secretary of Health, Education, and Welfare for transfer from the Retirement Account or from the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, or the Federal Hospital Insurance Trust Fund.'

"(d)(1) Section 3201 of the Internal Revenue Code of 1954 (relating to rate of tax on employees under the Railroad Retirement Tax Act) is amended by striking out 'section 3101(a)' and inserting in lieu thereof 'section 3101(a) plus the rate imposed by section 3101(b)'.

"(2) Section 3211 of such Code (relating to the rate of tax on employee representatives under the Railroad Retirement Tax Act) is amended by striking out 'section 3101(a)' and inserting in lieu thereof 'section 3101(a) plus the rate imposed by section 3101(b)'.

"(3) Section 3221(b) of such Code (relating to the rate of tax on employers under the Railroad Retirement Tax Act) is amended by striking out 'section 3111(a)' and inserting in lieu thereof 'section 3111(a) plus the rate imposed by section 3111(b)'.

"(4) Section 1401(b) of such Code (relating to the rate of tax under the Self-Employment Contributions Act) is amended by striking out the last sentence.

"(5) Section 3101(b) of such Code (relating to the rate of tax on employees under the Federal Insurance Contributions Act) is amended by striking out ', but without regard to the provisions of paragraph (9) thereof insofar as it relates to employees'.

"(6) Section 3111(b) of such Code (relating to the rate of tax on employers under the Federal Insurance Contributions Act) is amended by striking out ', but without regard to the provisions of paragraph (9) thereof insofar as it relates to employees'.

"(e)(1) The amendments made by the preceding provisions of this section shall become effective January 1, 1966, if the requirement in paragraph (2) with respect to such date has been met. If such requirement has not been met with respect to January 1, 1966, such amendments shall become effective on the first January 1 thereafter with respect to which such requirement has been met.

"(2) The requirement referred to in paragraph (1) shall be deemed to have been met with respect to any January 1 if, as of the October 1 immediately preceding such January 1, the Railroad Retirement Tax Act provides that the maximum amount of monthly compensation taxable under such Act for the following January will be an amount equal to or in excess of one-twelfth of the maximum wages which the Federal Insurance Contributions Act provides may be counted for the calendar year beginning on the first day of such following January."

At the top of page 158, add a new section, as follows:

"ADDITIONAL UNDER SECRETARY AND ASSISTANT SECRETARIES OF HEALTH, EDUCATION, AND WELFARE

"SEC. 112. (a) There shall be in the Department of Health, Education, and Welfare an additional Under Secretary of Health, Education, and Welfare who shall be appointed by the President, by and with the advice and consent of the Senate, shall perform such duties as the Secretary of Health, Education, and Welfare may prescribe, and shall serve as Secretary during the absence or disability of the Secretary and the Under Secretary now provided for, in accordance with directives of the Secretary.

"(b) There shall be in the Department of Health, Education, and Welfare, in addition to the Assistant Secretaries otherwise provided by law, two Assistant Secretaries of Health, Education, and Welfare who shall be appointed by the President, by and with the advice and consent of the Senate. The provisions of section 2 of the Reorganization Plan Numbered 1 of 1953 (67 Stat. 631) shall be applicable to such additional Assistant Secretaries to the same extent as they are applicable to the Assistant Secretaries authorized by such section.

"(c) The rate of compensation of such additional Under Secretary and Assistant Secretaries shall be the same as that applicable to the Under Secretary and Assistant Secretaries, respectively, whose positions are established by section 2 of such reorganization plan."

On page 161, after line 5, to strike out:

"(5) provide that the State agency administering or supervising the administration of the plan of such State approved under title I, or under title XVI (insofar as it relates to the aged), shall administer or supervise the administration of the plan for medical assistance; and that any local agency administering the plan of such State approved under title I, or under title XVI (insofar as it relates to the aged), in a political subdivision, shall administer the plan for medical assistance in such subdivision;".

And, in lieu thereof, to insert:

"(5) either provide for the establishment or designation of a single State agency to administer the plan, or provide for the establishment or designation of a single State agency to supervise the administration of the plan, except that the determination of eligibility for medical assistance under the plan shall be made by the State or local agency administering the State plan approved under title I or XVI (insofar as it relates to the aged);".

On page 162, line 15, after "(9)", to insert "(A)"; in line 20, after the word "services;", to insert "and"; after line 20, to insert:

"(B) provide that, after June 30, 1967, the requirements under the standards established and maintained by such authority or authorities shall include any requirements which may be contained in standards established by the Secretary relating to protection against fire and other hazards to the health and safety of individuals in such private or public institutions;".

On page 163, line 7, after the word "that", to insert "(except as to care and services described in paragraph (4) or (14) of section 1905 (a))"; in line 17, after the word "medical", to strike out "assistance" and insert "or remedial care and services"; in line 21, after the word "medical", to strike out "assistance is" and insert "or remedial care and services are"; on page 164, line 3, after the word "provide", to insert "(except as to care and services described in paragraph (4) or (14) of section 1905 (a))"; in line 6, after the word "medical", to strike out "assistance" and insert "or remedial care and services"; in line 13, after the word "medical", to insert "or remedial"; in line 14, after the word "medical", to strike out "assistance" and insert "or remedial care and services"; on page 168, line 21, after the word "for", to strike out "tuberculosis or"; in line 25, after the word "diseases", to strike out "or tuberculosis (as the case may be),"; on page 170, line 11, to strike out "and"; in line 20, after the word "mental", to strike out "diseases." and insert "diseases; and"; after line 20, to insert:

"(22) include descriptions of (A) the kinds and numbers of professional medical personnel and supporting staff that will be used in the administration of the plan and of the responsibilities they will have, (B) the standards, for private or public institutions in which recipients of medical assistance under the plan may receive care or services, that will be utilized by the State authority or authorities responsible for establishing and maintaining such standards, (C) the cooperative arrangements with State health agencies and State vocational rehabilitation agencies entered into with a view to maximum utilization of and coordination of the provision of medical assistance with the services administered or supervised by such agencies, and (D) other standards and methods that the State will use to assure that medical or remedial care and services provided to recipients of medical assistance are of high quality."

On page 172, line 2, after the word "and", to strike out "the" and insert "a different"; in line 3, after the word "agency", to strike out "which administered or supervised the administration of such plan approved under title I (or title XVI, insofar as it relates to the aged)"; on page 174, line 5, after the word "compensation", to insert "or training"; in line 17, after the word "for", to strike out "tuberculosis or"; on page 178, line 6, after the word "furnishing", to strike out "by July 1, 1975," and insert "(on or before the first day of the calendar quarter following the 40-calendar quarter period beginning with the first calendar quarter for which the plan is effective)"; on page 179, line 20, after the word "services", to insert "(other than services in an institution for tuberculosis or mental diseases)"; in line 24, after the word "services", to insert "(other than services in an institution for tuberculosis or mental diseases) for individuals 21 years of age or older and dental services for individuals under the age of 21"; on page 180, line 13, after "(10)"; to insert "skilled nursing home services and"; in line 14, after the word "services", to insert "for other individuals"; in line 21, after the word "services;", to strike out "and"; after line 21, to insert:

"(14) inpatient hospital services and skilled nursing home services in an institution for tuberculosis or mental diseases; and".

On page 180, at the beginning of line 25, to strike out "(14)" and insert "(15)"; on page 182, line 12, after the word "period", to strike out "after June 30, 1967" and insert "thereafter"; after line 15, to strike out:

"(2) Section 1109 of such Act is amended by adding at the end thereof the following new sentence: 'Any amount which is disregarded (or set aside for future needs) in determining eligibility for and amount of the aid or assistance for any individual under a State plan approved under title I, IV, X, XIV, XVI, or XIX shall not be taken into consideration in determining the eligibility for or amount of medical assistance for any other individual under a State plan approved under title XIX.'"

And, in lieu thereof, to insert:

"(2) Section 1109 of such Act is amended to read: 'Any amount which is disregarded (or set aside for future needs) in determining eligibility of and amount of the aid or assistance for any individual under a State plan approved under title I, IV, X, XIV, XVI, or XIX shall not be taken into consideration in determining the eligibility of and amount of aid or assistance for any other individual under a State plan approved under any other of such titles.'"

On page 183, in the headline, in line 16, to strike out "Health" and insert "Medical"; on page 184, line 1, after "(A)", to insert a comma and "and in the parenthetical phrase appearing in paragraph (2) thereof."; in line 15, after "$60,000,000", to insert "each"; on page 185, line 12, after "$60,000,000", to insert "each"; on page 188, line 3, after "1967", to strike out "$40,000,000" and insert "$45,000,000"; in line 4, after "1968", to strike out "$45,000,000" and insert "$50,000,000"; in line 5, after the word "and", to strike out "$50,000,000" and insert "$55,000,000"; in line 21, after the word "this", to strike out "section" and insert "subsection"; on page 189, line 9, after the word "this", to strike out "section" and insert "subsection"; after line 14, to insert:

"(c) From the sums appropriated pursuant to subsection (a), the Secretary is also authorized to make grants to the State health agency, the State mental health agency, and the State public welfare agency of any State and (with the consent of such State health, mental health, or public welfare agency) to the health agency, mental health agency, and public welfare agency, respectively, of any political subdivision of the State, and to any public or nonprofit private agency or institution to pay not to exceed 75 per centum of the cost of projects providing for the identification (with a view to providing for as early identification as possible), care, and treatment of children who are, or are in danger of becoming, emotionally disturbed, including the followup of children receiving such care or treatment. No project shall be eligible for a grant under this subsection unless it provides for coordination of the care and treatment provided under it with, and utilization (to the extent feasible) of, community mental health centers and other State or local agencies engaged in health, welfare, or education programs or activities for such children."

On page 190, at the beginning of line 10, to strike out "(c)" and insert "(d)"; after line 22, to insert:

"INCREASE IN CHILD WELFARE SERVICES

"SEC. 207. Section 521 of the Social Security Act is amended by striking out '$40,000,000' and all that follows and inserting

in lieu thereof '$40,000,000 for the fiscal year ending June 30, 1965, $45,000,000, for the fiscal year ending June 30, 1966, $50,000,000 for the fiscal year ending June 30, 1967, $55,000,000 for the fiscal year ending June 30, 1968, $55,000,000 for the fiscal year ending June 30, 1969, and $60,000,000 each year for the fiscal year ending June 30, 1970, and succeeding fiscal years.' "

On page 191, after line 7, to insert:

"DAY CARE SERVICES

"SEC. 208. (a)(1) Part 3 of title V of the Social Security Act is amended by striking out section 527.

"(2) The second sentence of section 1108 of such Act is amended by striking out '522(a), and 527(a)' and inserting in lieu thereof 'and 522(a)' and by striking out '(or, in the case of section 527(a), the minimum'.

"(b) Section 522 of such Act is amended to read as follows:

" 'SEC. 522. The sum appropriated pursuant to section 521 for each fiscal year shall be allotted by the Secretary for use by cooperating State public welfare agencies which have plans developed jointly by the State agency and the Secretary, as follows: He shall allot $70,000 to each State, and shall allot to each State an amount which bears the same ratio to the remainder of the sum so appropriated for such year as the product of (1) the population of such State under the age of 21 and (2) the allotment percentage of such State (as determined under section 524) bears to the sum of the corresponding products of all the States.'

"(c) Section 523(a)(1)(B) of such Act is amended by striking out 'and' at the end of clause (iii) and by inserting after clause (iv) the following new clause:

" '(v) that day care provided under the plan will be provided only in facilities (including private homes) which are licensed by the State, or approved (as meeting the standards established for such licensing) by the State agency responsible for licensing facilities of this type, and'.

"(d) The amendments made by this section shall apply in the case of appropriations under section 521 of the Social Security Act made for fiscal years beginning after June 30, 1965, and allotments thereof and payments from such allotments."

On page 193, in the headline in line 16, after the word "To", to strike out "Aged"; on page 194, at the beginning of line 20, to strike out "tuberculosis or"; in line 23, after the word "diseases", to strike out "or tuberculosis (as the case may be)"; on page 196, line 19, after the word "for", to strike out "tuberculosis or"; on page 198, line 23, after the word "Act", to insert "(as amended by section 403(c) of this Act)"; on page 199, line 5, after the word "for", to strike out "tuberculosis or"; in line 9, after the word "diseases", to strike out "or tuberculosis (as the case may be)"; on page 201, line 7, after the word "for", to strike out "tuberculosis or"; at the top of page 203, to insert:

"PART 4—MISCELLANEOUS AMENDMENTS RELATING TO HEALTH CARE

"Health study of resources relating to children's emotional illness

"SEC. 231. (a) The Secretary of Health, Education, and Welfare is authorized, upon the recommendation of the National Advisory Mental Health Council and after securing the advice of experts in pediatrics and child welfare, to make grants for carrying out a program of research into and study of our resources, methods, and practices for diagnosing or preventing emotional illness in children and of treating, caring for, and rehabilitating children with emotional illnesses.

"(b) Such grants may be made to one or more organizations, but only on condition that the organization will undertake and conduct, or if more than one organization is to receive such grants, only on condition that such organizations have agreed among themselves to undertake and conduct, a coordinated program of research into and study of all aspects of the resources, methods, and practices referred to in subsection (a).

"(c) As used in subsection (b), the term "organization" means a nongovernmental agency, organization, or commission, composed of representatives of leading national medical, welfare, educational, and other professional associations, organizations, or agencies active in the field of mental health of children.

"(d) There are authorized to be appropriated for the fiscal year ending June 30, 1966, the sum of $500,000 to be used for a grant or grants to help initiate the research and study provided for in this section; and the sum of $500,000 for the succeeding fiscal year for the making of such grants as may be needed to carry the research and study to completion. The terms of any such grant shall provide that the research and study shall be completed not later than two years from the date it is inaugurated; that the grantee shall file annual reports with the Congress, the Secretary, and the Governors of the several States, among others that the grantee may select; and that the final report shall be similarly filed."

At the bottom of page 205, and the top of page 206, in the table, to strike out:

"109	315	319	116.70	254.00
110	320	323	117.70	254.80
111	324	328	118.80	256.80
112	329	333	119.90	258.80
113	334	337	121.00	260.40
114	338	342	122.00	262.40
115	343	347	123.10	264.40
116	348	351	124.20	266.00
117	352	356	125.20	268.00
118	357	361	126.30	270.00
119	362	365	127.40	271.60
120	366	370	128.40	273.60
121	371	375	129.50	275.60
122	376	379	130.50	277.20
123	380	384	131.70	279.20
124	385	389	132.70	281.20
125	390	393	133.80	282.80
126	394	398	134.90	284.80
127	399	403	135.90	286.80
	404	407	136.09	288.40
	408	412	137.90	290.40
	413	417	138.90	292.40
	418	421	139.90	294.00
	422	426	140.90	296.00
	427	431	141.90	298.00
	432	436	142.90	300.00
	437	440	143.90	301.60
	441	445	144.90	303.60
	446	450	145.90	305.60
	451	454	146.90	307.20
	455	459	147.90	309.20
	460	464	148.90	311.20
	465	466	149.90	312.00".

On page 208, line 13, after the word "person", to insert "(other than a person who would not be entitled to such benefits for such month without the application of the amendments made by section 306 of the Social Security Amendments of 1965),"; on page 209, line 4, after the word "person", to insert "(other than a person who would not be entitled to such benefits for such month without the application of the amendments made by section 306 of the Social Security Amendments of 1965)"; on page 210, after line 17, to strike out:

"(f) Effective with respect to monthly benefits under title II of the Social Security Act for months after 1970 and with respect to lump sum death payments under such title in the case of deaths occurring after such year, the table in section 215(a) of such Act (as amended by subsection (a) of this section) is amended by striking out all figures in columns II, III, IV, and V beginning with the line which reads:

"109	315	319	116.70	254.00"

and down through the line which reads

"465	466	149.90	312.00"

and inserting in lieu thereof the following:

"109	315	319	116.70	255.20
110	320	323	117.70	258.40
111	324	328	118.80	262.40
112	329	333	119.90	266.40
113	334	337	121.00	269.60
114	338	342	122.00	273.60
115	343	347	123.10	277.60
116	348	351	124.20	280.80
117	352	356	125.20	284.80
118	357	361	126.30	288.80
119	362	365	127.40	292.00
120	366	370	128.40	296.00
121	371	375	129.50	298.00
122	376	379	130.60	299.60
123	380	384	131.70	301.60
124	385	389	132.70	303.60
125	390	393	133.80	305.20
126	394	398	134.90	307.20
127	399	403	135.90	309.20
	404	407	136.90	210.80
	408	412	137.90	312.80
	413	417	138.90	314.80
	418	421	139.90	316.40
	422	426	140.90	318.40
	427	431	141.90	320.40
	432	436	142.90	322.40
	437	440	143.90	324.00
	441	445	144.90	326.00
	446	450	145.90	328.00
	451	454	146.90	329.60
	455	459	147.90	331.60
	460	464	148.90	333.60
	465	468	149.90	335.20
	469	473	150.90	337.20
	474	478	151.90	339.20
	479	482	152.90	340.80
	483	487	153.90	342.80
	488	492	154.90	344.80
	493	496	155.90	346.40
	497	501	156.90	348.40
	502	506	157.90	350.40
	507	510	158.90	352.00
	511	515	159.90	354.00
	516	520	160.90	356.00
	521	524	161.90	357.60
	525	529	162.90	359.60
	530	534	163.90	361.60
	535	538	164.90	363.20
	539	543	165.90	365.20
	544	548	166.90	367.20
	549	550	167.90	368.00"

On page 216, line 15, after the word "his", to insert "monthly"; at the top of page 218, to insert:

"(7) Effective January 2, 1966, subparagraph (B) of section 102(f)(2) of the Social Security Amendments of 1954 is repealed."

On page 218, after line 4, to strike out:

"SEC. 303. (a)(1) Clause (A) of the first sentence of section 216(i)(1) of the Social Security Act is amended by striking out "impairment which can be expected to result in death or to be of long continued and indefinite duration," and inserting in lieu thereof 'impairment,'.

"(2) Section 223(c)(2) of such Act is amended by striking out 'which can be expected to result in death or to be of long continued and indefinite duration'."

And in lieu thereof, to insert the following:

"SEC. 303. (a)(1) Clause (A) of the first sentence of section 216(i) of the Social Security Act is amended by striking out 'or to be of long-continued and indefinite duration' and inserting in lieu thereof 'or has lasted or can be expected to last for a continuous period of not less than 12 calendar months'.

"(2) Section 223(c)(2) of such Act is amended to read as follows:

" '(2) The term "disability" means inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 calendar months. An individual shall not be considered to be under a disability unless he furnishes such proof of the existence thereof as may be required.' "

On page 220, after line 3, to strike out:

"(D) A period of disability shall end with the close of the last day of the month preceding the month in which the individual attains age 65 or, if earlier, the close of the last day of—

"(i) the month following the month in which the disability ceases if he has been under a disability for a continuous period of less than 18 months, or

"(ii) the second month following the month in which his disability ceases if he has been under a disability for a continuous period of at least 18 months."

And in lieu thereof, to insert the following:

"(D) A period of disability shall end with the close of whichever of the following months is the earlier: (i) the month preceding the month in which the individual attains age 65, or (ii) the second month following the month in which the disability ceases."

On page 220, after line 18, to strike out:

"(E) No application for a disability determination which is filed more than 3 months before the first day on which a period of disability can begin (as determined under this paragraph), or, in any case in which section 223(d)(2) applies, more than 6 months before the first month for which such applicant becomes entitled to benefits under section 223, shall be accepted as an application for purposes of this paragraph. Any application for a disability determination which is filed within such 3 months' period or 6 months' period shall be deemed to have been filed on such first day or in such first month, as the case may be."

On page 221, line 5, strike out "(F)" and insert "(E)"; after line 14, to strike out:

"(3) Paragraph (1) of section 223(a) of such Act is amended to read as follows:

"'(1) Every individual who—

"'(A) is insured for disability insurance benefits (as determined under subsection (c)(1)),

"'(B) has not attained the age of 65, and

"'(C) has filed application for disability insurance benefits,

shall be entitled to a disability insurance benefit for each month in his disability payment period (as defined in subsection (d)).'"

At the top of page 222, insert the following:

"(3) Subparagraph (D) of paragraph (1) of section 223(a) of such Act is repealed, subparagraph (C) of such paragraph is amended by striking out 'and', and subparagraph (B) of such paragraph is amended by inserting 'and' at the end thereof."

After line 8, to strike out:

"(c) Section 223 of such Act is amended by adding at the end thereof the following new subsection:

"'DISABILITY PAYMENT PERIOD

"'(d)(1) For purposes of this section, the term "disability payment period" means, in the case of any application, the period beginning with the last month of the individual's waiting period and ending with the month preceding whichever of the following months is the earliest:

"'(A) the month in which he dies,

"'(B) the month in which he attains age 65, or

"'(C) either (i) the second month following the month in which his disability ceases if he has been under a disability for a continuous period of less than 18 calendar months, or (ii) the third month following the month in which his disability ceases if he has been under a disability for a continuous period of at least 18 calendar months.

"'(2) If—

"'(A) an individual had a period of disability (as defined in section 216(i)) which lasted at least 18 calendar months and which ceased within the 60 month period preceding the first month of his waiting period, and

"'(B) such individual applies for disability insurance benefits on the basis of a disability which at the time of application can be expected to last a continuous period of at least 12 months or to result in death,

then for purposes of this section, the term "disability payment period" includes each month in the waiting period with respect to which such application was filed.'

"(d)(1) Section 222(c)(5) of such Act is amended by striking out 'who becomes entitled to benefits under section 223 for any month as provided in clause (ii) of subsection (a)(1) of this section,' and inserting in lieu thereof 'to whom section 223(d)(2) is applicable,'.

"(2) Section 223(a)(2)(B) of such Act is amended by striking out 'clause (ii) of paragraph (1) of this section' and inserting in lieu thereof 'subsection (d)(2)'.

"(3)(A) Section 223(b) of such Act is amended—

"(i) by striking out 'clause (ii) of paragraph (1) of subsection (a)' and inserting in lieu thereof 'subsection (d)(2)', and

"(ii) by striking out the last sentence and inserting in lieu thereof the following: 'An individual who would have been entitled to a disability insurance benefit for any month had he filed application therefor before the end of such month shall be entitled to such benefit for such month if he files such application before the end of the 12th month immediately succeeding such month.'"

And in lieu thereof, to insert:

"(c) Section 223(b) of such Act is amended by striking out the last sentence and inserting in lieu thereof the following: 'An individual who would have been entitled to a disability insurance benefit for any month had he filed application therefor before the end of such month shall be entitled to such benefit for such month if he files such application before the end of the 12th month immediately succeeding such month.'"

On page 224, at the beginning of line 15, to strike out "(B)" and insert "(d)"; after line 17, to insert:

"(e) So much of section 215(a)(4) of such Act as precedes 'the amount in column IV' is amended to read as follows:

"'(4) In the case of an individual who was entitled to a disability insurance benefit for the month before the month in which he died, became entitled to old-age insurance benefits, or attained age 65,'."

At the beginning of line 25, strike out "(e)" and insert "(f)"; on page 225, line 1, after the word "and" where it occurs the second time, strike out "paragraph (3) of subsection (d)" and insert "subsections (c) and (d)"; in line 3, after the word "subparagraphs", strike out "(B), (E), and (F)", and insert "(B) and (E)"; on page 226, line 3, after the word "enacted", to insert "The preceding sentence shall also be applicable in the case of applications for monthly insurance benefits under title II of the Social Security Act based on the wages and self-employment income of an applicant with respect to whose application for disability insurance benefits under section 223 of such Act such preceding sentence is applicable."

After line 9, to strike out:

"(2) Section 223(d)(1) of such Act (added by subsection (c) of this section) shall be applicable in the case of applications for disability insurance benefits filed by individuals the last month of whose waiting period (as defined in section 223(c)(3) of such Act) occurs after the month in which this Act is enacted; except that subparagraph (C) of such section shall be applicable to individuals entitled to disability insurance benefits whose disability (as defined in section 223(c) of the Social Security Act as amended by this Act) ceases in or after the second month following the month in which this Act is enacted.

"(3) Section 223(d)(2) of such Act (added by subsection (c) of this section), and the amendments made by subsection (d), shall be applicable in the case of applications for disability insurance benefits under section 223, and for disability determinations under section 216(i), of the Social Security Act filed after the month in which this Act is enacted.

"(4) Section 216(i)(2)(D) of such Act (as amended by subsection (b)(1) of this section) shall apply with respect to a disability (as defined in section 216(i) of such Act as amended by this Act) which ceases in or after the second month following the month in which this Act is enacted."

On page 227, after line 9, to insert:

"(2) The amendment made by subsection (e) shall apply in the case of the primary insurance amounts of individuals who attain age 65 after the enactment of this Act."

In line 21, after the word "only", to strike out "such disability insurance benefit for such month" and insert "the larger of such benefits for such month, except that, if such individual so elects, he shall instead be entitled to only the smaller of such benefits for such month"; on page 229, line 24, after the word "after", to strike out "paragraph" and insert "subparagraph"; on page 230, line 1, after the word "new", strike out "paragraphs" and insert "subparagraphs"; on page 232, line 4, after "(k)", to strike out "So much of section 215(a)(4) of such Act as follows clause (B)" and insert "Section 215(a)(4) of such Act"; in line 25, after the word "and", strike out "¾" and insert "0.70"; on page 233, line 5, after the word "and", strike out "9/16" and insert "0.525"; in line 11, after the word "school" to insert "and in case of child becoming disabled"; in line 19, after the word "of", to strike out "and which has lasted or can be expected to last a continuous period of at least 6 calendar months or to result in death" and insert "22".

On page 234, after line 4, to strike out:

"(E) in the case of a child who is not under a disability (as so defined) at the time he attains the age of 18 and who during no part of the month in which he attains such age is a full-time student, the month in which such child attains the age of 18,

"(F) in the case of a child who is a full-time student during the month in which he attains the age of 18, the first month (beginning after he attains such age) during no part of which he is a full-time student or the month in which he attains the age of 22, whichever occurs earlier, but only if in the third month preceding such earlier month he was not under a disability (as so defined) which began before he attained the age of 18,

"(G) in the case of a child who first becomes entitled to benefits under this subsection for the month in which he attains the age of 18 or a subsequent month and who in the month for which he becomes so entitled is not under a disability (as so defined) which began before he attained the age of 18, the first month (after he becomes so entitled) during no part of which he is a full-time student or the month in which he attains the age of 22, which ever occurs earlier,

"(H) in the case of a child who after he attains the age of 18 ceases to be under a disability (as so defined) which began before he attained the age of 18, and who either—

"(i) attains the age of 22 before the close of the third month following the month in which he ceases to be under such disability, or

"(ii) was a full-time student during no part of the third month following the month in which he ceases to be under such disability if he has been under a disability for a continuous period of at least 18 months (or the second month following the month in which he ceases to be under such disability if he has been under a disability for a continuous period of less than 18 months),

the third month (or the second month) following the month in which he ceases to be under such disability, or

"(1) in the case of a child who after he attains the age of 18 ceases to be under a disability (as so defined) which began before he attained the age of 18, but who has not attained the age of 22 before the close of the third month following the month in which he ceases to be under such disability if he has been under a disability for a continuous period of at least 18 months (or before the close of the second month following the month in which he ceases to be under such disability if he has been under a disability for a continuous period of less than 18 months) and is a full-time student in such third month (or such second month), the earlier of (i) the first month (after such third month or such second month) during no part of which he is a full-time student, or (ii) the month in which he attains the age of 22."

And in lieu thereof, to insert the following:

"(E) the month in which such child attains the age of 18 and is not under a disability (as so defined) and is not a full-time student during any part of such month,

"(F) the first month after the month in which such child attains the age of 18 and, in such first month, is not under a disability (as so defined) and is not a full-time student during any part of such first month, but only if in the third month preceding such first month he was not under a disability,

"(G) the month in which such child attains the age of 22 and is not under a disability (as so defined), but only if in the third month preceding such month he was not under a disability, or

"(H) the third month following the month in which he ceases to be under such disability."

On page 237, line 12, after the word "terminated", to strike out "with the month preceding the month in which such child attained the age of 18, or with a subsequent month," and insert "under the preceding provisions of this subsection"; in line 19, after the figures "22", to insert "or in which he is under a disability (as defined in section 223(c) which began before he attained the age of 22"; in line 21, after the amendment just above stated, to strike out "if he has filed application for such reentitlement" and insert "if he also meets the requirements of subparagraphs (A) and (B) of paragraph (1); and such reentitlement shall end thereafter in accordance with the provisions of subparagraph (D), (F), (G), or (H) of paragraph (1)."

At the top of page 238, to strike out:

"Such reentitlement shall end with the month preceding whichever of the following first occurs: The first month during no part of which he is a full-time student, the month in which he attains the age of 22, or the first month in which an event specified in paragraph (1)(D) occurs."

On page 240, at the beginning of line 1, to strike out: "which began before he attained such age, shall be deemed not entitled to such benefits for such month, unless he was under such a disability in the third month before such month and had been under such disability for a continuous period of at least 18 months (or in the second month if he had been under such disability for a continuous period of less than 18 months)."

At the beginning of line 9, after "(b)" to strike out "(4)" and insert "(3)"; in the same line, after "(e)", to strike out "(4)" and insert "(3)"; in the same line, after "(g)", to strike out "(4)" and insert "(3)"; in line 14, after the word "of", to strike out "18" and insert "22"; in line 16, after the word "occurred", to strike out "and had been under such disability for a continuous period of at least 18 months (or in the second month if he had been under such disability for a continuous period of less than 18 months)."

In line 21, after "(b)", to strike out "(4)" and insert "(3)"; in line 22, after "(e)", to strike out "(4)" and insert "(3)"; in the same line, after "(g)", to strike out "(4)" and insert "(3)"; on page 241, line 5, after the word "of", to strike out "18 and had been under such disability for a continuous period of at least 8 months (or in the second month if he had been under such disability for a continuous period of less than 18 months)", and insert "22"; in line 17, after "(e)", to strike out "(4)" and insert "(3)"; on page 242, line 7, after "(g)", to strike out "(4)" and insert "(3)"; on page 244, line 4, after the word "enacted", to insert "and"; after line 4, to strike out:

"(2) section 202(d)(1)(H)(ii) of such Act (as amended by this section) shall apply only for months after the month in which this Act is enacted; and"

At the beginning of line 8, strike out "(3)" and insert "(2)"; on page 249, line 22, after the word "wife", to strike out "has not remarried" and insert "is not married"; on page 51, after line 22, to strike out:

"(3) In the case of any divorced wife of an individual—

"(A) who marries another individual, and

"(B) whose marriage to the individual referred to in subparagraph (A) is terminated by divorce which occurs within 20 years after such marriage,

the marriage to the individual referred to in subparagraph (A) shall, for the purposes of paragraph (1), be deemed not to have occurred. No benefits shall be payable under this subsection by reason of the preceding sentence for any month before whichever of the following is the latest: (i) the month after the month in which the divorce referred to in subparagraph (B) of the preceding sentence occurs, (ii) the twelfth month before the month in which such divorced wife files application for purposes of this paragraph, or (iii) the second month after the month in which this paragraph is enacted."

On page 252, at the beginning of line 15, strike out "(4)" and insert "(3)"; on page 253, line 11, after "(A)", to strike out "has not remarried," and insert "is not married"; in line 22, after the word "wife", to insert "who was not entitled to wife's insurance benefits on the basis of the wages and self-employment income of such individual for the month preceding the month in which he died,".

On page 255, after line 8, to strike out:

"(2) Paragraphs (3) and (4) of section 202(e) of such Act are amended by striking out 'widow' each place it appears and inserting in lieu thereof 'widow or surviving divorced wife'.

"(3) Paragraph (4) of section 202(e) of such Act is amended by striking out 'widow's' and inserting in lieu thereof 'widow's or surviving divorced wife's'.

"(4) Section 202(e) of such Act is further amended by adding at the end thereof the following new paragraph:

"'(5) In the case of any widow or surviving divorced wife of an individual—

"'(A) who marries another individual, and

"'(B) whose marriage to the individual referred to in subparagraph (A) is terminated by divorce which occurs within 20 years after such marriage,

the marriage to the individual referred to in subparagraph (A) shall, for the purposes of paragraph (1), be deemed not to have occurred. No benefits shall be payable under this subsection by reason of the preceding sentence for any month before whichever of the following is the latest: (i) the month after the month in which the divorce referred to in subparagraph (B) of the preceding sentence occurs, (ii) the twelfth month before the month in which such widow or surviving divorced wife files application for purposes of this paragraph, or (iii) the second month after the month in which this paragraph is enacted.'"

And in lieu thereof, to insert:

"(2) Paragraph (3) of section 202(e) of such Act is repealed.

"(3) Section 202(e) of such Act is amended by redesignating paragraph (4) as paragraph (3) and such paragraph is further amended by striking out 'widow' and inserting in lieu thereof 'widow or surviving divorced wife' and by striking out 'widow's' and inserting in lieu thereof 'widow's or surviving divorced wife's'."

At the top of page 258, to insert:

"(3) Subparagraph (A) of section 202(g)(1) of such Act is amended by striking out 'has not remarried' and inserting in lieu thereof 'is not married'."

At the beginning of line 4, to strike out "(3)" and insert "(4)"; on page 259, after line 2, to strike out:

"(4) Section 202(g) of such Act is amended by adding the following new paragraph:

"'(5) In the case of any widow or surviving divorced mother—

"'(A) who marries another individual, and

"'(B) whose marriage to the individual referred to in subparagraph (A) is terminated by divorce which occurs within 20 years after such marriage,

the marriage to the individual referred to in subparagraph (A) shall, for the purposes of paragraph (1), be deemed not to have occurred. No benefits shall be payable under this subsection by reason of the preceding sentence for any month prior to whichever of the following is the latest: (i) the month after the month in which the divorce referred to in subparagraph (B) of the preceding sentence occurs, (ii) the twelfth month before the month in which such widow or surviving divorced mother files application for purposes of this paragraph, or (iii) the second month after the month in which this paragraph is enacted.'"

On page 261, after line 8, to insert:

"(12) Paragraph (3) of section 202(g) of such Act is repealed.

"(13) Section 202(g) of such Act is amended by redesignating paragraph (4) as paragraph (3)."

On page 264, line 4, after "SEC. 310", to strike out "(a) Paragraph (3) of section 203(f) of the Social Security Act is amended by striking out "$500" wherever it appears therein and inserting in lieu thereof '$1,200'."

And in lieu thereof, to insert:

"(a)(1) Paragraphs (1), (3), and (4)(B) of subsection (f) of section 203 of the Social Security Act are each amended by striking out '$100' wherever it appears therein and inserting in lieu thereof '$150'.

"(2) The first sentence of paragraph (3) of such subsection (f) is amended by striking out '$500' each place it appears therein and inserting in lieu thereof '$1,200'.

"(3) Paragraph (1)(A) of subsection (h) of section 203 of such Act is amended by striking out '$100' and inserting in lieu thereof '$150'."

On page 278, line 10, after the name "Alaska" to strike out "And Kentucky"; after line 11, to strike out: "of the Social Security Act is amended—

"(1) by inserting 'Alaska,' before 'California'; and

"(2) by inserting 'Kentucky,' before 'Massachusetts' ".

And in lieu thereof, to insert:

"SEC. 314. The first sentence of section 218(d)(6)(C) of the Social Security Act is amended by inserting 'Alaska,' before 'California' ".

On page 279, after line 15, to strike out:

"(b) Section 3121(k)(1) of such Code (relating to waiver of exemption by religious, charitable, and certain other organizations)

is further amended by adding at the end thereof the following new subparagraph:

"'(H) An organization which files a certificate under subparagraph (A) before 1966 may amend such certificate during 1965 or 1966 to make the certificate effective with the first day of any calendar quarter preceding the quarter for which such certificate originally became effective, except that such date may not be earlier than the first day of the twentieth calendar quarter preceeding the quarter in which such certificate is so amended.'"

And in lieu thereof, to insert:

"(b) Section 3121(k)(1) of such Code (relating to waiver of exemption by religious, charitable, and certain other organizations) is further amended by adding at the end thereof the following new subparagraph:

"'(H) An organization which files a certificate under subparagraph (A) before 1966 may amend such certificate during 1965 or 1966 to make the certificate effective with the first day of any calendar quarter preceding the quarter for which such certificate originally became effective, except that such date may not be earlier than the first day of the twentieth calendar quarter preceding the quarter in which such certificate is so amended. If an organization amends its certificate pursuant to the preceding sentence, such amendment shall be effective with respect to the service of individuals who concurred in the filing of such certificate (initially or through the filing of a supplemental list) and who concur in the filing of such amendment. An amendment to a certificate filed pursuant to this subparagraph shall be filed with such official and in such form and manner as may be prescribed by regulations made under this chapter. If an amendment is filed pursuant to this subparagraph—

"'(i) for purposes of computing interest and for purposes of section 6651 (relating to addition to tax for failure to file tax return), the due date for the return and payment of the tax for any calendar quarter resulting from the filing of such an amendment shall be the last day of the calendar month following the calendar quarter in which the amendment is filed; and

"'(ii) the statutory period for the assessment of such tax shall not expire before the expiration of three years from such due date."

On page 284, after line 11, to insert:

"(d) If—

"(1) an individual performed service with respect to which remuneration was paid before the date of enactment of this Act by an organization which, before such date, filed a waiver certificate pursuant to section 3121(k)(1) of the Internal Revenue Code,

"(2) such service is excluded from employment under title II of the Social Security Act but would not be excluded therefrom if the requirements of such section 3121(k)(1) had been met with respect to such service,

"(3) such service was performed during the period such certificate was in effect, and

"(4) such individual was listed pursuant to such section 3121(k)(1) at any time during such period and before the date of enactment of this Act as an employee who concurred in the filing of such certificate or such individual filed a request for coverage pursuant to section 105(b) of the Social Security Amendments of 1960, as in effect prior to the enactment of this Act (but such listing or request was not effective with respect to the service described above),

then, subject to the conditions stated in subparagraphs (B), (C), (D), and (E) of paragraph (1), and paragraph (4), of section 105 (b) of the Social Security Amendments of 1960, as amended by this section, the remuneration of such individual which was paid with respect to such excluded service shall be deemed to constitute remuneration for employment for purposes of such title II."

On page 288, line 21, after the word "administration,", to strike out "effective with respect to remuneration paid before 1971, make" and insert "make"; in line 24, after the word "the", to strike out "$5,600 limitation in section 3121(a)(1) and, effective with respect to remuneration paid after 1970, without regard to the"; on page 298, line 17, after the word "new", to strike out "paragraphs" and insert "paragraph"; in line 21, after the word "to", to strike out "$5,600" and insert "$6,600"; in line 23, after "1965", to strike out "and prior to 1971,"; in line 25, to strike out "year;" and insert "year;" "; at the top of page 299, to strike out:

"(5) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to $6,600 with respect to employment has been paid to an individual during any calendar year after 1970, is paid to such individual during such calendar year;".

In line 11, after the word "new", to strike out "subparagraphs" and insert "subparagraph"; in line 13, after "1965"; to strike out "and prior to 1971, (1) $5,600" and insert "(1) $6,600"; in line 16, after the word "year", to strike out "and" and insert "or"; after line 16, to strike out:

"(E) For any taxable year ending after 1970, (i) $6,600, minus (ii) the amount of the wages paid to such individual during the taxable year; or".

In line 22, after the word "or", to strike out "$5,600" and insert "$6,000"; in line 23, after "1965", to strike out "and before 1971, or $6,600 in the case of a calendar year after 1970"; on page 300, line 3, after the word "or", to strike out "$5,600" and insert "$6,600"; in line 4, after "1965", to strike out "and before 1971, or $6,600 in the case of a taxable year ending after 1970"; in line 10, after the word "before", to strike out "1966," and insert "1966 and"; in the same line, after the word "over", to strike out "$5,600" and insert "$6,600"; in line 11, after "1965", to strike out "and before 1971, and the excess over $6,600 in the case of any calendar year after 1970"; in line 21, to strike out "subparagraphs" and insert "subparagraph"; in line 22, after the word "after", to strike out "1965 and before 1971, (i) $5,660," and insert "1965, (i) $6,600,"; in line 25, after the word "year", to strike out "and" and insert "or"; at the top of page 301, to strike out:

"(E) for any taxable year ending after 1970, (i) $6,600, minus (ii) the amount of the wages paid to such individual during the taxable year; or".

In line 4, after "(2)", to strike out "(A)"; in line 6, after the word "thereof", to strike out "$5,600" and insert "$6,600"; after line 7, to strike out:

"(B) Effective with respect to remuneration paid after 1970, section 3121(a)(1) of such Code as amended by subparagraph (A) of this paragraph is amended by striking out '$5,600' each place it appears and inserting in lieu thereof '$6,600'."

In line 13, after "(3)", to strike out "(A)"; in line 15, after the word "thereof", to strike out "$5,600" and insert "$6,600"; after line 16, to strike out:

"(B) Effective with respect to remuneration paid after 1970, such second sentence as amended by subparagraph (A) of this paragraph is amended by striking out '$5,600' and inserting in lieu thereof '$6,600'."

In line 21, after "(4)", to strike out "(A)"; in line 25, after the word "thereof", to strike out "$5,600" and insert "$6,600"; at the top of page 302, to strike out:

"(B) Effective with respect to remuneration paid after 1970, section 3125 of such Code as amended by subparagraph (A) of this paragraph is amended by striking out '$5,600' where it appears in subsections (a) and (b) and inserting in lieu thereof '$6,600'."

In line 12, after "1965", to strike out "and prior to the calendar year 1971,"; at the beginning of line 14, to strike out "exceed $5,600, or (D) during any calendar year after the calendar year 1970, the wages received by him during such year"; in line 19, after the word "first", to strike out "$5,600" and insert "$6,600"; at the beginning of line 21, to strike out "and before 1971, or which exceed the tax with respect to the first $6,600 of such wages received in such calendar year after 1970"; on page 303, line 4, after "1965", to strike out "or $5,600 for the calendar year 1966, 1967, 1968, 1969, or 1970,"; in line 6, after the word "after", to strike out "1970" and insert "1965"; on page 304, line 2, after the word "to", to strike out "6.0" and insert "5.8"; in line 6, after the word "to", to strike out "6.6" and insert "6.7"; in line 19, after the word "to", to strike out "0.35" and insert "0.325"; in line 23, after "January 1,", to strike out "1973" and insert "1971"; on page 305, after line 2, to insert:

"(3) in the case of any taxable year beginning after December 31, 1970, and before January 1, 1973, the tax shall be equal to 0.55 percent of the amount of the self-employment income for such taxable year;."

At the beginning of line 7, to strike out "(3)" and insert "(4)"; in line 9, after the word "to", to strike out "0.55" and insert "0.60"; at the beginning of line 12, to strike out "(4)" and insert "(5)"; in line 14, after the word "to", to strike out "0.60" and insert "0.65"; at the beginning of line 16, to strike out "(5)" and insert "(6)"; in line 18, after the word "to", to strike out "0.70" and insert "0.75"; at the beginning of line 20, to strike out "(6)" and insert "(7)"; in line 21, after the word "to", to strike out "0.80" and insert "0.85"; on page 306, line 17, after the word "be", to strike out "4.0" and insert "3.85"; in line 20, after the word "be", to strike out "4.4" and insert "4.45"; in line 22, after the word "be", to strike out "4.8" and insert "4.9"; on page 307, line 7, after the word "be", to strike out "0.35" and insert "0.325"; in line 9, after "1969", to insert "and"; in the same line, after "1970", to strike out "1971, and 1972,"; after line 10, to insert:

"(3) with respect to wages received during the calendar years 1971 and 1972, the rate shall be 0.55 percent;."

At the beginning of line 14, to strike out "(3)" and insert "(4)"; in line 16, after the word "be", to strike out "0.55" and insert "0.60"; at the beginning of line 17, to strike out "(4)" and insert "(5)"; in line 19, after the word "be", to strike out "0.60" and insert "0.65"; at the beginning of line 20, to strike out "(5)" and insert "(6)"; in line 22, after the word "be", to strike out "0.70" and insert "0.75"; at the beginning of line 23, to strike out "(6)" and insert "(7)"; in line 24, after the word "be", to strike out "0.80" and insert "0.85"; on page 308, line 12, after the word "be", to strike out "4.0" and insert "3.85"; in line 16, after the word "be", to strike out "4.4" and insert "4.45"; in line 18, after the word "be", to strike out "4.8" and insert "4.9"; on page 309, line 4, after the word "be", to strike out "0.35" and insert "0.325"; in line 6, after "1969", to insert "and"; in the same line, after "1970", to strike out "1971, and 1972,"; after line 7, to insert:

"(3) with respect to wages paid during the calendar years 1971 and 1972, the rate shall be 0.55 percent;."

At the beginning of line 10, to strike out "(3)" and insert "(4)"; at the beginning of line 12, to strike out "0.55" and insert "0.60"; at the beginning of line 13, to strike out "(4)" and insert "(5)"; in line 15, after the word "be", to strike out "0.60" and insert "0.65"; at the beginning of line 16, to strike out "(5)" and insert "(6)"; in line 18, after the word "be", to strike out "0.70" and insert "0.75"; at the beginning of line 19, to strike out "(6)" and insert "(7)"; in line 20, after the word "be", to strike out "0.80" and insert "0.85"; on page 312, at the beginning

of line 21, to strike out "clauses (i) and (iii) of paragraph (1)(C) shall not apply to a child of such individual" and insert "a child of such individual adopted after such individual became entitled to such disability insurance benefits shall be deemed not to meet the requirements of clause (i) or (iii) of paragraph (1)(C)" on page 313, line 15, after the word "adoption", to insert "(or, if such child was adopted by such individual after such individual attained age 65, the period of disability of such individual which existed in the month preceding the month in which he attained age 65)"; in line 22, after "(10)", to strike out "In the case of" and insert "If"; at the beginning of line 24, to strike out "paragraph (9)), clauses (i) and (iii) of paragraph (1)(C) shall not apply to a child of such individual unless such" and insert "paragraph (9)) adopts a child after such individual becomes entitled to such benefits, such child shall be deemed not to meet the requirements of clause (i) of paragraph (1)(C) unless such"; on page 318, line 18, after "1965", to strike out "and before 1971 is less than $5,600, or for any calendar year after 1970"; in line 23, after "1966", to strike out "$5,600" and insert "and $6,600"; in the same line, after "1965", to strike out "and before 1971, and $6,600 for years after 1970"; on page 319, after line 6, to insert a new section, as follows:

"APPLICATIONS FOR BENEFITS

"SEC. 328. (a) Section 202(j)(2) of the Social Security Act is amended to read as follows:

"'(2) An application for any monthly benefits under this section filed before the first month in which the applicant satisfies the requirements for such benefits shall be deemed a valid application only if the applicant satisfies the requirements for such benefits before the Secretary makes a final decision on the application. If upon final decision by the Secretary, or decision upon judicial review thereof, such applicant is found to satisfy such requirements, the application shall be deemed to have been filed in such first month.'

"(b) Section 216(i)(2) of such Act (as amended by subsection (b)(1) of section 303) is amended by inserting after subparagraph (E) the following:

"'(F) An application for a disability determination filed before the first day on which the applicant satisfies the requirements for a period of disability under this subsection shall be deemed a valid application only if the applicant satisfies the requirements for a period of disability before the Secretary makes a final decision on the application. If upon final decision by the Secretary, or decision upon judicial review thereof, such applicant is found to satisfy such requirements, the application shall be deemed to have been filed on such first day.'

"(c) The first sentence of section 223(b) of such Act is amended to read as follows: 'An application for disability insurance benefits filed before the first month in which the applicant satisfies the requirements for such benefits (as prescribed in subsection (a)(1)) shall be deemed a valid application only if the applicant satisfies the requirements for such benefits before the Secretary makes a final decision on the application. If, upon final decision by the Secretary, or decision upon judicial review thereof, such applicant is found to satisfy such requirements, the application shall be deemed to have been filed in such first month.'

"(d) The amendments made by this section shall apply with respect to (1) applications filed on or after the date of enactment of this Act, (2) applications as to which the Secretary has not made a final decision before the date of enactment of this Act, and (3) if a civil action with respect to final decision by the Secretary has been commenced under section 205(g) of the Social Security Act before the date of enactment of this Act, applications as to which there has been no final judicial decision before the date of enactment of this Act."

On page 321, after line 2, to insert a new section, as follows:

"OVERPAYMENTS AND UNDERPAYMENTS

"SEC. 329. (a) Section 204(a) of the Social Security Act is amended to read as follows:

"'SEC. 204. (a) Whenever the Secretary finds that more or less than the correct amount of payment has been made to any person under this title, proper adjustment or recovery shall be made, under regulations prescribed by the Secretary, as follows:

"'(1) With respect to payment to a person of more than the correct amount, the Secretary shall decrease any payment under this title to which such overpaid person is entitled, or shall require such overpaid person or his estate to refund the amount in excess of the correct amount, or shall decrease any payment under this title payable to his estate or to any other person on the basis of the wages and self-employment income which were the basis of the payments to such overpaid person, or shall apply any combination of the foregoing.

"'(2) With respect to payment to a person of less than the correct amount, the Secretary shall make payment of the balance of the amount due such underpaid person, or, if such person dies before payments are completed or before negotiating one or more checks representing correct payments, disposition of the amount due shall be made under regulations prescribed by the Secretary in such order of priority as he determines will best carry out the purposes of this title.'

"(b) Section 204(b) of such Act is amended to read as follows:

"'(b) In any case in which more than the correct amount of payment has been made, there shall be no adjustment of payments to, or recovery by the United States from, any person who is without fault if such adjustment or recovery would defeat the purpose of this title or would be against equity and good conscience.'"

On page 322, after line 13, to insert a new section, as follows:

"PAYMENTS TO TWO OR MORE INDIVIDUALS OF THE SAME FAMILY

"SEC. 330. Section 205(n) of the Social Security Act is amended to read as follows:

"'(n) The Secretary may, in his discretion, certify to the Managing Trustee any two or more individuals of the same family for joint payment of the total benefits payable to such individuals for any month, and if one of such individuals dies before a check representing such joint payment is negotiated, payment of the amount of such unnegotiated check to the surviving individual or individuals may be authorized in accordance with regulations of the Secretary of the Treasury; except that appropriate adjustment or recovery shall be made under section 204(a) with respect to so much of the amount of such check as exceeds the amount to which such surviving individual or individuals are entitled under this title for such month.'"

On page 323, after line 5, to insert a new section, as follows:

"VALIDATING CERTIFICATES FILED BY MINISTERS

"SEC. 331. (a) Section 1402(e) of the Internal Revenue Code of 1954 (relating to certificates to waive tax on self-employment income in the case of ministers, members of religious orders, and Christian Science practitioners) is amended by striking out paragraphs (5) and (6) and inserting in lieu thereof the following:

"'(5) OPTIONAL PROVISION FOR CERTAIN CERTIFICATES FILED ON OR BEFORE APRIL 15, 1967.—Notwithstanding any other provision of this section, in any case where an individual has derived earnings in any taxable year ending after 1954 from the performance of service described in subsection (c)(4), or in subsection (c)(5) insofar as it related to the performance of service by an individual in the exercise of his profession as a Christian Science practitioner, and has reported such earnings as self-employment income on a return filed on or before the due date prescribed for filing such return (including any extension thereof)—

"'(A) a certificate filed by such individual on or before April 15, 1965, which (but for this subparagraph) is ineffective for the first taxable year ending after 1954 for which such a return was filed shall be effective for such first taxable year and for all succeeding taxable years, provided a supplemental certificate is filed by such individual (or a fiduciary acting for such individual or his estate, or his survivor within the meaning of section 205(c)(1)(C) of the Social Security Act) after the date of enactment of this paragraph and on or before April 15, 1967, and

"'(B) a certificate filed after the date of enactment of this paragraph and on or before April 15, 1967, by a survivor (within the meaning of section 205(c)(1)(C) of the Social Security Act) of such an individual who died on or before April 15, 1965, may be effective, at the election of the person filing such a certificate, for the first taxable year ending after 1954 for which such a return was filed and for all succeeding years,

but only if—

"'(i) the tax under section 1401 in respect to all such individual's self-employment income (except for underpayments of tax attributable to errors made in good faith), for each such year described in subparagraphs (A) and (B), is paid on or before April 15, 1967, and

"'(ii) in any case where refund has been made of any such tax which (but for this paragraph) is an overpayment, the amount refunded (including any interest paid under section 6611) is repaid on or before April 15, 1967.

The provisions of section 6401 shall not apply to any payment or repayment described in this paragraph.'"

"(b) In the case of a certificate or supplement certificate filed pursuant to section 1402(e)(5) of the Internal Revenue Code—

"(1) for purposes of computing interest the due date for the payment of the tax under section 1401 of such Code which is due for any taxable year solely by reason of the filing of a certificate which is effective under such section 1402(e)(5) shall be April 15, 1967;

"(2) for purposes of section 6501 of such Code, the statutory period for the assessment of any tax for any taxable year for which tax is due solely by reason of the filing of such certificate shall not expire before April 16, 1970; and

"(3) for purposes of section 6651 of such Code (relating to addition to tax for failure to file tax return), the amount of tax required to be shown on the return shall not include tax under section 1401 of such Code which is due for any taxable year solely by reason of the filing of a certificate which is effective under section 1402(e)(5).

"(c) Notwithstanding any provision of section 205(c)(5)(F) of the Social Security Act, the Secretary of Health, Education, and Welfare may conform, before April 16, 1970, his records to tax returns or statements of earnings which constitute self-employment income solely by reason of the filing of a certificate which is effective under section 1402(e)(5) of such Code.

"(d) The amendments made by this section shall be applicable (except as otherwise specifically provided therein) only to certificates with respect to which supplemental certificates are filed pursuant to section 1402(e)(5)(A) of such Code after the date of the enactment of this Act, and to certificates filed pursuant to section 1402(e)(5)(B) after such date; except that no monthly

benefits under title II of the Social Security Act for the month in which this Act is enacted or any prior month shall be payable or increased by reason of such amendments, and no lump-sum death payment under such title shall be payable or increased by reason of such amendments in the case of any individual who died prior to the date of the enactment of this Act. The provisions of section 1402(e) (5) and (6) of the Internal Revenue Code of 1954 which were in effect before the date of enactment of this Act shall be applicable with respect to any certificate filed pursuant thereto before such date if a supplemental certificate is not filed with respect to such certificate as provided in this section."

On page 327, after line 6, to insert a new section, as follows:

"DETERMINATION OF ATTORNEYS' FEES IN COURT PROCEEDINGS UNDER TITLE II

"SEC. 332. The heading of section 206 of the Social Security Act is amended to read "REPRESENTATION OF CLAIMANTS". Such section is further amended by inserting "(a)" after "SEC. 206." and by adding at the end of such section the following new subsection:

"'(b)(1) Whenever a court renders a judgment favorable to a claimant who was represented before the court by an attorney, the court may determine and allow as part of its judgment a reasonable fee for such representation, not in excess of 25 percent of the total of the past due benefits to which the claimant is entitled by reason of such judgment, and the Secretary may, notwithstanding the provisions of section 205(i), certify the amount of such fee for payment to such attorney out of, and not in addition to, the amount of such past-due benefits. In case of any such judgment, no other fee may be payable or certified for payment for such representation except as provided in this paragraph.

"'(2) Any attorney who charges, demands, receives, or collects for services rendered in connection with proceedings before a court to which paragraph (1) is applicable any amount in excess of that allowed by the court thereunder shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500, or imprisonment for not more than one year, or both.'"

On page 328, after line 7, to insert a new section, as follows:

"CONTINUATION OF WIDOW'S AND WIDOWER'S INSURANCE BENEFITS AFTER REMARRIAGE

"SEC. 333. (a)(1) Subsection (e) of section 202 of the Social Security Act, as amended by section 308 of this Act, is amended by adding at the end thereof the following new paragraph:

"'(4) If a widow, after attaining the age of 60, marries an individual (other than one described in subparagraph (A) or (B) of paragraph (3)), such marriage shall, for purposes of paragraph (1), be deemed not to have occurred; except that, notwithstanding the provisions of paragraph (2) and subsection (q), such widow's insurance benefit for the month in which such marriage occurs and each month thereafter prior to the month in which the husband dies or such marriage is otherwise terminated, shall be equal to 50 per centum of the primary insurance amount of the deceased individual on whose wages and self-employment income such benefit is based.'

"(2) Paragraph (2) of such subsection, as amended by section 307 of this Act, is further amended by inserting before the comma "and paragraph (4) of this subsection".

"(b)(1) Subsection (f) of such section is amended by adding at the end thereof the following new paragraph:

"'(5) If a widower, after attaining the age of 62, marries an individual (other than one described in subparagraph (A) or (B) of paragraph (4)), such marriage shall, for purposes of paragraph (1), be deemed not to have occurred; except that, notwithstanding the provisions of paragraph (3) such widower's insurance benefit for the month in which such marriage occurs and each month thereafter prior to the month in which the wife dies or such marriage is otherwise terminated, shall be equal to 50 per centum of the primary insurance amount of the deceased individual on whose wages and self-employment income such benefit is based.'

"(2) Paragraph (3) of such subsection is amended by striking out 'Such' and inserting in lieu thereof 'Except as provided in paragraph (5), such'.

"(c)(1) Paragraph (2)(B) of subsection (k) of such section 202 is amended by inserting '(other than an individual to whom subsection (e)(4) or (f)(5) applies)' after 'Any individual' and by adding at the end thereof the following new sentence: 'Any individual who is entitled for any month to more than one widow's or widower's insurance benefit to which subsection (e)(4) or (f)(5) applies shall be entitled to only one such benefit for such month, such benefit to be the largest of such benefits.'.

"(2) Paragraph (3) of such subsection is amended by inserting '(A)' after '(3)' and by adding at the end thereof the following new subparagraph:

"'(B) If an individual is entitled for any month to a widow's or widower's insurance benefit to which subsection (e)(4) or (f)(5) applies and to any other monthly insurance benefit under section 202 (other than an old-age insurance benefit), such other insurance benefit for such month, after any reduction under subparagraph (A), any reduction under subsection (q), and any reduction under section 203(a), shall be reduced, but not below zero, by an amount equal to such widow's or widower's insurance benefit after any reduction or reductions under such subparagraph (A) and such section 203(a).'

"(d) The amendments made by this section shall apply with respect to monthly insurance benefits under section 202 of the Social Security Act beginning with the second month following the month in which this Act is enacted; but, in the case of an individual who was not entitled to a monthly insurance benefit under section 202 (e) or (f) of such Act for the first month following the month in which this Act is enacted, only on the basis of an application filed in or after the month in which this Act is enacted."

On page 331, after line 5, to insert a new section, as follows:

"CHANGES IN DEFINITIONS OF WIFE, WIDOWS, HUSBAND, AND WIDOWER

"SEC. 334. (a) Section 216(b) of the Social Security Act, as amended by section 306 of this Act, is amended by striking out 'or' at the end of clause (3)(A), and by inserting immediately before the period at the end thereof the following: ', or (C) was entitled to, or upon application therefor and attainment of the required age (if any) would have been entitled to, a widow's, child's (after attainment of age 18), or parent's insurance annuity under section 5 of the Railroad Retirement Act of 1937, as amended'.

"(b) Section 216(c) of such Act, as amended by section 306 of this Act, is amended by striking out 'or' at the end of clause 6(A), and by inserting immediately before the period at the end thereof the following: ', or (C) she was entitled to, or upon application therefor and attainment of the required age (if any) would have been entitled to, a widow's, child's (after attainment of age 18), or parent's insurance annuity under section 5 of the Railroad Retirement Act of 1937, as amended'.

"(c) Section 216(f) of such Act, as amended by section 306 of this Act, is amended by striking out 'or' at the end of clause (3)(A), and by inserting immediately before the period at the end thereof the following: ', or (C) he was entitled to, or upon application therefor and attainment of the required age (if any) he would have been entitled to, a widower's, child's (after attainment of age 18), or parent's insurance annuity under section 5 of the Railroad Retirement Act of 1937, as amended'.

"(d) Section 216(g) of such Act, as amended by section 306 of this Act, is amended by striking out 'or' at the end of clause (6)(A), and by inserting immediately before the period at the end thereof the following: ', or (C) he was entitled to, or on application therefor and attainment of the required age (if any) he would have been entitled to, a widower's, child's (after attainment of age 18), or parent's insurance annuity under section 5 of the Railroad Retirement Act of 1937, as amended'.

"(e) Section 202(c)(2) is amended by striking out 'or' at the end of subparagraph (A), by striking out the period at the end of subparagraph (B) and inserting in lieu thereof '; or', and by adding after such subparagraph (B) the following new subparagraph:

"'(C) in the month prior to the month of his marriage to such individual he was entitled to, or on application therefor and attainment of the required age (if any) would have been entitled to, a widower's, child's (after attainment of age 18), or parent's insurance annuity under section 5 of the Railroad Retirement Act of 1937, as amended.'

"(f) Section 202(f)(2) of such Act is amended by striking out 'or' at the end of subparagraph (A), by striking out the period at the end of subparagraph (B) and inserting in lieu thereof ': or', and by adding after such subparagraph (B) the following new subparagraph:

"'(C) in the month prior to the month of his marriage to such individual he was entitled to, or on application therefor and attainment of the required age (if any), would have been entitled to, a widower's, child's (after attainment of age 18), or parent's insurance annuity under section 5 of the Railroad Retirement Act of 1937, as amended.'

"(g) The amendments made by this section shall be applicable only with respect to monthly insurance benefits under title II of the Social Security Act beginning with the second month following the month in which this Act is enacted, but only on the basis of applications filed in or after the month in which this Act is enacted."

At the top of page 334, to insert a new section, as follows:

"REDUCTION OF BENEFITS ON RECEIPT OF WORKMEN'S COMPENSATION

"SEC. 335. Effective with respect to benefits under title II of the Social Security Act for months after December 1965 which are based on applications filed after December 1965, section 224 of such Act is amended to read as follows:

"'REDUCTION OF BENEFITS BASED ON DISABILITY ON ACCOUNT OF RECEIPT OF WORKMEN'S COMPENSATION

"'SEC. 224. (a) If for any month prior to the month in which an individual attains the age of 62—

"'(1) such individual is entitled to benefits under section 223, and

"'(2) such individual is entitled for such month, under a workmen's compensation law or plan of the United States or a State, to periodic benefits for a total or partial disability (whether or not permanent), and the Secretary has, in a prior month, received notice of such entitlement for such month, the total of his benefits under section 223 for such month and of any benefits under section 202 for such month based on his wages

and self-employment income shall be reduced (but not below zero) by the amount by which the sum of—

"'(3) such total of benefits under sections 223 and 202 for such month and

"'(4) such periodic benefits payable (and actually paid) for such month to such individual under the workmen's compensation law or plan,

exceeds the higher of—

"'(5) 80 per centum of his "average current earnings", or

"'(6) the total of such individual's disability insurance benefits under section 223 for such month and of any monthly insurance benefits under section 202 for such month based on his wages and self-employment income, prior to reduction under this section.

In no case shall the reduction in the total of such benefits under sections 223 and 202 for a month reduce such total below the sum of—

"'(7) the total of the benefits under sections 223 and 202, after reduction under this section, with respect to all persons entitled to benefits on the basis of such individual's wages and self-employment income for such month which were determined for such individual and such persons for the first month for which reduction under this section was made (or which would have been so determined if all of them had been so entitled in such first month), and

"'(8) any increase in such benefits with respect to such individual and such persons, before reduction under this section, which is made effective for months after the first month for which reduction under this section is made.

For purposes of clause (5), an individual's average current earnings means the larger of (A) the average monthly wage used for purposes of computing his benefits under section 223, or (B) one-sixtieth of the total of his wages and self-employment income for the five consecutive calendar years after 1950 for which such wages and self-employment income were highest.

"'(b) If any periodic benefit under a workmen's compensation law or plan is payable on other than a monthly basis (excluding a benefit payable as a lump sum except to the extent that it is a commutation of, or a substitute for, periodic payments), the reduction under this section shall be made at such time or times and in such amounts as the Secretary finds will approximate as nearly as practicable the reduction prescribed by subsection (a).

"'(c) Reduction of benefits under this section shall be made after any reduction under subsection (a) of section 203, but before deductions under such section and under section 222(b).

"'(d) The reduction of benefits required by this section shall not be made if the workmen's compensation law or plan under which a periodic benefit is payable provides for the reduction thereof when anyone is entitled to benefits under this title on the basis of the wages and self-employment income of an individual entitled to benefits under section 223.

"'(e) If it appears to the Secretary that an individual may be eligible for periodic benefits under a workmen's compensation law or plan which would give rise to reduction under this section, he may require, as a condition of certification for payment of any benefits under section 223 to any individual for any month and of any benefits under section 202 for such month based on such individual's wages and self-employment income, that such individual certify (i) whether he has filed or intends to file any claim for such periodic benefits, and (ii) if he has so filed, whether there has been a decision on such claim. The Secretary may, in the absence of evidence to the contrary, rely upon such a certification by such individual that he has not filed and does not intend to file such a claim, or that he has so filed and no final decision thereon has been made, in certifying benefits for payment pursuant to section 205(i).

"'(f)(1) In the second calendar year after the year in which reduction under this section in the total of an individual's benefits under section 223 and any benefits under section 202 based on his wages and self-employment income was first required (in a continuous period of months), and in each third year thereafter, the Secretary shall redetermine the amount of such benefits which are still subject to reduction under this section; but such redetermination shall not result in any decrease in the total amount of benefits payable under this title on the basis of such individual's wages and self-employment income. Such redetermined benefit shall be determined as of, and shall become effective with, the January following the year in which such redetermination was made.

"'(2) In making the redetermination required by paragraph (1), the individual's average current earnings (as defined in subsection (a)) shall be deemed to be the product of his average current earnings as initially determined under subsection (a) and the ratio of (i) the average of the taxable wages of all persons for whom taxable wages were reported to the Secretary for the first calendar quarter of the calendar year in which such redetermination is made, to (ii) the average of the taxable wages of such persons reported to the Secretary for the first calendar quarter of the taxable year in which the reduction was first computed (but not counting any reduction made in benefits for a previous period of disability). Any amount determined under the preceding sentence which is not a multiple of $1 shall be reduced to the next lower multiple of $1.

"'(g) Whenever a reduction in the total of benefits for any month based on an individual's wages and self-employment income is made under this section, each benefit, except the disability insurance benefit, shall first be proportionately decreased, and any excess of such reduction over the sum of all such benefits other than the disability insurance benefit shall then be applied to such disability insurance benefit.'"

On page 339, after line 6, to insert a new section, as follows:

"FACILITATING DISABILITY DETERMINATIONS

"SEC. 336. (a) Subsection (b) of section 221 of the Social Security Act is amended by inserting before the period at the end thereof ', other than individuals referred to in subsection (g)(4)'.

"(b) Subsection (g) of such section 221 is amended to read as follows:

"'(g) In the case of—

"'(1) individuals in a State which has no agreement under subsection (b),

"'(2) individuals outside the United States,

"'(3) any class or classes of individuals not included in an agreement under subsection (b), and

"'(4) any individual with respect to whom the Secretary, in accordance with regulations prescribed by him, finds that a determination of disability or of the day on which a disability ceased may be made (A) on the evidence furnished by or on behalf of such individual from sources of information as to examination and treatment which are designated by such individual, or (B) on the evidence of remunerative work activities performed by such individual,

the determinations referred to in subsection (a) shall be made by the Secretary in accordance with regulations prescribed by him.'

"(c) The amendments made by subsections (a) and (b) shall take effect in any State which has an agreement with the Secretary under section 221 of such Act when the Secretary finds that the implementation of section 221(g)(4) of such Act can be effectuated with respect to individuals in such State without impeding the efficient administration of the disability insurance program of such Act in such State."

On page 340, after line 13, to insert a new section, as follows:

"PAYMENT OF COSTS OF REHABILITATION SERVICES FROM THE TRUST FUNDS

"SEC. 337. Section 222 of the Social Security Act is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

"'COSTS OF REHABILITATION SERVICES FROM TRUST FUNDS

"'(b)(1) For the purpose of making vocational rehabilitation services more readily available to disabled individuals who are—

"'(A) entitled to disability insurance benefits under section 223, or

"'(B) entitled to child's insurance benefits under section 202(d) after having attained age 18 (and are under a disability),

to the end that savings will result to the Trust Funds as a result of rehabilitating the maximum number of such individuals into productive activity, there are authorized to be transferred from the Trust Funds such sums as may be necessary to enable the Secretary to pay the costs of vocational rehabilitation services for such individuals (including (i) services during their waiting periods, and (ii) so much of the expenditures for the administration of any State plan as is attributable to carrying out this subsection); except that the total amount so made available pursuant to this subsection in any fiscal year may not exceed 1 percent of the benefits under section 202(d) for children who have attained age 18 and are under a disability or under section 223, which were certified for payment in the preceding year. The selection of individuals (including the order in which they shall be selected) to receive such services shall be made in accordance with criteria formulated by the Secretary which are based upon the effect the provision of such services would have upon the Trust Funds.

"'(2) In the case of each State which is willing to do so, such vocational rehabilitation services shall be furnished under a State plan for vocational rehabilitation services which—

"'(A) has been approved under section 5 of the Vocational Rehabilitation Act,

"'(B) provides that, to the extent funds provided under this subsection are adequate for the purpose, such services will be furnished, to any individual in the State who meets the criteria prescribed by the Secretary pursuant to paragraph (1), with reasonable promptness and in accordance with the order of selection determined under such criteria, and

"'(C) provides that such services will be furnished to any individual without regard to (i) his citizenship or place of residence, (ii) his need for financial assistance except as provided in regulations of the Secretary in the case of maintenance during rehabilitation, or (iii) any order of selection followed under the State plan pursuant to section 5(a)(4) of the Vocational Rehabilitation Act.

"'(3) In the case of any State which does not have a plan which meets the requirements of paragraph (2), the Secretary may provide such services by agreement or contract with other public or private agencies, organizations, institutions, or individuals.

"'(4) Payments under this subsection may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"'(5) Money paid from the Trust Funds under this subsection to pay the cost of pro-

viding services to individuals who are entitled to benefits under section 223 (including services during their waiting periods), or who are entitled to benefits under section 202(d) on the basis of the wages and self-employment income of such individuals shall be charged to the Federal Disability Insurance Trust Fund, and all other money paid out from the Trust Funds under this subsection shall be charged to the Federal Old-Age and Survivors Insurance Trust Fund. The Secretary shall determine according to such methods and procedures as he may deem appropriate—

"'(A) the total cost of the services provided under this subsection, and

"'(B) subject to the provisions of the preceding sentence, the amount of such cost which should be charged to each of such Trust Funds.

"'(6) For the purposes of this subsection the term "vocational rehabilitation services" shall have the meaning assigned to it in the Vocational Rehabilitation Act, except that such services may be limited in type, scope, or amount in accordance with regulations of the Secretary designed to achieve the purposes of this subsection.'"

At the top of page 344, to insert a new section, as follows:

"TEACHERS IN THE STATE OF MAINE

"SEC. 338. (a) Section 316 of the Social Security Amendments of 1958 is amended by striking out 'July 1, 1966' and inserting in lieu thereof 'July 1, 1970'.

"(b) The amendment made by this section shall be effective as of July 1, 1965."

After line 6, to insert a new section, as follows:

"MODIFICATION OF AGREEMENT WITH NORTH DAKOTA AND IOWA WITH RESPECT TO CERTAIN STUDENTS

"SEC. 339. Notwithstanding any provision of section 218 of the Social Security Act, the agreements with the States of North Dakota and Iowa entered into pursuant to such section may, at the option of the State, be modified so as to exclude service performed in any calendar quarter in the employ of a school, college, or university if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university and if the remuneration for such service is less than $50. Any modification of either of such agreements pursuant to this Act shall be effective with respect to services performed after an effective date specified in such modification, except that such date shall not be earlier than the date of enactment of this Act."

At the top of page 345, to insert a new section, as follows:

"QUALIFICATION OF CHILDREN NOT QUALIFIED UNDER STATE LAW

"SEC. 340. (a) Section 216(h) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"'(3) An applicant who is the son or daughter of a fully or currently insured individual, but who is not (and is not deemed to be) the child of such insured individual under paragraph (2), shall nevertheless be deemed to be the child of such insured individual if:

"'(A) in the case of an insured individual entitled to old-age insurance benefits (who was not, in the month preceding such entitlement, entitled to disability insurance benefits)—

"'(i) such insured individual—

"'(I) has acknowledged in writing that the applicant is his son or daughter,

"'(II) has been decreed by a court to be the father of the applicant, or

"'(III) has been ordered by a court to contribute to the support of the applicant because the applicant is his son or daughter.

and such acknowledgment, court decree, or court order was made not less than one year before such insured individual became entitled to old-age insurance benefits or attained age 65, whichever is earlier; or

"'(ii) such insured individual is shown by evidence satisfactory to the Secretary to be the father of the applicant and was living with or contributing to the support of the applicant at the time such insured individual became entitled to benefits or attained age 65, whichever first occurred;

"'(B) in the case of an insured individual entitled to disability insurance benefits, or who was entitled to such benefits in the month preceding the first month for which he was entitled to old-age insurance benefits—

"'(i) such insured individual—

"'(I) has acknowledged in writing that the applicant is his son or daughter,

"'(II) has been decreed by a court to be the father of the applicant, or

"'(III) has been ordered by a court to contribute to the support of the applicant because the applicant is his son or daughter,

and such acknowledgment, court decree, or court order was made before such insured individual's most recent period of disability began; or

"'(ii) such insured individual is shown by evidence satisfactory to the Secretary to be the father of the applicant and was living with or contributing to the support of that applicant at the time such period of disability began;

"'(C) in the case of a deceased individual—

"'(i) such insured individual—

"'(I) had acknowledged in writing that the applicant is his son or daughter,

"'(II) had been decreed by a court to be the father of the applicant, or

"'(III) had been ordered by a court to contribute to the support of the applicant because the applicant was his son or daughter,

and such acknowledgment, court decree, or court order was made before the death of such insured individual, or

"'(ii) such insured individual is shown by evidence satisfactory to the Secretary to have been the father of the applicant, and such insured individual was living with or contributing to the support of the applicant at the time such insured individual died.'

"(b) Section 202(d) of such Act is amended by inserting after '216(h)(2)(B)' the following: 'or section 216(h)(3)'.

"(c) The amendments made by subsections (a) and (b) shall be applicable with respect to monthly insurance benefits under title II of the Social Security Act beginning with the second month following the month in which this Act is enacted but only on the basis of an application filed in or after the month in which this Act is enacted."

On page 348, after line 11, to insert a new section, as follows:

"EMPLOYEES OF MEMBERS OF AFFILIATED GROUP OF CORPORATIONS

"SEC. 341. (a) Paragraph (1) of section 3121(a) of the Internal Revenue Code of 1954 (relating to definition of wages) is amended by striking out the semicolon at the end thereof and inserting in lieu thereof a period and the following: 'If during any calendar year an employer which is a member of an affiliated group (as defined in section 1504(a), but determined without regard to sections 1504 (b) and (c)) employs an individual who during such calendar year, and prior to the employment of such individual by such member, was an employee of another member of such affiliated group, then, for the purpose of determining whether such member has paid remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) with respect to employment equal to $6,600 to such individual during such calendar year, any remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) with respect to employment paid (or considered under this paragraph as having been paid) to such individual by such other member of such affiliated group during such calendar year, and prior to the employment of such individual by such member, shall be considered as having been paid by such member;'.

"(b) The amendment made by subsection (a) shall apply only with respect to remuneration paid after 1965."

On page 357, after line 9, to insert:

"(c) Section 1006 of the Social Security Act (as amended by section 221 of this Act) is amended by adding at the end thereof the following new sentence: 'Such term also includes payments which are not included within the meaning of such term under the preceding sentence, but which would be so included except that they are made on behalf of such a needy individual to another individual who (as determined in accordance with standards prescribed by the Secretary) is interested in or concerned with the welfare of such needy individual, but only with respect to a State whose State plan approved under section 1002 includes provision for—

"'(1) determination by the State agency that such needy individual has, by reason of his physical or mental condition, such inability to manage funds that making payments to him would be contrary to his welfare and, therefore, it is necessary to provide such aid through payments described in this sentence;

"'(2) making such payments only in cases in which such payments will, under the rules otherwise applicable under the State plan for determining need and the amount of aid to the blind to be paid (and in conjunction with other income and resources), meet all the need of the individuals with respect to whom such payments are made;

"'(3) undertaking and continuing special efforts to protect the welfare of such individual and to improve, to the extent possible, his capacity for self-care and to manage funds;

"'(4) periodic review by such State agency of the determination under paragraph (1) to ascertain whether conditions justifying such determination still exist, with provision for termination of such payments if they do not and for seeking judicial appointment of a guardian or other legal representative, as described in section 1111, if and when it appears that such action will best serve the interests of such needy individual; and

"'(5) opportunity for a fair hearing before the State agency on the determination referred to in paragraph (1) for any individual with respect to whom it is made.'

"(d) Section 1405 of the Social Security Act (as amended by section 221 of this Act) is amended by adding at the end thereof the following new sentence: 'Such term also includes payments which are not included within the meaning of such term under the preceding sentence, but which would be so included except that they are made on behalf of such a needy individual to another individual who (as determined in accordance with standards prescribed by the Secretary) is interested in or concerned with the welfare of such needy individual, but only with respect to a State whose State plan approved under section 1402 includes provision for—

"'(1) determination by the State agency that such needy individual has, by reason of his physical or mental condition, such inability to manage funds that making payments to him would be contrary to his welfare and, therefore, it is necessary to provide such aid through payments described in this sentence;

"'(2) making such payments only in cases in which such payments will, under the rules otherwise applicable under the State plan for

determining need and the amount of aid to the permanently and totally disabled to be paid (and in conjunction with other income and resources), meet all the need of the individuals with respect to whom such payments are made;

"'(3) undertaking and continuing special efforts to protect the welfare of such individual and to improve, to the extent possible, his capacity for self-care and to manage funds;

"'(4) periodic review by such State agency of the determination under paragraph (1) to ascertain whether conditions justifying such determination still exist, with provision for termination of such payments if they do not and for seeking judicial appointment of a guardian or other legal representative, as described in section 1111, if and when it appears that such action will best serve the interests of such needy individual; and

"'(5) opportunity for a fair hearing before the State agency on the determination referred to in paragraph (1) for any individual with respect to whom it is made.'"

On page 360, line 16, at the beginning of the line, strike out "(c)" and insert "(e)"; in line 21, after the word "Aged", to insert "Blind, and Disabled"; on page 361, after line 7, to strike out:

"(b) Effective January 1, 1966, section 1602(a)(14) of such Act is amended by striking out 'of the first $50 per month of earned income the State agency may, after December 31, 1962, disregard not more than the first $10 thereof plus one-half of the remainder' and inserting in lieu thereof the following: 'of the first $80 per month of earned income the State agency may disregard not more than the first $20 thereof plus one-half of the remainder'."

And in lieu thereof, to insert:

"(b) Effective January 1, 1966, section 1402(a)(8) of such Act is amended by inserting after the semicolon at the end thereof the following: 'except that, in making such determination, (A) of the first $80 per month of earned income the State agency may disregard not more than the first $20 thereof plus one-half of the remainder, and (B) the State agency may, for a period not in excess of 36 months, disregard such additional amounts of other income and resources, in the case of an individual who has a plan for achieving self-support approved by the State agency, as may be necessary for the fulfillment of such plan, but only with respect to the part or parts of such period during substantially all of which he is actually undergoing vocational rehabilitation:'.

"(c) Effective January 1, 1966, section 1602(a)(14) of such Act is amended to read as follows:

"'(14) provide that the State agency shall, in determining need for aid to the aged, blind, or disabled, take into consideration any other income and resources of an individual claiming such aid, as well as any expenses reasonably attributable to the earning of any such income; except that, in making such determination with respect to any individual—

"'(A) if such individual is blind, the State agency (i) shall disregard the first $85 per month of earned income plus one-half of earned income in excess of $85 per month, and (ii) shall, for a period not in excess of 12 months, and may, for a period not in excess of 36 months, disregard such additional amounts of other income and resources, in the case of any such individual who has a plan for achieving self-support approved by the State agency, as may be necessary for the fulfillment of such plan,

"'(B) if such individual is not blind but is permanently and totally disabled, (i) of the first $80 per month of earned income, the State agency may disregard not more than the first $20 thereof plus one-half of the remainder, and (ii) the State agency may, for a period not in excess of 36 months, disregard such additional amounts of other income and resources, in the case of any such individual who has a plan for achieving self-support approved by the State agency, as may be necessary for the fulfillment of such plan, but only with respect to the part or parts of such period during substantially all of which he is actually undergoing vocational rehabilitation, and

"'(C) if such individual has attained age 65 and is neither blind nor permanently and totally disabled, of the first $80 per month of earned income the State agency may disregard not more than the first $20 thereof plus one-half of the remainder; and'."

On page 364, line 16, after the word "title" and the period, to strike out "Upon" and insert "Within 30 days after"; on page 365, line 4, after the word "after", to strike out "notice" and insert "it has been notified"; in line 13, after the word "Secretary", to strike out "unless substantially contrary to the weight of the evidence" and insert "if supported by substantial evidence"; in line 21, after the word "conclusive", to strike out "unless substantially contrary to the weight of the evidence", and insert "if supported by substantial evidence"; on page 366, line 10, after "(a)", to strike out "or (b)"; on page 370, line 6, after "(10)" to insert "and (11)(D)"; in line 7, after "(13)", to insert "and"; in line 10, after the word "such", to strike out "Act, any amount paid to any individual under title 11 of such Act, for months prior to the month in which payment of such amount is received, to the extent that such payment is", and insert "Act, any amount paid to any individual under title II of such Act (or under the Railroad Retirement Act of 1937 by reason of section 326(a) of this Act), for any one or more months which occur after December 1964 and before the third month following the month in which this Act is enacted, to the extent that such payment is"; on page 371, after line 16, to strike out:

"TECHNICAL AMENDMENTS TO ELIMINATE PUBLIC ASSISTANCE PROVISIONS WHICH BECOME OBSOLETE IN 1967

"SEC. 408. (a) Except as provided in subsection (i)(2), the amendments made by this section shall become effective July 1, 1967.

"(b)(1) The heading of title I of the Social Security Act is amended by striking out 'and medical assistance for the aged'.

"(2) The first sentence of section 1 of such Act is amended to read as follows: 'For the purpose (a) of enabling each State, as far as practicable under the conditions in such State, to furnish financial assistance to aged needy individuals, and (b) of encouraging each State, as far as practicable under the conditions in such State, to furnish rehabilitation and other services to help such individuals to attain or retain capability for self-care, there is hereby authorized to be appropriated for each fiscal year a sum sufficient to carry out the purposes of this title.'

"(3) The second sentence of section 1 of such Act is amended by striking out ', or for medical assistance for the aged, or for old-age assistance and medical assistance for the aged'.

"(4) The heading of section 2 of such Act is amended by striking out 'and medical'.

"(5) So much of section 2(a) of such Act as precedes paragraph (1) is amended by striking out ', or for medical assistance for the aged, or for old-age assistance and medical assistance for the aged'.

"(6) Section 2(a)(9) of such Act is amended by striking out 'assistance for or on behalf of' and inserting in lieu thereof 'assistance to'.

"(7) Section 2(a) of such Act is further amended by striking out paragraphs (10) and (11) and inserting in lieu thereof the following:

"'(10) provide that the State agency shall, in determining need, take into consideration any other income and resources of an individual claiming such assistance, as well as any expenses reasonably attributable to the earning of any such income; except that, in making such determination, of the first $80 per month of earned income the State agency may disregard not more than the first $20 thereof plus one-half of the remainder;

"'(11) include reasonable standards, consistent with the objectives of this title, for determining eligibility for and the extent of assistance under the plan;

"'(12) provide a description of the services (if any) which the State agency makes available to applicants for and recipients of assistance under the plan to help them attain self-care, including a description of the steps taken to assure, in the provision of such services, maximum utilization of other agencies providing similar or related services;'.

"(8) Section 2(a) of such Act is further amended by redesignating paragraphs (12) and (13) as paragraphs (13) and (14), respectively; and—

"(A) the paragraph so redesignated as paragraph (13) is amended—

"(i) by striking out 'or in behalf of' in the matter preceding clause (A), and

"(ii) by striking out 'section 3(a)(4)(A)(i) and (ii)' in clause (C) and inserting in lieu thereof 'section 3(a)(3)(A)(i) and (ii)'; and (B) the paragraph so redesignated as paragraph (14) is amended by striking out 'or in behalf of'.

"(9) Section 2(b)(2) of such Act is amended by striking out '(A) in the case of applicants for old-age assistance', and by striking out ', and (B) in the case of applicants for medical assistance for the aged, excludes any individual who resides in the State'.

"(10) Section 2(c) of such Act is repealed.

"(11) So much of section 3(a)(1) of such Act as precedes clause (A) is amended by striking out 'during each month of such quarter' and inserting in lieu thereof 'during such quarter', and by striking out '(including expenditures for premiums under part B of title XVIII for individuals who are recipients of money payments under such plan and other insurance premiums for medical or any other type of remedial care or the cost thereof)'.

"(12) Section 3(a)(1)(A) of such Act is amended by striking out 'such month' where it first appears and inserting in lieu thereof 'any month', and by striking out '(which total number' and all that follows and inserting in lieu thereof '; plus'.

"(13) Section 3(a)(1)(B) of such Act is amended to read as follows:

"'(B) the Federal percentage (as defined in section 1101(a)(8)) of the amount by which such expenditures exceed the maximum which may be counted under clause (A), not counting so much of any expenditure with respect to any month as exceeds the product of $75 multiplied by the total number of such recipients of old-age assistance for such month;'.

"(14) Section 3(a)(2) of such Act is amended to read as follows:

"'(2) in the case of Puerto Rico, the Virgin Islands, and Guam, an amount equal to one-half of the total of the sums expended during such quarter as old-age assistance under the State plan, not counting so much of any expenditure with respect to any month as exceeds $37.50 multiplied by the total number of recipients of old-age assistance for such month,'.

"(15) Section 3(a)(3) of such Act is repealed.

"(16) Section 3(a)(4) of such Act is redesignated as section 3(a)(3).

"(17) Section 3(a)(5) of such Act is redesignated as section 3(a)(4), and as so redesignated is amended by striking out 'paragraph (4)' and inserting in lieu thereof 'paragraph (3)'.

"(18) Section 3(c) of such Act is amended by striking out 'paragraph (4)' each place it appears and inserting in lieu thereof 'paragraph (3)', and by striking out 'paragraph (5)' and inserting in lieu thereof 'paragraph (4)'.

"(19) The heading of section 6 of such Act is amended by striking out 'Definitions' and inserting in lieu thereof 'Definition'.

"(20) The first sentence of section 6(a) of such Act (as amended by this Act) is amended—

"(A) by striking out '(a)',

"(B) by striking out ', or (if provided in or after the third month before the month in which the recipient makes application for assistance) medical care in behalf of or any type of remedial care recognized under State law in behalf of,', and

"(C) by striking out 'or care in behalf of'.

"(21) Sections 6(b) and 6(c) of such Act are repealed.

"(c)(1) So much of section 403(a)(1) of such Act as precedes caluse (A) is amended by striking out '(including expenditures for premiums under part B of title XVIII for individuals who are recipients of money payments under such plan and other insurance premiums for medical or any other type of remedial care or the cost thereof)'.

"(2) Section 403(a)(1)(A) of such Act is amended by striking out clauses (i), (ii), and (iii) and inserting in lieu thereof the following: '(i) the number of individuals with respect to whom such aid is paid for such month plus (ii) the number of other individuals with respect to whom payments described in section 406(b)(2) are made in such month and included as expenditures for purposes of this paragraph or paragraph (2))'.

"(3) Section 403(a)(2) of such Act is amended by striking out '(including expenditures for insurance premiums for medical or any other type of remedial care or the cost thereof)'.

"(4) So much of section 406(b) of such Act as precedes 'to meet the needs of the relative' where it first appears is amended to read as follows:

"'(b) The term "aid to families with dependent children" means money payments with respect to a dependent child or dependent children, and includes (1) money payments'.

"(5) Section 409(a) of such Act is amended by striking out '(other than for medical or any other type of remedial care)'

"(d)(1) So much of section 1003(a)(1) as precedes clause (A) is amended by striking out '(including expenditures for premiums under part B of title XVIII for individuals who are recipients of money payments under such plan and other insurance premiums for medical or any other type of remedial care or the cost thereof)'.

"(2) Section 1003(1)(A) of such Act is amended by striking out '(which total number' and all that follows and inserting in lieu thereof '; plus'.

"(3) Section 1003(a)(2) of such Act is amended by striking out '(including expenditures for insurance premiums for medical or any other type of remedial care or the cost thereof)'.

"(4) Section 1006 of such Act is amended—

"(A) by striking out ', or (if provided in or after the third month before the month in which the recipient makes application for aid) medical care in behalf of or any type of remedial care recognized under State law in behalf of,', and

"(B) by striking out 'or care in behalf of'.

"(e)(1) So much of section 1403(a)(1) of such Act as precedes clause (A) is amended by striking out '(including expenditures for premiums under part B of title XVIII for individuals who are recipients of money payments under such plan and other insurance premiums for medical or any other type of remedial care or the cost thereof)'.

"(2) Section 1403(a)(1)(A) of such Act is amended by striking out '(which total number' and all that follows and inserting in lieu thereof '; plus'.

"(3) Section 1403(a)(2) of such Act is amended by striking out '(including expenditures for insurance premiums for medical or any other type of remedial care or the cost thereof)'.

"(4) Section 1405 of such Act is amended—

"(A) by striking out ', or (if provided in or after the third month before the month in which the recipient makes application for aid) medical care in behalf of, or any type of remedial care recognized under State law in behalf of,', and

"(B) by striking out 'or care in behalf of'.

"(f)(1) The heading for title XVI of such Act is amended by striking out ', OR FOR SUCH AID AND MEDICAL ASSISTANCE FOR THE AGED'.

"(2) The first sentence of section 1601 of such Act is amended to read as follows: 'For the purpose (a) of enabling each State, as far as practicable under the conditions in such State, to furnish financial assistance to needy individuals who are 65 years of age or over, are blind, or are 18 years of age or over and permanently and totally disabled, and (b) of encouraging each State, as far as practicable under the conditions in such State, to furnish rehabilitation and other services to help such individuals to attain or retain capability for self-support or self-care, there is hereby authorized to be appropriated for each fiscal year a sum sufficient to carry out the purposes of this title.'

"(3) The second sentence of section 1601 of such Act is amended by striking out ', or for aid to the aged, blind, or disabled and medical assistance for the aged'.

"(4) The heading for section 1602 of such Act is amended by striking out ', or for such aid and medical assistance for the aged'.

"(5) So much of section 1602(a) of such Act as precedes paragraph (1) is amended by striking out ', or for aid to the aged, blind, or disabled and medical assistance for the aged,'.

"(6) Section 1602(a) of such Act is further amended by striking out 'or assistance' wherever it appears in paragraphs (4), (8), (10), (11), and (13).

"(7) Section 1602(a)(9) of such Act is amended by striking out 'aid or assistance to or on behalf of' and inserting in lieu thereof 'aid to'.

"(8) Section 1602(a) of such Act is further amended by striking out paragraph (15), and by redesignating paragraphs (16) and (17) as paragraphs (15) and (16), respectively; and—

"(A) the paragraph so redesignated as paragraph (15) is amended—

"(i) by striking out 'or in behalf of' in the matter preceding clause (A), and

"(ii) by striking out 'section 1603(a)(4)(A) (i) and (ii)' in clause (C) and inserting in lieu thereof 'section 1603(a)(3)(A) (i) and (ii)'; and

"(B) the paragraph so redesignated as paragraph (16) is amended by striking out 'or in behalf of'.

"(9) The last sentence of section 1602(a) of such Act is amended by striking out '(or for aid to the aged, blind, or disabled and medical assistance for the aged)'.

"(10) Section 1602(b) of such Act is amended—

"(A) by striking out 'or assistance',

"(B) by striking out '(A) in the case of applicants for aid to the aged, blind, or disabled', and

"(C) by striking out ', and (B) in the case of applicants for medical assistance for the aged, excludes any individual who resides in the State'.

"(11) The last sentence of section 1602(b) of such Act is amended by striking out '(or for aid to the aged, blind, or disabled and medical assistance for the aged)' wherever it appears.

"(12) Section 1602(c) of such Act is repealed.

"(13) So much of section 1603(a)(1) as precedes clause (A) is amended by striking out 'during each month of such quarter' and inserting in lieu thereof 'during such quarter', and by striking out '(including expenditures for premiums under part B of title XVIII for individuals who are recipients of money payments under such plan and other insurance premiums for medical or any other type of remedial care or the cost thereof)'.

"(14) Section 1603(a)(1)(A) of such Act is amended by striking out 'such month' where it first appears and inserting in lieu thereof 'any month', and by striking out '(which total number' and all that follows and inserting in lieu thereof '; plus'.

"(15) Section 1603(a)(1)(B) of such Act is amended to read as follows:

"'(B) the Federal percentage (as defined in section 1101(a)(8)) of the amount by which such expenditures exceed the maximum which may be counted under clause (A), not counting so much of any expenditure with respect to any month as exceeds the product of $75 multiplied by the total number of recipients of aid to the aged, blind, or disabled for such month;'.

"(16) Section 1603(a)(2) of such Act is amended to read as follows:

"(2) in the case of Puerto Rico, the Virgin Islands, and Guam, an amount equal to one-half of the total of the sums expended during such quarter as aid to the aged, blind, or disabled under the State plan, not counting so much of any expenditure with respect to any month as exceeds $37.50 multiplied by the total number of recipients of aid to the aged, blind, or disabled for such month;'.

"(17) Section 1603(a)(3) of such Act is repealed.

"(18) Section 1603(a)(4) of such Act is redesignated as section 1603(a)(3), and as so redesignated is amended by striking out 'or assistance' wherever it appears.

"(19) Section 1603(a)(5) of such Act is redesignated as section 1603(a)(4), and as so redesignated is amended by striking out 'paragraph (4)' and inserting in lieu thereof 'paragraph (3)'.

"(20) Section 1603(b)(3) of such Act is amended by striking out 'or assistance' wherever it appears.

"(21) Section 1603(c) of such Act is amended by striking out 'paragraph (4)' wherever it appears and inserting in lieu thereof 'paragraph (3)', and by striking out 'paragraph (5)' and inserting in lieu thereof 'paragraph (4)'.

"(22) The first sentence of section 1605(a) of such Act (as amended by this Act) is amended—

"(A) by striking out '(a)',

"(B) by striking out ', or (if provided in or after the third month before the month in which the recipient makes application for aid) medical care in behalf of or any type of remedial care recognized under State law in behalf of,', and

"(C) by striking out 'or care in behalf of' each place it appears.

"(23) Section 1605(b) of such Act is repealed.

"(g)(1) Section 1902(a)(20)(C) of such Act is amended by striking out 'section 3(a)(4)(A) (i) and (ii) or section 1603(a)(4)(A) (i) and (ii)' and inserting in lieu thereof 'section 3(a)(3)(A) (i) and (ii) or section 1603(a)(3)(A) (i) and (ii)'.

"(2) Section 1903(a)(3)(A)(i) of such Act is amended by striking out 'section 3(a)(4)' and inserting in lieu thereof 'section 3(a)(4)'.

"(h) Section 618 of the Revenue Act of 1951 is amended by striking out '(other than section 3(a)(3) thereof)' and '(other than section 1603(a)(3) thereof'."

On page 384, after line 18, to insert:

"TECHNICAL AMENDMENTS RELATING TO PUBLIC ASSISTANCE PROGRAMS"

At the beginning of line 21, to strike out "(1)(1)" and insert "Sec. 408. (a)"; after line 22, to strike out:

"(A) by striking out '(other than section 3(a)(3) thereof)' and '(other than section 1603(a)(3) thereof)';"

On page 385, at the beginning of line 1, to strike out "(B)" and insert "(1)"; at the beginning of line 5, to strike out "(C)" and insert "(2)"; at the beginning of line 9, to strike out "(D)" and insert "(3)"; at the beginning of line 13, to strike out "(2)" and insert "(b)"; in the same line, after the word "by", to strike out "paragraphs (1)(B), (1)(C), and (1)(D)" and insert "subsection (a)"; at the beginning of line 18, to strike out "approved, or beginning on or after July 1, 1967, whichever is earlier", and insert "approved"; after line 19, to strike out:

"(j) Section 1109 of such Act is amended by striking out '2(a)(10)(A)' and inserting in lieu thereof '2(a)(10)'."

At the beginning of line 22, to strike out "(k)(1)" and insert "(c)(1)"; on page 386, at the beginning of line 1, to strike out "(1)" and insert "(d)"; after line 4, to insert:

"OPTOMETRISTS' SERVICES

"SEC. 409. Notwithstanding any other provisions of the Social Security Act, whenever payment is authorized for services which an optometrist is licensed to perform, the beneficiary shall have the freedom to obtain the services of either a physician skilled in diseases of the eye or an optometrist, whichever he may select."

After line 11, to insert:

"ELIGIBILITY OF CHILDREN OVER AGE 18 ATTENDING SCHOOL

"SEC. 410. Clause (2)(B) of section 406(a) of the Social Security Act is amended by striking out 'attending a high school in pursuance of a course of study leading to a high school diploma or its equivalent,' and inserting in lieu thereof 'attending a school, college, or university,'."

After line 18, to insert:

"DISREGARDING CERTAIN EARNINGS IN DETERMINING NEED OF CERTAIN DEPENDENT CHILDREN

"SEC. 411. Effective July 1, 1965, so much of clause (7) of section 402(a) of the Social Security Act as follows the first semicolon is amended by inserting after 'except that, in making such determination,' the following: '(A) the State agency may disregard not more than $50 per month of earned income of each dependent child under the age of 18 but not in excess of three in the same home, and (B)'."

Mr. JAVITS. Mr. President, I wish to ask the Senator another question, with relation to prescribed drugs. Was that subject considered by the committee? The Senator is familiar with my amendment.

Mr. LONG of Louisiana. Yes; it was.

Mr. JAVITS. Could the Senator give us the rationale for the committee's action?

Mr. LONG of Louisiana. It was felt by the committee and also by the Department of Health, Education, and Welfare that drugs so far as they were the type of drugs that the Department felt would be appropriate and of therapeutic value for use by the patient should be provided to persons who are in hospitals and also to persons who are in nursing homes. However, it would cost a great amount of money. In many instances, it would be subject to debate as to whether the Government should pay for drugs which, while not harmful to the people, might not necessarily be of benefit or of any therapeutic value.

Aged people take many drugs which, so far as we know, have no detrimental effect on them. However, we do not know that they do them any good. Some of the drugs are of psychological value to the aged people. I am thinking of the pink pills that we hear about which doctors give to people. When the people take these pink pills, they feel a lot better. However, all that the person is taking is a little sugar inside of the pill.

Many drugs are taken habitually by people. It is part of the general cost of living. This amendment would greatly increase the cost of the measure if it were included in the bill.

Mr. JAVITS. Mr. President, my amendment relates only to prescription drugs. These are subject to control by regulation of the Department. It would only affect the voluntary health care part of the bill. It would increase the amount contributed by the Federal Government and by the individual in the amount of 75 cents a month, each. However, it would also represent actuarial savings for the individual.

The committee may have had good reason for its action. I am merely relating the facts to the Senator. It would represent an actuarial saving for the individual of 25 percent of his health cost. Unfortunately—and, here, I know that I enlist the sympathy of the Senator, though he may not be in agreement with me on the amendment—we are dealing with a very high item of expense for the older people—prescription drugs.

A most beneficent effect may result from including prescription drugs in the bill and the supplementary coverage by virtue of the fact that it would have a tendency to hold down the cost, if nothing else, of cortisone and other drugs which are rather high priced items. This constitutes one of the real problems involved in medical care for the aged. We have been faced with the problem since 1949. As a matter of fact, the Senator from Kentucky [Mr. MORTON], who is in the Chamber at present, was interested in the first bill which was introduced in the House of Representatives in 1949 dealing with this subject.

With regard to the relationship between the amount of cost to the Government and the tremendous part of the health care cost for the aged which could be covered, the merits of the amendment are apparent. I wonder why the committee felt that they could not go along with this amendment.

Mr. LONG of Louisiana. I feel sure that we shall do something about drugs at some later time, if we fail to do it in this bill. However, it is difficult to keep an accurate account or record of what medication people get in the drugstores on a week-to-week or month-to-month basis.

We would also have the problem that many drugs are common use drugs. The aged people could get the common use drugs under their health insurance and pass them on to other members of their family. For various and sundry reasons, and many of them relate to the cost of the program, it was felt that we should not include drugs outside the hospital at this time.

One reason that the drugs cost so much—and many of them cost 40 times what they ought to cost—is because of private patents on Government research. Drug firms get patents on drugs discovered under taxpayer-supported research. The Senator from Louisiana tried to do something about that a few days ago. I did not get much help from the Republican side of the aisle. However, I still hope that I shall be able to prevail at a later date and that we shall have drugs made available at a much lower cost. Many drugs are being sold at 40 times what they ought to sell for. Perhaps someday we can do something to make the drugs more competitive.

Mr. JAVITS. The Senator has been trying to have something done with regard to private patents on Government research, and I give him credit for his efforts. It is a very problematical thing as to what percentage of the drugs that would cover. However, I am confident that before we go home from this session, the Senator will have won his major point, which is that we should do something effective about this matter.

Mr. LONG of Louisiana. If we can do it in the field of health research, I shall be very satisfied. I just hope that we do not lose ground while we are trying to legislate in the area.

Mr. JAVITS. Mr. President, I am grateful that the Senator disclosed his position so frankly. It will help me in arguing the amendments dealing with factors which may influence the committee judgment.

Mr. LONG of Louisiana. Mr. President, I appreciate the interest of the Senator in the aged people of the country. The Senator is very consistent in this matter.

The Senator has advocated for many years that steps be taken in the health care field. I understand the Senator from New Mexico [Mr. ANDERSON] will speak on that today. The Senator from New Mexico has made a great contribution in this field, as has the Senator from Tennessee [Mr. GORE]. The Senator from Tennessee urged the basic legislation which was known as the Gore amendment in the previous Congress. We had the King-Anderson amendment in the Congress prior to that. It was the Senator from Tennessee who first prevailed in advocating the type of hospital plan provided for in this bill.

I look forward to working with the Senators in this matter and helping to get this legislation through the Senate. I know that the Senators will be extremely helpful in seeing that this measure will be passed by Congress.

Mr. JAVITS. The Senator very kindly brought to the attention of the Senate

the fact that this fundamental plan is the one that has been approved by the Senate in both the name of the Senator from Tennessee and the name of the Senator from New Mexico. They were kind enough to include my name on that measure.

Tihs amendment represents an enormous advance over everything that has gone before, including—with the greatest respect—the plans recommended by our beloved and departed President, then Senator Kennedy, and by Congressman KING and Senator ANDERSON.

I can only express the hope that the insurance companies of America realize the tremendous responsibility that they are foregoing or forfeiting in not having come forward with an effective plan following the efforts of the Senator from Tennessee, the Senator from New Mexico, and myself.

I hope very much that we shall dedicate ourselves not only to the passage of the bill, of which I am in favor, but also to efforts to see that we obtain the cooperation of the insurance companies of America in its implementation. We are deferring its implementation in the supplementary part precisely for the reason that we expect, and have a right to expect, cooperation.

I hope very much that what has been, in my judgment, a grave default in business statesmanship will be remedied in the ensuing 6-month period provided for in the bill.

I am grateful to my colleague for yielding.

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

Mr. LONG of Louisiana. I yield.

Mr. GORE. Mr. President, I express my thanks to both the junior Senator from Louisiana and the senior Senator from New York. They have made me feel so good, after a restful Fourth of July, that I respectfully suggest to the leader that we adjourn until 10 o'clock tomorrow morning in order to deal with the many amendments that have been submitted.

Mr. LONG of Louisiana. Mr. President, if we could obtain consent for the committees to meet, I would have no objection to the request.

Mr. JAVITS. Mr. President, I reserve the right to object—I shall not object.

Mr. ANDERSON. Mr. President, the bill now before the Senate, which has been so ably described by the distinguished Senator from Louisiana, will do much to give new meaning to the remaining years of millions of older Americans. The proposed comprehensive program of health insurance for older people alone represents a tremendous stride forward toward making economic security in old age a reality for the great majority of Americans.

It is appropriate that we are acting on the proposed legislation on the eve of the 30th anniversary of the original social security legislation. That act, adopted a generation ago, held forth the hope that the people of the United States should no longer approach old age in fear that in their later years they would live in want and deprivation.

And social security has accomplished much. The needs that were most urgent in that time of the great depression have now been largely met. Most Americans can expect in old age at least a modest income which can support a life perhaps not of luxury but of independence and dignity.

Times change and improve, but with these changes arise new challenges, new problems. The challenge facing this and future generations of older Americans is the fear that the heavy cost of illness or accident in old age will wipe out savings, threaten ownership of a home, and, after a lifetime of independence, force the aged to ask for help from public assistance or private charity, or to become dependent on their children. This is a threat for which only very few are now able to prepare.

Thomas Jefferson once said:

> Laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times.

Our favorable action on the urgently needed legislation pending before this body will demonstrate once again that the American Government has the ingenuity, the vitality, and the will to act to provide a good way of life for the people of our country when private measures are of no avail.

I am particularly pleased to have been permitted to play a part over the past several years in the development of the health insurance provisions in H.R. 6675 and to have been able to contribute to the great discussion and debate that has centered around the proposal.

I can recall very well the legislative climate during the latter part of the 1950's, in 1960, and in 1961, when I first introduced my bills for a so-called health care program. Only a small minority of the Finance Committee and the Senate supported the measure at the beginning of that period. At the time, we had surprisingly little detailed and completely authenticated information about the financial situation and health costs of older people. Furthermore, the ideas involved in the plan were new and unfamiliar to many. As we made the findings of new studies known and as the ideas in the plan were studied, we gained more and more supporters.

CONCLUSIONS FROM YEARS OF STUDY

Today, Mr. President, there is no longer any real issue over the burden health costs impose on the aged. In fact, over the long period that the proposal has been under consideration, the issue of whether further Government action is needed has been virtually eliminated. Agreement on these points is virtually unanimous.

It is no longer argued, for example, that older people can afford to pay for needed health cost protection. Careful study has verified what we who first supported the plan already believed. Studies revealed that almost one-half the aged have insufficient income to meet the typical public assistance budget. Well over one-half of the aged do not have enough income to live at the level of what the Bureau of Labor Statistics refers to as a "modest but adequate" budget for retired people. Careful analysis has also revealed that about one-half of the aged could not live within this minimal budget even if they were to convert all their assets and savings to a lifetime income. Nor has the financial situation of the elderly improved and eliminated all their difficulties as some who opposed past proposals have hoped and predicted.

I can also recall the arguments advanced by those who believed that the health-cost problem faced by the aged could be met through expanded public assistance provisions. Many Senators no doubt recall that when the 1960 Kerr-Mills legislation was discussed in this Chamber, the chief proponent of the proposal expressed the belief that its enactment would benefit 10 million older Americans—well over one-half the aged at that time—that all medical care costs of this group would be fully covered, and that all this would happen in a matter of months.

Nearly 5 years of experience has shown that the cost of adequate medical assistance programs for even the most needy aged is beyond the capacity of the States without the availability of health insurance such as we are now about to enact. Ten States even today have yet failed to begin Kerr-Mills programs. Most of the older people who have benefited from the Kerr-Mills legislation were in the very poorest 10 percent of the aged, who were totally indigent and met all the requirements for old-age assistance. And even for the few who are helped, the scope of care available is often very limited despite the fact that the needy have nowhere else to turn.

Moreover, 5 years of experience with the Kerr-Mills legislation has made it crystal clear that, no matter how well designed and administered, that program is subject to the same serious inherent limitations as any other public assistance program. To people it symbolizes loss of independence and self-support because it requires avowal of failure. Moreover, public assistance has certain basic defects which make it ineffective as the major device for meeting the problem of the high health costs of the aged. The chief defect is that assistance programs do not prevent dependency—they can deal with it only after it has occurred.

Over the period of years since hearings were first held on the social security hospital insurance proposal, the ability of private health insurance to modify its provisions to meet the health insurance needs of the elderly has been tested. Senators will recall that when hearings on health insurance for the aged were conducted in the other body in 1959, certain opponents estimated that three-quarters of the older Americans who need and want health insurance would have protection by 1965. Today, only

a little over one-half of the elderly have health insurance in any form. The number of aged people without any health insurance is nearly as large today as it was in 1959. And perhaps one older person in 20 has insurance covering as much as two-fifths of his health costs.

The years have piled up evidence in support of the social security hospital insurance proposal—for each passing year has brought with it new and more dramatic proof that:

First. The elderly generally have such modest financial resources that the great majority can neither afford the costs of expensive illness nor the costs of adequate insurance against those costs.

Second. That, because of their high health costs and for other reasons, adequate health insurance has been and continues to be out of the reach of most older people.

Third. That medical assistance for the aged and other forms of public assistance are not acceptable solutions to the problems the great majority of the elderly face at one time or another after retirement in meeting their high health costs.

Fourth. That the sound and practical solution is to add health insurance protection to the social security cash benefits. This approach—which is embodied in the bill now before us and in S. 1, the bill I introduced at the beginning of this Congress—would enable people to contribute to the cost of this protection while they work; when they reach age 65, they would have hospital insurance protection as an earned right without need to make further payments after retirement.

ACCEPTANCE OF QUALITY SAFEGUARDS

Mr. President, it is also a source of great satisfaction to me to see the widespread acceptance of many provisions of the proposed hospital insurance that were originally controversial. Particularly, I am pleased that the interest in quality of care paid for under the program has, over the years, won the endorsement of the health professions.

It was not long ago, Mr. President, that the idea of incorporating quality safeguards into the definitions of the institutions that participate in the proposed program was an issue. The idea of having participating hospitals maintain utilization committees, for example, was sometimes irresponsibly attacked even though it was favored by the experts in the field. Today, this requirement for the participation of hospitals in the proposed program is a valued feature of the proposal. It has been widely applied and where not already applied is being endorsed for near future application to avoid unneeded hospital use. Provision for utilization review mechanisms in hospitals would keep Government out of the business of reviewing hospital care by placing responsibility for hospital utilization where it belongs—with the hospital's own medical staff.

The idea of utilization review in hospitals is endorsed now by both the American Medical Association and the American Osteopathic Association. It is the growing knowledge that these are provisions that must be supported, and in fact have been supported and applied in many areas already, that accounts for the fact that responsible opposition to the provision for utilization review in the proposed hospital insurance has largely disappeared. The bill, even prior to its enactment, has had very valuable results in terms of improvements in the content of private health insurance, medical assistance, and even in quality of care—in nursing homes, for example.

In this very bill, the knowledge developed through considerations of our health insurance bills that there are ways to protect the aged against unsafe conditions has resulted in provisions to include safeguards to avoid having public assistance operate in such a way as to encourage the continued operation of programs that perpetuate unsafe nursing homes and other substandard institutions.

SUPPLEMENTARY MEDICAL INSURANCE

The addition of a voluntary supplementary insurance plan to the basic hospital insurance plan with costs kept low by means of Federal financial participation would assure all older persons will have access to good insurance against the cost of physicians' services and other health services.

While the proposed programs of basic and supplementary protection would, in combination, provide relatively complete coverage, there still would be ample opportunity for continuing growth of the private effort in the health insurance field, since the 90 percent of the population who are under 65 would not be covered by the proposed programs. Furthermore, some older people would want health benefits in addition to these provided under the two proposed programs. The Health Insurance Association has reported that supplementary insurance to the aged covering the costs of such items as drugs and private duty nursing will be offered.

MEDICAL ASSISTANCE IMPROVEMENTS

The third resource that the bill would bring into play in solving the problems caused by high health costs in old age is public assistance. The bill would make a number of improvements in the assistance provisions which, together with the two health insurance plans, would enable the medical assistance program to be more effective in the role most appropriate for it—that is, it would enable the medical assistance effort to be focused more successfully on the relatively small number of the aged whose nursing home needs or other circumstances are such that they will be unable to meet their health costs through a combination of social and private insurance and individual savings.

SOCIAL SECURITY APPROACH

But of primary importance is acceptance of the proposition that social insurance is the key to the solution to the problem of financing health costs in old age. The social security approach—and only such an approach—provides assurance that practically everyone will have needed hospital insurance protection in old age as an earned right. Under social insurance, people are able to pay toward the basic health insurance protection they will need in old age at the time of life when they can best afford to do so—when they are working and earning.

It is fitting that this Nation should choose social insurance to assist its citizens in financing the high health costs that come with advancing years. For social insurance places its emphasis on that characteristic which distinguishes our free democratic society from others—dignity of the individual. Social insurance rests on the principle that we Americans prize—that each should so far as possible pay his own way and be beholden to no one. In accordance with this principle benefits are paid to each as a consequence of his contributions. The system we chose to protect ourselves and our families against the financial consequences of old age, disability or death is based on this concept and naturally we turn to it again for a solution to the problem of financing health costs in old age.

CONCLUSION

Mr. President, I mentioned at the beginning of my statement that shortly we will celebrate the 30th anniversary of the signing of the Social Security Act. For millions of Americans, with that one stroke of the pen, insecurity and fear were transformed into hope, and poverty and hunger were transformed into a decent life. But the job which America set out to do in 1935 is not yet done. At that time Franklin Roosevelt said:

> This law represents a cornerstone in a structure which is being built, but which is by no means complete.

As one who had the privilege of knowing Franklin Delano Roosevelt and understanding in some measure his hopes, dreams and aspirations for the social security program, I think I can say this bill is not only destined to become one of the most important contributions to security in old age but also a major element to completing the structure he had in mind when the social security law was enacted 30 years ago. We would be unfaithful to that historic achievement if we did not look beyond the accomplishments of the past and struggle to fulfill the potential of the American society.

I urge my colleagues to join in voting for passage of H.R. 6675.

DIFFERENCES IN THE BILL

Mr. President, in January, 44 Senators joined me in introducing S. 1, the omnibus social security measure, which included a provision for health insurance for the aged. It is a close relative of H.R. 6675, the bill which the House passed in April, and of the measure which the Committee on Finance has reported and is now pending in the Senate.

To help Senators who may want to compare the differences in these three bills, I have had prepared by the Department of Health, Education, and Welfare a tabular summary comparison.

I ask unanimous consent to have it printed in the RECORD.

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

Summary comparison of provisions of S. 1 with H.R. 6675 as passed by the House of Representatives and as reported by the Senate Finance Committee

I. HEALTH INSURANCE PROVISIONS

S. 1	H.R. 6675 as passed by the House	H.R. 6675 as reported by the Senate Finance Committee
	Brief description	
Provides a program of hospital insurance for the aged financed through increased social security contributions.	Provides two coordinated health insurance programs for the aged: (1) A basic hospital insurance program financed through a special payroll tax; and (2) a voluntary supplementary insurance program financed through premium payments from participants and matching payments from Federal general revenues.	Same as House bill.
	Eligibility	
Hospital insurance: All people 65 and over entitled to monthly OASI or railroad retirement benefits would be eligible.	Same provision as S. 1.	Same provision as House bill.
Also, persons not eligible for such monthly benefits who reach 65 before 1968, or reach 65 after 1967 and have 3 quarters of OASI coverage for each year elapsing after 1965 and before age 65, would be eligible—excluding persons who are or could have been enrolled in a health benefits plan under the Retired Federal Employees Health Benefits Act (which covers employees who retired before July 1960) or under the Federal Employees Health Benefits Act of 1959 (which covers primarily active employees). Also excludes aliens with less than 10 years of continuous residence and subversives.	Similar to S. 1 but does not exclude persons who are or could have enrolled in plans under the Retired Federal Employees Health Benefits Act.	Similar to House bill but does not exclude persons who could have been but are not enrolled in a plan under the Federal Employees Health Benefits Act of 1959—excludes only those actually enrolled.
Supplementary insurance: No provision.	All people age 65 and over who are residents of the United States and who are citizens or lawfully admitted to permanent residence would be eligible to enroll.	Similar to House bill, but adds requirement that aliens must have resided continuously in United States for 10 years immediately preceding application for enrollment.
	Benefits	
Hospital insurance program: 1. Inpatient hospital services for up to 60 days in each spell of illness, with a deductible equal to the average cost of 1 day of care. Excludes physicians' service except those of interns and residents under approved teaching programs and certain specialists' services—in the field of pathology, radiology, physiatry, or anesthesiology. Excludes services in tuberculosis and psychiatric hospitals.	1. Differs from S. 1 in that physicians' services in the four specialty fields would be excluded; services in tuberculosis hospitals would be covered; deductible would be $40 (increased if necessary, but no earlier than 1969, to keep pace with increases in hospital costs).	1. Similar to House bill, but increases to 120 the number of days for which inpatient hospital services would be covered; adds provision for patient to share in the cost of each day of hospital care after the 60th day through a $10 coinsurance payment for each such day; provides coverage of services furnished in both tuberculosis and psychiatric hospitals.
2. Posthospital extended care services (in facility which has a transfer agreement with a hospital) for up to 60 days in a spell of illness.	2. Up to 20 days covered, plus an additional 2 days of services (up to a maximum of 80 additional days) for each unused day of inpatient hospital services.	2. Up to 100 days covered; patient would share in the cost of each day of extended care services after 20th day through a $5 coinsurance payment for each such day; no provision for substituting days of posthospital extended care for days of inpatient hospital services, as in House bill. Coinsurance payments in 1 and 2, above, represent one-fourth and one-eighth, respectively, of inpatient hospital deductible and would increase when deductible increases.
3. Home health services—Intermittent nursing care, therapy, part-time home health aid services, services of interns and residents under approved teaching program of hospital with which home health agency is affiliated furnished in patient's residence under plan established by physician, for up to 240 visits per calendar year.	3. Similar to S. 1, but coverage is on a posthospital basis, for up to 100 visits in the year after hospital discharge. Patient must be homebound except that he could be taken to a hospital, extended-care facility or home health agency to receive services requiring equipment that cannot readily be taken to patient's home.	3. Similar to House bill, but coverage is for up to 175 visits.
4. Outpatient hospital diagnostic services, as required, but subject to a deductible equal to average cost of one-half day of inpatient hospital care for services furnished within 30-day period.	4. Similar to S. 1, except that deductible would be $20 (subject to increase as in 1 above) for each diagnostic study, i.e., services furnished in a 20-day period by the same hospital. Deductible could be credited against inpatient hospital deductible if hospitalization (in the same hospital) follows within 20 days.	4. Similar to H.R. 6675, but eliminates provision for crediting outpatient deductible against inpatient hospital deductible; provides instead for outpatient deductible paid by patient to be counted as a reimbursable expense under the supplementary insurance plan; provides for payment by the program of 80 percent rather than 100 percent of outpatient hospital diagnostic costs above the deductible amount, the remainder to be paid by the patient.
Supplementary insurance program: No provision.	Payment of 80 percent of reasonable charges or cost, as provided, above a $50 annual deductible, for physicians' services, inpatient psychiatric hospital services up to 60 days in a spell of illness (180-day lifetime limit), home health services up to 100 visits during a calendar year, and a variety of special medical and other health services. Effective date: July 1, 1966.	Similar to House bill, except that inpatient psychiatric hospital services would be covered under the basic hospital insurance plan, rather than the supplementary plan. Effective date: January 1, 1967.

Summary comparison of provisions of S. 1 with H.R. 6675 as passed by the House of Representatives and as reported by the Senate Finance Committee—Continued

I. HEALTH INSURANCE PROVISIONS—continued

S. 1	H.R. 6675 as passed by the House	H.R. 6675 as reported by the Senate Finance Committee
	Complementary private insurance	
Nonprofit associations of private insurers would be authorized to develop and offer for sale to aged persons health benefits plans covering costs not met under the Government program—specifically, plans covering most of the costs of physicians' services. These activities of private insurers would be exempt from Federal and State antitrust laws.	No provision.	No provision.
	Costs	
Hospital insurance: Level cost of 1.21 percent of payroll estimated on basis of high cost assumptions used for H.R. 6675.	Level cost of 1.23 percent of payroll. About $2.26 billion for first year program in full operation (1967), plus $275 million from Federal general revenues for persons not entitled to monthly OASI or railroad retirement benefits.	Level cost of 1.32 percent of payroll. About $2.36 billion for first year program in full operation (1967), plus $285 million from Federal general revenues for persons not entitled to monthly OASI or railroad retirement benefits.
Supplementary Insurance: No provision.	For first year program in full operation (1967) if 80 percent of the eligible aged enrolled, about $840 million to $1.12 billion; if 95 percent of the eligible aged enrolled, about $995 million to $1.33 billion.	For first year program in full operation (1968) if 80 percent of eligible aged enrolled, about $830 million to $1 billion; if 95 percent of the eligible aged enrolled, about $985 million to $1.19 billion.
	Financing	
Hospital insurance program: By allocating to a separate hospital insurance trust fund 0.60 percent of taxable wages under social security paid in 1966; 0.76 percent of taxable wages paid in 1967 and 1968; and 0.90 percent of taxable wages paid thereafter. Allocations of 0.45, 0.57, and 0.675 percent of self-employment income taxable under social security would be made, respectively, in the taxable years 1966, 1967–68, and 1969 and thereafter. Earnings base of $5,600.	By separate payroll taxes paid to a separate hospital insurance trust fund. Amount of earnings subject to tax would be same as for OASDI, $5,600 in 1966 rising to $6,600 in 1971. The contribution rate, the same for employees, employers, and self-employed persons, is based on estimates of cost which assume that the earnings base will not be increased above $6,600 and would be as follows: *Percent* 1966—0.35 1967–72—.50 1973–75—.55 1976–79—.60 1980–86—.70 1987 and after—.80	By separate payroll taxes paid to a separate hospital insurance trust fund. Amount of earnings subject to tax would be same as for OASDI, $6,600. The contribution rate, the same for employees, employers, and self-employed persons, is based on estimates of cost which assume that the earnings base will not be increased above $6,600, and would be as follows: *Percent* 1966—0.325 1967–70—.50 1971–72—.55 1973–75—.60 1976–79—.65 1980–86—.75 1987 and after—.85
Costs of paying benefits for persons not entitled to monthly OASI or railroad retirement benefits financed from Federal general revenues.	Same provision.	Same provision.
Authorizes Secretary of Treasury to require that W–2 forms show the proportion of the total social security tax withheld which is for financing hospital insurance.	Requires that W–2 forms show the proportion of the total payroll tax withheld which is for financing hospital insurance.	Same as House bill.
Supplementary insurance program: No provision.	By $3 a month premium payments from enrollees and matching amounts from Federal general revenues paid to a separate trust fund. Where enrollee is currently receiving monthly social security or railroad retirement benefits, the premiums would be deducted from his benefits.	Same as House bill except permits deduction of premium from Federal civil service benefits.
	Administration	
Hospital insurance: The Secretary of HEW would be authorized to use appropriate State agencies and private organizations to assist in administration. State agencies under an agreement would be used to determine and certify eligibility of providers to participate. Hospitals and other providers of services could nominate public agencies or private organizations to receive and pay bills in lieu of dealing directly with Government. Secretary could delegate additional administrative functions to designated organizations.	Similar to S. 1. Differs mainly in that Secretary required to use State agencies in determining eligibility of providers of services to participate.	Same as provision of House bill.
Supplementary insurance: No provision.	Under the Secretary of HEW who would be required, to the extent possible, to contract with carriers to carry out the major administrative functions relating to the medical aspects of the program such as determining rates of payments and holding and disbursing funds for benefit payments.	The Secretary would be authorized to enter into contracts with carriers and, with respect to functions involving payment for physicians' services, the Secretary would be required, to the extent possible, to enter into such contracts.

Summary comparison of provisions of S. 1 with H.R. 6675 as passed by the House of Representatives and as reported by the Senate Finance Committee—Continued

I. HEALTH INSURANCE PROVISIONS—continued

S. 1	H.R. 6675 as passed by the House	H.R. 6675 as reported by the Senate Finance Committee
	Income tax deduction provisions	
No provision.	The provision in the income tax law which limits medical expense deductions to amounts in excess of 3 percent of adjusted gross income for persons under 65 would be reinstituted for persons 65 and over. A special deduction (applicable to taxpayers of all ages who itemize deductions) of one-half of premiums paid for medical expense insurance (including certain premiums paid before age 65 for such insurance effective after reaching age 65) would be added. Such special deduction could not exceed $250 per year.	No substantive provision.

II. OASDI PROVISIONS

Amendment	S. 1	H.R. 6675 as passed by the House	H.R. 6675 as reported by the Senate Finance Committee
1. Benefit increase	7 percent	7 percent; $4 minimum in PIA	7 percent; $4 minimum in PIA.
2. Contribution base	1966, $5,600	1966, $5,600; 1971, $6,600	1966, $6,600.
3. Payment of limited benefits to certain aged people	No	Yes	Yes.
4. Continuation of child's benefits beyond age 18 while attending school.	No	Yes	Yes.
5. Actuarially reduced benefits for widows at age 60	No	Yes	Yes.
6. Benefits for divorced wife or widow	No	Yes	Yes.
7. Liberalization of retirement test	No	Yes, $1 for $2 to $2,400; $1 for $1 above $2,400.	Yes, $1,800 exempt amount; $1 for $2 to $3,000; $1 for $1 above $3,000.
8. Exclusion of royalties on works copyrighted before age 65 from retirement test.	No	Yes	Yes.
9. Coverage of physicians	Yes, for taxable years ending after 1965.	Yes, for taxable years ending after 1965.	Yes, effective for taxable years ending on or after Dec. 31, 1965.
10. Coverage of tips	Yes, as wages plus withholding for income-tax purposes.	Yes, as wages plus withholding for income-tax purposes.	Yes, as self-employment income.
11. Addition of Alaska and Kentucky to States that may cover State and local employees under divided retirement system provision.	Yes	Yes	Yes, but deletes Kentucky.
12. Extension of period for electing coverage by State and local employees whose group was covered under the divided retirement system provision.	Yes	Yes	Yes.
13. Coverage of certain hospital employees in California	Yes	Yes	Yes.
14. Reopening of special provision giving Maine until July 1, 1970 (rather than July 1, 1965), to treat teaching and nonteaching employees who are in the same retirement system as though they were under separate retirement systems.	No	No	Yes.
15. Permit Iowa and North Dakota to modify their agreements to exclude services performed by students, including services already covered, in the employ of a school, college, or university in any calendar quarter if the remuneration for such services is less than $50.	No	No	Yes.
16. Additional retroactive coverage of nonprofit organizations, and validation of coverage of certain employees of such organizations.	No	Yes	Yes, but gives employees to whom additional retroactive coverage is applicable an individual choice of such coverage.
17. Permit employees whose wages were erroneously reported by a nonprofit organization during the period the organization's waiver certificate was in effect to validate such erroneously reported wages.	No	No	Yes.
18. Permits social security credit to be obtained for the earnings of certain ministers who died or filed waiver certificates before Apr. 16, 1965, where such earnings were reported for social security purposes but cannot be credited under present law.	No	No	Yes.
19. Coverage of certain employees of the District of Columbia.	No	Yes	Yes.
20. Increase in gross income in determining net income of farmers.	No	Yes	Yes.
21. Exemption from social security of certain religious sects.	No	Yes	Yes.
22a. Elimination of the indefinite duration requirement from the definition of disability.	No	Yes	Yes.
22b. Worker eligible for disability benefits if totally disabled for 6 months.	No	Yes	No.
22c. Worker eligible for disability benefits if impairment expected to result in death or has lasted or expected to last 12 months.	No	No	Yes.
22d. Payment of rehabilitation services for beneficiaries from trust funds.	No	No	Yes.
22e. SSA to make certain disability determinations	No	No	Yes.
22f. Disability benefits offset	No	No	Yes.
22g. Payment of benefits to children disabled before reaching age 22.	No	No	Yes.
22. Extension of life of application for social security benefits.	No	No	Yes.
23. Payment of a benefit for the 6th month of disability	No	Yes	No.
24. Payment of benefits for 2d disabilities without regard to waiting period only if 1st period lasted at least 18 months.	No	Yes	No.
25. Payment of disability benefits after entitlement to other monthly benefits.	No	Yes	Yes.
26. Extension of period for filing proof of support and for lump-sum death payment.	Yes	Yes	Yes.
27. Adoption of child by retired worker	No	Yes	Yes.
28. Timing of future advisory councils	Yes	Schedules next council report for 1970 and every 5th year thereafter.	Yes, as passed by House.

Summary comparison of provisions of S. 1 with H.R. 6675 as passed by the House of Representatives and as reported by the Senate Finance Committee—Continued

II. OASDI PROVISIONS—continued

Amendment	S. 1	H.R. 6675 as passed by the House	H.R. 6675 as reported by the Senate Finance Committee
29. Preservation of railroad retirement coordination	Yes	Yes	Yes.
30. Disability insurance trust fund allocation	0.67 percent of wages; 0.4875 percent of self-employment income.	0.75 percent of wages; 0.5625 percent of self-employment income.	0.70 percent of wages; 0.525 percent of self-employment income.
31. Reimbursement for military service credits	Yes	Yes	Yes.
32. Frequency of trustees' meetings	Permits trustees to meet annually rather than every 6 months.	Yes	Yes.
33. Additional executive positions in DHEW	No	No	Yes, 1 Under Secretary and 2 Assistant Secretaries.

34a. Tax rates (OASDI):

[In percent]

Calendar years	Employee and employer, each	Self-employed	Employee and employer, each	Self-employed	Employee and employer, each	Self-employed
1965	4.25	6.4	4.0	6.0	3.85	5.8
1966–67	5.0	7.5	4.0	6.0	3.85	5.8
1968	5.0	7.5	4.4	6.6	4.45	6.7
1969–70	5.2	7.8				
1971 and after			4.4	6.6	4.45	6.7
1971–72			4.8	7.0	4.90	7.0
1973 and after						

34b. Tax rates (hospital):

Calendar years	Employee and employer, each	Self-employed	Employee and employer, each	Self-employed	Employee and employer, each	Self-employed
1966			0.35	0.35	0.325	0.325
1967–70			.50	.50	.50	.50
1971–72			.50	.50	.55	.55
1973–75			.55	.55	.60	.60
1976–79			.60	.60	.65	.65
1980–86			.70	.70	.75	.75
1987 and after			.80	.80	.85	.85

Amendment	S. 1	H.R. 6675 as passed by the House	H.R. 6675 as reported by the Senate Finance Committee
35. Broadens definition of child to include illegitimate child of worker without regard to State law.	No	No	Yes.
36. Automatic annual recomputation	Yes	Yes	Yes.
37. Exception to 1-year duration-of-marriage requirement extended to spouse who had actual or potential entitlement under Railroad Retirement Act.	No	No	Yes.
38. Benefits (50 percent of PIA) based on prior spouse's earnings would be payable to widows (age 60 or over) and widowers (age 62 or over) who remarry.	No	No	Yes.
39. Authorize survivor of joint benefit check to cash check	No	No	Yes.
40. Facilitate adjustment of overpayments and underpayments.	No	No	Yes.
41. Authorize court to set a reasonable fee for attorneys who successfully represent claimants for social security benefits.	No	No	Yes.

III. PUBLIC ASSISTANCE PROVISIONS

Amendment	S. 1	H.R. 6675 as passed by the House	H.R. 6675 as reported by the Senate Finance Committee
1. Improvement and extension of Kerr-Mills program	No	Yes	Yes.
2. Prohibition removed on Federal participation in assistance to aged TB and mental institution patients.	Yes	Yes	Yes.
3. Federal matching share of assistance increased	Yes	Yes	Yes.
4. Liberalization of earnings which may be disregarded in determining need of aged assistance recipients.	Yes	Yes	Yes. Provisions included for earnings exemptions for children and disabled.
5. Simultaneous payment of OAA and MAA for month OAA recipients enter or leave hospital or nursing home.	Yes	Yes	Yes.
6. Protective payment to 3d party for aged incompetents	Yes	Yes	Yes. Extended to blind and disabled.
7. Disregarding of part of social security benefits in determining need for public assistance.	No	Yes, but only to extent of retroactive benefit increase and for child's benefit beyond age 18 while in school.	Same as House-passed bill.
8. Administrative and judicial review of determinations	No	Yes	Yes.
9. Maintenance of level of State assistance spending	No	Yes	Yes.

COMMITTEE MEETINGS DURING THE SESSION OF THE SENATE TOMORROW

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate tomorrow until 1 o'clock.

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

DEATH OF HON. T. ASHTON THOMPSON, REPRESENTATIVE FROM LOUISIANA

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Resolution 443.

The PRESIDING OFFICER. The resolution will be stated by title for the information of the Senate.

The legislative clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of the Honor-

able T. ASHTON THOMPSON, a Representative from the State of Louisiana.

Resolved, That a committee of fourteen Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

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

There being no objection, the resolution was considered and unanimously agreed to.

Mr. LONG of Louisiana. Mr. President, I send to the desk Senate Resolution No. 126 and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title for the information of the Senate.

The legislative clerk read as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. T. ASHTON THOMPSON, late a Representative from the State of Louisiana.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

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

There being no objection, the resolution was considered and unanimously agreed to.

The PRESIDING OFFICER. The Chair appoints the two Senators from Louisiana to represent the Senate at the funeral of the deceased.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. LONG of Louisiana. Mr. President, if there are no Senators who desire to make speeches at this time on this measure or others, I move, as a further mark of respect to the memory of the late Representative T. ASHTON THOMPSON, that the Senate stand in adjournment, until 10 o'clock tomorrow morning.

The motion was unanimously agreed to; and (at 4 o'clock and 30 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, July 7, 1965, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate July 6, 1965:

POSTMASTERS

I nominate the following-named persons to be postmasters:

ALABAMA

Gladys S. Coleman, Sawyerville, Ala., in place of J. B. May, retired.

ALASKA

Karol D. Nelson, Anchor Point, Alaska, in place of R. L. Rutt, resigned.

ARKANSAS

Thomas C. Barnett, Altheimer, Ark., in place of Janice Cobb, resigned.

CALIFORNIA

Michael J. Frazee, Anza, Calif., in place of D. G. Coonen, resigned.

Theodore J. Lehmann, Belvedere-Tiburon, Calif., in place of S. A. Ehrenfelt, retired.

James H. Fletcher, Cardiff-by-the-Sea, Calif., in place of L. J. Riley, retired.

Earl K. Morgan, Klamath, Calif., in place of M. D. Chaffey, retired.

Margaret M. Surges, Rodeo, Calif., in place of Robert LeBeuf, retired.

Anthony L. Medeiros, Sausalito, Calif., in place of Henry Heynen, retired.

Henry S. Wright, Susanville, Calif., in place of I. E. Lanigar, transferred.

Marylu Z. Giddings, Woodacre, Calif., in place of E. J. Covey, resigned.

COLORADO

Tad E. Collins, Minturn, Colo., in place of E. E. Owen, retired.

Lloyd E. Davis, Norwood, Colo., in place of A. J. Campbell, resigned.

CONNECTICUT

Anne C. Freeman, Lebanon, Conn., in place of V. P. Kelley, retired.

FLORIDA

Sally G. Sterner, Anna Maria, Fla., in place of F. I. Warttig, retired.

Warren W. Hartman, Jr., New Port Richey, Fla., in place of P. G. Mayer, retired.

GEORGIA

David E. McCollum, Armuchee, Ga., in place of J. C. White, retired.

Otis L. Overby, Fortson, Ga., in place of L. G. Fortson, deceased.

John T. Collins, Jr., Pelham, Ga., in place of S. W. Turner, retired.

HAWAII

Tom T. Morita, Kapaa, Hawaii, in place of K. K. Miyahira, resigned.

IDAHO

Donald B. Yancey, Moore, Idaho, in place of W. A. Jones, retired.

ILLINOIS

Henrietta E. Leischner, De Land, Ill., in place of Pearl Barnes, resigned.

James R. Ott, Hillsboro, Ill., in place of P. T. Hartline, deceased.

John A. Bennett, Kansas, Ill., in place of A. L. Sinclair, transferred.

Howard L. Roach, Kirkland, Ill., in place of G. R. Knappenberger, retired.

Floyd E. Lacey, Milton, Ill., in place of R. H. Keys, deceased.

G. Arnold Roquet, New Windsor, Ill., in place of J. Y. Shroyer, deceased.

Edna A. DeVoe, Shirland, Ill., in place of Josephine Katterhenry, retired.

INDIANA

Lowell F. Luking, Connersville, Ind., in place of R. P. Steele, retired.

Tom R. Brown, Hamlet, Ind., in place of D. E. Haley, retired.

Donald M. Gray, Kempton, Ind., in place of G. W. Gossard, retired.

Donell J. Emerson, Kendallville, Ind., in place of V. A. Burger, retired.

Philip L. Givan, Milan, Ind., in place of C. R. Nagel, retired.

Lionel H. Whitehead, Nabb, Ind., in place of C. C. King, retired.

Mary E. Nemyer, Selma, Ind., in place of N. R. Leeper, retired.

IOWA

Thomas A. Smith, Elma, Iowa, in place of Loretta Stapleton, retired.

Gene L. Tujetsch, Guttenberg, Iowa, in place of W. W. Jacobs, transferred.

Earl D. Fry, Kalona, Iowa, in place of H. L. Walker, deceased.

KENTUCKY

Edith I. Ruby, Chaplin, Ky., in place of N. M. Burns, retired.

LOUISIANA

Charles H. Tilley, Quitman, La., in place of C. B. Waldrip, transferred.

James F. Baxter, Ruston, La., in place of L. T. Pearce, retired.

MAINE

Arthur L. Reed, Brewer, Maine. Office established October 1, 1960.

Alvin G. Spicer, Limestone, Maine, in place of E. G. Chase, retired.

MASSACHUSETTS

Harry B. Eaton, Onset, Mass., in place of M. E. McLaughlin, retired.

MINNESOTA

Charles T. Appleby, Center City, Minn., in place of J. W. Rolig, transferred.

T. Wesley Lynne, Clarkfield, Minn., in place of Ingval Lynner, retired.

Gordon J. Powers, Dawson, Minn., in place of B. H. Swenson, retired.

George R. Kautio, South Haven, Minn., in place of Katherine Miller, retired.

John H. Vahle, Tracy, Minn., in place of C. W. Vahle, retired.

Frederick V. Lilleboe, Wendell, Minn., in place of I. B. Dybdal, retired.

MISSOURI

Swepson W. Krauss, Eldon, Mo., in place of H. L. Stephens, deceased.

Billy J. Riddle, Hamilton, Mo., in place of R. C. Hendren, retired.

Jesse E. Fairfax, La Monte, Mo., in place of E. R. Keller, retired.

Harold I. Beasley, Naylor, Mo., in place of R. P. Lane, retired.

Ray E. Forgey, Ozark, Mo., in place of E. W. Holt, transferred.

MONTANA

Milton M. Sloan, Whitefish, Mont., in place of G. W. Duffy, retired.

NEBRASKA

Lawrence E. Wozniak, Fullerton, Nebr., in place of B. J. Snyder, retired.

NEVADA

Ella I. McKay, Eureka, Nev., in place of J. D. Morrison, resigned.

NEW HAMPSHIRE

Alfred J. Collins, Salem, N.H. Office established May 10, 1963.

NEW JERSEY

Frances L. Weil, Essex Fells, N.J., in place of M. H. Merrill, retired.

Edward Klimowich, Montville, N.J., in place of Floyd Smith, retired.

Thomas E. Buckley, Roseland, N.J., in place of Smith Kennedy, retired.

Daniel J. Jordan, Rosenhayn, N.J., in place of Angelo Daurio, resigned.

Gordon M. Thomson, Tuckahoe, N.J., in place of M. R. Warren, retired.

Gerald L. Halpin, Vineland, N.J., in place of J. E. Lyons, retired.

NEW YORK

Leslie Landino, Atlanta, N.Y., in place of A. G. Snyder, deceased.

Jean N. Van Kleeck, Cragsmoor, N.Y., in place of N. C. S. Garritt, resigned.

Vito A Botticello, Irving, N.Y., in place of H. B. Goodell, retired.

Louis S. Rosenberg, Katonah, N.Y., in place of H. J. French, resigned.

Greta L. Miller, Mellenville, N.Y., in place of D. L. Walsh, retired.

Samuel J. Mitchell, Montauk, N.Y., in place of T. W. Cook, retired.

Michael J. Hanley, Jr., Newton Falls, N.Y., in place of I. M. DeGouff, retired.

David E Lee, Norwich, N.Y., in place of W. C. Hazard, retired.

Elbert S. Blakney, Pine Plains, N.Y., in place of G. R. Hunter, retired.
Elizabeth C. Hancock, Sanitaria Springs, N.Y., in place of B. E. Hatch, retired.
John F. Campion, Saranac Lake, N.Y., in place of T. P. Ward, retired.
Louis M. Trivisone, Staten Island, N.Y., in place of R. J. Johnson, retired.
John J. Cummings, Tonawanda, N.Y., in place of K. F. W. Mowitz, retired.

NORTH CAROLINA

Marvin F Shebester, Swepsonville, N.C., in place of E. K. Phillips, retired.

NORTH DAKOTA

Theodore C. Ochsner, Tuttle, N. Dak., in place of P. J. Thorne, retired.

OHIO

Donald E. Hickman, Amanda, Ohio, in place of L. A. Barr, retired.
Lucille I. Pasicka, Harrisburg, Ohio, in place of O. G. Spangler, retired.
Lee J. Lare, Venedocia, Ohio, in place of P. B. Miller, resigned.

OKLAHOMA

George P. Loch, Calvin, Okla., in place of R. G. Blackwell, retired.
Ira C. Guinn, Tryon, Okla., in place of E. H. Perrin, retired.
Ray H. Belitz, Wellston, Okla., in place of Sam Cunningham, retired.

OREGON

Milton C. Cobb, Estacada, Oreg., in place of C. W. Myers, retired.
Lincoln F. Swain, Reedsport, Oreg., in place of G. A. McCulloch, retired.

PENNSYLVANIA

Ruth J. Svilar, Armagh, Pa., in place of R. O. Trexler, retired.
Steve Dmetruk, Bessemer, Pa., in place of J. R. Stanlich, deceased.
Wayne L. Balthaser, Hamburg, Pa., in place of R. A. Rupp, retired.
Mary B. Defibaugh, New Kingstown, Pa., in place of M. S. Raudabaugh, retired.
Vivian L. Martin, Sheakleyville, Pa., in place of J. A. Gedeon, retired.

TEXAS

Faye W. Cate, Blackwell, Tex., in place of M. W. Steuart, retired.
Arduth B. Been, Carbon, Tex., in place of C. C. Gilbert, retired.
Jacobina P. Miller, Marathon, Tex., in place of Lizzie Crawford, retired.
Nonnie S. Kelley, Montgomery, Tex., in place of W. J. Smith, retired.
William E. Morrow, Stanton, Tex., in place of L. B. Eidson, retired.
Jack E. Berry, Overton, Tex., place of V. L. Naul, retired.
Stella C. Kidd, Winona, Tex., in place of N. B. Starnes, retired.

UTAH

David F. Parrish, Centerville, Utah, in place of H. D. Roberts, retired.
Michael D. Pavich, Midvale, Utah, in place of D. L. Warner, transferred.
David C. Weeks, Smithfield, Utah, in place of W. H. Hillyard, retired.

VIRGINIA

Earl C. Wise, Mount Crawford, Va., in place of W. R. Burgess, retired.
Wilbur I. Adams, State Farm, Va., in place of J. H. L. Parker, retired

WASHINGTON

Mary A. Lang, Cathlamet, Wash., in place of C. I. Wood, retired.
William H. Aaron, Oroville, Wash., in place of N. E. Petry, retired.
Raymond R. Branstrom, Stanwood, Wash., in place of Lars Sagen, retired.

WEST VIRGINIA

Wilbur R. Bond, Harpers Ferry, W. Va., in place of M. E. Marquette, retired.
Andrew W. Finely, New Martinsville, W. Va., in place of R. U. Duerr, resigned.

WISCONSIN

Leighton R. Reynolds, Elcho, Wis., in place of W. G. Williams, resigned.
Owen M. Haugom, Milton Junction, Wis., in place of L. E. Astin, retired.

HOUSE OF REPRESENTATIVES

TUESDAY, JULY 6, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., used this word of Scripture as a preface to his prayer: I Corinthians 2: 5: *That your faith should not stand in the wisdom of men, but in the power of God.*

Almighty God, as we bow in prayer, teach us to live always in the sense of Thy nearness and give us a greater trust in Thee, inclining our minds and hearts to live faithfully and reverently.

Grant that life may grow greater for those who have contempt for it, simpler for those who are confused by it, richer and more full of beauty and meaning for all of us.

We humbly acknowledge that we live in a world where we frequently become cynical, disappointed, and distraught and are tempted to walk in the twilight and follow Thee among the changes of time.

Help us to believe that if Thou dost clothe the wayside flower, so Thou wilt surely care for us and wilt fulfill in us, if we let Thee have Thy way, that ideal of beauty and love which lends dignity and divinity to our lives.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, July 2, 1965, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title in which the concurrence of the House is requested:

S. 602. An act to amend the Small Reclamation Projects Act of 1956.

PROGRAMS TO HELP OLDER PERSONS

Mr. DENT. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill H.R. 3708, an act to provide assistance in the development of new or improved programs to help older persons through grants to the States for community planning and services and for training, through research, development, or training project grants, and to establish within the Department of Health, Education, and Welfare an operating agency to be designated as the "Administration on Aging," 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:

Page 14, strike out all after line 24 over to and including line 3 on page 15 and insert:

"(c) The Secretary shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of section 303(a)(1) unless the Secretary has consulted with such State agency regarding such grant or contract."

Page 15, strike out all after line 22 over to and including line 2 on page 16 and insert:

"(c) The Secretary shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of section 303(a)(1) unless the Secretary has consulted with such State agency regarding such grant or contract."

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

Mr. GROSS. Mr. Speaker, reserving the right to object, am I correct in assuming that all amendments to the bill added in conference or by the other body are germane to the bill?

Mr. DENT. Yes. The only change made in this particular bill was that the Senate put into the bill that the Department of Health, Education, and Welfare must consult with the appropriate agency in the State on any program.

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

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

TO AMEND PUBLIC LAW 815, 81ST CONGRESS, WITH RESPECT TO THE CONSTRUCTION OF SCHOOL FACILITIES FOR CHILDREN IN PUERTO RICO, WAKE ISLAND, GUAM, OR THE VIRGIN ISLANDS FOR WHOM LOCAL EDUCATIONAL AGENCIES ARE UNABLE TO PROVIDE EDUCATION

Mr. DENT. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5874) to amend Public Law 815, 81st Congress, with respect to the construction of school facilities for children in Puerto Rico, Wake Island, Guam, or the Virgin Islands for whom local educational agencies are unable to provide education, 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:

Page 2, after line 10, insert:

"SEC. 2. The fourth sentence of section 6(a) of the Act of September 30, 1950, as amended (20 U.S.C. 241(a)) is amended to read as follows: "For the purpose of providing such comparable education, personnel may be employed and the compensation, tenure, leave, hours of work, and other incidents of the employment relationship may be fixed without regard to the Civil Service Act and rules (5 U.S.C. 631 et seq.) and the following: (1) the Classification Act of 1949, as amended (5 U.S.C. 1071 et seq.); (2) the Annual and Sick Leave Act of 1951, as amended (5 U.S.C. 2061 et seq.); (3) the Federal Employees' Pay Act of 1945, as amended (5 U.S.C. 901 et seq.); (4) the Veterans' Preference Act of 1944, as amended (5 U.S.C. 851 et seq.); and (5) the Perform-